



EUROPEAN COMMISSION  
HEALTH AND CONSUMERS DIRECTORATE-GENERAL  
Directorate F - Food and Veterinary Office

Ares(2013)138427

DG(SANCO) 2012-6482 - MR FINAL

FINAL REPORT OF AN AUDIT  
CARRIED OUT IN  
LATVIA  
FROM 03 TO 07 SEPTEMBER 2012  
IN ORDER TO EVALUATE MEASURES IN PLACE FOR THE IDENTIFICATION OF  
HAZARDS AND MANAGEMENT OF RISKS ALONG THE FEED CHAIN

*In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.*

## ***Executive Summary***

*This report describes the outcome of an audit carried out by the Food and Veterinary Office (FVO) in Latvia, from 3 to 7 September 2012.*

*The overall objective of the audit was to evaluate the implementation of requirements aiming at ensuring the identification of hazards and management of risks along the feed chain, taking account of the relevant requirements on feed laid down by Regulation (EC) No 1831/2003 and other related legislation and on official controls on the afore-mentioned legislation. In terms of scope, the audit focused on activities which, in the light of experience and past feed crises, are known to be more of a risk than others. The audit also assessed the measures taken in response to the recommendations made following a previous FVO audit concerning feed safety.*

*Overall, the report concludes that official controls are carried out along the feed chain except at some food establishments supplying co-products used as feed. Inspections are partially based on the risk criteria referred to in Regulation (EC) No 853/2004 and official sampling takes account of some relevant risks; however, official sampling overlooks significant risks linked to some undesirable substances or the reliability of operators' own-checks.*

*Official controls cover very superficially the implementation of HACCP-based procedures at feed establishments; as a consequence, official controls overlook the fact that establishments implement weak own-check systems, in particular importers of feed and establishments placing both feed grade and technical (non-feed) grade products on the market.*

*The report makes a number of recommendations addressed to the Latvian competent authorities, aimed at rectifying the shortcomings identified and further enhancing the implementing and control measures in place.*

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#### ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

<b>Abbreviation</b>	<b>Explanation</b>
Cross-contamination	Presence, due to production, of additives, medicines or ingredients in feedingstuffs which should not contain them
FVO	Food and Veterinary Office
FVS	Food and Veterinary Service ( <i>Pārtikas un Veterinārais Dienests</i> )
HACCP	Hazard analysis and critical control points
Report 2007-7265	Report of an audit carried out in Latvia from 3 to 7 September 2007 concerning feed safety

## 1 INTRODUCTION

The audit took place in Latvia from 3 to 7 September 2012.

The audit team, which comprised two auditors from the Food and Veterinary Office (FVO), was accompanied throughout the audit by representatives from the central competent authority, the Food and Veterinary Service (*Pārtikas un Veterinārais Dienests – FVS*).

An opening meeting was held on 3 September 2012 with the authority, during which the audit objectives, itinerary, and the standard reporting and follow-up procedures were confirmed, and additional information required for the satisfactory completion of the audit was requested.

## 2 OBJECTIVES

The overall objective of the audit was to evaluate the implementation of the requirements concerning the identification of hazards and management of risks along the feed chain. To that extent, the audit took account of the relevant requirements on:

- feed hygiene, as laid down by Regulation (EC) No 1831/2003 of the European Parliament and of the Council, and other relevant legislation laying down requirements concerning feed safety, notably Regulation (EC) No 1831/2003 of the European Parliament and of the Council, Directive 2002/32/EC of the European Parliament and of the Council and Regulation (EC) No 767/2009 of the European Parliament and of the Council;
- official controls on the above legislation, as laid down by Regulation (EC) No 882/2004 of the European Parliament and of the Council.

The audit also assessed the measures taken in response to the recommendations made following a previous FVO audit concerning feed safety (see section 4). Moreover, the audit also gathered information on the implementation of some of the requirements of Regulation (EC) No 767/2009 which are purely related to the marketing of feed; this information is presented in Annex 2.

In terms of scope, the audit focused on activities which, in the light of experience and past feed crises, are known to be more of a risk than others (see section 4).

