



Executive summary of the public audit report

ENSURING FOOD SAFETY

24 September 2014, No. VA-P-10-10-10



DEFINITIONS

Identity check means a check of a consignment by visual inspection to ensure that the veterinary certificate(s) or veterinary document(s) or other document(s) provided for by veterinary legislation tally with the product itself.

Documentary check means the examination of the veterinary certificate(s) or veterinary document(s), or other document(s) accompanying a consignment.

Genetically modified organism (GMO) means an organism (except for humans) in which the genetic material has been altered in a way which does not occur naturally by mating and/or natural recombination.¹

Controls on food of animal origin means national food controls on meat, poultry, game, rabbit meat, milk, eggs, fish and fishery products carried out by the State Food and Veterinary Service in production facilities and warehouses.

Physical check means a check on the product itself, which may include checks on packaging and temperature and also sampling and laboratory testing.

Import means the free circulation of products and the intention to release products for free circulation.

Import conditions means veterinary requirements for products to be imported, as laid down in Community legislation;

Hygiene means proper application of measures necessary to ensure the safety and quality of food during the process of its preparation, processing, packaging, transportation, distribution, and marketing.

Food means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans. Food also includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment².

Quality means the sum total of the food properties which meet the specific needs of the consumer, which can reasonably be expected, and which correspond to the safety requirements and other mandatory statutory requirements³.

Safety means the sum total of the requirements laid down by the Law on Food and other legal acts for food characteristics and its handling, ensuring that the consumption of food under normal conditions established by the producer or reasonably foreseeable conditions of use, including duration, does not present any risk or only the minimum risks for consumers' health or life, or that it will not be higher than that established by legal acts as acceptable and consistent with a high level of protection for the safety of consumers⁴.

Food handling means any impact upon food or any actions involving food or its components (including food production, preparation, treatment, packaging, storage, transportation,

¹ Law on Genetically Modified Organisms No. IX-375 of 12 June 2001, Art. 2(3) (as amended by Law No. X-720 of 22 June 2006).

² Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002, Art. 2.

³ Law on Food No. VIII-1608 of 4 April 2000, Art. 2(13) (as amended by Law No. IX-937 of 6 June 2002).

⁴ Ibid, Art. 2(11).

distribution, supply, and delivery for sale and sale) that may influence food safety, quality and nutritional value⁵.

Food handling entity (food business operator) means a citizen of the Republic of Lithuania, other Member State of the European Union or a Member State of the European Economic Area, or another natural person in Lithuania who enjoys the rights of movement across the Member States conferred thereon by EU legislation, a legal person established in the Republic of Lithuania or in another Member State, as well as their subdivisions that are responsible for the compliance with food legislation.

Food is considered unsafe if there are grounds for supposing that:

- it is harmful for health;
- it is not suitable for human consumption.⁶

Articles in contact with food means substances and articles which may come in contact with food, are in contact with food, and which are produced for this purpose⁷.

Elimination means all measures designed to prevent the dangerous product from distributing, displaying and offering it to consumers.

Own-check system means a food safety management system introduced by the entity according to an individual Plan of Hazard Analysis and Critical Control Points (HACCP) or following the Good Hygienic Practice Guidelines (GHPG)⁸.

Consignment means a quantity of products of the same type, covered by the same veterinary certificate(s) or veterinary document(s), or other document(s) provided for by veterinary legislation, conveyed by the same means of transport and coming from the same third country or part of such country.

National food controls means the inspection carried out by the competent authority to determine whether food, food additives, vitamins, minerals, trace elements, and other additives intended for sale, as well as substances and goods that come into contact with foodstuffs meet the provisions aimed at preventing threats to public health, ensuring fair business dealings and protecting the interests of consumers, including consumer information provisions⁹.

Consumer means a natural person who purchases goods and services for personal and household use¹⁰.

Verification means the part of the internal control system of the State Food and Veterinary Service which is carried out by the heads of structural units of all levels, as well as civil servants and other staff of the Service who ensure proper implementation of the national food and veterinary controls¹¹.

