EUROPEAN
COMMISSION

Brussels, 12.3.2015
C(2015) 1558 final

COMMISSION RECOMMENDATION

of 12.3.2015

on a coordinated control plan with a view to establishing the prevalence of fraudulent practices in the marketing of certain foods

(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules[1], and in particular Article 53 thereof,

Whereas:

(1) Article 53 of Regulation (EC) No 882/2004 empowers the Commission to recommend coordinated control plans where considered necessary, organised on an ad hoc basis, with a view to establishing the prevalence of hazards in feed, food and animals.

(2) The implementation of such coordinated control plans is without prejudice to the other official controls carried out by Member States in the framework of their national control programmes, as provided in Article 3 of Regulation (EC) No 882/2004.

(3) Regulation (EC) No 178/2002 of the European Parliament and the Council[2] provides a basis to ensure that the internal market in food products functions effectively and to prevent fraudulent or any other practices that may mislead the consumer. In accordance with Article 17 of this Regulation food business operators at all stages of production, processing and distribution within the businesses under their control must ensure that foods satisfy the requirements of food law which are relevant to their activities and must verify that such requirements are met.

(4) Regulation (EU) No 1169/2011 of the European Parliament and of the Council[3] establishes the general principles, requirements and responsibilities governing food information to consumers, and in particular food labelling. According to Article 7 of this Regulation food information shall not be misleading, particularly as to the characteristics of the food, including its nature, identity, properties, composition, country of origin or place of provenance and method of manufacture or production.

(5) Council Directive 2001/110/EC[4] lays down a common definition of and composition criteria for honey. It also defines additional information referring to botanical origin,

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1 OJ L 165, 30.4.2004, p. 1.

2 Regulation (EC) No 178/2002 of the European Parliament and the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31 1.2.2002, p. 1).

3 Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304, 22.11.2011, p. 18).

4 Council Directive 2001/110/EC of 20 December 2001 relating to honey (OJ L 10, 12.1.2002, p. 47).

geographical origin or other specific quality criteria that may be used to supplement the product name.

(6) Information available to the Commission indicates that honey not meeting the requirements laid down by Directive 2001/110/EC may be present on the European Union market in a potentially significant proportion. This would concern in particular honey mislabelled with regard to its geographical or botanical origin and products declared as honey although containing exogenous sugars or sugar products.

(7) A testing protocol intended to detect mislabelled honey and products declared as honey although containing exogenous sugars or sugar products should be included in a coordinated control plan for honey authenticity. As such a protocol involves a test that is not commonly available to official laboratories in the Member States, it is necessary to provide for the Member States the possibility to send samples to the Institute for Reference Materials and Measurements of the European Commission's Joint Research Centre (JRC-IRMM) to carry it out. JRC-IRMM should also be asked to compile the laboratory results of the coordinated control plan with a view to improve the knowledge base necessary to strengthen the analytical capability to detect the presence of exogenous sugars or sugar products in honey.

(8) Regulation (EU) No 1379/2013 of the European Parliament and of the Council[5] requires the commercial designation and the scientific name of the species of fish to be indicated on all unprocessed fishery and aquaculture products and on some processed fishery and aquaculture products offered for sale to the final consumer or to a mass caterer. Article 17 of Regulation (EU) No 1169/2011 requires that the name of the food, accompanied if necessary by other descriptive information, enables consumers to know the true nature of the food and to distinguish it from foods with which they could confuse it.

(9) The Commission is aware of several reports concerning fish mislabelling and species substitution issues, referring in particular to white fish.

(10) Especially in the case of prepared or processed fishery products, documentary checks and physical checks, such as visual identification of morphological characteristics and taste or texture assessment, are sometimes either not feasible or conclusive to identify the fish species. Laboratory checks should therefore be considered as an essential part of a coordinated control plan in this area. A protocol should be designed to be used for the implementation of a coordinated control plan intended to detect fish species substitution in unprocessed or processed fishery products.

