



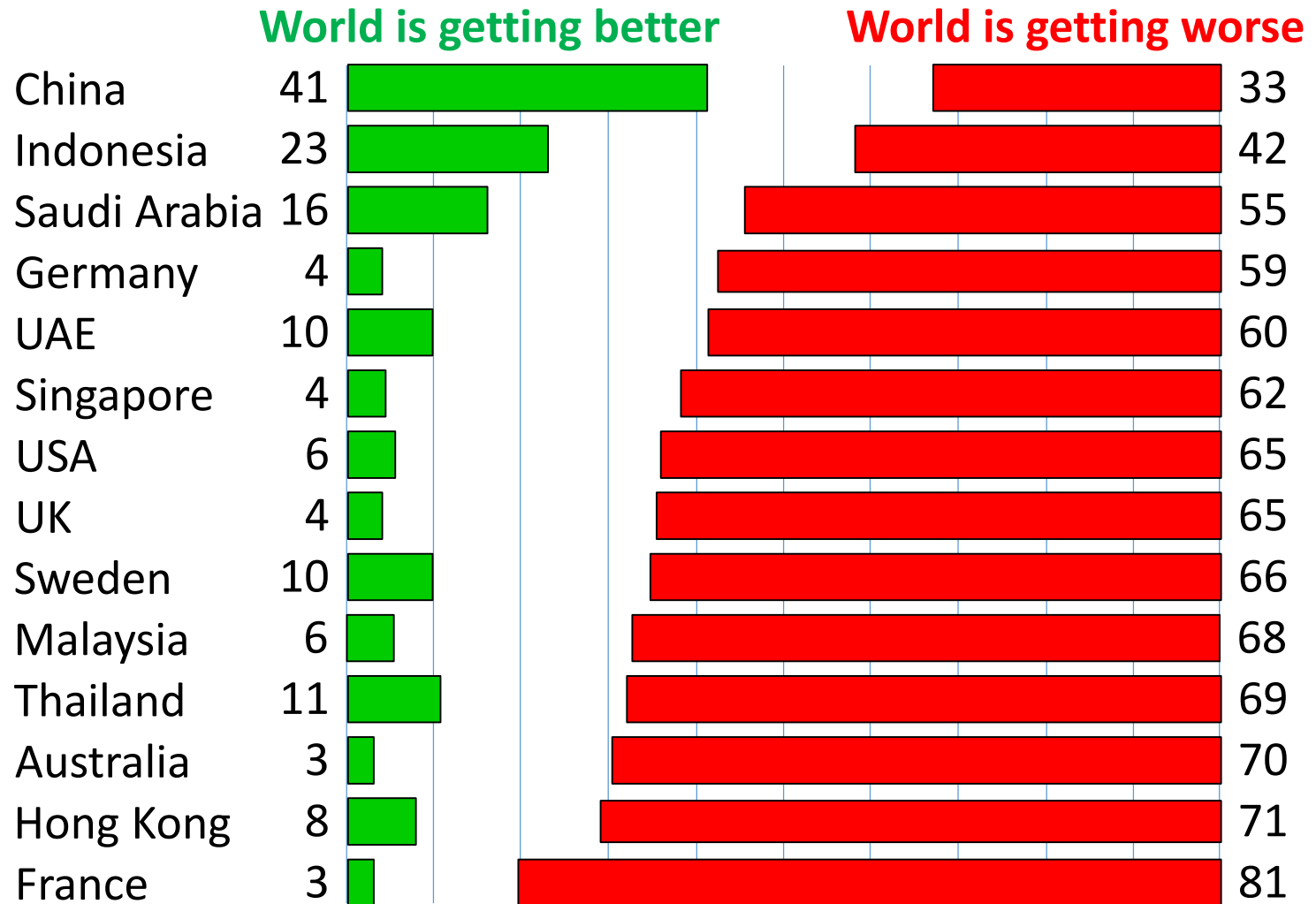
Initiatives to strengthen the fight against food fraud

PLENARY MEETING OF THE ADVISORY GROUP ON THE FOOD CHAIN AND
ANIMAL AND PLANT HEALTH
BRUSSELS, 21 NOVEMBER 2019



Directorate General For Health and Food Safety
Unit Alerts, Traceability and Committees

Is the world getting better?



Slide is based on the poll by YouGov in 2016
Which happened days after terror attacks in France.

(EU) Food is safer than ever but consumer's trust is decreasing !!!

*Information distortion: the inability to ascertain ground truth
« Crime stories » making headlines vs. Under-reported « Success stories »*



Headlines ...

2019: Polish meat scandal (economic losses)

2017: fipronil in eggs (massive economic losses)

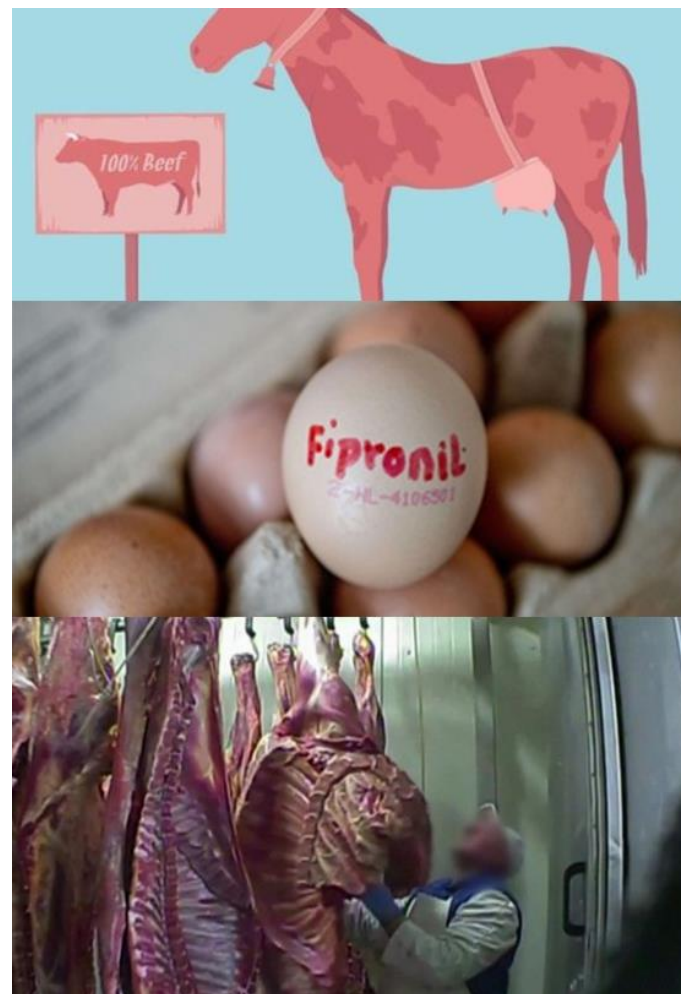
2012-2014, Czechia and Poland: methanol poisoning from the sale of illegal spirits (59 casualties)

2013: horse meat in beef products (massive economic losses)

1999, Belgium: dioxin found in food (massive economic losses)

1981, Spain: "rapeseed oil" fraud intended for industrial use (20.000 people affected - 370 to 835 deaths)

.....



... ground truth?

