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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 104

Adopted 2 February 2010

## **Procedures for the Recognition and Registration of Food Establishments**

*Issued pursuant to  
Section 5, Paragraph four of the Law on the Supervision of the Handling of Food and  
Section 15, Paragraph five of the Freedom to Provide Services Law  
[9 February 2016]*

### **I. General Provisions**

1. The Regulation prescribes the procedures for the recognition and registration of food establishments in accordance with:

1.1. Article 31 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (hereinafter – Regulation No 882/2004 of the Parliament and of the Council);

1.2. Article 3 of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (hereinafter – Regulation No 854/2004 of the Parliament and of the Council).

2. The term used in this Regulation:

2.1. “recognition” shall conform to the term “approval” used in Regulation No 882/2004 of the Parliament and of the Council and Regulation No 854/2004 of the Parliament and of the Council;

2.2. “submission” shall conform to the term “application” used in Regulation No 882/2004 of the Parliament and of the Council.

2.<sup>1</sup> The Food and Veterinary Service (hereinafter – the Service) shall commence the procedure for the recognition and registration of a food establishment after receipt of the submission (Annex 1) referred to in Paragraph 4 or 24 of this Regulation and the documents referred to in Paragraphs 4.<sup>1</sup> and 24.<sup>1</sup> if information regarding acceptance for operation of the relevant structure or group of premises has been registered in the State Immovable Property Cadastre Information System (hereinafter – the Cadastre Information System) and the type of use of the structure or group of premises registered therein conforms to the foreseeable activity.

[18 June 2019]

2.<sup>2</sup> If the same premises (territory) or equipment is to be used by several food establishments subject to recognition or registration, each establishment shall ensure an autonomous activity that is separated in time or space and that is confirmed by the relevant mutual contracts.

[21 May 2013]

2.<sup>3</sup> The Service shall process personal data (given name, surname, personal identity number, address, telephone number, electronic mail address) in order to recognise or register a food establishment, to issue a recognition or registration certificate, and also to make changes in the register of objects under supervision and to contact a food establishment. Personal data shall be stored for five years after deletion of an establishment from the register of objects under supervision.

[18 June 2019]

## **II. Procedures for the Recognition of a Food Establishment**

3. A food establishment which does not need to be recognised in accordance with Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (hereinafter – Regulation No 853/2004 of the Parliament and of the Council) and which conforms to the requirements laid down in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (hereinafter – Regulation No 852/2004 of the Parliament and of the Council) may request recognition in accordance with this Regulation.

4. The food establishment shall submit a submission (Annex 1) to the territorial unit of the Service or shall send it by post or electronically if it has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents.

[21 May 2013; 18 June 2019]

4.<sup>1</sup> The food establishment shall append to the submission referred to in Paragraph 4 of this Regulation a copy of the document certifying the right of the establishment to operate in the relevant immovable property if the ownership rights or rights to use have not been corroborated in the Land Register and also a plan for the territory and premises in which the establishment will be operating. If necessary, the Service shall request to present the documents (for example, a contract) certifying the right to use technical equipment and production facilities.

[18 June 2019]

5. The Service shall, within five working days after receipt of the documents referred to in Paragraphs 4 and 4.<sup>1</sup> of this Regulation, examine them and agree with the food establishment on the starting date and course of the recognition procedure. The recognition procedure of the food establishment shall be commenced within 20 days after receipt of the submission.

[9 February 2016]

6. The Service shall examine the conformity of the food establishment with the requirements laid down in Regulation No 852/2004 of the Parliament and of the Council and Regulation No 853/2004 of the Parliament and of the Council and prepare an evaluation protocol (hereinafter – the protocol) in two copies. The first copy of the protocol shall be issued to the food establishment, but the second copy shall be kept by the Service.

7. The Service shall, within five working days, take one of the following decisions:

7.1. on conditional recognition of the food establishment for up to three months and on granting of the conditional recognition number in accordance with Article 31(2)(d) of Regulation No 882/2004 of the Parliament and of the Council;

7.2. on recognition of the food establishment after the first visit to the food establishment and on granting of the recognition number if the food establishment conforms to the requirements laid down in Regulation No 852/2004 of the Parliament and of the Council and Regulation No 853/2004 of the Parliament and of the Council;

7.3. on refusal to recognise the food establishment if it does not conform to the requirements laid down in the laws and regulations regarding the handling of food and shall indicate the justification for refusal.

