In response to information provided by the competent authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.
Executive Summary

This report describes the outcome of the Directorate-General for Health and Food Safety audit in Poland carried out between 21 and 31 March 2017, as part of the published Directorate-General for Health and Food Safety audit programme, under the provisions of Regulation (EC) No 882/2004 on official food and feed controls, and as part of the published audit programme.

The objectives of the audit were the evaluation of:

(i) the official control systems in place for the implementation of European Union (EU) legislation concerning the EU quality schemes for Protected Designations of Origin (PDO), Protected Geographical Indications (PGI), and Traditional Specialities Guaranteed (TSG) for agricultural products and foodstuff and

(ii) traceability and labelling.

Overall, there is a system of official controls in place for PDO/PGI/TSG with clearly designated competent authorities (CAs) with adequate numbers of staff which are properly trained. The official controls of producers and processors may be undertaken either by the CAs or delegated to control bodies (CBs). CBs are accredited and appropriately supervised. Documented procedures are in place and adequate inspection reports are provided to operators. The inspectors met were generally competent but did not evaluate traceability in sufficient detail. Risk-based market controls had not been developed at the time of the audit and exchange of information between regional and / or central CAs was not always effective. Enforcement procedures are in place and implemented when required.

This report makes recommendations to the CAs, aimed at rectifying the shortcomings identified and enhancing the implementation of control measures.
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# Abbreviations and Definitions Used in This Report

<table>
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<tr>
<th>Abbreviation</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>AFQI</td>
<td>Agricultural and Food Quality Inspection</td>
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<tr>
<td>BTSF</td>
<td>Better Training for Safer Food</td>
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<tr>
<td>CA(s)</td>
<td>Competent Authority(ies)</td>
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<td>CB(s)</td>
<td>Control Body(ies)</td>
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<tr>
<td>DOOR</td>
<td>Database of Origin and Registration</td>
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<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>MARD</td>
<td>Ministry of Agriculture and Rural Development</td>
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<td>PCA</td>
<td>Polish Centre for Accreditation</td>
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<td>PDO(s)</td>
<td>Protected Designation(s) of Origin</td>
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<td>PGI(s)</td>
<td>Protected Geographical Indication(s)</td>
</tr>
<tr>
<td>TSG(s)</td>
<td>Traditional speciality(ies) Guaranteed</td>
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1 INTRODUCTION

The audit formed part of the Directorate-General for Health and Food Safety planned programme. The audit took place from 21 to 31 March 2017. The team comprised two auditors from the Directorate-General for Health and Food Safety and one official from the Directorate-General for Agriculture and Rural Development of the European Commission, as well as one expert from a European Union (EU) Member State.

Representatives from the central competent authority, the Ministry of Agriculture and Rural Development (MARD), and the Agricultural and Food Quality Inspection (AFQI), accompanied the audit team for the duration of the audit. An opening meeting was held on 21 March 2017 with the attendance of representatives from the MARD, AFQI, the Office of Competition and Consumer Protection/Trade Inspection and the Polish Centre for Accreditation (PCA). At this meeting, the objectives of, and itinerary for the audit were confirmed and the control systems were described by the authorities.

2 OBJECTIVES AND SCOPE

The objectives of the audit were:

The evaluation of the official control systems in place for the implementation of EU legislation concerning:

- Protected Designations of Origin (PDOs), Protected Geographical Indications (PGIs), Traditional Specialities Guaranteed (TSGs) for agricultural products and foodstuffs: Regulation (EU) (No) 1151/2012 of the European Parliament and Council, Commission Delegated Regulation (EU) No 664/2014 and Commission Implementing Regulation (EU) No 668/2014: and

In terms of scope, the audit reviewed the organisation and performance of the CAs for PDO/PGI/TSG schemes, and the official controls system in place covering production, distribution and placing on the market of these products.

