

The French fraud controls in the area of organic production

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➤ DGCCRF ?



- General Directorate for Competition Policy, Consumer Affairs and Fraud Control
- DGCCRF belongs to the Ministry of Economy and Finance under the authority of the Secretary of State

Fraud controls in the organic sector

➤ Why Fraud controls ?

Important risk of fraud that is detrimental to the consumer AND the operators.

➤ Why in the organic sector ?

- ✓ Transferable to a large extent to other Quality signs
- ✓ Organic sector : very much at risk of frauds :
 - Rapidly growing demand for organic products
 - Higher prices



Plan

I – The control system in organic food in France

II – Controls and Fraud prevention by the DGCCRF



Part I : the « Control system » in organic production in France

Part I : the « control system »

- Regulation 834/2007 : (art.27,1)

Every member state has to set up a **control system**:

“Member States shall set up a system of controls and designate one or more competent authorities responsible for controls in respect of the obligations established by this Regulation in conformity with Regulation (EC) No 882/2004.”



➔ Art. 28 Reg. 834/2007:

Any operator who produces, prepares, stores, or imports organic products must, prior to placing on the market of any products as organic (or in conversion to organic):

- **notify** his activity to the competent authorities of the Member State where the activity is carried out
- submit his undertaking to the control system (= **certification**)



how does this translate into ...in France

- **Notification** is made to the AGENCE BIO : French Agency for the development and promotion of Organic production
- The operator submits its activity to a Control Body (« CB ») = **certification**
- The CB is authorised by the INAO to operate in the organic sector INAO is the official “control authority”
- Operator chooses its CB. On January 30th : 12 CB or OC (*Organisme certificateur*)



- CONSOMMATEUR
- PRODUCTEUR
- TRANSFORMATEUR
- RESTAURATION COMMERCIALE
- RESTAURATION COLLECTIVE
- DISTRIBUTEUR
- ENSEIGNANT OU ANIMATEUR
- JOURNALISTE

Agence Française pour le Développement de l'Agriculture Biologique





- DECOUVRIR LE BIO
- S'ENGAGER EN BIO**
- FINANCER SON PROJET
- SE FORMER A L'AGRICULTURE BIOLOGIQUE
- TROUVER DES PARTENAIRES
- OUTILS DE COMMUNICATION

S'ENGAGER EN BIO



Choisir un organisme certificateur

Pour commercialiser des produits issus de l'agriculture biologique, tout opérateur (producteur, préparateur, distributeur ou importateur) doit avoir été contrôlé par un organisme certificateur agréé par les pouvoirs publics et disposer des certificats correspondants.

[EN SAVOIR PLUS](#)



12 control bodies

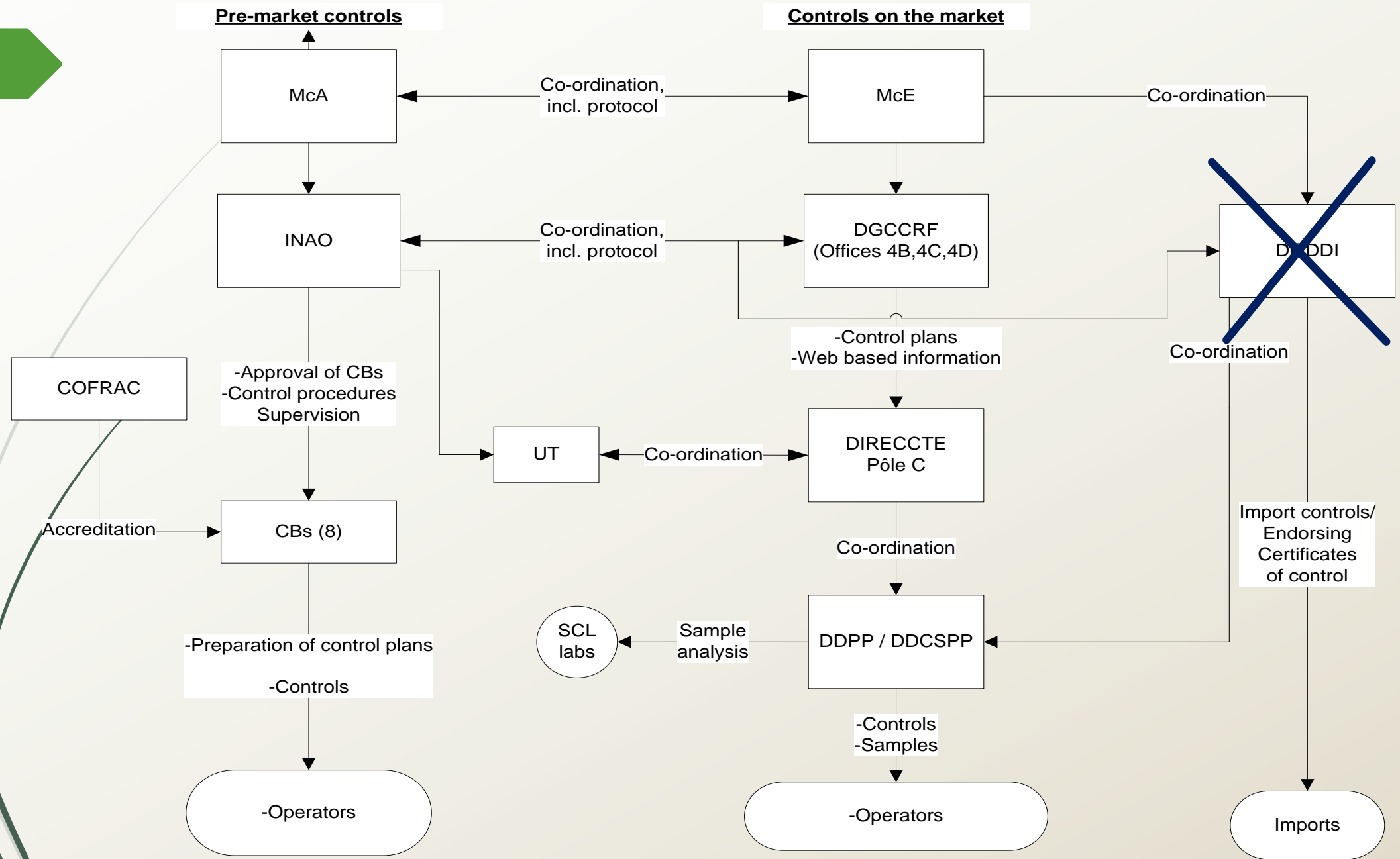
- FR-BIO-01= ECOCERT
- FR-BIO-09 = CERTIPAQ
- FR-BIO-10 = Bureau Veritas + Qualité-France
- FR-BIO-12= Certisud
- FR-BIO- 13 = Certis
- FR-BIO-15 = Bureau Alpes Contrôles
- FR-BIO-16 = QUALISUD
- FR-BIO-17 = BIOTEK Agriculture
- FR-BIO-18 = EUROFINS Certifications
- FR-BIO-19 = Control Union Inspections France
- FR-BIO-20 = Ocacia
- FR-BIO-21 = Afnor certification



