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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

POLAND

FROM 11 TO 21 SEPTEMBER 2012

IN ORDER TO EVALUATE THE CONTROL SYSTEMS FOR ORGANIC PRODUCTION AND
LABELLING OF ORGANIC PRODUCTS

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 is a report on the outcome of a Food and Veterinary Office (FVO) audit in Poland, carried out from 11 to 21 September 2012, under the provisions of Regulation (EC) No 882/2004.

The aim of the audit was to evaluate controls on organic production and labelling of organic products.

Overall, a good system of control and sanctions has been implemented, especially as regards the supervision of control bodies (CBs). The Competent Authorities (CAs) and CBs follow up irregularities and impose sanctions in a timely manner. However, relevant information, such as irregularities not affecting the organic status of products, is not collected with the required frequency and the effectiveness of controls carried out by CBs is not verified adequately. This applies particularly to examination of information on the CBs' activities.

The shortcomings found with regard to documentation and record-keeping by operators and the CBs' planning of additional, unannounced controls of operators were relatively minor, but as a whole, may have an impact on the effectiveness of the control system.

Based on controls of conventional and organic operators the CAs have a good overview of domestic production. However, there is a lack of systematic, risk-based market controls of organic products.

The report makes a number of 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

Abbreviation	Explanation
AFQI	Agriculture and Food Quality Inspection — <i>Inspekcja Jakości Handlowej Artykułów Rolno-Spożywczych (IJHARS)</i>
ARMA	Agency for Restructuring and Modernisation of Agriculture — <i>Agencja Restrukturyzacji i Modernizacji Rolnictwa (ARiMR)</i>
CA(s)	Competent Authority(ies)
CB(s)	Control Body(ies)
CCA	Central Competent Authority
CoA(s)	Control Authority(ies)
DDT	Dichlorodiphenyltrichloroethane
DG AGRI	Directorate General for Agriculture and Rural Development
DG SANCO	Directorate General for Health and Consumers
EN	European Norm
EU	European Union
FVO	Food and Veterinary Office
ISO	International Standards Organisation
MANCP	Multi Annual National Control Plan
MARD	Ministry of Agriculture and Rural Development — <i>Ministerstwo Rolnictwa i Rozwoju Wsi (MRiRW)</i>
MIAFQI	Main Inspector of Agriculture and Food Quality Inspection — <i>Główny Inspektor Jakości Handlowej Artykułów Rolno-Spożywczych (GIJHARS)</i>
MS(s)	Member State(s)
OCCP	Office for Competition and Consumer Protection — <i>Urząd Ochrony Konkurencji i Konsumentów (UOKiK)</i>
PCA	Polish Centre of Accreditation — <i>Polskie Centrum Akredytacji (PCA)</i>
PPP	Plant Protection Product
SPHSIS	State Plant Health and Seeds Inspection Service — <i>Państwowa Inspekcja Ochrony Roślin i Nasiennictwa (PIORiN)</i>
TC(s)	Third Country(ies)
TI	Trade Inspection
VAFQI	Voivodship Agriculture and Food Quality Inspector — <i>Wojewodzki Inspektor Jakości Handlowej Artykułów Rolno-Spożywczych (VIJHARS)</i>
VI	Veterinary Inspection — <i>Inspekcja Weterynaryjna (IW)</i>

1 INTRODUCTION

The audit formed part of the Food and Veterinary Office's (FVO) planned programme.

The audit took place from 11 to 21 September 2012. The team comprised two auditors from the FVO and a representative of the Directorate General for Agriculture and Rural Development (DG AGRI).

Representatives from the Central Competent Authority (CCA) accompanied the audit team for the duration of the audit. An opening meeting was held on 11 September 2012 with the Competent Authorities (CAs) and representatives of the control bodies (CBs) visited by the audit team. At this meeting, the objectives of, and itinerary for, the audit were confirmed by the audit team and the control systems were described by the authorities.

The report makes a number of recommendations to the CAs, aimed at rectifying the shortcomings identified and enhancing the implementation of control measures.

2 OBJECTIVES

The objective of the audit was to assess the official control systems in place for organic production and labelling of organic products in accordance with Council Regulation (EC) No 834/2007.

In pursuit of these objectives, the following sites were visited:

Table 1: Mission visits and meetings

Visits/meetings		Comments
Competent Authorities		
Central	3	Meetings with ARMA, MARD, MIAFQI, OCCP, TI, PCA, SPHSIS
Region	2	TI in Warsaw, VAFQI Lublin
Control Bodies/Control Authorities		
Control Bodies	3	Meetings with CB2 and CB3 at headquarters and witness audits of controls of operators by CB1, CB2 and CB3.
On-Site-Visits		
Region: Northwest of Poland	4	Egg producer, mixed production (dairy and crops) (CB3), creamery (conventional and organic cheese) (CB1), packaging facility for organic and conventional eggs (CB3)
Region: Lubelskie Voivodship (Province)	3	Mixed production (livestock and crops) (CB2), soft fruit producer (CB2), importer and processor of frozen fruits (CB2)
Region: Warsaw	2	Retail shops (market control and selection of products for traceability)

In terms of scope, the audit assessed the performance of the CAs, as well as the organisation of the controls carried out by CBs, including import controls, controls of operators producing, preparing and distributing organic products, controls of the labelling and marketing of organic products. The

audit also addressed verification procedures and audits.

3 LEGAL BASIS

The audit was carried out under the general provisions of EU legislation in particular Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council.

EU legal acts quoted in this report refer, where applicable, to the last amended version. Full reference to documents quoted in this report is given in Annex 1. Standards quoted in this report are set out at Annex 2.

4 BACKGROUND

Between 1999 and 2004 the FVO carried out a total of 16 audits on organic farming in nine Member States (MSs) and seven Third Countries (TCs).

Based on a Memorandum of Understanding between the Directorate-General for Health and Consumers (DG SANCO) and DG AGRI, the FVO undertakes a new series of audits on organic production to MSs and TCs commencing in 2012.

This was the first audit on organic farming in Poland.

5 FINDINGS AND CONCLUSIONS

5.1 RELEVANT NATIONAL LEGISLATION AND PROVISIONS

Legal Requirements

Article 291 of the Treaty on the functioning of the EU establishes that MSs shall adopt all measures of national law necessary to implement legally binding Union acts.

Findings

The Organic Farming Act of 25 June 2009 (Journal of Laws 2009, No 116, item 975) provides the legal framework for the official control system for organic production and labelling of organic products. It specifies the CAs' tasks and competences and provides for fines to be imposed on CBs and operators where serious cases of non-compliance are found.

Three regulations of the Minister of Agriculture and Rural Development (MARD) of 2010, addressing the following issues, were also relevant to this audit:

- The role of three agricultural institutes in establishing a positive list for farm inputs with regard to feed additives, Plant Protection Products (PPPs) and fertilisers.
- Specific provisions on organic production, such as the definition of slow-growing strains of poultry.
- The examination that CBs organic farming inspectors have to pass.

