

Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

- 13 December 2001 [shall come into force from 1 January 2002];
- 12 September 2002 [shall come into force from 16 October 2002];
- 6 November 2003 [shall come into force from 10 December 2003];
- 21 October 2004 [shall come into force from 24 November 2004];
- 17 November 2005 [shall come into force from 21 December 2005];
- 15 December 2005 [shall come into force from 21 December 2005];
- 19 December 2006 [shall come into force from 1 January 2007];
- 27 September 2007 [shall come into force from 5 October 2007];
- 6 December 2007 [shall come into force from 20 December 2007];
- 24 January 2008 [shall come into force from 26 February 2008];
- 12 June 2009 [shall come into force from 1 July 2009];
- 12 November 2009 [shall come into force from 15 December 2009];
- 1 December 2009 [shall come into force from 1 January 2010];
- 20 May 2010 [shall come into force from 23 June 2010];
- 28 October 2010 [shall come into force from 24 November 2010];
- 13 September 2012 [shall come into force from 12 October 2012];
- 23 October 2014 [shall come into force from 26 November 2014].

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

The *Saeima*<sup>1</sup> has adopted and  
the President has proclaimed the following Law:

## Law On the Supervision of the Handling of Food

### Chapter I General Provisions

#### Section 1.

The terms used in this Law are as follows:

- 1) [17 November 2005];
- 2) [13 December 2001];
- 3) **quality** — the set of characteristics that ensures the conformity of food with the needs of consumers and the specific requirements of the laws and regulations;
- 4) **harmless food** — food which in normal or foreseeable conditions of its use does not cause harm to human health, life, or the environment;
- 5) [17 November 2005];
- 6) **handling of food** — all operations with food from acquisition thereof to consumption (primary manufacturing, acquisition, pre-treatment, treatment, processing, manufacturing, packaging, storage, distribution, transport, movement across the State border, wholesale trade, and retail trade);
- 7) [17 November 2005];
- 8) **food additive** — a substance which, irrespective of its nutritional value, is not normally used as nutrition by itself as a food or as a characteristic ingredient of nutrition, but is deliberately added to food during the process of treatment, processing, manufacturing, packaging, storage or transportation, and then the substance mentioned or its by-products become an ingredient of the food product;

<sup>1</sup> The Parliament of the Republic of Latvia

- 9) **food establishment** — a person who is involved in any of the stages of the handling of food;
- 10) [17 November 2005];
- 11) [17 November 2005];
- 12) [17 November 2005];
- 13) [17 November 2005];
- 14) [28 October 2010];
- 15) **third countries** — countries which are not Member States of the European Union or countries of the European Economic Area;
- 16) [17 November 2005];
- 17) [17 November 2005];
- 18) **labelling of food** — information (name, text, indication, trademark, logo, image, or symbol), which refers to a food product and is indicated on the packaging, the accompanying documents, labels or stickers, or holders;
- 19) **domestic market** — selling of products manufactured in Latvia for consumption in Latvia;
- 20) [17 November 2005];
- 21) [17 November 2005];
- 22) **materials and articles intended to come into contact with food** — materials and articles that have come into contact with food and are intended to come into contact with food, and there is reason to believe that they will come into contact with food or will transfer their constituents to food under normal or foreseeable conditions of use;
- 23) **novel food** — food products and food ingredients that correspond to the categories laid down in Article 1(2) of Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients.  
*[13 December 2001; 12 September 2002; 6 November 2003; 21 October 2004; 17 November 2005; 24 January 2008; 20 May 2010; 28 October 2010 / Paragraph 22 shall come into force from 1 January 2012. See Paragraph 18 of Transitional Provisions]*

## **Chapter II**

### **Purpose and Scope of this Law**

#### **Section 2.**

The purpose of this Law is to ensure handling the food, which is qualitative and safe to human health, life and the environment, eliminating the risks, promoting the trade and protecting the interests of consumers.

#### **Section 3.**

(1) This Law prescribes the national competence issues with regard to the handling of all forms of food and any food establishment and natural person involved in it. Issues regarding the handling of food and its monitoring, which are not governed by this Law, shall be governed by regulations of the European Union: Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (hereinafter — Regulation No 178/2002 of the European Parliament and of the Council); Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs; Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for on the hygiene of foodstuffs (hereinafter — Regulation No 853/2004 of the European Parliament and of the Council); 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; 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 conformity with feed and food law, animal health and animal welfare rules, and other laws and regulations of direct applicability.

(2) If international agreements ratified by the *Saeima* provide for provisions, which differ from those in this Law, the provisions of the international agreements shall prevail.

[17 November 2005; 23 October 2014]

### **Chapter III** **Food and the Handling thereof**

#### **Section 4.**

(1) In Latvia, only the handling of food, which complies with quality and mandatory harmless requirements, is permitted.

(2) The mandatory harmless requirements, the conformity with which ensures harmless of food products, of handling of food, or of the service related thereto to human health, life, or the environment shall be determined by the Cabinet.

(3) The Cabinet may stipulate special requirements for food, which is intended for separate consumer groups.

(4) For separate groups of food products, the Cabinet shall determine quality and classification requirements, as well as the procedures for assessing the conformity of the relevant products with such requirements.

(5) [17 November 2005]

(6) [23 October 2014]

(7) [21 October 2004]

(8) Food, which contains genetically modified organisms or is manufactured from them, may be distributed in Latvia only after obtaining the relevant permits in accordance with the procedures laid down in laws and regulations.

(9) [17 November 2005]

(10) [28 October 2010]

(10<sup>1</sup>) The Cabinet shall determine the procedures, by which:

1) a permit for distribution of natural mineral water in the market shall be issued and cancelled;

2) food supplements shall be registered, the handling thereof shall be suspended or restricted, and registration thereof shall be cancelled;

3) dietary foods shall be registered, suspended, or restricted, and the registration thereof shall be cancelled.

(11) The operation of the rapid alert system, which is co-ordinated and organised exchange of information and action of persons and competent authorities involved in the handling of food in cases when there is a direct or indirect risk caused by food to human health and life, shall be determined by the Cabinet.

