



2019 Annual Report

The EU Food Fraud Network

and the Administrative Assistance
and Cooperation System



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FOREWORD

Since the creation of the Administrative Assistance and Cooperation System for Food Fraud (AAC-FF system) in 2016, Member States requests for cooperation concerning suspected cases of fraud in the agri-food chain has risen steadily. Between 2016 and 2019, a total of 861 notifications were sent through the system, showing an 85% increase in the number of cases notified compared to the 2016 baseline.

These figures show a rise in the number of suspected fraudulent activities reported but, most importantly, are the direct result of the increased cooperation between Member States, with the support of the Commission, in the fight against food fraud. The exchange of information on suspected cross-border food fraud violations has proven to be key in identifying, investigating and eliminating illegal practices targeting EU customers.

That said I would like to take this opportunity to briefly remind ourselves of the progress we have made over the last few years. The establishment of the EU Food Fraud Network (EU FFN) in 2013, after the horse meat scandal, was the cornerstone of the current framework. It has given Member States and other European countries a platform to voluntarily exchange information and cooperate on violations of the EU agri-food chain legislation. To facilitate these exchanges, the Commission developed a dedicated IT tool, the Administrative Assistance and Cooperation (AAC) system, to allow EU countries to exchange sensitive data in a structured and secure manner regarding non-compliances and suspected cases of food fraud.

Despite this, past food scandals such as the horsemeat in beef products scandal or the fipronil in eggs scandal have exposed the complexity of the fight against food fraud. To address these challenges, the Commission decided to strengthen the resources it dedicates to tackling food fraud. This resulted in the creation of an expert team for system support, data extraction and preparation and pre-analysis of EU coordinated cases. The Commission will also make full use of the new Official Controls Regulation, which entered into force in December 2019, as an additional layer of protection for European businesses and customers.

Moreover, the European Parliament and the Council continue to call for more action to be taken in the fight against cross-border food fraud in the EU. Against this background, the President of the European Commission Ursula von der Leyen has tasked the European Commissioner for Health and Food Safety Stella Kyriakides to work with the Member States to develop a strategy that includes specific measures to tackle cross-border food fraud, drawing on the work of the European Anti-Fraud Office in this area. These measures will form part of the European Green Deal and the EU's 'Farm to fork strategy'.

Recognising and investigating fraudulent activities in the food sector remains a complex and a challenging task. The fact that fraudsters tend to be very creative in finding new and sophisticated methods to pursue their illicit goals justifies the needs to do more to overcome the challenge. However, the results achieved so far in the fight against food fraud would not have been possible without the active cooperation of Member States, the valuable support from Europol, OLAF, EFSA and the JRC as well as the tired-less dedication of the Commission's team of food fraud experts. On a more personal note, I will be stepping down to start a new quieter chapter in my life. However, I will make sure to remain quite vigilant as an European customer when buying food and will keep a watchful eye on the EU's progress in ensuring the safety of our food supply chain. I leave the fight against food fraud on good stead, convinced that it can only continue to develop for the benefit of EU customers. These last four years have shown how in working together and uniting in a common cause, we can collectively achieve great things for the benefit of our European citizens.



Philippe Loopuyt
Head of Unit G5 – Alerts, Traceability and Committees
DG Health and Food Safety

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INTRODUCTION

This annual report presents the EU Food Fraud Network activities in 2019. The report highlights examples of EU coordinated cases as well as statistics for requests for cooperation and voluntary exchange of information on suspected cases food fraud through the Administrative Assistance and Cooperation System (the AAC-FF System).

It is worth noting that in December 2019, the new Regulation on Official Controls¹ (OCR) entered into force, replacing Regulation 882/2004. As one of the legal acts foreseen by the OCR, the Integrated Management System for Official Controls (IMSOC) Regulation² was also adopted. The new OCR updates agri-food chain controls, improves the protection of customers against fraudulent practices and clarifies what suspicion of food fraud means.

What is food fraud?

Fraudulent activities are characterised by their intentional nature, including the aim to make an economic gain, in violation of legal rules and at the expense of the immediate customer or the final customer. These intentional fraudulent activities that breach EU agri-food chain legislation may also constitute a risk to human, animal or plant health, to animal welfare or to the environment. Four key criteria are referred to when establishing if a case should be considered as fraud or as non-compliance: (i) violation of EU rules, (ii) customer deception, (iii) economic gain, (iv) intention.



Figure 1 - Food Fraud criteria

These four criteria correspond to the current rules for Member States to report frauds:

1. Violation of EU rules: this criterion entails a violation of one or more rules codified in the EU agri-food chain legislation as referred to in Article 1(2) of Regulation (EU) 2017/625.
2. Customer deception: this criterion entails deceiving consumer/customer (for example by altering the colouring or the labelling of a product, which hides its true quality). The deceptive element may also pose a public health risk as some of the properties of the product are hidden (for example, undeclared allergens).
3. Economic gain: this criterion brings some form of direct or indirect economic advantage for the perpetrator.