Intelligence

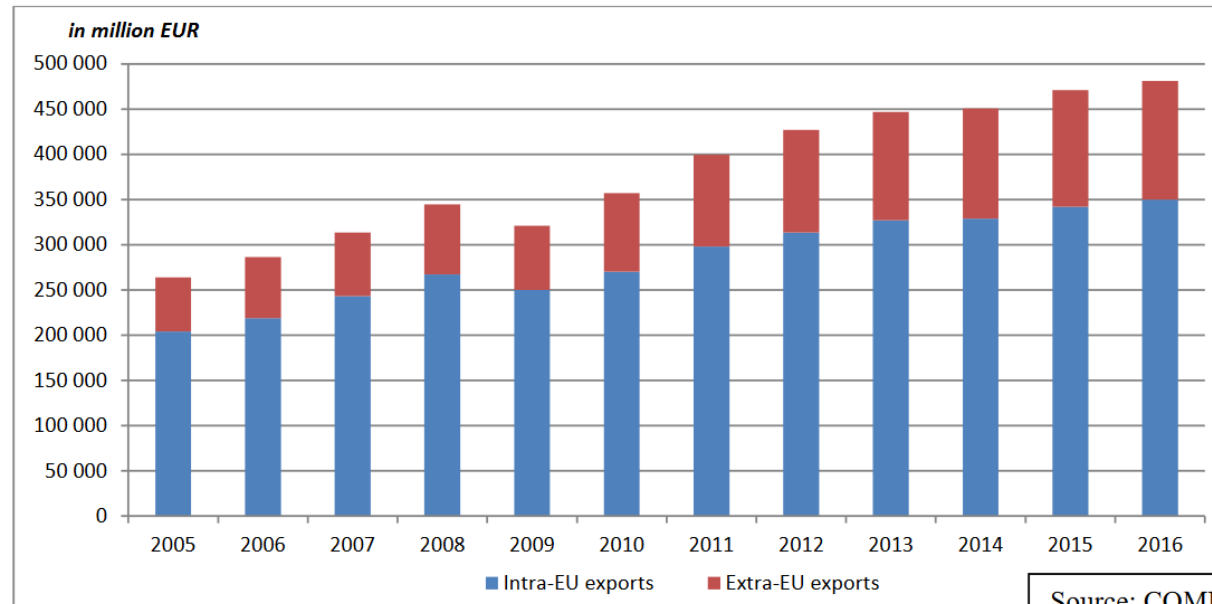
OVER €100 million worth of fake food and drinks seized in latest operation (Dec. 2018)

- 7.000 tonnes and potentially dangerous seized (67 000 checked markets, airports, seaports, estates)
- 672 individuals with investigations
- Police, customs, private sector across

EUROPOL

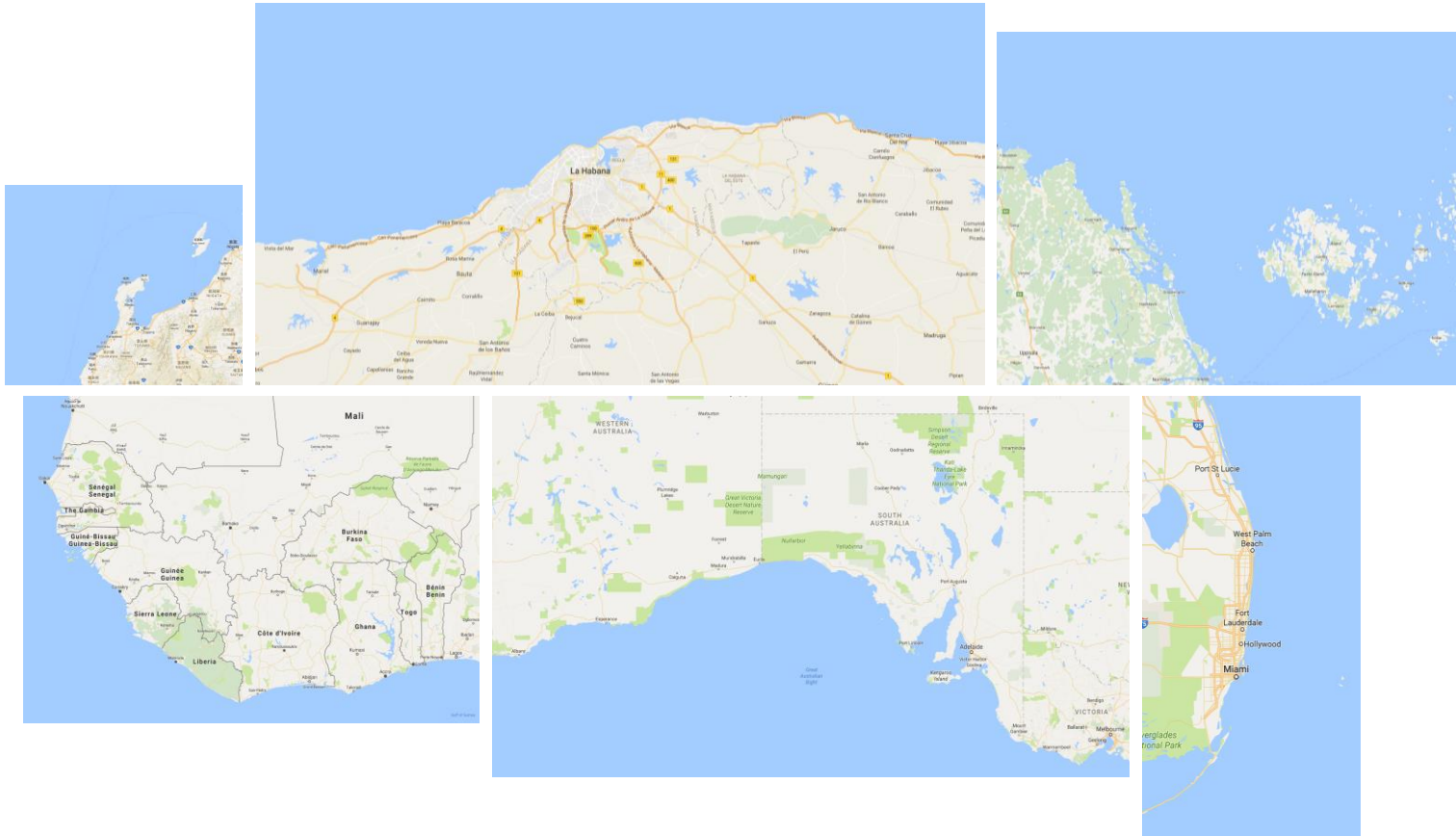
Economic costs of food fraud to industry are estimated at € 8-12 billion per year.

Figure 1: Trends in intra and extra-EU exports of agri-food products over 2005-2016



Source: COMEXT

Misleading worldviews can be constructed from correct facts



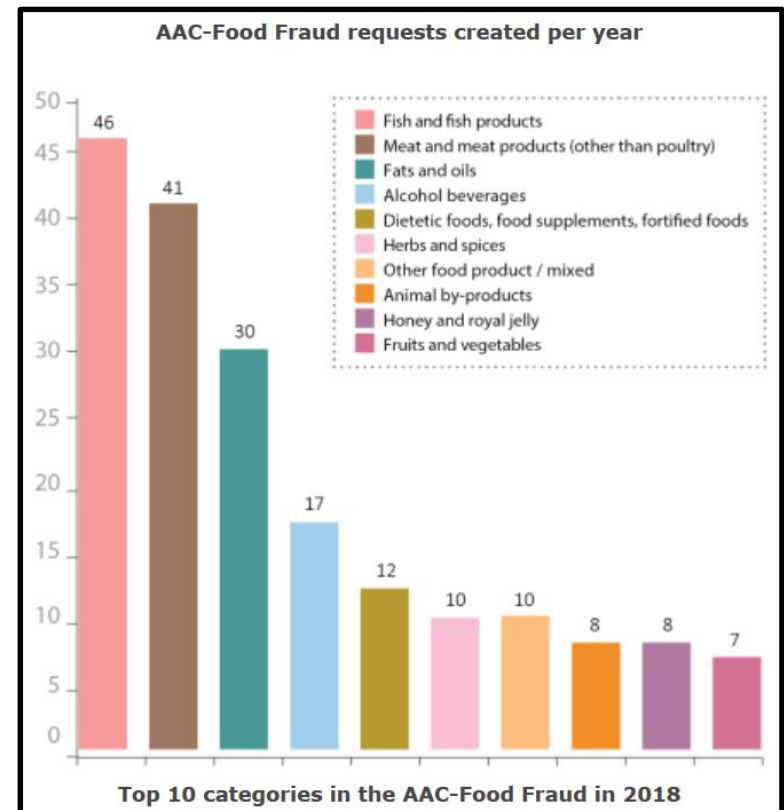
Checking the facts and sources doesn't give sufficient protection against misleading worldviews.

