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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

AUSTRALIA

FROM 12 TO 24 OCTOBER 2012

IN ORDER TO EVALUATE THE OPERATION OF PUBLIC HEALTH CONTROL SYSTEMS
AND CERTIFICATION PROCEDURES OVER THE PRODUCTION OF FRESH OVINE,
EQUINE AND WILD GAME MEAT DESTINED FOR EXPORT TO THE EUROPEAN UNION

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

The report describes the outcome of an audit carried out by the Food and Veterinary Office (FVO) in Australia from 12 to 24 October 2012. The objectives of the audit were to evaluate the operation of controls over the production of fresh ovine, equine and wild game meat for human consumption destined for export to the European Union (EU), as well as certification procedures.

The organisation and co-ordination of the Competent Authority (CA) remain largely as described in the previous audit reports. The AQIS has recently been renamed as the Department of Agriculture, Fisheries and Forestry (DAFF).

In general official control and supervision in the establishments was carried out to a satisfactory level. The Australian Export Meat Inspection System (AEMIS) was reformed on 26 September 2011 in order to allow post-mortem inspections to be performed by non-Government employed Australian Government Authorised Officers (AAOs) in addition to government employed Food Safety Meat Assessors (FSMAs). The AEMIS inspection system is not in line with the requirements of Regulation (EC) No 854/2004 because the AAOs who are directly employed and paid by the food business operator (FBO) cannot be considered as official auxiliaries (OA) to perform post-mortem inspection.

The current wording of the Approved Arrangements (AA) seen at some establishments did not contribute to the effective management of the potential for a conflict of interest. In addition, as currently designed, once an AA is in place covering the certification requirements, the system for certifying the export of meat to the EU is, at establishment level, totally delegated to the FBOs. The CA cannot ensure that the certifying officers and the persons, designated by them, providing the attestations on which the certifying officer is relying, have a status which ensures their impartiality and have no direct commercial interest in the animals or products being certified or in the holdings or establishments in which they originate although required by Article 4 of Council Directive 96/93/EC. The role of the DAFF officials is limited to verifying that establishments implement controls over edible products intended for export in accordance with their AA. During on the spot visits in EU approved establishments deficiencies were identified in the process for requesting export permits and discrepancies were noted between the underlying documentation and the statements in the certificates. As a consequence, the system in place for export certification in EU approved establishments operating under AA is not in line with EU requirements.

In general the national requirements for holding registration and animal identification are fulfilled. However, no changes in the identification procedures of horses occurred. The identification, at least six months prior to slaughter, is not achieved and the link to the guarantees provided in the Horse Vendor Declaration (HVD) cannot be verified, in all cases, where the horse has had more than one owner in the six months prior to its first sale for slaughter. A comprehensive approval procedure for establishments listed for export of products covered by the scope of the audit is in place. However, in several cases the EU listing had not been updated.

In most of the establishments visited, the structure, layout, equipment, maintenance, cleaning and disinfection procedures were satisfactory. However, in some cases deficiencies were noted concerning slaughter hygiene, with extensive use of steam vacuum cleaners, and the traceability of meat. The stunning and animal welfare at slaughter was satisfactory.

The food chain information is partially available in the National Vendor Declaration (NVD) that accompanies the animals. However when sheep were received from a sales yard and temporarily kept in a holding (depot), the additional transport and period between sales yard and arrival in the slaughterhouse were not covered by an additional NVD.

Deficiencies were noticed concerning Trichinella testing with regard to the content of the proficiency testing and the auditing of the laboratories, the performance of the staff carrying out the tests and the test procedures used. However, these deficiencies are mitigated by the absence of Trichinella spiralis in Australia. The FBOs' own checks and the Hazard Analysis Critical Control Points (HACCP) system were generally in line with the EU requirements.

A number of recommendations have been made to the CA with a view to addressing the deficiencies identified during this audit.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

| Abbreviation | Explanation |
|---------------------|---|
| AA | DAFF Approved Arrangements |
| AAO(s) | Australian Government Authorised Officers |
| AEMIS | Australian Export Meat Inspection System |
| AQIS | Australian Quarantine and Inspection Service, now renamed in DAFF |
| ATM | Area Technical Manager |
| CA(s) | Competent Authority(ies) |
| CCA(s) | Central Competent Authority(ies) |
| CCP(s) | Critical Control Point(s) |
| COM | European Commission |
| DAFF | Department of Agriculture, Fisheries and Forestry |
| DERM | Department of the Environment and Resources Management |
| DG(SANCO) | Health & Consumers Directorate General |
| EC | European Community |
| EU | European Union |
| FBO(s) | Food Business Operator(s) |
| FVO | Food and Veterinary Office |
| FSMA | Food Safety Meat Assessor |
| GHE | Game handling establishments |
| HACCP | Hazard Analysis of Critical Control Points |
| HVD | Horse Vendor Declaration |
| Hygiene Package | Regulations (EC) No 852/2004, No 853/2004 and No 854/2004 |
| KPI | Key Performance Indicators |
| MICOR | Manual of Importing Country Requirements |
| MTC | Meat Transfer Certificate |
| NVD | National Vendor Declaration |

| | |
|-----|--|
| OA | Official Auxiliary |
| OPV | On Plant Veterinarian |
| OV | Official Veterinarian |
| OVI | Ovine certificate for export to the EU |
| PHI | Product Hygiene Indicator |
| PIC | Property Identification Code |
| RFP | Request for Permit |
| SRA | State Regulatory Authority |
| TVC | Total Viable Counts |

1 INTRODUCTION

The audit took place in Australia from 12 to 24 October 2012 as part of the planned audit programme of the FVO. The audit team comprised four auditors from the FVO.

The audit team was accompanied during the audit by representatives from the Central Competent Authority (CCA), the Department of Agriculture, Fisheries and Forestry (DAFF), formerly known as the Australian Quarantine and Inspection Service (AQIS).

The opening meeting was held on 12 October 2012 with the CCA in Canberra. At this meeting the audit team confirmed the objectives of, and itinerary for the audit, and additional information required for the satisfactory completion of the audit was requested.

2 OBJECTIVES

The main objective of the audit was to assess the capacity of the Australian authorities to provide the required guarantees for the export of fresh meat to the EU in the framework of Regulations (EC) No 852/2004, No 853/2004, No 854/2004 and No 882/2004. In addition the audit team assessed the measures taken by the Australian authorities in order to address the conclusions and recommendations of the FVO report DG(SANCO)/2010-8517 (hereafter referred to as 2010-8517).

The audit team in particular:

- assessed the controls in place over the production of fresh meat from ovine and equine animals and of fresh meat of farmed non-domestic and wild animals belonging to the suidae family including those controls necessary for certification in accordance with the requirements of Regulation (EC) No 119/2009 and Regulation (EU) No 206/2010;
- reviewed the system for the control and recording of animal movements, including those controls necessary for the certification in accordance with the requirements of Regulation (EC) No 119/2009 and Regulation (EU) No 206/2010; and
- reviewed the system for the controls necessary for certification of meat in relation to the requirements of Council Directive 96/93/EC.