(11) The Member States should implement the coordinated control plans provided in this Recommendation and communicate to the Commission the results of the official controls performed within a set time frame.

(12) After consulting the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS RECOMMENDATION:

1. Member States should implement the coordinated control plan for honey authenticity in accordance with Annex I to this Recommendation.

[5] Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

2. Member States should report the results of the official controls carried out in accordance with paragraph 1 and the relevant enforcement measures taken, in the format given in Annex III A to this Recommendation.

3. Member States should implement the coordinated control plan for fish species substitution in accordance with Annex II to this Recommendation.

4. Member States should report the results of the official controls carried out in accordance with paragraph 3 and the relevant enforcement measures taken in the format given in Annex III B to this Recommendation.

5. This Recommendation is addressed to the Member States.

Done at Brussels, 12.3.2015

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

CERTIFIED COPY
For the Secretary-General,

Jordi AYET PUIGARNAU
Director of the Registry
EUROPEAN COMMISSION

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ANNEXES 1 to 3

ANNEXES

to the

COMMISSION RECOMMENDATION

on a coordinated control plan with a view to establishing the prevalence of fraudulent practices in the marketing of certain foods

ANNEX I

Coordinated control plan for honey authenticity

ACTIONS AND SCOPE OF THE COORDINATED CONTROL PLAN

A. Objective

Competent authorities should carry out official controls in order to establish the prevalence on the European Union market of:

– honey mislabelled with regard to its geographical and/or botanical origin;

– products declared or presented as honey although containing exogenous sugars or sugar products.

B. Product description

Honey (as defined in Annex I point 1 of Council Directive 2001/110/EC) intended for human consumption;

Type: all types of honey listed in Annex I point 2 of Council Directive 2001/110/EC;

Geographical origin: honey originating in EU Member States or imported from third countries;

Presentation: in bulk or ready for retail.

C. Sampling points and procedure

1. Honey should be sampled from various points of the production and supply chain (border inspection posts, producers, importers and wholesalers, storage/processing/packaging establishments, distribution and retail level).

   For imported honey, official controls should be performed, where possible, at the earliest stages of the supply chain, starting at the first point of introduction in the European Union.

2. While samples for official controls should be taken from all the products available on each Member State’s market, special attention should be given to honey intended to be blended at a later stage of the supply chain.

3. Geographical origin of honey

   The samples should to the extent possible be collected in 3 parts (A, B and C) as follows:

   Part A: 20% of the samples collected in a Member State should come from honey bearing information referring to a regional, territorial or topographical origin in that same Member State.

   Part B: 40% of the samples should come from honey with a declared origin outside the Member State where the samples are collected (another Member State or a third country), and which is not declared as a blend of EU honeys, a blend of non-EU honeys or a blend of EU and non-EU honeys. Part B samples should be representative of the countries (other Member States or third countries) from which that Member State's supplies originate.

   Part C: 40% of the samples should come from honey declared as a blend of EU honeys, a blend of non EU honeys or a blend of EU and non EU honeys.

4. The sampling strategy should target honey which, in compliance with the above mentioned criteria, is more susceptible to have been subjected to the practices that are the purpose of this control plan taking into account available data, including information provided by documentary, identity and preliminary physical checks, and prices.

D. Protocol and methods

1. Definitions:

EA-IRMS =	Elemental analyser hyphenated to isotope ratio mass spectrometry.
LC-IRMS =	Liquid chromatography hyphenated to isotope ratio mass spectrometry.
EA-/LC-IRMS =	Combination of elemental analyser hyphenated to isotope ratio mass spectrometry and liquid chromatography hyphenated to isotope ratio mass spectrometry.
GC =	Gas chromatography.
HPLC =	High-performance liquid chromatography.