Top 10 'At Risk' Fraudulent Foods



* Information from publicly available articles in scholarly journals and general media

¹ Development and Application of a Database of Food Ingredient Fraud and Economically Motivated Adulteration from 1980 to 2010 / Moore, J, Spink, J, and Lipkus, M. In: Journal of Food Science, 2012, Volume 77 (Number 4), p. R118-R126.



Hiccups

Safety-centric system. Food safety management systems are not specifically designed to detect fraudulent actions, particularly in cases not involving health risks. Several cases of food fraud might thus go undetected,



Global challenge. The complexity and the cross-border character of the agri-food chain increases the opportunities for fraud.



Possible threats to public health and Reputational risks. Food fraud incidents result in a loss of consumers' confidence in food systems, impacts on the functioning of the EU internal market and on trade.

Threats to public health
Impacts on legitimate trade
Consumers: confidence
Companies: money
Authorities: credibility



European
Commission

Basic principles - Legal framework

Operators: ensuring compliance

Authorities: verifying compliance

Commission: Guardian of the Treaties, cooperation, relation with non-EU countries

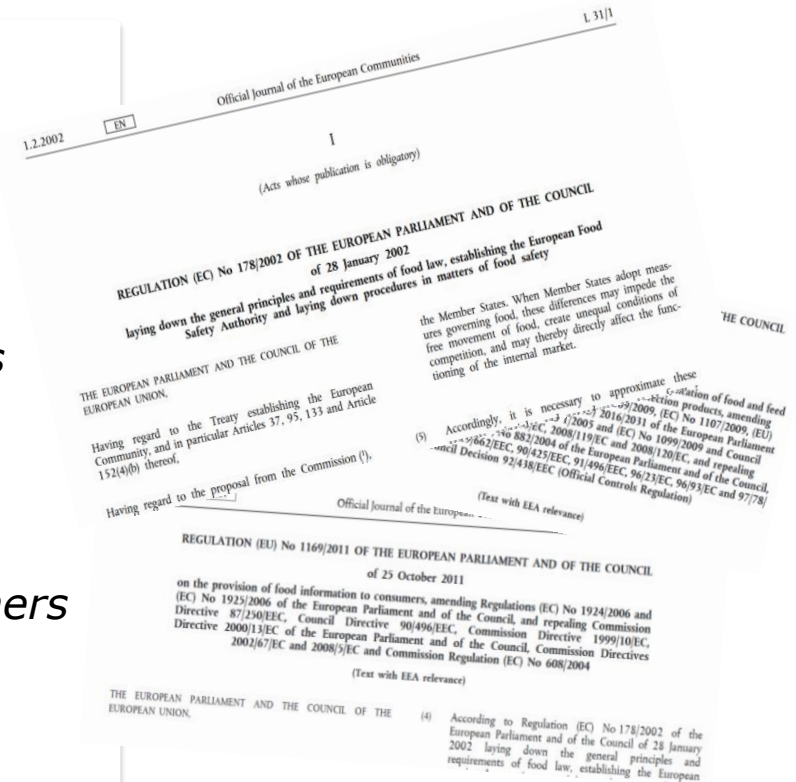
R 178/2002: General Food Law

R 1169/2011: Food Information to Consumers

R 767/2009: Feed Law

R 2017/625: Official Controls

New IMSOC Reg. (to be published)



Scope: the Official Control Regulation



GMO
GENETICALLY
MODIFIED ORGANISMS



Scope: the Official Control Regulation

Food and food safety, **integrity** and **wholesomeness** at any stage of production, processing and distribution of food, including rules aimed at ensuring **fair practices in trade and protecting consumer interests** and information, and the manufacture and use of materials and articles intended to come into contact with food;

Deliberate release into the environment of **Genetically Modified Organisms** (GMOs) for the purpose of food and feed production;

Feed and feed safety at any stage of production, processing and distribution of feed and the use of feed, including rules aimed at ensuring **fair practices in trade and protecting** consumer health, **interests** and information;

Animal health requirements;

Prevention and minimisation of risks to human and animal health arising from **animal by-products** and derived products;

Welfare requirements for animals;

Protective measures against pests of **plants**;

Requirements for the placing on the market and use of **plant protection products** and the sustainable use of pesticides, with the exception of pesticides application equipment;

Organic production and labelling of organic products;

Use and labelling of **protected designations of origin, protected geographical indications and traditional specialities** guaranteed.