Conclusions

According to the information provided by the CCA, Poland has adopted all measures necessary to implement legally-binding EU acts relevant to this audit into national law.

5.2 ORGANISATION AND IMPLEMENTATION OF CONTROLS

5.2.1 Designation of Competent Authorities

Legal Requirements

According to Article 27(1) of Council Regulation (EC) No 834/2007 MSs shall set up a system of controls and designate one or more CAs responsible for controls in respect of the obligations established by this Regulation in conformity with Regulation (EC) No 882/2004. Article 27(4) of this Regulation lays down, that CAs may confer its control competences to one or more other control authorities or delegate control competences under certain conditions to one or more CBs and shall designate authorities responsible for the approval and supervision of CBs.

Findings

The MARD is the CCA for the control system on organic production and labelling of organic products in Poland. It is responsible for policy planning, preparation of national legislation and coordination of the CAs involved in the controls on organic production and labelling of organic products. The MARD is also in charge of approving CBs to which the task of controls and certification of operators is delegated. At the time of the audit, MARD had approved ten CBs.

The Polish Centre of Accreditation (PCA) is the national body in charge of accrediting CBs to European Standard EN 45011(ISO 65), including accreditation audits.

The Agriculture and Food Quality Inspection (AFQI), which reports to the MARD, supervises CBs and it is responsible for decisions on derogations on organic production rules (with the exception of the use of conventional propagating material). It is in charge of import authorisations for organic products. The Main Inspector of AFQI (MIAFQI) can delegate tasks to regional services - Voivodship AFQIs (VAFQIs). With regard to the supervision of CBs, MIAFQI carries out controls at CBs headquarters and the VAFQIs carry out review audits at certified operators.

The State Plant Health and Seeds Inspection Service (SPHSIS) manages the national seed database and derogations on the use of conventional propagating material. The Main Inspectorate of SPHSIS is responsible for the seed database, while the Voivodship Inspectorates are in charge of derogations for conventional propagating material and carry out controls at producer level.

The President of the Office for Competition and Consumer Protection (OCCP) is the CA with respect to the protection of competition and consumers. OCCP consists of the Central Office in Warsaw and nine Branch Offices all over the country. The Prime Minister supervises the activities of the President of the OCCP. The Department of Trade Inspection (TI) of the OCCP is responsible for planning and coordinating inspections, which are carried out by the Voivodship Inspectorates of the TI. These include controls at retail level to check whether organic products placed on the market comply with organic labelling provisions.

The Main Veterinary Inspectorate and Voivodship Inspectorates of the Veterinary Inspection (VI) are in charge of controls on organic feed.

The Agency for Restructuring and Modernisation of Agriculture (ARMA) has been designated as paying agency for agricultural funds. It deals with the implementation of instruments co-financed from the European Union budget. ARMA is supervised by the Ministry of Finance within the scope of managing public funds.

Conclusions

CAs are designated with control tasks delegated to ten CBs. There is a clear separation of tasks

among the CAs.

5.2.2 Resources for the Performance of Controls

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the CAs to ensure that they have access to a sufficient number of suitably qualified and experienced staff; that appropriate and properly maintained facilities and equipment are available. Article 6 requires CAs to ensure that staff receive appropriate training and are kept up-to-date in their competencies.

Article 27(4)(a) of Council Regulation (EC) No 834/2007 requires that control authorities offer adequate guarantees of objectivity and impartiality, and have at their disposal the qualified staff and resources necessary to carry out their functions.

Article 27(5)(b) of Council Regulation (EC) No 834/2007 requires that there is proof that CBs have the expertise, equipment and infrastructure required to carry out the tasks delegated to it, have a sufficient number of suitably qualified and experienced staff; and are impartial and free from any conflict of interest as regards the exercise of the tasks delegated to them.

Findings

The MIAFQI has eight inspectors dealing full-time with organic farming. The VAFQIs have 59 inspectors working in organic farming.

The audit team checked the training file of a MIAFQI inspector. He had a university degree in food technology and human nutrition and had specialised in organic food production. He also had taken part in several training courses and seminars relevant to the scope of the audit within the past seven years.

The audit team met inspectors from three CBs and checked several staff training files.

- According to information CB2 and CB3 provided during visits to their headquarters, inspectors have to have at least completed secondary school education in agriculture or have a similar educational background.
- Inspectors usually have a university degree in agriculture. Once they join the CB, they have to undergo in-house training and accompany experienced inspectors. CB3 provided documentary evidence that two training sessions per year are held for all inspectors, one in spring to give guidance on inspections to be performed and one training session in autumn to address issues on inspections performed over the previous months.
- In addition, inspectors receive training according to their needs, either to gain specific knowledge, to address shortcomings identified with regard to the quality of their work, or when procedures or provisions have changed.

In 2009, training courses on Regulation (EC) No 834/2007 and Commission Regulation (EC) No 889/2008 for CB inspectors were organised in five different locations in Poland. In 2010 a register of inspectors for organic farming was set up and all inspectors (CBs and AFQI) have to pass an examination every three years, so as to be allowed to carry out inspections on organic production.

- So far, about 460 CB inspectors have passed the examination.
- The legal provisions concerning the examination for organic farming inspectors only applies to CB inspectors (see section 5.1). However, AFQI inspectors also have to pass the examination. This requirement is laid down in an administrative decision. At the time of the audit 42 out of 59 VAFQI inspectors had passed it.

Conclusions

Staff from the AFQI and CBs met were suitably qualified and trained.

5.2.3 Controls on Organic Production

Legal Requirements

According to Article 28(1) of Council Regulation (EC) No 834/2007 any operator who produces, prepares, stores, or imports from a TC products in the meaning of Article 1(2) of the same Regulation or who places such products on the market shall, prior to placing on the market of any products as organic or in conversion to organic notify his activity to the CAs of the MS where the activity is carried out and submit his undertaking to the control system referred to in Article 27 of the same Regulation.

Specific rules on production, processing, packaging, transport and storage of products are laid down under Title II of the same Regulation.

Title IV of Commission Regulation (EC) No 889/2008 provides, in accordance with Article 27 of Council Regulation (EC) No 834/2007 for general minimum control requirements as well as for specific control requirements for plants and plant products, livestock and livestock products, preparation of products, imports, units using contracts to third parties, units preparing feed.

According to Article 65 of Commission Regulation (EC) No 889/2008 control authorities or CBs shall carry out at least one physical inspection per year of all operators. Moreover, the control authority or CB shall carry out random control visits, primarily unannounced.

Findings

General aspects

All organic operators have to submit their operations to the official control system. This is done via the CBs in accordance with the national Organic Farming Act. On the 10th of each month, CBs have to submit an updated list of operators to MIAFQI.

