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FINAL REPORT OF AN AUDIT

CARRIED OUT IN

HUNGARY

FROM 07 TO 17 MAY 2013

IN ORDER TO EVALUATE THE FOOD SAFETY CONTROL SYSTEMS IN PLACE
GOVERNING THE PRODUCTION AND PLACING ON THE MARKET OF POULTRY MEAT
AND PRODUCTS DERIVED THEREFROM

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

Executive Summary

This report describes the outcome of a Food and Veterinary Office audit in Hungary, which took place from 7 to 17 of May 2013, in order to evaluate the official food safety control system in place governing the production and placing on the market of poultry meat and products derived therefrom.

The report concludes that there is a comprehensive and well documented system of official controls of poultry meat and products derived therefrom.

Although conditions at establishment level were generally adequate, the effectiveness of the system is limited by deficiencies in its implementation. In particular, these deficiencies include problems in ante-mortem and post-mortem inspections, insufficient supervision of mechanically separated meat production and labelling, unsatisfactory animal welfare conditions, cases of insufficient enforcement actions and inadequate training of official staff.

The report includes a number of recommendations addressed to the central competent authority, aimed at rectifying the identified shortcomings and deficiencies and enhancing the implementation of the official control system in place.

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ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

| Abbreviation | Explanation |
|---------------------|--|
| AHFCSD | Animal Health and Food Chain Safety Directorates |
| CA | Competent Authority |
| CCA | Central Competent Authority |
| CGO | County Government Office |
| EU | European Union |
| FBO | Food Business Operator |
| FCI | Food Chain Information |
| FFSD | Food and Feed Safety Directorate |
| FVO | Food and Veterinary Office |
| HACCP | Hazard Analysis Critical Control Points |
| MRD | Ministry of Rural Development |
| MSM | Mechanically Separated Meat |
| NFCSSO | National Food Chain Safety Office |
| NRL | National Reference Laboratory |
| OA | Official Auxiliary |
| OV | Official Veterinarian |
| RASFF | Rapid Alert System for Food and Feed |
| SOP | Standard Operational Procedure |

1 INTRODUCTION

The audit took place in Hungary from 7 to 17 May 2013 and was undertaken as part of the Food and Veterinary Office's (FVO) planned audit programme.

The audit team comprised two FVO auditors. Representatives from the competent authority (CA) accompanied the audit team during the whole audit.

2 OBJECTIVES

The objective of the audit was to verify that official controls for poultry meat and products derived therefrom are carried out in compliance with EU legislation.

In pursuit of this objective, the audit team proceeded as follows:

- an opening meeting was held on 7 May 2013 with the Central Competent Authority (CCA) in Budapest. At this meeting the audit team confirmed the objective of, and itinerary for the audit, and requested additional information required for the satisfactory completion of the audit;
- the following sites were visited:

| | | |
|--|---|--|
| Competent authority visits | | |
| CCA | 1 | Opening and closing meetings |
| CAs | 2 | County and District authorities |
| Laboratory visits | | |
| Official | 1 | Regional Laboratory |
| Primary production | | |
| Farms | 1 | Broiler farm |
| Food processing facilities | | |
| Slaughterhouses | 3 | One for broilers, one for turkeys, one for geese and ducks |
| Cutting plants | 5 | Two stand-alone, three attached to slaughterhouses |
| Meat preparation establishments | 3 | Attached to cutting plants |
| Poultry products establishments | 3 | Two stand-alone and one attached to a slaughterhouse |
| Mechanically separated meat (MSM) establishments | 3 | Attached to cutting plants |
| Minced meat establishments | 2 | Attached to cutting plants |

3 LEGAL BASIS

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

A full list of the EU legal instruments referred to in this report is provided in the Annex and refers, where applicable, to the last amended version.

4 BACKGROUND

4.1 PREVIOUS FVO AUDIT

An earlier poultry audit took place in 2008 as part of a general audit to Hungary (DG(SANCO 2009-8346). As regards the poultry sector the general audit report highlighted, problems in establishments visited and minor deficiencies related to HACCP systems implemented by Food Business Operators (FBOs), to official controls on potable water quality and to the use of food additives. The report which is published on the Health and Consumers Directorate-General Internet site at http://ec.europa.eu/food/fvo/ir_search_en.cfm made a number of recommendations to the CAs.