8. The Service shall notify the decisions referred to in Paragraph 7 of this Regulation to the food establishment in accordance with the procedures laid down in the Administrative Procedure Law.

9. Upon taking the decision referred to in Sub-paragraphs 7.1 and 7.2 of this Regulation, the Service shall also notify the recognition or conditional recognition number granted to the food establishment and, if the food establishment wishes, issue a recognition certificate.

10. In the case referred to in Sub-paragraphs 7.1 and 7.2 of this Regulation the Service shall include the food establishment in the register of objects under supervision of the Service (hereinafter – the register of objects under supervision), indicating the conditional recognition number or recognition number granted.

11. If the food establishment to which a conditional recognition number has been granted has eliminated the non-conformities indicated in the protocol within three months after notification of the number, it shall notify the Service of readiness to continue the recognition procedure.

12. If the food establishment has not eliminated the majority of non-conformities indicated in the protocol within three months after notification of the conditional recognition number, the Service shall:

12.1. take the decision not to extend the time period of conditional recognition and notify it to the food establishment, indicating the justification for refusal;

12.2. cancel the conditional recognition number granted to the food establishment and delete the food establishment from the register of objects under supervision.

13. The Service may extend the time period of conditional recognition for another three months if, upon performance of repeated inspection, it detects that the food establishment has eliminated the majority of non-conformities indicated in the protocol (has achieved undeniable progress in arranging of the structure and operation of the establishment). In total conditional recognition may not be granted for a time period exceeding six months from the day when the Service has performed the first inspection in the food establishment in accordance with Paragraph 6 of this Regulation.

14. If, upon expiry of the extension of time period referred to in Paragraph 13 of this Regulation, the Service detects during an inspection that the food establishment does not, however, conform to the requirements of the laws and regulations regarding handling of food, it shall:

14.1. take the decision on refusal to recognise the food establishment and notify it to the food establishment, indicating the justification for refusal;

14.2. cancel the conditional recognition number granted to the food establishment and delete the food establishment from the register of objects under supervision.

15. The time period of conditional recognition on freezer and factory vessels flying the flag of the State of Latvia shall be determined in accordance with Article 3(2) of Regulation No 854/2004 of the Parliament and of the Council.

16. If the food establishment has eliminated the non-conformities indicated in the protocol, the Service shall:

16.1. exchange the conditional recognition number of the food establishment in the register of objects under supervision for the recognition number and notify the food establishment thereof;

16.2. issue a recognition certificate to the food establishment if the food establishment wishes to receive it.

17. The following shall be indicated in the recognition certificate of the food establishment:

17.1. the name, legal and actual address of a legal person (for a natural person – the given name, surname, address of the declared place of residence, and actual address);

17.2. the registration number of the food establishment in the Commercial Register or the Enterprise Register;

17.3. the type of activity of the food establishment and the name of the food product group;

17.4. the recognition number of the food establishment according to the register of objects under supervision of the Service.

18. The Service shall grant one recognition number to an establishment performing activities of several types at one actual address.

19. If a food establishment has several actual addresses (the units or branches of the food establishment are located at different locations), an individual recognition number shall be granted to the food establishment according to each location of activity and the actual location where activity is performed shall be included in the register of objects under supervision as an individual food establishment.

20. If several food establishments are operating at one actual address, the Service shall grant the recognition number to each food establishment.

21. The recognition number of a food establishment shall be indicated:

21.1. [9 February 2016];

21.2. on the food identification labelling – in accordance with Section I, Part B, point 7 of Annex II to Regulation No 853/2004 of the Parliament and of the Council;

21.3. on the health labelling – in accordance with Section I, Chapter III, point 3 of Annex I to Regulation No 854/2004 of the Parliament and of the Council.

22. In accordance with Article 31(1)(b) and (2)(f) of Regulation No 882/2004 of the Parliament and of the Council the Service shall compile, maintain, and update the lists available to the public in the register of objects under supervision. The Service shall submit the list of recognised food establishments to the European Commission and also notify of the cancellation of recognition of a food establishment. The Service shall ensure availability of the register of objects under supervision on its website in conformity with the laws and regulations regarding personal data protection.