CBs had carried out annual inspections of all operators which were subject to review by the audit team (site visits and documentary checks).

The CB2 and the CB3 stated that operators have to provide a description of their activities together with the application to be placed under the control system. After that, an updated description has to be provided one day before the annual inspection at the latest. The audit team checked the files of several operators and noted that:

- In all cases, descriptions of the units and/or premises and/or activities were limited to basic information, but did not contain a full description as required by Article 63(1)(a) of Commission Regulation (EC) No 889/2008.
- The files of the operators did not always contain information as required in points b) and c) of Article 63(1) of Commission Regulation (EC) No 889/2008.
- Some of the relevant information was available at the operators' premises but it was not kept in the form of a register. For example, an egg wholesaler had a flow chart in his file which identified critical points in packaging activities. An egg producer could not provide the audit team with a full description of the unit referred to in Article 61(1)(a) of Commission Regulation (EC) No 889/2008 and as required by Article 74 of the same Regulation.

- Livestock records had not been compiled in the form of a register and did not provide a full description of the flock management system. In particular information on animals arriving at the holding was incomplete: origin and date of arrival, conversion period, identification and veterinary record. Neither the inspection report of the annual visit nor the random inspection observed by the audit team addressed this issue. Producers used the forms provided by ARMA for recording farm activities. As these forms are designed for both conventional and organic production, they did not enable all information required by EU organic production rules to be registered.

Transport

The audit team checked files concerning the transport of milk and of eggs from the farm to the processors and noted that:

- The checklists of CB3 covered transport, and the reports of previous inspections were filled in with regard to transport. This included the cleaning of trucks, the log book of the truck with entries of transport and, at least also the trade identification document issued by the consigner, which accompanies the product. The trade identification document enables the lot to be linked with the invoice.
- In the case of an egg packaging facility, the operator used its own fleet of vehicles.
- In the case of a cheese processor under control of CB1, transport was carried out by a service provider. This was based on contractual arrangements which specify the documentation needed for the transport (route, time spent on the road, etc.). However, the CB1 and the operator were not able to provide the audit team with sufficient documentary evidence to show that transport arrangements, including the cleaning of the truck, had been supervised by the operator and checked by the CB1 during the annual inspection visits.

Controls of producers and processors

During the headquarters checks of CB2 and CB3, the audit noted that a routine inspection usually includes checks of:

- relevant farm record books (e.g. herd register, animal movement book, spray diary for PPPs, veterinary treatment);
- purchase and sales records and invoices;
- records on production, including traceability and production-output balance;
- the premises, including storage of farm resources (e.g. fertilisers, PPPs) and equipment;
- livestock and housing conditions;
- agricultural land of the holding and surrounding areas;
- conventional production units and subcontracting arrangements (where relevant).

One CB3 inspector demonstrated how compliance with Article 3(2) of Commission Regulation (EC) No 889/2008 (170 kg/ha/year nitrogen) was checked for the egg producer visited and how plausibility of production volume was checked. A potential non-compliance is automatically flagged up by the computerised system after entry of the relevant data and requires the CB's headquarters to follow up, based on further documentary checks. Furthermore, the organic certificate indicates the volume of eggs covered by the certificate for the given period.

The MARD has entrusted three agricultural institutes (see section 5.1) with the establishment of a positive list for farm inputs authorised for organic farming (feed additives, PPPs and fertilisers) and with keeping these lists up-to-date. The lists are available to the CBs and inspectors. The MARD also stated that these lists were not considered to be exhaustive. Products not on the list might still

comply with organic production rules. This has to be checked by CBs. A CB2 inspector demonstrated how the list is used if a specific product is found during an inspection.

A CB3 representative said that operators are encouraged to verify that the organic certificates of suppliers are valid. This was confirmed by the egg wholesaler. A representative of this operator stated, that for each lot of eggs, the validity of the certificate is verified by contacting the CB that issued the certificate, though this is not specifically required under EU provisions.

The audit team noted that:

- all inspections were carried out systematically and inspectors followed their checklists;
- the controls of the premises followed the flow of products and addressed the specific conditions of production or processing. For example, at the packaging facility for eggs and the production facility for cheese, inspectors put emphasis on the separation of organic and conventional products. During the visit to a farm producing strawberries and raspberries, the inspector paid attention to the precautionary measures taken by the producer to avoid the risk of contamination by unauthorised substances or products (buffer zone between organic and conventional fields) and checked whether the vegetation showed any signs of the use of unauthorised PPPs. Crop rotation is checked against the annual production plan of the farm and the multi-annual plan for crop rotation drawn up by the farmer together with an agricultural advisor.

Controls of retailers

Poland has made use of Article 28(2) of Council Regulation (EC) No 834/2007 and has exempted operators who sell products directly to the final consumer or user, provided they do not produce, prepare or store other than in connection with the point of sale or import such products from a TC or have not contracted out such activities to a third party from the application of Article 28 of the same Regulation.

The audit team visited one retail shop that belonged to a chain of shops selling mainly organic products. The set-up and organisation of the chain's retail shops would have in principle qualified for making use of the above-mentioned derogation. However, the retail shop had products marketed under its own label and had to place its operations under the official control system. A CB2 inspector gave a short overview of the scope of an inspection at a retail shop. This comprises a check of products with the operator's own labels, certificates from the suppliers and an incoming-outgoing balance.

Conclusions

Operators, including retailers not covered by the derogation of Article 28(2) of Council Regulation (EC) No 834/2007, are registered with the MIAFQI and are subject to controls as required by EU provisions.

Overall, the controls of operators are carried out by CBs in accordance with EU provisions. However, the audit team found a systematic problem with regard to record keeping, especially with documentation concerning control requirements referred to in Title IV of Commission Regulation (EC) No 889/2008. The lack of appropriate descriptions of the operators' activities and in some cases the lack of documentation in the form of registers undermines the efficiency of the CBs' controls, as inspectors have to gather basic information at each visit and cannot sufficiently prepare for controls. In one case, the transport arrangements of milk were not sufficiently documented and consequently the CB did not carry out its controls in accordance with the requirements of Article 31 of the same Regulation.

5.2.4 *Sampling*

Legal Requirements

According to Article 65(2) of Commission Regulation (EC) No 889/2008 the control authorities or CBs may take samples. Samples shall be taken and analysed where the use of products not authorised for organic production is suspected.

According to Article 12 of Regulation (EC) No 882/2004 the CA shall designate laboratories that may carry out the analysis of samples taken during official controls.

Findings

The MARD stated that in Poland there were no provisions in place that require CBs to draw up sampling plans. However, as of 2013, CBs will have to draw up sampling plans and will have to take samples from at least 5 % of operators. CBs are also free to choose the laboratories to which they send samples for testing, as long as the laboratory is accredited for the specific purpose.

