EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Health and food audits and analysis

DG(SANTE) 2019-6671

FINAL REPORT OF AN AUDIT
CARRIED OUT IN
POLAND
FROM 25 MARCH 2019 TO 05 APRIL 2019
IN ORDER TO
EVALUATE THE FOOD SAFETY CONTROL SYSTEMS IN PLACE GOVERNING THE PRODUCTION AND PLACING ON THE MARKET OF POULTRY MEAT AND PRODUCTS DERIVED THEREFROM
Executive Summary

This report describes the outcome of an audit carried out by Directorate-General for Health and Food Safety in Poland from 25 March to 5 April 2019. The objective of the audit was to assess the system in place for official controls related to the safety of food of animal origin, in particular whether the production and placing on the market of poultry meat and products derived therefrom are carried out in compliance with EU legislation.

In this context, the audit also assessed the actions taken by the competent authorities in response to the recommendations made in the reports of the previous Directorate-General for Health and Food Safety audits.

The report concludes that the official controls over production of poultry meat and products derived therefrom are organised on a risk basis and implemented using comprehensive documented procedures and guidance, and covering relevant aspects of the legislation.

Official controls for verification of Food Business Operators' compliance with the relevant EU requirements in poultry establishments are in place and, in general, provide guarantees that the establishments meet those requirements. However, deficiencies concerning mostly structural and hygiene requirements, not detected by any level of competent authority controls, or in any event, not corrected, in particular in two establishments out of eight visited, were noted by the audit team.

Staffing and remuneration issues, low salaries for the official staff, as well as the production related remuneration for authorised veterinarians, undermine the correct functioning of the official control system in Poland and impact on the enforcement of the relevant EU legislation.

Due to the high and increasing number of Rapid Alert System for Food and Feed notifications in Poland linked to Salmonella in poultry meat and products derived therefrom, special official sampling procedures are in place at slaughterhouse level, in order to verify the reliability of Food Business Operators' own-check sampling, which currently gives much lower rates of detection.

Although the system for follow-up of Rapid Alert System for Food and Feed notifications and for food incidents, implemented in Poland, provides guarantees that adequate actions are taken by the competent authorities, particularly concerning their follow-up and measures adopted regarding the products involved, these actions are not effective in preventing the re-introduction of Salmonella in the poultry meat processing chain.

The competent authority has implemented national measures that apply to low throughput establishments which allow the use of a round national identification mark intended only for the national market. As these measures are not in line with the EU legislation, a recommendation was already made in the audit report DG(SANTE)2014-7160 (poultry meat and products derived therefrom) requesting the competent authority to correct the situation in this regard. Nonetheless, no corrective action has been taken or planned by the central competent authority to address this recommendation. The audit found that in practice, the rules applicable to these establishments are in line with the provision of the Hygiene Package and therefore there is no need for such mark.

The competent authority actions to address the relevant recommendations made in the reports of the previous audits (ref. DG(SANTE)2014-7160; DG(SANCO)2013-6893 (mechanically separated meat); DG(SANCO)2013-6870 (microbiological criteria)) have otherwise been properly
implemented.

The report contains recommendations to the competent authority to address the shortcomings identified.
## Table of Contents

1. Introduction ....................................................................................................................................1

2. Objectives and Scope .....................................................................................................................1

3. Legal Basis .....................................................................................................................................2

4. Background ....................................................................................................................................2

5. Findings and Conclusions ............................................................................................................3

5.1 Legislation and implementing measures ....................................................................................3

5.2 Competent Authorities..............................................................................................................6

5.2.1 Structure and organisation .................................................................................................6

5.2.2 Legal powers, independence and authority for enforcement ...............................................7

5.2.3 Resources ...............................................................................................................................8

5.2.4 Training ..................................................................................................................................9

5.2.5 Supervision and audits ........................................................................................................10

5.3 Approval of establishments .....................................................................................................12

5.4 Official controls at establishment level .....................................................................................14

5.4.1 Organization of official controls .........................................................................................15

5.4.2 Controls on general requirements applicable to establishments ........................................16

5.4.3 Specific requirements for slaughterhouses .........................................................................19

5.4.4 Controls on the use of food additives ...............................................................................20

5.4.5 Controls on identification marking, labelling and traceability .........................................21

5.4.6 Official sampling ................................................................................................................21

5.5 Official laboratories ..................................................................................................................24

5.6 Rapid Alerts System for Food and Feed (RASSF) ....................................................................25

5.7 Follow-up of Previous Audit Recommendations .....................................................................26

6. Overall Conclusions ....................................................................................................................26

7. Closing Meeting ...........................................................................................................................27

8. Recommendations .......................................................................................................................27

Annex I Legal references
## ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>AV(s)</td>
<td>Authorised Veterinarian(s) (i.e. a private veterinarian designated by the CA for certain official tasks)</td>
</tr>
<tr>
<td>CA(s)</td>
<td>Competent Authority(ies)</td>
</tr>
<tr>
<td>CCA</td>
<td>Central Competent Authority</td>
</tr>
<tr>
<td>CVO</td>
<td>Chief Veterinary Officer</td>
</tr>
<tr>
<td>DG Health and Food Safety</td>
<td>Directorate-General for Health and Food Safety of the European Commission</td>
</tr>
<tr>
<td>DVI(s)</td>
<td>Powiat (District) Veterinary Inspectorate(s)</td>
</tr>
<tr>
<td>DVO(s)</td>
<td>Powiat (District) Veterinary Officer(s)</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FBO(s)</td>
<td>Food Business Operator(s)</td>
</tr>
<tr>
<td>FCI</td>
<td>Food Chain Information</td>
</tr>
<tr>
<td>GHP</td>
<td>Good Hygienic Practices</td>
</tr>
<tr>
<td>GVI</td>
<td>General Veterinary Inspectorate</td>
</tr>
<tr>
<td>HACCP</td>
<td>Hazard Analysis and Critical Control Points</td>
</tr>
<tr>
<td>MSM</td>
<td>Mechanically Separated Meat</td>
</tr>
<tr>
<td>NRL</td>
<td>National Reference Laboratory</td>
</tr>
<tr>
<td>PM</td>
<td>Poultry meat</td>
</tr>
<tr>
<td>PMP</td>
<td>Products derived from poultry meat (i.e. meat products, meat preparations, minced meat and MSM)</td>
</tr>
<tr>
<td>RASFF</td>
<td>Rapid Alert System for Food and Feed</td>
</tr>
<tr>
<td>RTE</td>
<td>Ready-To-Eat</td>
</tr>
<tr>
<td>RVI(s)</td>
<td>Voivodship (Regional) Veterinary Inspectorate(s)</td>
</tr>
<tr>
<td>RVO(s)</td>
<td>Regional Veterinary Officer(s)</td>
</tr>
<tr>
<td>SSI</td>
<td>State Sanitary Inspection</td>
</tr>
<tr>
<td>VI</td>
<td>Veterinary Inspection</td>
</tr>
</tbody>
</table>
1 INTRODUCTION

This audit took place in Poland from 25 March to 5 April 2019. The audit was undertaken as part of the Directorate-General for Health and Food Safety (DG Health and Food Safety) planned audit programme.

The audit team comprised two auditors from the DG Health and Food Safety. The audit team was accompanied during the whole audit by representatives from the central competent authorities (CCA) which for this audit was the General Veterinary Inspectorate (GVI) of the Veterinary Inspection (VI).

An opening meeting was held in Warsaw on 25 March 2019 with the CCA. At this meeting, the audit team confirmed the objectives of, and itinerary for, the audit, and requested additional information required for the satisfactory completion of the audit.

2 OBJECTIVES AND SCOPE

The primary objective of the audit was to assess the system in place for official controls related to the safety of food of animal origin, in particular whether the production and placing on the market of poultry meat (PM) and products derived therefrom (PMP) are carried out in compliance with European Union (EU) legislation.

In this context, the audit team also evaluated the implementation of the actions taken by the competent authorities (CAs) in response to the recommendations\(^1\) made in reports of previous audits (ref. DG(SANTE)2014-7160\(^2\) (PM/PMP); DG(SANCO)2013-6893\(^3\) (Mechanically Separated Meat (MSM)); DG(SANCO)2013-6870\(^4\) (Microbiological Criteria)).