2. Part A and B samples:

a) Tier 1: all A and B samples should be submitted to:

– organoleptic analysis;

– determination of electrical conductivity (Harmonised method no 2 of the International Honey Commission);

– determination of diastase activity with Phadebas (Harmonised method no 6.2 of the International Honey Commission);

– determination of the relative frequency of pollen through microscopic pollen analysis[1].

b) Tier 2: 33 % of A and B samples should be selected on the basis of the results of the Tier 1 tests and other information available, with the view to submit the most risky products to exogenous sugars or sugar products detection. Tier 2 should include samples with non-compliant, unusual or suspect parameters or properties in Tier 1.

The selected samples should be submitted to the determination of sugars by a HPLC or GC method (methods no 7.2, 7.3 or 7.4 of the Harmonised methods of the International Honey Commission).

If possible, saccharides other than fructose, glucose, sucrose, turanose and maltose (i.e.: melezitose, erlose, isomaltose, raffinose etc.) should also be quantified.

The remaining samples should be stored for at least 12 months, for possible further investigations. Optimal storage conditions are: constant temperature around 10 °C, relative humidity less than 65%, darkness.

[1] Harmonized methods of melissopalynology, Apidologie 35 (2004) S18–S25.

c) Tier 3: samples with compliant sugar profile in tier 2 should be submitted to LC-IRMS (or EA-/LC-IRMS) if the method is available in the Member State.

When LC-IRMS is not available, the samples should be submitted to EA-IRMS (AOAC official method 998.12) and subsequently sent to the Institute for Reference Materials and Measurements of the Joint Research Centre (JRC-IRMM) accompanied with the results of the tests already carried out (templates will be provided by JRC-IRMM).

JRC-IRMM will test the samples with EA-IRMS normal values using LC-IRMS and transmit the results to the concerned Member State when available[2]. When LC-IRMS is carried out in the Member State, samples with off-limits values should also be sent to JRC-IRMM for data collection.

3. Part C samples:

a) Tier 1: organoleptic analysis, determination of electrical conductivity, determination of diastase activity and pollen analysis are not necessary for Part C samples.

b) Tier 2: all Part C samples should be submitted to the determination of sugars by a HPLC or GC method (methods no 7.2, 7.3 or 7.4 of the Harmonised methods of the International Honey Commission).

If possible, saccharides other than fructose, glucose, sucrose, turanose and maltose (i.e.: melezitose, erlose, isomaltose, raffinose etc.) should also be quantified.

c) Tier 3: samples with compliant sugar profile in tier 2 should be submitted to LC-IRMS (or EA-/LC-IRMS) when the method is available in the Member State.

When LC-IRMS is not available, the samples should be submitted to EA-IRMS (AOAC official method 998.12) and subsequently sent to the Institute for Reference Materials and Measurements of the Joint Research Centre (JRC-IRMM) accompanied with the results of the tests already carried out (templates will be provided by JRC-IRMM).

JRC-IRMM will test the samples with EA-IRMS normal values using LC-IRMS and transmit the results to the concerned Member State when available. When LC-IRMS is carried out in the Member State, samples with off-limits values should also be sent to JRC-IRMM for data collection.

4. The laboratories taking part in the coordinated control plan for honey authenticity should be official laboratories in the meaning of Article 12 of Regulation (EC) No 882/2004[3].

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[2] JRC-IRMM is not an official laboratory for official controls in the meaning of Article 12 of Regulation (EC) No 882/2004; samples with off-limits values should be considered as a case of suspicion of non-compliance and further investigations should be carried by the competent authorities in order to confirm or to eliminate the suspicion.

[3] A designated laboratory may be located in another Member State.

E. Sample numbers

The table below gives the indicative recommended number of samples to be tested in each Member State for the purposes of this coordinated control plan.

Member State	Recommended number of samples
Germany, Spain, France, Italy, United Kingdom	150
Belgium, Czech Republic, Greece, Hungary, Austria, Poland, Romania	100
Bulgaria, Denmark, Ireland, Croatia, Netherlands, Portugal, Slovakia, Finland, Sweden	70
Latvia, Lithuania, Slovenia	50
Estonia, Cyprus, Luxembourg, Malta	20
Total	2310

F. Timeframe:

1. Sampling from 1 June 2015 until 15 July 2015;
2. The report on the results of the official controls carried out should be transmitted to the Commission within 31 October 2015;
3. Batches of samples should be sent to JRC-IRMM as soon as the tests are completed in the Member States, in order to enable a better distribution of work for JRC-IRMM.