In pursuit of these objectives, a sample of PDO/PGI/TSG was selected and the following sites were visited:

<table>
<thead>
<tr>
<th>Visits/meetings</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>CCA/CAs</td>
<td></td>
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<tr>
<td>CCA</td>
<td>2</td>
</tr>
</tbody>
</table>
Establishments

<table>
<thead>
<tr>
<th>Products</th>
<th>Visits</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>4 PGI</td>
<td>4</td>
<td>Visits to small/medium producers</td>
</tr>
<tr>
<td>3 TSG</td>
<td>2</td>
<td>Visits to small/medium producers</td>
</tr>
<tr>
<td>Supermarket</td>
<td>1</td>
<td>Visit to a large supermarket</td>
</tr>
</tbody>
</table>

3 Legal Basis

The audit was carried out under the general provisions of EU legislation, in particular


EU legal acts quoted in this report refer, where applicable, to the most recently amended version. Full references to the EU acts quoted in this report are given in Annex 1.

4 Background

4.1 Country Profile

The Directorate-General for Health and Food Safety has published a Country Profile for Poland, which describes in summary the control systems for food and feed, animal health, animal welfare and plant health as well as quality labelling and gives an overview of the state of play concerning recommendations from previous audits. The country profile for Poland can be found at:

http://ec.europa.eu/food/audits-analysis/country_profiles/details.cfm?co_id=PL

4.2 EU Quality Schemes

The EU quality schemes for PDO/PGI/TSG protect and promote quality agricultural products and foodstuffs and aim to ensure the protection of their names from, inter alia, misuse, evocation and imitation and help consumers by giving them information concerning the specific character of the products:

- PDO covers agricultural products and foodstuffs which are produced, processed and prepared in a given geographical area using recognised know-how.
- PGI covers agricultural products and foodstuffs closely linked to the geographical area. At least one of the stages of production, processing or preparation takes place in the area.
- TSG highlights traditional character, either in the raw materials, composition or means of production.
Further details on the quality schemes are available on the following website: http://ec.europa.eu/agriculture/quality/schemes/index_en.htm

4.3 STATUS OF REGISTERED PRODUCTS IN POLAND

At the time of the audit there were 20 PGIs, 9 PDOs and 9 TSGs from Poland registered on the Database of Origin and Registration (DOOR). Seven PGI/TSG were selected for this audit.

5 FINDINGS AND CONCLUSIONS

5.1 RELEVANT NATIONAL LEGISLATION

Legal requirements

Article 291 of the Treaty on the Functioning of the EU.

Findings

1. There are two pieces of national legislation relevant to the official control systems for PGI/ PDO/TSG:

   - The Agricultural Products and Foodstuffs (Registration and Protection of Names and Designations) and Traditional Products Act of 17 December 2004 (Journal of Laws of 2005, item 68; 2008; items 1056 and 1368; 2016, item 1001) regulating the tasks and competences of competent authorities assessing applications for the registration of PDO/PGI/TSG;

   - The Commercial Quality of Agri-Food Products Act of 21 December 2000 (Journal of Laws of 2016, item 1604) regulating the commercial quality of agri-food products and the rules of operation of the AFQI.

2. Relevant national measures are in place to implement EU Regulations relating to official controls of PDO/PGI/TSG.

5.2 ORGANISATION AND IMPLEMENTATION OF OFFICIAL CONTROLS

5.2.1 Competent Authorities

Legal requirements

Articles 36(1), 36(2), 37(1) and (3) and 39(1) of Regulation (EU) No 1151/2012.


Findings

3. Official controls of PDO/PGI/TSG are carried out by the following authorities:
- The AFQI, which reports to the MADR (controls at producers and wholesalers supplying enterprises),
- The Trade Inspection, which reports to the Office of Competition and Consumer Protection (controls at retailers and wholesalers selling to end customers).

4. The system of official controls covers:
- Verification of a product’s conformity with the specification prior to placing a product on the market (AFQI),
- Monitoring of the use of registered names for products placed on the market (Trade Inspection, AFQI).

5. Such assessments may be carried out by the regional AFQIs or by private control bodies (CBs) accredited and authorised by the MARD.