Division of competence between authorities

McA	Ministère chargé de l'agriculture
McE	Ministère chargé de l'économie
INAO	L'Institut national de l'origine et de la qualité (INAO)
CB	Organismes certificateurs
COFRAC	Comité français d'accréditation
DGCCRF	Direction générale de la concurrence, de la consommation et de la répression des fraudes
DIRECCTE Pôle C	Direction régionale des entreprises, de la concurrence, de la consommation, du travail et de l'emploi
DDPP/DDCSPP	Direction départementale de la protection des populations/ Direction départementale de la cohésion sociale et de la protection des populations
SCL	Service commun des laboratoires
DGDDI	Direction générale des douanes et droits indirects
UT	Unité Territoriale de l'INAO

Contrôle des produits biologiques





CONTROLS BY THE CONTROL BODIES

Basic principle:

All stages of the product from seed/juvenile/young to marketing must be certified.



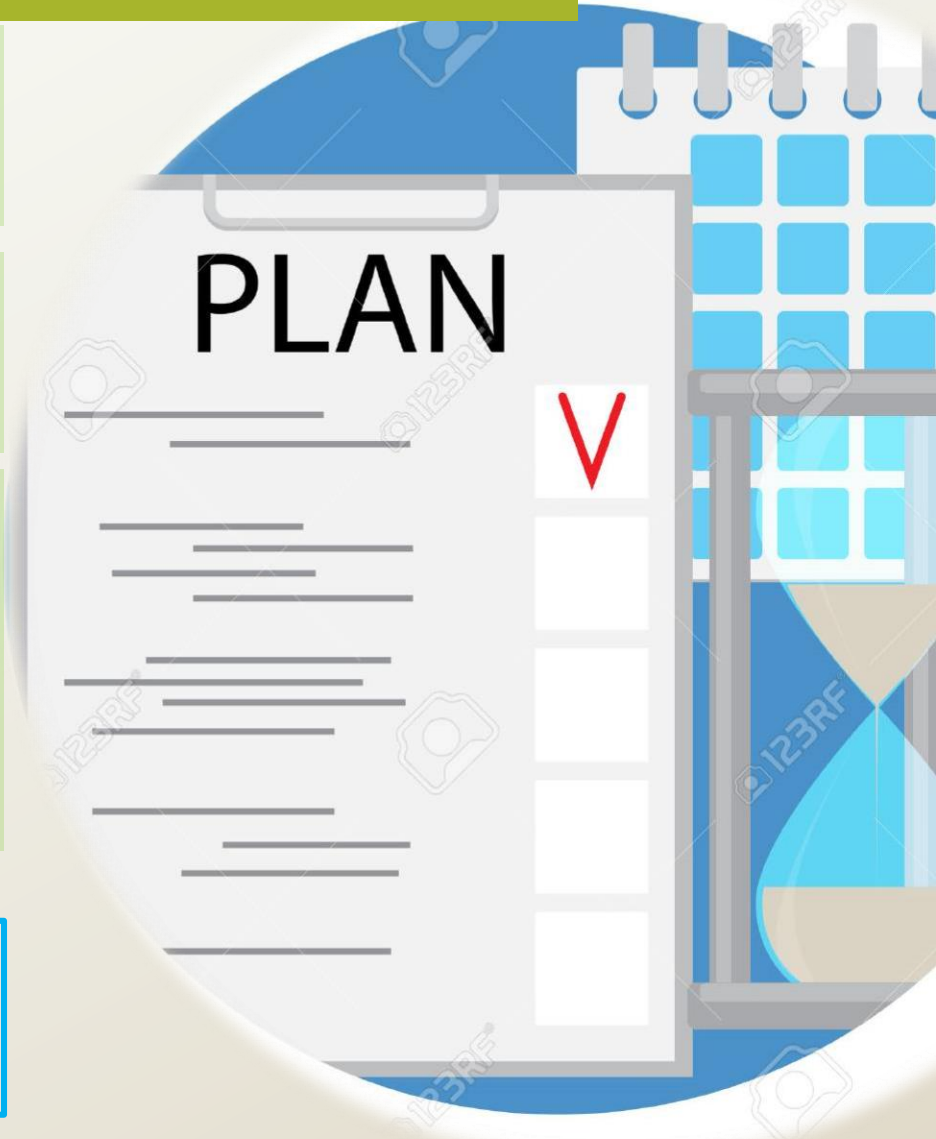
Common guidelines for control plan

Delegation of control tasks
by INAO

Accredited according to
ISO 17065

Control plan = description
containing the **organisation
of control system**,
approved by C.A

e.g. France : common guideline for
harmonization of the control between the
12 CBs in the country



Common grid of infringements

Type of measures