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

| Competent Authorities | | | Comments |
|--|----------|---|--|
| Competent Authorities | Central | 1 | |
| | Regional | 4 | State Food Authorities of the State of South Australia, New South Wales, Queensland and Victoria |
| | Local | | In all establishments visited |
| Food production/Processing/Distribution - Activities | | | |
| Slaughterhouses | | 7 | 2 for horses, 5 for ovine |
| Cutting premises | | 8 | 1 stand alone |
| Game handling establishments (GHE) | | 4 | Kangaroos, wild boars |
| Cold stores | | 1 | |
| Laboratories | | 4 | Testing for <i>Trichinella</i> inside slaughterhouse or GHE |

3 LEGAL BASIS

The audit was carried out under the general provisions of EU legislation and, in particular Article 46 of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

Full legal references are provided in Annex 1. Legal acts quoted in this report refer, where applicable, to the latest amended version.

4 BACKGROUND

The previous audit concerning the safety of food of animal origin in Australia was carried out from 11 to 23 March 2010, the results of which are described in report /2010-8517. This report is accessible at:

http://ec.europa.eu/food/fvo/index_en.cfm

The action plan received from the Australian authorities provided satisfactory guarantees in response to all of the report's recommendations.

An exchange of letters between the CCA and Directorate General for Health and Consumers (DG(SANCO) Directorate G took place between April 2011 and July 2012 concerning the implementation of the AEMIS. The FVO took the opportunity of this audit to evaluate the system as implemented.

5 FINDINGS AND CONCLUSIONS

5.1 LEGISLATION AND COMPETENT AUTHORITIES

5.1.1 Legal basis

Article 46.1 of Regulation (EC) No 882/2004 stipulates that Community controls in third countries shall verify compliance or equivalence of third country legislation and systems with Community feed and food law and Community animal health legislation. These controls shall have particular regard to points (a) to (e) and (g) of the aforementioned Article.

5.1.2 Findings

5.1.2.1 Legislation

Significant changes in the secondary legislation, procedures and working instructions since the previous audit took place with regard to the Australian meat inspection system and certification to the EU.

1. AEMIS:

The relevant EU requirements concerning the particular changes in the Australian meat inspection system are:

- Article 2 point 1.h of Regulation (EC) No 854/2004 defines "official auxiliary" (OA) as a person qualified, in accordance with this Regulation, to act in such a capacity, appointed by the competent authority and working under the authority and responsibility of an official veterinarian (OV);
- At the same time Articles 5.4 and 5.6 of this Regulation clearly differentiates "official auxiliaries" from "slaughterhouse staff", attributes different tasks to them and excludes the possibility that slaughterhouse staff could play any role in the red (species different from poultry and lagomorphs) meat sector.
- Article 4 of Regulation (EC) No 882/2004 provides that staff carrying out official controls (e.g. OAs) must be free of any conflict of interest and that CAs must ensure impartiality.

The Australian meat inspection system was modified by the roll-out of the AEMIS on 26 September 2011 and includes the option for post-mortem inspection to be performed by either non-Government employed Australian Government AAOs or Government employed FSMA's depending on the preference of the FBO. Every slaughter chain using AAOs has at least one FSMA positioned at the end of the slaughter chain to primarily assess carcasses for food safety pathology and obvious contamination. The effectiveness of the post-mortem inspection process undertaken by AAOs is verified by an OPV and or FSMA (post-mortem verification). Additionally the DAFF has implemented in all establishments the collection and analysis of data on a daily basis to enable an objective assessment of performance using key performance indicators (KPIs) under the Product Hygiene Indicators (PHI) programme.

2. Certification to EU:

The relevant EU requirements concerning the particular changes in the Australian certification system are:

- Council Directive 96/93/EC on the certification of animals and animal products lays down the general rules to be observed.
 - Article 6 specifies that the Commission shall ensure that the rules and principles applied by third-country certifying officers offer guarantees at least equivalent to those laid down in this Directive.
 - Article 2 defines "certifying officer" which means the OV or - in the cases provided for in veterinary legislation - any other person authorised by the CA sign the certificates required by that legislation.
 - Article 3 points 3 lays down that the certifying officer when signing a certificate on the basis of another certificate or attestation, should be in the possession of that document and point 4 (a) clarifies that the person having provided this attestation has to be authorised by the CA and acting under the control of the OV.
 - Article 4 in particular provides that the CAs shall take all necessary steps to ensure the integrity of certification. In particular they shall ensure that certifying officers designated by them: (a) have a status which ensures their impartiality and have no direct commercial interest in the animals or products being certified or in the holdings or establishments in which they originate; this *mutatis mutandis* is also valid for the persons providing the attestations on which the certifying officer is relying.
- Regulation (EC) No 882/2004 (Article 4, point 2b), provides that staff carrying out official controls (e.g. OAs) must be free of any conflict of interest and that CAs must ensure impartiality.

Since the FVO report 2010-8517, the DAFF has reviewed the procedures in relation to certification to the EU. The AQIS Meat Notice 2010/04 was issued on 26/07/2010. It covers *inter alia* the changes to EU load out requirements as they relate to supervision of container sealing, etc. by the DAFF staff. It requests in particular the FBOs to identify company staff who will have the responsibility of EU establishments for controls of official marks, load in and load out requirements and validation of requests for permit (RFP). Appendix 2 as updated in March 2011 describes the different steps to be implemented in relation to the RFP for consignments intended for export to the EU. Based on this document RFPs can be validated by a DAFF officer or, where provided for under the AA, by a person designated by the FBO and authorised by the DAFF as a RFP validator. The Manual of Importing Country Requirements (MICOR) as updated on 22/07/2012, describes the controls to be carried out by the FBO at the time of loading for export to the EU.

The SOP 4.01 “The Special Market Requirements - Export Meat Program” have been modified, in particular, the work instructions concerning the EU Load-out and the validation of the EU RFP (request of permit) were changed on 2/10/2012 and the staff were informed by e-mail on 3/10/2012.

Observations:

- The national legislation does not provide for the identification of horses and does not include a definition of feral horses. However, an agreement with the industry and the AQIS has been made in order to put in place a system to guarantee the identification of horses, both domestic and feral horses, and to modify the HVD. (For additional information see also 5.3).
- The Australian monitoring programme for carcasses based on the requirements in Regulation (EC) No 2073/2005 on microbiological criteria was considered by DG(SANCO), taking into account the advice from European Food Safety Authority, to achieve a safety level equivalent to the EU system.

- AEMIS:

DG(SANCO) services were first informed of a proposed change to the inspection system in a letter to DG(SANCO) dated 20 May 2010. Since that time there have been a number of formal and informal meetings including an informal visit of a trial establishment in Queensland in March 2011 (not approved for export to EU). The DAFF wrote again on 8 April 2011 before informing DG(SANCO) services on 23 March 2012 that the CCA had implemented a new system for post-mortem inspection – AEMIS. Since October 2011 the AEMIS has been gradually introduced and is now operating in almost all beef and sheep export establishments and in all slaughter establishments eligible to the EU.

