

**Minutes**  
**FOOD FRAUD MATTERS**  
**Second meeting of the Contact Points in the Member States**  
**CCAB – 2C**  
**8 November 2013**  
**10:00-17:30**

**Minutes of the Second meeting of the Food Fraud Contact Points**

*Chair: Carmen Garau, Head of Unit DG SANCO/E5;*

*Attendees: 28 Member States; 3 EFTA Member States (Liechtenstein absent); EUROPOL;  
12 Commission staff.*

**Welcome and introduction**

The chair welcomed the participants. An updated agenda was circulated. The chair gave an explanation on the further scope of action of the food fraud network.



Agenda\_Food  
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Since July 2013 the Commission continued working on the internal road map for the food fraud network and the functioning of it, for example on how to equip this network with a designed and tailor made IT tool and also on preparing a second round of coordinated controls for undeclared horse meat in meat products. The Commission has also been dealing with some specific fraud cases that were notified, either directly or through RASSF. SANCO E5 attended meetings with other EC departments to explain the work of this network. There have been information meetings with DG HOME, DG OLAF, DG AGRI, DG MARE and DG JRC (the Joint Research Centre).

The negotiation on the Official Controls Regulation is progressing. In the European Parliament the rapporteur is about to publish a draft report. In the Council the discussions are taking more time.

An own initiative report in the European Parliament concerning food fraud is also about to be published. Here there is a call for a more legal definition of food fraud, a call for stronger penalties and better cross-border cooperation.

**1. SANCO questionnaire on food fraud**

The Commission presented summarized responses on the three questions presented after the last meeting. These were on 1) food fraud definition; 2) food fraud IT systems; 3) food fraud priorities.



Presentation WG FF  
- 08 Nov-MS-respons



2013-10-30 Meeting  
document definition f



2013-10-30 Meeting  
document Networks a



2013-10-30 Meeting  
document Prioritisation

## 1.1 Operational definition of food fraud – presentation/discussion

### Food fraud definition:

The proposed "operational" definition that was commented on is:

*"Food fraud is an intentional violation of the rules referred to in Article 1(1) of Regulation 882/2004, for the purpose of financial or economic gain."*

The commission has summarised all the comments from Member States in a table. Member States' comments were categorised into:

- Broadening the scope; to ensure that we include marketing standards (Reg (EC) 1234/2007), organic production, rules for stunning at slaughter.
- Narrowing the scope; to limit non-compliance that has a financial aspect to cases where there is a deception or misleading of the consumer.
- Extending the goal to possibly include other than financial and economic gain, like bioterrorism and sabotage.
- Modifying intent and financial gain: to better reflect the food safety officers' reality, modify to "suspected" or "possible" intent and "potential" financial and economic gain.

The Commission aims to have an agreement on an **operational** definition on food fraud. At this stage the Commission would like to keep the definition as broad as possible; it may be narrowed down in the future. It seems therefore wise to not limit the scope unnecessarily at this stage.

The word "operational" in the definition is used for cases where MS will be inspecting and there is a suspicion of fraudulent practices that have a cross-border implication. Such cases of potential fraud should be reported through this network.

Goals like bioterrorism or sabotage are outside the remit of this network.

## 1.2 Other networks and information exchange systems

The Commission summarised all the comments from Member States in a table and gave an overview of the answers to the question on alternative network systems in use.

Summary of networks known and in some cases used by MS:

- CPC (consumer protection cooperation);
- ISAMM CM (information system for agricultural market management and monitoring);
- OFIS (organic farming information system);
- AMIS (global agricultural market information system, limited to wheat, maize (corn), rice and soybeans).

The idea is to set up a system in a way that MS don't have to enter overlapping information in several systems.

### 1.3 Food fraud priorities

The Commission summarised all the comments from Member States in a table and gave an overview of the answers to the question on priorities for the food fraud network. The Commission had hoped to receive more concrete responses, but had to concede that the question may have been a bit unclear, since so many answered in more general terms.

