Awareness Conference on Fake and Illicit Pesticides

Report and Conclusions

Knowledge Building in IP Enforcement
A Co-hosted event by

EUROPOL

&

The Office for Harmonization in the Internal Market (OHIM)

Knowledge Building in IP Enforcement

**Awareness Conference on Fake and Illicit Pesticides**
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1 - Introduction

Pesticides are among the most regulated products in the world. However, in recent years, more and more counterfeit and illicit pesticides have been seized all over Europe. These pesticide products are finding their way into the European agricultural system with increasing regularity. As a result, they can ruin crops, affect food chains and ultimately threaten public health and safety.

Europol reports that the illegal trade in pesticides is worth hundreds of billions of dollars globally and has released figures indicating that as much as a quarter of the pesticide products bought and sold in some European countries are counterfeit or contain counterfeit ingredients. Therefore, in 2011, Europol took a primary role in driving for more coordinated approaches to tackle this dangerous problem.

To assist Member States in what is a very complex and increasingly hazardous area and to help strengthen cooperation between agencies in this field. The Office for Harmonization in the Internal Market (OHIM) joined with Europol to co-host a specific awareness conference.

The conference, for the first time, gathered together responsible authorities involved in combating the trade in fake and illicit pesticides and included representatives from enforcement authorities (police, customs and regulatory agencies) and prosecutors from across the EU. It also involved OLAF, Eurojust, DG TAXUD, DG SANCO and expert participants from industry sectors that continuously drive the fight against this growing problem.

This event had the aim of improving understanding, highlighting the difficulties being faced by enforcement authorities and customs and helping to bring to light more cohesive approaches, based on current practices. In this, it sought to spotlight the main problem areas by engaging participants in workshops to work through the issues.

As part of the knowledge build-up, attendees were also asked to provide case studies and country reports.

This report covers the discussions and conclusions reached by participants, and provides indicators of how work in this area could be taken forward.
2.1 Day 1 – Scene Setting

In total, 96 participants took part, covering 26 Member States and 3 third countries.

The first day focused on information building and commenced with an overall introduction to the problem. As part of this, EUROPOL and the EU Observatory outlined how they are working to support the fight against the growth of IP infringing products, which now threaten the EU on many levels.

In particular, Europol gave examples of how illicit pesticides have become such a dangerous phenomenon. It was also explained how Europol supports operations and how its Expert Platform (EPE) has been developed to foster information exchange amongst those engaged in enforcement activities. Europol announced that this event would be a forerunner for further action.

As part of the build-up, a number of authorities explained how they are able to assist.

Eurojust outlined their growing role in dealing with environmental crime and how it is placed to hold coordination meetings to support specific action days.

OLAF explained that it has been primarily set up to investigate public fraud issues. However, a new Director General has been appointed who has expanded the responsibilities of the Office to cover trade at external EU borders related to health, safety and environmental issues. As a result, a new section has been set up to cover counterfeiting and piracy.

The European Commission (DG SANCO - Health and Consumers) provided a view of the legal framework in relation to production, use and consumption. It was explained that due to the complexity of the issue, overlaps can occur and this can lead to differences in understanding. SANCO also covered how approved lists of producers are constructed and how monitoring and controls should be carried out. In this respect, it was noted that different approaches have been adopted in some Member States.
In respect of purchasing fake and illicit products, internet offers are not fully regulated. It was explained that discussions had commenced on the 2009 Regulation prior to 2004, and this had been too early to consider online problems. However, it was pointed out that Article 66 does cover advertising on paper or by electronic means.

A definition of illegal plant protection products (PPPs) was also given. This covered unauthorised active substances and complicated products which can be approved despite differences in the composition.

SANCO highlighted several areas of possible concern. For example, a platform has been developed to allow Member States to upload information on the illegal trade of PPPs but as yet this has not been entirely successful. In addition, the Commission’s RAPEX system, currently available through SANCO, focuses more on goods than chemicals. Finally, consignments that pass through EU borders are allowed to move but might not be rechecked in other Member States.