⁵ Ibid, Art. 2(5) (as amended by Law No- IX-1733 of 16 September 2003).

⁶ Regulation (EC) No. 178/2002 of the European Parliament and of the Council of 28 January 2002, Art. 14.

⁷ Law on Food No. VIII-1608, 4 April 2000, Art. 2(3).

⁸ Quality System Operation Manual KT-2-1-3 "Audit of own-check systems of economic entities introduced in accordance with good hygienic practices" approved by Order No. B1-823 of the Director of the State Food and Veterinary Service of 30 December 2011.

⁹ Ibid.

¹⁰ Law on Product Safety No. VIII-1206 of 1 June 1999 (as amended by Law IX-427 of 5 July 2001), Art. 3(11).

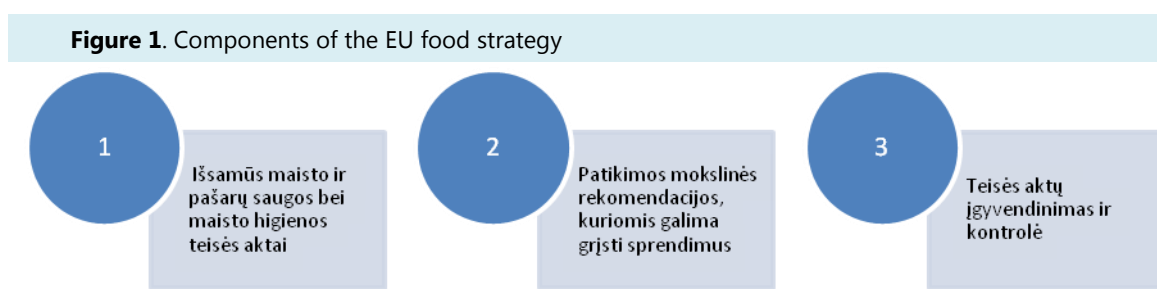
¹¹ Quality System Operation Manual PŽ-1-6-D1 "Verification of the national food and veterinary controls" approved by Order No. B1-536 of the Director of the State Food and Veterinary Service of 19 June 2014.

EXECUTIVE SUMMARY

In recent years, food safety and quality have been gaining increasing attention in the European Union, including Lithuania. This is determined by a new consumers' attitude to food, concerns about environmental pollution and its impact on food and human health, abundance and diversity of products, and the ability to choose the right products for the consumer.

A major challenge of the EU's food safety policy is to ensure better protection of human health and consumers' interests (in so far as they are related to food) and free movement of safe and quality products in the internal market and with third countries. These objectives are pursued using an integrated approach from farm to table, which means that food safety measures should be taken at all stages of the food chain: production of plants and animals intended for food, production of feedingstuffs for food-producing animals, production, processing and distribution of foodstuffs, and supply of the food product to the end user.

The EU food strategy consists of three main components (Figure 1):



Source: National Audit Office

Comprehensive legislation on the safety of food and feedingstuffs and food hygiene

Reliable scientific recommendations for justifying decisions

Implementation and control of legislation

In some cases, Lithuanian national legislation sets more stringent requirements for the quality of food than in the EU (for example, the quality of meat products produced in Lithuania (the highest quality, Class I, Class II)).

The audit objective was to determine the efficiency of the assurance of food safety, namely¹²:

- the efficiency of national food controls;
- the compliance of randomly selected food products with food safety and quality requirements;
- the sufficiency of information provided to consumers on unsafe food products.

The audit was carried out at the State Food and Veterinary Service and the National Food and Veterinary Risk Assessment Institute. Information during the audit was gathered from other state institutions, auditors also interviewed other government entities and business representatives.

¹² Lithuanian Standard LST 1919:2003 "Meat Products".

The audit covered the period from 2011 to 2013. Certain data of an earlier period and 1st half of the year 2014 was also used for analysing changes.