The concrete issues mentioned by MS were; species substitution, illegal additives, added water, illegal transport and deceptive labelling in all forms.

Many MS mentioned more general priorities like training and methodology on analysis, training of investigators, development of a risk analysis methodology for food fraud, FVO fact-finding missions and the development of an official monitoring plan. Furthermore priority criteria were also mentioned such as health and safety, cross border implications, targeting vulnerable consumers and involvement of broad consumers groups. The Commission acknowledged that setting up criteria for prioritisation is very important. The item "How to spread best practices" is in the to-do list of this WG. Also BTSF training focussed on the differences between food safety inspections and identifying fraudulent practices is being planned.

## **2. Organisation of food fraud work in Member States and Agencies** – presentations by member states France, Spain and by Europol (the European Union Law Enforcement Agency).



Control fraudes  
España.pdf



Lutte contre la  
fraude France version



Meeting FoodFraud -  
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France and Spain gave presentations on how their work on food fraud is organised. Both countries could present rather varying units that have a dedicated mandate to follow-up suspect food fraud cases nationally. France has overseas departments and Spain has to deal with 17 regions. The presentations have been distributed electronically to all participants at the meeting.

Europol is the European Union's law enforcement agency that handles criminal intelligence. It became fully operational on 1 July 1999 and is located in the Netherlands. As of 2013, Europol covers all 28 member states of the European Union.

Europol stressed that it has no enforcement power. Its objective is to support and to strengthen cooperation. With the "EU policy cycle to combat organised crime" (adopted by the Council in 2010) Europol wants to ensure cooperation on the biggest threats the EU is facing in international crime. For the coming period (2014 – 2017), combatting crimes related to counterfeit goods violating health, safety and food regulations, and production of sub-standard goods is one of the goals in the policy cycle.

Europol will take effective and coherent actions against organised crime in the EU. The idea is to share intelligence where possible and to liaise with the right experts in the right areas.

The agency is trying to develop specific trainings to help MS to implement the operations.

MS were suggested to contact Europol directly about the situation in their own country if they need more information on Europol related activity in their area.

### **3. Food fraud IT system** – discussion

The Commission gave an overview of procedures to be used when reporting potential food fraud cases through the future Food Fraud IT System. This system should be used to disseminate general interest information concerning food fraud and to address specific requests to Member States. The aim of the IT system will be to assist the competent authorities in providing each other with administrative assistance in order to ascertain (or not) the suspicion of food fraud.



Different types of information to be circulated via the system shall be categorised as follows:

Type 1: Supply of general interest information concerning food fraud to all MS.

Type 2: Specific request addressed to specific addressees or to all Member States, in compliance with Art 36, 37, 38 of Reg (EC) 882/2004 (i.e. Request for information or documents; request for inspection/measures by other MS; request for joint inspection)

Type 3: Coordinated assistance and follow-up by the Commission. The Commission is called upon to coordinate cases when information is available about potentially non-compliant activities having EU relevance and when Member States are unable to agree on action to address non-compliance (Art 40 of Reg (EC) 882/2004). The Commission mentioned that the FVO may send its own inspector in a type 3 case according to article 40 of the current Controls Regulation.

Several MSs mentioned that the proposed IT system seems to be quite suitable but there were comments on the difficulty of gathering the necessary information to fill all boxes in the form (in particular boxes concerning the possible financial impact of a potential fraud). The lack of resources for a new IT-system was brought up several times. Several MS indicated a preference for a system that would not require new resources.

The Commission favours the option of a system that would be technically based on RASFF, thus minimising required training and new resources in MS.

It is meant to be a way to assist MSs in fulfilling their administrative assistance obligations. MS were called upon to comment on the proposed procedures to exchange information and on the content of future fraud notification forms.