(12) The Cabinet shall determine the requirements for food quality schemes, as well as the procedures for the implementation, operation, monitoring, and control thereof.

(13) The Cabinet shall determine the procedures for training and raising of qualification of classifiers of animal carcasses, as well as for the issuance and cancellation of a certificate proving the qualification of the classifier.

(14) The Cabinet shall determine the procedures for recognising and monitoring laboratories that carry out laboratory tests of raw milk quality.

(15) A State fee shall be paid for the registration of a submission for designation of a protected geographical origin, a name of a protected place of origin, traditional speciality guaranteed, for

the issuance of a notice of an opposition decision and for the registration of an amendment to the specification. The amount of the State fee and the payment procedures shall be determined by the Cabinet.

(16) [13 September 2012 / See Paragraph 20 of Transitional Provisions]

(17) The Cabinet shall determine the maximum permitted amount of trans fats in food products. [13 December 2001; 12 September 2002; 6 November 2003; 21 October 2004; 17 November 2005; 15 December 2005; 19 December 2006; 24 January 2008; 12 November 2009; 20 May 2010; 28 October 2010; 13 September 2012; 23 November 2014]

## **Section 5.**

(1) A food establishment is involved in the handling of food, if it has been recognised or registered.

(2) Approval of a food establishment is required, if it has been laid down in Regulation No 853/2004 of the European Parliament and of the Council. A food establishment shall be approved, the approval number shall be granted and the approval certificate upon request of the establishment shall be issued by the Food and Veterinary Service.

(3) A food establishment, the approval of which is not necessary, may engage in the handling of food if it is registered with the Food and Veterinary Service. Upon request of the food establishment the Food and Veterinary Service shall issue a registration certificate.

(4) The procedures for recognising food establishments or registering them shall be determined by the Cabinet.

(5) The fact that the operation of a food establishment has been recognised or registered confirms that the establishment is capable of independently ensuring the conformity of its activities and products with the requirements of laws and regulations, and is under the supervision and control of the Food and Veterinary Service.

(6) [17 November 2005]

(7) [6 December 2007]

(8) [17 November 2005]

[12 September 2002; 21 October 2004; 17 November 2005; 6 December 2007; 12 November 2009; 20 May 2010; 23 October 2014]

## **Section 6.**

[13 December 2001]

## **Section 7.**

(1) A food establishment, in its operation, shall be responsible for the quality and harmlessness of food, as well as for the conformity of the food to be distributed with the requirements laid down in laws and regulations and declared by the establishment.

(2) A person who has become engaged in one of the stages of the handling of food shall be liable that all of the requirements of the laws and regulations governing the handling of food are fulfilled.

(3) A food establishment, in its operation, may observe the Guidelines on Good Hygiene Practices, which are developed by the professional associations and foundations of the food industry, in consultation with representatives of consumer groups and competent State authorities. The Guidelines on Good Hygiene Practices shall be co-ordinated with the Food and Veterinary Service.

(4) [17 November 2005]

[13 December 2001; 12 September 2002; 6 November 2003; 21 October 2004; 17 November 2005]

## **Section 8.**

(1) A food establishment has a duty to perform self-controls, to prevent any activity or process, which adversely affects the harmlessness of food, and to ensure harmlessness procedures or control measures for the relevant handling of food, and their implementation in food preservation and testing.

(2) [17 November 2005]

(3) Persons involved in the handling of food must comply with the hygiene requirements for personnel laid down in laws and regulations.

(4) [17 November 2005]

(5) The manager of a food establishment shall be liable for the professional qualification of the persons employed in the handling of food in his or her establishment. The Cabinet shall determine the procedures, by which persons involved in handling of food shall be trained in the field of food hygiene, as well as the requirements with regard to the training programme and certificate.

(6) [6 November 2003]

(7) Food establishments must conform to a documented packet of measures, which ensures the conformity of hygiene and manufacturing with the quality requirements stipulated by the manufacturer.

(8) A food establishment shall provide the necessary support and ensure that the Food and Veterinary Service can carry out its control in accordance with the procedures laid down in laws and regulations.

(9) A food establishment has the right to request that the inspector of the Food and Veterinary Service takes a parallel sample of the objects referred to in Section 23, Clauses 2 and 4 of this Law for carrying out an independent testing of this sample. The parallel sample shall be tested in an accredited laboratory with an equivalent method, which is used for testing the sample taken within the framework of control, in accordance with the laws and regulations governing the handling of food.

(10) The hygiene requirements for primary production and for direct supply of products of primary production in small amounts to the end consumer or to a retail trade establishment, which directly supplies the end consumer, as well as the volume of the abovementioned supply shall be determined by the Cabinet.

(11) [12 November 2009]

(12) The procedures for issuing, suspending, and restoring a permit for the sale of primary products shall be determined by the Cabinet.

(13) A food establishments has a duty to provide the Food and Veterinary Service with information, which in accordance with the directly applicable legal acts of the European Union in the field of the handling of food must be provided to the European Union institutions.

*[13 December 2001; 12 September 2002; 6 November 2003; 21 October 2004; 17 November 2005; 12 November 2009; 23 October 2014]*

## **Section 9.**

[17 November 2005]

### **Section 9.<sup>1</sup>**

A person shall ensure that the food which he grows and uses for own consumption, hands over to family members and persons with whom he shares the household, as well as to other persons within the household, conforms to the harmlessness requirements in accordance with the laws and regulations in the field of the handling of food.

*[23 October 2014]*

## **Section 10.**

(1) The Cabinet with regard to the materials and articles intended to come into contact with food, shall determine:

- 1) the mandatory harmless requirements;
- 2) the procedures by which their distribution and use shall be suspended, as well as the procedures for further use and destruction in case of violation of laws and regulations;
- 3) the procedures for registering production, processing, and distribution establishments, for suspending and restoring their operation, as well as for cancelling their registration.

(2) The premises to be used in the handling of food and other areas in buildings or means of transport, as well as ancillary premises, which are necessary to ensure personnel hygiene, must conform to the hygiene requirements for food establishments laid down in laws and regulations.