The system foresees non-government employed regulatory staff (AAOs) authorised under the Export Control Act 1982 specifically to undertake post-mortem inspection, under the supervision of the DAFF On-Plant Veterinarian (OPV) should FBOs wish to exercise this option¹. The FBOs may recruit, employ, and pay directly the staff that are appointed as AAOs. In addition they decide when and which staff member is made available for carrying out post-mortem inspection and what additional tasks they have to perform for the FBO. The

¹ Article 5 of Regulation (EC) No 854/2004 defines "official auxiliary" and establishes that they must be appointed by the CA and work under the responsibility and authority of the OV. At the same time, the Regulation clearly differentiates “official auxiliaries” from “slaughterhouse staff”, attributes different tasks to them and excludes the possibility that slaughterhouse staff could play any role in the red (species different from poultry and lagomorphs) meat sector.

AAO's appointment is made by the DAFF, following verification that the AAO has the appropriate qualifications (Certificate 4 in meat processing, or Certificate 3 in meat processing, along with the commitment to get a Certificate 4 within 12 months of appointment). The AAO must sign a Deed of Obligations which defines, through a legal contract with the Commonwealth government, the obligations to meet professional and ethical standards and disclose potential conflicts of interest. AAOs, must be identified with an ID card, and wear a clearly marked uniform when performing inspection tasks. FBOs, who must have procedures written in their establishment manual (also known as an AA) to ensure that there is no interference between the FBO and AAOs. AAOs are legally bound to perform professionally in the discharge of their duties.

- Their performance is verified daily in accordance with Work Instruction 3.03.01 "Post-mortem Verification" by either the OPV or the FSMA, on a sample of carcasses, offal (and heads in the case of cattle) by both witnessing the AAO in the performance of inspection procedures and an examination of the inspected product. There is a zero tolerance for food safety pathology or critical procedural defects. If an AAO fails to detect food safety pathology or fails to undertake a critical inspection procedure, they are removed from the inspection function immediately. Non-food safety pathology and non-critical inspection procedures have performance standards of <6% and <5% defects detected respectively. If an AAO breaches these standards more than 3 times in a 25 day moving window they are removed from inspection functions. In addition to this, under-performance of an AAO may be managed through a range of responses from further training through to revoking their official appointment. Where post-mortem inspection is performed by AAOs at cattle sheep and goat establishments, an FSMA performs carcass inspection after the final trim. This position is responsible for ensuring carcasses are fit for human consumption, and includes detecting faecal contamination missed at the final trim. AAOs are not responsible for detecting faecal contamination therefore detection of faeces is not included in the performance standards for post-mortem inspection. (See also point 5.6.2.2 for the observations on the implementation of the system in the individual establishments).

- Certifications procedures:

As currently designed, once an AA is in place covering the certification requirements, the system for certifying the export of meat to the EU is, at establishment level, totally delegated to the FBO. There is no intervention by the DAFF officials in the procedure for requesting an export permit, the issuing of a transfer certificate or in the control carried out at the time of loading of consignments to be exported to the EU. The role of DAFF officials is limited to verifying that establishments implement controls over edible products intended for export is in accordance with their AA. (See also point 5.7.2. for the observations on the implementation of the system in the individual establishments).

5.1.2.2 Competent Authorities

5.1.2.2.1 Organisation of Competent Authorities

- The organisation and co-ordination of the CA remain largely as described in the previous audit reports. However the AQIS, which has always been an operating area within the DAFF, now only uses the official title the Australian government Department of Agriculture, Fisheries and Forestry (DAFF). The DAFF continues to register, supervise and control the establishments approved for EU export and issues the certificates for their products.

- The State Regulatory Authorities (SRA) are responsible for the training of the hunters (harvesters), the accreditation of the hunters and the collections centres (field depots) and the yearly audit of hunters and field depots of wild game. They also control the transport to the processing establishments.
- The Australian Department of Sustainability, Environment, Water, Population and Communities approves the state kangaroo harvest management plans which determine the number of kangaroos (by species) able to be shot each year. State authorities are responsible for supplying individually numbered identification tags. It is mandatory for hunters to apply a tag to identify each animal shot.

Observations:

- Evidence was seen of the controls carried out by the SRA, as described, including audits on hunters/gatherers and chilled field containers, with follow-up of non-compliances when necessary and can be considered as satisfactory although not risk-based. However, no evidence was seen of a procedure in place to provide feed-back to the State Authorities by the FBO or the OPV of the GHEs on poor performances of the hunters and managers of the field depots. The only feed-back procedures in place are in regard to animal welfare issues.
- The DAFF carries out yearly audits on the State Regulatory and no major issues were identified.

5.1.2.2.2 Competent Authorities' powers, independence and authority for enforcement

The CAs have the necessary powers to access the facilities and documentation of the FBOs. No conflict of interest has been noted during the audit. However, the employment status of the AAOs does not provide protection against conflict of interest. In addition, the current wording of the AAs at some establishments does not contribute to the effective management of the potential for a conflict of interest. The CAs have the authority for enforcement.

5.1.2.2.3 Supervision

- Evidence was seen of the supervisory reports. The DAFF has reduced the audits carried out by the ATM from monthly to every two months. Weekly OPV reports were available and in most cases identified the main shortcomings. The audit team was informed that the DAFF is developing a revised audit plan which could include a further reduction of the audit frequencies to bi-annual but increasing the level of depth and the duration of each audit.

5.1.2.2.4 Training of staff in performance of official controls

Observations:

The CA informed the audit team that the DAFF staff receives bi-annual training. Extensive training programmes are in place which cover different topics. Attendance lists and the content of the training programmes were available to the audit team.

The staff met during the audit was competent to deliver the required standards.

The procedures to obtain accreditation as a harvester remained the same including the specific training. Additional training material including a DVD on the harvesting of kangaroos and the production of kangaroo meat has been developed.

5.1.2.2.5 Resources

During the audit, the audit team noted that sufficient numbers of staff and other resources were available to carry out official controls, except concerning the number of AAOs present on the line in one sheep slaughterhouse. (See also point 5.6.2.2).

5.1.2.2.6 Organisation of control systems

The organisation of the control systems remains largely as described in the previous audit reports with the exception of the post-mortem and the official certification.

In the establishments visited, where requested, the OPVs were able to provide evidence to the audit team of having carried out their checks. The models of the different check-lists have been amended in order to be introduced into the electronic documentary system.

5.1.2.2.7 Documented control procedures

Extensive documented procedures are developed and are available on line and are generally in place.

5.1.2.2.8 Official controls on imports

Official controls on imported products are carried out. The commodities relevant for this audit are not imported in Australia therefore not included in the scope of this audit.