The itinerary for the audit included the following visits:

Visits/meetings		No	Comments
Competent authority	Central	√	Opening and closing (de-briefing) meeting
	Regional	1	Meeting in a territorial unit
	Local	√	Discussions held in the course of visits to premises
Animal feed manufacturers		3	Two approved feed mills and one manufacturer of mineral feed material also manufacturing technical (non-feed) grade products
Wholesalers of feed		2	One approved establishment and one registered establishment, both importers of feed into the European Union

### **3 LEGAL BASIS**

The audit was carried out under the general provisions of European Union (EU) legislation and, in particular, Article 45 of Regulation (EC) No 882/2004.

A full list of the legal instruments referred to in this report is provided in Annex 1 and refers, where applicable, to the last amended version.

### **4 BACKGROUND**

Report DG(SANCO)/2007-7265 – MR Final (hereafter: report 2007-7265) describes the results of a previous audit concerning feed safety carried out in Latvia from 3 to 7 September 2007, and contains background information relevant to the current audit. This report made a number of recommendations to the competent authorities, which subsequently informed the Commission services of actions that had been or would be taken aimed at addressing the recommendations made; where appropriate, both the relevant recommendations and the afore-mentioned actions are outlined in section 5. The report is accessible at the following address:

[http://ec.europa.eu/food/fvo/ir\\_search\\_en.cfm](http://ec.europa.eu/food/fvo/ir_search_en.cfm)

FVO audits on feed safety in Member States have shown important deficiencies across the board on the implementation and official controls on procedures based on the hazard analysis and critical control points (HACCP) principles. In parallel, a number of past feed safety crises (e.g. dioxins in fatty acids or in dried food co-products) were linked to poor hazard identification and risk management measures by the feed operators concerned. These crises have also shown that some activities can be considered more of a risk than others and, in some cases, this has resulted in the legislation being amended (e.g. approval of establishments operating in the oil and fat chain). For these reasons, a new series of audits is being rolled out as of 2012, focusing on some requirements of the legislation concerning key areas where hazards have been identified and, therefore the consequent risks have to be managed.

### **5 FINDINGS AND CONCLUSIONS**

#### **5.1 INFORMATION ON THE FEED SECTOR**

Report 2007-7265 provides an overview about the feed sector in Latvia. According to data publicly available from the European Feed Manufacturers' Association, the estimated production of compound feed was 339,000 tonnes in 2011.

According to the competent authority, the following activities with a view to placing feed on the market are not carried out in Latvia: collection and processing of surplus food, production of derived products from refining of crude vegetable oil, production of derived products from oleochemical plants and fat blending.

There are eight biodiesel plants in operation of which only two supply rape seed expellers to the feed chain; the other six biodiesel plants only supply co-products to be used for technical (non-feed) uses. There are seven manufacturers of crude oil which are registered as feed establishments (rape seed expellers used for feed); none of these establishments is involved in the refining of crude oil and, apart from rape seed expellers, no other co-products are used as feed.

There are 397 driers of grains of which 15 are in operation at feed mills and food establishments supplying co-products as feed; direct drying is used by 12 of these establishments of which six use diesel as fuel. The remaining 382 driers operate at farm level.

The competent authority has identified three establishments manufacturing both feed grade and technical (non-feed) grade products.

## **5.2 OFFICIAL CONTROLS SYSTEMS**

### *5.2.1 Competent authorities*

#### ***Legal requirements***

Article 4 of Regulation (EC) No 882/2004 lays down, among others, requirements for the designation of the responsible competent authorities and for their co-ordination and co-operation.

#### ***Findings***

The organisation and responsibilities of competent authorities in charge of feed controls is described in the country profile of Latvia which can be found at the following address:

[http://ec.europa.eu/food/fvo/country\\_profiles\\_en.cfm](http://ec.europa.eu/food/fvo/country_profiles_en.cfm)

Recent changes have occurred in the organisation of official controls in feed. In particular, since April 2012, seven veterinary inspectors have been appointed for carrying out official controls on feed. The main task of these feed inspectors is to perform feed controls (in contrast with the previous situation where 53 inspectors were involved in feed controls, some of them very marginally). Another seven veterinary inspectors have been authorised to conduct official controls at retailers of feed.

Observations:

- The competent authority in charge of official controls on feed has been designated. All officials met had a clear understanding of their tasks and activities and of the system in place for official controls on feed.
- The audit team noted that co-operation and co-ordination arrangements within FVS include regular meetings and exchange of information between the staff involved in audits, inspections, sampling and supervisory activities.