In terms of scope, the audit focused on the organisation and performance of the CA and on the official control system in place covering production, processing and distribution chains applicable to PM and PMP (i.e. meat products, meat preparations, minced meat and MSM).

In pursuit of these objectives, the audit itinerary included the following meetings and visits:

<table>
<thead>
<tr>
<th>COMPETENT AUTHORITY VISITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCA</td>
</tr>
<tr>
<td>Regional CA</td>
</tr>
<tr>
<td>Local CA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LABORATORY VISITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Official</td>
</tr>
</tbody>
</table>

| FOOD PROCESSING FACILITIES |

---

\(^1\) Those recommendations which are relevant to the scope of this audit.


### 3 Legal Basis

The audit was carried out under the general provisions of EU legislation and, in particular, Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls in Member States performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

A full list of the EU legal instruments relevant to the scope of this audit is provided in Annex I to this report. Legal acts quoted refer, where applicable, to the last amended version.

### 4 Background

An audit with similar objectives and scope as the current one was carried out previously in order to evaluate the official controls related to the production of PM and PMP (ref. DG(SANTE)2014-7160) (see footnote 2).

The audit highlighted deficiencies mainly in relation to application of national measures in low volume production establishments; sanitary shortcomings at establishment level but not detected during CA inspections; insufficient supervision and control of the use of food additives and labelling of MSM; and to the actions taken by the CA in cases of positive analyses results in official *Salmonella* testing. The report made a number of recommendations to the CA. Written guarantees, which on paper were deemed satisfactory (except for one recommendation – see paragraph 3 and 4 and Chapter 5.7), were received from the CA in relation to the implementation of actions to address those recommendations.

<table>
<thead>
<tr>
<th>Establishment</th>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slaughterhouse</td>
<td>6</td>
<td>One suspended (not in operation) during the audit team visit</td>
</tr>
<tr>
<td>Cutting plant</td>
<td>7</td>
<td>Five attached to slaughterhouses, one attached to a meat products establishments, one stand-alone (suspended during the audit team visit)</td>
</tr>
<tr>
<td>Meat Preparation establishment</td>
<td>4</td>
<td>Attached to the slaughterhouses visited</td>
</tr>
<tr>
<td>Meat Products establishment</td>
<td>2</td>
<td>One attached to a slaughterhouse and one attached to a cutting plant</td>
</tr>
<tr>
<td>Mechanically separated meat establishment</td>
<td>4</td>
<td>Three attached to the slaughterhouses, one attached to a cutting plant</td>
</tr>
<tr>
<td>Cold store</td>
<td>3</td>
<td>Attached to the establishments visited</td>
</tr>
</tbody>
</table>
5 FINDINGS AND CONCLUSIONS

5.1 LEGISLATION AND IMPLEMENTING MEASURES

Legal requirements


Findings

1. The following legal acts provide the CCA with the necessary legal powers to carry out official controls:

   - Act of 16 December 2005 on the products of animal origin (Journal of Laws 2006, No 17, item 127, as amended);
   - The Veterinary Inspection Service Act of 29 January 2004 (Journal of Laws 2018, item 36, as amended);
   - Regulation of the Minister for Agriculture and Rural Development of 30 September 2015 on the veterinary requirements applicable to the production of products of animal origin intended for direct sale (Journal of Laws 2015, item 1703);
   - Regulation of the Minister for Agriculture and Rural Development of 21 March 2016 on detailed conditions for the recognition of a marginal, localised and restricted activity (Journal of Laws 2016, item 451);
   - Regulation of the Minister for Agriculture and Rural Development of 9 October 2006 on determining cases dealt with by administrative decision by a district veterinary officer or an official veterinarian authorised by the district veterinary officer (Journal of Laws 2016, item 874).

2. Concerning the direct supply by the producer of small quantities of meat from poultry slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer as fresh meat (Article 1(3)d of Regulation (EC) No 853/2004), national rules have been adopted pursuant to Article 1(4) of Regulation (EC) 853/2004. They were notified to the Commission and Member States.

3. National measures adapting the requirements laid down in Annex III of Regulation (EC) No 853/2004 concerning structural and equipment requirements of establishments with lower production (Articles 10(3) and 10(4)(b) of Regulation (EC) No 853/2004) have been adopted. They were notified to the Commission and Member States (notification numbers: 2009/553/PL and 2009/562/PL). These measures entered into force on 22 June 2010 with the issuing of the:

   - Regulation of the Minister for Agriculture and Rural Development of 19 May 2010 on certain veterinary requirements applicable to the production of products
of animal origin in low-capacity slaughterhouses (Journal of Laws 2010 No 98, item 630),

- Regulation of the Minister for Agriculture and Rural Development of 19 May 2010 on certain veterinary requirements applicable to the production of products of animal origin in specified establishments with low capacity (Journal of Laws 2010 No 98, item 629).

4. The measures provide for a system of approval of certain establishments to trade their products only in the national market with the use of a round national identification mark on their products. However, this is not in line with EU legislation.

5. The audit report DG(SANTE)2014-7160 on PM/PMP made a recommendation (Recommendation 1(5)) requesting the CCA to eliminate non-compliances in this regard. To date no corrective action has been taken by the CCA to address this recommendation (see Chapters 5.7 and 7).

6. The CCA maintains a separate list of these establishments and is available at: https://pasze.wetgiw.gov.pl/spi/demozatw/index.php?sekcja=18&lng=1&poprzedniaSekcja

7. At the time of this audit, there were 56 establishments on this list including 10 PM/PMP establishments (mainly cutting plants). The CCA informed the audit team that 44 establishments are in operation out of the 56 listed. The audit team noted that the list contains one poultry slaughterhouse which has been suspended since 1 December 2017.

8. Nevertheless, the audit team noted that the mentioned two national measures contain adaptations of certain requirements laid down in the Annexes to Regulation (EC) No 853/2004 (e.g. conditions under which: lairage facilities are not required; the same room can be used for different activities separated in time; using alternative methods for knife sterilisation, etc.). The audit team also noted that these national measures are largely in line with the flexibility provisions provided for in the Hygiene Package legislation and products benefiting from such adaptations, therefore, could have been placed on the EU market (with the use of an oval identification mark).

9. In addition, the CCA informed the audit team that official controls of establishments under the national measures do not differ from those approved for EU trade.

10. The implementation of the official control system is based mainly on several CCA guidelines and instructions. Some of these guidelines cover specifically official controls at PM/PMP establishment level. Of more importance for the scope of this audit were:

---

5 The CCA should ensure that the national measures applied concerning structural and equipment requirements of establishments with lower production are in line with EU legislation, in particular as regards Article 5 of Regulation (EC) No 853/2004 (i.e. the placing of their products on the market only when an identification mark is applied in accordance with Annex II, Section I, of this Regulation).
- Chief Veterinary Officer (CVO) Instruction No GIWz.420-31/03 of 28 March 2013 on conducting animal welfare inspections in slaughterhouses and on reporting on the findings of animal welfare inspections;

- CVO Instruction No GIWpr.02010-7/2017 of 5 July 2017 laying down the procedure for conducting checks on the welfare of broiler chickens kept on farms on the basis of post-mortem inspections;

- CVO Instruction No GIWbż-500-1/13 of 3 April 2013 on supervision of animal slaughter stipulates the minimum number of persons supervising the process of killing slaughter animals in slaughterhouses, taking into account the official duties arising from Regulation (EC) No 854/2004;

- CVO Instruction No GIWpr 02010-4/2017 of 22 March 2017 on the information to be recorded by official veterinarians in logbooks of ante-mortem inspections of animals, post-mortem inspections of meat, ante-mortem inspections of poultry, post-mortem inspections of poultry meat, visual inspections of unskinned animal carcasses and post-mortem inspections of meat obtained as a result of killing wild game;

- CVO Instruction No GIWbż-500-2/11 of 1 September 2011 on determining, based on risk assessment, the frequency of controls of food business operators subject to supervision by the VI;

- CVO Instruction No GIWhig-500-4/08 of 1 April 2008 on the methods of conducting official controls;

- CVO Instruction No GIWhig-500-1/10 of 23 March 2010 on conducting official controls on traceability of products of animal origin and on identification marking;

- CVO Guidelines of 31 January 2018 for official veterinarians on official control procedures to verify own-check sampling and testing programmes for microbiological analyses of food of animal origin and composite products of FBOs subject to supervision by the VI;

- CVO Guidelines for official veterinarians No GIWbż-500-2/12 of 25 May 2012 on conducting inspections of slaughterhouses with a view to checking compliance with Good Hygienic Practices (GHP) and animal welfare requirements;

- CVO Instruction of 13 December 2018 on the procedure for the reception and slaughter in slaughterhouses of poultry from flocks with unknown epizootic status or flocks where the environmental tests for Salmonella Enteritidis or Salmonella Typhimurium were positive;
• CVO Instruction No GIWpr-02010-9/2017 of 24 November 2017 on the procedures to be followed by the Veterinary Inspection Service for approval, conditional approval and registration of food business operators, for suspension and withdrawal of approval, and for removing operators from the register.