A follow-up of the poultry element of the general audit was carried out which confirmed that the required corrective actions had been taken to remedy the situation in the establishments visited and written guarantees were received from the CA in relation to the implementation of the other recommendations.

4.2 PRODUCTION INFORMATION

The audit team was informed by the CCA that almost 220,000 tonnes of chicken meat and edible offal of chicken, 119,000 tonnes of meat and edible offal of ducks, geese or guinea fowls and 74,000 tonnes of turkey meat and edible offal of turkey were produced in Hungary in 2012.

5 FINDINGS AND CONCLUSIONS

5.1 LEGISLATION AND IMPLEMENTING MEASURES

Legal requirements

Article 4.2 (e) and Article 8 of Regulation (EC) No 882/2004.

Articles 1(3) (d), Article 1(4) and Article 10 of Regulation (EC) No 853/2004.

Directive 98/34/EC

Findings

The legal powers to carry out official controls in food establishments are granted by the Food Act and the government decree on the National Food Chain Safety Office (NFCSSO).

Implementation of the official control system is based on various government decrees and several CCA issued guidelines and instructions. The latter include standard operational procedures (SOPs), several checklists and inspection templates used for the various controls involved. There is also a special chapter in the SOPs dealing with the tasks of Official Veterinarians (OVs) at the poultry establishments (covering items like food chain information (FCI), ante-mortem inspection at farms, post-mortem inspection and daily tasks of OVs).

Furthermore, the CCA has recently published several documents covering other aspects of official controls at establishment level:-

- Specific guidelines on poultry meat inspection and the duties of official supervision staff

(OVs and Official Auxiliaries (OAs)),

- Guidelines for the official supervision of microbiological criteria monitored by FBOs,
- Guidelines for changing of testing frequencies in small capacity meat establishments,
- Guidance documents on the implementation of controls in relation to FBOs' HACCP based procedures.

As part of the legal requirements covering the sanitary aspects of the poultry industry in Hungary observed by the audit team, the audit team noted that there is national legislation in place (52/2010 (IV.30.) VM Regulation) for producers supplying small quantities of meat from poultry slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer as fresh meat (based on Article 1 point 4 of Regulation (EC) No 853/2004). This National legislation has not been notified to the Commission and Member States although required under Directive 98/34/EC.

There is also national legislation in place (75/2011 (VII.29.) VM Regulation) concerning the operation of low throughput poultry slaughterhouses (based on Article 10, point 4 (b) of Regulation (EC) No 853/2004). This has not been notified to the Commission and Member States although required under Article 10 (5) of Regulation (EC) No 853/2004.

Conclusions

While an in depth review of Hungarian legislation concerning official controls in the sector was not carried out, the provisions of the legal texts reviewed by the audit team appear to be generally compliant with EU requirements.

The national rules concerning slaughtering on the farm and low throughput poultry establishments have not yet been notified to the Commission and other Member States.

5.2 COMPETENT AUTHORITY

Legal requirements

Article 4, 6, 8, 54 and 55 of Regulation (EC) No 882/2004.

Section III of Annex I to Regulation (EC) No 854/2004, in particular Chapter III and IV.

Findings

The CCA for controls of poultry meat and products derived therefrom is the NFCSO which is under the Ministry of Rural Development (MRD). Controls are implemented by 19 government offices (the Animal Health and Food Chain Safety Directorates - AHFCSD) at county level, and by 198 District Animal Health and Food Control Offices at district level.

The role of the MRD is strategic planning, international affairs and the development of legislation.

The president of NFCSO is the Deputy Chief Veterinary Officer of MRD. Despite the direct administrative link with MRD, NFCSO is considered to be independent, with its own financial budget.

Tasks of the Food and Feed Safety Directorate (FFSD) within NFCSO include the organisation of training, the development of guidance documents and technical positions, the development of the monitoring sampling plans, the evaluation of data collected at district level and communication with the media and professional organisations.

The AHFCSDs are responsible for decisions at county level, the collection and initial evaluation of data at county level, the allocation of the sampling numbers to the district level, the preparation of reports to the central level, the issuing of approvals and the auditing of the work of staff at district level.

The official controls concerning FBOs facilities, meat inspection in the slaughterhouses and the official sampling are done normally by inspectors from the Animal Health and Food Control Offices at district level.