#### ***Conclusions***

The requirements for the designation of competent authorities and for their co-ordination and co-operation laid down by Article 4 of Regulation (EC) No 882/2004 are satisfactorily complied with.

### *5.2.2 Organisation and delivery of official controls*

#### ***Legal requirements***

Article 3 of Regulation (EC) No 882/2004 establishes, among others, that official controls are to be carried out regularly, on a risk basis and with appropriate frequency, taking particular account of identified risks that may influence feed safety. For context, the relevant requirements applicable along the feed chain are laid down by Regulation (EC) No 183/2005, Directive 2002/32/EC, Regulation (EC) No 1831/2003 and Regulation (EC) No 767/2009.

## ***Findings***

The annual programme of inspection and the annual sampling plan are issued centrally and distributed to FVS territorial units.

The annual programme of inspections contains "planned inspections" whose frequencies vary with the activities of establishments. The 2012 version of this programme foresees the possibility of adapting frequencies of inspections taking into account some of the criteria referred to in Article 3 of Regulation (EC) No 882/2004.

The annual sampling plan comprises the number of samples to be taken, the analyses to be performed as well as some guidance on hazards associated with different types of feed. In 2012, following the availability of additional funds, additional samples for the presence of undesirable substances were planned in addition to those initially foreseen in the annual plan.

Additionally to "planned inspections", audits of manufacturers of feed are carried out according to frequencies varying on the basis of establishments activities. These audits are conducted by feed experts and cover specific topics.

Observations:

- According to the feed operators and the feed inspectors met, inspections and sampling are not announced or announced at very short notice (within 24 hours). Audits are carried out following a prior notification of at least two weeks.
- The programmes of inspections for 2011 and 2012 cover all activities along the feed chain. All establishments visited were subject to regular inspections. However, since the registration of some categories of feed operators is not complete (see 5.2.5) and since official controls pay little attention to imports of feed by wholesalers (see 5.3.3), the audit team noted that some establishments are not subject to feed controls and some activities are only partly covered.
- The audit team noted that the programme of inspections for 2012 foresees the possibility of adapting frequencies of inspections taking into account some risk criteria. However, the reliability of operators' HACCP-based procedures is not one of these criteria.
- With the exception of one, the feed inspectors met stated that they had not yet started adapting frequencies of inspections as made possible by the programme of inspections for 2012. As a consequence, the number of inspections per establishment is still only based on the nature of their activities.
- The shortcomings identified by the audit team were overlooked during official controls (see 5.3); the audit team noted that this affects the ability of the competent authority to build a reliable history of compliance of feed establishments.
- The audit team noted that the design of the sampling plan is based on a risk assessment carried out at central level. This assessment takes account of the provisions of Commission Recommendation 2005/925/EC. The feed inspectors met were following the guidance and instructions contained in the annual sampling plan.
- In the last two years, samples taken for the presence of dioxins and dioxin-like polychlorinated biphenyls concerned almost exclusively fishmeal and fish oils. This is because these products are considered of a higher risk by the competent authority (non-compliances were observed in 2011 and 2012), in a context where only a limited number of analyses can be performed (for financial reasons). The audit team noted that other types of feed with a track record of contamination with dioxins (dried feed, clays, feed materials of mineral origin and some trace elements) were not sampled although they were identified as



risky materials in the annual sampling plan. The sampling plan on imported feed does not foresee such analysis either (but it sets out analyses for the presence of aflatoxin B1 in soya meal or for heavy metals in spent grains while such contamination have not been reported through the Rapid Alert System for Food and Feed in the recent past). According to the competent authority the additional samples foreseen in 2012 would be used for targeting such types of feed for analyses on dioxins and dioxin-like polychlorinated biphenyls.