5.1.3 Conclusions

In general, the organisation of the CAs, their powers and independence, the supervision to which they are subject to, and the authority they have to enforce the applicable/relevant legislation effectively is satisfactory. Documented control procedures are in place. The organisation, training and operation of the CAs can provide satisfactory assurances that the EU requirements for the export of meat, are met.

However, the AEMIS inspection system implemented by the DAFF in the export establishments is not in line with the requirements of Articles 2, 5.4 and 5.6 of Regulation (EC) No 854/2004, Article 4 of Regulation (EC) No 882/2004 and of point II.1.4 of the export certificate OVI because:

- AAOs do not meet the definition of an OA because they are employed and paid directly by the FBO and,
- the current wording of the AAs seen at some establishments did not contribute to the effective management of the potential for a conflict of interest².

The system in place for export certification in EU approved establishments operating under AA is not in line with Articles 3 and 4 of Council Directive 96/93/EC, and with Articles 4, 23 and 30 of Regulation (EC) No 882/2004 because the CA cannot ensure that the certifying officers and the persons, designated by them, providing the attestations on which the certifying officer is relying have a status which ensures their impartiality and have no direct commercial interest in the animals or products being certified or in the holdings or establishments in which they originate.

The DAFF verifies that the establishments have implemented effective controls over edible products and applies sanctions where this is not the case. However, there is no intervention by the

² In their response to the draft report the CA noted that in some cases the AA did not contain the words required by DAFF as part of its system for managing the possibility of AAOs having conflicts of interest.

DAFF officials in the procedure for requesting an export permit, the issuing of a transfer certificate or in the control carried out at the time of loading of consignments to be exported to the EU.

5.2 ANIMAL HEALTH CONTROLS

5.2.1 Legal requirements

Article 46 of Regulation (EC) No 882/2004 stipulates that Community controls in third countries shall verify compliance or equivalence of third country legislation and systems with Community feed and food law and Community animal health legislation. Point f) sets out that the official controls shall have particular regard to the situation regarding animal health, and procedures for notification of outbreaks of animal diseases.

Requirements for certification conditions for the introduction into the EU of fresh meat of ovines, horses, farmed and wild game intended for human consumption regarding animal health are laid down in point II.2 of the relevant model certificates "OVI", "EQI", "RUF" and "RUW" in part 2 of Annex II to Regulation (EU) No 206/2010.

The requirements for certification conditions for the introduction into the EU of fresh meat of wild mammals other than ungulates intended for human consumption regarding public health attestations are laid down in point II.2 of the relevant model certificate "WM" in Annex II to Regulation (EC) No 119/2009.

5.2.2 Findings

Australia is free of all disease relevant for the export of the commodities certified for export to EU.

5.2.3 Conclusions

The animal health situation is satisfactory and of no direct concern for the export of the commodities covered by this audit.

5.3 HOLDING REGISTRATION, ANIMAL IDENTIFICATION

5.3.1 Legal requirements

The veterinary certification requirements for the introduction into the EU of fresh meat are laid down in Regulation (EU) No 206/2010. Point II.2 of the model certificates in Part 2 of Annex II to the Regulation sets out the animal health requirements to be met.

5.3.2 Findings

The systems for the identification of live sheep and horses have not changed since the previous audit.

- Since 1 January 2009 all domestic sheep and goats must, without exception, be identified by an eartag bearing the Property Identification Code (PIC) of the holding of origin.
- In agreement with the horse meat industry, a system is in place for the identification of horses. All horses, with the exception of feral horses and brumbies, are identified with a unique number on a collar around the neck. Each horse slaughterhouse distributes their main

providers (horse traders) with these collars and booklets with the HVD. The horse traders ensure that the previous owner of the horse completes the HVD. Feral horses and brumbies must be accompanied with an HVD only, stating the type of horse.

- Regarding the identification of kangaroos and wild boars: the yearly quota for kangaroos per hunting ground is determined by the relevant state government and the Commonwealth. All carcasses have to be identified with individually numbered tags, attributed to the hunting ground.”

Observations:

Concerning horse identification:

- The farms of origin are identified on the HVD by their location address, and if issued, by the PIC number.
- The audit team was informed that the FBO of one of the two approved horse slaughterhouses carries out a quarterly audit of the traders providing horses to the slaughterhouse. The OPV participates in the audits once per year.³
- All domestic horses were identified when arriving in the slaughterhouse, either on the farm of origin, at the horse trader facility or at the entrance to the slaughterhouse. The two slaughterhouses used different systems: in one case reusable numbered collars were used to identify horses at arrival at the slaughterhouse; in the other one disposable collars with serial numbers were provided to the main suppliers (horse traders). However, the identification system as currently in place does not guarantee that the validity of the HVD can be verified in the case of horses with multiple owners in the six months prior to first purchase for slaughter and therefore if the withdrawal periods had been respected.

Concerning sheep and goat identification:

- Sheep in the slaughterhouses visited were identified with an ear tag bearing the PIC number. In cases where animals from sales yards were not identified they were excluded from the production of meat eligible for exports to EU. In cases where some unidentified animals arrived directly from a farm and belonging to a correctly identified flock, they were considered as belonging to this flock and therefore accepted for export to EU.
- The audit team was informed that a project for the electronic identification of sheep is being discussed by the federal, state and territory Ministers of primary industries.
- Goats, considered as feral goats were not identified at arrival in one slaughterhouse, were covered by one NVD but the number of animals was lower than the number of animals slaughtered.
- When sheep were originating from a sales yard were temporarily kept in a holding (depot), this period was not covered by an additional HVD. In one case seen the period not covered was seven days. This is not in line with Article 9, point A. 3.b of Council Directive 96/23/EC, because when an animal is presented at a first-stage processing establishment by someone other than the producer, the obligations as laid down for the producer are incumbent on the latter.
- In addition, during the day of the audit team's visit, a HVD had been presented in a slaughterhouse indicating that treatment took place but was not noticed by either the FBO or the OPV. Immediate action was taken by the CA to block the carcasses and to investigate the

³ In their response to the draft report the CA noted that the audits were carried out by staff of both slaughterhouses. However, during the FVO visit of this particular establishment, this was not mentioned.

information.

Concerning kangaroo identification:

- In the establishments visited, carcasses seen were identified with the DERM tag (Individually numbered identification marks) and the hunters' declaration was properly filled in containing the required details such as location, date and time of shooting, name and signature of the hunter.
- Unidentified carcasses were intentionally downgraded to pet food.

5.3.3 Conclusions

In general the requirements for holding registration and animal identification are fulfilled. However, the identification of horses at least six months prior to slaughter is not achieved as the link to the guarantees provided in the HVD cannot always be verified, particularly in the case of horses with multiple owners in the six months prior to first purchase for slaughter. In such cases it is not possible to verify if withdrawal periods have been respected.

The NVDs of sheep were not covering the periods of temporarily housing in holdings.