Despite some of the concerns raised, on the positive side it was brought to the attention of participants that the OECD had created a global network of experts that can be used for rapid exchanges of information on suspicious or rejected shipments.

In conclusion, SANCO reminded participants that food or veterinary services are sometimes not responsible for chemical controls.

DG TAXUD

The European Commission (DG TAXUD – Taxation and Customs Union) provided a general introduction to its work and explained the difficulties of dealing with the volume of containers arriving at EU ports. A common risk management system is in place but actors increasingly use legal trade patterns to cover themselves.

Actual figures on growth are needed to assist profiling which is crucial. Moreover, although a working group for customs controls on counterfeiting is in place, profiling could be further improved by closer cooperation with rights owners.

Finally, participants were reminded that criminality in respect of counterfeit and illicit PPPs also exists within the EU and therefore, police have a growing role.

The German Ministry of Economic and Labour (Agriculture) covered the impact of counterfeit and illicit pesticides and offered recommendations on how best to deal with the problem. It was explained that as illegal pesticides are not tested and licensed the content of active substances, solvents, contaminants are unknown. As a result, the risks are not predictable.

It was explained the risks associated with transporting illegal products and external and internal hazards associated with chains between manufacturers and users. It was also stressed how preventive protection could be used at harbours, which are natural bottlenecks. The cooperative German port project was used as an example. Finally, seven things were presented that could help overcome the problem.
1. Establish a legal basis such that in the absence of clear and convincing evidence the final destination of PPPs “in transit” should be presumed to be the market of the Union. For PPPs not authorised in the EU the declarant or holder of the goods should bear the burden of proving the final destination of the PPPs.

2. Establish a legal basis for the mandatory seizure of intentionally falsely declared PPP including transit shipments.

3. Establish an obligation to certify all packing and formulation plants according to the phytosanitary legislation, with sanctions for infringements.

4. Develop a framework for reporting and inspection of formulators and packers, particularly those manufacturing non-EU authorised PPP.

5. Develop a computer aided finding and documentation system (CAFD) and a standardised and EU-interoperable data interface regarding illegal PPP.

6. Harmonise laws, regulations and administrative provisions in the EU to ensure that similar cases can be handled in similar ways.

7. Strengthen the cooperation (e.g. European Port Project) and the exchange of information between different authorities and Member States: fast, direct, correct, complete.

The Hamburg Department of Agriculture Plant Health Inspection Service explained that 9,000,000 (Standard-Containers) are shipped via Hamburg every year and that 220,000 are declared as carrying dangerous goods of which these are no clear figures regarding the volume of fake and illicit pesticides.

The main elements of the illegal pesticides trade and parallel trade were outlined and it was explained how products are packaged, concealed and shipped. In this, the composition of the product may be wrong, the bottles may be unsuitable, storage may be inappropriate, the declaration and the destination may be wrong (and finally, the shipper or consignee may not exist).

It was then described how exchanges of information between custom authorities and authorities concerned with pesticide-controls have been defined in the new German Plant Protection Act. As part of this, a database has been created containing all shipments discharged in Hamburg for companies known as shippers or consignees of faked pesticides. This includes descriptions of active ingredients that are often faked and those recognised as false descriptions for pesticides. An illustration of how the database can be used was provided. As a part of this examples were given of databases of registered PPPs in EU-Member States.

As a result, if there is any suspicion concerning a pesticide shipment, customs will send a notification to the competent authority and will stop the shipment for three days to allow further investigation.

It was also explained how suspicious goods are identified and measures taken by relevant authorities including the Plant Health Inspection Service. In conclusion, a number of things that could be done were proposed.

1. Improve cooperation and exchange of experiences between EU authorities
2. Formalise cooperation between Member States
3. Intensify the supervision of PPP imports, especially in seaports, by means of electronic databases
4. Increase the submission of applications for border action by the right owners for trademarks for patents
5. Gain agreement between EU Member States that PPPs in a bulk should be considered as PPPs according to regulation 1107/2009.