4. Intention: this criterion is based on elements that give strong grounds to believe that the non-compliances are not coincidental. For example, substituting high quality ingredients with lower quality ingredients, which often implies fraudulent intent.

The ability to recognise fraudulent activity presents a challenge, not only due to the various forms it can take, but also owing to the need to distinguish deliberate acts from accidental or unintentional ones, which could equally affect food safety or food quality. A more extreme aspect, that has implications for security, is the intentional adulteration ideologically motivated to harm through bio-terrorism.

¹ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, (Official Controls Regulation). OJ L 95, 7.4.2017, p. 1
² Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (the IMSOC Regulation). OJ L 261, 14.10.2019, p. 37

THE EU FOOD FRAUD NETWORK

Created in 2013, the EU Food Fraud Network (EU FFN) is composed of competent authorities designated by each EU Member State (as well as Switzerland, Norway and Iceland) and Europol, steered and managed by the Commission's Directorate-General for Health and Food Safety (DG SANTE). These designated liaison bodies are required to provide administrative assistance to enable the exchange of information on suspected cross-border violations of EU agri-food chain legislation.

The network works in close consultation with the EC Knowledge Centre for Food Fraud (in the Joint Research Centre), which provides expertise in food science, including research on the authenticity and quality of food supplied in the EU.

The network is also engaged in joint operations with the EU Agency for Law Enforcement Cooperation (Europol) targeting fake and substandard food and beverages and counterfeit pesticides. In 2019, the network was engaged in OPSON VIII Europol targeted action on organic products, coffee and 2,4-Dinitrophenol DNP (a dangerous compound used as a dieting aid).



EU FFN meeting in Brussels 8.04.2019



The number of requests for assistance and cooperation shared between Member States tends to increase over the years, supporting the overall fight against food fraud in the EU and proving the importance of sharing information.

THE AAC-FF SYSTEM

The Administrative Assistance and Cooperation system – Food Fraud, which was created in 2015 and is managed by the Commission, is a dedicated IT tool that provides a platform for members of the EU Food Fraud Network to exchange information on non-compliances and potential intentional violations of the EU agri-food chain legislation.

The number of requests for assistance and cooperation shared between Member States tends to increase over the years, supporting the overall fight against food fraud in the EU and proving the importance of sharing information. However, the requests exchanged through the system does not represent all of the food fraud incidents occurring in the EU. The system serves to exchange information on cross-border non-compliances, but the responsibility for following-up on that information lies with the Member States concerned. It should be noted at this point that not all suspicions of fraud are confirmed as violations. That said this, report does not cover the activities that Member States carry out at national level.

Figure 2 shows the steady increase in the number of requests for administrative assistance concerning suspicion of fraud that were created in the system by the EU FFN members since 2016. Network members generated a total of 292 requests for administrative assistance and cooperation through the system in 2019. Based on data analysis and its own lines of inquiry into the fraud, the Commission created 70 requests in the system, calling on different countries to investigate and follow-up the requests.

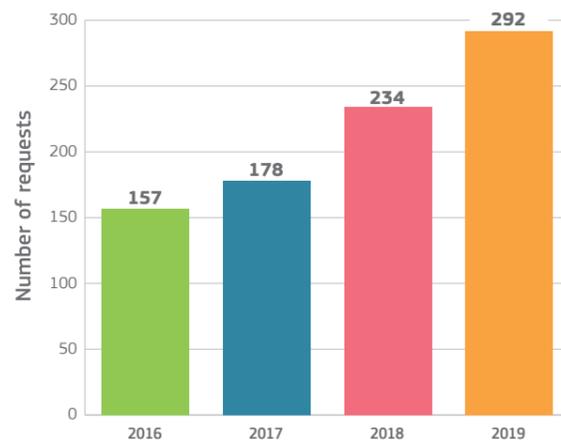


Figure 2 - Food Fraud requests created in the AAC system per year

Figure 2 shows the number of requests created by Member States. As in 2018, Germany created the highest number of requests (76), followed by France (38), and Belgium (26). Additionally, the Commission created 70 requests and Norway created one.