(3) Contaminants, including pesticide residues, in food shall not exceed the maximum allowed norms laid down in the directly applicable legal acts of the European Union. The Cabinet shall determine the procedures for taking and preparing samples and evaluating test results for the control of pesticide residues in products of plant and animal origin.

(4) [12 November 2009]

(5) [12 November 2009]

6) A food establishment shall submit a submission regarding production of a new food additive, flavouring or enzyme to the Institute of Food Safety, Animal Health and Environment “BIOR” or send to the European Commission in accordance with the requirements laid down in Article 3 of Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings, and in Commission Regulation (EU) No 234/2011 of 10 March 2011 implementing Regulation (EC) No 1331/2008 of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavouring, as well as in Article 7 of Regulation (EC) No 2065/2003 of the European Parliament and of the Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods.

*[12 September 2002; 17 November 2005; 19 December 2006; 12 November 2009; 28 October 2010; 23 October 2014]*

## **Section 11.**

Drinking water, as well as water which is used in the handling of food or for the washing of stock and equipment related to food, as well as ice which is used in direct cooling must conform to the requirements of laws and regulations, except in treatment of fresh fish on the open sea where purified sea water may also be used in technological processes of the handling of food.

*[12 September 2002; 17 November 2005]*

## **Section 11.<sup>1</sup>**

The Cabinet shall determine the procedures for distributing iodised salt and the cases when it is used in food production.

*[6 November 2003]*

## **Section 12.**

It is prohibited to use radiation sterilisation in the handling of food, except in cases when its use is provided for in regulations of the Cabinet.

### **Section 13.**

(1) Information provided as well as advertising on a label, may not be misleading and may not attribute such qualities to food products as they do not possess.

(2) A food establishment which has manufactured or pre-packaged food, or a distributor of food, if they have changed the original pre-packaging or labelling or have attached a new label, shall be responsible for the conformity of the labelling with the actual indicators and pre-packaged contents.

(3) The Cabinet shall determine the requirements:

- 1) for the labelling of pre-packaged food;
- 2) for the provision of information regarding non-prepackaged food;
- 3) for additional labelling of food products.

(4) [20 May 2010]

*[ 6 December 2007; 20 May 2010; 23 October 2014]*

## **Chapter IV Food Unfit for Distribution**

### **Section 14.**

Officials of the Food and Veterinary Service, manufacturer or distributor shall consider food unfit for distribution if:

- 1) it does not conform to the mandatory harmless requirements;
- 2) its expiry date has passed;
- 3) it has not been labelled in conformity with the requirements of laws and regulations;
- 4) in tests, based upon evidence, its spoilage has been determined, as well as the worsening of the organoleptic characteristics of the food detectable by human sensory organs;
- 5) it is falsified and the consumer is being misled;
- 6) it does not have the accompanying documents laid down in laws and regulations;
- 7) it is provided for in other laws and regulations.

*[13 December 2001; 12 November 2009]*

### **Section 15.**

(1) The Cabinet shall approve regulations on the procedures for further use or destruction of food unfit for distribution.

(2) The distributor of the food shall cover the costs, which are related to the recall, processing or destruction of unfit food. In such case, he shall also cover costs relating to State supervision and control.

*[13 December 2001]*

## **Chapter V State Supervision and Control of the Handling of Food**

### **Section 16.**

[13 September 2012]

### **Section 17.**

[13 December 2001]

## **Section 18.**

[13 September 2012]

## **Section 19.**

(1) The Ministry of Health shall develop and co-ordinate the nutrition policy, prepare proposals for optimisation of the nutrition policy, analyse the results of the monitoring of the diseases caused by nutrition, as well as organise the preparation of scientifically substantiated proposals for solving nutrition problems and inform the public on current issues related to nutrition.

(2) The Minister for Health shall establish an advisory nutrition council for the development and co-ordination of the nutrition policy, which shall operate in accordance with the by-laws approved by the Cabinet.

(3) The Minister for Health shall approve the recommended food ration and healthy nutrition recommendations for the inhabitants of Latvia.

(3<sup>1</sup>) The Cabinet shall approve the food ration for educatees of general basic education, general secondary education, and vocational education institutions, as well as of educational institutions implementing pre-school educational programmes, for clients of long-term social care and social rehabilitation institutions, and for patients of medical treatment institutions.

(4) The Health Inspectorate of the Ministry of Health shall control the fulfilment of the drinking water harmless requirements in public drinking water supply facilities from the water intake to the consumer. In case of threat to consumer health the Health Inspectorate has the right to restrict or prohibit the use of drinking water.

(5) The Cabinet shall determine procedures for monitoring and control of drinking water.

(6) The institution determined by the Cabinet, in accordance with the procedures stipulated by the Cabinet, may determine reduced harmless or quality requirements for drinking water for a specific time period, which in a given geographical area is supplied to the inhabitants through water supply systems, if these requirements do not pose a threat to consumer health and it not otherwise possible to ensure the supply of drinking water.

*[13 December 2001; 12 September 2002; 6 November 2003; 21 October 2004; 17 November 2005; 15 December 2005; 27 September 2007; 12 November 2009; 20 May 2010; 28 October 2010]*

## **Section 20.**

(1) [17 November 2005]

(2) A State fee shall be paid for the registration of food supplements, dietary food, and infant formulas and for the issuance of a permit for the distribution of natural mineral water in the market. The amount of the State fee and the payment procedures shall be determined by the Cabinet.

(3) The Cabinet shall determine the payment for the preparation of risk assessment of novel food and the payment procedures thereof.

*[13 December 2001; 12 September 2002; 6 November 2003; 21 October 2004; 17 November 2005; 15 December 2005; 12 November 2009; 28 October 2010 / The new wording of Paragraph two, as well Paragraph three shall come into force from 1 January 2011. See Paragraphs 14 and 17 of Transitional Provisions]*

## **Section 21.**

(1) The State supervision and control of the handling of food shall be performed by a State administrative institution under the supervision of the Ministry of Agriculture – the Food and Veterinary Service.