Conclusions on legislation and implementing measures

11. Poland has issued national legislation and guidelines necessary to implement EU requirements relevant to PM/PMP and, from a summary analysis, with the exception of the national measures, which allow the use of a round national identification mark in low throughput establishments, they are in line with EU legislation.

5.2 COMPETENT AUTHORITIES

Legal requirements

Articles 4, 6, 8 and 54 of Regulation (EC) No 882/2004.

Findings

5.2.1 Structure and organisation

12. The CAs relevant for this audit and the control systems organisation have been described in the country profile for Poland, available at the following link:

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

13. The VI under the Ministry of Agriculture and Rural Development is the designated CA responsible for official controls of PM/PMP in establishments which fall under the scope of Regulation (EC) No 853/2004 (including retail establishments with marginal, localised and restricted activity and retail establishments at farm level selling food directly to the final consumer). The VI has a pyramidal structure with a direct line of command between central, regional and district levels. The VI, at central level, has the GVI, acting as the CCA, at regional level it has 16 RVIs and at district level 305 DVIs. These are headed by the CVO, Regional Veterinary Officers (RVOs) and District (Powiat) Veterinary Officers (DVOs) respectively.

14. The official controls in the establishments are performed by the DVIs. According to the Polish legislation the DVO can appoint additional staff, Authorised Veterinarians (hereafter AV), who are veterinarians not employed by the VI, to perform certain tasks if the official staff cannot perform these tasks due to financial or organisational reasons.

15. Specific daily controls at establishment level are performed by the AVs (see also Chapter 5.2.2 and 5.2.3). The main official control tasks carried out by AVs in PM/PMP establishments are: ante-mortem inspection and issuing health certificates at the holding; carrying out ante-mortem and post-mortem inspection at the slaughterhouse (including official controls on animal welfare at the time of unloading and killing); performing
controls on the sanitary operation (e.g. pre-operational and operational hygiene controls in establishments) and on the procedures based on Hazard Analysis and Critical Control Points (HACCP) principles. In the districts visited, the periodic controls/audits in the establishments were carried out by the permanently employed food safety officials from DVIs. Their tasks include supervision of the AVs.

16. Poultry meat and products derived therefrom are controlled at retail and wholesale level (with the exception mentioned in paragraph 13) by the State Sanitary Inspection (SSI) under the Ministry of Health. The SSI is also responsible for controlling food additive producers and is the contact point for Rapid Alert System for Food and Feed (RASFF) notifications.

17. Co-operation and co-ordination between the SSI and the GVI is governed by a Framework Agreement of 16 October 2018 (renewed agreement of 21 September 2007), laying down detailed conditions and rules of co-operation and collaboration regarding supervision of foodstuffs, including supervision on retail trade in food of animal origin and in co-operation in designing food producing establishments. This agreement is replicated at regional and district levels.

18. In one of the districts visited, the audit team reviewed a case of co-operation during an incident related to PM which tested positive for *Campylobacter* at retail level (an ad hoc inspection was carried out by the VI at production establishment level after sampling performed by the SSI at retail level).

19. RVIs have mainly supervisory tasks over the work of DVIs. RVIs are responsible for providing training to DVIs.

5.2.2 Legal powers, independence and authority for enforcement

20. The AVs are appointed at the discretion of the DVO. The audit team was informed by the CCA, and saw evidence in the districts visited, that such a designation is carried out by means of an administrative decision, determining the type and scope of activities assigned to them. The preliminary conditions for issuing such an administrative decision regarding the designation are the following: the veterinarian should undergo appropriate theoretical and practical training and should be impartial and free from conflict of interest (based on a statement by the veterinarian).

21. In one DVI visited, the audit team saw evidence that applicants for the position of AV had to pass a test, based on the Hygiene Package, developed by the DVO.

22. The audit team noted that there is a uniform template, issued by the CVO for declaration of absence of conflict of interest between the private veterinary activities and the designated official tasks. The AVs are obliged to inform the DVO of any changes in relation to absence of conflict of interest.

23. The CCA informed the audit team that any official tasks can be delegated to the AVs. In principle, the AVs have the same legal and enforcement powers as the permanently
employed official veterinarians (civil servants). However, the scope of their rights and obligations may vary from one district to another depending on the decision by the DVO who appointed them.

24. The audit team was informed by the DVOs in the districts visited that all AVs are paid from the state budget and that no direct payments from FBOs occur. However, their remuneration is based on the number of animals inspected or on the amount of meat introduced to the cutting plant they supervise. If the activity of the establishment where they perform their duties is stopped for any reason, they are not paid for the period concerned. Therefore, this payment system undermines the AVs’ independence in those situations where the required enforcement measures to be taken on the spot would imply or include e.g. stopping of the slaughter operation (see paragraphs 77 and 92).

25. The system for measures to be taken in case of non-compliance (including sanctions) is described in the country profile for Poland (see Chapter 5.2.1) and in the audit report DG(SANTE)2018-6451(6) on ready-to-eat (RTE) food. In one of the establishments visited the audit team saw evidence where DVO imposed fines (zł 3,000; approximately € 715) due to the FBO’s repeated non-compliance with microbiological criteria. In another establishment visited, the audit team saw evidence that the DVO issued an administrative decision to impose a zł 19,000 (approximately € 4,500) fine due to several non-compliances in relation to hygiene requirements.

5.2.3 Resources

26. The CCA informed the audit team that the total number of AVs involved in official controls of meat establishments (including slaughterhouses) was 3,318 in 2018. The audit team noted that this number remained constant between 2016 and 2018 (3,320 in 2016 and 3,279 in 2017). However, during the same period the number of permanent official veterinarians decreased by 141, most of them (90) in the districts, from 2,172 (1,638 in the districts) in 2016 to 2,031 (1,548 in the districts) in 2018.

27. In particular, in 2018, in all 305 districts, there were 396 full time employed official veterinarians in charge of food safety. In each district visited, the audit team noted that there are vacant posts (in some cases for years) which cannot be filled in the absence of applicants, due to non-competitive salaries. In at least two districts visited, only one Food Safety official was available, while there were two posts assigned for the performance of the planned activities.

28. The audit team noted that the decrease of the number of permanently employed staff increases pressure on the remaining staff, which are, amongst other tasks, in charge of providing training to and supervising the AVs. At the same time, a large and increasing amount of control duties is assigned to AVs. As an example, in one DVI visited, the single remaining food safety official had the following duties: supervision of 45 approved establishments (with minimum frequency of controls from one to four times a

6 http://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=4113
year) and one approved for export to the USA requiring one monthly audit/two days and in total 262 food entities, including dairy farms and diverse forms of national or local market establishments and slaughter on farm. In addition, this official has to participate in the regional level audits (two days every three months) and to supervise 30 AVs assigned in the district. Moreover, all officials, regardless of their field of expertise, have to contribute to urgent tasks such as verification of bio-security measures for African swine fever in 2018 or extra checks related to emergency slaughter at farm in 2019.

