



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Brussels,

Dear Petitioner,

**Subject: Commission Recommendation of 24<sup>th</sup> July 2017 on a coordinated control plan on the official control of certain foods marketed through the Internet (C(2017) 4986 final)**  
**- Your letter/email to Commissioner Vytenis Andriukaitis dated 26<sup>th</sup> July 2017**

We thank you for your interest in the above mentioned Commission Recommendation on a coordinated control plan on the official control of certain foods marketed through the Internet and your letter or email to the Commissioner Vytenis Andriukaitis who asked us to respond on his behalf. You expressed the same concerns which were raised on the website of the 'alliance for natural health International' (ANH International, [www.anhinternational.org](http://www.anhinternational.org)) about the performance of this coordinated control programme and ask for several changes to the draft. We would like to respond to these concerns and give some additional explanations.

The main objective of EU food law is to achieve a high level of food safety and to protect consumers from being misled. This Recommendation responds to the strongly increasing sale of food through the Internet. Food law applies to food traded via the Internet in the same way as to food sold by conventional brick-and-mortar stores. This coordinated control plan is therefore designed to support Member State authorities to improve their enforcement of EU and national law on food products sold via the Internet. No product which is in compliance with EU food law is included in the coordinated control plan.

Before responding to the points listed on the website of ANH International, we would like to clarify that the Recommendation was adopted by the Commission on 24th July after receiving the support of all 27 Member States present at the Standing Committee on Plants, Animals, Food and Feed on 8 June 2017. Furthermore, the Recommendation is not based on 'soft law' but on Article 53 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules<sup>1</sup>.

The objective of the Recommendation is to encourage Member States to identify and then control in a coordinated manner websites which offer for sale specific types of products which are clearly not in compliance with EU food law. The Recommendation is limited to focusing on food supplements with medicinal claims since these are forbidden

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<sup>1</sup> OJ L 165, 30.4.2004, p. 1.  
The legislation of the European Union is available for free in all official languages at <http://eur-lex.europa.eu/homepage.html>

to be placed on the market according to Article 7 of Regulation (EU) No 1169/2011<sup>2</sup>. It is also focused on certain novel foods which are non-authorised in the EU and which have been the subject of many notifications to the 'Rapid Alert System for Food and Feed' (RASFF) which indicates that there are serious health concerns associated with these products. Therefore the Recommendation already meets the request of ANH International for it to be focused on products which pose a genuine risk to public health and have been subject to RASFF notifications.

In addition the plant source of one of these novel foods is protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and can only be imported into the EU if certain requirements are fulfilled. The presence of this plant in food and health supplements is one of the most commonly seized commodities that is infringing the CITES/EU wildlife trade rules.

The additional points of ANH International consist of general requests which are not specifically connected to the present Recommendation. However the proposal for the Novel Food Regulation has been extensively discussed before the adoption of the new Novel Food Regulation (EU) 2015/2283<sup>3</sup> by the European Parliament and the Council. Further, there is currently no legal requirement for online sellers of food products to have a quality seal, however in the future this could be a way for these traders to identify to their consumers that they provide a high level of food safety. Finally, we can assure you that Member State authorities try to enforce the registration requirement for food businesses also in the online world, thus focussing on enterprises rather than on products which however does not exclude the control of products.

We thank you again for your letter/email on this important issue and hope that our explanations have addressed your concerns.

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<sup>2</sup> Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

<sup>3</sup> Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ L 327, 11.12.2015, p. 1).