As of 1 January 2011, all county and district level authorities with tasks in the control of the food chain are part of the agricultural administration body of the County Government Office (CGO). These offices are under the administrative direction of the Ministry for Public Administration and Justice; however, the county and district food authorities are under the functional authority and the technical guidance of NFCSO.

Relations between NFCSO and CGOs are based on a direct line of command and a system of down level supervisions. Supervision inspections (which existed prior to the implementation of the new administrative organisation on 1 January 2011) are done by NFCSO (central level) to the county level (called technical internal checks) and by county to district level (in the form of joint inspections to food establishments).

Evidence of these generally comprehensive inspections and internal checks were noted by the audit team. Between 2007 and 2012, 41 technical internal checks took place in the poultry sector (34 of them combined with joint inspections on the spot). Some of the deficiencies found during this FVO audit at establishment level were also noted in the reports of these internal checks by NFCSO's services.

However, in one county visited (which has a large volume of poultry stock and FBOs) there was fewer official control staff than the number of slaughterhouses, which as described later in this report has a negative impact on the quality of official controls. According to the data provided by the director of the CGO concerned the total number of slaughterhouses (including slaughter of mammals) is 38 and the number of veterinarians was 28 (plus five Heads of Districts).

Poultry ante-mortem inspection is usually performed at farm level by private veterinarians that have a contract with the farmer. The audit team noted that these veterinarians have not been designated by the CA to carry out official controls on holdings on its behalf which is not in line with point A(3) of Chapter V, Section IV, Annex I to Regulation (EC) No 854/2004 in connection with Article 2(g) of Regulation (EC) No 854/2004. There is no approval procedure or legal specification of their duties, in particular concerning provisions to prevent any conflict of interest (Article 4.2(b) of Regulation (EC) No 882/2004).

Training

The training of official staff is based on a cascade principal covering the entire official control chain. Training sessions of a half day each (five in 2011 and four in 2012) take place at central level (in NFCSO) and cover various aspects of food safety and official control. The presentations for these sessions are used at a later stage at county level for the training sessions organised there, which cover county and district officials.

At county level, documentation of the training organised was found in the two offices visited.

The audit team noted that the knowledge of the official control staff at district level varied between the districts visited. In most cases, inspectors were familiar with the requirements of EU legislation used in their everyday duties, but on some issues (microbiological criteria, use of food additives, labelling, specific requirements in poultry meat establishments in Regulation (EC) No 853/2004) their knowledge was inadequate. The audit team noted several cases in which inspectors had not

detected deficiencies related to these issues.

Although the authorities at local level provide some input into the selection of training topics no evidence was provided that this data had been collated/analysed to justify the training programme adopted.

The audit team was informed by the CCA that the training system will change from June 2013, and that training sessions will be organised directly at county level with the participation of trainers from NFCSO.

The audit team also noted that the training of OAs was not always in line with the requirements of Chapter IV (B), Section III, Annex I of Regulation (EC) No 854/2004. In one case a recently recruited OA (three months before the FVO audit) had only limited on-the-job training given by the OV (120 hours) compared to the requirements described in Regulation (EC) No 854/2004.

Audit

Internal audits according to Article 4.6 of Regulation (EC) No 882/2004 are performed by the System Development Directorate which is under the supervision of the president of NFCSO.

However to date, no internal or external audits have been carried out covering the poultry sector.

Actions in cases of non-compliance and effectiveness of controls

Adequate legal provisions exist in order to enable the CAs to take measures in cases of non-compliances and/or to impose sanctions. Detailed categorisation of these actions and the level of fines were explained to the audit team.

However, the audit team noted cases where these provisions were not adequately followed by local level CAs:-

- In one documented case reviewed, poultry meat (700 turkey carcasses) obtained without ante and post-mortem inspections was nevertheless placed on the market with CA authorisation (Chapter V,1 (a), Section II, Annex I of Regulation (EC) No 854/2004). A fine (€200) was imposed but cannot be considered as proportionate and dissuasive (Article 55 of Regulation (EC) No 882/2004).
- No sanctions were imposed on a FBO for the repeated production of products not in compliance with Regulation (EC) No 2073/2005 (food safety criteria) (details in chapter 5.3.6). However the CA provided evidence to the audit team of fines imposed on this producer, in a later stage, when official samples were taken by other local authorities in the market place (by the retailers). The fines were imposed by the county authority responsible for the area in which the retailer was located.