CB3 had a sampling plan in place. In 2011, CB3 took 18 samples for laboratory analysis of pesticide residues. Four samples tested positive (one for pendimethalin and three for dichlorodiphenyltrichloroethane (DDT)). The CB stated that in the first case, the operator's certificate had been withdrawn, and in the three instances of DDT presence, certificates had been suspended and a final decision was pending. CB3 stated that it sends samples to two laboratories. According to MARD, one of these is an official laboratory for pesticide residue analysis. The CB3 informed the audit team that in all cases where there is a suspicion of use of unauthorised products, inspectors had to take samples. CB3 had sampling procedures in place and staff had been trained on sample taking. CB2 had also drawn up a sampling plan. In 2011, about 79 samples for pesticide residues were taken at 59 operators. Samples had tested positive in the case of 30 operators. The audit team obtained laboratory reports for testing of pesticide residues at CB2 and CB3 and noted that the scope of laboratories tests had covered between 150 and 180 analytes. MIAFQI stated that the analytical scope of the laboratories is not checked when carrying out inspections at the CBs, and that no guidance had been given to CBs concerning analytical scope.

Conclusions

Samples for laboratory testing are taken by the CBs and CAs where there is a suspicion of use of products not authorised for organic production. However, CBs are not obliged to send samples to designated laboratories, contrary to Article 12 of Regulation (EC) No 882/2004 and no guidance has been given by the CA concerning the analytical scope of the testing. As a result, there is no guarantee that all relevant pesticides are covered by the analysis and that all laboratories involved in these tests fulfil the requirements of Regulation (EC) No 882/2004. Although not required by EU provisions, all CBs visited by the audit team had drawn up risk-based sampling plans.

5.2.5 *Controls on Labelling and Traceability*

Legal Requirements

Article 23 of Council Regulation (EC) No 834/2007 provides for the use of terms referring to organic production and according to paragraph 5 of the same Article, MSs shall take the necessary measures to ensure compliance with this Article.

Compulsory indications concerning the use of the terms as referred to in Article 23(1) of Council Regulation (EC) No 834/2007 are laid down in Article 24 of the same Regulation.

Article 27(13) of Council Regulation (EC) No 834/2007 provides that MSs shall ensure that the control system as set up allows for the traceability of each product at all stages of production, preparation and distribution in accordance with Article 18 of Regulation (EC) No 178/2002.

Labelling requirements for organic products are laid down in Title III of Commission Regulation (EC) No 889/2008.

Findings

Controls of labels at operator level

The audit team noted that labelling is checked by CB inspectors at operator level.

The MARD and the MIAFQI stated that VAFQIs would also check labelling of conventional products with regard to the unlawful use of terms referring to organic production when performing controls on food quality:

- In 2010, 3 142 such inspections were carried out, including 10 inspections at selected producers, due to suspicions of non-compliant labelling.
- In 2011, VAFQI inspectors carried out 3 355 inspections, including 53 inspections at selected producers due to suspicions of non-compliant labelling.
- As a result of these controls 14 irregularities with regard to labelling requirements for organic products were found in 2010 and 38 in 2011. A representative of MIAFQI stated that in 2011, these controls were supported by additional information collected (e.g. 'secret shopping' and internet research).

The controls of AFQI are complemented by sector specific audits of conventional operators and organic operators by other CAs. The inspections of other CAs include checking whether specific organic production rules are complied with (organic operators) or if conventional operators make unlawful reference to organic production. For example, the following inspections were carried out in 2011:

- VI: 282 inspections of animal feed sector operators simultaneously listed as organic farming producers;
- SPHSIS: 233 inspections of organic producers of vegetative propagating material and seeds for cultivation, including 28 samples for laboratory testing for pesticide residues.

Controls at market level

The TI is in charge of controls of organic products at market level. The OCCP stated that checks on organic products were only carried out if there is a suspicion of irregularities, a complaint, or in the context of specific campaigns.

- In 2010, the TI did not carry out any scheduled systematic inspections of organic farming products at market level. None had been scheduled so far in 2012.
- In 2010, the TI carried out controls in 20 retail outlets on 94 lots of fresh fruit and vegetables as there had been a suspicion of unlawful labelling referring to organic production.
- In 2011, the TI carried out a specific campaign concerning compliance with nutrition and organic law. In the course of the campaign, checks were made on 100 retailers and wholesalers, examining 375 lots of products, of which 123 were tested in the laboratories of the OCCP. In 11 cases (3 %), a breach of organic production rules was detected: Seven irregularities related to formal aspects of labelling requirements (e.g. size of the logo, origin of raw material not indicated), one case of unlawful use of terms referring to organic

production, one case where the processor did not declare an ingredient in the product, one case where incorrect CB' reference number was on the label and one case of contradictory information. The campaign did not include a traceability exercise of products to the producers.

Traceability of organic products

The audit team selected two organic products (potatoes and herbal tea) at a retail shop in Warsaw and asked MARD to carry out a full traceability exercise from the point of sale to the producers of the organic ingredients in the products.

- During the course of the audit, the audit team was informed that the processor of the herbal tea was facing bankruptcy proceedings and had closed its company. This made it difficult to provide the traceability information within the given short period of time. The audit team asked MARD to select a plum jam product instead. In both cases, potatoes and plum jam, it was possible for the CAs involved in this exercise (TI, MIAFQI and several VAFQIs) to demonstrate that it was possible to trace the product and product ingredients back to the producers and the importer (in the case of the sugar for the jam).
- MIAFQI stated that in the case of the potatoes, an irregularity had been found, as the farmer had sold potatoes as organic products during the conversion period. One CB carried out an ad hoc inspection of the potato producer and detected the irregularity shortly before the CA carried out its investigation.

Conclusions

The control system, which includes measures to comply with Article 23 of Council Regulation (EC) No 834/2007 regarding the use of the terms referring to organic production, enables the CAs to have a good overview of domestic production and labelling of domestically-produced products. However, the lack of scheduled and systematic market controls targeting organic products does not enable adequate checking of products coming from other MSs. The CAs were able to demonstrate that the system enables tracing of products from the retailer to the producer within a short time period.

5.2.6 Exceptional Production Rules and other Derogations

Legal Requirements

Where an ingredient of agricultural origin is not included in Annex IX of Commission Regulation (EC) No 889/2008, that ingredient may only be used in its non-organic form for the preparation of organic processed products and only under certain conditions as set out in Article 29 of the same Regulation. A MS shall immediately notify the other MSs and the Commission of authorisations of such use of non-organic ingredients.

Sections 2 to 4 of Chapter 6 of Title II of Commission Regulation (EC) No 889/2008 provide for exceptional production rules related to non-availability of organic farm inputs, specific management problems in organic livestock, use of specific products and substances in the processing and catastrophic circumstances in accordance with Article 22(2) of Council Regulation (EC) No 834/2007.

