



**COUNCIL OF
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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Commission actions in the field of food fraud
- Information from the Commission

Delegations will find attached an information note from the Commission, to be dealt with under "Any other business" at the meeting of the Council (Agriculture and Fisheries) on 15 July 2013.

AGRI COUNCIL – 15 JULY 2013

WRITTEN INFORMATION FROM THE COMMISSION SERVICES

COMMISSION ACTIONS IN THE FIELD OF FOOD FRAUD

In the wake of the events regarding horsemeat, the Commission has started to implement its action plan to fight against food fraud in order to strengthen the EU system and restore consumer confidence. Priority areas identified include **action to better tackle food fraud, more effective official controls and stronger rules for horse passports**.

Regarding food fraud, the Commission is pursuing actively ways to improve the EU's capacity to identify such practices. In particular, this involves mapping existing tools and mechanisms to fight food fraud, with a view to **developing synergies and contacts amongst competent authorities**. Efforts are also being made to **raise awareness** among relevant actors through a network of food fraud contact points in the Member States and the organisation of trainings and conferences (a conference on food fraud is planned in 2014).

The Commission is reflecting on how it can respond to the need to **strengthen cooperation** between Member States, and among bodies and organisations in charge of food fraud issues in the EU. Within the Directorate General for Health and Consumers, a new "food fraud team" has been established in order to strengthen the dialogue and cooperation with the competent authorities in the Member States for food fraud related matters. A first step in that direction is represented by the recently adopted proposal to review the rules applicable to official controls on the agri-food chain¹, which aims at a more efficient and effective use of existing mechanisms for administrative assistance between Member States in cases of cross-border violations of agri-food chain rules and of fraud.

¹ COM (2013) 265 final, amending, among others, Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, OJ L 165, 30.4.2004, p. 1.

Furthermore, the best means for **the rapid and efficient exchange of information on potential food fraud** cases is being studied. During the horsemeat events, the Rapid Alert System for Food and Feed (RASFF) was used to exchange relevant information, although food fraud cases do not fall within its scope (unless a serious risk for health is identified). The development of a mechanism, similar to the RASFF, capable of managing the specificities inherent to food fraud is a necessary step to ensure proper information flows and the timely detection of fraud.

As mentioned above, the proposal to **review the current Regulation on official controls** aims to strengthen the existing EU-wide system of official controls along the agri-food chain, including as regards the fight against food fraud. In particular, it requires Member States to **include unannounced official controls** for the detection of potential food fraud in their national control plans, calls for a more effective and stronger cooperation when it comes to the tackling of cross-border non compliances, and allows the Commission to adopt **mandatory (not only recommended) coordinated control plans** in cases such as the horsemeat events. The principles governing the sanctions that Member States are required to apply in cases of intentional violations have also been reinforced (**financial penalties shall be set at levels which offset the financial gain** sought through the violation) as have the Member State's powers in relation to suspected fraudulent behaviour of operators importing animals and goods into the EU (possibility to intensify official controls on consignments having the same origin or use). The Council and the European Parliament have started their deliberations on this proposal.

In addition, the Commission is also working on strengthened rules on the **identification of horses and on the issuance of horse passports**, as certain deficiencies were observed during the horsemeat events. In particular, the Commission is reviewing Commission Regulation (EC) No 504/2008 with a view to creating a **central database, compulsory for all Member States**. Following an inquiry with Member States which was carried out in the framework of the Commission's action plan, it appears that the vast majority of Member States has already established a central database and the most of the remainder are preparing for such a central database.

Moreover, the Commission is also **preparing a proposal for a new zootechnical legislation** which will clarify that in order to be entered or registered for entry in breeding books, breeding animals of the equine species shall be identified in accordance with EU animal health legislation.