**Does not cover common market organisation but fraudulent and deceptive practices relating to marketing standards.*

EU Agri-food fraud criteria



Violation of
EU rules



Intention



Economic gain



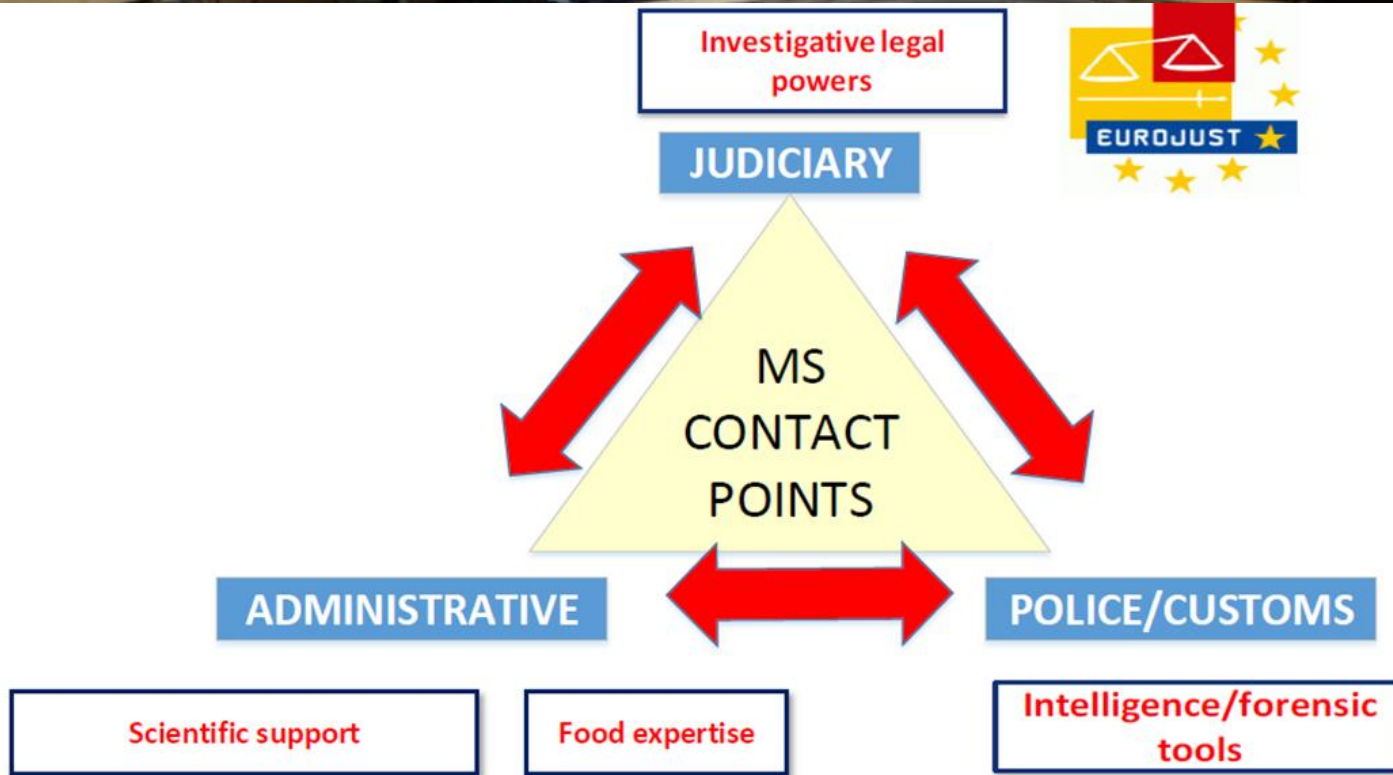
Deception of
customers

Suspicion of intentional actions taken by businesses or individuals for the purpose of deceiving purchasers and gaining an undue advantage therefrom, in violation of the rules referred to in Article 1(2) of Regulation (EU) 2017/625



European
Commission

The EU Food Fraud Network (FFN)



Information Intelligence



Knowledge Centre for Food Fraud and Quality



Monthly summary of articles on Food Fraud and Adulteration

JRC publishes every month a summary of articles on Food Fraud and Adulteration, content is retrieved mainly from the JRC tool Medsys

Last edition - September 2018



2018

- September 2018 (PDF)
- July/August 2018 (PDF)
- June 2018 (PDF)



Emerging Risks Exchange Network (EREN) Member states

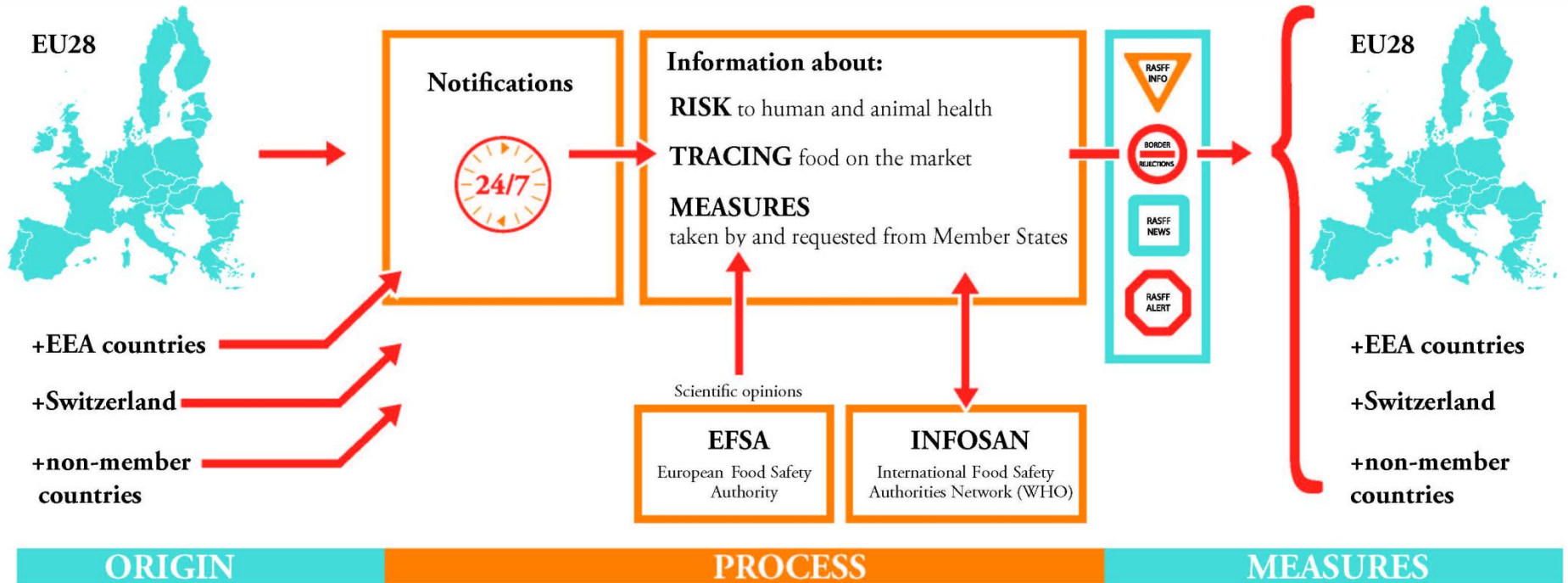


#1
ENGAGING
STAKEHOLDERS

What is IMSOC?	
Keywords	CONSOLIDATION-EFFICIENCY
Name:	Information Management System for Official Controls
Is it a new IT application?	NO! It's a concept to allow our EU systems to exchange information and share features (and with MS systems)
Will it add further burden to our activities?	NO! It will be designed to make your life easier
Will it replace the current systems? (traces/bovex/europhyt/irasff/aac)	NO/YES It will connect them and extend functionalities (some systems will absorb)
What is its purpose?	Toward a better collective controls efficien



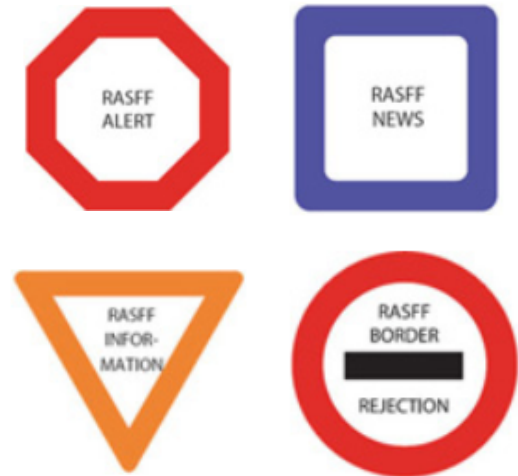
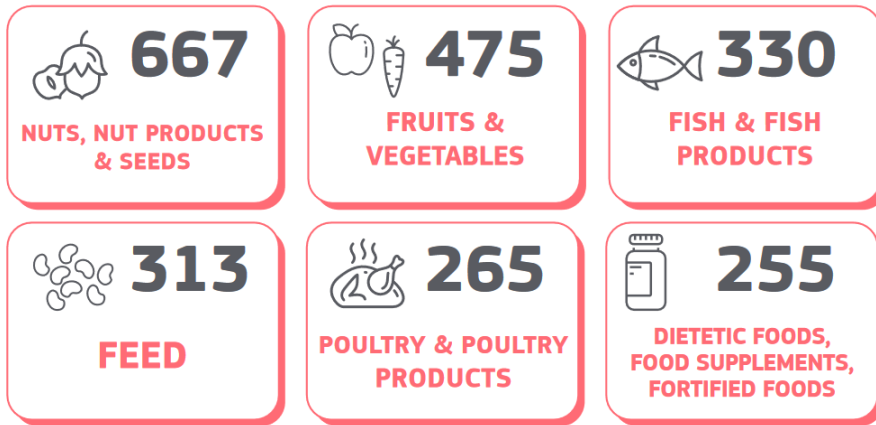
The Rapid Alert System for Food and Feed



