# Food crisis, fraud in the food chain and control thereof

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The Committee on the Environment, Public Health and Food Safety adopted the own-initiative report by Esther de LANGE (EPP, NL) on the food crisis, fraud in the food chain and the control thereof.

The general principles of EU food law, in accordance with Regulation No 178/2002, prohibit the marketing of unsafe food along with fraudulent practices, the adulteration of food, and any other practices which may mislead the consumer.

The EU regulatory framework in place for food safety and the food chain has provided a high level of food safety for EU consumers until now. However, current legislation is still **fragile** and not always reliable, and therefore there is a need for improvements on the ground.

At the same time, recent food fraud cases have damaged consumer trust in the food chain. Foods which are often subject to fraudulent activities include olive oil, fish, organic products, grains, honey, coffee, tea, spices, wine, certain fruit juices, milk and meat. Restoring the confidence of consumers of European agri-foods both inside and outside the EU is of paramount importance. Problems are also found in the implementation of the current legislation and there is a need to have more effective official controls on food of animal origins at each stage of the food chain.

**Food fraud: scope and definition**: Members deplored the fact that combating food fraud is a relatively new issue on the European agenda, and that in the past it has never been a key priority for legislation and enforcement at EU and national level. They called, therefore, on the Commission to give food fraud the full attention it warrants and to take all necessary steps to make the prevention and combating of food fraud an integral part of EU policy. It is proposed that data should be collected systematically on fraud cases.

The report noted that **EU law does not currently provide a definition of food fraud** and that Member States adopt different methodologies in the definition thereof. Members stressed the need to **adopt swiftly a harmonised definition at EU level**.

Given the **complexity and cross-border character of the food chain**, better **traceability** of ingredients and products within the whole food chain would help to combat fraud. Greater attention should be paid to controls on **imported goods from third countries** and their compliance with EU standards on food and feed safety.

**Lessons learned and recommendations**

**- *Institutional framework***: Members welcomed the Commission's decision to set up a **food fraud team** and acknowledged the efforts made by Europol in the fight against food fraud. They encouraged the Commission to consider the development of an **EU Reference Laboratory (EURL) for food authenticity** and welcomed the Commission's plan to organise a **conference on food fraud in 2014**.

They are convinced that unannounced independent inspections are essential to ensure effective implementation of food safety and labelling standards. The Commission is called upon to enlarge the focus of the Food and Veterinary Office (FVO) audits to include food fraud and the budgetary authority is urged to increase the capacity and resources of the FVO and of the Commission's food fraud team.

The report noted that Member States often struggle to successfully prosecute fraudulent food business operators operating across EU borders, owing to **jurisdiction issues**. It regretted the fact that Member States do not systematically cooperate with Europol in cross-border cases of food fraud, but work bilaterally.

**- *Legislative framework***: Members considered that official controls should focus not only on food safety issues, but also on preventing fraud and the risk of consumers being misled. They welcomed the fact that the Commission's proposal for a review of official controls incorporates extra controls in respect of food fraud where competent authorities have reason to suspect fraudulent behaviour by an operator. They, on the other hand, reject any plans to delegate inspection tasks from public authorities to economic operators. They stated that **all commercial operators** which process, trade or store raw materials, food ingredients or food products in the human food chain, including traders and owners of cold stores, should be **registered** as food business operators and be subject to controls. The importance of clear and transparent business-to-business and business-to- consumer labelling is emphasised and called on the Commission to review EU food law in this area, to reduce the risk of food fraud.

The Commission is called upon to present a proposal on the obligatory labelling of meat and fish which indicates whether the products have been frozen, how many times they have been frozen and for how long. It was suggested that **labelling the country of origin** may help to ensure better traceability along the food supply chain, thus restoring consumer confidence.

Members also recalled that Parliament has previously called for origin labelling for meat in processed foods, and that the Commission is working on a report on **mandatory origin labelling for meat used as an ingredient**.

The Commission is urged to present swiftly its report and follow up with legislative proposals making the **indication of the origin of meat in processed foods mandatory**.

There is also the need for the introduction of **electronic certification** systems in the food chain, which could reduce the likelihood of fraud based on paper certificates. A **centralised European register for horse passports** is also proposed in order to prevent the fraudulent issuing of duplicate passports.

As regards cloned animals, Members expressed concern at the **lack of a European legislative framework governing meat from cloned animals** and called on the Commission to honour its undertaking and submit as soon as possible a legislative proposal on animal cloning.

**- *Corporate responsibility***: the report called on the Commission and the Member States to consider imposing a legal obligation on food business operators to report to competent authorities about the incidence of food fraud cases. It believed that the **retail sector has a special responsibility to guarantee the integrity of food products** and to demand from its suppliers a safe and secure supply chain.

**- *Enforcement and controls***: the Commission is called upon to pursue and prevent the marketing of products which remain on the market under a deliberately inaccurate or misleading name, since this is also to be considered a type of food fraud. The Commission and Member States are urged to further stimulate European and national research and development programmes to develop and implement technologies and methods used to detect food fraud, such as sensor technology, data analysis and the fingerprinting of products, and to facilitate the commercial availability of tests in the short term.

Members called on the Commission, as a matter of urgency, to put in place an **electronic system**, based on the existing Rapid Alert System for Food and Feed (RASFF) as the Commission has suggested, to enable the rapid exchange of information between Member States and the Commission in cases of food fraud. They also called for the establishment of an **anti-food fraud network** as a means of improving

coordination among the competent European bodies (Europol, Eurojust, FVO), thus preventing and detecting food fraud more effectively.

- ***Sanctions***: whilst welcoming the Commission proposal to strengthen penalties in order at least to offset the estimated economic advantage sought through the violation, Members believed that the **Member States should set penalties** for food fraud which are **at least double the estimated amount** of the economic advance sought through the fraudulent activity.

They deemed it necessary, as an extra deterrent, that Member States set even higher penalties, including criminal law penalties, for fraudulent cases in which public health is deliberately endangered, or in cases of fraud involving products aimed at vulnerable consumers. In the event of repeated offences the food business operator's registration may be withdrawn.

The Commission is called upon to obtain an overview of the different national systems of sanctions for food fraud offences and of the functioning of these sanction regimes based on EU legislation.

They called for the entire food chain in Europe, including all stages of production, processing and sales and distribution to be transparent and fully open to scrutiny by inspectors in order to ensure that fraudulent food products can be quickly identified.