### III. Procedures for the Registration of a Food Establishment

23. The Service shall register a food establishment which does not require recognition in accordance with Article 4 of Regulation No 853/2004 of the Parliament and of the Council in the register of objects under supervision (except for the food establishments referred to in Paragraph 23.<sup>1</sup> of this Regulation). The Service shall also register:

23.1. a distance undertaking and a transport service undertaking if it performs activities in handling of food;

23.2. a food establishment which performs activities with food in domestic environment in accordance with Chapter III of Annex II to Regulation No 852/2004 of the Parliament and of the Council;

23.3. an association and a foundation, and also a religious organisation and its institution which is engaged in charity and is performing activities in handling of food in relation to it.

[9 February 2016; 18 June 2019]

23.<sup>1</sup> The Service shall register a food establishment operating with primary production of food products of animal origin – raw milk, fish, and eggs – in the register of primary production undertakings of food products of animal origin created in the database of the Agricultural Data Centre which is a part of the register of objects under supervision of the Service.

[9 February 2016]

24. The food establishment shall submit a submission (Annex 1) to the territorial unit of the Service or shall send it by post or electronically if it has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents.

[21 May 2013]

24.<sup>1</sup> The food establishment shall append to the submission referred to in Paragraph 24 of this Regulation a copy of the document certifying the right of the establishment to operate in the relevant immovable property if the ownership rights or rights to use have not been corroborated in the Land Register and also a plan for the territory and premises in which the establishment will be operating. If necessary, the Service shall request to present the documents (for example, a contract) certifying the right to use technical equipment and production facilities.

[18 June 2019]

25. Upon receipt of the documents referred to in Paragraphs 24 and 24.<sup>1</sup> of this Regulation, the Service shall, within five working days, register the food establishment, grant the registration number thereto, and notify the food establishment thereof. If the food establishment wishes, the Service shall issue a registration certificate. The following shall be indicated in the registration certificate:

25.1. the name, legal and actual address of a legal person (for a natural person – the given name, surname, address of the declared place of residence, and actual address);

25.2. the registration number of the food establishment in the Commercial Register or the Enterprise Register;

25.3. the type of activity of the food establishment and the name of the food product group;

25.4. the registration number of the food establishment according to the register of objects under supervision.

[9 February 2016]

25.<sup>1</sup> If registration of the food establishment is cancelled in the case referred to in Sub-paragraph 27.3 or 27.4 of this Regulation, the same food establishment shall be registered in the same premises (territory) after the inspection performed by the Service in which the

conformity of the establishment with the requirements of the laws and regulations governing the handling of food has been detected.  
[21 May 2013]

### **III.<sup>1</sup> Procedures for Sending and Registration of a Notification of a Temporary Service Provider**

[21 May 2013]

25.<sup>2</sup> A person who wishes to commence the provision of temporary services in the handling of food in the territory of the Republic of Latvia within the meaning of the Freedom to Provide Services Law (hereinafter – the service provider) shall submit an electronically scanned notification referred to in Annex 2 to this Regulation (hereinafter – the notification) to the Service, sending it to the official postal address or electronic mail of the Service and shall commence the operation in the time period indicated in the notification.

25.<sup>3</sup> The service provider shall submit the notification not later than within one working day prior to the commencement of the temporary service.

25.<sup>4</sup> The Service shall, within one working day after receipt of the notification, check the veracity of the information provided by the service provider, assess its conformity with the requirements referred to in this Regulation and the Freedom to Provide Services Law, and implement the necessary administrative cooperation with the responsible institutions of other Member States, using the Internal Market Information System (IMI).

25.<sup>5</sup> If the Service detects that the service indicated in the notification conforms to the requirements laid down in this Regulation and the Freedom to Provide Services Law, it shall register the service provider in the register of objects under supervision of the Service.

25.<sup>6</sup> If the Service detects that the service indicated in the notification could cause serious harm to human health, safety, or the environment, it shall not register the service provider in the register of objects under supervision of the Service and inform the market surveillance authority of another Member State in which the service provider has been registered as a performer of economic activity or is providing the service and the European Commission, using the exchange of warning information of the Internal Market Information System (IMI).

25.<sup>7</sup> After the end of the time period referred to in Sub-paragraph 4.3 of the notification, if the service provider wishes to repeatedly commence the provision of the temporary service, it shall submit a notification regarding the provision of the temporary service to the Service which includes only the information that has changed after submission of the previous notification.

25.<sup>8</sup> The service provider shall, during the provision of the temporary service, inform the Service of changes in the information indicated in the notification.