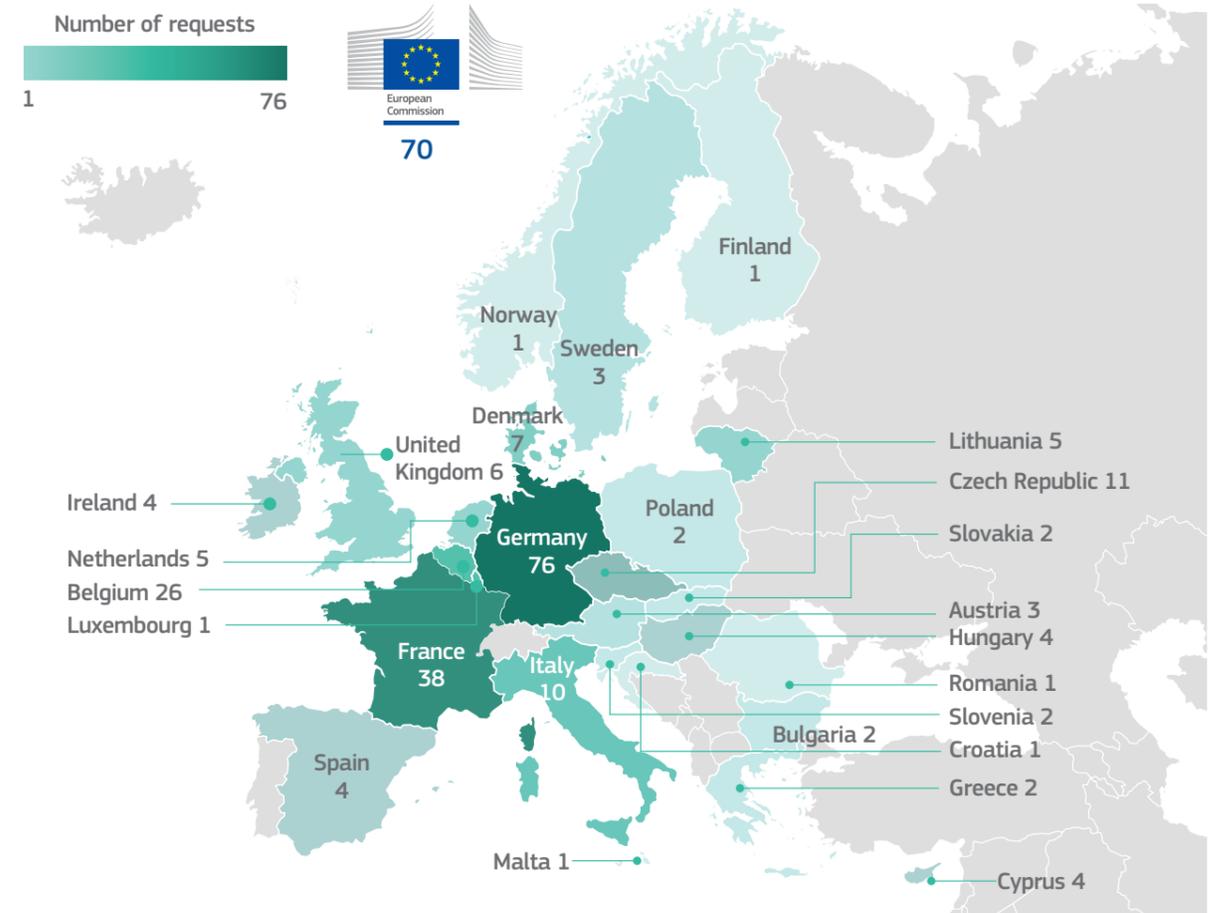


Figure 3 - Number of requests created in 2019 per country

Based on data analysis and its own lines of inquiry into the fraud, in 2019, the Commission created 70 requests in the system, calling on different countries to investigate and follow-up the requests.