5.4 LABORATORY SERVICES

5.4.1 Legal requirements

The veterinary certification requirements for the introduction into the EU of fresh meat are laid down in Regulation (EU) No 206/2010. Point II.1 of the model certificates in Part 2 of Annex II to the Regulation sets out the public health requirements to be met, including the requirement to satisfy the relevant microbiological criteria set out in Regulation (EC) No 2073/2005, the special guarantees concerning *Salmonella* for consignments to Finland and Sweden, and the specific rules on official controls for *Trichinella* set out in Regulation (EC) No 2075/2005.

5.4.2 Findings

5.4.2.1 Laboratories testing microbiological criteria for foodstuffs

The sampling of sheep and goat meat for microbiological testing follows the procedures set out in the AQIS Meat Notice No 2007/12 “ESAM (*E. coli*-*Salmonella*) TVC sampling of carcasses in EU listed establishments”. This requires samples from carcasses to be collected at a frequency of 1 in 300 for bovine and horse, and 1 in 1 000 for other livestock species, and after a minimum of 12 hours chilling for horse and 4 hours chilling for sheep and goat carcasses.

Performance criteria are set for TVC at 3 log for m values and at 4.5 log for M values, on a moving window of 15 consecutive samples. The sampling of game meat for microbiological testing follows the procedures set out in the AQIS Meat Notice No 2010/02 “Microbiological Testing of Wild Game Carcasses and Products”. This requires samples to be collected at a frequency of 1 in 600 for dressed kangaroo carcasses, and 1 in 200 for dressed wild boar. All dressed kangaroo carcasses are to be sampled after completion of dressing at a point immediately prior to exiting the processing floor. Performance criteria are set for TVC at 4 log for m values and at 5 log for M values, on a moving window of 15 consecutive samples.

In May 2006 The Australian CA submitted a request for a formal recognition of the equivalence of ESAM, which was assessed in November 2011 as achieving a safety level equivalent to the EU system as set by Regulation (EC) No 2073/2005.

5.4.2.2 Laboratories for *Trichinella* testing

The DAFF stated that Australia is free of *Trichinella spiralis*, while *Trichinella pseudospiralis* is present in wildlife in Tasmania and *Trichinella papuae* was identified years ago in two sentinel pigs in the Torris Strait Islands. The DAFF also stated that it is not possible to organise standard proficiency tests among laboratories involved in routine testing at slaughterhouse level as the introduction of live samples of *Trichinella spiralis*, considered exotic disease in Australia, is legally prohibited. Instead, in 2011 and 2012 the DAFF prepared spike samples containing *Trichinella pseudospiralis* for analysis by these laboratories, with the purpose of assessing their performances, usually at the time of their audit by DAFF.

Observations:

- Proficiency tests are organised by the DAFF annually but are limited to one positive and one negative sample. The positive sample is prepared from frozen meat from mice containing dead larvae, which are damaged by the freezing process. In addition the DAFF carries out yearly audits of the laboratories but had not identified all the deficiencies found during the FVO audit⁴.
- In one horse slaughterhouse visited the internal laboratory was audited by the DAFF in 2011 and 2012. In November 2011, while performing testing on the spike sample, laboratory staff failed to recover larvae in a positive sample; however, the CCA did not request the laboratory to repeat the test or to take any additional corrective action⁴.
- In a game establishment processing wild boars, the person in charge of the testing had received no specific training on testing of *Trichinella spiralis*, and had failed the proficiency test in March 2011, as well as the DAFF auditor, however, the certificate of competency was renewed on the same day.
- In a second game processing establishment the certificates of competency for the laboratory staff were issued by the Quality Assurance manager of the company. After having successfully passed the proficiency test in March 2010, the laboratory failed the following test in November 2011. The audit report made by the DAFF noted that this was caused by longer digestion times applied and by the use of damaged *Trichinella* larvae.
- In a third game processing establishment the wrong quantities of pepsin and chloridric acid were used during the tests.

5.4.3 Conclusion:

Due to the justified restrictions on import of live *Trichinella spiralis* samples, it has not been possible for the DAFF to set up an effective system of proficiency testing.

⁴ In their response to the draft report the CA noted that an attempt was made to use a sample of mouse tissue obtained from a University source and containing *Trichinella pseudospiralis* larvae which were no longer viable and very degraded. Spiked samples were prepared from the mouse tissue and supplied to laboratories but as the samples were very degraded to start with (temperature abused and subject to many freeze/thaw cycles), they proved unsuitable as PT samples. It was hoped they would help to show laboratory personnel what a freshly prepared *Trichinella* larvae looks like under a microscope.

As a consequence of this, together with deficiencies identified in the laboratories and in the administration of the PT system in place, the CA is not in a position to provide the guarantees required by point II.I.3 of the certificates for equidae (EQI) and wild suidae (SUW).

This is mitigated by the absence of *Trichinella spiralis* in Australia.

5.5 LISTING OF ESTABLISHMENTS

5.5.1 Legal requirements

Article 12 of Regulation (EC) No 854/2004 requires that products of animal origin may be imported into the Community only if they have been dispatched from, and obtained or prepared in, establishments that appear on lists drawn up, kept up-to-date and communicated to the Commission.

5.5.2 Findings

A system is in place for the approval and listing of establishments producing products covered by this audit.

It is a requirement for the establishments to have a DAFF AA in place that describes how the objectives and requirements of the Export Control (Meat and Meat Products) Orders and importing country requirements will be achieved. Each page of the AA is stamped by the Area Technical Manager (ATM) with an official stamp indicating the date of approval.

Due to seasonal variation it is not uncommon for Australian establishments to be closed for shorter or longer periods and still remain on the list of approved establishments. The CA will continue to carry out quarterly audits of the closed establishments to ensure that they still fulfil all requirements during periods with no activities.

The CA explained that in the case of more than 12 months of inactivity the legislation specifies that the AA may be suspended and that after a further 12 months of inactivity the registration may be revoked. All EU listed establishments must comply with EU requirements while listing is maintained. In the case of an establishment that is not operating for a period of time the establishment is still required to meet EU requirements to retain listing. This is verified by the DAFF audits of the establishment to confirm ongoing compliance to EU requirements.

Observations:

- One establishment not visited is listed for export of wild game meat to the EU despite not being in operation for more than three years. The CA explained that the formal procedure to notify the FBO and to revoke the approval had been postponed due to on-going negotiations with potential customers. No notification letter has yet been sent to the FBO.
- All wild game meat establishments visited were also approved and listed for export of meat products to the EU without having any facilities for this activity (a similar shortcoming was identified during the 2010 audit).
- In several cases AAs were not kept up-to-date. The following shortcomings were identified:
 - some activities (e.g.: processing, species) were not covered;
 - in some cases the AA did not describe the actual procedures in place;
 - the AAs in game establishments referred to obsolete EU legislation (Council Directive 92/45/EC);

- the official approval of amendments to the AAs had in some cases been done more than one year after the documents had been amended; and
- some AAs or amendments had been approved despite containing obvious errors.