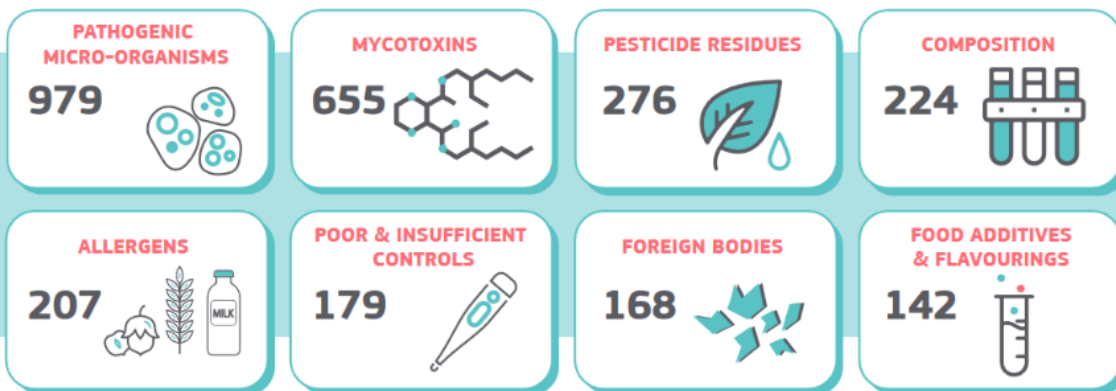
RAPID ALERT SYSTEM FOR FOOD AND FEED (RASFF)

Annual Report 2018

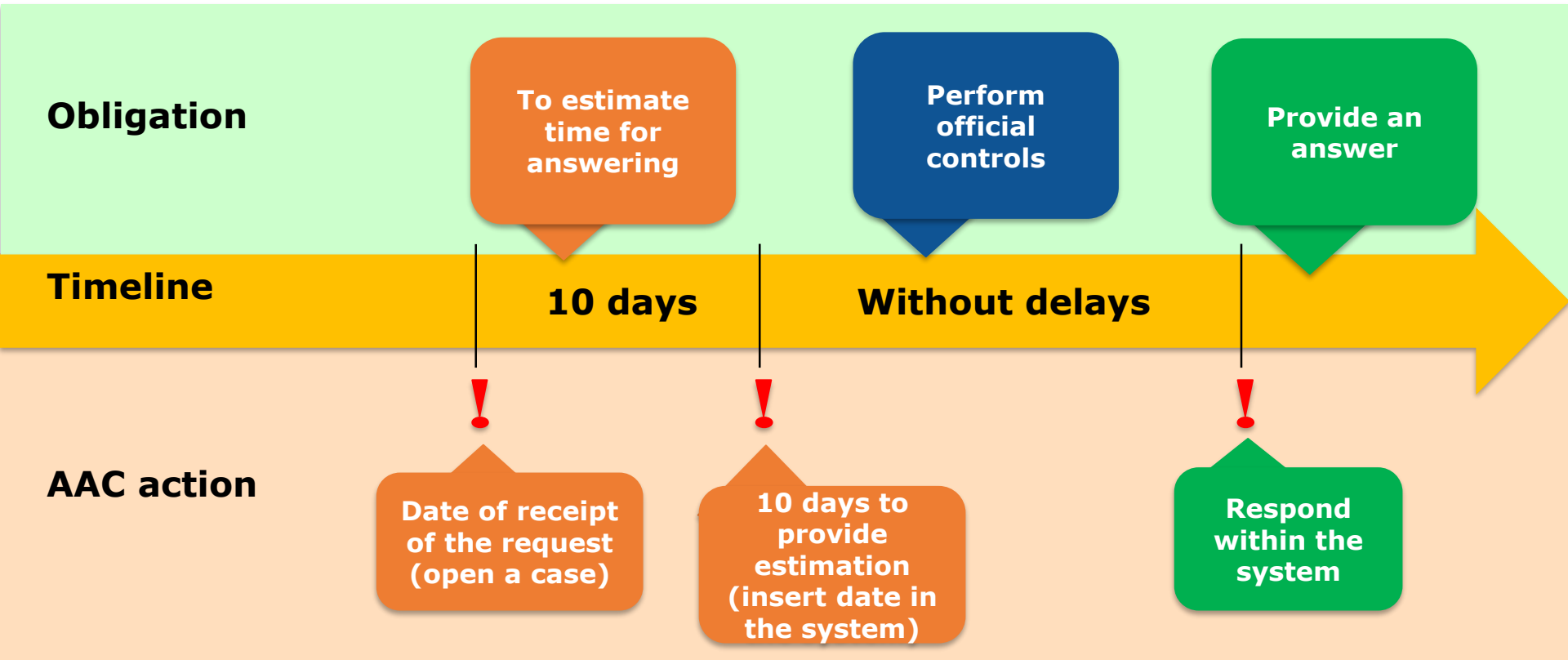
NOTIFICATIONS BY PRODUCT CATEGORY



NOTIFICATIONS BY HAZARD 2018



The Administrative Assistance and Cooperation System NC* and FF*



Administrative assistance and cooperation (Art. 106 OCR)

The Administrative Assistance and Cooperation System NC* and FF*

Notifications for non-compliant products. 1440 requests and information so far in 2019 (1153 in 2018, 602 in 2017, 85 in 2016).

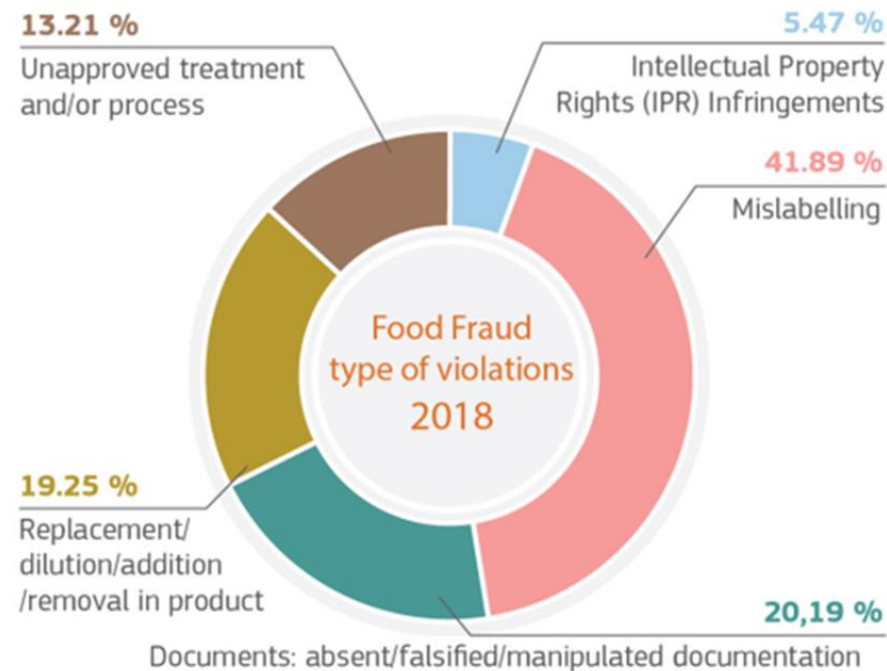
Notifications with suspicion of fraud. 250 so far for 2019 (234 in 2018).

Activity Report:

https://ec.europa.eu/food/safety/food-fraud/aas_en

*(*voluntary basis - cross-border issues)*

AAC_FF*



Coordinated activities

The Commission - at the request of one or more EU countries or by its own initiative – can coordinate activities at EU level:

- *when operators in several EU countries are involved*
- *when operators in non-EU countries might be involved*
- *when the suspicion presents either a health risk or a significant socio-economic risk*

*Recommendations with a view to assessing the **prevalence of illegal activities at EU level,***

EU Co-ordinated Control Programmes

Online offered food (2017)

Honey (2015-17)

Fish substitution (2015)

Horse meat (2013-14)

Coordinated activities

*Specialised trainings in the framework of the **Better Training for Safer Food** for food inspectors, police and customs officers and judicial authorities of the EU*



Daily and Weekly screening of all notifications reported in the AAC and in the RASFF:

- identify a potential intentional violation which may have remained undetected by Member States
- identify potential violations which might need an adequate coordination and follow up at EU level.