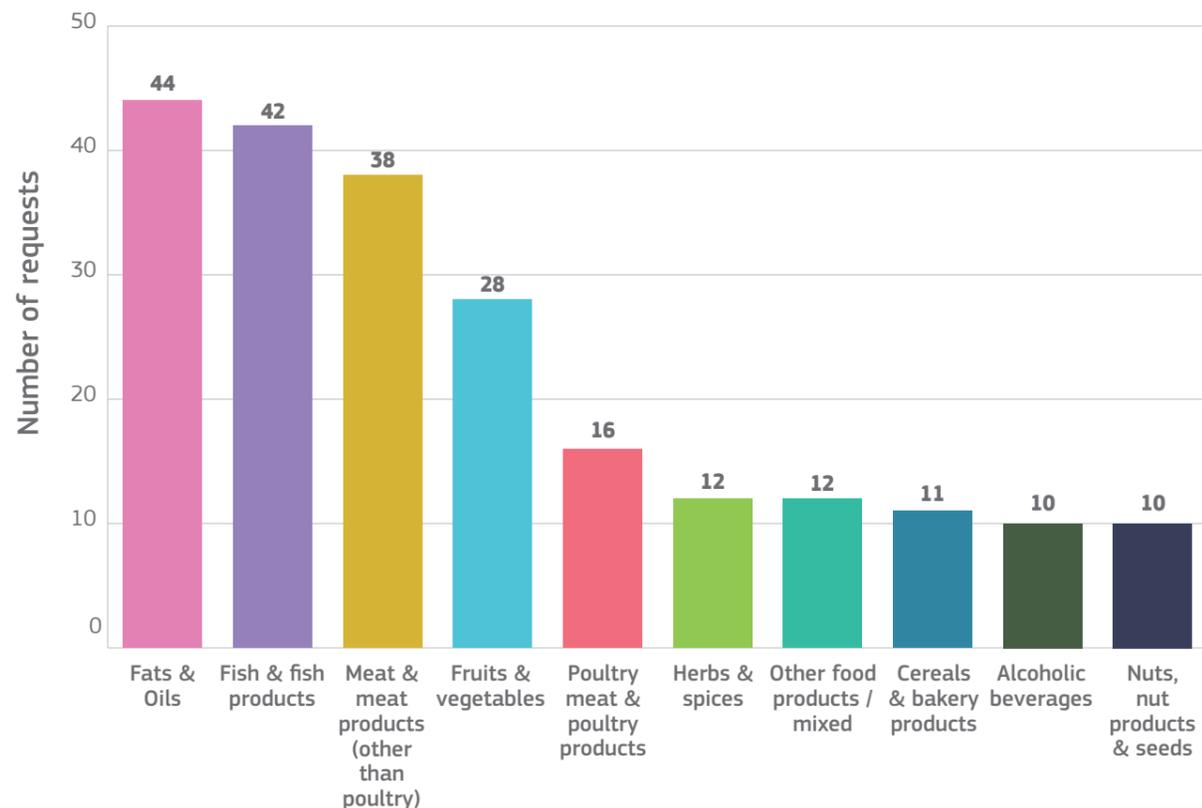


Figure 4 - The top 10 product categories in the AAC-FF in 2019

When it comes to product categories, changes were observed among the top 10 previously notified in the system product categories compared to 2018. 'Fats and oils' were the subject of 29 requests for cooperation in 2018. This represents the third-most notified group after 'fish' (45) and 'meat products' (41), while in 2019 'fats and oils' became the most notified category (44) placing 'olive oil' as the most notified product in the system. Compared to 2018, 'dietetic foods and food supplements', 'animal by-products' and 'honey and royal jelly' were outranked by 'poultry meat', 'cereals and bakery products' and 'nuts and nut products' and placed in the top 10 product categories notified by the network in the system.

The AAC-FF system groups suspected violations into five main categories of non-compliances, which are: (i) documents, (ii) unapproved treatment and/or process, (iii) replacement/dilution/addition/removal in product, (iv) mislabelling and (v) intellectual property rights infringement. These five main categories are divided into sub-categories where more details can be provided. Most requests in the system indicate more than one type of notified non-compliance per request. For example, intentionally diluting the product with water

is also a mislabelling issue (as the composition, quantity or weight on the label would not reflect the actual product). To illustrate this, the overall number of violations in 2019 for 292 requests was 431. The most common non-compliance was 'mislabelling' which accounted for 47.3% of the total of violations reported in the system.

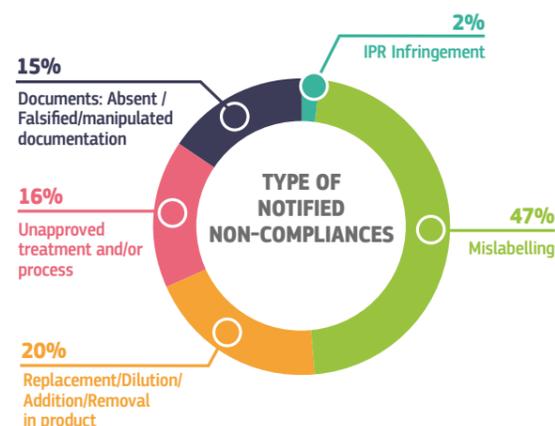


Figure 5 - Type of notified non-compliances in the system in 2019

Mislabelling

Products that contain misleading information on the label are notified under this non-compliance category. For example, there are many requests for products that were deceitfully labelled, as 'organic' but, due to pesticide residues detected, could not be considered as such. The misleading labelling often leads to other issues as a direct consequence. For example, adding lampante oil to a product declared as extra virgin olive oil is a problem of adulteration as well as misleading labelling of the product contents.

Replacement / dilution / addition / removal

The non-compliance category regarding 'replacement / dilution / addition / removal', is often linked to a product's species being substituted for a different one. Meat products are a well-known example, where beef is being substituted for the cheaper alternative of pork or horsemeat. Another example of notified replacement applies also to the plants and vegetables sector, where significant amounts of olive leaves are put in oregano, or Basmati rice, which is mixed with other cheaper types of rice.