5.5.3 Conclusions

A comprehensive approval procedure for establishments listed for export of products covered by the scope of the audit is in place. However the EU listing had in several cases not been updated and does not always accurately reflect the activities carried out in establishments.

5.6 OFFICIAL CONTROLS AT ESTABLISHMENT LEVEL

5.6.1 Legal requirements

Article 12 of Regulation (EC) No 854/2004 lays down that the CA of the third country of origin has to guarantee that establishments placed on the list of establishments from which imports of specified products of animal origin to the EU are permitted, together with any establishments handling raw material of animal origin used in the manufacture of the products of animal origin concerned, complies with the relevant Community requirements, in particular those of Regulation (EC) No 853/2004, or with the requirements that were determined to be equivalent and that an official inspection service supervises the establishments and has real powers to stop the establishments from exporting to the EU in the event that the establishments fail to meet the relevant requirements.

The animal and public health and veterinary certification requirements for the introduction into the EU of products of animal origin intended for human consumption are laid down in the product specific Commission Regulations covered by the scope of the audit, i.e. Regulation (EC) No 119/2009 and Regulation (EU) No 206/2010.

5.6.2 Findings

5.6.2.1 Ante-mortem inspection

Observations:

- In all slaughterhouses visited the ante-mortem inspection was carried out satisfactorily by the OPV. Ante-mortem inspection results were recorded on pen-cards.
- In the GHEs the pre-dressing inspection was not always included in the AAs or was not formally documented and supervised by the OPV.

5.6.2.2 Post-mortem inspection

Observations:

- Seven out of eleven establishments visited, including one GHE, had AAOs operating post-mortem inspection along the slaughter chain.
- In one ovine slaughterhouse 12 AAOs and 3 supervisor AAOs were employed in 2 shifts to perform the post-mortem examination. The AAOs' files lacked several documents relevant for their appointment: 7 of them were appointed without having the minimum training requirements (Certificate of level 3 with commitment to obtain

this certificate within 12 months). In addition, the AA (as validated by the ATM) contained the additional duties of the AAO, while performing post-mortem examination on behalf of the DAFF, to trim some commercial defects and to save as much wholesome product from the carcasses as was possible. The AA also required a “common sense” approach when considering condemnation of viscera that had some spillage of intestinal tract content.

- In case of failure of any AAO to meet performance standards, the Work Instruction required the OPV to discuss the problem with the Quality Assurance Manager (an AAO himself) as a representative of the FBO, and determine the appropriate corrective and preventive actions.
- At establishments using AAOs for post-mortem inspections, the AEMIS requires that FBOs are responsible for ensuring a sufficient number of AAOs is always available to meet the post-mortem inspection performance standards for each inspection position. The staffing level varied significantly between slaughter lines operating at the same speed (in two cases two AAOs on carcass, two on offal and one at the retain chain while in another establishment only one AAO on carcass and one on offal, both red and green, without any significant difference in the amount of pathology in the animals being processed). The audit team noticed that in that particular case some of the prescribed inspection tasks were not performed, which had not been identified by the post-mortem verification procedure. The OPV had not taken the necessary steps to ensure that post-mortem inspection is undertaken in accordance with the DAFF requirements.
- Management of the under-performance of an AAO is an OPV responsibility. The CA can only object to the staffing level if it has been documented that the AAOs are not meeting the required performance standards. However, Article 5 of Regulation (EC) No 854/2004 lays down that the CA shall ensure that they have sufficient official staff to carry out the official controls required under Annex I with the frequency specified in Section III, Chapter II and that a risk-based approach shall be followed to assess the number of official staff that need to be present on the slaughter line in any given slaughterhouse. The number of official staff involved shall be decided by the CA and shall be such that all the requirements of this Regulation can be met.
- Another ovine slaughterhouse visited was employing seven appointed AAOs and one AAO on training (awaiting appointment). No additional duties were foreseen for them in the AA while performing post-mortem inspection. While examining the AAO's files, the audit team noted that four of them, although appointed since October 2011, had not yet received an identity card from the DAFF.
- In two ovine slaughterhouses the ID cards of the AAOs had expired or had not been issued.
- In all establishments making use of AAOs, the verification of the post-mortem inspection performance on AAOs and FSMAs were carried by the DAFF, in accordance with the AEMIS; the average of their under-performance was in nearly all cases below the maximum limits set in the procedures. However in one establishment when the AAO had failed to meet the required non-food safety pathology and non-critical inspection procedure performance standards on 2 consecutive days, the CA explained that no action could have been taken because the “moving window” of 25 days had not yet elapsed. This under-performance of the AAO should have been managed by notifying the QA Manager and the AAO and determining appropriate corrective and preventive action, however no evidence was

shown to the audit team that this had been the case ⁵.

- In all slaughterhouses visited the post-mortem inspections were mostly performed in a satisfactory way by skilled staff, both the the DAFF and the AAOs but with some shortcomings: e.g. green offal not properly inspected.
- The FSMAs were performing a final carcass check on at least 80% of the carcasses. However, verification of the absence of contamination is covered by the assessment of performance using KPIs under the PHI programme and not during the final carcass check.
- In one establishment the post-mortem examination of game carcasses was not always carried out shortly after arrival in the game processing plant, and in a few cases, it was up to six days after arrival.
- In one game processing establishment visited, FBO staff without consulting the OPV, condemned a few parts of the carcasses and whole carcasses prior to official inspection.

5.6.2.3 *General and specific hygiene requirements*

Observations:

In all the establishments visited, the structure, layout, equipment, cleaning and disinfection procedures were generally in line with EU requirements. Some deficiencies were noticed, and in some cases, immediate action was taken. These deficiencies concerned mainly the maintenance, operational practices, slaughter hygiene and layout such as:

- one GHE, which had incorporated some of the activities and staff of a temporarily closed establishment, was congested with a potential impact on the hygiene of the meat. Activities such as cutting took place in the load out area for carton packed meat;
- in some establishments visited the measures to prevent the entrance of rodents and insects was insufficient: gaps under doors, waste water collection points not covered with grids;
- employees were outside the buildings with working clothes during lunch and smoke breaks;
- in two establishments in-depth cleaning of the more difficult accessible areas was neglected. Some minor cleaning deficiencies were seen in another establishment: dust on plastic liners which were covering cartons;
- insufficient height of rail with horse carcasses (or in the case of camels) touching floor during evisceration;
- in general, the slaughter hygiene in the majority of the slaughterhouses visited was of a satisfactory standard, however, in two sheep slaughterhouses, the operational hygiene was not fully respected: wool was rolling in during the carcass dressing of some carcasses, rupture of udders contaminated with milk on exposed carcasses;

⁵ In their response to the draft report the CA noted that AAOs were permitted three breaches of the non-food safety pathology and non-critical inspection procedure performance standards within a 25 day moving window before they were automatically removed from inspection functions. However, under-performance of an AAO could also be managed through responses ranging from further training through to revocation of their official appointment.

extensive use of steam vacuum cleaners in different places on the chain to remove contamination and extensive final carcass wash causing cross-contamination by back splash. In addition, in two GHEs deficiencies in the hygienic dressing procedures for kangaroos was noted;

- some other bad operational practices with an impact on hygiene were occasionally seen: no sterilisation of brisket cutter, knives not sterilised in between different carcasses and hands insufficiently washed;
- maintenance problems in relation to over-head structures, floors, damaged connections to drains, etc. were noticed;
- the actual conditions relating to structures and equipment for a temporarily closed GHE were not in line with the required standards and should be corrected prior to resuming activity.