The next case study was presented by the European Crop Protection Association (ECPA) which supports law enforcement authorities in combating counterfeit and illegal pesticides. It was explained that ECPA acts as the ambassador of the R&D driven crop protection industry in Europe and represents the industry’s European regional network that includes companies such as BASF, Bayer DuPont and Monsanto. The ECPA strategy is to:

- minimise the entry of counterfeit and illicit pesticides into the EU
- support enforcement of the regulation of the market place (1107/2009)
- raise farmer awareness

Key aspects of the plan is to work to broaden customs remit to cover the protection of health and safety, to ensure the engagement of pesticide authorities and to foster ECPA companies’ cooperation with key ports and law enforcement authorities throughout the EU.

It was described how IPR protection is often circumvented through false documentation and the separation of actual goods from packaging bearing trademarks. Effective protection means effective monitoring and controls in the market and there is need to learn from best practices carried out in countries such as Poland and Austria. In addition, regular communication with farmers is essential to ensure they are properly aware of the methods adopted by their suppliers.

ECPA stressed that industry needs to help prevent entry of illegal pesticides into the EU through rapid analytical work to identify false declarations in suspicious shipments that have been triggered by risk profiling. Moreover, MoUs should be agreed between enforcement and industry associations to ensure cooperation in identifying illegal pesticides.

Storage and destruction is a major issue. At present there is no legal obligation for brand owners to fund the storage and destruction of counterfeits illegally produced or sold. This can be extremely costly and resource intensive for enforcement and therefore possible cost sharing with authorities needs to be considered.

Finally, timely reports from industry to authorities of incidents involving illegal pesticides must be made, to help focus enforcement on where and when illegal products are actually entering the market.

Day one concluded with an insight into the investigative approaches used by CARABINIERI NAS in fighting the illegal traffic of pesticides in Italy. NAS carry out investigations through their judicial police powers and inspections through their sanitary inspectors. The food sector is of particular interest to NAS as its estimated worth is around 246 billion Euros to the Italian economy. However, its profitable nature has also attracted the attention of organised crime.
As a result, NAS has carried out a criminal study and is now acting as a single point of contact and coordinating activity across Italy.

A number of coordinated investigations have been handled which have included the Ministry of Health, the US Food and Drug Administration, private sector associations and CARABINIERI offices throughout Italy. One investigation covered over 4,000 inspections that led to 6,700 infringements and more than 800 prosecutions. A further case involving counterfeit and recycled pesticides resulted in the prosecution of 36 people, the seizure of 200 tons of product (valued at 4 million Euros) and thousands of fake labels.

To foster successes such as these NAS has put a strategy in place which covers training on investigative techniques, agreements with other authorities and MoUs with national industry bodies. Meetings are regularly held to educate and inform distributors on the counterfeiting issue and NAS representatives are continually involved. This has led to practical developments such as the launch of an accreditation system with Agrofarma. As part of this, distributors commit to cooperating with Agrofarma (to fight against the spread of illegal PPPs) by signing an agreement and applying “I’m with the legal CPPs” stickers to their shop doors/windows etc. In addition, a toll free telephone resource has been set up through which callers can anonymously report abnormal activities and practices.

In conclusion, a number of needs were proposed to help motivate progress:

- Training for enforcement authorities
- Exchanges of information and collaboration amongst police, regulatory agencies and European institutions
- Public and private sector agreements
- Closer monitoring of the sale of legal pesticides

2.2 Day 2 – Workshops and Country Reports

2.2.1 Workshop 1 – Europol EPE Platform on IP Fraud and Pesticides

EUROPOL opened the second day by explaining how it is helping to support enforcement through its “Platform for Experts”. This is a secure web platform for specialists in diverse law enforcement areas, allowing them to exchange knowledge, best practices and non-personal data on crime.