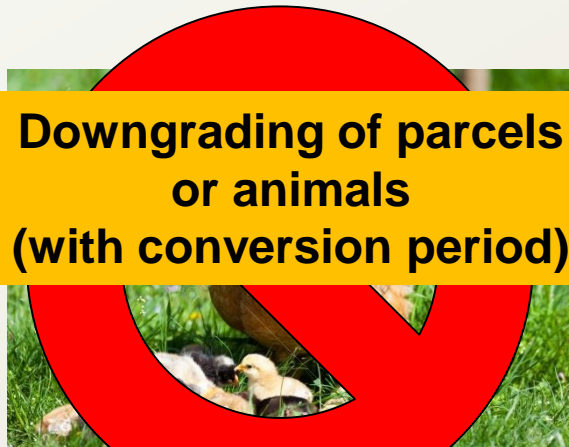
Warning



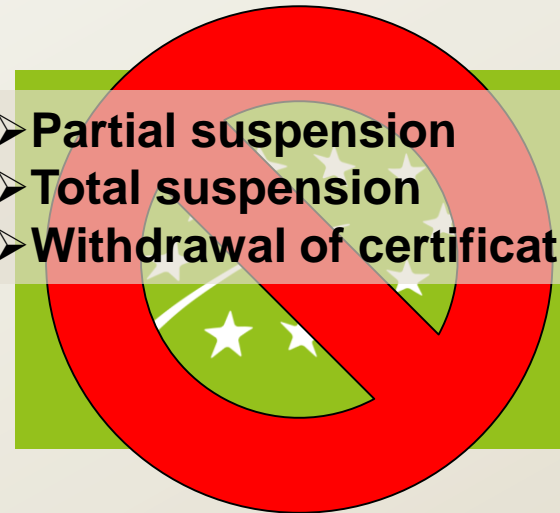
**Lot downgrading
(ponctual)**




**Downgrading of parcels
or animals
(with conversion period)**



- **Partial suspension**
- **Total suspension**
- **Withdrawal of certification**





PART II : Fraud controls by the DGCCRF

content



- Presentation of DGCCRF: who we are, what do we do, general organization with figures
- Fraud control in the OF sector
 - Organic farming market
 - Organization
 - The Annual Control Plan and how controls are made
 - Outcome of controls and figures
 - Cooperation
 - Prevention



Presentation of the DGCCRF

- (DGCCRF not specialized on a sector) Authority in charge of :
 - ❖ Regulation of market competition
 - ❖ Consumer safety
 - ❖ Economic protection of consumers



❖ « Regulation of market economy » mission :

define and ensure compliance with competition rules that favour the development of an open and transparent market :

- Combat cartels and abuses of dominant position in liaison with the Competition Authority
- Prevent and control unfair trading practices between businesses (particularly in trade and industry)



❖ Consumer Safety mission:

Ensure the physical safety of consumers and protect consumer health as a market authority that has European surveillance obligations

