



Council of the
European Union

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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

To: Delegations

Subject: Next steps how to better tackle and deter fraudulent practices in the agri-food chain

- *Council Conclusions (16 December 2019)*

Delegations will find in [Annex](#) the Council conclusions on the above-mentioned subject adopted by the Council on 16 December 2019.

**COUNCIL CONCLUSIONS ON THE NEXT STEPS HOW TO BETTER TACKLE AND
DETER FRAUDULENT PRACTICES IN THE AGRI-FOOD CHAIN**

THE COUNCIL OF THE EUROPEAN UNION

- (1) RECALLS that a high level of protection is an overall objective of EU policies concerning health, safety, environmental protection and consumer protection, as established in Article 114 and 168 of the TFEU.
- (2) RECALLS the Council conclusions of 2014 on the role of law enforcement cooperation in combating food crime¹.
- (3) NOTES WITH CONCERN that fraudulent practices in the agri-food chain (food fraud) often leads to public health risks and/or financial losses to consumers and/or operators. It may also result in loss of confidence in the competent authorities and in the agri-food chain in general. As a consequence, food fraud threatens food safety and the effective functioning of the internal market and has the potential to have significant impacts on public health, consumer protection and legitimate trade. The cost of fraudulent practices for the global food industry has been estimated at around EUR 30 billion every year.
- (4) RECALLS that fraudulent practices are an extensive social phenomenon since they are often associated with other forms of crime, such as the violation of workers' rights, tax fraud, environmental crime, drug trafficking and money laundering. They can also be part of organised crime.

¹ 15908/14

- (5) AGREES with the Commission that protection of consumers and agri-food business operators against fraudulent practices by dishonest businesses is a challenge that requires increased cross-border cooperation between relevant authorities, as stated in the Communication “The Single Market in a changing world - A unique asset in need of renewed political commitment”².
- (6) UNDERLINES that any successful action to tackle food fraud needs to be based on rapid and effective exchange of the relevant information, appropriate reporting and close cooperation and coordination between authorities within Member States as well as between the Member States and the Commission.
- (7) STRESSES that cooperation between the food and feed control authorities throughout the whole agri-food chain is a prerequisite for combating food fraud, but it is not enough. Where necessary, cooperation should also cover the authorities involved in the fight against financial crime, and include tax, customs, police and prosecution authorities and other law enforcement authorities as well as bodies such as occupational safety and health administrations.
- (8) WELCOMES the various actions the Commission has already taken on food fraud since the horsemeat scandal in 2013. These include, in particular, the establishment of the EU Food Fraud Network and the Administrative Assistance and Cooperation system (AAC), which have enabled rapid exchange of information on potential cross-border cases of fraud, the designation of the Joint Research Centre (JRC) as the Knowledge Centre for Food Fraud, and the improvements to sharing of data during and after the Fipronil incident in 2017.
- (9) WELCOMES the discussions in the Food Fraud Network in April 2019 concerning the challenges in the fight against food fraud raised by the Commission, and the involvement of the Commission and Member States in a joint Europol/Interpol initiative, NOTES OPSON, targeting the trafficking of fake and substandard food and beverages, and the results of the OPSON VIII operation³, to which the EU Food Fraud Network contributed, designed to detect fraud in the organic sector.

² 14633/18 + ADD1

³ <https://www.europol.europa.eu/newsroom/news/over-€100-million-worth-of-fake-food-and-drinks-seized-in-latest-europol-interpol-operation>

- (10) RECOGNISES that the current legal framework at EU level is, in general, adequate to tackle food fraud and STRESSES, in particular, the importance of the new tools in tackling food fraud in the veterinary and food safety field provided by the Official Controls Regulation (EU) 2017/625 (OCR Regulation)⁴ and NOTES that there are still challenges such as the need for special expertise and an international approach on enforcement of controls on internet sales.
- (11) NOTES that despite the action already taken, further actions are necessary to find ways to tackle and deter food fraud more effectively both at the Member States and at the EU level.

CALLS UPON Member States and the Commission to

- (12) ensure, for their part, the full implementation of the relevant EU legislation, in particular the OCR Regulation and of the recently adopted “Whistleblowers Directive”⁵;
- (13) improve common understanding of the criteria determining food fraud and continue their efforts to achieve, at EU level, a legal definition of food fraud;
- (14) enable, promote and strengthen cooperation between relevant authorities at the national, European and international level;
- (15) strengthen the current systems and practices for exchanging information on potential cross-border cases of food fraud;
- (16) clarify the legal responsibilities on agri-food business operators with regard to food fraud and develop more efficient tools to promote agri-food business operators to inform the competent authorities of suspected and/or identified cases of food fraud without creating an excessive administrative burden;

⁴ OJ L 95, 7.4.2017, p. 1

⁵ Directive of the European Parliament and of the Council on the protection of persons who report breaches of Union Law, PE-CONS 78/19 (OJ L 305, 26.11.2019)

- (17) promote awareness-raising among consumers about the challenges related to internet sales.

CALLS UPON Member States to

- (18) strengthen their competencies regarding the prevention and investigation of food fraud and effective identification of emerging risks;
- (19) allocate adequate resources to the prevention and investigation of food fraud;
- (20) ensure that national legislation enables proactive cooperation between relevant authorities and that penalties for food fraud are sufficiently severe to act as a deterrent to crime and encourage sharing of best practices (e.g. in a memorandum of understanding) between the relevant authorities;
- (21) support and guide agri-food business operators to develop their food safety management and quality control systems with a view to detecting and dealing with food fraud, *in addition to* food safety and quality deviations.

CALLS UPON the Commission to

- (22) ensure the allocation of adequate resources for the necessary coordinated actions related to food fraud, analyse the existing EU structures for investigation and control of food fraud in order to determine whether there is a need to update their mandates or to reorganise operations for coordinated actions related to food fraud at the EU level, while keeping in mind the responsibility of each Member State to take primary action;
- (23) continue with and broaden training on countering food fraud through the Better Training for Safer Food (BTSF) programme and especially to enable all relevant authorities involved in combating food fraud to participate;

- (24) ensure the establishment of the EU reference centres for the authenticity and integrity of the agri-food chain, in accordance with the OCR Regulation;
 - (25) continue with coordinated control plans on detecting and investigating food fraud;
 - (26) improve communication between information systems such as the Rapid Alert System for Food and Feed (RASFF) and the AAC by effective implementation of the Information management system for official controls (IMSOC), and explore their application to counter food fraud with due regard to confidentiality required in judicial proceedings;
 - (27) explore how to take better account of the information coming from or provided by agri-food business operators in the Food Fraud Network's activities;
 - (28) explore the Commission's advisory and coordinating role on enforcement of internet sales controls;
 - (29) assess the need to reinforce the rules and guidance on traceability, e.g. the need for stricter requirements for traceability documentation;
 - (30) continue to develop an integrated strategy against food fraud.
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