The system covers intellectual property crime, financial crime, environmental crime, Police and customs cooperation centres (PCCC) and special tactics, and is open to authorised experts in their field of competence, from law enforcement, public organisations, private sector and academia. A range of functions are included in the system, including private and open messaging forums, libraries, media galleries, blogs of activities and dedicated sections on general IP crime and specific areas such as counterfeit pesticides. Links are also provided to external databases.

The opening presentation was followed by a range of country reports and dedicated workshops.
Reports for the following countries can be accessed through Europol.

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2.2.2 Workshop 2 – Building an efficient joint EU operation

The second workshop involved a panel of experts from OLAF, the WCO and DG SANCO and focused on collaboration.

OLAF explained how joint customs operations should be built using operational and targeted measures for a limited duration. It was explained how participating Member States must ensure sufficient resources are available to control selected targets and that clear strategic, tactical and operational objectives are needed.

In advance, a number of essential steps need to be taken:

- Threat assessment
- Business case
- Risk Criteria parameters
- Briefing Meeting
- Operational Plan
- Operational Phase
- Post Operational Phase
- Debrief
- Final Report
- Recommendations

To explain how these measures interact on a practical basis a specific operation was described, which included 12 countries plus Europol.
As a result, a huge range of illicit items were seized including five containers of counterfeit cigarettes totalling 37,408,200 pieces, two consignments of hand rolling tobacco totalling 1,071 kilos, thirty-two consignments of counterfeit goods of a diverse nature, including clothing, shoes, bags, toys and electronic equipment, one container of 7,038 litres of non-declared alcoholic beverages.

The second presentation in the workshop was delivered by the World Customs Organisation (WCO), Regional Intelligence Liaison Office for Western Europe (RILO WE). The global network consists of 22 member countries, and is made up of seconded experts and specialised mini-teams with individual tasks. The current WE team is made up of five seconded experts from four countries which include France (Customs), two members from Germany (Customs ZKA), Italy (Guardia di Finanza) and Switzerland (Customs).

The team produces analytical reports and publications, supports the execution and monitoring of operational projects, carries out Customs Enforcement Network (CEN system) input and quality checks, provides CEN alerts and provides spontaneous information for mutual assistance. It also assists enforcement through analysis-training and attendance at international meetings.

RILO work priorities include IPR work on drugs and tobacco, analytical support to operations, cooperation with other RILOs and cooperation with other law enforcement entities such as OLAF, EUROPOL, INTERPOL, etc.

Examples were provided of ongoing international cooperation initiatives including those attached to the 2012 Olympics and RILO contributions to the WCO’s Global IPR report. Updates were also given about seizures of pesticides, such as that in Hamburg where 10,990 kg of product were seized.

This presentation was followed by advice from the European Commission (DG SANCO) Unit on Chemicals, contaminants, and pesticides on how to elaborate adequate risk analyses on pesticides.

The approval channels for active substances were described, which includes Member State evaluation, a peer review, a conclusion on risks by the European Food Safety Authority and final approval by the European Commission.

In brief, detailed data are required in order to evaluate the following areas:

- Identity, physic chemistry
- Toxicology
- Residues
- Fate and behaviour in the environment
- Ecotoxicology

The risk assessment method was also explained, which includes a double dossier on data on both active substances and products. This robust risk assessment also demands knowledge about hazardous properties and expected exposure levels. The bottom line is that only safe PPPs are authorised. This means that, amongst other things, there must be no harmful effect on human health.
and groundwater and no unacceptable effects on crops, non-target organisms (animals, plants, fungi, bacteria), water and soil, ecosystems, biodiversity.

### 2.2.3 Workshop 3 – How to elaborate an adequate risk analysis on pesticides - experiences and best practices

The next workshop expanded on the theme introduced by DG SANCO.

The German State Ministry of Economy, Transport and Innovation outlined the current legislation in force, in Germany, and the related sanctions. In this respect, he explained that marketing of a PPP without authorisation or without parallel import approval can incur a maximum penalty of 50,000 Euros. Moreover, manufacturing, importation and the marketing of a PPP containing a banned substance can lead to a fine or up to five years imprisonment. In addition, wrongly labelled products carry a fine or imprisonment for up to three years.