- Safety of food products: hygiene and maintenance of a continuous cold chain
- Safety of non-food products: composition, labelling, “CE” marking, verification of product registration and test compliance
- Initial market release audits
- Taking samples for analysis (laboratories)
- Reporting of dangerous products as part of the RASFF and RAPEX procedures



❖ « Economic protection of consumer » mission:

Inform and protect consumers against unfair or unlawful market practices on a daily basis:


- Clear and honest information on products and services: labelling rules (price, ingredients and description), negotiate and control quality schemes regulations
- Fair market practices for consumers: e-commerce, real estate and housing, health and social services, banking and insurance, transport and tourism, environmental claims, metrology
- Price monitoring: monthly online publication of the findings of the Prices and Margins Monitoring Centre



Organisation of the DGCCRF

- Centralized !
 - A central administration in Paris
 - Within the 13 administrative Regions (DIRECCTE) and the 5 overseas departments (DIECCTE)
 - at the departmental level within the 96 inter-ministerial department directorates (DDPP, DDCSPP,...)




- 
- Regional squads: BIEVS (wine and spirits)
 - National scope services:
 - a network of 11 **laboratories** that is common to the DGCCRF and the French customs authority : Marseilles, Bordeaux, Montpellier, Rennes, Paris (...)
 - a **national investigations squad** (Service National d'Enquêtes - SNE-), which includes an Electronic Commerce Surveillance Centre. The focus of the SNE is on organized criminal fraud
 - An IT department
 - Points of Entry for imports of organic products




DGCCRF outside France

- European negotiations => directives and regulations
- Point of contact for European alert networks (RAPEX and RASFF)
- Belongs to the network of European competition authorities (ECN) and the International Competition Authority Network (ICN)
- Administrative Cooperation Committee of Control Authorities for Consumer Protection
- Codex Alimentarius Commission
- International Consumer Protection and Enforcement Network (ICPEN), OECD, ...
- International technical cooperation: agreements with Russia, Ukraine, Maghreb, China, etc

- 
- ~ 3000 officers (31/12/2018)
 - Inspectors and controllers receive a 12 months initial training: theoretical + internship
 - Very wide offer of in-house and lifelong training



Key figures in 2018



➤ Number of inspections	543,000
➤ Number of establishments inspected	111,600
➤ Number of analyses (samples taken by the DGCCRF)	330,000
➤ Claims registered in the barometer	64,607

Follow-up to controls (2018)

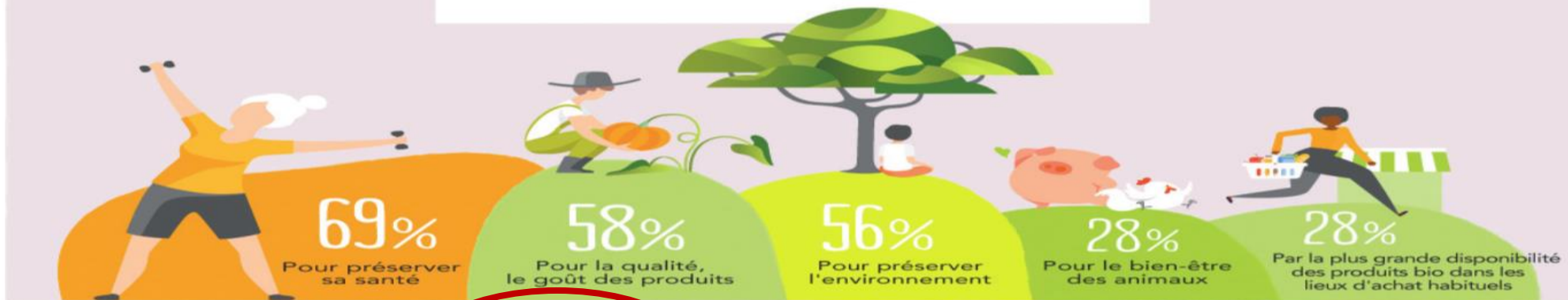


-Breaches and violations	128,568
-Non-punitive warnings	81,227
-Administrative police measures	31,711
-Repression	
➤ Civil and commercial litigation	
✓ proceedings	37
✓ decisions (handing down total fines of €450,000)	22
➤ Criminal litigation	
✓ official records	10,437
✓ settlements	2,630
➤ Administrative sanctions	
✓ official administrative records	5,099
✓ administrative fines	2,950
✓ seizures	82

The organic food market

- Market of 9,7 billion euros end of 2018 (+ 15,7% compared to 2017)
- 4% of the food production
- Represents nearly 5 % of the domestic consumption
- 61 768 operators:
 - 41 623 producers (+13%)
 - 16 651 food processors (+12%)
 - 7114 retailers (+41%)
 - 545 importers (+30%)
- Prices ?

