

ANNEX

Response of the competent authorities of Luxembourg to the recommendations of Report ref. DG(SANTE)/2014-7232-MR of an Audit carried out from 25 November 2014 to 04 December 2014 in order to evaluate the operation of official controls over the post-slaughter traceability of meat, meat products and preparations, composite products

N°	Recommendation	Action Proposed by the Competent Authority
1	To take the necessary steps, that the actions in case of non-compliances have to be effective, proportionate and dissuasive and to provide a legal basis for administrative sanctions in accordance with Articles 54 and 55 of Regulation (EC) No 882/2004.	several law proposals 6614 ; 6646 ; 6659 are being discussed in the Parliament, furthermore the government is finalising an audit on the official control structures to better implement official controls of food safety.
2	To ensure that official controls relating to traceability of food of animal origin and animal waste include checks related to both the quantity of product and the type of product involved. Checks on the use of additives and food ingredients should also be included. Corrective action should be taken when non-compliances are identified. (Article 8.3 of Regulation (EC) No 882/2004).	Concerning traceability of food of animal origin before the end of the first semester 2015 a training with all inspectors will focus on this item and taking in account the experience gained during the FVO audit procedures will be adapted in accordance. Concerning animal waste we consider that no action is necessary because: -during the audit there was no evidence that traceability was not in accordance with Reg. CE 1069/2009 -Reg. CE 1069/2009 was not part of the scope of the audit -the finding mentioned in the report is worth to be considered from a theoretical point of view but was insignificant for a practical and appeared only because of the very detailed traceability system of the food business operator (FBO). Concerning additives and food ingredients a training was organised on 2 nd April summarising the BTSF session on additives held in Athens in February 2015.
3	During official controls, to ensure that food business operators comply with the requirements set out in Article 18 of Regulation (EC) No 178/2002 with regard to traceability, including qualitative and quantitative aspects.	Up to now the competent authority ensured that the FBOs were compliant to Art.18§2 of Reg.(EC) No178/2002 and to Art.18§3 of Reg.(EC) No178/2002 and no failings were identified during the audit concerning these points so no action is necessary for these issues. We agree with the auditors that in view of verifying the information provided on the labels as well as the use of additives the internal traceability has to be improved. After the training referred to in point2 above the competent authority will

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		adapt the control checklist and focus more in detail to traceability including qualitative as well as quantitative aspects considering different specific factors of the enterprise as the type of activity, the size, workflow, short-or long-term production, numbers of persons interacting.....during the third quarter of 2015. Furthermore at least once per year a traceability exercise will be organised and documented.
4	To ensure that official controls guarantee that food business operators comply with the requirements laid down in Regulations (EC) No 1333/2008 and (EC) No1334/2008.	Discussions are ongoing with SECUALIM to adapt the checklists, a working-group took place on 8/04/2015 an other one is foreseen for 18/05/2015 and checklists will be effective end of first semester or beginning of the second one.
5	To ensure that the information on the labels attached to products of food of animal origin comply the requirements of Regulation (EC) No 1169/2011.	The competent authority considers this point in relation with point3 above and will focus more in detail to the ingredients used during the production and the ingredients mentioned on the label.
6	To ensure that the use of the identification marks complies with the requirements of Annex II Section I of Regulation (EC) No 853/2004.	Concerning the finding in relation to the cold store where individual consumer packs arrived without identification mark, the cold store and the producing establishment had the same owner and are situated within a distance of 4km for that reason several years ago an inspector accorded this “flexibility”. This is no longer tolerated, the establishment has stopped this practice.