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MEMO

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Horsemeat: one year after -> actions announced and delivered!

About a year ago, the horsemeat scandal made headline news across Europe and further afield. The story that horsemeat was being passed off as beef, exposed the complex nature of our globalised food supply chain. The evidence gathered did not point to a food safety or public health issue, but rather to an issue of fraudulent labelling. It demonstrated that fraudsters were taking advantage of weaknesses in the system to the detriment of both legitimate businesses and consumers. Europe's food processing industry faced a crisis of consumer confidence and trust in the industry hit an all-time low. The European Commission, together with EU Member States competent authorities have been working closely to get to the bottom of how horsemeat was found to be in food products labelled as 100% beef.

1) How did the Commission react to the scandal?

As an initial response European Commissioner for Health Tonio Borg announced, at the beginning of March 2013, a five-point action plan which provided a list of actions to be carried out over the short, medium and longer term (see below). The purpose was to address the shortcomings identified in the wake of the scandal in Europe's food supply chain, whether in the set of rules applicable to the different segments of the chain or in the control system through which those rules are enforced.

2) What has been achieved one year on?

Issues identified	Envisaged actions	Status
1. Food fraud	To map existing tools and mechanisms to fight food fraud, with a view of developing synergies and contacts amongst competent authorities.	DONE
	To promote the involvement of Europol in food fraud investigations where and as appropriate.	DONE
	To ensure a procedure for the rapid exchange of information and alerts in cases of violations which may constitute a fraud (similar to what the RASFF does for serious risks).	ON-GOING

Issues identified	Envisaged actions	Status
2. Testing programme	To assess and present the results of the ongoing DNA monitoring and, if necessary, undertake appropriate follow-up measures.	DONE
	To assess and present the results of the ongoing monitoring of horsemeat for residues of phenylbutazone and, if necessary, undertake appropriate follow-up measures.	DONE
	Following the delivery by EFSA and EMA by 15 April 2013 of a joint statement on the risks related to the presence of phenylbutazone in meat, to consider appropriate follow-up measures	DONE
3. Horse passport	<p>Member States to report on the measures through which they enforce Union rules on horse passports (Commission Regulation 504/2008) in relation to:</p> <ul style="list-style-type: none"> • the rules on the identification of horses and the measures taken to prevent that meat from unidentified horses enters the food chain, in particular by verifying how the passport of treated horses is completed following administration of phenylbutazone; • the obligation to regularly perform official controls and to increase the level of controls where there are indications of possible non-compliances (as in the present case); 	DONE
	To present a draft to the Standing Committee on the Food Chain and Animal Health (SCoFAH) to amend Commission Regulation 504/2008 in order to make mandatory the recording of horse passports in a central national database, based on Animal health and Zootechnical legislation.	DONE
	To transfer the issuing of horse passports entirely to the competent authorities and thereby reduce the number of passport issuing bodies in the forthcoming proposal on Zootechnics.	CONSIDERED IN THE ANIMAL HEALTH LAW AND THE REVIEW OF THE ZOOTECHNIC LEGISLATION

Issues identified	Envisaged actions	Status
4. Official Controls, implementation and penalties	<p>To propose in the forthcoming review of the Official controls Regulation (Regulation 882/2004) requirements so that:</p> <p>a. where financial penalties are used in relation to intentional violations of food chain law, they are at a level which is sufficiently dissuasive and higher than the economic gain expected from the fraud;</p> <p>b. Member States include in their control plans and perform regularly mandatory unannounced official controls (including inspections and testing) directed at combating food fraud;</p> <p>c. the Commission can impose (not only recommend) coordinated testing programmes in specific cases, in particular in case of fraud.</p>	DONE
	<p>To prepare an overview report on horse meat hygiene by the Commission Food and Veterinary Office (FVO).</p>	DONE
5. Origin labelling	<p>To adopt a Commission report on the possibility to extend mandatory origin labelling of all types of meat used as ingredient in foods.</p> <p>To proceed, based on this report, to any necessary follow up action.</p>	DONE
	<p>To adopt implementing rules on the mandatory origin labelling of unprocessed meat of sheep, goat, pig and poultry, based on the Regulation on food information to consumers.</p>	DONE
	<p>To adopt implementing rules to prevent misleading use of voluntary origin labelling in foods, based on the Regulation on Food information to consumers.</p>	ON-GOING

Issues identified	Envisaged actions	Status
	<p>To adopt Commission reports, based on the Regulation on Food information to consumers, on the possibility to extend mandatory origin labelling to:</p> <ul style="list-style-type: none"> • other unprocessed meats not already covered by mandatory origin labelling rules, such as horse, rabbit, game meat etc.; • milk; • milk as an ingredient in dairy products; • single ingredient foods; • unprocessed foods; • ingredients that represent more than 50% of a food. 	<p>ON-GOING (Final report by December 2014 according to the legislation)</p>

3) What were the main lessons-learned?

Several lessons have been drawn from the horse meat fraud. The most important is probably that large scale, cross-border fraudulent schemes that take advantage of the weaknesses of an increasingly globalised food supply can impact hugely on consumers and operators, on thus on the economy. Constant vigilance from operators and competent authorities from the Member States towards economically motivated fraud, that can be perpetrated at any step of the food supply chain, is therefore needed.