Article 28(2) of Council Regulation (EC) No 834/2007 provides that MSs may exempt from the application referred to in the same Article operators who sell products directly to the final consumer or user provided they do not produce, prepare, store other than in connection with the point of sale or import such products from a TC or have not contracted out such activities to a third party.

Findings

Administrative decisions on derogations from the organic production rules are decided by the VAFQI if organic producers request this, with exception of the use of conventional seeds, for which the SPHSIS and the respective voivodship services grant derogations (see below).

MIAFQI has developed specific forms for requests for derogations to standardise these. The forms also enable CBs to provide an opinion. The CBs may take into account the opinion of other services (e.g. veterinary services).

- In 2011, AFQI issued in total 2 587 decisions granting derogations as referred to in Commission Regulation (EC) No 889/2008 from organic production rules and refused 99.
- The highest number of derogations was granted for Article 39 of Commission Regulation (EC) No 889/2008 (tethering of animals in small holdings) with 2 094 derogations and 54 refusals.
- For Article 42 of Commission Regulation (EC) No 889/2008 (bringing non-organically reared poultry into an organic poultry production unit), there were 254 derogations and six refusals.
- In seven cases, derogations referring to Article 47(c) (the use of non-organic feedingstuffs due to catastrophic circumstances) were granted.

CAs had defined a framework for decision-making, based on expert advice and desk studies. For example, based on a desk study on provisions in other MSs, CAs decided to consider a producer with less than 41 cattle as a 'small holding'. This entities such producers to request a derogation to be allowed to tether animals. Other criteria such as the surface area available to the producer were not considered. The list of slow-growing strains of poultry has been drawn up based on advice from the National Research Institute of Animal Production.

The audit team also checked files concerning derogations on the use of non-organic feeding stuffs due to catastrophic circumstances and noted that with one exception, all derogations granted had been notified to the Commission. The three derogations checked by the audit team were granted to single farmers affected by floods.

MARD stated that no derogation had been granted for the use of non-organic ingredients in the processing of organic products (Article 29 of Commission Regulation (EC) No 889/2008), at least not in the past three years.

At the producer's request SPHSIS authorises the use of conventional seeds if the species or variety is not available on the market and if contained in the common catalogue of varieties of agricultural plant species. The SPHSIS also checks whether similar varieties, also suitable for the specific purpose, are available. Availability on the market is checked by consulting the national seed database.

Conclusions

The procedures implementing derogations from organic rules result in appropriate justification for the use of such derogations. The CA has established provisions that are more detailed than those laid down in EU legislation to support decision-making procedures.

5.2.7 Imports of Products from Organic Production

Legal Requirements

A product imported from a TC may be placed on the EU market as organic if it fulfils the

requirements for compliant products as laid down in Article 32 of Council Regulation (EC) No 834/2007 or the requirements for products providing equivalent guarantees as laid down in Article 33.

Commission Regulation (EC) No 1235/2008 provides detailed rules for the implementation of Council Regulation (EC) No 834/2007 with regards to the arrangements for the imports of organic products from TCs. Chapter 3 of title III of Commission Regulation (EC) No 1235/2008 provides provisions on the release for free circulation of products imported in accordance with Article 33 of Council Regulation (EC) No 834/2007. Models of the documentary evidence, the certificate of inspection and the extract of the certificate of inspection are provided in Annexes II, V and VI respectively. A list of TCs and relevant specifications referred to in Article 7 of Commission Regulation (EC) No 1235/2008 are contained in Annex III.

Article 19 of Commission Regulation (EC) No 1235/2008 lays down transitional rules on equivalent imports of products not originating in listed TCs. It establishes the conditions under which MSs may authorise importers and when the authorisations have to be withdrawn. It also requires MSs to inform the other MSs and the Commission of each authorisation granted, including information on the production standards and control arrangements concerned.

Findings

MIAFQI provided the audit team with statistics on imports of organic products into Poland. The audit team checked the system in place for import authorisations as referred to in Article 19 of Commission Regulation (EC) No 1235/2008 and noted that:

- According to MIAFQI, 16 import authorisations had been granted, six in 2011 and 10 in 2012 (at the time of the audit).
- The CCA had notified the Commission about the import authorisations.

Importers that want to apply for an import authorisation have to be registered as organic importers and have to have a valid certificate. Information concerning the application and forms are available on the AFQI website. The application (which has to be in Polish) has to contain:

- evidence that the CB of the exporter is accredited against standard EN 45011 (ISO 65),
- a certificate from that CB that the product has been produced and controlled according to rules equivalent to EU provisions,
- the exporter's inspection report from its CB and
- valid certificates from all suppliers and, in case of doubt, inspection reports from the exporter's suppliers.

The MIAFQI representative stated that the documentary check focuses on the completeness and plausibility of the information. No complete equivalence check of the production rules is carried out, contrary to the requirements of Article 19 of Commission Regulation (EC) No 1235 in conjunction with Article 33(1)(a) and (b) of Council Regulation (EC) No 834/2007. The audit team noted that:

- MIAFQI follows a structured approach, taking a wide range of information into account. This includes some aspects related to the assessment of equivalence of production rules (e.g. conversion period). In case of doubt, the producers' inspection reports are also checked. Based on these documentary checks, a decision is made on whether to grant authorisation.
- A list with import authorisations, which inspectors can find on the AFQI intranet, is updated after each decision and a copy of the import authorisation is sent to VAFQIs. At the time of the audit, nine importers were registered with MIAFQI.

- The MIAFQI representative informed the audit team that importers have to inform MIAFQI on a monthly basis about imports and that this can be cross-checked with information from VAFQI inspectors as they submit the results of import inspections via the intranet. This allows MIAFQI to monitor the quantities of imported products. MIAFQI also stated that importers notify all imports of organic products, including imports from TCs listed in Annex IV of Commission Regulation (EC) No 1235/2008 and that all imports are checked by VAFQI inspectors before being cleared by Customs. The customs representatives met informed the audit team they closely cooperate with VAFQI inspectors in import controls. The role of Customs is to ensure that the consignment is not released before VAFQI inspectors have inspected the organic products and after having endorsed the certificate of inspection.
- The audit team saw certificates of inspections: in one case, box 16 on the form had not been completed and box 17 had been endorsed by Customs, while in another case, VAFQI Lublin had filled in both boxes. It was not possible for the audit team to clarify with the Customs service and VAFQI Lublin who finally had to endorse the certificate of inspection in box 17 and whether box 16 had to be endorsed and by which of the two CAs. MIAFQI stated that it had been clarified that both boxes had to be filled in by VAFQI inspectors and provided several examples of certificates of inspection properly endorsed in both boxes by VAFQI inspectors.
- VAFQI Lublin stated that 100 % of all imports of organic products are checked. A documentary and physical check is carried out and samples are taken if there is any suspicion. The information given in the transport document is checked, where relevant, against the import authorisation. The physical check is basically a visual check, including checks of the labelling of products.