Operations OPSON:
Europol/Interpol joint initiative targeting trafficking in fake and substandard food and beverages.

Potential frauds in RASFF - week n°44

- 2019.3703, 2019.3765, 2019.3766, 2019.3724, 2019.3735, 2019.3754 - Notifications by DE **on chlorate or benzalkonium chloride on pangasius** from Vietnam: the chlorate level found is acutely harmful and may derive from an overly use of biocide or chlorination of the process water;
- 2019.3717 - DK notifies prohibited substance **chloramphenicol in frozen shrimps** (*Penaeus vannamei*) from India;
- 2019.3695, 2019.3684 - UK informs about 2 cases of **2,4-dinitrophenol (DNP)** offered online for sale. Origin countries are China and South Korea;
- 2019.3731 - **beef and pork** from Austria **suspected unfit for human consumption**, distribution to other MS and non-MS;
- 2019.3663 - BE notifies presence of dimethoate and **unauthorised substance omethoate** (0.33 mg/kg - ppm) **in fresh spinach** from Belgium. The product has been recalled from consumers
- 4 notifications on **illegal import attempts from Ghana** by the UK - air cargo that was not declared to border post as required



Control of shrimps from India by MS
(Official controls on the market and Border Controls)



Request for an action plan
Safeguard measures

Withdrawal of establishments from EU lists





Control of shrimps from India by MS
(Official controls on the market and Border Controls)



RASFF
Rapid Alert System for Food and Feed



European Commission



Request for an action plan
Safeguard measures
Withdrawal of establishments from EU lists

1. Violation of EU rules

Use of prohibited drugs (nitrofurans)
Mis-uses of antibiotics (exceeding MRLs)

2. Intention

Repetitive behaviour despite warnings / information by authorities

3. Economic gain

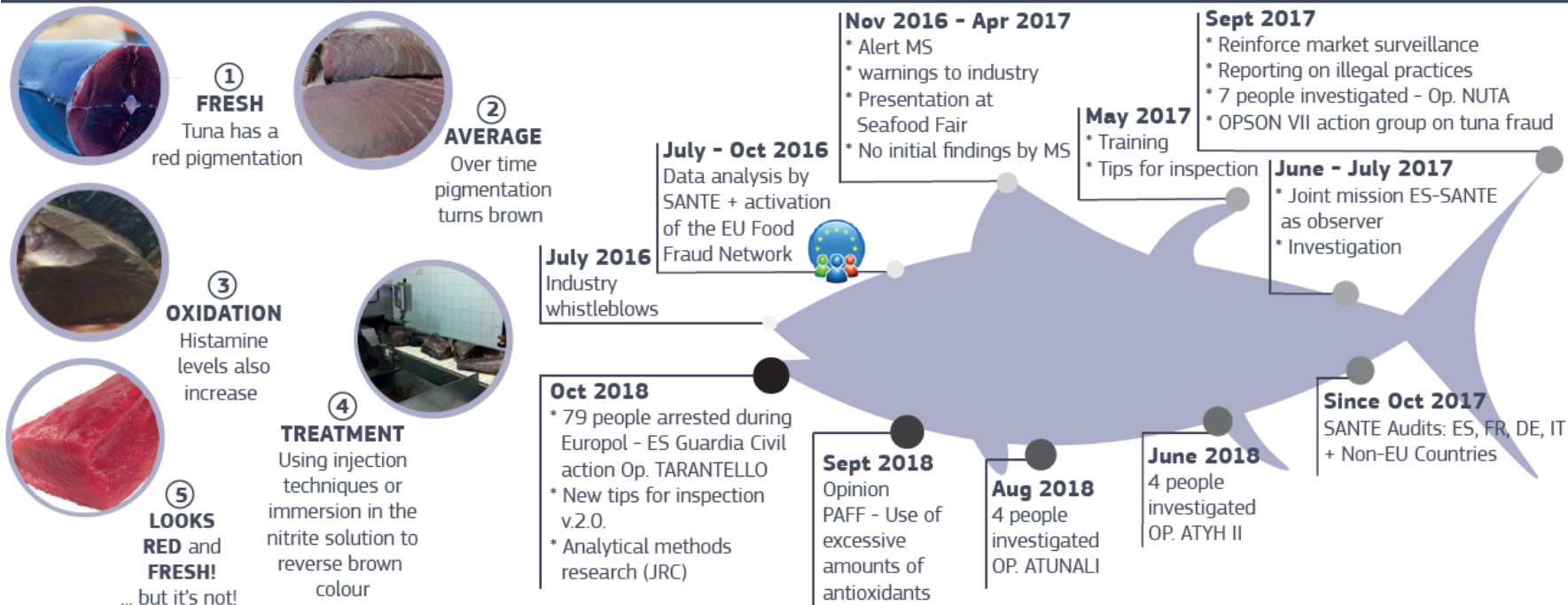
Decreased mortality, use of low cost antibiotics, higher densities

4. Deception of customers

Exposure to genotoxic and carcinogenic substances
Antibiotic resistance



FOOD FRAUD: Illegal treatment of tuna - from canning to the fresh market



FOOD FRAUD CRITERIA

Violation of EU Food Law

1. Tuna frozen in brine sold as fresh instead of being canned.
(Reg 853/2004)
2. Treatment of the fish (unauthorised/ authorised additives) to promote a colour change.
(Reg 1333/2008)
3. Provision of food information to consumers.
(Reg 1169/2011)



Intention

1. Intentional use of authorised (antioxidant not in concordance with good manufacturing practices), unauthorised additives (nitrates/nitrites) and carbon monoxide to promote colour change.
2. EC warned industry several times to stop this practice.