29. There is a significant divergence between the salaries of AVs (with much higher salary with smaller scope of responsibilities) and the permanent official staff. The monthly salary of a highly qualified official of DVI with several years of expertise in one district visited is up to zł 3,100 (€ 740), before tax, while an unskilled worker in the slaughterhouse earns around zł 5,000 (€ 1,200) or more. An AV in a slaughterhouse slaughtering a large number of animals may earn up to zł 8,000 (€ 1,900 per month), working half of the time of the official. This situation makes it difficult for the DVOs to fill existing vacancies of permanent posts and to retain experienced staff.

30. Despite the shortage of permanent staff declared in all of the districts that were visited, the audit team was informed and saw evidence that the DVIs were able to achieve the number and scope of controls for the establishments visited. Nevertheless, this did not always result in reaching the quality of controls necessary to verify compliance of the FBOs concerned (see Chapter 5.4.2.1).

5.2.4 Training

31. CCA provide training to the Regional CA officials and a cascade system is applied where the Regional CAs are obliged to disseminate the knowledge to colleagues at district level.

32. The centrally provided training is usually organised by the National Veterinary Institute and other institutions (e.g. Warsaw University of Life Sciences). Between 2016-2018 as part of the multiannual training programme three main topics were provided which are relevant to the official controls of PM/PMP:

- Veterinary requirements in the production of food of animal origin;
- Essentials of food processing and food technology;
- Microbiological hazards in the production of food of animal origin;

Other training sessions organised by the CCA:

- Training for the VI on canning technology and critical points determining the quality of meat and meat products (2017);
- Food sampling in the food production chain - theoretical and practical issues. (three sessions) (2019).
33. The audit team saw evidence of staff participation in training sessions relevant to official controls of PM/PMP at each level. Several CA staff have also participated in the relevant "Better Training for Safer Food" courses (e.g. Microbiological criteria in food safety, HACCP principles and audit techniques, Foodborne outbreaks, Food additives, Food composition and information, Food hygiene and flexibility, Control of zoonoses, with a particular focus on the control of Salmonella in poultry and pigs and Campylobacter along the poultry meat production chain). Evidence was provided that the acquired knowledge was disseminated to other official control staff.

34. The audit team also noted that most of the VI inspectors have a postgraduate degree in food hygiene.

35. The audit team noted that the centrally organised training does not include AVs and providing training for AVs is the responsibility of the DVO. As the content and the quality of such training vary from district to district, it is not consistent across the country. In a district office visited, the DVO provided the audit team with evidence on the training provided to the AVs, for example: verification of FBOs’ HACCP systems; record keeping at ante-mortem and post-mortem inspection; supervision of the implementation of animal welfare requirements based on the relevant CVO instruction; broiler farm inspection on the basis of post-mortem inspection result; specific third country export hygiene requirements.

36. When observing the official controls carried out by the district inspectors in the establishments visited, the audit team noted that in general, the inspectors are knowledgeable, competent, dedicated to the tasks they perform, had training certificates (including on topics relevant to official controls on PM/PMP) and identified issues which were also found by the audit team (albeit with some exceptions; see paragraphs 75 and 76).

5.2.5 Supervision and audits

37. The systems for supervision and audits are described in the country profile of Poland and in the audit reports DG(SANTE)2014-7160 (PM/PMP) and DG(SANTE)2016-8825 (National Audit System)\(^7\).

38. The audit team saw evidence in two establishments visited that the RVO evaluated the performance of the district veterinary inspectors during joint inspections.

39. The performance of AVs is evaluated on an annual basis by the DVO, on the spot. In one of the slaughterhouses visited the audit team noted that the AVs performed post-mortem inspection despite the fact that viscera were not presented for inspection (see paragraph 92). Although the DVO provided the audit team with evidence that the performance of these AVs during official controls was assessed, the form used that time (being very generic) did not allow the evaluation of their performance in relation to the specific tasks (e.g. post-mortem inspection) assigned to them. The DVO informed the

\(^7\) http://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=3757
audit team that a new form, issued by the CVO, has been used since 21 February 2019, and contains more specific questions in relation to the performance of *ante-mortem* and *post-mortem* inspections by AVs.

40. In another slaughterhouse visited, the audit team noted that although the DVO used the outdated template for the evaluation, he added comments and recommendations regarding the performance of AVs, *inter alia*, in relation to *post-mortem* inspection.

41. The GVI's internal audit unit provided the audit team with information on the internal audits carried out in 2016 and in 2018 which were relevant to the scope of the current Commission services' audit.

42. The 2016 internal audit covered the official controls implemented by the DVOs over FBOs approved under Section V of Annex III to Regulation (EC) No 853/2004 (minced meat, meat preparation, MSM). During this internal audit, 56 DVIs were visited and 106 non-compliances were found which concerned the following areas:

- Organisation of DVIs and management of official controls (22);
- Supervision of FBOs approved under Section V of Annex III to Regulation (EC) No 853/2004 (70);
- Administrative proceedings (14).

43. Follow up audits were carried out in 18 DVIs in 2017 and in one DVI in 2018 to verify the effectiveness of the implementation of the corrective actions. These audits confirmed in 17 DVIs that the corrective actions were effective to eliminate the non-compliances detected and that official controls are effectively implemented. However, the audits found that further actions are needed to increase the number of official staff and to improve the quality of the analysis of evidence collected during official controls. The main recommendations of these audits included the following:

- Financial resources are needed to increase the number of professional staff;
- Uniform procedures are needed for designation of AVs by the DVOs;
- Training on administrative proceedings needed for the DVI employees;
- In order to improve the quality of evidence analysis, the CVO Instruction (GIWhhig-500-4/08 of 1 April 2008) on the methodology of official controls should be amended.

44. The 2018 internal audit covered the supervision of transport and slaughter of poultry affected by the *Salmonella* serotypes included in the National *Salmonella* Control Programmes and cutting and processing of PM obtained from these animals in 2017 and 2018. The audit covered those DVIs which supervise establishments (slaughterhouses, cutting and processing plants) where *Salmonella* positive flocks are slaughtered and then
the obtained meat is cut and further processed. As a result of the audit, seven non-compliances were found (in four DVIs) which concerned the following areas:

- Management of official controls (3);
- Supervision of FBOs and enforcement of legal requirements (2);
- Administrative proceedings (2).

45. On paper, corrective actions were deemed satisfactory by the CCA. Follow up audits are planned for 2019 to verify the implementation of these corrective actions. As the results of this internal audit are currently being analysed by the CCA, no conclusions were yet available to the audit team.

Conclusions on competent authorities

46. The CAs responsible for the official control system over the production of PM/PMP are clearly designated. The CAs' structure and organisation are adequate for the performance of their tasks.

47. Decreasing number of official staff, their low salaries, as well as the production related remuneration for AVs impact on the enforcement of the relevant EU legislation.

48. A training system, also covering issues related to the PM/PMP sector, aimed at ensuring that official staff can execute their tasks effectively is in place. This, however, does not cover the AVs.

49. An internal audit system is in place in line with the requirements of Article 4(6) of Regulation (EC) No 882/2004, which has covered aspects relevant to the official controls carried out over the production of PM/PMP.

5.3 APPROVAL OF ESTABLISHMENTS

Legal requirements


Findings

50. Registration and approval of establishments under VI supervision are performed in accordance with Polish legislation (which follows the provisions of the relevant EU legislation), that is, Act of 16 December 2005 on products of animal origin. CVO Instruction No GIWpr-02010-9/2017 of 24 November 2017 provides detailed guidance to VI staff on the procedures to be followed for registration, conditional approval and approval of establishments as well as for suspension and withdrawal of approval and for
removing food businesses from the register. The registration/approval procedure is described in the audit report DG(SANCO)2010-8452(8) (PM/PMP) and the procedures have not changed since.

51. An approval decision issued by the DVO may be verified by the RVI with an on-site visit. In the RVI visited, the audit team reviewed a case when a conditional approval decision issued by the DVO was verified during an on-site inspection by the RVO. Since several non-compliances were detected by the RVO and they were not eliminated by the FBO, as a result of the RVI intervention, the final approval was not granted. The audit team saw evidence that the RVO issued a recommendation to the DVO about the legal requirements regarding the conditions when conditional approval can be granted (i.e. if all infrastructural requirements are complied with by the FBO).

