

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') (Text with EEA relevance)

CHAPTER 3

Components, networks and contact points

SECTION 1

iRASFF

Article 12

Liaison bodies responsible for the exchange of certain types of information

Member States shall indicate which of the liaison bodies designated in accordance with Article 103(1) of Regulation (EU) 2017/625 are responsible for exchanging information on food fraud notifications.

Article 13

Single contact point

- 1 The single contact point in each Member State shall be responsible for:
 - a setting up effective arrangements for the smooth exchange of relevant information with all relevant competent authorities within its jurisdiction, allowing the immediate transmission of notifications, requests or responses to the competent authorities for appropriate action, and maintaining the notifications, requests or responses in good order;
 - b determining its roles and responsibilities and those of the relevant competent authorities within its jurisdiction as regards preparing and transmitting notifications, requests and responses, and assessing and distributing notifications, requests and responses from other members of the alert and cooperation network.
- 2 Member States may include their food fraud network contact point in their single contact point.
- 3 Communication within the RASFF network shall take place through the single contact point.

Article 14

Duties of the members of the alert and cooperation network

- 1 Members of the alert and cooperation network shall ensure the efficient functioning of their networks within their jurisdiction.

Status: Point in time view as at 31/01/2020.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/1715. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

2 Each designated alert and cooperation network contact point shall communicate to the Commission contact point detailed information regarding the persons operating it and their contact details. For that purpose, it shall use the contact point information template provided by the Commission.

3 RASFF network contact points shall ensure that an on-duty officer is available for emergency communications on a 24/7 basis.

Article 15

Information exchanged in iRASFF

1 Information exchanges between alert and cooperation network contact points for the purposes of Article 50 of Regulation (EC) No 178/2002 and Title IV of Regulation (EU) 2017/625 shall be made in iRASFF only and in the form of notifications, requests and responses.

2 The alert and cooperation network contact points shall complete the relevant fields of a notification to enable clear identification of the product, risk(s), instances of non-compliance and suspected fraud concerned, provide traceability information where possible and identify contact points responsible for any follow-up to a notification or response to a request.

3 Notifications may be transmitted in the form of original or follow-up notifications.

4 Requests and responses shall indicate the alert and cooperation network contact point(s) to which the request or response is addressed.

Article 16

Non-compliance notifications

1 Alert and cooperation network contact points shall exchange without undue delay non-compliance notifications including at least the following:

- a the name of the competent authority dealing with the notification, if different from the contact point;
- b a description of the possible non-compliance;
- c the identification, where possible, of the operators associated with the possible non-compliance;
- d details of the animals or goods involved;
- e any information concerning suspected risks;
- f an indication as to whether the notification relates to a possible instance of non-compliance perpetrated through fraudulent practices.

2 The Commission contact point shall verify each non-compliance notification after it has been exchanged, without undue delay.

Article 17

Alert notifications

1 RASFF network contact points shall submit alert notifications to the Commission contact point without undue delay and in any event within 48 hours of the risk being reported to them.

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2 Alert notifications shall include all available information required by Article 16(1) and any information on the risk and the product from which it derives. However, the fact that not all relevant information has been collected shall not unduly delay transmission of alert notifications.

3 The Commission contact point shall verify alert notifications and transmit them to the alert and cooperation network contact points within 24 hours of receiving them.

4 Outside Commission office hours, RASFF network contact points shall announce the transmission of an alert notification or follow-up to an alert notification by telephone call to the emergency phone number of the Commission contact point and specify which RASFF network member's countries are concerned. The Commission contact point shall inform the RASFF network contact points concerned by a telephone call to their emergency phone numbers.

Article 18

Information notifications

1 RASFF network contact points shall submit information notifications to the Commission contact point without undue delay.

2 Information notifications shall include all available information required by Article 16(1) and any information on the risk and the product from which it derives.

3 The Commission contact point shall verify information notifications and transmit them to the alert and cooperation network contact points without undue delay on receiving them.

Article 19

News notifications

1 Alert and cooperation network contact points may submit news notifications to the Commission contact point.

2 News notifications shall include all the information required by Article 16(1), where available.

3 The Commission contact point shall verify news notifications and transmit them to the alert and cooperation network contact points without undue delay on receiving them.

Article 20

Border rejection notifications

1 RASFF network contact points shall transmit border rejection notifications to the alert and cooperation network contact points without undue delay.

2 Border rejection notifications shall include all information required by Article 16(1) and any information on the risk and the product from which it derives.

3 The information referred to in paragraph 2 shall be transmitted through TRACES to all border control posts.

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4 The Commission contact point shall verify each border rejection notification after it has been transmitted.

Article 21

Food fraud notifications

1 Food fraud network contact points shall exchange food fraud notifications including at least the following:

- a all the information required by Article 16(1);
- b a description of the suspected fraudulent practice;
- c the identification, where possible, of the operators involved;
- d information as to whether there are ongoing police or judicial investigations into the suspected fraudulent practice;
- e information on any instruction from the police or judiciary authority as soon as it is available and can be disclosed.