The competent regulatory authority (German Federal Office of Consumer Protection and Food Safety (BVL)) has responsibility for product registrations. It also has powers to grant or withdraw import approvals. However, trade and use of pesticide products are under the supervision of the German states (Länder).

Customs has cooperation links with other regulatory bodies and supervises import, transit and export shipments. Any suspicious consignments are stopped to allow further investigation by the competent authority and customs also provides the competent authorities with notifications of consignments that have been cleared without its involvement.

Police, prosecutors and customs all have responsibility for criminal offences.

Although goods in transit are not covered by Regulation 91107/2009 EU, counterfeit pesticides can be seized for trademark or patent infringements if there is a suspicion of diversion of goods to the EU market, for example if the consignee does not exist or there are doubts about the destination of the goods.

This also applies to mixed consignments where IPR infringing goods are seized and the remaining goods are forwarded to the country of destination.

In relation to information exchange, German regulatory bodies have a working group on pesticide controls and there is regular communication between customs and regulatory bodies at regional levels. Communication between German regulatory bodies and EU Member States is currently the responsibility of the Federal Ministry of Agriculture. However, discussions are taking place about whether to delegate this responsibility to the German Federal States to allow faster exchanges of information. Information about incoming shipments of suspected illegal pesticides are forwarded to other Members State authorities and regular information exchange with between countries is continually improving.
Unfortunately, there is no central reporting system in place for all seizures.

The current situation regarding the illegal trade and use of pesticides was also described. It was explained that, to a certain degree, expired products are still to be found in use in ornamental plants, in tree nurseries and Christmas trees.

In many cases counterfeit pesticides have also been found to be distributed as parallel imported products. However, due to a change in the national legislation in 2012 (institution of criminal offences) parallel import products in Germany are, more and more, distributed by companies located outside of the country.

It was explained that relevant quantities of illegal PPP have been detected at seaports, airports and at EU external borders. In addition there are formulation and repackaging plants within the EU. Examples were provided of how these might be best detected.

Seaports/Airports – through:
- electronic databases
- Cooperation between local authorities
- Notices of arrival

Formulation and repackaging plants within the EU – through:
- Registration systems
- Clear supervision
- Reporting
- Cooperation between local authorities

In conclusion, it was stressed that improved cooperation and exchange of experiences between European authorities is vital.

ECPA raised the issue of whether risks to human health and safety and the environment are being adequately addressed. A detailed list of illegal pesticide incidents was provided including examples of how transit is organised and how detailed risk analysis helps to overcome the problems.

As the signs for identifying illegal pesticides are not always obvious, public and private cooperation is vital.

2.2.4 Workshop 4 – Legal and other tools to combat the phenomenon of pesticides

Workshop 4 discussed key things that could be implemented to help combat the problem of illicit and fake pesticides.

ECPA confirmed that the illegal and fake pesticides industry is highly innovative. The transit routes are complex and involve sea, air and overland transport methods. In addition IPR protection can be easily circumvented by falsifying information. Counterfeiters have learned to send IPR-infringing products
(bulk chemicals) in unmarked containers, accompanied by false declarations, product descriptions and consignee addresses. Packaging materials bearing marks are then sent separately.

Customs officers are empowered to act on suspicion of false declarations, therefore there is a need to promote greater interaction between competent authorities and to embrace transit issue in current legislation.

It was explained that ECPA members share a zero tolerance approach to counterfeit and illegal pesticides and closely support and cooperate with customs and phytosanitary authorities to make sure that counterfeit and illegal pesticides are found, checked and destroyed. In addition ECPA is continuously raising awareness with all relevant stakeholders on the real threat of counterfeit and illegal pesticides.

However, there is a need to close existing legislative loopholes in legislation governing customs enforcement to protect IPR and in legislation governing monitoring & control of pesticides on the market.