Conclusions

One certificate seen had not been properly endorsed by the CAs, contrary to the requirements of Article 19(7)(a) of Commission Regulation (EC) No 1235/2008. However, overall, the import control system for organic products in place in Poland ensures that products referred to in Article 1(2) of Council Regulation (EC) No 834/2007 are released for free circulation in the Community of a consignment only if the conditions referred to in Article 13(1) of Commission Regulation (EC) No 1235/2008 are met.

Decisions concerning import authorisations are based on a wide range of information and there is a partial check as to whether products have been produced in accordance with production rules equivalent to those referred to in Titles III of Commission Regulation (EC) No 1235/2008. However, the check is not a full assessment of equivalence, as required by Article 33(1)(a) and (b) of Council Regulation (EC) No 834/2007.

5.2.8 Planning and Prioritisation of Controls

Legal Requirements

Article 41 of Regulation (EC) No 882/2004 requires MSs to prepare a single integrated Multi-Annual National Control Plan (MANCP).

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency, taking account of (a) identified risks; (b) the food business operators' past record with regard to compliance; (c) the reliability of any self checks that

have already been carried out; and (d) any information that might indicate non-compliance. In addition, Article 27(3) of Council Regulation (EC) No 834/2007 requires that the nature and frequency of the controls shall be determined on the basis of an assessment of the risk of occurrence of irregularities and infringements as regards compliance with the requirements laid down in this Regulation and that all operators, with some exceptions, shall be subject to verification of compliance at least once a year.

According to Article 65(4) of Commission Regulation (EC) No 889/2008 control authorities or CBs shall carry out, in addition to the annual physical inspections referred to in paragraph 1 of the same Article random control visits, primarily unannounced, based on the general evaluation of the risk of non-compliance with organic production rules, taking into account at least the results of previous controls, the quantity of products concerned and the risk for exchange of products.

Findings

Multi-annual National Control Plan

The MANCP 2010-2014 and the most recent annual activity report on the implementation of the MANCP contain information on the control system for organic production and labelling of organic products.

Planning and Prioritisation of controls on operators

All control tasks related to organic production and labelling of organic products are covered by the AFQI annual framework control plan, including:

- audits of CBs at headquarters;
- review audits carried out at operators;
- controls on the quality of product and labelling requirements for organic products.

The MIAFQI stated that for the planning of controls the following criteria are applied:

- political guidance (e.g. issues of particular political importance);
- outcome of previous controls;
- results of conformity checks of FBOs by other inspectorates;
- scope of authorisation granted to the CB;
- number of operators under the control of the CB;
- other types of information received (e.g. complaints).

These criteria are laid down in the work instructions of AFQI. MIAFQI stated that controls are planned for each quarter and are broken down by regional offices, taking into consideration the number and type of operators in each region. The operators are also selected so as to provide good coverage of all CBs.

On the basis of the annual framework control plan, a more specific control plan is prepared for each audit. Both types of control plans are subject to approval by the Main Inspector of AFQI.

Concerning CBs, the audit team noted that:

- CB3 performs a risk assessment for each operator at the initial control at the beginning of the control arrangement and annually classifies the operators as low or high risk. CB3 stated that operators' own controls, past records and production-related information are taken into consideration for risk assessment. The operator is informed about the result of the risk assessment. The audit team saw an example of a risk assessment at a packaging facility for

eggs. The CB3 stated that at the beginning of the year, control visits are planned and inspectors are entrusted with controls of operators, taking into account the location of the operator, the qualifications of the inspector (e.g. if specific expertise is required). The operator should not be visited by the same inspector in consecutive years.

- CB2 informed the audit team that it had carried out 297 additional announced and 96 unannounced controls. All additional controls account for more than 6 % of the CB's operators. CB3 plans for 5 % to 10 % of additional control visits every year. In 2011, about 7 % of the total number of controls were additional visits (18 announced and 217 unannounced). The MIAFQI provided information according to which five of the CBs plan for less than 50 % of unannounced additional visits.

Conclusions

The MANCP and annual reports contain sufficient information on the control system for organic production, as required by EU provisions.

Although CBs plan controls of operators based on risk criteria, regarding random (additional) controls, half of the CBs carry these out primarily announced, contrary to Article 65(4) Commission Regulation (EC) No 889/2008.

5.2.9 Procedures for Performance and Reporting of Control Activities

Legal Requirements

Article 8 of Regulation (EC) No 882/2004 requires that CAs carry out their official controls in accordance with documented procedures, containing information and instructions for staff performing official controls.

Article 9 of the above Regulation requires CAs to draw up reports on the official controls carried out, including a description of the purpose of official controls, the control methods applied, the results obtained and any action to be taken by the business operator concerned.

According to Article 65(3) of Commission Regulation (EC) No 889/2008 control authorities or CBs shall draw up a control report after each visit, countersigned by the operator of the unit or his representative.

Findings

AFQI has issued a wide range of procedures including:

- procedure PG-BRE-01(Control of authorised CBs);
- procedure PG-BRE-02 (Checks to verify the correctness of inspections of organic producers carried out by CBs);
- procedure PG-BRE-04 (Authorising importers to import organic farming products from TCs into the EU) and
- other procedures (e.g. general and specific instructions on how to consider requests for derogations from organic production rules).

Procedures PG-BRE-01 and PG-BRE-02 provide instructions for the inspectors with regard to the planning, preparation, performance of audits, follow-up of findings, reporting and communication with operators and CBs.

After each audit (audits of CBs as well as review audits at operators), a report is drafted which has to be signed by the inspector of AFQI and the representative of the CB or the operator respectively.

If the report can not be finalised during the audit, it is sent by registered mail, together with a request to sign the report. Also, after each import-related inspection, a report with three copies (one for the representative of the importer, one for Customs and one for VAFQI) is issued. The inspectors, as well as the representative of the importer, sign the report.

The CBs met by the audit team had quality manuals, procedures and detailed checklists for inspections of different types of operators (e.g. producers, processors) in place. At the end of each inspection, a report is issued. This is signed by the inspector and a representative of the operator. The audit team saw examples of reports at the CBs. Inspectors from the CBs send the control reports to headquarters, where they are assessed and a certification decision is taken and/or sanctions are decided.

Conclusions

The CAs and CBs have detailed work instructions and check lists in place, which results in a good framework for carrying out controls.

5.2.10 Co-ordination and Co-operation

Legal Requirements

Article 4(3) of Regulation (EC) No 882/2004 provides for efficient and effective co-ordination between CAs.

Article 4(5) of Regulation (EC) No 882/2004 requires that, when, within a CA, more than one unit is competent to carry out official controls, efficient and effective co-ordination and co-operation shall be ensured between the different units.