The following public audit conclusions and recommendations were drawn upon the assessment of the audit findings.

CONCLUSIONS

1. The State Food and Veterinary Service performs checks of food business operators on a risk basis and at a specified frequency in accordance with the established checking procedures. Verification of the national food controls is performed at least once per quarter. This reduces the risk of inspection subjectivity and helps ensure a uniform quality of the inspection.
2. There is an insufficient impact of the national food controls on food safety in public catering establishments – an increasing number of the establishments checked by the State Food and Veterinary Service still involves a high number of irregularities, which were not identified only in slightly more than half of the establishments. A quarter all checks during which irregularities were identified revealed significant violations subjected to sanctions¹³ and the number of such violations has been going up (883 such violations were identified in 2011, 831 in 2012, and 929 in 2013).
3. Lithuania has no common control system for substances and articles in contact with food and no single body carrying out such controls: the Law on Food does not specify who should carry out the controls of these substances and articles placed on the market. This creates conditions for inefficient use of resources – the controls on substances and articles in contact with food and their producers is performed by two institutions: the State Non Food Products Inspectorate under the Ministry of Economy and the State Food and Veterinary Service.
4. Measures taken to ensure the controls on GMOs are insufficient – only a small number of GMO tests on food products are carried out compared to all other tests¹⁴ (143 GMO tests were carried out in 2013, 147 tests in 2012, and 121 ones in 2011). In addition, the number of GMO tests during 2011–2013 decreased by more than three times compared to 2008 (490 tests were carried out in 2008), meanwhile the share of irregularities in 2011 and 2012 was three times higher compared to the total share of the tests which did not conform to legislative requirements: the share of tests which verified the presence of GMO in food products in 2011 was 4.96 per cent and in 2012 – 4.76 per cent, meanwhile the total shares were respectively 1.76 per cent and 1.45 per cent. This results in failure to ensure the implementation of the precautionary principle and the protection of the consumers' interest to obtain comprehensive and correct information about the food product they consume and the right to choose a safe and properly labelled food.

¹³Penalties under the Code of Administrative Violations, instructions, rulings, warnings; decisions concerning the renewal, suspension, banning of business; instructions concerning the suspension, banning of the placement of products on the market; decisions concerning the suspension, banning of product supply; decisions concerning temporary banning of the supply and offering of the product for supply to the market and display of the product; protocols on the violation of the Law on Food with a liability laid down in the Law on Product Safety.

¹⁴ National Food and Veterinary Risk Assessment Institute carried out tests of 1,228,956 samples in 2013, of 1,254,195 samples in 2012, and of 1,321,233 in 2011.

5. The State Food and Veterinary Service carries out the controls on the withdrawal of unsafe food products from the market and their recovery at all stages; however, not all unsafe foodstuffs are promptly removed from the market because:
 - 5.1. not all food business operators are informed in due time and in a proper manner about unsafe products identified by the Service, which prevents them from taking prompt measures to eliminate the unsafe product from the market;
 - 5.2. food business operators do not inform the Service about unsafe foodstuffs identified by their own-check systems, so the Service is not able to promptly notify other food business operators (recipients of the unsafe products) thereof and to take timely measures to remove the unsafe products from the market.
6. Public tests are performed in an accredited laboratory and using accredited methods. However, the National Food and Veterinary Risk Assessment Institute has been failing to ensure the sufficient management of equipment failure risk – one-third of its equipment has been used for more than ten years, half of the inspected equipment fails 1-5 times a year, so the ageing equipment increases the risk of failure, which can have a negative impact on the duration of the analysis.
7. Insufficient controls on protein meat substitutes used in the production of meat products. Laboratory tests of randomly selected food products (sausages) showed that the amount of protein meat substitutes in one (out of two) sausage samples exceeded the allowable amount more than six times (the norm for lightly-smoked sausages is less than 1 per cent, the amount found was 6.54 per cent), which prevents ensuring the supply of quality food products meeting the labelling requirements to the population.
8. Insufficient controls on the amount of additives in meat products:
 - 8.1. Checks on food additives (phosphates) carried out by the State Food and Veterinary Service include the inspection of the documents (the producer's recipes, etc.) and analysing the composition of the additive mixtures; however, no tests are carried out on the content of phosphates actually added in the final meat products, because the National Food and Veterinary Risk Assessment Institute has no possibilities to determine the food additive content by way of laboratory analysis;
 - 8.2. Laboratory tests of randomly selected food products (sausages) were carried out during the audit. The total amount of phosphates (both added and occurring naturally) was higher than the allowable amount of the additives in both samples. Failure to identify the total phosphate content (both added and possibly occurring naturally) in meat products create preconditions for producers for increasing the amount of added phosphates, because it is not possible to distinguish, by way of laboratory analysis, between naturally occurring phosphates and those added artificially. Therefore, any excess amount of the additive can be interpreted as arising naturally.
9. Consumers are insufficiently informed about the detected unsafe food products to be able to take appropriate actions to protect their health:
 - 9.1. The State Food and Veterinary Service does not provide detailed information to the consumer in all cases of the detection of unsafe foodstuffs – basic information about the product was missing in 15 cases out of 189 (8 per cent), namely, visual material (picture), expiry date of the product, information on where the unsafe product can be returned;