Economic gain

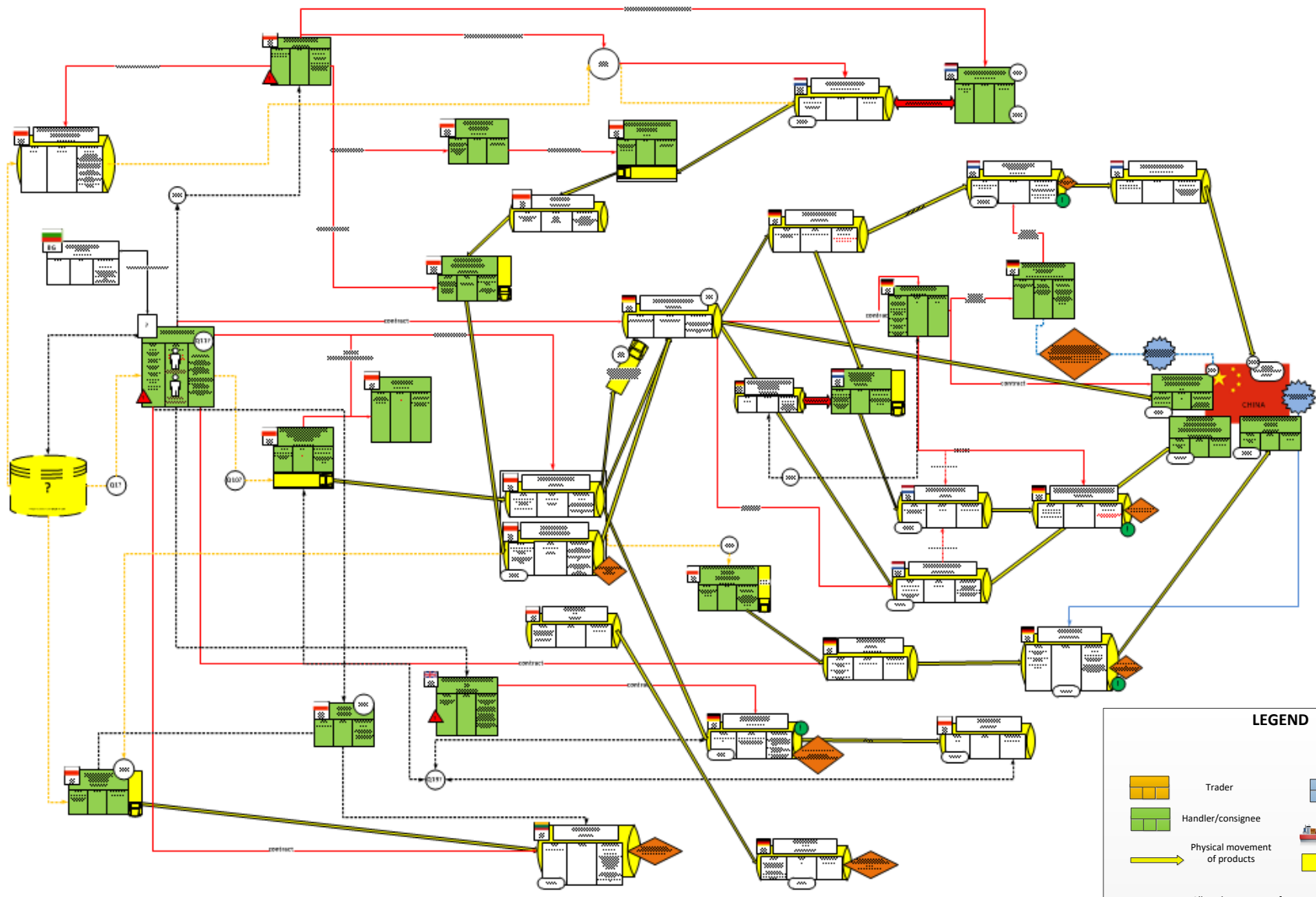
Potentially > 200 millions €/year



Deception of customer

1. Poor quality tuna sold as high quality.
2. Public health issues: a high level of histamine can lead to allergic syndrom and nitrites may lead to formation of nitrosamines (carcinogenic).





LEGEND

<ul style="list-style-type: none"> Trader Handler/consignee Physical movement of products Alleged movement of products Question?/Reminder/Request Next step after investigations 	<ul style="list-style-type: none"> Producer Transport by sea Transport by land Alleged contract Contract Illegal practice
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Ursula von der Leyen

President-elect of the European Commission

Mission letter

Stella Kyriakides

Commissioner-designate for Health

Food Safety:

*"I want you to **focus on the implementation and enforcement** of the extensive legislation in the areas of food safety and animal and plant health. Audits will be a crucial tool for this, notably to ensure that food imports meet our safety standards."*

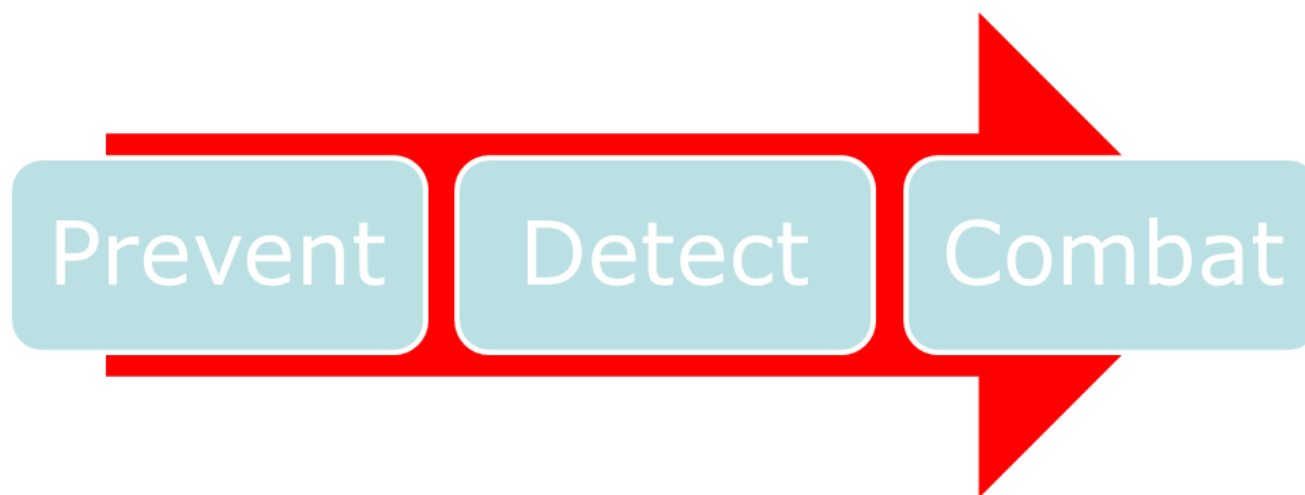
Food Fraud:

*"You should work with the **Member States to develop a strategy with concrete measures against food fraud, drawing on the work of the European Anti-Fraud Office in this area.**"*



Baseline

*Rules are rules: consumer protection / fair competition (economic losses).
Standing still and being mainly reactive is not an option.
Patchwork of past initiatives vs future coherent and efficient strategy.
Options depend on the level of ambition and consensus with Member States.*



Inform, withdraw & report

Report or withdraw products when fraudulent or deceptive practices are suspected (whistle-blower protection and food fraud definition)

Increase information sharing with Authorities / Commission

Enhance "cross-border" cooperation

Get intelligence for prevention, search, detection and combat for other similar occurrences of fraud



Prevent, detect & mitigate

"Think like a criminal to fight fraud"