Furthermore, the effectiveness of official controls was weakened by the fact that in some cases official control staff had limited knowledge of activities performed by FBOs:-

- In one establishment visited the OVs were not aware that meat preparations and frozen products were produced. Consequently controls linked to these products had not been made and deficiencies resulting from these activities had not been recorded during official control visits (e.g. microbiological samples from meat preparations, requirements on freezing of meat).
- In another similar case, meat preparations were produced in a part of an establishment that was only approved for meat products without the CA being aware of the fact, with the

potential for a higher risk of contamination.

In addition the audit team noted that in several establishments visited, deficiencies were present, including long standing ones (see details in chapter 5.3.5) but they had not been detected or reported during official control. As a consequence no enforcement action could be taken.

Conclusions

CAs responsible for the official control of activities within the scope of the FVO audit are designated as required by Article 4.1 of Regulation (EC) No 882/2004 and have adequate legal powers to enforce legislation.

The effectiveness of the system is compromised by the non-detection or reporting of long lasting problems and inadequate knowledge of FBOs' activities in approved establishments. Actions in cases of non-compliances and sanctions imposed are not always dissuasive and effective.

While some training courses are organised, insufficient knowledge of important EU requirements was found amongst CA staff at county and district level.

There is no official approval procedure covering private veterinarians performing ante-mortem inspection at farm level and in particular no provisions in place to avoid cases of conflict of interest.

5.3 OFFICIAL CONTROLS OF PRODUCTION AND PLACING ON THE MARKET

5.3.1 Controls at farm level

Legal requirements

Article 3 of Regulation (EC) No 882/2004

Annex I to Regulation (EC) No 852/2004,

Article 4 (2) of Regulation (EC) No 854/2004

Findings

Poultry farms are registered in a central database maintained and updated by the Animal Husbandry Directorate of NFC SO. The registration system is holding based. The frequency of official controls at poultry farms is determined centrally and as the audit team was informed there is on average one visit per farm every three years. No reports from official controls were available in the farm visited as it had only commenced operations in late 2012.

The audit team reviewed a standard checklist used by CAs when performing official controls at farm level, covering relevant requirements of EU legislation (biosecurity conditions, record keeping, implementation of *Salmonella* own-checks and animal welfare conditions).

The farm visited was maintained in adequate conditions, applied adequate biosecurity measures and was keeping relevant production data records.

The audit team noted that there was limited documented information about the medications given to the birds, the reasons for the medication, the duration of treatment or dosage, the commercial preparation used or the withdrawal periods, although required in point 8, Part A, Annex 1 of Regulation (EC) No 852/2004.

Nevertheless, FCI documents reviewed by the audit team in the slaughterhouses visited always contained information on the treatments applied and the relevant withdrawal periods.

The farmer visited works on an all-in all-out system for the farm performing several (five or more) depopulations between the 38 and 52 days of age of the birds. *Salmonella* samples are taken on the

28th day of bird's life and the results are included on the FCI documents. However the audit team noted that in the case of animals sent to slaughter after the 49th day the time between the sampling and the slaughter is longer than the three weeks required in EU legislation (point 2.1(a), Annex of Regulation (EU) No 200/2012). This concerns a limited number of birds but this is repeated for every batch.

The audit team also noted on the farm visited that the FCI documents did not always include the medication information although in some cases the birds had been treated during their fattening period; this is required in point 3(c), Section III, Annex II of Regulation (EC) No 853/2004. Nevertheless in the cases reviewed on the farm the withdrawal periods had been respected.

The birds are accompanied to the slaughterhouse by the FCI and a health certificate issued by the veterinarian responsible for the health status of the farm and performing the ante-mortem inspection.

Conclusions

Official controls are implemented on the poultry farms in order to verify FBO compliance with the provisions of Regulation (EC) No 852/2004. Flock records did not contain in some cases all necessary information concerning the use of veterinary medicines.

5.3.2 Approval procedures

Legal requirements

Article 6 of Regulation (EC) No 852/2004.

Article 4 of Regulation (EC) No 853/2004.

Article 31 (2) of Regulation (EC) No 882/2004.

Findings

The lists of approved establishments, including poultry slaughterhouses and cutting establishments are publicly available on the NFCSO website.

A FBO has to submit an application to the CA for the approval of an establishment before an on-site visit is carried out by the CA. According to the NFCSO, in cases of new establishments only conditional approval can be granted even where they comply fully with all the infrastructure and equipment requirements. In these cases full approval can be given only when an establishment is in operation and all pre-requisites can be controlled. Conditional approval cannot exceed six months.