(2) The Food and Veterinary Service shall have the following functions:



- 1) in the handling of food:
  - a) to supervise and control at all stages of the handling of food, the conformity of food products (except non-packaged drinking water that is supplied to inhabitants by water supply systems) with the requirements laid down in laws and regulations,
  - b) to approve and register the operation of food establishments in accordance with the procedures laid down in laws and regulations, as well as to cancel their approval and registration,
  - c) at all stages of the handling of food, to supervise and control the operation of food establishments and the conformity of the processes of handling of food with the requirements laid down in laws and regulations,
  - d) at all stages of the handling of food, to perform risk factor research and analysis;
- 2) in sanitary border control – in accordance with the procedures laid down in laws and regulations, to supervise and control the bringing-in of food into the State, the bringing-in, bringing-out, or transfer in transit of products subject to veterinary supervision, as well as of other goods and products at State border control points, as well as in free zones, free warehouses, and customs warehouses;
- 3) [1 December 2009];
- 4) in organic agriculture:
  - a) to recognise, monitor, and control institutions that inspect the activities of persons involved in organic agriculture, and the production manufactured by such persons,
  - b) to establish and maintain a list of the persons involved in organic agriculture,
  - c) to issue a permit for the importation of products from third countries,
  - d) to confirm an extract from the certificate of the inspection in case of splitting of the consignment of imported products;
- 5) upon request of the competent State authority or upon request of a food establishment that exports food or animal feed, confirm the conformity in its fields of competence;
- 6) in the food product State interventions:
  - a) to control the conformity of the food products purchased by the intervention of the State with the mandatory quality and harmlessness requirements,
  - b) to perform supervision of intervention warehouses in conformity with the requirements of laws and regulations;
- 7) within the scope of its competence to ensure co-operation with international organisations, as well as the operation of international food control systems. For the purpose of risk factor analysis and risk reduction to ascertain food manufacturers and distributors who do not conform to the mandatory harmlessness requirements;
- 8) to supervise and control the protection of geographical indications and names of the place of origin, as well as of traditional specialties;
- 9) to perform veterinary supervision and control in accordance with laws and regulations;
- 10) to determine provisional measures for risk management in order to reduce threat until the scientific evaluation of risk and development of risk management measures if a possible threat to human or animal health has been established and risk analysis has not been performed;
- 10<sup>1</sup>) to assess the conformity of dietary food and food supplements with the requirements laid down in laws and regulations;
- 11) to perform other functions laid down in laws and regulations;
- 12) by engaging in the European Union rapid alert system, to perform investigation of risk factors and to achieve risk reduction, by preventing the distribution in Latvia of food that does not conform to the mandatory harmlessness requirements and poses threat to human health or life;

13) to supervise and control the conformity with the requirements in the field of handling of food laid down in the legal acts of the European Union, as well as to provide the necessary information to the European Union institutions;

14) to create, update, and maintain registers and data bases of objects and products under the supervision;

14<sup>1</sup>) [20 May 2010];

15) [12 November 2009];

16) in the field of supervision of the food quality schemes:

a) to monitor and control the activities of the persons who participate in the national food quality scheme,

b) to create, maintain, and update the list of operators, suppliers of raw materials involved in the national food quality scheme and products of the national food quality scheme;

17) to recognise and monitor the laboratories that carry out laboratory tests of raw milk quality;

18) to monitor and control the production, processing, and distribution process of the materials and articles that are intended to come into contact with food;

19) [23 October 2014].

(3) The Food and Veterinary Service shall perform State supervision and control of the handling of food according to the annual State supervision and control programmes, taking into account the appropriations allocated by the Law On the State Budget for the current year.

(4) The requirements for importation of such food from the third countries, which is not subject to veterinary control, as well as the control procedures at the national border control points, in free zones, free warehouses, and customs warehouses shall be determined by the Cabinet.

(5) The requirements for the facilities at the border control points, in which sanitary border control of food is performed, and the procedures for recognising the control points shall be determined by the Cabinet.

(6) The requirements for reference laboratories and the procedures for the authorisation of reference laboratories shall be determined by the Cabinet.

*[13 December 2001; 12 September 2002; 6 November 2003; 21 October 2004; 17 November 2005; 19 December 2006; 24 January 2008; 12 November 2009; 1 December 2009; 20 May 2010; 28 October 2010; 13 September 2012; 23 October 2014]*

## **Section 21.<sup>1</sup>**

(1) The Food and Veterinary Service includes the central administration and territorial units.

(2) The Cabinet shall approve the by-laws of the Food and Veterinary Service.

(3) The work of the Food and Veterinary Service shall be managed by the Director General of the Service, who shall concurrently be the State chief food and veterinary inspector.

(4) The State chief food and veterinary inspector shall authorise State senior inspectors and State inspectors of the Food and Veterinary Service to perform State supervision and control in the relevant field.

(5) A territorial unit of the Food and Veterinary Service shall perform the functions of State supervision and control in a specified part of the State territory.

(6) [12 June 2009]

(7) [12 June 2009]

(8) The financial resources of the Food and Veterinary Service shall consist of a grant from the State basic budget from general revenue, of revenue from paid services in accordance with the procedures stipulated by the Cabinet, of foreign financial assistance in the amount specified in the Law On the State Budget for the current year, and of donations and gifts received.

(9) The procedures, by which payments for the activities of supervision and control specified in this Law shall be made, and the types of paid services provided by the Food and Veterinary Service shall be determined by the Cabinet.

(10) [17 November 2005]

*[13 December 2001; 6 November 2003; 21 October 2004; 17 November 2005; 15 December 2005; 12 June 2009; 1 January 2009; 28 October 2010 / The new wording of Paragraph one shall come into force from 1 January 2011. See Paragraph 17 of Transitional Provisions]*

## **Section 21.<sup>2</sup>**

(1) Laboratory tests (including reference functions in the fields specified in laws and regulations) within the framework of the functions determined to the Food and Veterinary Service in Section 21, Paragraph two of this Law, shall be ensured by the Institute of Food Safety, Animal Health and Environment “BIOR”.