Article 27(5)(d) of Council Regulation (EC) No 834/2007 provides that CBs communicate the results of the controls carried out to the CA on a regular basis and whenever the CA so requests. Furthermore, Article 27(5)(e) requires that there is effective co-ordination between the delegating CA and the CB.

Article 27(14) provides that control authorities and CBs shall transmit to the CAs each year by 31 January a list of the operators which were subject to their controls of the previous year and by 31 March a summary report of the control activities carried out during the previous year.

Findings

The cooperation and communication of MARD and AFQI with other CAs involved in the official control system for organic production is based on agreements. MIAFQI entered into agreement with TI in 2009, with PCA, SPHSIS and VI in 2010 and with ARMA in 2011.

The agreements basically specify the controls CAs carry out within their area of activity with regard to organic farming and the exchange of information on the results of these controls.

MARD informed the audit team that, when needed, meetings are held with CAs and CBs to address specific issues or to convey information about the discussions at meetings held with MSs and EU institutions. The audit received documentary evidence, such as examples of correspondence and minutes of meetings, of cooperation between the CAs and between the CBs and the CAs.

The audit saw several documents illustrating cooperation and communication between MIAFQI, the TI and the ARMA. Most correspondence referred to investigations concerning irregularities and unlawful reference to organic production.

Conclusions

There is good communication and cooperation between the CAs and between the CBs and the CAs in place. This further enhances the control system for organic production.

5.2.11 Measures to Deal with Infringements and Irregularities

Legal Requirements

According to Article 27(5)(d) of Council Regulation (EC) No 834/2007 CBs shall, if the results of the controls indicate non-compliance or point to the likelihood of non-compliance, immediately inform the CA.

Article 30 of the same Regulation sets out measures in cases of infringements and irregularities. Paragraph 2 of this Article requires that information about cases of irregularities or infringements affecting the organic status of a product shall be immediately communicated between the CBs, control authorities, CAs and MSs concerned and, where appropriate, to the Commission.

Article 91 of Commission Regulation (EC) No 889/2008 provides further specification on measures in cases of suspicion of infringements and irregularities.

Findings

MARD stated that so far, no framework for a harmonised sanctions catalogue for CBs had been established in Poland, but that work was under way and there were plans to have such a catalogue prepared by 2013. The audit team received a copy of a letter signed by all CBs with which the new draft sanction catalogue had been sent to the Minister of MARD for approval.

The MARD informed audit team that CBs have to notify irregularities which affect the organic status of a product immediately. Other irregularities are listed in the annual activity reports submitted by the CBs to MIAFQI. This approach concerning the notification of irregularities was confirmed by CB2 and CB3.

The audit team noted that:

- In files seen at CB2 and CB3, sanctions were imposed by the CBs in accordance with their individual sanctions catalogue and were followed up in a timely manner.
- Where the organic status of the product is or may be affected, the CB suspends or respectively withdraws the certificate and informs MARD, MIAFQI and ARMA in a timely manner.
- MIAFQI may also impose fines on CBs and operators which do not comply with the legal provisions.
- The fine for CBs depends on the type of infringement and is equivalent to ten or 20 times the average salary in Poland as annually fixed by the Statistical Office.
- For operators, the fine is up to 200 % of the material benefit that has been gained or could have been gained with the activity that was not compliant with the legal provisions.
- In 2010, fines between 500 PLN (about 125 EUR) and 1 500 PLN (about 375 EUR) were imposed on four CBs. In 2012, a fine of 3 000 PLN (about 750 EUR) was imposed on one CB.
- In 2011, MIAFQI issued 38 administrative decisions concerning fines worth a total of 183 232 PLN (about 45 800 EUR)
- The audit team noted that irregularities found during review audits at operators and at CA

audits of CBs were followed up and sanctions were imposed in a timely manner.

Conclusions

There is a good system of sanctions in place. Irregularities are followed up in a timely manner and sanctions are imposed where required. Although irregularities affecting the organic status of a product are notified in accordance with Article 30(2) of Council Regulation (EC) No 834/2007, other irregularities are not immediately notified by the CB to the CA, contrary to the requirements of Article 27(5)(d) of the same Regulation.

5.2.12 Accreditation, Approval and Withdrawal of Control Bodies

Legal Requirements

The CA may delegate control tasks to a particular CB only if the conditions laid down in Article 5(2) of Regulation (EC) No 882/2004 are satisfied.

Art. 27 of Reg. 834/2007 lays down the conditions under which the CA can delegate control tasks to CBs, the criteria that the CA has to take into account whilst approving CBs, the tasks that cannot be delegated and the situations in which CA may or shall withdraw the delegation to CBs.

Findings

All ten CBs are approved by MARD and are accredited by PCA to EN 45011. According to the Polish national Organic Farming Act, CBs can only be approved after they are accredited and can not issue organic certificates before approval and before the first witness audit by PCA has been performed.

CBs have to define the scope of their activities and are approved and accredited for some or all of the following six categories:

- organic plant and livestock production,
- wild collection,
- bee-keeping,
- aquaculture and seaweed production,
- processing,
- marketing and imports.

A CB that wants to extend the scope of its activities has to send a formal request to PCA and MARD.

Where a CB fails to meet the requirements arising from the scope of delegation, MIAFQI may, pursuant to Article 6(3) of the national Organic Farming Act, submit a request to the MARD to withdraw the delegation of a CB in its entirety or to the extent that the CB did not meet the requirements arising from the scope of delegation (withdrawal with regard to certain activities).

The audit team checked documents showing that CBs which had failed to comply with control requirements were no longer allowed to perform audits in the area of activity in which they had failed. One case occurred in 2010 (wild collection) and one in August 2012 (imports). In both cases, the decision to withdraw the CB's approval to perform controls in the affected areas of activity were based on findings from MIAFQI audits.

Conclusions

The system for the approval, accreditation and withdrawal of CBs is in accordance with EU provisions and works effectively.

5.2.13 Verification Procedures and Audits

Legal Requirements

Under Article 4 of Regulation (EC) No 882/2004 CAs are required to carry out internal audits, or have external audits carried out. These must be subject to independent scrutiny and carried out in a transparent manner. Article 8 states that they must have procedures in place to verify the effectiveness of official controls, to ensure that corrective action is taken where necessary and to update documentation as appropriate.

Article 27(8) of Council Regulation (EC) No 834/2007 provides that, in accordance with Article 5(3) of Regulation (EC) No 882/2004, CAs delegating specific tasks to CBs shall organise audits or inspections of CBs as necessary. In addition, paragraph 9 of the same Article requires that the CA shall ensure that the controls carried out by the CB are objective and independent, verify the effectiveness of its controls, take cognisance of any irregularities or infringements found and corrective measures applied and withdraw approval of that CB where it fails to satisfy the requirements.