Les principales raisons de consommation de produits biologiques



sur la base d'une consommation de produits biologiques d'au moins une fois par mois

€ 84%
Produits trop cher

? 62%
Doute sur le fait que le produit soit totalement bio

... 37%
Pas le réflexe d'en consommer

✗ 27%
Offre qui ne correspond pas aux besoins

i 23%
Par manque d'information

Les principaux freins à la consommation de produits biologiques


Critères de choix d'achat d'un produit biologique

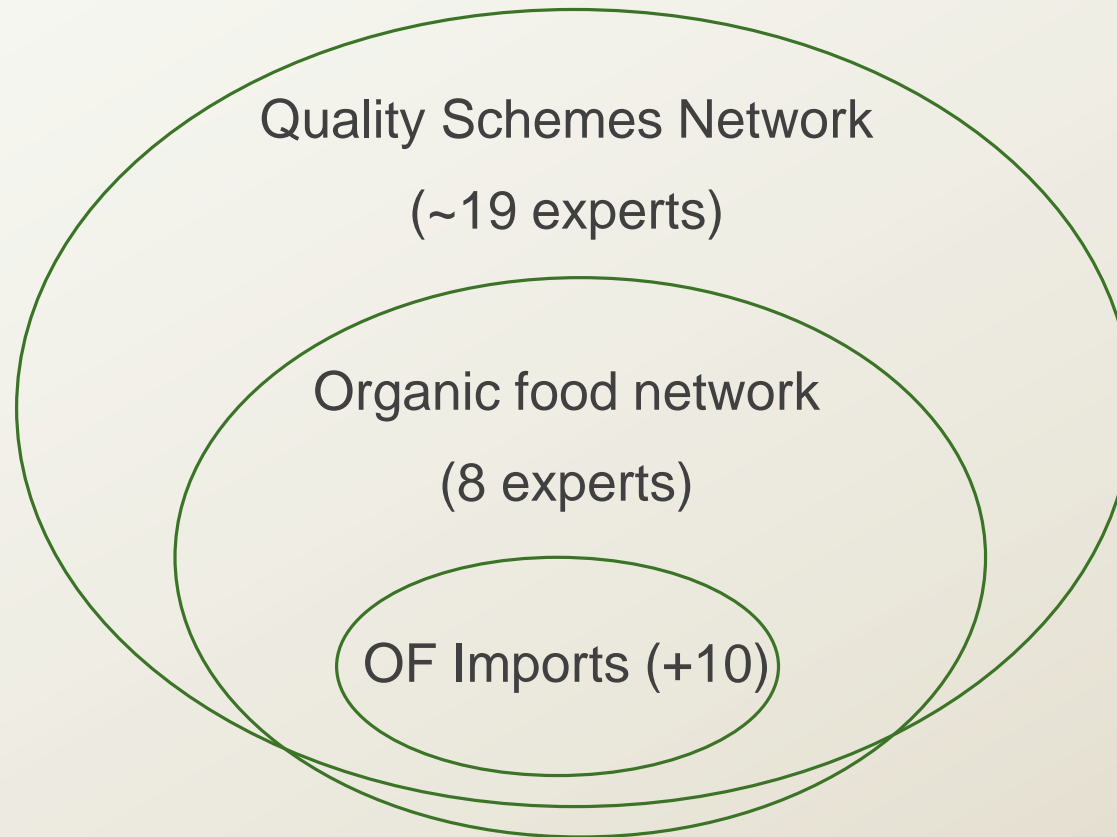




controls in the organic sector

- DGCCRF is the competent authority for controls :
 - on the MARKET
 - (since 2017) on IMPORTS non animal products (95% of OF imports).
SIVEP (veterinary offices) for animal products
- control that the mention « organic » is used on products in conformity with the european legislation (Regulations 834/2007, 889/2008, 1235/2008 ...) and that there is no fraud.

- 
- 8 officers experts in the organic regulation (+ 10 only on imports controls)
 - BUT any officer can control OF
 - The officers belong to a national inspections network:



Origin of the investigations


- National investigations : **annual** targets outlined in the annual national investigation program (PNE) that include official controls foreseen by the MANCP (Multiannual National Control Plan):
 - => an annual control plan for OF sector + for Quality schemes
- **Regional** investigations more narrowly targeted (particular economic sector or regional products)
- **Ad hoc** investigations:
 - Complaints
 - Request from another administration
 - denunciation from a CB or from an operator
 - the european Commission itself (e.g OPSON VIII operation).