(2) In the cases laid down in laws and regulations persons shall cover the expenses for the laboratory tests carried out by the Institute of Food Safety, Animal Health and Environment “BIOR”.

(3) The price list for the activities carried out by the Institute of Food Safety, Animal Health and Environment “BIOR” within the framework of State administration tasks shall be approved by the Cabinet.

(4) The Institute of Food Safety, Animal Health and Environment “BIOR” shall:

1) carry out the function of the national contact point of the European Food Safety Authority in accordance with Regulation No 178/2002 of the European Parliament and of the Council;

2) assess the co-operation institutions in Latvia referred to in Article 36 of Regulation No 178/2002 of the European Parliament and of the Council and co-ordinate their co-operation with the European Food Safety Authority;

3) collect and analyse data and information to assess the risk factors that have direct or indirect influence on food and nutrition harmlessness, as well as in relation to human nutrition, animal health and welfare, and plant health;

4) carry out scientific assessment of risk in its fields of competence;

5) in the cases laid down in the directly applicable legal acts of the European Union in the field of handling of food, assess the submissions received from establishments regarding new raw materials and production processes and send them to the European Commission and the European Food Safety Authority;

6) carry out the tasks assigned to the competent authority in relation to co-operation with the European Commission and the European Food Safety Authority in accordance with the requirements laid down in Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods.

*[1 December 2009; 20 May 2010; 23 October 2014]*

## **Section 22.**

(1) [13 December 2001]

(2) Upon carrying out scheduled or extraordinary control, officials of the Food and Veterinary Service, presenting their service identification, have the right within the scope of their competence:

1) without prior warning, to visit any food establishment and an establishment producing, processing, and distributing materials and articles intended to come into contact with food, to request documents and information, to acquaint themselves with materials, to take copies of documents and extracts from documents, as well as to take measures necessary in order to ensure State supervision and control of the handling of food;

2) in accordance with laws and regulations to take the samples of the objects referred to in Section 23, Clauses 2 and 4 of this Law and send them for testing to an accordingly accredited or authorised laboratory. If non-conformity with the requirements laid down in laws and regulations has been established, the food establishment shall cover all the expenses related to the testing;

3) to supervise and control the periodicity and scope of mandatory health examinations and the compliance with hygiene requirements by the personnel, the readings of values recorded by measuring instruments in a food establishment, as well as the objects referred to in Section 23 of this Law;

3<sup>1</sup>) to carry out negotiations with the head of a food establishment or natural persons employed in the food establishment regarding issues that concern the stage of the handling of food in which the respective person is engaged;

3<sup>2</sup>) to take the readings of measuring instruments in a food establishment, as well as make measurements using the control equipment;

4) in accordance with the laws and regulation governing the handling of food to suspend or restrict the handling of food, recognise food as unfit for distribution and to prohibit the handling thereof in case of justified suspicion of harmfulness of food to human health, life, or the environment or of misleading of the consumers. The decision shall have immediate effect;

5) if necessary, to prepare materials for law enforcement authorities for subjecting guilty persons to criminal liability;

6) if necessary, to ensure the performance of their tasks, by inviting employees of law enforcement authorities;

7) if any of the food products in a batch does not conform to the requirements laid down in laws and regulations, the whole batch, consignment or supply of the same type or class of food shall be declared as not conforming with the requirements, except the case when a full analysis of food attests the conformity of the remaining food with the requirements;

8) to suspend distribution of materials and articles intended to come into contact with food, operation of establishments producing, processing, and distributing them, to recognise the materials and articles intended to come into contact with food as unfit for distribution and to remove them from the circulation in case of justified suspicion or detection of harmfulness of these materials and articles to human health, life, or the environment. The decision shall have immediate effect.

(2<sup>1</sup>) An official of the Food and Veterinary Service in relation to the State monitoring and control has the right to make a control purchase. If a food product does not conform to the requirements of the laws and regulations governing the handling of food, the expenses related to conducting the control purchase shall be covered by the food establishment.

(3) Officials of the Food and Veterinary Service, in accordance with the procedures laid down in laws and regulations, are entitled to hold the guilty persons administratively liable.

(4) If mass spread of diseases or poisoning caused by food has occurred or is possible, the State chief food and veterinary inspector shall determine restrictions for the handling of food. The restrictions for the handling of food determined by the inspector shall be enforced immediately.

(5) If there is a threat to human life or health, the State chief food and veterinary inspector is entitled to determine restrictions or prohibitions on the bringing in and distribution of food in Latvia. The restrictions determined by the inspector shall be enforced immediately.

(6) Officials of the Food and Veterinary Service are entitled to send the freights with goods and products for in-depth control to accordingly equipped control points, if the freight in the vehicle is positioned so that it is not possible to access all the types of goods in the vehicle and it is not possible to carry out an in-depth control of the freight at the border control point or it is not possible to provide the appropriate conditions for the particular freight during the control process. The owner of the freight or his authorised representative shall cover all the expenses (including for the unloading and loading of the freight) related to this control, if non-conformity of the freight with the requirements laid down in the laws and regulations is established during

control. The official of the Food and Veterinary Service Officer shall provide the opinion on the results of the in-depth control within 24 hours from the moment of detaining the freight.

(7) The decision to suspend the operation of a food establishment or distribution of food, and decision to recognise food as unfit for distribution and removable from the circulation shall be enforced immediately, and the contesting and appealing thereof shall not suspend the validity of the decision.

(8) If the operator needs to eliminate the non-conformities established in the control, the Food and Veterinary Service shall, not later than within 90 days, decide on the operator's joining the control system of the food quality schemes.

*[13 December 2001; 12 September 2002; 6 November 2003; 21 October 2004; 17 November 2005; 12 June 2009; 12 November 2009; 28 October 2010; 13 September 2012; 23 October 2014]*

### **Section 23.**

The following shall be subject to State supervision and control:

1) the premises, territory of food establishments, condition and use of vehicles, machinery, and equipment involved in the handling of food;

2) raw materials, ingredients, technological facilities, drinking water, and other products which are used for the preparation and manufacturing of food products; semi-finished products, and finished products, as well as materials and articles that are intended to come into contact with food;

3) food product processing methods;

4) cleaning and disinfection agents;

5) cleaning and disinfection processes;

6) food harmlessness and quality assurance systems of food establishments;

7) labelling of food products, and advertising related to labelling;

8) production, processing, and distribution processes of materials and articles intended to come into contact with food.