The horsemeat crisis has also confirmed the need to improve cross-border cooperation among national enforcement authorities, essential to effectively tackle fraudulent activities, and the need to mobilise in anti-food fraud activities not only food inspection services but also other law enforcement agencies (e.g. police, customs) and judicial authorities.

Finally, last year's situation has provided further evidence of the need to strengthen the capability of the control system as a whole to assess at an early stage the potential vulnerability to fraud of the different parts of the food supply chain (based on the characteristic of the foods, the production processes, the modalities of the various steps along the food supply chain, prices, and their variations over time), and the capability of national enforcers to detect – and prevent - potential frauds. Of crucial importance is of course in this context the availability of sound methods for the detection of adulterations and the capability to anticipate as far as possible the "opportunities" for fraud along the chain (e.g. the availability and access to adulterants that can be readily disguised and undetected by currently accepted testing methods).

4) Beyond the handling of the horsemeat case: what has the Commission done?

- Different initiatives have been undertaken to address issues exposed by the horsemeat scandal specifically and to enhance the EU control system as a whole for detecting and countering violations of the rules which are motivated by the prospect of a financial or economic benefit for the perpetrators.
- Actions taken so far include:
 - the creation of an EU Food Fraud Network comprising of representatives from the Commission and Member States (plus Iceland, Norway and Switzerland), which has discussed means and ways to strengthen coordination of a EU wide approach to fraud issues, and which is able to handle in a more efficient manner cross border cases;
 - the development (work still on-going) of a dedicated IT tool, similar to the RASFF (Rapid Alert System for Feed and Food), which enables the members of the network to rapidly exchange information and data on potential cases of cross-border fraud;
 - specialised training offered from 2014 to food inspectors, police and customs officers and judicial authorities concerning new investigation/control techniques related to food fraud and more effective cross-agencies cooperation at national level;
 - special attention being given at EU level to the need to develop enhanced laboratory analysis capabilities, through the pooling of knowledge and resources available in the Member States and the development of specialized research programmes;
 - a legislative proposal to review the legal framework applicable to official controls along the agri-food chain, and a study planned in 2014 on the legal framework that currently governs the fight against fraudulent and deceptive practices;
 - a better coordination at EU level of all services dealing with matters relating to food fraud, and the establishment of a dedicated team within the Commission (Directorate-General for Health and Consumers).

5) What is the "EU Food Fraud Network" and what is its purpose?

Created in July 2013 following the horsemeat scandal, the EU Food Fraud Network (FFN) comprises of the 28 national food fraud contact points plus the non-EU Member States Iceland, Norway, Switzerland and Europol, and the Commission (Directorate-General for Health and Consumers). The national contact points are the authorities designated by each EU Member States for the purposes of ensuring cross-border administrative assistance and cooperation, where action is required in more than one Member State, on matters that relate to economically motivated violations of food law requirements.

The FFN allows swift and efficient cooperation in cases of cross border violations of the legislation. It has already started handling potential food fraud cases and also serves as a forum for discussion on the coordination and prioritisation of action at EU level on food fraud matters. The FFN meets on a regular basis: it has met twice in 2013 and the next meeting is planned for the second quarter 2014.

Aside from these formal meetings the national contact points of the FFN and the Commission are in permanent contact. They exchange information in cases where the results of official controls in a Member State indicate that a possible violation of food law requirements motivated by the prospect of economic or financial gain might be taking place. The Commission is currently working on the development of a dedicated IT tool, similar to the RASFF, for easier and more efficient management of the system.

6) Does the Commission intend to launch further EU-wide testing programmes?

Further to the coordinated control plan on horse meat launched in 2013 (more than 7000 tests aimed at detecting the presence of DNA and phenylbutazone carried out by the Member States in February-March 2013), the Commission is considering the possibility to develop additional plans coordinated at EU level.

These plans represent one of the different strands of action to strengthen the capability of Member States to detect potential frauds and to better identify the scale of fraudulent practices. They will be elaborated on the basis of information received from Member States as well as other sources, and will be discussed in the EU Food Fraud Network.

7) Why has the Commission not proposed to regulate mandatory origin of labelling for meat used as an ingredient?

The Commission wants to be clear that country of origin labelling cannot be considered as the tool to prevent fraudulent practices. The report the Commission published, in December 2013, is on the issue whether to extend mandatory origin labelling to all types of meat used as an ingredient. The report took into account: the need for the consumer to be informed; the feasibility for a mandatory origin indication; analysed the costs and benefits; and assessed the impact of origin labelling on the single market and on international trade. The report is currently under discussion with the European Parliament and EU Member States and depending on the outcome of the discussions, the Commission will consider what, if any, further steps to take.

8) Who is in charge of controlling that our food is safe and wholesome?

Food business operators (processors, distributors and retailers) who have actual control of products and processes on the ground bear the primary responsibility to make sure that strict requirements of EU food legislation are met.

EU Member States are responsible for the proper enforcement of EU rules and are required to have control systems in place, including inspection programmes on business operators, to verify compliance with EU agri-food chain rules. By undertaking national audits, the European Commission's Food and Veterinary Office (FVO) in Grange, Ireland, is responsible for ensuring that Member States and the third countries exporting to the EU meet with their legal obligations.

In the case of activities that are, or appear to be, contrary to feed and food law and that have, or might have, implications in several Member States, or where a solution cannot be found at Member State level, the role of the Commission is to coordinate the action at EU level, for example in the form of an EU-wide coordinated control plan.