The ECPA presentation was followed by the Central Office for Coordinating Environment or Public Health Crime (OCLAESP). OCLAESP was created in 2004 as the French National Gendarmerie Investigation Department for national level and overseas territories. It leads on environment and public health crime, coordinating criminal investigations, gathering intelligence, training and international cooperation.

OCLAESP includes a National Brigade for Veterinary and Phytosanitary Investigations whose task it is to conduct investigations with the aim of fighting organised crime in the veterinary and phytosanitary health field. It also provides technical support for food, the regional and departmental sanitary control services or the legal authorities.

The presenters outlined OCLAESP’s involvement in criminal cases on pesticides and the results of investigations. In this they indicated that a problem issue for enforcement is that fake products are often similar in appearance to genuine products. In addition, parallel permits and formulation activities add to confusion.

A number of cases were presented to explain developments and the ongoing issues associated with illegal and counterfeit products. These cases have provided important information on how counterfeiters seek to avoid enforcement action by various means, including double labelling containers which include counterfeited labels of original manufactured product and labels of the imported parallel product.

Due to the overall complexity of the issue, OCLAESP places separate attention on a range of activities, such as:

- The port or airport of discharge
- The MS for customs clearance
- Production sites
- Bookkeeping and accounting including the interposition of letterbox companies
In conclusion it was stressed that the main difficulties are:

- Complex European Regulation
- A lack of harmonisation
- Police cooperation

2.3 Day 3 – Operations and the way forward

Case Study - Belgian Federal Agency for the Safety of the Food Chain

Following the case studies presented by OCLAESP, the Belgian Federal Agency for the Safety of the Food Chain outlined cases involving a number of actors and several countries. As an example, information from Hamburg had been received about an arrival of PPP in Antwerp, from China, containing a non-authorised active ingredient. An inspection 'in transit' highlighted that an Indian shipper intended to import the product for sale in Spain. Similar cases occurred in the UK, with Luxembourg, Polish and German consignees being linked to consignments from China which were eventually destined for Turkey.

It was explained that to overcome such complex manoeuvring, authorities need to build national and international networks of contacts and experts on PPPs. In addition, suspicious PPPs need to be viewed as possible illegal PPPs, parallel imports, counterfeit or dangerous goods.

Case Study - Spain

The following case studies outlined the illegal market in Spain, the Spanish legal framework for the agrochemical market and the courses of action available in Spain to help combat the illegal market. Positive results were also provided and indications of what could be improved.

One example identified a pesticide that has never been approved in any EU Member State being found in plants in the Almería region of Spain, which clearly placed consumers at risk. In another case, products totalling 10,000 litres of agrochemicals, containing illegal substances were stopped. The consignment also contained 100 incorrect labels in foreign languages, 44 empty packages, 250 separate taps and a wide range of false documentation.

A third case demonstrated how illegal pesticides are being introduced as fertilizers.

It was explained that numerous regulations in Spain, relating to agriculture, environment, food and health, are infringed by the illegal pesticides market. However, other regulations covering IP, tax and smuggling are also breached. As a result, a range of legal actions can be taken through the courts (e.g. civil action for damages and/or criminal offences for public health issues related to consumers). Moreover action can be undertaken through administrative authorities, such as agriculture, health, environment, tax and customs.
Case Study - Germany

A German journalist who has carried out an investigation for television on dangerous fake products including illegal and counterfeit pesticides provided an alternative insight into how the trade works.

It was explained that there is need to gain the attention of consumers, who normally think that something is only a problem when they can be personally harmed. This means a need to focus on things that can be shown, to demonstrate that it is not an abstract problem. It was explained how ordering fakes is easy, including dangerous products and how these are easily concealed by counterfeiters.

To overcome the awareness issue it was recommended that agencies should keep in mind what journalists need to illustrate the problem simply and clearly.