52. The audit team noted that all establishments visited were approved for all the activities carried out in line with the CVO instruction and that the approval procedure was followed.

53. In one of the establishments visited, producing MSM with added curing mixture, the audit team noted that this establishment was correctly approved by the CA for the production of meat preparations.

54. The audit team also noted that the approval certificates specify the maximum capacities of production for each activity. The indicated capacities are based on the information provided by the FBO in the technological design of the establishment when submitting his application for approval. This can be a useful tool to prevent non-compliances (e.g. cross-contamination, lack of adequate cleaning and disinfection, etc.) that may arise when FBOs increase their production above a limit which is likely to impact on hygienic performance of operations.

55. However, in one of the establishments visited (a slaughterhouse for water fowl and broilers with a cutting plant and a meat products establishment) the audit team noted that the approved capacities did not permit adequate cleaning and disinfection and did not provide adequate working space to allow for the hygienic performance of all operations (particularly serious in the cutting room for broiler carcasses). Moreover, the latest amendment of the approval decision (March 2018) granted the FBO an increase of the slaughter and processing capacity, although this establishment had several RASFF notifications (mainly due to *Salmonella* and, in one case, due to *Campylobacter*) in 2017 and 2018.

56. The audit team was informed by the DVO that FBOs are obliged to notify the CA if they want to extend or change the scope of activities of the establishments or in the case of suspension of activities (e.g. due to refurbishment or due to economic reasons, etc.). The FBO should inform the DVO before the resumption of the operation and an on-site inspection is needed if the suspension of activities exceeded three months.

---

8 http://ec.europa.eu/food/audits-analysis/audit_reports/details.cfm?rep_id=2625
57. The audit team visited two establishments which suspended their activities. In one case, it was due to the refurbishment of the floor of the slaughter hall. In this establishment, the audit team noted that the above mentioned procedure was followed (i.e. the FBO notified the CA in advance about the suspension of activities). In another establishment visited the procedure was not completely followed. Although the FBO suspended the cutting operation due to economic reasons already in October 2018, this information was communicated to the DVO in writing only on 21 March 2019. Moreover, most of the equipment from the cutting room had already been removed in February 2019. Therefore the suspension was not indicated on the list of approved establishments (see paragraph 58).

58. The list of approved establishments is publicly available on the GVI website. DVOs are responsible for keeping the list updated. If an establishment’s operation is suspended, this should be highlighted in red on the website and the date of suspension should be indicated.

Conclusions on approval of establishments

59. Procedures are in place for approval of PM/PMP establishments and in general, they were correctly implemented.

60. The actions to address Recommendation 2(9) of DG(SANTE)2014-7160 (PM/PMP), and Recommendations 1(10) and 4(11) of DG(SANCO)2013-6893 (MSM) audit reports have been properly implemented.

5.4 OFFICIAL CONTROLS AT ESTABLISHMENT LEVEL

Legal requirements


---

9 The CCA should ensure that establishments are approved for the activities concerned if the FBO has demonstrated it complies with the relevant requirements of food law as required by Article 31(2)(c) of Regulation (EC) No 882/2004.
10 The CAs should ensure that an approval to an establishment for the activity concerned is granted only when the food business operator has demonstrated that it complies with the relevant requirements of the food law, as required by Article 31(2)(c) of Regulation (EC) No 882/2004.
11 The CAs should ensure that establishments producing meat preparations like mechanically separated meat with curing mixture are correctly approved for such activities and that the relevant requirements for meat preparations laid down in Section V of Annex III to Regulation (EC) No 853/2004 are enforced.
Findings

5.4.1 Organization of official controls

61. Official controls are carried out on the basis of the Instruction of the CVO No GIWhig-500-4/08 of 1 April 2008 on the methods of conducting official controls. This instruction distinguishes between two main types of controls:

- Comprehensive control (including both inspection and audit): the frequency is based on a risk assessment conducted by the DVI and aimed at verifying the compliance with all the aspects of relevant legislation, including those in the scope of this audit.

- Ad hoc control: any inspection outside the planned controls (including inspections in relation to complaints, follow up of correction of deficiencies detected during comprehensive controls, RASFF notifications, upon request of the CVO or RVO, etc.).

62. VI informed the audit team that comprehensive controls are announced whilst ad hoc controls are unannounced. The audit team noted that a comprehensive control could take – depending on the size of the establishment and the types of activities – from one to three days and usually the control is carried out by two inspectors.

63. In accordance with Instruction No GIWbż-500-2/11 of 1 September 2011 on determining, based on risk assessment, the frequency of controls of FBOs subject to supervision by the VI, an establishment is assigned to one of the three risk categories, which determines the minimum frequency of comprehensive controls (more details can be found in the audit report DG(SANTE)2018-6451 (RTE food)):

- low-risk establishments – minimum control frequency: once every 12 months;
- medium-risk establishments – minimum control frequency: once every six months;
- high-risk establishments – minimum control frequency: once every three months.

64. Each approved establishment should be subject to risk assessment at least annually during a comprehensive control.

65. The audit team noted in all establishments visited that the procedure was followed and that following RASFF notifications or other incidents (e.g. Salmonella Enteritidis or Salmonella Typhimurium positive own-check or official test results) the establishments concerned were automatically placed in the highest risk category, increasing the inspection frequency to once every three months in line with the instruction. In addition, in one of the establishments visited, the audit team noted that due to the ongoing refurbishments in the establishment, which was considered by the district veterinary
inspector as a potential risk, he placed the establishment in the “medium-risk” category from “low-risk” and carried out comprehensive controls accordingly.

66. The audit team noted in all establishments visited that the frequency of comprehensive inspections was in line with the planned arrangements.

67. In addition to the planned comprehensive controls, on average, the number of ad hoc controls in the establishments was 10-20 annually.

5.4.2 Controls on general requirements applicable to establishments

68. CAs are required by their procedures to carry out controls to verify the FBOs’ compliance with the relevant requirements, amongst other those of Regulations (EC) Nos 852/2004 and 853/2004 including FBOs' HACCP-based procedures and GHPs.

69. Inspectors document the results of official controls by using the uniform "SPIWET" checklist templates. In order to address Recommendation 4(12) of DG(SANTE)2014-7160 (PM/PMP) audit report the CCA updated the “SPIWET” form (in 2015) in order to cover all relevant requirements.

70. The audit team noted that the checklists used by DVI inspectors follow the requirements of the above mentioned regulations and cover inter alia GHP, HACCP, own-check sampling and analyses, identification marking, labelling, traceability and all general and specific requirements related to the activities of the establishments (including the use of food additives).

71. The records of DVI/RVI controls seen by the audit team were mostly detailed and informative, contained the relevant findings, often with comments added to the check lists, overall providing an objective picture of the situation on the spot. However, in particular in two establishments (see paragraph 75), the inspectors did not detect essential deficiencies, relevant for the overall assessment of the compliance of the FBO with EU requirements.

72. In addition, a non-specific checklist (“SPIWET 0”) is available for the controls carried out by the AVs in an establishment (e.g. cutting plant) on a daily basis. Moreover, the audit team saw evidence of the use of the checklists by AVs from the relevant CVO instruction (No GIWbż-500-2/12 (1) of 25 May 2012) for controlling pre-operational and operational sanitary conditions in the establishment.

73. AVs send a summary report on their control activities to the DVO on a regular basis. However, in most cases these reports are for remuneration purposes. In one of the districts visited the audit team noted that the DVO required more detailed information

---

12 The CCA should ensure that as required by Article 4 of Regulation (EC) No 854/2004 official controls verify FBO compliance with all the relevant EU requirements; in particular the CA has to ensure that the official controls at establishments cover all the relevant requirements laid down in Regulations (EC) Nos 852/2004 and 853/2004 in order to verify their compliance.
on the performance of their duties (e.g. reports on pre-operational and operational controls, animal welfare controls, etc.).

5.4.2.1 Hygiene requirements

74. The establishments visited by the audit team were largely in compliance with EU requirements. Most of the non-compliances detected by the audit team had already been detected by the CA, with the exception, however, of two establishments visited.