- According to the competent authorities, official samples taken for assessing the level of residues of coccidiostats in feed are analysed for those coccidiostats used across the country. The audit team noted that diclazuril was used in one feed mill visited but official samples of feed are not tested for the presence of residues from this coccidiostats. The audit team also noted that official samples aiming at assessing cross-contamination from coccidiostats are not targeted on the first batch of feed without coccidiostats manufactured after the production of feed with coccidiostats, but on the one manufactured 24 tonnes after (see 5.3.3).
- The annual sampling plan does not contain samples for the detection of prohibited antibiotics. According to the competent authorities, this is because they have not identified non-compliances in this area. The audit team noted that the planned sampling programme on imported feed does not foresee any samples for detection of prohibited antibiotics although several instances of contamination have been reported through the Rapid Alert System for Food and Feed.
- Several feed inspectors met stated that imported feed material are not officially sampled and tested for the presence of organochlorine pesticides, and that these analyses cover instead locally produced crops. The audit team noted that this was due to a lack of guidance in the annual sampling plan.
- The audit team identified some gaps in the monitoring arrangements for undesirable substances of some of the feed operators visited (see 5.3.3). These gaps were overlooked during official controls and consequently the decision underpinning the official samples to be taken at these establishments did not take account of the limited reliability of these operators' own-checks.

### ***Conclusions***

Official controls are regularly carried out, and they are usually conducted without prior warning, with the exception of audits.

The frequency of inspections is largely appropriate but does not take yet account of all criteria referred to in Article 3 of Regulation (EC) No 882/2004 and some establishments are not included in the scope of official controls for reasons which are not based on risks.

Official sampling takes account of some relevant risks but overlooks significant ones linked to undesirable substances or reliability of operators' own-checks. This is not in line with the requirements of Article 3 of Regulation (EC) No 882/2004.

### *5.2.3 Records of official controls*

#### **Legal requirements**

Articles 8(1) and 9 of Regulation (EC) No 882/2004 lay down, respectively, requirements for documented procedures and for drawing up reports on official controls.

#### **Findings**

Observations:

- Documented procedures covering the implementation of official controls are maintained by FVS. All officials met were aware of the existence of these procedures and used them.
- The audit team noted that check-lists and associated documents are used by feed inspectors when carrying out their inspection and sampling tasks. All feed operators met had received copies of inspections reports, including when non-compliance was identified during inspection or following sampling.

#### **Conclusions**

The requirements of Articles 8(1) and 9 of Regulation (EC) No 882/2004 concerning documented procedures and reports on official controls are satisfactorily complied with.

### *5.2.4 Verification of official controls*

#### **Legal requirements**

Article 8(3)(a) of Regulation (EC) No 882/2004 requires that competent authorities shall have procedures in place to verify the effectiveness of official controls that they carry out.

#### **Findings**

The relevant recommendation of report 2007-7265 concerned staff performing verification of official controls. In response to this recommendation, the competent authority undertook to organise training for these staff.

According to FVS, internal supervision arrangements have been adapted to take account of the new organisation of official controls. Feed inspectors are assessed every two years as regards their inspection and sampling skills and twice a year on compliance with procedures. Heads of FVS territorial unit carry out procedures based assessments and feed experts conduct on-the-spot evaluations. Feed experts are appointed on the basis of their knowledge and experience in feed. Some of these experts are based at central level, other at territorial level.

Observations:

- The audit team noted that there are procedures in place to assess compliance with instructions and performance of official controls and that the feed inspectors met had been assessed as regards compliance with procedures and on the way they carry out inspections and sampling; individual reports are drafted following such assessments.

#### **Conclusions**

The requirement of Article 8(3)(a) of Regulation (EC) No 882/2004 are satisfactorily complied with. The relevant recommendation of the previous report has been satisfactorily addressed.

### 5.2.5 Registration and approval

#### **Legal requirements**

Articles 9 and 10 of Regulation (EC) No 183/2005 lay down, respectively, requirements for the registration and approval of feed establishments by the competent authorities; Article 19 lays down requirements for the list of these establishments.

#### **Findings**

The relevant recommendation of report 2007-7265 concerned completing the registration process of feed establishments. In response to this recommendation, the competent authority undertook to amend their procedures.

Activities of feed establishments are registered using activity codes which cover a wide range of feed related activities. Specifically on the establishments included in the scope of the audit, there are activity codes for a) the supply of food co-products as feed, b) drying of feed (at primary production only), c) manufacture of feed and d) transport of feed. There is no specific code to distinguish plants producing both feed and technical (non-feed) grade products.

For establishments processing oils and fats and supplying the feed chain, oleochemical manufacturing of fatty acids, manufacturing of biodiesel and fat blending, there are no activity codes currently applicable (at the time of the audit, no such establishments supplied derived products as feed). According to the competent authority, an amendment of national legislation will shortly include the activities which fall under the scope of Regulation (EC) No 225/2012 and for which an approval is required.