Unapproved treatment and/or process

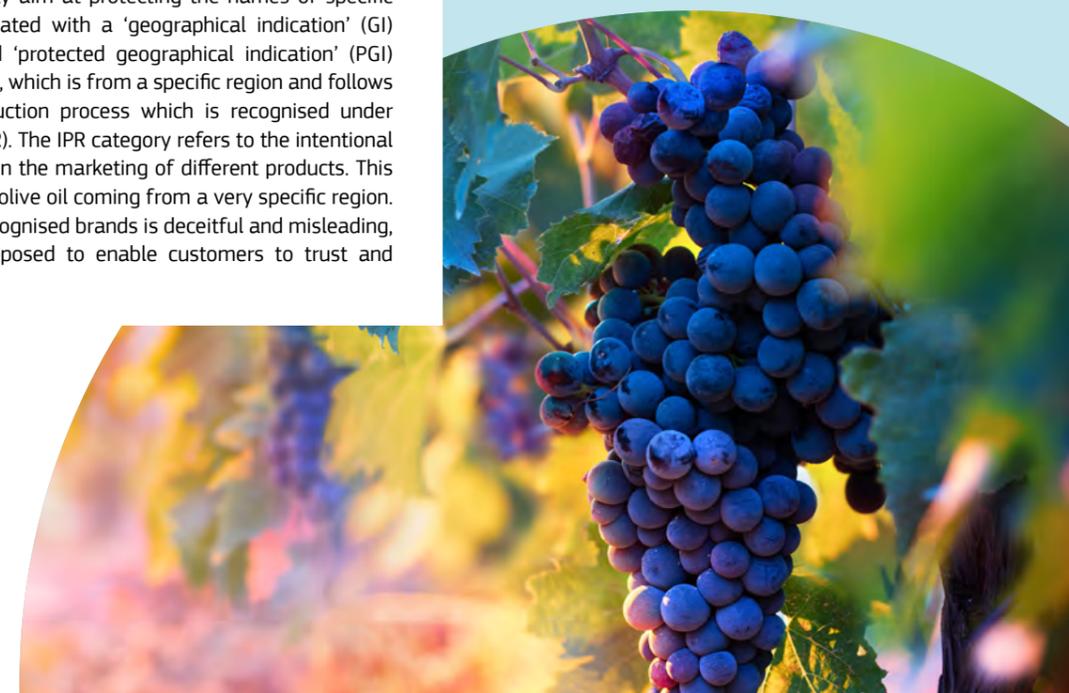
The 'unapproved treatment and/or process' includes any treatment and/or process which is prohibited under EU law. Such practices deceive customers and allow operators to gain financially. Examples of requests made in 2019 concerned unapproved treatment of fruits and vegetables with pesticides (unauthorised chemical treatment) or tuna with nitrite or carbon monoxide, which are used to enhance the colour of the product in order to lead the customer into believing that it is of better quality.

Documents

These types of non-compliances are linked to falsified documentation, which include the absence or forgery of documents and often leads to concerns over traceability issues. Requests from 2019 regarding falsified documentation were mainly related to meat and fish products. For example, Member States notified a recurrent problem regarding consignments of meat from animals with tampered passports and forged electronic chips, delivered either without the required documentation or with falsified records.

IPR - Intellectual property rights

The EU's rules on food quality aim at protecting the names of specific products that can be designated with a 'geographical indication' (GI) mark. The marks 'PDO' and 'protected geographical indication' (PGI) protect the name of a product, which is from a specific region and follows a particular traditional production process which is recognised under intellectual property rules (IPR). The IPR category refers to the intentional misuse of a protected name in the marketing of different products. This is often the case for wines or olive oil coming from a very specific region. The fraudulent use of well-recognised brands is deceitful and misleading, as the GI recognition is supposed to enable customers to trust and distinguish quality products.



EXAMPLE OF A REQUEST ON THE ADULTERATION OF SAFFRON

Saffron is an expensive spice derived from the dried stigmas of the *Crocus sativus* L. flower. Due to its flavouring and medicinal properties, saffron has become an attractive product for the food and pharmaceutical industries. Global demand for saffron is high leading to a high market value, which often results in its adulteration with cheaper materials.

In September 2018, the UK sent a request and informed Spain about possible saffron adulteration. The product, which was of Spanish origin, had been imported into the UK and raised suspicions during an official control. Following sampling, the results confirmed that the product was a mixture of saffron fibres with other stamen fibres, not listed as a food product.



A total of 87kg of saffron were seized with an estimated market value of EUR 783,000.

Based on the information provided by the UK, at the beginning of 2019, the Spanish Guardia Civil – Seprona launched ‘Operation Sativus’, opening a criminal investigation. As a result, a total of 87kg of saffron were seized with an estimated market value of EUR 783,000. Two Spanish citizens were charged with having committed a crime against public health and food fraud.

During the police operation, an unauthorised laboratory was discovered near the premises of the Spanish company that prepared the spice mixture and supplied the saffron. 23kg of adulterated saffron undergoing the drying process was found as well as various additives usually used for mixing. At the same time, an inspection at the registered office of the Spanish company was carried out, where batches of adulterated goods weighing a total of 64 kg were seized.

High market value of Saffron often results in its adulteration with cheaper materials.



EXAMPLE OF AN EU COORDINATED CASE ON ILLEGAL TRADE OF EUROPEAN EEL

Europe is experiencing an increase in illegal fishing and smuggling of glass eels (baby eels) to Asia. Because of climate change, pollution and overfishing, local eel stocks are insufficient to cover market demand in Asia. Imported European eels are bred in aquaculture establishments, mainly in China, processed into fillets and used to prepare traditional dishes or are sent back to the EU (or other countries) as processed food, but declared as another (non-CITES listed) species, e.g. American eel.