*[21 October 2004; 28 October 2010 / Amendments to Paragraph 2, and Paragraph 8 shall come into force from 1 January 2012. See Paragraph 18 of Transitional Provisions]*

### **Section 24.**

(1) Institutions and officials involved in the performance of the functions of State supervision and control shall ensure that the information acquired during the supervision and control process is not disclosed, except information concerning potential harm to human health, life, or the environment, and in cases when misleading information regarding the origin, composition of food products has been provided and improper indications concerning the wholesomeness have been used.

(2) Authorities and officials involved in State supervision and control shall be liable for their actions and decisions in accordance with the procedures laid down in laws and other regulations.

(3) Officials of the Food and Veterinary Service may not in person or through a third party participate in the economic activities of the food establishments subject to their control.

(4) An official of a higher rank may revoke orders and decisions of an official of the Food and Veterinary Service. Orders and decisions of the State chief food and veterinary inspector may be appealed to the court.

(5) Appeal of orders and decisions of the officials of the Food and Veterinary Service shall not suspend fulfilment of such orders and decisions, except decisions on the imposition of an administrative punishment in the cases specified in the Administrative Violations Code of Latvia.

*[13 December 2001; 17 November 2005; 23 October 2014]*

#### **Section 25.**

In cases of epidemics, epizootics, and mass toxicoses, as well as in cases of a threat of an outbreak of such, institutions which are supervised or subject to the control of the Ministry of Welfare and the Ministry of Agriculture have the exclusive right of State supervision and control of the handling of food in accordance with the laws and regulations in force.

*[13 December 2001; 17 November 2005]*

#### **Section 26.**

Fines for administrative violations, collected by food and veterinary inspectors of the Food and Veterinary Service, as well as funds acquired from the sale of confiscated property, goods or other objects in accordance with procedures laid down in law, shall be paid into the State budget.

*[13 December 2001]*

### **Chapter VI Suspension and Renewal of the Operation of Food establishments**

*[6 December 2007]*

#### **Section 27.**

(1) The State chief food and veterinary inspector, State senior inspector, State inspector of the Food and Veterinary Service (hereinafter – the official of the Food and Veterinary Service) upon issuing a written warning to a food establishment has the right to suspend or restrict the operation of the food establishment (including operation of its departments or individual installations), if a non-conformity with the requirements of the laws and regulations governing the handling of food has been established.

(2) The warning shall include the established non-conformities with the requirements of the laws and regulations governing the handling of food, as well as the deadline for the elimination of non-conformities:

1) taking into account the actual possibilities of elimination – from one month to three months;

2) if renovation is needed for elimination of the non-conformity – up to one year;

3) if construction is needed for elimination of the non-conformity – up to two years.

(3) If the non-conformities indicated in the warning are not eliminated within the specified period of time, the official of the Food and Veterinary Service shall, within three working days after the deadline specified in the warning, take a decision to suspend the operation of the food establishment.

(4) Suspension of the operation of the food establishment shall be ensured by the food establishment itself.

(5) The operation of a food establishment shall be suspended without a warning, if:

1) due to non-conformity with the requirements of the laws and regulations governing the handling of food, dangerous substances or pathogens may enter the production, or threat is imposed to human and animal health or life;

2) the operation in the handling of food is not recognised or registered in accordance with the procedures laid down in the laws and regulations;

3) production that does not meet the requirements declared by the food establishment is manufactured;.

(6) The approval and approval number or registration and registration number of a food establishment may be cancelled, if:

1) repeat non-conformities with the requirements of the laws and regulations have been established in the food establishment;

2) the food establishment is unable to provide further handling of food in accordance with the requirements of the laws and regulations governing the handling of food.

(7) A decision to suspend the operation of a food establishment, to cancel approval and approval number or registration and registration number of an establishment, as well as a warning regarding the established non-conformities with the requirements of the laws and regulations governing the handling of food may be contested and appealed in accordance with the procedures laid down in the Administrative Procedure Law. Contesting or appeal of the decisions or warning of the officials of the Food and Veterinary Service shall not suspend their validity.

[12 June 2009; 12 November 2009; 20 May 2010]

## **Section 28.**

(1) The food establishment shall notify the territorial unit of the Food and Veterinary Service in writing regarding the fact that the non-conformities with the requirements of the laws and regulations governing the handling of food have been eliminated. The official of the Food and Veterinary Service Officer shall, within five working days after receipt of the notification, examine whether the non-conformities have been eliminated.

(2) After all the non-conformities with the requirements of the laws and regulations governing the handling of food referred to in the decision have been eliminated, the official of the Food and Veterinary Service Officer shall, not later than within three working days after inspection, allow in writing the renewal of the operation of the food establishment, if the suspension is not related to cancellation of the approval and approval number or registration and the registration number.

[20 May 2010]

## **Transitional provisions**

1. The approval of food establishments by an authorised competent authority and registration in a special food establishment register shall be commenced after adoption by the Cabinet of regulations regarding the procedures for the approval and registration of food establishments within the time period provided for in such regulations.

2. With the coming into force of this Law, the Law On the Procedures and Control of the Handling of Food (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1995, No. 14; 1997, No. 3) is repealed.