#### Observations:

- All establishments visited were registered or approved on the basis of their activities. These establishments were conducting activities matching those of the lists maintained by the competent authority. However, one of these establishments (a wholesaler) was involved in the trade of nutritional additives but it was not approved as required by Regulation (EC) No 183/2005. This had been overlooked during official controls.
- The audit team identified a number of food establishments supplying feed or co-products as feed that are not registered as feed establishments (and therefore not subject to feed inspections).
- The audit team noted that several transporters of feed not registered for such activity were contracted by one feed manufacturer visited. This had been overlooked during official controls.
- Some supermarkets and bakeries have been authorised to supply surplus food to farms. These establishments, although not registered as feed establishments, as well as the farms using such products, are known by the competent authority and they are subject to specific requirements (mainly concerning traceability and separation of plant products and animal by-products streams).
- The co-existence of feed grade and technical (non-feed) grade activities is not part of the information routinely collected during the registration or approval process of feed establishments. Nevertheless, FVS could provide the audit team with detailed information about such operators as a result of the investigation which was carried out in preparation of the audit.

- Feed establishments (including farms) involved in the drying of feed have been identified by FVS. The audit team noted that feed inspectors were aware of such activities although there is no dedicated section covering it in the check-lists for feed inspections.
- Lists of approved and registered feed establishments are publicly available on FVS website. These lists reflect the activities for which these establishments are approved or registered.

### ***Conclusions***

The requirements of Article 19 of Regulation (EC) No 183/2005 are satisfactorily complied with. However, the requirements of Articles 9 and 10 of Regulation (EC) No 183/2005 are not fully complied with as some feed establishments are in operation without being registered or approved. This mainly concerns food establishments supplying feed as a co-product, transporters of feed and, to a limited extent, some wholesalers of feed (registered but not approved). Therefore, the relevant recommendation of the previous report has not been addressed.

#### *5.2.6 Actions in case of non-compliance*

### ***Legal requirements***

Article 54 of Regulation (EC) No 882/2004 lays down requirements for action where non-compliance is identified.

### ***Findings***

Observations:

- In cases where non-compliance was identified, the audit team noted that corrective actions had been prescribed by feed inspectors, including deadlines for their implementation by feed operators.
- For the non-compliances examined by the audit team, follow-up inspections had been carried out and the corresponding non-compliance resolved.

### ***Conclusions***

The requirements of Article 54 of Regulation (EC) No 882/2004 are satisfactorily complied with.

## **5.3 OFFICIAL CONTROLS ON REQUIREMENTS ALONG THE FEED CHAIN**

### *5.3.1 Sourcing and labelling*

### ***Legal requirements***

Article 5(6) of Regulation (EC) No 183/2005 requires feed business operators to source and use feed only from registered and/or approved establishments. The labelling of feed materials and compound feed placed on the market must identify them as such, as laid down by Article 15 of Regulation (EC) No 767/2009; for feed additives and premixtures, the same principle is laid down by Article 16 of Regulation (EC) No 1831/2003.

## ***Findings***

Observations:

- Official controls at feed establishments include the verification that feed is sourced from approved and/or registered establishments.
- Some of the feed operators met do not systematically verify the registration of their suppliers as feed establishments. In some cases, they trusted these suppliers to be registered, in other cases registration with FVS was deemed sufficient, even though it was not for feed activities. Nonetheless, in all establishments visited, all suppliers of feed examined by the audit team were registered or approved as required.
- Official controls include the verification that products used for the production of feed are labelled as feed. In all establishments visited but one, the audit team noted that ingredients used for the production of feed were clearly identified as feed. However, one approved feed mill visited was using vegetable fats in the production of feed without any indication on the accompanying documentation (nor in the documentation held) that it was feed grade. This had been overlooked during official controls. Nonetheless, the feed operator had obtained certificates of analysis for undesirable substances (including dioxins) from the supplier showing that the product complied with applicable maximum permitted levels.

## ***Conclusions***

Official controls can largely ensure that establishments comply with the requirements on sourcing and labelling laid down by Articles 5(6) of Regulation (EC) No 183/2005, Article 15 of Regulation (EC) No 767/2009 and Article 16 of Regulation (EC) No 1831/2003.