6. The names and addresses of the CBs are published on the websites of the MARD and AFQI. This data is regularly updated.

7. The CA stated that a cooperation agreement was in place to ensure effective coordination and cooperation between the relevant CAs. However, the audit team noted that inspectors at regional level were not fully aware of the requirements of this cooperation agreement. This situation leads to a lack of communication between the regions and/or the central level which is not in line with Article 4 of Regulation (EC) No 882/2004.

8. As an example the regional AFQI inspectors having detected a problem relating to a producer group issuing labels with the Union symbol did not report such findings to other relevant CAs. The audit team noted that such findings do not reach the Trade Inspection reducing the effectiveness of market controls (see finding 22).

Resources for Performance of Controls

9. The AFQI has a sufficient number of staff handling official controls of PDO/PGI/TSG.

10. Each of the 16 regional AFQIs has staff trained to deal with PDO/PGI/TSG. The number of staff controlling PDO/PGI/TSG at a regional AFQI depends mainly on the number of assessments of conformity with Product Specifications carried out at the request of producers.

11. Training courses on PDO/PGI/TSG are held at least once a year and attended by staff from the central and all regional AFQIs, CBs and the Trade Inspection. Training is organised by the MARD with the help of AFQIs. The audit team reviewed the relevant files and they were satisfactory.

12. AFQI staff also attend training courses organised under the Better Training for Safer Food (BTSF) initiative.
Conclusions on Competent Authorities

13. The CAs are designated for the official controls of PDO/PGI/TSG and are adequately staffed and trained. However, the exchange of information between regional and/or central level was not always effective. This increases the risk that non-compliant products continue to be marketed.

5.2.2 Control Bodies

14. The producers choose the CB that assesses and certifies conformity of the PDO/PGI/TSG prior to their placing on the market.

15. CBs are authorised by the MARD to assess conformity and issue or withdraw certificates attesting to the conformity of the production process of agricultural products and foodstuffs holding a PDO/PGI/TSG with the specifications.

16. One of the conditions for the authorisation of a CB is accreditation in accordance with the ISO IEC 17065:2012 standard. A copy of the CB’s accreditation certificate has to be enclosed with the application for authorisation. Accreditation is performed by the PCA. Five CBs are currently accredited to assess conformity with specifications.

17. The CBs are subject to regular supervision by the CAs. Such supervision includes office audits and witness inspections.

Conclusions on Control Bodies

18. CBs are accredited and supervised as required which contributes to the effectiveness of the control system.

5.2.3 Prioritisation of Official Controls

Legal requirements

Articles 37(1) and 38 of Regulation (EU) No 1151/2012.


Findings

Verification of compliance with product specification prior to placing a product on the market

19. Official controls of PDO/PGI/TSG are set out in AFQI’s annual framework control programme for a given year. This provides the general framework for official controls and there is one for every individual PDO/PGI/TSG.

20. Subsequently, the full details of the frequency of inspection as well as the operator to be inspected is decided at the regional level.
21. At the time of the audit, the AFQI described the current approach to determining the frequency of official controls. Once a first application is received from a producer/processor and a successful control to verify compliance with the Product Specification prior to placing the product on the market has been undertaken, a certificate is granted for one year. The subsequent request by the producer/processor, normally one year later, and following a successful inspection results in a certificate which is valid for 3 years. At least one unannounced surveillance control is carried out during this three year period. However, the audit team noted that some Product Specifications specified that official controls should be carried out at different intervals, generally, once every year.

Official controls on the market

22. In relation to market controls, the official controls undertaken by the Trade Inspection are very wide and PDO/PGI/TSG constitutes a very minor element of their responsibilities. Market controls relating to PDO/PGI/TSG are satisfactorily undertaken in response to complaints on an ad-hoc basis. At the time of the audit, market controls for PDO/PGI/TSG were in a preliminary phase of implementation and a risk-based approach was not in place for the planning. This is not in line with Article 38 of Regulation (EU) No 1151/2012.