Findings

Internal/external audits by the CA

The AFQI is certified to ISO 9001 standards and part of this is a system of internal and external audits. Controls on organic production had been identified in the multi-annual audit programme of MIAFQI.

Supervision of CBs and verification of the effectiveness of their controls

As part of supervision over CBs, the MIAFQI:

- analyses the data and information provided by CBs;
- carries out audits of CBs;
- submits follow-up recommendations from performed audits;
- orders CBs to take corrective measures relating to their functioning;
- orders VAFQI to verify the accuracy of inspections of organic producers carried out by CBs by means of review audits of operators or, in specific cases, by means of witness audits of controls performed by CBs at operators.

The MIAFQI stated that each audit of the CB was tailor-made (see sections 5.2.8), but that the following issues were always checked:

- documents relating to inspections;
- use of control procedures;
- correctness of the content of procedures, instructions and forms used by CBs in control proceedings;
- qualifications of the people carrying out inspections on behalf of CBs;
- technical resources available to CBs;

- the use of follow-up recommendations;
- accuracy of the data submitted by CBs to MIAFQI (an annual list of all producers checked by CBs and monthly lists of operators which reported organic farming activities to CBs).

In 2011, AFQI carried out controls at four CBs and in 2012, six audits are planned. Office audits of MIAFQI are performed separately from audits of PCA, but the results of the PCA audits are taken into account by MIAFQI and vice versa. The VAFQI also carries out controls (review audits) on about 1 % of organic producers and about 20 % of processors every year.

The audit team noted that:

- MIAFQI did not have a system in place to assess systematically all relevant information with regard to the effectiveness of controls carried out by CBs. The MIAQFI stated that no specific criteria had been established for this purpose;
- Irregularities not affecting the organic status of a product are not immediately notified to the CA.

Conclusions

There is a good system of supervision of CBs by the CAs, but the system of verification of the effectiveness of controls referred to in Article 27(9)(b) of Council Regulation (EC) No 834/2007 hampers continuous assessment of the verification of the effectiveness of controls.

5.3 SEED DATA BASE

Legal Requirements

According to Article 48 of Commission Regulation (EC) No 889/2008 MSs shall ensure that a computerised database is established for the listing of the varieties for which seed or seed potatoes obtained by organic production methods are available within its territory. Articles 49 to 56 of the same Regulation provide further requirements on the registration and information to be kept in the database as well as on the access to this information and reporting on the authorisations.

Findings

The national seed database is managed by SPHSIS and is available at the following website:

<http://piorin.gov.pl/index.php?pid=2004>

Producers of propagating material can enter information into the database free of charge. A representative of SPHSIS informed the audit team that the database was updated at least once every month.

Conclusions

Poland has established a seed database in accordance with Article 48 of Commission Regulation (EC) No 889/2008.

6 OVERALL CONCLUSIONS

Overall a good control and sanction system has been implemented, in particular with regard to the supervision of CBs. The CAs and CBs follow-up irregularities and impose sanctions in a timely manner. However, relevant information such as irregularities not affecting the organic status of products are not collected with the required frequency and there is a lack of an adequate verification of the effectiveness of the controls carried out by the CBs, in particular with regard to the

examination of information on the activities of the CBs.

The shortcomings found with regard to documentation and record keeping by operators and the planning of additional, unannounced controls of operators by the CBs were relatively minor, but as a whole may have an impact on the effectiveness of the control system.

Based on the controls of conventional and organic operators the CAs have a good overview of the domestic production, however there is a lack of systematic and risk based market controls of organic products.

7 CLOSING MEETING

A closing meeting was held on 21 September 2012 with representatives of the CAs and representatives of the CBs visited by the audit team. At this meeting, the audit team presented the main findings and preliminary conclusions of the audit.

The representatives of the CAs offered some initial comments and provisionally accepted the findings.

8 RECOMMENDATIONS

The CAs are invited to provide details of the actions 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 CA s should:

N°.	Recommendation
1.	Ensure that operators put in place the respective control arrangements as specified in Title IV of Commission Regulation (EC) No 889/2008 and in particular that when the control arrangements are first implemented, the operator shall draw up and subsequently maintain a full description of the unit and/or premises and/or activity and that records shall be compiled in the form of a register.
2.	Ensure that where transportation is direct between an operator and another operator who are both subject to the organic control system, the products are accompanied by a document giving the information required under paragraph 1 of Article 31 Commission Regulation (EC) No 889/2008 and that both the expediting and the receiving operators shall keep documentary records of such transport operations available for the control body or control authority of such transport operations as required by paragraph 2 of the same Article.
3.	Ensure that designated laboratories carry out the analysis of samples taken during official controls as required by Article 12 of Regulation (EC) No 882/2004.
4.	Ensure that that official controls are carried out regularly, on a risk basis and with appropriate frequency as required by Article 3(1) of Regulation (EC) No 882/2004 including measures to ensure compliance with Article 27(13) of Council Regulation (EC) No 834/2007. This should include controls at market level and additional measures to ensure traceability of each product at all stages of production, preparation

N°.	Recommendation
	and distribution.
5.	Ensure that the certificate of inspection referred to in Article 13 of Commission Regulation (EC) No 1235/2008 is always endorsed as required by Article 19(7)(a) of the same Regulation and that where required, box 16 is filled in.
6.	Ensure that imports of organic products in accordance with procedures referred to in Article 19 of Commission Regulation (EC) No 1235/2008 are only authorised if the importer provides sufficient evidence showing that the conditions referred to in Article 33(1)(a) and (b) of Council Regulation (EC) No 834/2007 are satisfied.
7.	Ensure that random (additional) controls of operators are primarily unannounced as required by Article 65(4) Commission Regulation (EC) No 889/2008.
8.	Ensure that control bodies communicate the results of the controls carried out to the competent authority on a regular basis and whenever the competent authority so requests. If the results of the controls indicate non-compliance or point to the likelihood of non-compliance, the control body shall immediately inform the competent authority as required by Article 27(5)(d) of Council Regulation (EC) No 834/2007.
9.	Ensure that the CA verifies the effectiveness of the controls performed by CBs as required by Article 27(9)(b) of Council Regulation (EC) No 834/2007 and in particular that information is assessed continuously and based on appropriate criteria.

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

http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2012-6569

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Reg. 834/2007	OJ L 189, 20.7.2007, p. 1-23	Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91
Reg. 889/2008	OJ L 250, 18.9.2008, p. 1-84	Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control
Reg. 1235/2008	OJ L 334, 12.12.2008, p. 25-52	Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries

ANNEX 2 - STANDARDS QUOTED IN THIS REPORT

Reference	Full title	Publication details
	Working document of the Commission services on official controls in the organic sector – version of 8 July 2011	http://ec.europa.eu/agriculture/organic/files/eu-policy/data-statistics/control_guidelines_version_08072011_en.pdf