### *5.3.2 Facilities and equipment*

## ***Legal requirements***

Article 5(2) of Regulation (EC) No 183/2005 indicates that the requirements set out in its Annex II shall be met for operations other than those regarding primary production; among others, these requirements concern separation arrangements for establishments producing feed and technical (non-feed) grade products.

## ***Findings***

Observations:

- The audit team noted that official controls include the verification that facilities and equipment comply with the applicable requirements of Regulation (EC) No 183/2005. In the establishment visited, facilities and equipment were largely in line with the said requirements.
- In the establishments visited where both feed and technical (non-feed) grade products were handled, there were adequate separation arrangements between these products when required.

## ***Conclusions***

Official controls can ensure that establishments comply with the requirements on facilities and equipment laid down by Articles 5(2) of Regulation (EC) No 183/2005 and set out in its Annex II.

### 5.3.3 *Cross-contamination, homogeneity and undesirable substances*

#### **Legal requirements**

Article 5(2) of Regulation (EC) No 1831/2003 indicates that the requirements set out in its Annex II shall be met for operations other than those regarding primary production; these requirements concern, among others, cross-contamination, homogeneity as well as undesirable substances. In particular, Directive 2002/32/EC sets out maximum permitted levels for undesirable substances in feed.

#### **Findings**

Observations:

- The audit team noted that official controls include an assessment of the measures in place to ensure homogeneity of feed at manufacturers. All feed operators met, when mixing of feed was taking place, had assessed the ability of their mixers to achieve homogeneous mixes.
- Verification of the arrangements in place to minimise cross-contamination arising from feed containing coccidiostats is considered during inspections at manufacturers and also checked through official sampling. In one establishment visited, a cleaning procedure was implemented between the production of feed containing coccidiostats and feed without coccidiostats. However, the audit team noted that the effectiveness of this procedure had not been correctly verified:
  - The batch of feed produced immediately after the cleaning batch had never been tested by the operator in order to assess the level of cross-contamination (this first batch after cleaning, which usually consisted of 24 tonnes, is the one potentially most contaminated). The level of cross-contamination had always been measured (and found to be within maximum permitted levels) on the second batch manufactured after cleaning, just after the first 24-tonne batch.
  - Official samples were similarly poorly targeted on the same second batch, overlooking the first one. All official results examined by the audit team were within maximum permitted levels for residues of coccidiostats in feed. Similarly, official samples taken in poultry which were fed with the feed produced in this establishment did not exceed the maximum residue levels for coccidiostats in food.
- Monitoring of undesirable substances by feed operators manufacturing feed is assessed during official controls. All manufacturers of feed visited had arrangements in place to monitor such substances. At the feed mills visited, the audit team noted that they were generally adequate. This was not the case at one importer of feed additives from third countries that relied only on the participation of suppliers in feed safety schemes since certificates of analyses from these suppliers were not present for all imported additives (see 5.3.5). These shortcomings had been overlooked during official controls as this activity was not known by the feed inspector in charge of the establishment (see 5.2.2).
- One operator manufacturing feed material of mineral origin was monitoring the presence of heavy metals in finished products. However, as regards mercury, the audit team noted that the limit of detection achieved by the laboratory used by the operator was more than three times above the maximum permitted level for mercury in feed. Still, this operator was issuing an accompanying document certifying that the maximum permitted level was complied with. This shortcoming had been overlooked by feed inspectors. The same operator had ruled out the possibility of contamination of this quarried product without any

validation of this decision through sampling for analyses or any other evidence. The audit team noted that this product could be contaminated with clay from top soil and that environmental and geological contamination can never be totally excluded in the case of quarried minerals. While excessive contamination with clay was considered not acceptable by the operator, the level and nature of contaminants present in the clay had never been checked.

### ***Conclusions***

Official controls are not in a position to ensure that the relevant requirements laid down by Article 5(2) of Regulation (EC) No 183/2005 concerning cross-contamination and undesirable substances are fully complied with at establishment level. In particular, it can not be ensured that the measures to minimise cross-contamination are sufficient to avoid the presence (beyond the levels set out by Directive 2002/32/EC) of residues of coccidiostats in feed; moreover, the monitoring of undesirable substances carried out by some feed operators, in particular importers of feed and establishments placing both feed grade and technical (non-feed) grade products on the market, does not take account of the relevant hazards because of weaknesses in the risk assessment carried out as part of their HACCP-based procedures (see 5.3.5).