European eel (*Anguilla anguilla*) is listed in Appendix II of the Convention on International Trade in Endangered Species of

Wild Fauna and Flora (CITES) and cannot be fished or sold without holding a permit. Since these measures have been unsuccessful in protecting eels, the EU decided to impose a ban on their export. Despite that, criminal networks illegally transport tonnes of eels, putting the survival of the species at risk and classifying this act as a serious environmental crime.

The economic value along the illegal supply chain starts with illegal 'catchers' in Europe being paid from EUR 300/kg for live glass eels. Then smugglers who transport eels from Europe to China receive EUR 1,000/kg. At the end of the illegal supply chain, a kilogram of glass eels in Asia is worth approximately EUR 6,000.

When baby eels reach maturity, they are processed into fillets. Then, the potential worth of processed food products deriving from one kilo of baby eels equals approximately EUR 25,000. Considering that per year 100 tonnes of eels are estimated to be smuggled to China, the illegal trade in European eel is a highly lucrative business³.

The complex nature of this crime requires close international police cooperation through joint investigations. The Commission launched an EU coordinated case on illegal

trade in eels and provided the EU FFN and Europol with key data and analysis to support the joint investigation. In 2019 only, six new food fraud requests concerning the detection of European eel in food products were sent through the system involving 19 Member States.

³ <https://www.europol.europa.eu/newsroom/news/glass-eel-traffickers-earned-more-eur-37-million-illegalexports-to-asia>



* Simplified estimation based on enforcement and scientific information.

** Based on Europol data.

OPERATION OPSON – COOPERATION WITH EUROPOL

The EU Food Fraud Network is also engaged in Operation OPSON – a joint Europol/Interpol initiative targeting trafficking in fake and substandard food and beverages, which is coordinated by Europol’s Intellectual Property Crime Coordinated Coalition and Interpol.

Under Operation OPSON VIII, which ran between December 2018 and April 2019, the Commission with the network prepared coordinated actions to fight fraud by managing communication, carrying out intelligence analyses as well as providing expertise and data from Commission databases needed to carry out the investigation. The investigative role of the network is essential in providing information and expertise to Europol’s police network.

During Operation OPSON VIII, three specific targeted actions were carried out: (i) fraud on organic products led by Commission, (ii) sale of 2,4-Dinitrophenol (DNP) led by the UK and (iii) substitution of pure Arabica coffee led by Germany⁴.

TARGETED ACTION ON ORGANIC PRODUCTS

In 2019, as part of Operation OPSON VIII, the Commission led a targeted action on products that do not meet EU standards and that falsely claim to be organic.

The aim of this targeted action was to protect customer trust in the EU organic logo and to combat fraudsters and organised crime that are increasingly engaged on illegal activities in the food sector, while strengthening cooperation by adopting a multi-agency approach (Commission, the network, customs authorities, food experts and police bodies)⁵.

The targeted action was based on a risk analysis focused on commodities, origins, quantities and operators. The scope of the investigation targeted fake certificates and control bodies (which are responsible for the certification process), traceability, food and feed in bulk (mostly imported from outside the EU) and destined for redistribution under the EU organic label. The strategic objectives of Operation OPSON VIII were: (i) preventing trafficking of fraudulent organic food, (ii) raising awareness of the threats and regulations linked to organic production, (iii) identifying new threats, (iv) raising awareness among customers, operators and national administrations, and (v) identifying areas for improvement including amending legislation.

A total of 16 Member States volunteered to participate in the action: Austria, Belgium, Bulgaria, Cyprus, Spain, Finland, France, Croatia, Ireland, Italy, Lithuania, Portugal, Sweden, Slovenia, Slovakia and the United Kingdom. A further six Member States joined during course of action: Germany, Greece, Hungary, Poland, Romania and the Netherlands. In addition, 18 non-EU countries were involved through cooperation with Europol/Interpol: Argentina, Colombia, China, Costa Rica, Canada, United Arab Emirates, Ecuador, Egypt, India, Kazakhstan, Moldova, Russia, Serbia, Togo, Tunisia, Turkey, the United States and South Africa.

During the operational phase of Operation OPSON VIII, the Commission launched 63 requests to involve the EU Food Fraud Network contact points, covering more than 90,000 tonnes of suspicious organic products. The outcome of the investigations resulted in 12 criminal investigations, 2 Commercial Court cases, 2 financial investigations, 20 administrative procedures and 2 organised crime gangs have been put out of business. Despite this successful outcome, 58 requests are still under investigation and more results are expected. The Commission, based on data analysis and its own lines of inquiry into the fraud, also prepares the mapping of the complex and important fraudulent schemes to facilitate cooperation between involved countries.