75. In one of these (in addition to the deficiencies related to post-mortem inspection - see paragraph 92) the CA did not identify the existing structural problems in the slaughterhouse and the cutting plant (rooms were not large enough for the hygienic performance of the activities carried out (see paragraph 55). The DVI official performing a control, in the presence of the audit team, was able to detect relevant non-compliances but not to make a conclusion concerning the overall situation in the establishment.

76. In the other establishment, the audit team noted several non-compliances which had not been previously noted by any level of CA controls (i.e. by the permanently present AV, the DVI or the RVI) before the visit of the audit team, or which, in any event, had not been corrected. For example, the audit team noted:

- inefficient cleaning and unsatisfactory flow for dirty crates, poor hygienic practices with regard to cleaning of equipment and premises,
- the structural elements of the old part of the establishment were worn out, with rusty support elements, damaged wall to floor junctions,
- surfaces of walls, floors and equipment were not clean and not easy to clean and disinfect,
- an extensive leakage of water from the ceiling above exposed products. Although this issue had already been noted during the DVI control carried out 10 days before the visit of the audit team, no corrective action was taken.

77. Moreover, in the evisceration room, the audit team noted the absence of adequate ventilation causing huge condensation above exposed products with high risk of cross-contamination. Although the AVs are obliged to verify the pre-operational and operational conditions, the slaughter operation was authorised to start and was not stopped until the visit of the audit team (see also paragraph 24).

78. During the course of the audit, the CAs provided evidence (administrative decisions) of the corrective actions related to the deficiencies noted by the audit team (including condemnation of the carcasses which were not subject to proper post-mortem inspection, reducing the approved capacities; and suspension of operation until all structural and sanitary deficiencies are corrected) ordered by the CAs. The audit team noted that these corrective actions also included the suspension of AVs who did not perform their
official tasks properly in relation to these two establishments. Nevertheless, further training was provided by the DVOs to all AVs involved in supervision of poultry establishments in these districts.

79. The audit team noted in all establishments visited (except one), the presence of inadequately cleaned crates (impossible to clean and to be kept clean due to old labels remaining on the crates).

5.4.2.2 Hazard Analysis of Critical Control Points based systems (HACCP)

80. Procedures based on HACCP principles were implemented by the FBOs and were subject to regular official controls in all establishments visited.

81. The audit team noted that comprehensive CA controls on HACCP included the verification of FBOs’ compliance with microbiological criteria in accordance with the CVO guidelines (Guidelines for official veterinarians on official control procedures to verify own-check sampling and testing programmes for microbiological analyses of food of animal origin and composite products of FBOs subject to supervision by the VI).

82. The audit team also noted that FBOs' procedures based on HACCP principles contain procedures to be followed when non-compliant analyses results are obtained, in line with the above mentioned guidelines. In the case of non-compliance with process hygiene criteria these procedures include e.g. measures taken on the farm of origin (if applicable); revision of procedures for acceptance of raw material, revision of procedures for cleaning and disinfection and for personal hygiene. In the case of non-compliance with food safety criteria, these measures include, inter alia, product recall or withdrawal and (re-)processing (heat treatment) of the products, where applicable, with the consent of the CA.

83. The audit team also noted that FBOs' procedures based on HACCP principles did not contain procedures to be followed in case of a major breakdown of the equipment for example at the slaughter line, putting food safety at risk.

84. In order to address Recommendation 6(13) of DG(SANTE)2014-7160 audit report (PM/PMP), the above mentioned guidelines require that FBOs take actions to investigate the cause of the non-compliance (i.e. source of contamination). Although the audit team noted that in general, all these procedures were implemented in the establishments visited, in the cases reviewed, the investigations were not able to identify the cause of the non-compliance.

---

13 The CA should ensure that when the results of testing against the criteria set out in Chapter I of Annex I of Regulation (EC) No 2073/2005 are unsatisfactory, the FBOs take measures to find the cause of the unsatisfactory results in order to prevent recurrence of the unacceptable microbiological contamination, as required by Article 7.1 of Regulation (EC) No 2073/2005.
5.4.2.3 Own-check sampling

85. FBOs are required to submit their own-check sampling plans for approval to the DVO and implementation of these plans is regularly verified by the CA during comprehensive controls, and during official sampling. These sampling plans were available to the audit team and followed the legislative requirements.

86. Official controls carried out as regards number of sample units taken, parameters tested and analytical methods used within FBOs own-check sampling and testing programmes were largely satisfactory.

87. In the establishments visited, the audit team reviewed several cases when FBOs’ own-check samples tested positive for *Salmonella*. The audit team noted that the FBOs' corrective actions followed the provisions contained in their HACCP plans (see paragraph 82). These actions were verified by the CA during official controls, in line with the CVO guidelines.

5.4.3 Specific requirements for slaughterhouses

5.4.3.1 Ante-mortem inspection

88. *Ante-mortem* inspection is always carried out by AVs at farm and also at the slaughterhouse level. In accordance with Point A.1 of Chapter V of Section IV, Annex I to Regulation (EC) No 854/2004, the AV that performs the inspection of birds at farm level issues the health certificate as provided for in Point A of Chapter X of Section IV of Annex I to Regulation (EC) No 854/2004 in the case of poultry flocks tested negative for *Salmonella Enteritidis/Salmonella Typhimurium*.

89. The health certificate is valid for 72 hours. The audit team noted that this accompanies the birds to the slaughterhouse together with the Food Chain Information (FCI). All birds and their accompanying documents are checked in the slaughterhouse by AVs.

90. This inspection at slaughterhouse level is based on documentary checks (FCI and health certificate), identification of the consignment, and inspection of health and animal welfare conditions. In the slaughterhouses visited, the FCI documents reviewed by the audit team always contained information on the treatments applied and the relevant withdrawal periods. Samples for *Salmonella* testing are taken within 21 days of slaughter of birds and the results included in the health certificate (the reference number of the laboratory results is indicated or the laboratory results are attached).

91. In the case of poultry flocks in which *Salmonella Enteritidis/Salmonella Typhimurium* have been detected (or flocks with unknown health status), health certificates are issued on the templates contained in the specific Annex to the *Salmonella* National Control Programme.
5.4.3.2 Post-mortem inspection

92. In all slaughterhouses visited post-mortem inspection was carried out by AVs. The CA informed the audit team that there are no official auxiliaries performing post-mortem inspection. In all but one slaughterhouse visited by the audit team, post-mortem inspection was properly carried out. In the exception, the audit team noted that due to the malfunction of the evisceration machine, viscera from most of the carcasses were not presented for inspection (instead, a slaughterhouse employee removed the viscera from the carcasses manually for disposal before the post-mortem inspection). AVs did not take timely action. During the course of the audit, the CAs provided the audit team with evidence (administrative decisions) of the corrective actions carried out (see paragraph 78).

93. The audit team noted in all slaughterhouses visited that both ante-mortem and post-mortem inspection records were kept by the AVs in accordance with the CVO Instruction No GIWpr 02010-4/2017 of 22 March 2017.

5.4.3.3 Animal welfare at slaughter

94. Animal welfare inspections in slaughterhouses are carried out by AVs in accordance with the CVO Instruction No GIWz.420-31/03 of 28 March 2013 on conducting animal welfare inspections in slaughterhouses and on reporting on the findings of animal welfare inspections. During this inspection, the AV verifies the effectiveness of animal welfare measures taken by the FBO, including staff qualifications, the compliance of standard operating procedures with EU requirements and the actual implementation of those procedures at the establishment.

95. The audit team saw evidence of animal welfare checks carried out by the AVs which were satisfactory.

5.4.4 Controls on the use of food additives

96. In order to address Recommendation 9(14) of DG(SANTE)2014-7160 (PM/PMP) audit report, the CCA organised a training course on food additives, smoke flavourings and enzymes in foodstuffs for official veterinarians at regional and district levels (in 2015). In addition, the “SPIWET” checklist was amended to cover verification of the use of food additives by FBOs during official controls.

97. Different guidelines on food additives available at EU level (e.g. in relation to the implementation of Regulation (EC) No 1333/2008) are published on GVI’s website (in Polish).