Confidentiality of data is another point to be discussed. The information should be exclusively for competent authorities and not to be made public on the basis of different national rules. The Commission stressed the importance of confidentiality of information given by MS.

### Conclusion:

The option of a system that would be technically based on RASFF, thus minimising required training and new resources in MS is favoured by most MS.

The use of a dedicated food fraud system, separated from RASFF, to disseminate general interest information concerning food fraud (without serious public health concerns) and to address specific requests (i.e. Request for information or documents; request for inspection/measures by other MS; request for joint inspection) to Member States is favoured by most MS.

Cases that require a notification of information through the RASFF system shall continue to be transmitted through that network (with a "flag" that indicates the possible relevance for the food fraud network). The modality of how such information may be shared with the food fraud system must be further elaborated.

MSs are invited to provide with their comments on the fields included the standard forms.

Confidentiality of data will be discussed in a future meeting.

### Discussion on the list of test cases sent in by MS, RASFF, PRESS, other units etc.

The Commission gave an explanation on the set-up of the list of cases that should be put in the new IT-system. In many cases an ad-hoc analysis has to be carried out on what would be the appropriate denomination (type1, type 2 or type 3).

When a judicial proceeding is ongoing in a MS, the information should not be entered in the IT system without the agreement of the prosecutor.

Cases should: a) be of interest for others, b) have cross border involvement and c) be relevant to inform the colleagues in other MSs.

### Conclusion:

The Commission hopes that MS continue to feed into the system. In the meantime the cases that cannot be entered into RASFF should be sent to the functional mailbox.

## **4. Second coordinated control plan on horse meat testing** – discussion

The Commission informed the participants about the meeting of laboratory experts where methodology issues were discussed that arose after the first horsemeat testing. Based on the results of that meeting the Commission has proposed some modifications to the methodology in the new recommendation.



Minutes of meeting  
with laboratory exper



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Draft recommendation:

The basic idea is to keep the second round of testing as much as possible comparable to the first round that was followed from February to April this year. The second round will take place in four consecutive weeks, from adoption of the recommendation and to be finalised by 1 April 2014 and reporting by 1 May 2014. It is up to the MSs to plan this four weeks' testing period in their country.

In this round the Commission proposes to leave out the testing of horse meat for phenylbutazone residues, since there were not significant positive findings in the first round.

In the Annex of the draft recommendation the parts A, B, C and D were left unchanged. In part E more information is given about the protocol/method. The proposal is to have an initial screening of the market without any standardisation of test methods (which in effect is what was done during the first round), and then a second more standardised test method on all samples that showed in the initial screening that they contain horse meat at a level of 0,5% w/w meat. This confirmatory round will be to detect horsemeat at 1% w/w meat in meat, to keep it comparable to the first round of tests.

Some questions were raised on the testing and the timetable. The Commission replied about the timeline that this recommendation is placed on the agenda of the SCFCAH meeting of 19 November 2013, for vote<sup>1</sup>. Adoption is planned for December 2013.

There were several comments by MS. The main issues raised were the validity of the test protocol for processed meat products and the need to be given ample time to collect the results before the final report is processed.

Draft financial decision:

There are changes on the maximum price for DNA tests. This price is significantly reduced compared to the first round. This is based upon the real time information on costs as reported by MS during the first round this year. The co-financing has been set at 50 %.

**AOB:**

- a. The participants agreed on receiving emails with the names of the recipients visible for all readers.
- b. Next meeting planned 7 or 10<sup>th</sup> of February 2014<sup>2</sup>.

*SANCO food fraud functional mailbox: [sanco-882-food-fraud@ec.europa.eu](mailto:sanco-882-food-fraud@ec.europa.eu)*

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<sup>1</sup> The Recommendation and Decision were consequently withdrawn from the agenda on 19 November. SANCO will inform on the new timetable as soon as this is finally clarified.

<sup>2</sup> The meeting is delayed until a later date. Updated information will be sent MS in January.