The annual national control plan

- Throughout the year, inspectors and controllers have the support of the regional officer and of the central administration
- End of the year: the regions send us their results
- Central adm. compiles the data and makes the synthesis
- Figures are used to fill up the Multi Annual National Control Plan (MANCP) that is mandatory according to the Official Controls Regulation (Reg. 882/2004 -> 2017/625)

The annual national control plan: risk analysis

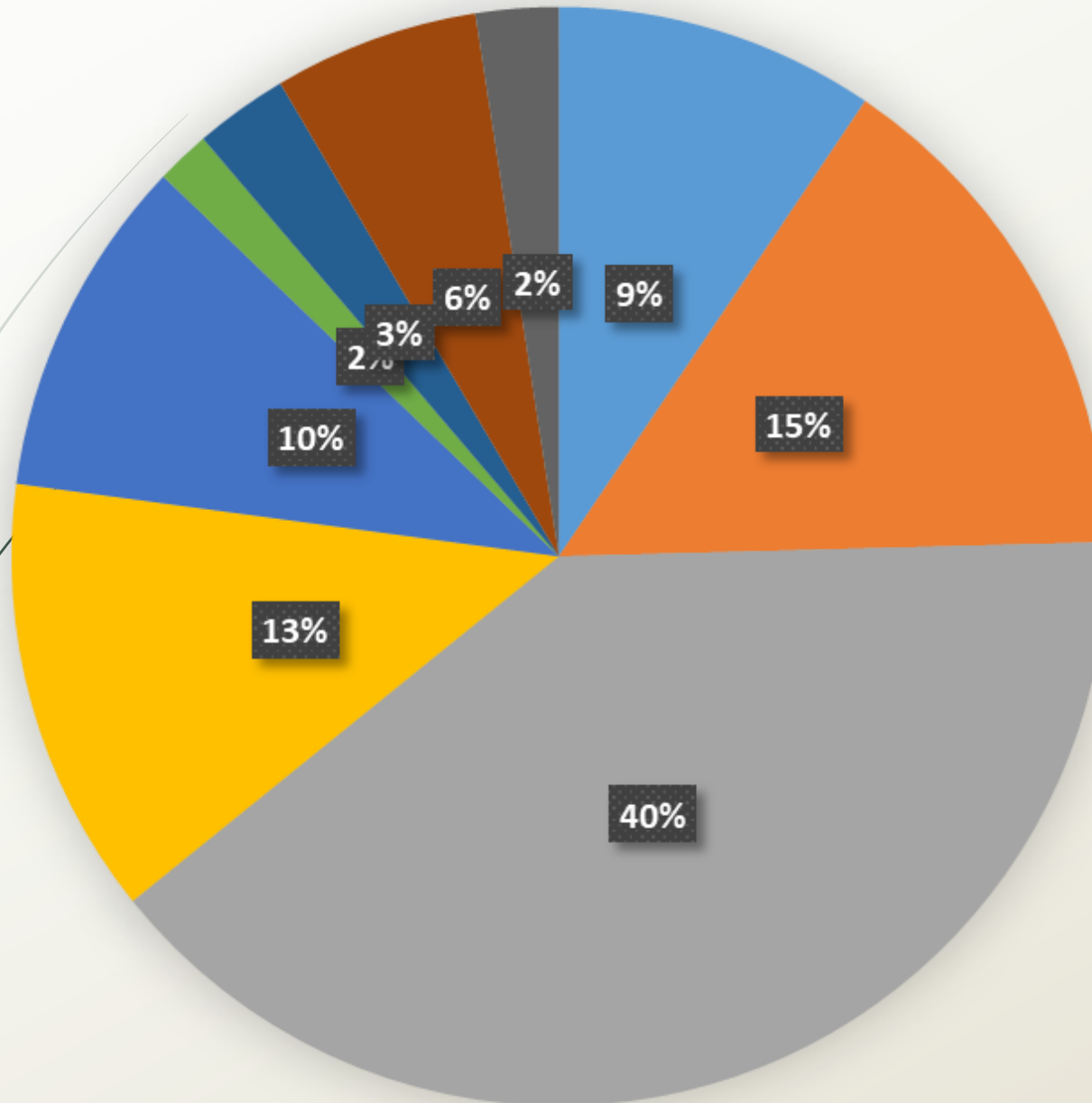
- 
- Focus areas of the ACP are defined after a risk analysis :
 - ✓ results from previous years:
 - Products : laboratory results: examples from 2018
 - Companies : breaches record, date of previous inspections
 - Sectoral level: id. ex. bread-making
 - ✓ at risk sectors (e.g. mixed activity, internet sites) and companies (newcomers)
 - ✓ Distribution circuits : by-the-road selling, marketsat risk for quality products !!
 - ✓ Regions adjust/add their own risk analyses : touristic areas...



➤ Intervention at different levels:

- little on primary production
- Much on secondary production, i.e food processors, « agri-food industry »
- Retail sector
- import : at the French Points of entry

établissements contrôlés en 2018



- Production primaire
- Transformation alimentaire
- Commerce de détail alimentaire
- Commerce non sédentaire
- Commerce de gros alimentaire
- Importateur
- Vente à distance
- Service (restauration commerciale)
- Autre



How controls are made

- Documentary checks : traceability is the cornerstone of the OF Regulation. Includes balance matter
- Material checks: installations and labelling
- Laboratory checks : samples
 - conform
 - « à surveiller » ... to be checked in the future
 - non conformity



■ Breaches :

➤ Unintentional breaches

➤ Intentional breaches : fraudulent practice

■ Misleading advertising


■ Unfair trade practice

■ Fraud/deceit (product) ~ counterfeiting in industrial products

Figures from the 2018 control plan

(% of irregularities)

- Absence of notification and/or certification : **39%**
- Non compliance with **labelling** rules : **20%**
 - missing logo or CB number
 - mention of the term « bio » (organic) for products that cannot bear this mention
- Unfair commercial practice : **15%**
 - A lot in catering (restaurants and canteens)

- 
- reference to organic quality of ingredients (through) by retailers or producers on local markets (banner, signs, labels, name of the market stall, flyers,...) while the products are not certified
 - Use of the French logo AB for non organic bread
 - For meat products and cheese, putting forward that the conversion to organic while it is forbidden
- Fraud on product (« tromperie »): 5%
 - Incomplete or missing traceability : 4%
 - Non compliance with production rules or storage rules : 1%

- Other: missing self-monitoring....CBs negligence ...
- Pesticides residues : 3% of all irregularities
But = 4,9% of the 321 samples



sanctions

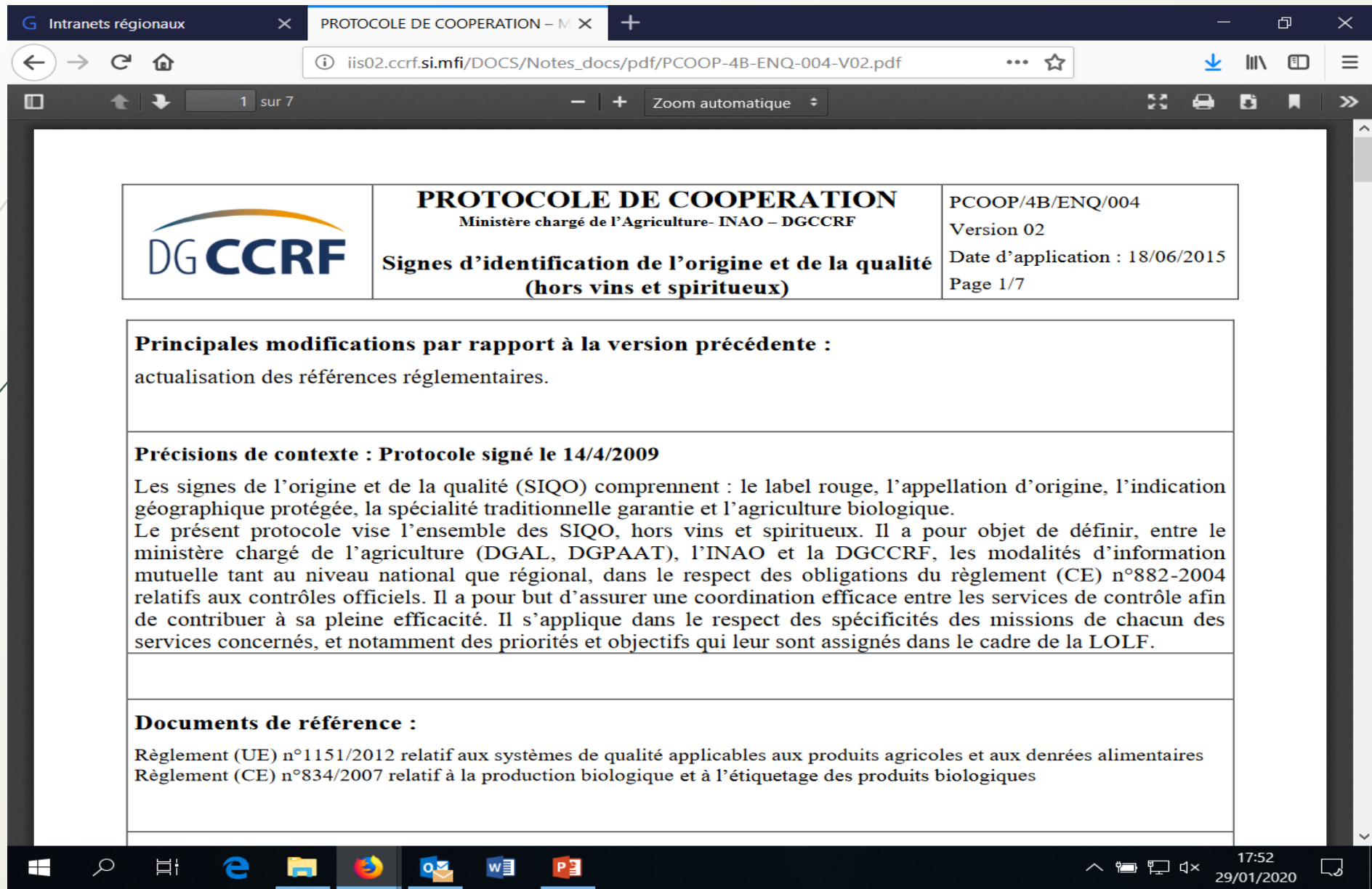
- « Pedagogic » : Non-punitive warning : official recall of the rules (70% in 2018)
- Repressive :
 - Administrative sanctions (21-22%)
 - Fines
 - Seizures
 - Downgrading of products and immediate modification of labels
 - Criminal sanctions (8-9%) : fines up to 300 000 € and up to 2 years imprisonment
- Additional sanctions : publication of the sanction in the medias



Cooperation : at local level



At national level : Protocol of cooperation between INAO-DGCCRF-Ministry of agriculture for SIQO



PROTOCOLE DE COOPERATION
Ministère chargé de l'Agriculture- INAO – DGCCRF

**Signes d'identification de l'origine et de la qualité
(hors vins et spiritueux)**

PCOOP/4B/ENQ/004
Version 02
Date d'application : 18/06/2015
Page 1/7

Principales modifications par rapport à la version précédente :
actualisation des références réglementaires.

Précisions de contexte : Protocole signé le 14/4/2009
Les signes de l'origine et de la qualité (SIQO) comprennent : le label rouge, l'appellation d'origine, l'indication géographique protégée, la spécialité traditionnelle garantie et l'agriculture biologique.
Le présent protocole vise l'ensemble des SIQO, hors vins et spiritueux. Il a pour objet de définir, entre le ministère chargé de l'agriculture (DGAL, DGPAAT), l'INAO et la DGCCRF, les modalités d'information mutuelle tant au niveau national que régional, dans le respect des obligations du règlement (CE) n°882-2004 relatifs aux contrôles officiels. Il a pour but d'assurer une coordination efficace entre les services de contrôle afin de contribuer à sa pleine efficacité. Il s'applique dans le respect des spécificités des missions de chacun des services concernés, et notamment des priorités et objectifs qui leur sont assignés dans le cadre de la LOLF.

Documents de référence :
Règlement (UE) n°1151/2012 relatif aux systèmes de qualité applicables aux produits agricoles et aux denrées alimentaires
Règlement (CE) n°834/2007 relatif à la production biologique et à l'étiquetage des produits biologiques

International : OFIS (Organic Food Information System)

Fichier Édition Affichage Historique Marque-pages Outils ?

European Commission - DG AG X

https://webgate.ec.europa.eu/awai/ofis/irregularity/ctrl_out 133 %

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European Commission

AGRICULTURE AND RURAL DEVELOPMENT
Organic Farming Information System

European Commission > AGRI > Organic Farming Information System > Irregularities EU > Outgoing Notifications > Insert new

IMPORT AUTHORISATIONS IRREGULARITIES PRODUCTS INGREDIENT AUTHORISATIONS ACTORS

CBs/CAs EQUIVALENCE REPORTS

Notification

Regulation (EEC) No 2092/91, Regulation (EC) No 834/2007 and Regulation (

Outgoing Notifications

Notifications

[Insert new](#)
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Replies to notifications

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[Evaluate reply](#) **8**

Incoming Notifications

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* First :
Second language :
A) Notifying country :
1) Country :
2) Competent authority -

Name	Address	Phone/fax	Email
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contact details :
* 3) Date of notification (DD/MM/YYYY) :
* 4) Reference :

Preventive actions ?

➤ Consumer information :

- DGCCRF website (nearly 5 500 000 hits in 2018) : Practical advice on consumer affairs : www.economie.gouv.fr/dgccrf
- The Info Service Consommation call centre
- In each department, the DDPP is open to the public at certain hours
- The new internet platform **SignalConso** : for general public and the companies. Test phase. To be extended to the whole territory on.





- Media

- Communicate on results of our controls
- Name and shame = additional sanction (judge)

- Control on **imports** : prevents frauds to be found on the market



afficher le menu du portail ▾

A+ A-



Direction générale de la concurrence, de la consommation et de la répression des fraudes

- Actualités
- La DGCCRF
- Concurrence
- Consommation**
- Sécurité
- Infos presse
- Publications
- Sanctions
- FAQ

Baromètre des réclamations | Conso par secteur | Etiquetage des produits | Pratiques commerciales | Résoudre un litige

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Actualités



23/01/2020

Guide 2020 des vacances à la neige : les conseils de la DGCCRF

Pour profiter pleinement des plaisirs de la montagne, la DGCCRF publie son guide annuel des vacances à la neige.

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Focus



Résoudre un litige



Les résultats d'enquêtes



Les fiches pratiques



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Signes officiels de la qualité des produits alimentaires



En France et en Europe, des logos officiels permettent de reconnaître des produits alimentaires (hors vins, boissons aromatisées et spiritueux) qui bénéficient d'un signe officiel de la qualité et de l'origine. Quelle est la réglementation ?

Crédit photo : ©Canva

[Signes officiels de la qualité des produits alimentaires](#) - PDF, 676Ko

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