#### *5.3.4 Traceability*

### ***Legal requirements***

Article 5(2) of Regulation (EC) No 183/2005 indicates that the requirements set out in its Annex II shall be met for operations other than those regarding primary production; these requirements concern, among others, records for traceability and the keeping of samples.

### ***Findings***

Observations:

- The audit team noted that official controls include verification of traceability at feed operators. In all but one establishments visited, appropriate traceability arrangements were in place, including samples kept by manufacturers of feed on additives, feed materials, premixtures and compound feed.
- In one manufacturer of feed material visited, the audit team noted that when using the definition of a batch chosen by the operator, there was no possibility to link any batch to its manufacturing history. This shortcoming had been overlooked during official controls.

### ***Conclusions***

Official controls can ensure that establishments largely comply with the requirements on traceability laid down by Articles 5(2) of Regulation (EC) No 183/2005 and set out in its Annex II.

#### *5.3.5 HACCP-based procedures*

### ***Legal requirements***

Articles 6 and 7 of Regulation (EC) No 183/2005 lay down requirements for feed business operators concerning procedures based on the HACCP principles.

## ***Findings***

### Observations:

- Verification that HACCP-based procedures are implemented by feed operators is included in the scope of official controls. The audit team noted that the feed mills visited had devised HACCP-based procedures which followed the relevant HACCP principles.
- Several shortcomings were observed by the audit team at the wholesalers of feed visited (both were also importers of feed additives). One of them had identified a number of critical control points linked to its operations but no critical limits and no monitoring arrangements were in place for these critical control points. The other one had devised some procedures focusing on repacking and handling of feed but other activities such as imports of feed or direct trade from suppliers to customers were not covered by any documented procedures. Nevertheless, in both establishments, in particular as regards imports of feed additives, the audit team noted that some guarantees from the suppliers were sought as regards the safety of products imported although this was not done in a systematic and comprehensive way (see 5.3.3).
- A manufacturer of mineral feed visited had not devised any HACCP-based procedures covering its activities. Since no documented risk assessment was available, some hazards were considered non-relevant without this decision being justified or substantiated (see 5.3.3). The only specifications kept by the operator concerned the use of this product as a fertiliser. For some contaminants (in particular mercury), these specifications contained maximum permitted levels which were well above those applicable to feed.
- All the above shortcomings had been overlooked during official controls.

## ***Conclusions***

Official controls assess only superficially the design and implementation of HACCP-based procedures at feed establishments. Consequently, such controls are not able to identify that feed establishments do not fulfil the requirements of Articles 6 and 7 of Regulation (EC) No 183/2005, in particular importers of feed and establishments placing both feed grade and technical (non-feed) grade products on the market, where not all relevant hazards are correctly identified and controlled.

## **6 OVERALL CONCLUSIONS**

Official controls are carried out along the feed chain except at some food establishments supplying co-products used as feed. Inspections are partially based on the risk criteria referred to in Regulation (EC) No 882/2004 and official sampling takes account of some relevant risks; however, official sampling overlook significant risks linked to some undesirable substances or the reliability of operators' own-checks.

Official controls cover very superficially the implementation of HACCP-based procedures at feed establishments; as a consequence, official controls overlook the fact that establishments implement weak own-check systems, in particular importers of feed and establishments placing both feed grade and technical (non-feed) grade products on the market.



## 7 CLOSING MEETING

A closing meeting was held on 7 September 2012 with the representatives of the central competent authority. At this meeting, main findings and preliminary conclusions of the audit were presented by the audit team. The central competent authority did not indicate any major disagreement with these. During the meeting, additional information as requested by the audit team was provided by the central competent authority.

## 8 RECOMMENDATIONS

The competent authorities of Latvia are invited to provide details of the actions taken and planned, including deadlines for their completion, aimed at addressing the recommendations set out below within 25 working days after receipt of the report.