25.<sup>9</sup> The Service may prohibit the provision of the temporary service in the handling of food in the territory of the Republic of Latvia if its decision is justified by the non-conformity of the service provider with the laws and regulations governing the handling of food or the protection of the public interests specified in the Freedom to Provide Services Law.

#### **IV. Changes in the Operation of a Food Establishment**

26. A food establishment shall inform the Service in writing of changes in the operation which are related to the handling of food, temporary discontinuation of operation, and termination of operation prior to introduction of such changes.

[21 May 2013]

26.<sup>1</sup> The Service shall make an entry in the register of objects under supervision regarding temporary discontinuation of the operation of a food establishment.

[21 May 2013]

26.<sup>2</sup> The food establishment shall notify the Service of renewal of the operation.

[21 May 2013]

26.<sup>3</sup> The Service shall, within three working days, delete an entry in the register of objects under supervision regarding temporary discontinuation of the operation of the food establishment:

26.<sup>3</sup> 1. after receipt of information regarding renewal of operation of the food establishment if its operation had been discontinued for not more than a year;

26.<sup>3</sup> 2. after the inspection performed at the food establishment in which it has been detected that the food establishment conforms to the requirements laid down in the laws and regulations governing the handling of food if the operation of the food establishment had been discontinued for more than a year.

[21 May 2013]

26.<sup>4</sup> The Service shall check whether the type of use of a structure or group of premises registered in the Cadastre Information System conforms to the foreseeable action when the food establishment informs the Service of:

26.<sup>4</sup> 1. changes in the operation which are related to the handling of food;

26.<sup>4</sup> 2. renewal of operation if it had been discontinued for more than a year.

[18 June 2019]

26.<sup>5</sup> The territorial unit of the Service shall inform an institution performing the functions of the building authority if it is detected that a structure or group of premises is not used according to the type of use registered in the Cadastre Information System.

[18 June 2019]

27. The Service shall cancel recognition or registration of a food establishment and delete it from the register of objects under supervision:

27.1. if it is established that incomplete or false information has been provided;

27.2. if the food establishment terminates operation;

27.3. in accordance with the requirements laid down in the laws and regulations regarding the handling of food;

27.4. if, upon repeated survey of the food establishment, it is detected that it does not perform activities in handling of food and the Service has not received a confirmation from the food establishment regarding its further operation in handling of food;

27.5. for the temporary service provider, if, in accordance with the procedures laid down in this Regulation, it has not notified of the commencement of operation and has commenced operation or of the discontinuation of operation and has discontinued operation.

[21 May 2013; 9 February 2016]

27.<sup>1</sup> If the food establishment wishes to change the status (recognised or registered food establishment), the Service shall cancel the previous status prior to granting a new status.

[21 May 2013]

## **V. Closing Provisions**

[9 February 2016]

28. A food establishment which has been recognised or registered with the Service until the day of coming into force of this Regulation shall preserve the previously granted status and recognition or registration number.

29. A producer of cow raw milk products regarding which information has been provided to the Agricultural Data Centre (regarding the raw milk and other milk products sold in the time period from 1 January 2015 until 31 December 2015 in accordance with Cabinet Regulation No. 841 of 1 November 2011, Procedures for the Gathering and Compiling Information Regarding the Prices and Trading Volumes of Agricultural Products in a Specific Reporting Period) shall, until 15 February 2016, be included in the register of primary production undertakings of products of animal origin.

[9 February 2016]

30. A food establishment which is engaged in primary production of food products of animal origin – fish and eggs – and has been registered in the register of objects under supervision of the Service until 15 February 2016 shall be included in the register of primary production undertakings of products of animal origin.

[9 February 2016]

31. A food establishment which has commenced the primary production of food products of animal origin – raw milk, fish, and eggs – until 15 February 2016, however, has not been registered in the register of objects under supervision of the Service shall, until 15 August 2016, submit the documents necessary for registration to the Service.