- 9.2. commercial establishments do not take all measures to adequately inform consumers about unsafe foodstuffs – one out of five surveyed retail chains does not publish information about the identified cases of unsafe food on their websites and the stores of one checked retail commercial establishment had no information, in clearly visible locations, about the unsafe food product detected at this company by the State Food and Veterinary Service (organic corn crackers) and no information that the product may be returned; also, the said information was not published on the company's website.

RECOMMENDATIONS

Since the National Food and Veterinary Risk Assessment Institute developed an analysis modernisation programme for 2015-2018 in April 2014, no recommendations were issued thereto concerning the development of an equipment upgrading programme.

To the State Food and Veterinary Service

1. In order to ensure high-level protection of human health and consumers' interests so that the population is supplied with safe and quality foodstuffs that meet the labelling requirements, the Service should:
 - 1.1. take concrete measures to enhance the impact of national food controls on public catering establishments;
 - 1.2. initiate amendments to the Law on Food in order to regulate the controls on marketed substances and articles in contact with food;
 - 1.3. carry out more tests on GMOs;
 - 1.4. enhance controls on the use of protein meat substitutes in meat processing plants and take measures to strengthen internal control system of the companies in this area;
2. In order to ensure that all unsafe food quantities are immediately eliminated from the market and prevented from human consumption, concrete steps should be taken to ensure that all recipients of the unsafe product, regardless of the amount of the unsafe product received thereby, are informed about the unsafe food product in due time.
3. In order to ensure that the Service promptly receives information from food business operators about the unsafe food product, the Service should prepare information about the procedure of the provision of information thereto on unsafe food products detected by the own-check system.
4. In order to ensure the implementation of the transparency principle and adequate provision of information to consumers about health risks so that consumers receive sufficient and accessible information on the unsafe food product from as many sources as possible, the Service should:
 - 4.1. revise its internal administrative acts and obligate its staff in all cases to provide visual material on the unsafe food product and to indicate its expiry date (if it has been established) and the places where the unsafe product can be returned on its website;

- 4.2. initiate agreements with food business operators (commercial establishments) or their associations so that they provide (publish) information about the identified unsafe food product by all available means, such as website, notice boards in trading venues, by SMS, e-mail, etc.

To the State Food and Veterinary Service and the Ministry of Health

5. In order to provide conditions for effective national food controls and to ensure high-level protection of human health, the Service and the Ministry should initiate amendments of relevant legislation or formal discussions at the EC Standing Committee on the Food Chain and Animal Health concerning the establishment of the total amount of substances (naturally occurring and added phosphates) or the maximum amount of this substance which can occur naturally in the final food product.