---

14 The CCA should ensure that official controls are carried out in order to ensure that the use of food additives in the production of products derived from poultry meat is carried-out in accordance with the relevant requirements of Regulation (EC) No 1333/2008, in particular concerning their use for the specific category of food established in part E of Annex II to this Regulation.
98. The audit team saw evidence in all meat preparations and meat products establishments visited that comprehensive controls included the verification of the correct use of food additives by using the “SPIWET” checklist. In addition, the audit team noted that these controls also involved the calculation of the quantity of food additives (e.g. nitrites/nitrates) used in meat products, where relevant.

5.4.5 Controls on identification marking, labelling and traceability

99. There is a CVO instruction available for CA staff on official controls on traceability and labelling (No GIWhig-500-1/10 of 23 March 2010) which includes verifying the use of identification marks. The audit team noted that the CA uses the comprehensive "SPIWET" checklist when verifying that the FBOs meet the above mentioned requirements.

100. Overall, the audit team noted that the official controls over FBOs compliance with traceability, labelling and identification marking were satisfactory in all establishments (including in establishments producing and/or using MSM) visited.

5.4.6 Official sampling

101. Official sampling programmes (annual sampling plans) are applied by the DVI s in order to verify the implementation of FBOs' own-check sampling programmes and are based on specific CVO guidelines (see paragraph 10). According to the relevant guidelines, the DVI s should take into account the conditions laid down in the guidelines when deciding to take official samples e.g. reliability of own-check testing results, sanitary conditions of the establishments, RASFF notifications, consumer complaints, etc.

102. VI provided the audit team with the data on official sampling carried out in 2017 (data for 2018 were not yet available) in different food groups which included PM/PMP. According to the data 1,119 batches of fresh poultry meat (including carcasses) were analysed for Salmonella spp. of which 118 were non-compliant (55 tested positive for Salmonella Enteritidis/Typhimurium). In addition, 43 PMP batches were analysed for Salmonella of which one was non-compliant.

103. Due to the increasing number of RASFF notifications (see Chapter 5.6) in relation to Salmonella in PM/PMP, the CCA put in place procedures to verify the reliability of FBOs’ own-check sampling and testing programmes for Salmonella from poultry neck skins.

104. All broilers arriving for slaughter had been tested for Salmonella at farm level in accordance with the relevant Salmonella National Control Programme. If the results of these tests are negative (absence of Salmonella Enteritidis/Salmonella Typhimurium), official samples should be taken at least five times annually, in parallel with the FBO neck skin sampling at the slaughterhouse (samples are taken on the same day from the same batch of birds as the FBO sampling). Then, the analyses results of official samples are compared to the own-check ones.
105. The DVOs informed the audit team that the parallel official sampling can be carried out unannounced as the CA is aware of the FBOs’ sampling schedule (own-check sampling plans are approved by the CA – see paragraph 85).

106. According to the information provided by the CCA for the first half of 2018, if *Salmonella* is present in a sample, the probability to detect it in own-check sampling is three times smaller than during official sampling. These data indicate for the second half of 2018 a 2.5 times smaller probability. The CCA informed the audit team that no similar exercise is planned at the primary production sector (i.e. broiler farms).

107. If the test carried out on the holding, in accordance with the *Salmonella* National Control Programme, indicates the presence of *Salmonella Enteritidis/Salmonella Typhimurium* (or if the health status of the flock is unknown), the slaughterhouse operator should inform the DVO about its intention to subject the meat obtained to heat treatment. In this case, no further sampling and analyses of the meat are required. If the FBO wants to place such meat on the market as fresh meat, in all cases, the meat must be subject to parallel testing as described above. The CCA provided the audit team with the list of establishments (25) which may accept such flocks for slaughter.

108. In the cases reviewed by the audit team the above mentioned procedures for parallel sampling were followed. In addition, the audit team reviewed cases of positive results for *Salmonella Enteritidis* in the establishments visited and noted that the measures taken by the CAs were satisfactory. In all cases, on-site inspections and investigations were performed by the district CA in the establishments concerned. In line with the relevant CVO guidelines, the CA verified whether the measures (including those related to the products concerned) contained in the HACCP plans when non-compliant analyses results were obtained, are properly implemented by the FBOs.

109. In all cases the risk-categorisation of the establishment was updated and the establishment was placed in the highest risk category.

110. The audit team noted a case when the DVO imposed fines due to repeated non-compliances with microbiological criteria (see paragraph 25).
Conclusions on official controls at establishment level

111. The official controls over production of PM/PMP are organised on a risk basis and implemented using comprehensive documented procedures and guidance, and covering relevant aspects of the Polish and EU legislation.

112. Official controls for verification of FBOs' compliance with the relevant EU requirements (including: hygiene, HACCP, own-check sampling, animal welfare, traceability, labelling, food additives, identification marking, etc.) in PM/PMP establishments are in place and in general can provide guarantees that the establishments meet those requirements. However, there were two exceptions, where establishments presented serious structural and hygiene requirements which had not been detected by any level of the CA controls.

113. Ante-mortem and post-mortem inspections are, in general, carried out in compliance with the requirements of Regulation (EC) No 854/2004, with the exception of significant failure in performing post-mortem inspection in one establishment visited.

114. The official control system in place also includes taking official samples for microbiological analyses in order to verify how the FBOs can guarantee the safety of PM/PMP. In addition, special official sampling procedures are in place at slaughterhouse level to verify the reliability of FBOs' own-check sampling and testing for Salmonella.

115. The actions to address Recommendations 3(15), 4, 6, 7(16), 8(17) and 9 of DG(SANTE)2014-7160 (PM/PMP), and Recommendations 3(18) and 6(19) of DG(SANCO)2013-6870 (microbiological criteria) audit reports have been properly implemented.

---

15 The CCA should ensure that FBOs comply with the requirements of Regulation (EC) No 1099/2009 regarding the protection of animals at the time of slaughter or killing in particular that the stunning of birds is carried-out in accordance with Article 4(1) of Regulation (EC) No 1099/2009.

16 The CA should ensure that products containing MSM destined to final consumers are labelled in accordance with the requirements of Point 18 of Part B, Annex VII to Regulation (EU) No 1169/2011 and that MSM supplied to other establishments is correctly identified to allow FBOs to use it in accordance with points 3 and 4, Chapter III Section V, Annex III to Regulation (EC) No 853/2004.

17 To ensure that official controls on the application of the identification mark fulfil all the requirements of Point C.10, Section I of Annex II to Regulation (EC) No 853/2004, in particular regarding the application of the mark in the case of packaging or wrapping of cut poultry meat.

18 The CCA should ensure that efficient actions are taken in all cases when official samples are non-compliant with regard to food safety criteria as required by Article 54 of Regulation (EC) No 882/2004.

19 The CA should ensure that the systems of audits of Hazard Analysis Critical Control Point procedures verify compliance with microbiological criteria as required by Article 4.5 (a) of Regulation (EC) No 854/2004 in all cases.
5.5 Official Laboratories

Legal requirements


Findings

116. The CCA has 16 approved regional official laboratories to carry out testing in the poultry sector (live animals and food of animal origin). These laboratories are accredited to EN ISO/IEC 17025 by the Polish Accreditation Centre and are required to participate in proficiency tests, annually conducted by the National Reference Laboratory (NRL). In addition, a supervisory visit is carried out by the NRL in each laboratory every year.

117. A more detailed description of the network of official laboratories can be found in the country profile for Poland (see Chapter 5.2.1).

118. The audit team visited one regional official laboratory carrying out microbiological analyses on both official and own-check samples. The laboratory informed the audit team that in 2018, 780 official PM/PMP samples were analysed for microbiological parameters of which 107 were non-compliant.

119. The laboratory visited by the audit team is accredited to EN ISO/IEC 17025 standard and regularly participated in proficiency tests (organised by the NRL and other proficiency test providers) with consistently satisfactory results.

120. The audit team noted that the laboratory’s accreditation included all the EU reference methods laid down in Regulation (EC) No 2073/2005, and is valid for four years. The audit reports from the Polish Accreditation Centre and from the NRL were available, detailing findings which had been corrected by the laboratory.