5.6.2.4 HACCP-based systems

Observations:

All the establishments have HACCP-based systems in place, presented to the OPV and up-dated. No major deficiencies were noticed.

5.6.2.5 Microbiological testing

Observations:

In all EU listed establishments visited by the audit team the frequency of sampling within the ESAM was followed as required by AQIS Meat Notices SR No 2003/06, 2007/12 and 2010/02. The results were satisfactory.

5.6.2.6 Traceability and identification marking

Observations:

Traceability systems were in place in all establishments visited. They were covering the production of meat from the entry of animals into the establishment until the exit of the meat. These systems were in general documented. Nevertheless the audit team found that:

- none of the establishments visited had carried out detailed qualitative and quantitative traceability exercises as included in the instructions. In some cases mock recall procedures and exercises could be demonstrated;
- in one establishment reconciliation of live animals that arrived and were slaughtered was not correct;
- in another establishment the data recorded at the entry of the cutting room were not reflecting the physical reality of the carcasses stored on the rails at the entrance of the cutting room;
- in the same establishment, the FBO was unable to provide supportive documentation for most of the certificates evaluated by the audit team;
- in a third establishment, the OPV did not know who was the RFP validator in charge of certification for the company;
- in several slaughterhouses there was a mismatch between the dates of slaughter and cutting dates.

5.6.2.7 *Animal welfare at the time of slaughter or killing;*

Observations:

- In most cases the NVD indicated that the sheep were not fed or watered for up to 24 hours prior to transport; it was also accepted that the animals were off water for up to another 24 hours during transport. The sheep had access to water in the slaughterhouse but should be fed only if kept for more than 24 hours in the slaughterhouse lairage.
- In general all animals were well handled and stunned. All sheep are slaughtered under particular religious rules but included always stunning prior to bleeding.
- No kangaroos were seen with body shots.

5.6.2.8 *Documentation of official controls*

Observations:

- In all establishments visited documented evidence of official controls carried out by the OPV was available. However the follow-up activities were not always well documented.

5.6.3 *Conclusions*

In most of the establishments visited, the structure, layout, equipment, maintenance, cleaning and disinfection procedures were satisfactory. However, in some cases deficiencies were noted regarding slaughter hygiene and concerning traceability. The stunning and animal welfare at slaughter were satisfactory.

The AEMIS inspection system implemented by the DAFF in the export establishments is not in line with the requirements of Articles 2, 5.4 and 5.6 of Regulation (EC) No 854/2004, Article 4 of Regulation 882/2004, and of point II.1.4 of the export certificate OVI because:

- AAOs do not meet the definition of an OA, because they are directly employed and paid by the FBO and,
- the current wording of the AAs seen at some establishments did not contribute to the effective management of the potential for a conflict of interest.
- The procedures for the appointment of the AAOs by the DAFF are not harmonised.

The CA's performance was in general considered acceptable or good.

5.7 OFFICIAL CERTIFICATION

5.7.1 Legal requirements

Council Directive 96/93/EC on the certification of animals and animal products lays down the general rules to be observed:

- Article 6 specifies that the Commission shall ensure that the rules and principles applied by third-country certifying officers offer guarantees at least equivalent to those laid down in this Directive.
- Article 2 defines “certifying officer” which means the OV or - in the cases provided for in veterinary legislation - any other person authorised by the competent authority to sign the certificates

required by that legislation.

- Article 3 point 3 lays down that the certifying officer when signing a certificate on the basis of another certificate or attestation, should be in the possession of that document and point 4 (a) clarifies that the person having provided this attestation has to be authorized by the competent authority and acting under the control of the OV.
- Article 4 in particular provides that the competent authorities shall take all necessary steps to ensure the integrity of certification. In particular they shall ensure that certifying officers designated by them: (a) have a status which ensures their impartiality and have no direct commercial interest in the animals or products being certified or in the holdings or establishments in which they originate; this is *mutatis mutandis* also valid for the persons providing the attestations on which the certifying officer is relying.

Article 4 of Regulation (EC) No 882/2004 provides that staff carrying out official controls (e.g. OAs) must be free of any conflict of interest and that CAs must ensure impartiality.

The specific animal and public health and veterinary certification requirements for the introduction into the EU of products of animal origin intended for human consumption are laid down in the product specific Commission Regulations (see point 5.7.1).

5.7.2 Findings

- During on the spot visits in EU approved establishments deficiencies were identified in the process for requesting an export permit. In different cases (two) the quantities of goods mentioned on the RFP including at the “FINAL” stage were different to the quantities mentioned on the certificate issued. This had not been identified by the FBO’s Validator or by the OPV in charge of the establishment, or at EXDOC level. The CA could not provide any explanation for these discrepancies which should not have been possible.
- During their visits to EU approved establishments, FVO auditors have reviewed in detail RFPs issued and validated by the establishments. In a significant number of cases the FBO could not provide the EU auditors with the documentation supporting the statements made in the official certificate issued by the DAFF via EXDOC. In numerous cases it was demonstrated by the FVO auditors that the dates of slaughter and killing of the animals the meat of which was certified to the EU, were different to those mentioned in the certificate. It was also identified that 2 FBOs processing game meat are certifying systematically a default harvesting date within 14 days before boning, which did not reflect the real harvesting dates. In several cases the harvesting date was earlier than declared and outside the authorised period. In two establishments, the FVO auditors demonstrated that incorrect information concerning slaughter dates in Meat Transfer Certificates (MTCs) was not identified. This incorrect information was used as a basis for issuing an EU export certificate.
- In none of the establishments visited could the DAFF demonstrate to the FVO auditors their verification of the FBO procedure for issuing RFP and MTCs. Nevertheless the OPV carried out or just started to carry out load out checks which could not be considered as a verification of the FBOs' obligations in relation to the accuracy of the information included in the RFPs and MTCs.
- The prescribed weekly load-out checks and monthly full traceability checks have in most cases not been carried out by the DAFF officials.
- The audit team was informed that in most cases the RFPs are validated by the FBOs.

There is no information in the EXDOC system to indicate if an AA covers adequately the load-out procedures for the EU or is suspended (e.g. in the case of more than 12 months of inactivity) and if the validating officer is entitled to validate RFPs for export to the EU. In two establishments visited, all the RFPs were issued by the parent company without any involvement of the FBOs' staff or the OPV on the spot.