ANNEX II

Coordinated control plan for fish species substitution

ACTIONS AND SCOPE OF THE COORDINATED CONTROL PLAN

A. Objective

Competent authorities should carry out official controls in order to establish whether fish species found in unprocessed or processed fishery and aquaculture products complies with the species that is declared on the label or in other means of information accompanying the food product.

In case of non-compliance, Competent Authorities should try to identify the actual species, to the extent possible.

B. Product scope

1. Fishery products as defined in Regulation (EC) No 853/2004[4], Annex I, Point 3.1, but limited to white fish (including round fish and flat fish), both marine and freshwater species[5].

2. Member States should target major species placed on the market in their territory in approximately 80% of the samples. They should also include less common species in the remaining 20% of the samples. Products sampled may be either prepacked or non-prepacked.

3. Products should come from the following categories:

a) Unprocessed products: fishery products which have been prepared as defined in Regulation (EC) No 853/2004, Annex I, Point 3.6, excepting gutted fish. These products are referred to as unprocessed products in this plan.

To note:

All unprocessed products included in this control plan fall within the scope of Regulation (EU) No 1379/2013, Article 35(1)(a). They should therefore be controlled to verify the scientific name given on the appropriate marking or labelling as required in that Regulation[6].

b) Processed products: fishery products which have been processed as defined in Regulation (EC) No 852/2004, Article 2(1)(m) and (o), and products where fish represents the primary ingredient as defined in Regulation (EU) No 1169/2011, Article 2(2)(q). These products are referred to as processed products in this plan.

To note:

i) Processed products included in this control plan which fall within the scope of Regulation (EU) No 1379/2013, Article 35(1)(a)

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4 Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

5 In the context of this coordinated control plan white fish are demersal species living in both marine and freshwater environments, round fish are benthopelagic species and flat fish are benthic species.

6 Regulation (EU) 1379/2013, Article 37(1)(a) requires that the scientific name for each species is given in accordance with the FishBase Information System or the ASFIS database of the Food and Agriculture Organization (FAO).

should be controlled to verify the scientific name given on the appropriate marking or labelling as required in that Regulation;

ii) Other processed products included in this control plan (canned, composite products, fish cakes etc.) should be controlled to verify any voluntary declaration of species accompanying the name of the food in accordance with Regulation (EU) No 1169/2011, Article 17 or the designation of ingredients in accordance with Regulation 1169/2011, Article 18;

iii) Processed products including mechanically separated fish meat that are not marketed with any indication of the species fall outside the scope of this coordinated control plan.

C. Sampling points and procedure

1. Products should be sampled from various points in the food supply and distribution chain including border inspection posts, processing establishments, markets, cold stores, traders, retail and mass caterers[7]. The sampling should cover a variety of products.

2. The allocated number of samples taken in each Member State should be, to the extent possible, divided evenly between unprocessed and processed products. If necessary, this allocation may be adjusted to take into account the consumption habits in the Member States.

3. The sampling strategy should target products which, on the basis of all available information, including information provided by documentary, identity and preliminary physical checks, are more susceptible to have been subjected to species substitution. For processed products, it is of special interest to target those products that fall within the scope of Regulation (EU) No 1379/2013, Article 35(1)(a) on mandatory information.

4. For products that include several portions in a single package, the final sample submitted to the test should be one portion randomly chosen among every five.