121. The audit team saw evidence that there is a system in place for the swift notification (electronically and over the phone) of non-compliant analyses results to the RVO and to the DVO concerned.

122. The CCA informed the audit team that in accordance with Article 25a of the Act on Veterinary Inspection, the CVO can approve private laboratories for official analyses. To obtain such approval the laboratory concerned must be accredited, must participate in proficiency tests organised by the NRL and must be subject to control of the NRL. If the laboratory fails to comply with any of these requirements, the CVO may withdraw its approval.

123. The CCA informed the audit team that although it is not a legal requirement, FBOs are strongly recommended to use these CVO approved, accredited laboratories for the analyses of their own-check samples taken in accordance with Regulation (EC) No
2073/2005. The audit team saw several examples where own-check samples required by
the mentioned EU legislation were analysed in accredited laboratories.

124. The audit team was informed that based on the CCA instruction, the NRL is in the
process of verifying the performance (unannounced on-site inspections, planned for
March and April 2019) of those CVO approved private laboratories which were
suspected by the CA to have provided unreliable test results in the parallel testing
exercise (see Chapter 5.4.6). The CA will take enforcement measures if the inspection
reveals that not all requirements are complied with by these laboratories.

Conclusions on official laboratories

125. The official control system is supported by a network of accredited official laboratories
which meet the relevant EU requirements (Articles 11 and 12 of Regulation (EC) No
882/2004).

5.6 Rapid Alerts System for Food and Feed (RASSF)

Legal requirements


Findings

126. Between 1 January 2016 and 31 March 2019, 181 RASFF notifications (44 in 2016; 50
in 2017; 65 in 2018 and 22 until 31 March 2019) concerning food originating from
Poland were launched due to Salmonella in PM/PMP.

127. In order to investigate the root-cause of the high and increasing number of RASFF
notifications in Poland due to Salmonella contamination, the CA put in place a special
official sampling procedure (see Chapter 5.4.6) and carried out the revision of the CVO
approved private laboratories (see Chapter 5.5). The CCA informed the audit team that
the investigation will continue until the root-cause for the increasing number of RASFF
notifications is found.

128. The audit team reviewed several cases of RASFF notifications and food incidents
related to PM/PMP which did not reach RASFF (in most cases due to Salmonella spp.)
and noted that the CA procedures were followed: an adequate investigation was carried
out at establishment level and corrective actions were taken by the FBOs. Although CA
actions were prompt and comprehensive, in most cases, they were not effective
regarding prevention of reintroduction of the hazards (Salmonella).
Conclusions on RASSF

129. The system for follow-up of RASFF notifications and for food incidents, implemented in Poland, provides guarantees that adequate actions are taken by the CAs in case these notifications/incidents are linked to PM/PMP, particularly concerning their follow-up and measures adopted regarding the products involved. However, these actions are not effective in preventing the re-introduction of Salmonella in the poultry meat processing chain which is evidenced by the continuously high number of RASFF notifications linked to this commodity.

5.7 FOLLOW-UP OF PREVIOUS AUDIT RECOMMENDATIONS

The table below summarises the follow-up of the relevant recommendation made in the previous DG Health and Food Safety audit report:

<table>
<thead>
<tr>
<th>No</th>
<th>Previous recommendation</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>To ensure that the national measures applied concerning structural and equipment requirements of establishments with lower production are in line with EU legislation, in particular as regards Article 5 of Regulation (EC) No 853/2004 (i.e. the placing of their products on the market only when an identification mark is applied in accordance with Annex II, Section I, of this Regulation).</td>
<td>Not addressed. Findings in this report: paragraphs 4 and 7. Recommendation 1 of this report.</td>
</tr>
</tbody>
</table>

6 OVERALL CONCLUSIONS

The official controls over production of PM/PMP are organised on a risk basis and implemented using comprehensive documented procedures and guidance, and covering relevant aspects of the legislation.

Official controls for verification of FBOs' compliance with the relevant EU requirements in poultry establishments are in place and in general, can provide guarantees that the establishments meet those requirements. However, deficiencies concerning mostly structural and hygiene requirements, not detected by any level of CA controls, or in any event, not corrected, in particular in two establishments out of eight visited, were noted by the audit team.

Staffing and remuneration issues, the low salaries for the official staff, as well as the production related remuneration for AVs, undermine the correct functioning of the official
control system in Poland and impact on the enforcement of the relevant EU legislation.

Due to the high and increasing number of RASFF notifications in Poland linked to *Salmonella* in PM/PMP, special official sampling procedures are in place at slaughterhouse level, in order to verify the reliability of FBOs' own-check sampling, which currently gives much lower rates of detection.

Although the system for follow-up of RASFF notifications and for food incidents, implemented in Poland, provides guarantees that adequate actions are taken by the CAs particularly concerning their follow-up and measures adopted regarding the products involved, these actions are not effective in preventing the re-introduction of *Salmonella* in the poultry meat processing chain.

The CA has implemented national measures that apply to low throughput establishments which allow the use of a round national identification mark intended only for the national market. As these measures are not in line with the EU legislation, a recommendation was already made in the audit report DG(SANTE)2014-7160 (PM/PMP) requesting the CA to correct the situation in this regard. Nonetheless, no corrective action has been taken or planned by the CCA to address this recommendation. The audit found that in practice, the rules applicable to these establishments are in line with the provision of the Hygiene Package and therefore there is no need for such mark.

The actions to address the relevant recommendations made in the reports of the previous audits (ref. DG(SANTE)2014-7160 (PM/PMP); DG(SANCO)2013-6893 (MSM); DG(SANCO)2013-6870 (microbiological criteria)) have otherwise been properly implemented.

7 **CLOSING MEETING**

A closing meeting was held on 5 April 2019 with the CCA in Warsaw. At this meeting the audit team presented the findings and preliminary conclusions of the audit. During this meeting, the CCA acknowledged the findings and conclusions presented.

However, the CCA reiterated its view that both national measures had been notified to the Commission and other Member States during the legislative process and the competent Commission services did not question the compatibility of the solutions proposed in the legal acts concerned with EU legislation, in particular Article 5 of Regulation (EC) No 853/2004. Therefore, no further (corrective) action is planned by the CCA in this regard.

8 **RECOMMENDATIONS**

The CCA should provide Commission services with an action plan, including a timetable for its completion, within 25 working days of receipt of the translated draft report, intended to address the shortcomings identified and, in particular, the following recommendations:
<table>
<thead>
<tr>
<th>No.</th>
<th>Recommendation</th>
</tr>
</thead>
</table>
| 1.  | The CCA should ensure that the national measures applied concerning structural and equipment requirements of establishments with lower production are in line with EU legislation, in particular as regards Article 5 of Regulation (EC) No 853/2004 (i.e. the placing of their products on the market only when an identification mark is applied in accordance with Annex II, Section I, of this Regulation).  
Recommendation based on conclusion No 11.  
Associated findings Nos 4 and 7 and Chapter 5.7. |
| 2.  | The CCA should ensure impartiality, quality and consistency of the official controls and that staff carrying out official controls are free from any conflict of interest in compliance with Article 4(b) of Regulation (EC) No 882/2004.  
Recommendation based on conclusions Nos 47, 112 and 113.  
Associated findings Nos 24, 26, 27, 30, 75, 76 and 77. |
| 3.  | The CCA should ensure that establishments' approval conditions are kept under review in order to comply with Article 31(2)(e) of Regulation (EC) No 882/2004.  
Recommendation based on conclusion No 112.  
Associated findings Nos 75, 76 and 77. |
| 4.  | The CCA should ensure that when the results of testing against the criteria set out in Chapter I of Annex I of Regulation (EC) No 2073/2005 are unsatisfactory (in particular, when indicating contamination with *Salmonella*), the measures taken by the FBOs are appropriate for the purpose of finding the cause of the unsatisfactory results and to prevent recurrence of the contamination, as required by Article 7(1) of Regulation (EC) No 2073/2005.  
Recommendation based on conclusion No 129.  
Associated findings Nos 84 and 128. |

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>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulation</td>
<td>OJ L Reference, Date</td>
<td>Description</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------</td>
<td>-------------</td>
</tr>
</tbody>
</table>