Conclusions on Prioritisation of Official Controls

23. Prioritisation of official controls includes the verification of compliance prior to placing the product on the market and regular inspections at processors are undertaken. Although there were some contradictions relating to the frequency of inspections as stated in some Product Specifications, this did not adversely affect the system of official controls being undertaken.

24. In relation to market controls, a risk-based approach had not been developed at the time of the audit and it could not be ensured that the EU legal provisions are met.

5.2.4 Procedures and Performance of Official Control Activities

Legal Requirements

Articles 12, 13(1), 23, 24(1), 36(3), 44 and 46(1) of Regulation (EU) No 1151/2012.
Regulation (EU) No 1169/2011
Findings

25. Regarding controls on the market and on-site inspections, teams of two to three inspectors are used. On entering any establishments, inspectors are required to sign on in the establishment Log Book which records food related inspections undertaken. The inspectors are furnished with a letter of authorisation which describes the scope, legal basis and date of inspection as well as the anticipated deadline for completion of the whole inspection process including report writing.

26. The audit team noted in the market control that this letter of authorisation made reference to Regulation (EC) No 882/2004 however no specific mention of legislation relating to PDO/PGI/TSG was mentioned, although the scope mentioned PDO/PGI/TSG. All inspections are required to be formally reported in writing and copies given to the operators.

27. For on-site inspections, all inspectors from CAs and CBs were provided with product specific checklists which they are obliged to fill in during the inspection.

28. The CA and CB inspectors undertake sampling for laboratory testing based on the Polish norm for sampling (5 August 2013). The inspectors are provided with instructions for sampling as well as the appropriate equipment. Counter samples are provided to the producer.

Official controls of producers / processors of PDO/PGI/TSG agricultural products and foodstuffs

29. The audit team observed 6 inspections in four regions. All surveillance inspections are unannounced.

30. The inspectors met were generally competent. An inspection history for the establishments visited was made available and illustrated that regular inspections were undertaken. Although the main elements of the inspections were carried out in a satisfactory manner, some elements of the Product Specification were accepted on the basis of a declaration by the producer/processor and not directly checked by the inspectors. When additives or preservatives were prohibited in the Product Specification there was no attempt by the inspectors to check this. At the farm level, a Product Specification required drying to be undertaken within a specific time of harvesting, which was not checked by inspectors. These examples are not in line with Article 37 of Regulation (EU) No 1151/2012.

31. In relation to organoleptic testing two approaches were observed. Some inspectors relied on their personal experience and there were no objective procedures in place. In another situation, it was the duty of the accredited laboratory to perform organoleptic testing.

32. The audit team observed two traceability exercises which were undertaken adequately. These traceability exercises were based on documentary checks such as production records, raw material purchase documents and sales invoices for the final products. The
traceability exercises identified a loop hole as no direct link between the numbers of labels bearing the Union symbol used and the number of finished product items sold could be produced.

33. In relation to PDO/PGI/TSG controlled by CBs, the audit team noted that all elements of the product specification were checked in a satisfactory manner.

**Official controls on the Market**

34. The audit team observed an inspection in a large supermarket which was undertaken by three staff from the Trade Inspection. There was no inspection history available as this was the first PDO/PGI/TSG official control undertaken at this retail establishment. No checklists were provided to inspectors. Instructions to inspectors were given in terms of general numbers of items to be checked and sampled. This sampling can be done on a random basis by the inspector and no specific PDO/PGI/TSG are identified (see finding No 22).

35. The inspectors stated that bulk/unwrapped PDO/PGI/TSG were not required to have any labelling relating to PDO/PGI/TSG. This is not in line with Article 12(3) of Regulation (EU) No 1151/2012.

**Conclusions on Procedures and Performances of Official Control Activities**

36. Documented procedures are in place and written reports are provided to the operators which provide essential elements of an official control system.

37. The official controls undertaken at producers/processors are adequate. A number of weakness were observed relating to the level of detail of traceability exercises and checking of Product Specifications which risks undermining the effectiveness of the system.