N°.	Recommendation
1.	To ensure that both official sampling and inspections take account of the relevant risk criteria referred to in Article 3 of Regulation (EC) No 882/2004.
2.	To complete the approval and registration process of establishments carrying out feed activities in line with the requirements of Articles 9 and 10 of Regulation (EC) No 183/2005.
3.	To ensure that feed establishments verify the efficacy of the measures in place for minimising cross-contamination of feed without coccidiostats below the levels set out by Directive 2002/32/EC.
4.	To ensure that feed establishments, in particular importers of feed and establishments placing both feed grade and technical (non-feed) grade products on the market, monitor all relevant undesirable substances as required by Article 5(2) of Regulation (EC) No 183/2005 and Annex II to the said Regulation.
5.	To ensure that feed operators, in particular importers of feed and establishments placing both feed grade and technical (non-feed) grade products on the market, comply with the requirements concerning procedures based on the HACCP principles, as laid down by Articles 6 and 7 of Regulation (EC) No 183/2005.

The competent authority's response to the recommendations can be found at:

[http://ec.europa.eu/food/fvo/rep\\_details\\_en.cfm?rep\\_inspection\\_ref=2012-6482](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2012-6482)

**ANNEX 1 - LEGAL REFERENCES**

<b>Legal Reference</b>	<b>Official Journal</b>	<b>Title</b>
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	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
Reg. 1831/2003	OJ L 268, 18.10.2003, p. 29-43	Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition
Reg. 183/2005	OJ L 35, 8.2.2005, p. 1-22	Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene
Reg. 767/2009	OJ L 229, 1.9.2009, p. 1-28	Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC
Dir. 2002/32/EC	OJ L 140, 30.5.2002, p. 10-22	Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed - Council statement

## **ANNEX 2 – REQUIREMENTS CONCERNING THE MARKETING OF FEED**

### **1. BACKGROUND**

Regulation (EC) No 767/2009, which applies from September 2010, has resulted in a major recast of the legislation concerning the placing on the market and use of feed. The FVO is gathering information on a selected number of key requirements which are solely related to feed marketing in an attempt to establish the level of implementation of this Regulation in Member States.

### **2. FINDINGS**

Verification of compliance with feed marketing rules forms part of official controls on feed. During inspections to establishments, feed inspectors check labels of feed using a specific check-list and guidance document. According to the competent authority, feed marketing rules have always been included in feed controls.

Following the entry into force of Regulation (EC) No 767/2009, discussions were held between the feed industry (Latvian Feed Manufacturers and Trade Association) and the competent authority in relation to changes introduced by the said Regulation.

#### **2.1 DECLARATION OF ADDITIVES**

##### ***Legal requirements***

Article 15(f) of Regulation (EC) No 767/2009 lays down general mandatory labelling requirements for feed additives; these requirements are further specified in Chapter I of Annexes VI and VII to this Regulation.

##### ***Findings***

Observations:

- In all labels of compound feed examined by the audit team, when trace elements were one of the ingredients, the compound of trace elements was declared together with the amount of trace elements present in feed. The added amount of compound of trace elements was not declared.
- According to the feed inspectors met, the above-described situation prevails across the country and is not considered non-compliance. Representatives of the competent authority stated that such way of declaring trace elements had been agreed upon with the feed industry, taking into account the draft EU code of good labelling practice for compound feed for food producing animals.

## **2.2 CLAIMS**

### ***Legal requirements***

Article 13 of Regulation (EC) No 767/2009 lays down the conditions which have to be met for claims to be used.

### ***Findings***

Observations:

- The audit team noted that claims present on labels as well as those identified following complaints are examined during official controls. The feed inspectors met provided the audit team with evidence of actions that led to the removal of unsubstantiated claims following official controls. There were no claims present on the labels and bags of feed examined by the audit team.
- The audit team noted that numerous claims were present on the webpages of some feed establishments, including one establishment that was visited. Most of these claims concerned improvement of animal performance and immune system. The feed inspectors met were not aware of the existence of such claims as official controls only focus on labels. According to the competent authority, aside from checks on feed labels, there are no background checks aiming at identifying claims on commercial documents or establishments' webpages.

## **2.3 TRUTHFULNESS OF LABELLING**

### ***Legal requirements***

Article 11(1) of Regulation (EC) No 767/2009 prescribes that labelling of feed shall not mislead the user.

### ***Findings***

Observations:

- The audit team noted that verification of labels of feed includes checks on potentially misleading information. This verification covers all requirements of Regulation (EC) No 767/2009, including the declaration of ingredients and elements linked to traceability of feed. Several examples of non-compliance identified by feed inspectors were seen by the audit team.
- According to the information made available by the competent authority, 166 checks for verification of truthfulness have been conducted during the first six months of 2012, which resulted in the identification of non-compliance in ten cases.