A total of 24 tonnes of products were seized and 162 tonnes were downgraded to a conventional status. To date, 19 criminal investigations and 105 administrative procedures have been launched, leading to the investigation or arrest of 20 individuals.

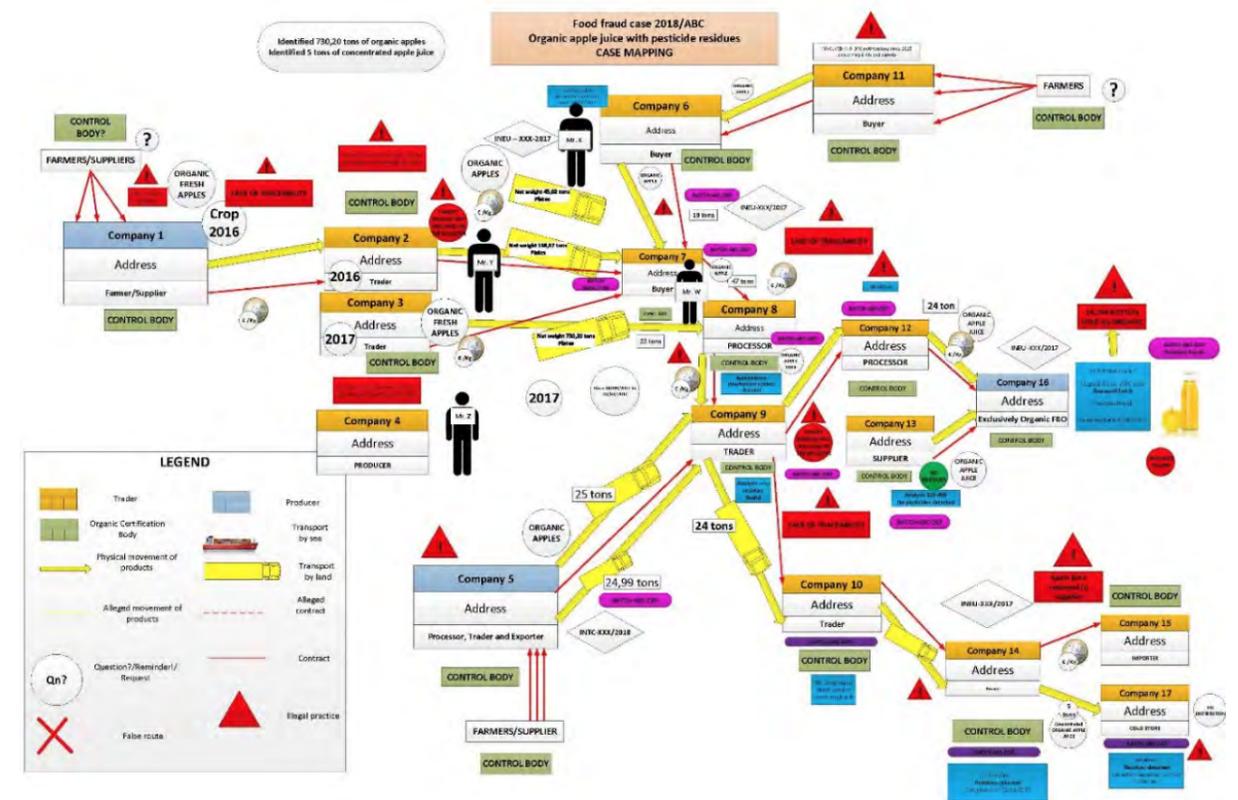


Figure 8 - Example of fraudulent scheme mapping prepared by the Commission to facilitate cooperation between countries.

The Commission through Europol/Interpol requested the cooperation of several non-EU countries that were suspected of being the source of the fake organic produce. Information regarding the cases was sent to the authorities for investigation and to trace back the produce to the farmer. Eurojust also

helped reveal fake organic food fraud by facilitating swiftly exchange data and evidence, and ensured the successful outcome of the simultaneous operation. Unfortunately, there was a lack of cooperation in some other cases where no reply was received from non-EU countries.

⁴ <https://www.europol.europa.eu/newsroom/news/over-90-million-worth-of-fake-food-and-drinks-seized-in-latest-europol-interpol-operation>

⁵ https://ec.europa.eu/food/sites/food/files/safety/docs/food-fraud_succ-coop_2019_org-prods_qandas.pdf

Eurojust helps reveal fake organic food fraud

The Hague, 1 July 2019

In close cooperation with Eurojust, Italian and Serbian national authorities unraveled a transnational large-scale fraud in the production and trade of allegedly organic food and beverages from rotten apples. In a successful joint action, coordinated by Eurojust, 9 suspects of an organised crime group (OCG) were arrested. Illegal assets worth €6 million as well as 1,411 tonnes of adulterated product with an estimated value of almost €5 million were seized. 6 companies involved in the criminal activities were searched in the countries concerned.