Case Study - Australia

The final presentation was made by the Australian Pesticides and Veterinary Medicines Authority (APVMA). The Authority has a mission to protect the health and safety of people, animals and crops, the environment and trade, and to support Australian primary industries, through evidence-based, effective and efficient regulation of pesticides and veterinary medicines.

Examples were provided of recent cases where products had been distributed across three states. The APVMA had been alerted by complaints about odour and colour, after distribution and during use. A detailed examination of products was made, which resulted in a recall of products, which were subsequently returned to the country of origin with costs being covered by the manufacturer.

Recently there has been surge in internet trade offering unregistered veterinary medicines and agricultural chemicals, directly from manufacturers and through a range of online trading sites. While parallel trade is encouraged, serious labelling issues arise with unregistered products that often lack safety information on labels and packaging.

In response, the APVMA has set up intelligence function and expert capacity within its compliance section. In addition, an Agrochemical Intelligence Project has been put in place to set out processes and a framework for future projects. Moreover, capability and capacity development is being undertaken to multi-skill and enhance compliance functions.

At present Australia is not able to accurately identify the extent of the illegal agrochemicals problem. Therefore, closer engagement with partner agencies is being set up alongside a comprehensive intelligence project to clearly identify risks and possible targets. The next steps for the APVMA are to build data and analysis, liaise with partner agencies and to develop risk profiles before taking enforcement action.

In addition, it will concentrate on capacity development and enhancing intelligence function within APVMA.
2.4 Day 3 – Pesticides - the way forward, proposals and conclusions

To complete the conference, attendees were asked to provide their views and conclusions. As a result, a range of conclusions, observations and recommendations were provided. Many of these are listed in the table below, which will be taken forward by relevant agencies and bodies.

<table>
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<th>Questions/ Comments/Observations/Recommendations</th>
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<tr>
<td>1. EU-wide action week</td>
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<td>2. Repackaging and formulation plants: inspections to be performed by national regulatory bodies as per 1107 requirement: drafting a process and training</td>
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<td>3. Cross country investigation: fast track support for national authorities by EUROPOL</td>
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<td>4. Seizure by customs of TM-infringing measuring cups/labels and the corresponding (but not IP-infringing) product(pack)</td>
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<td>5. “In transit” false declarations: development of a concept on how to avoid counterfeiters by passing EU-legislation via different forms of false declarations</td>
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<td>6. Port best practice sharing: Hamburg best practice examples. Sharing of risk profile for illegal pesticides is key. Profiles should consequently be actively updated from all other countries as well.</td>
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<td>7. Cooperation and interaction between customs, police and pesticide authorities within an EU Member State (within ports/airports/at borders) - there may be a legal requirement in some countries to formalise operations and avoid any data protection issues (e.g. the German law which formalises links between authorities)</td>
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<td>8. Customs need to automatically notify a phytosanitary authority if a plant protection product is at the border (such obligations are already in the legislations of Germany and Austria)</td>
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<td>9. Rapid information sharing between countries is absolutely necessary. Important to build a Network of Experts which includes contact details of Member States’ officials related to plant protection products</td>
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<td>10. False documentations and “in transit”: build a consistent way of finding and identifying suspicious shipments, proving false declarations and acting consistently (seizure) on shipments which are false declarations</td>
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<td>11. Customs require quick analytical testing once there is suspicion/false declaration. ECPA recommendation is to create a centralised lab for quick analysis to support customs</td>
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<td>12. Harmonised monitoring and control of the market place to be carried over the EU is essential (in line with Reg.1107/2009)</td>
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<td>13. Inspection of manufacturing and repackaging plants inside the EU required (according to 1107/2009 requirements). Clear processes must be in place</td>
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<td>14. Making use of Eurojust and Observatory Academy necessary to improve training, especially for prosecutors</td>
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<td>15. ECPA supports the establishment of a Working Group of enforcement authorities (all relevant authorities should be involved to ensure effective coordination)</td>
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### 3 - ANNEX A

#### 3.1 Breakdown of Attendees

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