D. Protocol and methods

1. Definitions

IEF =	Isoelectric focusing method (e.g. AOAC Official Method 980.16 using the relevant IEF database)
PCR-RFLP =	Polymerase chain reaction coupled with restriction fragment length polymorphism
DNA-barcoding =	DNA-sequencing using a validated protocol
RT-PCR =	Real-time polymerase chain reaction, uni- or multiplex

2. Unprocessed products

Any of the following methods may be used for unprocessed products:

a) IEF;

[7] According to the definition in Regulation (EU) No 1169/2011, Article 2(2)(d), the term “mass caterer” includes any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer.

or

b) PCR-RFLP, if necessary supplemented by either DNA-barcoding or real-time polymerase chain reaction (RT-PCR);

or

c) DNA-barcoding.

3. Processed products

Any of the following methods may be used for processed products:

a) PCR-RFLP, if necessary supplemented by either DNA-barcoding or RT-PCR;

or

b) DNA-barcoding;

or

c) RT-PCR, if necessary supplemented by further specific primers-probes[8], PCR-RFLP or DNA-barcoding.

4. The methods or combination of methods used should allow, to the maximum extent possible, the identification of the real species in the case of non-compliance with the declaration accompanying the product.

5. The laboratories taking part in the coordinated control plan should be official laboratories in the meaning of Article 12 of Regulation (EC) No 882/2004[9].

E. Sample numbers

The table below gives an overview on the indicative recommended number of samples to be tested within the period of the coordinated control plan[10].

Member State	Recommended number of samples
Germany, Spain, France, Italy, United Kingdom	250
Czech Republic, Greece, Poland, Romania	160
Belgium, Denmark, Ireland, Croatia, Hungary, Netherlands, Austria, Portugal, Finland, Sweden	100
Bulgaria, Estonia, Latvia, Lithuania, Slovenia, Slovakia	70
Cyprus, Luxembourg, Malta	30
Total	3400

8 The Joint Research Centre of the European Commission (JRC) intends to share a list of primers and probes already published in the literature or available in MS laboratories through a dedicated on-line collaboration tool for this coordinated control plan.

9 A designated laboratory may be located in another Member State.

10 Sample numbers refer to the number of individual products being submitted to a test in the final report. They may differ from the total number of tests carried out throughout the protocol. This is due to the fact that:
i) several samples should be tested in the case of large multi-portion packages; and
ii) several tests may be needed for a single sample in order to identify the substitute species.

F. Timeframe:

1. Sampling from 1 June 2015 until 15 July 2015;

2. The report on the results of the official controls carried out should be transmitted to the Commission within 31 October 2015.

ANNEX III

Report format for results referred to in Points 2 and 4[11]

A. Honey

Member States should report the results of the official controls carried out in accordance with the coordinated control plan in the format of the following tables.

Table 1: summary of the number of samples tested, non-compliant and sent to JRC-IRMM

		BIP	Producer	Importer or wholesaler	Packaging establishment	Distribution or retail
Part A samples	Total number of samples tested Number of non-compliant samples with regard to geographical origin Number of non-compliant samples with regard to botanical origin Number of non-compliant samples with regard to the presence of exogenous sugars or sugar products Number of other non-compliances					
	Number of samples sent to JRC-IRMM					
Part B samples	Total number of samples tested Number of non-compliant samples with regard to geographical origin Number of non-compliant samples with regard to botanical origin Number of non-compliant samples with regard to the presence of exogenous sugars or sugar products Number of other non-compliances					
	Number of samples sent to JRC-IRMM					
Part C samples	Total number of samples tested Number of non-compliant samples with regard to the presence of exogenous sugars or sugar products					
	Number of samples sent to JRC-IRMM					

Table 2: Non-compliant and suspect samples

	Sample status (*)	Sample category (**)	Name of the product (inc. additional information if any)	Geographical origin (inc. type of blend if blended honey)	Price (€/kg)	Location of sampling	Type of non-compliance or suspicion (***)	Test(s) having detected the non-compliance or suspicion thereof
No of the sample								

(*) non-compliant or suspect
(**) A, B or C
(***) botanical origin, geographical origin, sugar content etc.

[11] Spreadsheet templates will be provided by the Commission for easier reporting and data processing.