2 Food fraud network contact points shall communicate any information concerning health risks to their RASFF network contact point without undue delay.

3 The Commission contact point shall verify each food fraud notification after it has been exchanged, without undue delay.

Article 22

Follow-up notifications

1 Where an alert and cooperation network member has additional information relating to an original notification, the contact point(s) concerned shall immediately transmit a follow-up notification to that network.

2 Where a contact point referred to in paragraph 1 has requested follow-up information relating to an original notification, the alert and cooperation network shall be provided with such information to the extent possible and without undue delay.

3 Where a RASFF network member takes action on receipt of an original notification in accordance with Article 50(5) of Regulation (EC) No 178/2002, its contact point shall immediately transmit a detailed follow-up notification to the alert and cooperation network.

4 Where the action referred to in paragraph 3 consists of detaining a product and returning to a dispatcher in the country of another RASFF network member:

- a the network member taking the action shall provide relevant information about the returned product in a follow-up notification, unless that information was already included in full in the original notification;
- b the other network member shall provide information in a follow-up notification on the action taken on the returned product.

5 By way of derogation from paragraph 1, where a follow-up notification changes the classification of an original notification to an alert or an information notification, the alert and cooperation network member shall submit it to the Commission contact point for verification and transmission to the alert and cooperation network contact points within the delays laid down in Article 17 or Article 18.

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Article 23

Access to iRASFF notifications

1 All alert and cooperation network members shall have access to alert, information, news or border rejection notifications.

2 Without prejudice to the Commissions' right of access pursuant to Article 8(2), only the notifying, notified and requested alert and cooperation network members shall have access to non-compliance notifications. However, other network members shall have access to the information referred to in points (a), (b) and (e) of Article 16(1).

3 Without prejudice to the Commissions' right of access pursuant to Article 8(2), only the notifying, notified and requested contact points of the food fraud network shall have access to food fraud notifications.

Article 24

Verification and publication of notifications

1 The Commission contact point's verification of notifications shall cover:

- a the completeness and legibility of the notification;
- b the correctness of the legal basis supporting the notification; however an incorrect legal basis shall not prevent transmission of the notification if a risk has been identified;
- c whether the notification falls within the scope of the RASFF network;
- d whether the essential information in the notification is provided in a language that the alert and cooperation network contact point will easily understand;
- e compliance with this Regulation;
- f possible recurrences of the same operator and/or hazard and/or country of origin.

2 By way of derogation from paragraph 1, verification of non-compliance, food fraud and border rejection notifications shall cover points (b), (c) and (e) of that paragraph.

3 Once the Commission contact point has verified a notification in accordance with paragraph 1 or 2, it may publish a summary of alert, information, border rejection and non-compliance notifications, with information on the classification and status of the notification, the product and risk(s) identified, the country of origin, the countries in which the product was distributed, the notifying network member, the basis for the notification and the measures taken.

4 The Commission shall publish an annual report on the notifications transmitted in iRASFF.

Article 25

Notification withdrawal and amendments

1 Where the action to be taken appears to be based on unfounded information or the notification was transmitted erroneously, any alert and cooperation network contact point may ask:

- a a notifying contact point to withdraw a non-compliance, food fraud or follow-up notification;

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- b the Commission contact point, with the agreement from the notifying contact point, to withdraw an alert, information, border rejection or news notification.
- 2 Any alert and cooperation network contact point may request amendments to a notification with the agreement of the notifying contact point.
 - 3 A follow-up notification shall not be considered an amendment to a notification and may therefore be transmitted without the agreement of any other network member, unless such follow-up notification changes the classification of the notification.

Article 26

Closure of a notification and storage period of personal data

- 1 A notification is automatically closed in iRASFF if:
 - a no follow-up requests are pending; or
 - b all requests have received a response; or
 - c no response to the last request is provided within 6 months of its transmission.
- 2 Personal data from closed notifications shall be stored for no longer than 10 years.

Article 27

Exchange of information with third countries

- 1 Where an alert, information or border rejection notification concerns a product originating in or distributed to a third country that does not have access to iRASFF or TRACES, the Commission shall inform that third country without undue delay.
- 2 Where a non-compliance or food fraud notification concerns a product originating in or distributed to a third country that does not have access to iRASFF or TRACES, the Commission may inform that third country.

Article 28

Contingency arrangements for iRASFF

- 1 Where iRASFF is unavailable:
 - a the RASFF network contact points shall announce the transmission of an email concerning an alert notification or follow-up to an alert notification by a telephone call to the emergency phone number of the Commission contact point. The Commission contact point shall inform the RASFF network contact points required to follow-up by a telephone call to their emergency phone numbers;
 - b the AAC network contact points shall exchange information via email;
 - c the food fraud network contact points shall exchange information on food fraud notifications via email;
 - d the exchanges referred to in points (b) and (c) shall not trigger the request and response mechanism.
- 2 Once iRASFF becomes available again, the alert and cooperation network contact points shall insert in it the information exchanged outside the system.

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