3. The Cabinet shall:

1) by 31 December 2003 issue regulations which govern the requirements for the bringing in of food into the State, bringing out from the State and for transit traffic; the procedures for control at State border control points, in free zones, free warehouses, and customs warehouses, and the list of goods subject to control;

2) by 31 December 2003 issue regulations which govern the requirements for the facilities at the control points, in which sanitary border control of food is performed, and procedures for the approval of the control points;

3) by 31 December 2003 issue regulations which govern the procedures by which payments for the activities of supervision and control specified in this Law shall be made, and the types of paid services provided by the Food and Veterinary Service;

- 4) [6 November 2003];
  - 5) by 1 July 2005 issue regulations which govern the requirements for reference laboratories and the procedures for authorising reference laboratories;
  - 6) [6 November 2003];
  - 7) [6 November 2003];
  - 8) [17 November 2005];
  - 9) [21 October 2004];
  - 10) [6 November 2003];
  - 11) by 1 May 2004 issue regulations which govern the work of the rapid alert system;
  - 12) by 1 January 2005 issue regulations which govern professional qualification of the persons involved in the handling of food and determine the procedures for the acquisition of professional qualification and monitoring thereof;
  - 13) by 1 March 2004 issue regulations which govern the procedures for distributing iodised salt, and determine the cases in which this salt is used in food production;
  - 14) by 31 December 2006 issue regulations which govern the hygiene requirements for primary production and direct supply of primary production to the end consumer in small amount, as well as the volume of the abovementioned supply;
  - 15) [12 November 2009];
  - 16) by 1 July 2007 issue the regulations referred to in Section 4, Paragraph twelve and Section 10, Paragraphs four and five of this Law;
  - 17) [20 May 2010];
  - 18) by 1 July 2008 issue the regulations referred to in Section 4, Paragraphs thirteen and fourteen of this Law.
- [13 December 2001; 12 September 2002; 6 November 2003; 21 October 2004; 17 November 2005; 19 December 2006; 6 December 2007; 24 January 2008; 12 November 2009; 20 May 2010]*

4. Until issuance of the relevant Cabinet regulations, but no longer than until 31 March 2002, Cabinet Regulation No. 106 of 6 March 2001, Procedures for Recognition and Registration of Food establishments, shall be in force, insofar as it is not in contradiction with this Law.

*[13 December 2001]*

5. *[6 November 2003]*

6. Section 21, Paragraph two, Clause 2 and Section 21.<sup>1</sup>, Paragraph five of this Law in relation to State supervision and control in free warehouses shall come into force on 1 July 2002.

*[13 December 2001]*

7. Approval that was performed for food establishments in accordance with Cabinet Regulation No. 106 of 6 March 2001, Procedures for the Recognition and Registration of Food establishments, shall be deemed to be in effect.

*[12 September 2002]*

8. Food establishments (except those to which an approval number was granted in accordance with Cabinet Regulation No. 106 of 6 March 2001, Procedures for the Recognition and Registration of Food establishments), which have become engaged in the handling of food until the day of the coming into force of the Cabinet Regulation referred to in Section 5, Paragraph four of this Law, are prohibited from participating in the handling of food if they have not applied to the Food and Veterinary Service by 1 January 2003. If the food establishments, the type of operation of which is referred to in Section 5, Paragraph one of this Law, are under State supervision and control and conform to the requirements of laws and regulations, the Food and Veterinary Service shall grant them an approval number. Food establishments, the type of



operation of which is not referred to in Section 5, Paragraph one of this Law, shall be registered by the Food and Veterinary Service, granting them an approval number.

*[12 September 2002]*

9. Food establishments, which wish to engage in the handling of food until the day of coming into force of the Cabinet regulation referred to in Section 5, Paragraph four of this Law, may commence operation only after having received a permit from the Food and Veterinary Service.

*[12 September 2002]*

10. Food establishments, which have not engaged in the handling of food until the day of coming into force of the Cabinet regulation referred to in Section 5, Paragraph four of this Law, may commence operation only after receiving an approval or registration number in accordance with the procedures stipulated by the Cabinet.

*[12 September 2002]*

11. Amendments adopted on 17 November 2005 to Section 4, Paragraph 10.<sup>1</sup>, Section 19, Paragraph one, Section 20, Section 21.<sup>1</sup>, Paragraph one, as well as Section 21, Paragraph two, Clauses 10.<sup>1</sup>, 14, and 15 of this Law shall come into force on 1 January 2006.

*[15 December 2005]*

12. Warnings issued and decisions taken by the officials of the Food and Veterinary Service on suspension or restriction of the operation of food establishments, which have been issued or adopted on the basis of the Law On the Procedures for the Suspension of the Operations of Companies, Institutions and Organisations, shall be valid also after 1 January 2008.

*[6 December 2007]*

13. Amendment to Section 5 of this Law with regard to deletion of Paragraph seven, as well as Sections 27 and 28 shall come into force on 1 January 2008.

*[6 December 2007]*

14. Section 4, Paragraphs fifteen and sixteen, amendments to Section 20, Paragraph two of this Law shall come into force on 1 January 2011.

*[12 November 2009; 20 May 2010]*

15. Until entry into force of the Cabinet Regulation referred to in Section 8, Paragraph ten of this Law, but no longer than until 1 December 2010, Cabinet Regulation No. 665 of 2 October 2007, Hygiene Requirements for the Handling of Eggs in Small Amounts, shall be in force, insofar as it is not in contradiction with this Law.

*[20 May 2010]*

16. The Cabinet shall issue the regulations referred to in Section 19, Paragraph 3.<sup>1</sup> of this Law by 1 January 2012.

*[28 October 2010]*

17. Section 20, Paragraph three and amendments to Section 21.<sup>1</sup>, Paragraph one of this Law with regard to the composition of the Food and Veterinary Service shall come into force on 1 January 2011.

*[28 October 2010]*

18. Section 1, Clause 22, Section 21, Paragraph two, Clause 18, Section 22, Paragraph two, Clause 8, Section 23, Clause 8, amendments to Section 10, Paragraph one of this Law in relation to the Cabinet regulation regarding materials and articles intended to come into contact

with food, Section 22, Paragraph two, Clause 1 in relation to the competence of the Food and Veterinary Service in carrying out control of the materials and articles intended to come into contact with food for production, processing, and distribution in the establishment, and to Section 23, Clause 2 of this Law in relation to the replacement of the words “articles that come into contact” with words “article that are intended for contact” shall come into force on 1 January 2012.