5.7.3 Conclusions

All these findings question the reliability of the Australian system for certifying meat to the EU. The certification is not in line with the requirements of Article 4 of Regulation (EC) No 882/2004 and Council Directive 96/93/EC, in particular Article 4 because the CAs have not taken all the necessary steps to ensure that certifying officers and the persons, designated by them, providing the attestations on which the certifying officer is relying have a status which ensures their impartiality and have no direct commercial interest in products being certified or establishments in which they originate. The DAFF verifies that the establishments have implemented effective controls over edible products and applies sanctions where this is not the case. However, there is no intervention by the DAFF officials in the procedure for requesting an export permit, the issuing of a transfer certificate or in the control carried out at the time of loading of consignments to be exported to the EU.

6 OVERALL CONCLUSIONS

In general, the organisation of the control of the whole chain of the production of fresh meat of domestic animals and wild game meat intended for export to the EU is satisfactory with the exception of the concept introduced by the AEMIS. The AEMIS inspection system implemented by the DAFF in the export establishments is not in line with the requirements of Regulation (EC) No 854/2004 because the AAOs who are directly employed and paid by the FBO cannot be considered as OAs to perform post-mortem inspection.

The AEMIS inspection system implemented by the DAFF in the export establishments is not in line with the requirements of Regulation (EC) No 854/2004.

Significant issues still remain concerning horse identification, the NVD for sheep not covering certain periods and internal traceability. *Trichinella* testing is not in compliance with EU requirements but this is mitigated by the absence of *Trichinella* in Australia.

The current wording of the AA seen at some establishments did not contribute to the effective management of the potential for a conflict of interest. In addition, as currently designed, once an AA is in place covering the certification requirements, the system for certifying the export of meat to the EU is, at establishment level, totally delegated to the FBOs.

The reliability of the Australian system for certifying meat to the EU has to be questioned in light of the findings. The certification procedure is not in line with the requirements of Council Directive 96/93/EC and with Article 4.b of Regulation (EC) No 882/2004 because the CA cannot ensure that the certifying officers and the persons, designated by them, providing the attestations on which the certifying officer is relying, have a status which ensures their impartiality and have no direct commercial interest in the animals or products being certified or in the holdings or establishments in which they originate although required by Article 4 of 96/93/EC.

7 CLOSING MEETING

A closing meeting was held on 24 October 2012 with the CCA, the DAFF (formerly known as the AQIS). At this meeting the audit team presented the findings and preliminary conclusions of the audit and advised the CCA of the relevant time limits for production of the report and their response.

The representatives of the CCA acknowledged the findings and conclusions presented by the audit team. In addition, information on action already taken and planned in order to address particular findings in the establishments visited was provided.

8 RECOMMENDATIONS

An action plan describing the action taken or planned in response to the recommendations of this report and setting out a time table to correct the deficiencies found should be presented to the Commission within 25 working days of receipt of the report.

| N°. | Recommendation |
|-----|---|
| 1. | To ensure that official controls in European Union approved establishments in the scope of this audit are applied in order to meet the requirements of Article 12(2) of Regulation (EC) No 854/2004, in particular concerning hygiene conditions and traceability and that the listing is up to date. |
| 2. | To ensure that the post-mortem inspection system implemented by the Department of Agriculture, Fisheries and Forestry in the export establishments is in line with the requirements of Regulation (EC) No 854/2004. |
| 3. | To ensure that, in accordance with Commission Regulation (EC) No 206/2010, Annex V, point h, the rules of certification equivalent to those laid down in Council Directive 96/93/EC are followed. |
| 4. | To ensure that the Trichinella testing methods and the supervision of the laboratories are brought in line with the requirements of Regulation (EC) No 2075/2005, as required by point II.1.3 of the export certificate. |
| 5. | To ensure that the Food Chain Information, as required by Section III, Annex II to Regulation (EC) No 853/2004, in particular regarding the administration of veterinary medicinal products and their withdrawal period, is complete and reliable, as required by point II.1.7 of the export certificate. |
| 6. | To ensure that the identification of horses, at least six months prior to slaughter is achieved and to ensure the reliability of the guarantee that horses are not treated with |

| N°. | Recommendation |
|------------|--|
| | the essential substances included in the Annex of Commission Regulation (EC) No 1950/2006, during the 180 days prior to slaughter. |

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=2012-6361

ANNEX 1 - LEGAL REFERENCES

| Legal Reference | Official Journal | Title |
|------------------------|---|--|
| Reg. 178/2002 | OJ L 31, 1.2.2002, p. 1-24 | Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety |
| Reg. 852/2004 | OJ L 139, 30.4.2004, p. 1, Corrected and re-published in OJ L 226, 25.6.2004, p. 3 | Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs |
| Reg. 853/2004 | OJ L 139, 30.4.2004, p. 55, Corrected and re-published in OJ L 226, 25.6.2004, p. 22 | Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin |
| Reg. 854/2004 | OJ L 139, 30.4.2004, p. 206, Corrected and re-published in OJ L 226, 25.6.2004, p. 83 | Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption |
| 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. 2073/2005 | OJ L 338, 22.12.2005, p. 1-26 | Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs |

| Legal Reference | Official Journal | Title |
|------------------------|--------------------------------|---|
| Reg. 2074/2005 | OJ L 338, 22.12.2005, p. 27-59 | Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 |
| Reg. 2075/2005 | OJ L 338, 22.12.2005, p. 60-82 | Commission Regulation (EC) No 2075/2005 of 5 December 2005 laying down specific rules on official controls for Trichinella in meat |
| Reg. 1950/2006 | OJ L 367, 22.12.2006, p. 33-45 | Commission Regulation (EC) No 1950/2006 of 13 December 2006 establishing, in accordance with Directive 2001/82/EC of the European Parliament and of the Council on the Community code relating to veterinary medicinal products, a list of substances essential for the treatment of equidae |
| Dir. 93/119/EC | OJ L 340, 31.12.1993, p. 21-34 | Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing |
| Dir. 96/22/EC | OJ L 125, 23.5.1996, p. 3-9 | Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC |
| Dir. 96/23/EC | OJ L 125, 23.5.1996, p. 10-32 | Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC |

| Legal Reference | Official Journal | Title |
|------------------------|-------------------------------|--|
| Dir. 96/93/EC | OJ L 13, 16.1.1997, p. 28-30 | Council Directive 96/93/EC of 17 December 1996 on the certification of animals and animal products |
| Dir. 98/83/EC | OJ L 330, 5.12.1998, p. 32-54 | Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption |
| Reg. 206/2010 | OJ L 73, 20.3.2010, p. 1–121 | Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements |
| Dir. 2002/99/EC | OJ L 18, 23.1.2003, p. 11-20 | Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption |
| Dec. 2011/163/EU | OJ L 70, 17.3.2011, p. 40-46 | 2011/163/EU: Commission Decision of 16 March 2011 on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC |