Investigations conducted by competent authorities in Member States

- Denmark

Anti Fraud Initiative
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Brussels
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All organic production is State certified under one Ministry
- One string system Competent authority

Ministry of Food, Agriculture and Fisheries

The Danish Agricultural Agency
Competent Authority – Organic Primary Production
- Regional inspection units incl. organic
- Paying agency
- Plant production
- Biosecurity
- Organic certification of farms
- Organic feed
- Organic seeds
- Inspection

The Danish Veterinary & Food Administration
Competent Authority – Organic Food
- Regional inspection units incl. organic

Responsible for food safety and animal welfare
- Animal husbandry
- Food and feed processors
- Storage and marketing (wholesale)
- Importers
- Aquaculture farms
- Large scale kitchens
- Retailers with processing
- Organic certification of food processing
The Danish Veterinary and Food Administration – certification of the secondary organic production – Integrated in public control

1.535 Members of staff in the following areas:

- Head office: Glostrup (419)
- Four food and feed inspection units - food and feed border inspection (339)
- Three veterinary inspection units - livestock inspection and emergency response (147)
- Meat inspection units (431)
- Food- and veterinary task forces (50)
- Laboratory (149)
National legislative framework vs. the EU Organic Regulation - presence of non-authorised products

Denmark no additional national regulation, on pesticide levels, DK = EU-regulation

- no action level for investigation or accepting organic status or not.

- all confirmed findings of residues will as starting point give rise to possible suspicion, but be substantiated.

- As authority we have specific guidelines and manuals for the organic inspectors for handling pesticide residues in organic production.

- Both for investigations and for the follow-up on measures and sanctions.
Sources of residue cases

A) Operators own analysis of organic products bought from supplier
B) Farmer (primary production) discover signs of pesticide use (winddrift)
C) Organic inspection at farm discovers suspicious fields (fx no weed, very high yield etc.)
D) Organic inspection taking samples
D) Authorities sampling and analysis programme of organic products annual program Danish Technical University
E) Info from CB´s other country where organic products from Danish supplier is found with residues (via OFIS)

A – E triggering official investigations by Danish Comp. Authorities (if substantiated)

F) Info from CB´s other country where organic products delivered/sold to Danish company has residues (normally via OFIS). Already status as ”not organic” or suspicion awaiting result of investigation in another country.
G) Other..... maybe also official investigation
Substantiated suspicion by the operators

- Starting point: all confirmed findings of residues will give rise to possible suspicion.

Examples of possible removal of suspicion by operator:

**Organic Licorice extract from Italy** - licorice extract don’t contain Folpet residues, but only phthalimide. Documentation provided by Danish operator - Written declaration from suppliers CB on specific case and findings. Accepted as end of suspicion.

- No investigation and no OFIS case.

**Phosfonic acid**
Declaration from CB only accepted on specific findings on specific operator producing the organic product. Not just general statement that all residues of phosfonic acid is of background/natural origin.
“Tool” for evaluation of level of the suspicion

Danish Technical University (DTU) pesticide database used for reference of initial evaluation of suspicion

Evaluation of **likelihood** of active use (non-compliance):

- Type of pesticide
- Products/primary production the pesticide normally is used in
- Amount of pesticide normally found when active use of pesticide
- Database of all samples, analyses, residue-levels over the years in Denmark

- Samples taken by Competent authorities is followed by initial evaluation by DTU. Used in the investigation process of level of suspicion.
- Low likelihood influence on the necessity to inform all buyers, still be proportionate. Still blocking wholesale level.
- Investigation still takes place and OFIS notification.
Investigations methods Competent authorities
(Denmark – CA also CB)

- Initial task to secure full overview of the case at the operator initial mainly via documentation. If processing also physical inspection visit.

- organic status of the involved lot/batch by invoice, COI, delivery documents
- organic certified supplier – check of certificates, also subcontractors
- mass balance and traceability backwards/forward in the chain, assess if reliable outcome
- if processing taken place: production files and registration
- storage facilities, conventional alternatives in the company, commingling
- cleaning of production equipment and registration if conventional production
- organic own check program – are relevant procedures followed (?)

Preliminary conclusion of the case to be drawn up by CA.
Gather documentation suitable for OFIS upload

- additional analysis mostly not used – maybe for future if risk is considered high
Conclusion of the investigation and decision taken
- product status and operator

- Every case is individual - different aspects to involve and balance for the final decision
- Basically the conclusion from the CB/CA of the relevant operator/operators involved
- “Holistic decision” – all relevant factors are basic for the final decision by CA.
- Lack of sufficient investigations or obvious bad research – invalid for decision
- Danish Technical University evaluation pesticide database used for reference.
- Proportionate decision 2017/625 on consequence lost organic status in chain

Learnings:

- Operators downgrading themselves – overall image more important or risky with retail chains - “business contracts”
- More focus on actual operators with non-compliance than “cleaning up” down-stream. Focus on avoiding repetition.
- Consumer image or perception – important that consumer trust the organic control system, but careful organic sector is not “marketing organic as problematic”
Fraud suspicion

If during investigations of a case signs of fraud arises, *The Food Inspection Task Force*, unit can be involved handling suspicion of food fraud.

*The Food Inspection Task Force* unit is also integrated in the competent authority. Work in teams 2-10 inspectors on an inspection.

- Task force also possibility to cooperate with the police, Tax Agency.

- Signs of fraud could be systematically lack of documentation for organic status, lack of traceability.

- *The Food Inspection Task Force* not involved so far on organic pesticide residues investigations.
Thank you for the attention

Questions ?