*[28 October 2010]*

19. By 1 March 2011 the Cabinet shall, in accordance with Section 4, Paragraph three of this Law, issue regulations that provide for special requirements for dietary food. Until entry into force of the Cabinet regulation, but no longer than until 1 March 2011, Cabinet Regulation No. 323 of 10 May 2005, Regulations Regarding General Requirements for Harmlessness, Quality and Labelling of Dietary Food, as well as Conformity Assessment of Dietary Food and Procedures for Coverage Thereof, shall be applied, insofar as it is not in contradiction with this Law.

*[28 October 2010]*

20. Amendments in relation to repeal of Section 4, Paragraph sixteen of this Law shall come into force concurrently with the relevant amendments to the Law On Taxes and Fees.

*[13 September 2012]*

21. By 30 November 2015 the Cabinet shall by issue the regulations referred to in Section 4, Paragraphs 10.<sup>1</sup>, thirteen, and seventeen, Section 8, Paragraph five, Section 10, Paragraph three, and Section 13, Paragraph three, Clause 3 of this Law.

*[23 October 2014]*

22. Until the day of coming into force of the Cabinet regulations referred to in Section 4, Paragraphs 10.<sup>1</sup> and thirteen, Section 8, Paragraph five, and Section 13 Paragraph three, Clause 3 of this Law, but no later than until 30 November 2015, the following Cabinet regulations shall be applied insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 118 of 13 March 2001, Mandatory Harmlessness Requirements for the Composition of Food Intended for Infants and Young Children and the Requirements for the Labelling and Distribution Thereof;

2) Cabinet Regulation No. 144 of 27 March 2001, Mandatory Harmlessness Requirements for Dietary Food with Reduced Energy Value and for the Labelling Thereof;

3) Cabinet Regulation No. 155 of 3 April 2001, Mandatory Harmlessness Requirements for Food for Special Dietary Purposes and Requirements for Labelling;

4) Cabinet Regulation No. 377 of 8 July 2003, Requirements for Quality, Classification and Labelling of Various Types of Sugars;

5) Cabinet Regulation No. 378 of 8 July 2003, Requirements for Quality, Classification and Labelling of Fruit Jam, Jelly, Marmalade, Jam and Sweetened Chestnut Purée;

6) Cabinet Regulation No. 522 of 16 September 2003, Requirements for Quality, Classification and Labelling of Honey;

7) Cabinet Regulation No. 661 of 25 November 2003, Requirements for Quality, Classification and Labelling of Cocoa and Chocolate Products;

8) Cabinet Regulation No. 323 of 20 April 2004, Mandatory Harmlessness Requirements for Food Processed with Ionising Radiation and Additional Requirements for the Labelling Thereof;

9) Cabinet Regulation No. 334 of 20 April 2004, Regulations Regarding Contamination of Foodstuffs and Requirements for Packaging and Labelling of Foodstuffs Containing Acid Chemical Substances;

10) Cabinet Regulation No. 140 of 22 February 2005, Requirements for Quality, Classification and Labelling of Coffee and Chicory Extract;

11) Cabinet Regulation No. 381 of 31 May 2005, Regulations Regarding Requirements for Quality, Classification and Labelling of Dehydrated Dairy Products and the Procedures for the Conformity Assessment of the Abovementioned Products with such Requirements;

12) Cabinet Regulation No. 409 of 14 June 2005, Requirements for Professional Qualification of Persons Employed in the Handling of Food;

13) Cabinet Regulation No. 435 of 21 June 2005, Regulations Regarding Requirements for Quality, Classification and Labelling of Edible Caseins and Caseinates and the Procedures for the Conformity Assessment;

14) Cabinet Regulation No. 488 of 5 July 2005, Mandatory Harmlessness, Quality, Hygiene and Labelling Requirements for Edible Salt and for Distribution and Use Thereof in Food Production;

15) Cabinet Regulation No. 725 of 20 September 2005, Regulations Regarding Food Supplements;

16) Cabinet Regulation No. 646 of 8 August 2006, Regulations Regarding Names of Species to be Used in the Labelling of Fishery Products;

17) Cabinet Regulation No. 893 of 31 October 2006, Mandatory Harmlessness and Labelling Requirements for Apple and Pear Cider;

18) Cabinet Regulation No. 257 of 24 March 2009, Regulations Regarding the Labelling of Meat that Has Been Obtained from Cattle the Age of Which Does Not Exceed 12 Months;

19) Cabinet Regulation No. 613 of 25 June 2009, Requirements for Quality, Classification and Labelling of Fresh Fruit and Vegetables and the Procedures for the Conformity Assessment with the Standards for Fresh Fruit and Vegetables;

20) Cabinet Regulation No. 1171 of 13 October 2009, Regulations Regarding the Processing Quality, Classification and Marking of Animal Carcasses, as well as the Procedures for the Conformity Assessment of Animal Carcasses with the Requirements of Processing Quality and Classification, and Gathering and Aggregation of Information Regarding the Prices of Animal Carcasses;

201) Cabinet Regulation No. 127 of 9 February 2010, Regulations Regarding the Labelling of Mutton;

22) Regulation No. 1053 of 16 November 2010, Regulations Regarding Specific Requirements for Dietary Food, the Procedures for Registration of the Dietary Food and the State Fee for Registration of Dietary Food;

23) Regulation No. 1130 of 21 December 2010, Regulations Regarding Mandatory Requirements for Harmlessness and Labelling of Natural Mineral Water and Spring Water, and the Procedures for the Issuance of Permits for Distribution of Natural Mineral Water and for Covering the Issue Costs.

*[23 October 2014]*

23. The Cabinet shall issue the regulations referred to in Section 13, Paragraph three, Clauses 1 and 2 of this Law by 30 November 2014.

*[23 October 2014]*

24. Until the day of coming into force of the regulations referred to in Section 13, Paragraph three, Clause 1 of this Law but no later than until 30 November 2014 Cabinet Regulation No. 964 of 23 November 2004, Regulations Regarding the Labelling of Food Products, shall be applied, insofar as it is not in contradiction with this Law.

*[23 October 2014]*

**Informative Reference to European Union Directives**  
[17 November 2005]

This Law has been adopted by the *Saeima* on 19 February 1998.

President

G. Ulmanis

Rīga, 6 March 1998