38. Inspectors were not aware of that the appearance of the Union symbol on bulk/unwrapped PDO/PGI/TSG on the market is obligatory.

**5.2.5 Enforcement Measures**

**Legal Requirements**

Article 13(3) of Regulation (EU) No 1151/2012.


**Findings**

39. The unlawful use of PDO/PGI/TSG is punishable by fines imposed by administrative decision under Article 58b of the Agricultural Products and Foodstuffs (Registration and Protection of Names and Designations) and Traditional Products Act (Journal of Laws
40. In addition, as part of the supervision of CBs, in the event of irregularities, AFQI may impose a fine by administrative decision under Article 58b of the Agricultural Products and Foodstuffs (Registration and Protection of Names and Designations) and Traditional Products Act (Journal of Laws No 10/ 2005, item 68, as amended) on the CB.

41. The audit team reviewed a number of enforcement files and considered them to be satisfactory.

42. AFQI stated that legal advice had been sought relating to the right to withdraw certificates issued by AFQI due to non-compliances and prior to their expiry dates. At the time of the audit, AFQI was legally not permitted to withdraw any certificates. This situation where a producer/processor retaining a certificate while being forbidden from placing a product on the market by the AFQI has been addressed by the AFQI. When this situation occurs, a notice directly linked to the producer/processor in question is inserted in the public website of the AFQI.

**Conclusions on Enforcement Measures**

43. Enforcement measures are available for implementation when required and are satisfactory.

### 6 Overall Conclusions

Overall, there is a system of official controls in place for PDO/PGI/TSG with clearly designated CAs and adequately staffed and trained staff. The official controls of producers and processors may be undertaken either by the CAs or delegated to CBs. CBs are accredited and appropriately supervised. Documented procedures are in place and adequate inspection reports are provided to operators. The inspectors met were generally competent but did not evaluate traceability in sufficient detail. Risk-based market controls had not been developed at the time of the audit and exchange of information between regional and/or central CAs was not always effective. Enforcement procedures are in place and implemented when required.

### 7 Closing Meeting

A closing meeting was held on 31 March 2017 with the attendance of representatives of the different CAs. At this meeting, the audit team presented the main preliminary findings of the audit and a number of points were clarified. The CAs provisionally accepted the preliminary findings.
# Recommendations

The CAs are invited to provide details of the action taken and planned, including deadlines for their completion (action plan), aimed at addressing the recommendations set out below, within 25 working days of receipt of this audit report. The CAs should:

<table>
<thead>
<tr>
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<th>Recommendation</th>
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| 1.  | Ensure that there is efficient and effective coordination between all regional and/or central CAs as required by Article 4 of Regulation (EC) No 882/2004, in order to reduce the risk of non-compliant products to be marketed.  
*Recommendation is based on conclusion No 13  
Associated finding: No 7, 8.* |
| 2.  | Ensure that CAs carry out verification of compliance with product specifications effectively, in order to comply with Article 37 of Regulation (EU) No 1151/2012.  
*Recommendation is based on conclusions No 23 and 37.  
Associated findings: No 21, 30 and 32* |
| 3.  | Ensure that official controls cover the monitoring of the use of registered names to describe product placed on the market, as established in Article 38 of Regulation (EU) No 1151/2012.  
*Recommendation is based on conclusion No 24.  
Associated findings: No 22 and 34.* |
| 4.  | Ensure that the Union symbols are displayed in relation to bulk/unwrapped products on the market, in line with Article 12(3) of Regulation (EU) No 1151/2012.  
*Recommendation is based on conclusions No 38.  
Associated finding: No 35* |

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

## ANNEX 1 – LEGAL REFERENCES

<table>
<thead>
<tr>
<th>Legal Reference</th>
<th>Official Journal</th>
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<tr>
<td><strong>Labelling Legislation</strong></td>
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<tr>
<td><strong>PDO/PGI/TSG Legislation</strong></td>
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