Food Safety Systems designed to prevent / mitigate frauds

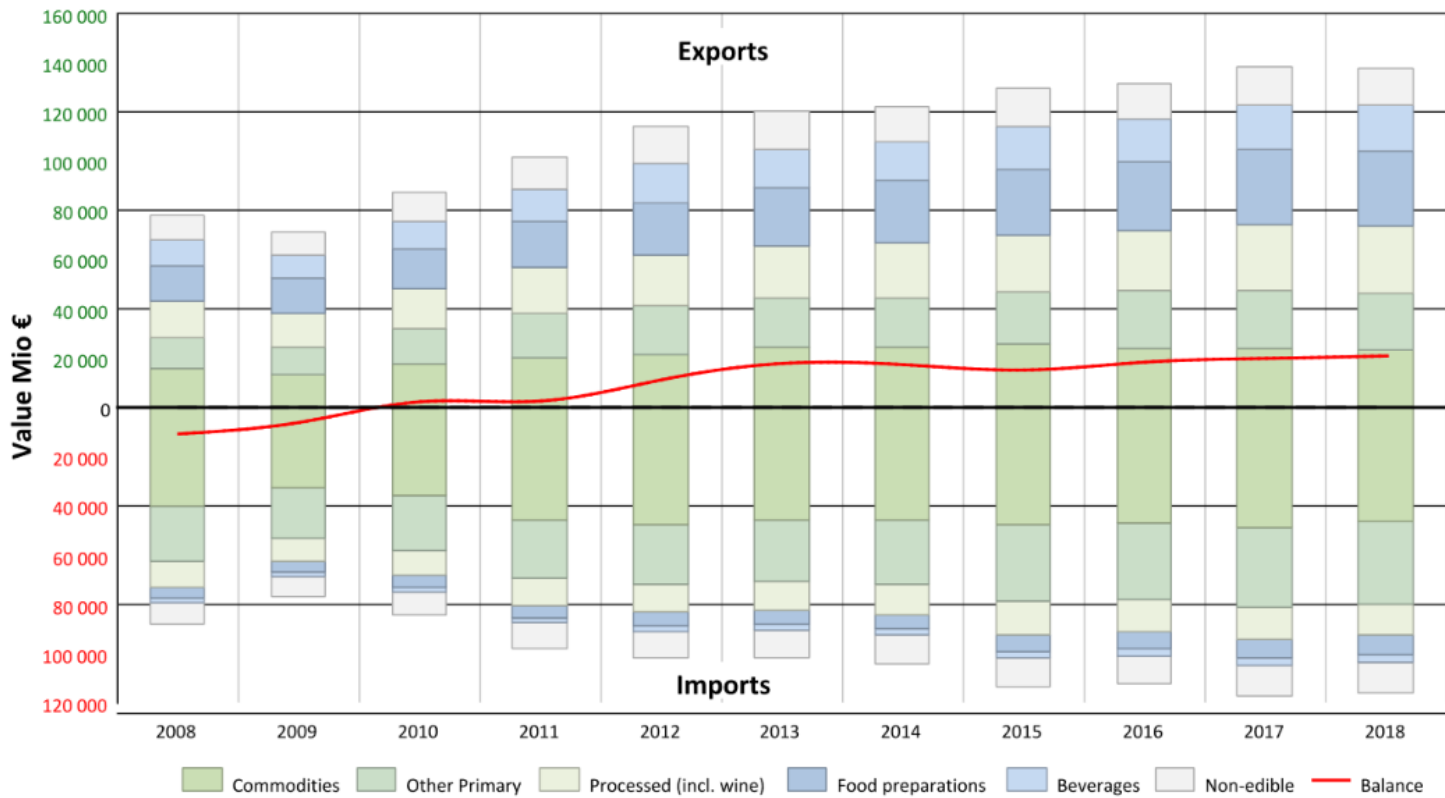
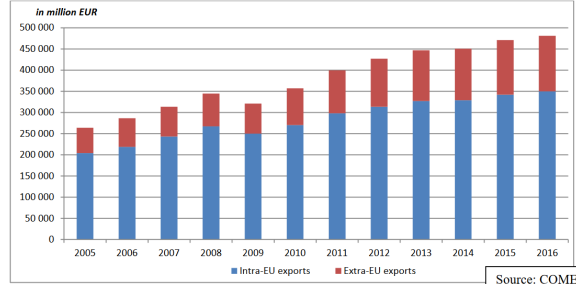
Vulnerability Assessment (supply chain mapping, socio-economic/behavioural/geopolitical analysis ...)

Plan to control identified vulnerabilities (monitoring strategy, origin/label verification, supplier audit, analytical testing strategy, anticounterfeit technology ...)



Import controls

Figure 1: Trends in intra and extra-EU exports of agri-food products over 2005-2016



European Commission

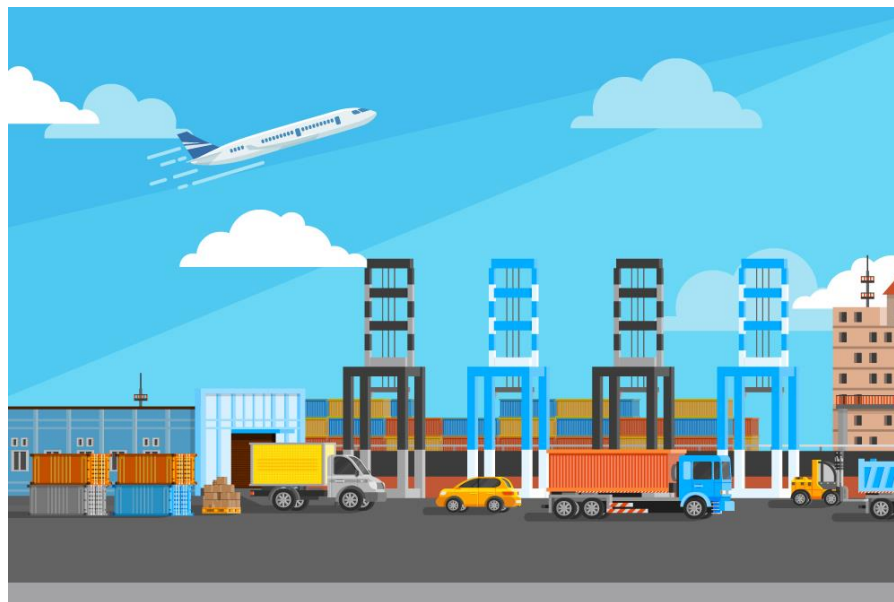
Import controls

Complexity and cross-border character increase the risk of food fraud

*Absence of cooperation /
Reliance on third countries
authorities*

Equivalence Vs. Compliance

*Different requirements
(approval, declaration, controls,
certification, traceability ...)*



Competent authorities

OCR: competent authorities appropriately resourced and equipped, offering guarantees of impartiality and professionalism.

Food inspectors without forensic capacities / Police inspectors without food expertise

Police/Judicial investigations: not necessarily a high priority compared to other criminal activities (when no public health risk)



Inspect, investigate & penalise

OCR Art. 9(2) Member States to perform official controls "regularly with appropriate frequencies determined on a risk basis, to identify possible intentional violations of the rules... through fraudulent or deceptive practices."

Sensibilise administrative, investigative and judicial authorities to increase the risks of getting caught. Possible Commission' role in investigations?

OCR: for non-compliance: any necessary action ... (i.e.: recall, withdrawal, destruction) + obligation to lay down rules on penalties that at least offset the economic advantage of fraudulent and deceptive practices.

*Administrative sanctions Vs. Judicial sanctions
Streamline the prosecution (judicial services):
lengthy process (public health risks)*



Health and Food Safety

Audit Planning, Preparation and Performance



European
Commission

Reconcile with science.

Legislation has to catch up with scientific developments.

Compositional reference databases are needed to ascertain the authenticity of some food products.

Officially recognized (accredited) laboratory methods.

Development of Early Warning Systems for operators and competent authorities

The EC Knowledge Centre for Food fraud and Quality...



On-going actions

- Increase **cooperation** within the Commission (OLAF, TAXUD, JRC, AGRI, MARE, ENV, JUST, CONNECT, HOME (EUROPOL), TRADE, EEAS, DEVCO ...)
- Increase **cooperation** with Member States and between MS (AAC, coordinated actions, OPSON, CCPs)
- Bilateral **cooperation** (administrative arrangements, BTSF) and multilateral engagement (CCEURO, CODEX, FAO ...)
- **Digitalization** of animal and plant health certificates (e-certification and TRACES), **food fraud proofing** of EU legislation
- **SOPs** for AAC FF
- **e-commerce** (legislation and controls)
- Encourage **reporting** (connect with the industry), EU whistleblower protection Directive ...
- Reconcile with **science** sampling methods, analyses, tests and diagnoses; performance criteria, compositional databases etc.
- Improve **communication** to stakeholders, consumers & competent authorities.

Prospects

Year 2020

Commission Internal Steering Group: JRC, OLAF, AGRI, MARE, ENV, CONNECT, JUST, HOME, EUIPO, TAXUD, TRADE (+EEAS, NEAR, DEVCO ...)

Inception Impact Assessment: Publication for initial stakeholder feedback;

Stakeholder consultation on possible options;

Study on vulnerability assessments: Costs and benefits, impacts on the industry (SMEs);

Study on recall/relabelling/information to consumers: Pros and cons, costs and benefits;

Assessment of scientific support needs: Compositional databases, Early Warning Systems, Official control methods;

Year 2021

Commission **Communication on a Strategy to Fight Food Fraud** including an action plan with **possible legislative initiatives**.

...



https://ec.europa.eu/food/safety/food-fraud_en

*** This is not an apple**