



EUROPEAN COMMISSION
HEALTH AND FOOD SAFETY DIRECTORATE-GENERAL

Unit E5 – Enforcement

Brussels, 16 January 2015

**MINUTES OF THE EXPERT GROUP 882 MEETING ON THE DIFFERENT ASPECTS OF
ADMINISTRATIVE ASSISTANCE AND COOPERATION (AAC)**

Date of the event: 12 December 2014

Place: Brussels

**Participants: All MSs except RO, PT, GR, LV, EE, CY, HU.
SANTE Units: A4, E5.**

Introduction and chair: Carmen Garau, DG SANTE, Head of Unit E5

The aim of the meeting was to present and discuss the possibilities available to, and obligations incumbent upon, competent authorities to provide each other with administrative assistance and cooperation in accordance with the requirements of Regulation (EC) No 882/2004.

The mechanisms for administrative assistance and cooperation (AAC) aim to ensure that violations of EU food chain law, which have a cross-border dimension, are effectively pursued not only in the Member State where the non-compliance is first detected but also in the other Member States.

However, it appears that at present a number of competent authorities are not using the administrative assistance/cooperation mechanisms to their full potential. Thus, the Commission intends to stimulate the use of the Administrative Assistance and Cooperation obligations as the instrument for properly responding to cross-border non-compliances, enforcing EU food and feed legislation, eradicating problems at source and ensuring appropriate follow-up amongst authorities.

Indeed, recent food scandals (horsemeat) have shown that proper and effective enforcement of EU legislation is inextricably linked to efficient cross-border exchange of information and cooperation amongst Member States.

1. THE EU LEGAL FRAMEWORK APPLICABLE TO ADMINISTRATIVE ASSISTANCE AND COOPERATION, CURRENT CHALLENGES AND FUTURE CHANGES

Commission (SANTE E5) presented and explained the current legislation on AAC (Articles 34-40 of Regulation (EC) No 882/2004). The shortcomings identified in the

implementation of those provisions were mentioned, and the improvements introduced through the proposal for a new official control regulation were explained.

2. THE DEVELOPMENT OF A EU IT SYSTEM FOR AAC

Presentation of the implementing act governing the AAC IT system

The draft proposal of the implementing act was presented. It was explained that the proposal includes the basic rules of operation of the AAC IT system and the necessary provisions to ensure compliance with data protection requirements. It was also explained that the entry into force of those provisions is a pre-condition for the operation of the IT system. The Commission would intend to submit the implementing act at one of the forthcoming meetings of the Standing Committee on Plants, Animals, Food and Feed. Delegations were invited to signal/transmit reservations they might have on the text to DG SANTE as soon as possible.

Presentation of the IT system (SANTE A4)

Detailed information was presented on the development and the expected use of the IT-tool, and on the timeline for the testing phase, which will start during the first quarter of 2015. Video tutorials and a manual will be made available to assist the users in the Member States.

3. THE SPECIAL CASE OF AAC IN THE “FOOD FRAUD” AREA: THE FOOD FRAUD NETWORK

SANTE E5 gave a presentation intended to explain the experience achieved in AAC through the food fraud network (which is a network of AAC liaison bodies created for the specific needs of the fight against fraudulent non-compliances).

4. PRACTICAL CASE STUDIES BY MEMBER STATES

Five Member States (FR, DK, UK, SI and IE) presented practical cases and shared their experiences in AAC. Some successful experiences were mentioned (withdrawal of products with ‘false’ labelling from another Member State, acquisition of information on individual businesses/establishments and on approvals, on suspected fraud, on non-compliant producers). Speakers also referred to the advantage of having an assigned point of contact in each Member State.

Among the shortcomings experienced, reference was made to the non-adequate or no response at all to a request for assistance and the language barrier. The absence of a structured procedure and of an IT tool for the swift exchange of request and responses was also mentioned as a reason for not using the network of existing liaison bodies and resorting instead to other contact points.

5. PRESENTATION OF THE RESULTS FROM THE QUESTIONNAIRE

A questionnaire was sent in advance of the meeting asking MS about their experience with the use of the AAC obligations. The results of the 18 responses received were compiled and presented during the meeting to feed the discussion.

6. DISCUSSION

The answers to the written questionnaire and the discussion which followed points 4 and 5 allowed to identify a number of problems that might be hampering the operation of the AAC mechanism as laid down in Regulation (EC) No 882/2004

- Difficulty in understanding when to use RASFF and when AAC

A number of Member States indicated they still have difficulty in understanding when to use the RASFF and when to use the AAC obligations and asked for guidance on this.

- Delays in processing of requests for administrative assistance and cooperation

Member States explained that due to the absence of official deadlines in Regulation (EC) No 882/2004 the response time is sometimes long (in some cases more than 1 year) and this makes the use of the AAC obligations difficult and less reliable.

The Commission explained that new proposal on Official Controls will overcome these problems as it sets specific deadlines within which Member States should reply to administrative assistance and cooperation requests or communications.

- Absence of a structured mechanism and IT tool

The absence of structured procedures and of a dedicated IT tool for AAC was mentioned as a specific obstacle to a systematic use of the AAC mechanisms.

The Commission explained that the establishment of the dedicated AAC system (see above) intends to overcome this difficulty. Work for the development of an IT system is ongoing.

The system will allow the swift exchange of information between competent authorities in different Member States in cases of non-compliances which produce their effects across national borders. The system will be “piloted” as of early 2015 for AAC in relation to "food fraud" cases, but it has been designed in a manner that would also suit non-fraud cases. It was explained that the IT tool can easily be run by almost all 'in office' systems in the Member States and that no extra costs are foreseen at this point in time.

The Commission also explained how the provision on the IMSOC laid down in the proposal for Official Controls will provide the framework for a better integrated management of the various IT tools used in the enforcement of agri-food chain legislation, and that it is also likely to benefit the future AAC system and its working.

- Lack of clarity as regards the role of the liaison bodies for AAC

Member states raised questions on the role of the liaison bodies.

The AAC liaison body is/are in most Member States, the appropriate competent authority(ies). The Commission explained that while existing (and future) rules allow Member States to designate more than one liaison body, it is essential that the designation should be done in a manner that makes it clear to other MS whom to contact in each case.

The role of the liaison body is passing on the requests for AAC to the competent authority which is responsible for the response/action. The liaison bodies should also be capable of validating the results before transmitting them to the requesting MS.

The Commission updates the list of liaison bodies regularly.

- Language barriers

In relation to language barriers the Commission agreed that language can be a problem. At the moment it is **not foreseen** that translation will be part of the new IT tool, however

automatic translation tools are already available in a number of search engines. The new standard fiche to be used in the dedicated AAC system could be an improvement already.

- Role of the Commission

It was clear from the replies to the questionnaire that MS expect the Commission to fulfil a coordination role in certain cases. The chair clarified that the specific aim of the Commission is to ensure that effective cross-border enforcement is guaranteed in complex cases having an EU dimension and/or in other sensitive cases (see Article 40 of Regulation (EC) No 882/2004).

- Conclusion

The Commission will:

- a) share the PPT presentations and a short report of the meeting
- b) prepare a guidance paper on the different points addressed during the meeting; the paper should be a 'living document', to be made available early 2015, and to be updated as questions/issues emerge.

The Commission also offered to organize a second dedicated follow-up meeting on AAC should the need arise.