Table 3: Report format for enforcement measures

Number of follow-up controls (including documentary and physical checks) carried out at the Food Business Operator (FBO) where samples were taken	
Number of follow-up controls (including documentary and physical checks) carried out at a different FBO as a consequence of initial findings	
Specify, and if possible indicate the number of times used, the types of remedial actions taken in accordance with Article 54 of Regulation (EC) No 882/2004	
Specify, and if possible indicate the number of times used, the types of sanctions taken in accordance with Article 55 of Regulation (EC) No 882/2004	

B. Fish

The Member States should report the results of the official controls carried out in accordance with the coordinated control plan in the format of the following tables.

Table 1: Unprocessed products

Target species (scientific name)	BIP	Market/ Trader	Cold store	Processing establishment	Retail	Mass Caterer
Species a	(1) (2)	(1) (2)	(1) (2)	(1) (2)	(1) (2)	(1) (2)
Species b	…	…	…	…	…	…
…	…	…	…	…	…	…

(1) Total number of samples taken at one type of sampling site (to be mentioned) for a given target species.
(2) Number of non-compliant samples among these samples, including samples where fish tissue is found, but the species was not identified.

Table 2: Processed products covered by Regulation (EU) No 1379/2013

Target species (scientific name)	BIP	Market/ Trader	Cold store	Processing establishment	Retail	Mass caterer
Species a	(1) (2) (3)	(1) (2) (3)	(1) (2) (3)	(1) (2) (3)	(1) (2) (3)	(1) (2) (3)
Species b	…	…	…	…	…	…
…	…	…	…	…	…	…

(1) Total number of samples taken at one type of sampling site for a given target species.
(2) Number of non-compliant samples among these samples, including samples where fish tissue is found, but the species was not identified.
(3) Number of samples with no result due to degree of processing.

Table 3: Other processed products not covered by Regulation (EU) No 1379/2013

Target species (commercial or scientific name)	BIP	Market/ Trader	Cold store	Processing establishment	Retail	Mass caterer
Species a	(1) (2) (3)	(1) (2) (3)	(1) (2) (3)	(1) (2) (3)	(1) (2) (3)	(1) (2) (3)
Species b	…	…	…	…	…	…
…	…	…	…	…	…	…

(1) Total number of samples taken at one type of sampling site for a given target species.
(2) Number of non-compliant samples among these samples, including samples where fish tissue is found, but the species was not identified.
(3) Number of samples with no result due to degree of processing.

Table 4: Summary of total number of samples tested in each category, number of non-compliant samples among these and number of samples where there is no result due to degree of processing.

	Number of samples tested	Number of non-compliant samples	Number of samples with no result due to degree of processing
Unprocessed products			
Processed products covered by Regulation (EU) No 1379/2013			
Processed products not covered by Regulation (EU) No 1379/2013			
Total			

Table 5: Non-compliant samples - Species targeted and species used as substitution (please use only scientific names)

Target species	Scientific name of the substitute species (1)	Category of product (2)	Description of the product	Location of sampling (3)	Test method used (4)
Species a					
Species b					
…					

(1) Mention "unknown" if not identified, and where appropriate indicate potential substitute species that have been excluded by tests.
(2) Unprocessed product (UP), processed product covered by Regulation (EU) No 1379/2013 (PP1379), processed product not covered by Regulation (EU) No 1379/2013 (PP).
(3) BIP, market or trader, cold store, processing establishment, retail, mass caterer.
(4) IEF, PCR-RFLP, DNA barcoding, RT-PCR or a combination of these.

Table 6: Report format for enforcement measures

Number of follow-up controls (including documentary and physical checks) carried out at the Food Business Operator (FBO) where samples were taken	
Number of follow-up controls (including documentary and physical checks) carried out at a different FBO as a consequence of initial findings	
Specify, and if possible indicate the number of times used, the types of remedial actions taken in accordance with Article 54 of Regulation (EC) No 882/2004	
Specify, and if possible indicate the number of times used, the types of sanctions taken in accordance with Article 55 of Regulation (EC) No 882/2004	