[9 February 2016]

Prime Minister

V. Dombrovskis

Minister for Agriculture

J. Dūklavs



## Submission for Recognition or Registration of a Food Establishment

1.	Information on the submitter and the immovable property:	
1.1.	name or given name and surname	
1.2.	registration number, personal identity number, or personal identification number	
1.3.	legal address or address of the declared place of residence	
1.4.	actual address of the food establishment	
1.5.	cadastral number of the immovable property and cadastral designation of the object:	
1.5.1.	land unit	
1.5.2.	structure (to be indicated if the food establishment is located throughout the building)	
1.5.3.	group of premises (to be indicated if the food establishment is located in a group of premises of the structure)	
1.6.	electronic mail address	
1.7.	telephone number	
1.8.	given name and surname of the contact person	
1.9.	electronic mail address of the contact person	
1.10.	telephone number of the contact person	

2. Types of operation:

2.1. types of operation

(indicate which)

2.2. codes of activities according to the classifier of principal activities of the Food and Veterinary Service

2.3. indicate the seasonality if any to occur (mention the time period)

Note. A representative of the food establishment shall, on a selective basis, complete Sub-paragraph 2.1 of this submission, describing in free form the activities which are performed, or Sub-paragraph 2.2, indicating the codes of activities according to the classifier of principal activities of the Food and Veterinary Service which is available on the website of the Service.

3. Groups of food products:

- meat, processed meat products
- fish products
- milk, processed milk products

- eggs, processed egg products
- composite products (products of animal and plant kingdoms)
- fresh fruit, berries, and vegetables
- processed products of plant kingdom
- other (indicate which) \_\_\_\_\_

4. I wish to receive a recognition or registration certificate:

- yes
- no

5. Head or representative of the food establishment \_\_\_\_\_

(given name and surname)

6. I hereby declare that the information provided is complete and true.

7. Date\* \_\_\_\_\_

8. Signature\* \_\_\_\_\_

8.<sup>1</sup> Personal data processing shall take place in accordance with Paragraph 2.<sup>3</sup> of Cabinet Regulation No. 104 of 2 February 2010, Procedures for the Recognition and Registration of Food Establishments.

To be filled in by an official of the Food and Veterinary Service

9. Seal of the official of the Food and Veterinary Service*	10. Registration date of the submission _____	11. Official of the Food and Veterinary Service _____ (given name, surname, signature*)
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Recognition/registration of the food establishment (*underline as appropriate*)

12. Recognition or registration number of the food establishment in the register of objects under supervision of the Food and Veterinary Service	<table border="1" style="margin: auto;"> <tr> <td style="width: 15%; height: 20px;"></td> <td style="width: 15%; height: 20px;"></td> <td style="width: 15%; height: 20px;"></td> <td style="width: 15%; height: 20px;"></td> <td style="width: 15%; height: 20px;"></td> <td style="width: 15%; height: 20px;"></td> </tr> </table>						

Note. \* The details of the document “date”, “signature”, and “place for a seal” need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents.

## Notification Regarding Provision of Temporary Service in the Handling of Food in the Territory of the Republic of Latvia

1. Notification to be submitted	to the Food and Veterinary Service	
2. Notification is (mark as appropriate with an X)	initial <input type="checkbox"/>	repeated <input type="checkbox"/>
3. Information regarding the temporary service provider:		
3.1. name or given name and surname		
3.2. registration number, personal identity number, or personal identification number		
3.3. country in which economic activity has been registered		
3.4. recognition or registration number in the country of residence		
3.5. address in the country of residence		
3.6. electronic mail address		
3.7. telephone number		
3.8. given name and surname of the contact person		
3.9. electronic mail address of the contact person		
3.10. telephone number of the contact person		
4. Information regarding the service:		
4.1. description/name of the service		
4.2. the planned location of the provision of the service in the territory of the Republic of Latvia		
4.3. from which to which date or on which specific dates it is planned to provide the service in the territory of the Republic of Latvia		
5. I hereby declare that the information provided is true.		
5. <sup>1</sup> Personal data processing shall take place in accordance with Paragraph 2. <sup>3</sup> of Cabinet Regulation No. 104 of 2 February 2010, Procedures for the Recognition and Registration of Food Establishments.		
Date* _____		
_____ (given name, surname, signature*)		

To be filled in by an official of the Food and Veterinary Service

6. Seal of the official of the Food and Veterinary Service*	7. Registration date of the notification _____	8. Official of the Food and Veterinary Service  _____ (given name, surname, signature*)
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9. Decision of the Food and Veterinary Service:

- to permit the provision of the temporary service  
 not to permit the provision of the temporary service

Note.\* The details “signature”, “date”, and “place for a seal” of the document need not be completed if the electronic document has been prepared in accordance with the laws and regulations regarding the drawing up of electronic documents.