In addition, there were various national actions in the EU, which together uncovered more than 775 tonnes of counterfeit or substandard organic food, feed, oils and beverages. A total of 24 tonnes of products were seized and 162 tonnes were downgraded to a conventional status. These figures were the result of more than 2,200 checks carried out at shops, markets, airports, seaports and industrial estates. To date, 19 criminal

investigations and 105 administrative procedures have been launched, leading to the investigation or arrest of 20 individuals.

Investigations in this sector will continue as there are still on-going cases, involving also non- EU countries and more results are expected. Further actions are to be decided based on the Commission's follow-up of these cases⁶.



The illicit practices uncovered include the use of unauthorized substances, the diversion of conventionally produced food to the organic market and the use of falsified documents to blur the traceability of the products. Source: Europol.

⁶ Presentation: https://ec.europa.eu/food/sites/food/files/safety/docs/food-fraudreports_20191125_pres01.pdf

TARGETED ACTION ON DNP

2,4-Dinitrophenol or DNP is an industrial chemical used for various purposes (pesticide, explosive). However, due to its association with rapid weight loss, it is also taken as a diet supplement, particularly in the body building community. Since DNP might be fatal for humans, it is illegal to trade it as a weight loss product. This dangerous substance is mainly sold online.

Action led by the UK involving 10 European countries was vital in tackling the sale of 2,4- Dinitrophenol DNP. It is estimated that thanks to the 23 seizures, more than 50,000 DNP capsules were prevented from entering the EU market. As mentioned, a major aspect of this action was to tackle online sales. Thanks to the online research carried out during the action, over 75 online sales offerings were taken down.

Because of the danger DNP poses to human health, it is notified in RASFF (the Rapid Alert System for Food and Feed). Before 2018, the product was reported in RASFF only four times. In 2019 there was a surge in the number of notifications involving DNP, where 109 cases were created in RASFF, 41 in 2018 and 67 in 2019. The United Kingdom triggered 106 of these notifications, while Cyprus triggered the remaining three. The main countries of origin cited were China (22.9%), the United States (14.7%), and Turkey (13.7%). However, in most cases it is difficult to identify the origin of the product, since 29 notifications reported the origin as 'unknown'.

More people are dying taking DNP

Don't believe the myths
- no dose is safe

Many people may be unaware of the dangers of using DNP. Source: Public Health England.

TARGETED ACTION ON COFFEE

The third targeted action during Operation OPSON VIII focused on possible fraudulent practices in the coffee sector, including the substitution pure Arabica coffee with cheaper Robusta beans. A total of 14 European countries participated in the action which was led by the German Federal Office of Customer Protection and Food Safety (BVL). In total, more than 400 coffee samples were analysed of which 10 samples showed

a result of this targeted action, a case was opened for investigation by the Food Fraud Network. Certain samples were also analysed through a cooperation between laboratories to declare geographical origin. This was the first time in the history of Operation OPSON that such laboratory cooperation was carried out. The results of the geographical origin analysis have been evaluated under the Operation OPSON VIII follow-up and will be used to further refine the method to test the authenticity of a coffee.

Arabica



Robusta



⁷ About the action: https://www.bvl.bund.de/DE/Arbeitsbereiche/01_Lebensmittel/03_Verbraucher/16_Food_Fraud/06_OPSON_Operationen/OpsonVIII/OPSON_Operationen_node.html

CONCLUSIONS

Ensuring customer protection in today's global agri-food chain supply is more complex than ever, hence the need to further develop an efficient response mechanism to prevent and fight against food fraud practices. Considering that the number of fraudulent practices detected is on the rise, often involving several countries at the same time and through more sophisticated means, it becomes obvious that single Member State cannot effectively act alone.

Therefore, a proficient exchange of information, in particular with food business operators, media and whistleblowers is an essential element in effective investigation and strategic assessment of fraud occurrence. The steady increase in the number of requests for administrative assistance within the Food Fraud Network proves that over years, cooperation in Europe has strengthened. Many investigations have ended successfully, with arrests and confiscation of goods not allowed on the EU market.

Furthermore, the whole process should be facilitated thanks to the new Official Controls Regulation (OCR), which covers the whole agri-food chain and provides a comprehensive toolbox for fighting fraud. The new regulation sets the obligation for Member States to report all agri-food fraud suspicions of cross-border nature through the AAC-FF system and extends the scope of these notifications to all areas covered by the OCR (e.g. animal or plant health, animal welfare, certain environmental aspects), thus ensuring the system's capability to swiftly detect and counter potential fraudulent activities.

The successful results achieved so far act as a positive reminder that Member States cooperation is fundamental to ensure an adequate level of detection and elimination of criminal activities to protect European customers and to ensure a fair EU market for businesses. Maintaining this positive trend while further strengthening administrative cross border cooperation will be essential to fight food fraud in the years to come. The European Commission will as well sustain its efforts in fostering dialogue with non-EU countries in the fight against food fraud outside of EU borders, which is of strategic importance.



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