The approval documents contain also the permitted capacities for the listed activities to be carried out.

In almost all the establishments visited, the audit team noted that there were several discrepancies between the approved activities mentioned in the NFCSO list and the activities that establishments had been approved for as contained in the official approval documents. In some cases these discrepancies still exist despite the long time elapsed since their approval (from five up to seven years). The CA explained that inadequate communication between county and central level could be the cause of this problem.

For example, the audit team noted that:-

- An establishment was approved for slaughtering and cutting of different poultry species, but in fact the FBO had slaughtered only geese and ducks for the last seven years and no equipment was available for other species production. Furthermore, even though the CA at

county level had withdrawn approval for the production of meat preparations, this activity was still in the NFCSO list of approved establishments.

- For several establishments the information available at central level refers to activities which were in fact not approved.
- Other establishments were mentioned on the NFCSO list as handling different kinds of poultry species but they were CA approved at country level for only one species.

In addition, it was noted that in an establishment listed for MSM production, the approval document contained the terminology “meat pulp” describing this product (details on labelling chapter 5.3.7). That was also the name used on the final product labels when dispatched to other producers.

Conclusions

Establishment approval procedures are in place. The system as implemented cannot guarantee that the list of approved establishments kept at central level contains accurate and up-to-date information on the activities performed in these establishments as required in Article 31, 2(f) of Regulation (EC) No 882/2004.

In one case the definition used on the approval documents was not in compliance with Annex I of Regulation (EC) No 853/2004 (meat pulp instead of MSM).

5.3.3 Ante-mortem inspection and post-mortem inspection

Legal requirements

Article 4 and 5 of Regulation (EC) No 854/2004.

Findings

Ante – mortem inspection

The CCA informed the audit team that in the vast majority of cases ante-mortem inspection is performed at farm level. That was the case for all slaughterhouses visited.

The private veterinarian that performs the inspection of the birds at farm level issues the health certificate that accompanies the birds to the slaughterhouse together with the FCI in accordance with Chapter X, Section IV, Annex I to Regulation (EC) No 854/2004. NFCSO has provided common templates for both of these documents.

The animals and the accompanying documents are checked in the slaughterhouse in most cases by an OA. This inspection at slaughterhouse level is based on documentary checks (FCI and health certificate), identification of the consignment, flock inspection, animal welfare conditions and necropsy of animals (by the OV) found dead on arrival.

In two slaughterhouses visited by the audit team, that inspection is carried out by the OA who is regularly supervised by the OV (present always in the slaughterhouse). Ante-mortem inspection monitoring records were adequately kept in these two slaughterhouses. In one of them, formal evidence was noted of feedback information sent to the farm of origin in cases of problems found during ante-mortem or post-mortem inspections.

Nevertheless, the situation was different in the geese and ducks slaughterhouse visited which slaughters the birds during the night (between 8pm and 6am) and the AMI checks are done by an OA without the presence of OV. The OV, who is not on the premises during the night, stated that if there is a problem he is consulted over the phone by the OA if need be and if the problem cannot be resolved by phone he goes to the slaughterhouse. There was no written evidence of such a procedure and the audit team could not verify what happens in cases of irregularities in the

accompanying documents and how a decision to slaughter is taken in these cases (Chapter II and III, Section II, Annex I of Regulation (EC) No 854/2004). The relevant documentation reviewed by the audit team covered very limited cases of problems arising and corrective actions taken during the ante-mortem inspection. There was no other evidence of regular supervision by the OV of the work done by OAs as required by point a (iii), Paragraph 2, Chapter II, Section III, Annex I of Regulation (EC) No 854/2004. In addition there was no risk analysis performed by the CA in order to adapt the frequency of the presence of OV in this slaughterhouse as required in point 2, Chapter II, Section III, Annex I to Regulation (EC) No 854/2004.

Post-mortem inspection:

In two of the slaughterhouses visited post-mortem inspection is done by the OA under the supervision of the OV. The line speed, the conditions at the post-mortem inspection points and the procedures used were generally adequate. Nevertheless the audit team noted that:-

- In one of the two, the OAs did not document their findings to the OV when carcasses were put aside for further inspection (it was however stated that no carcasses were discarded by the OAs alone).
- The OV was not always able to link the carcasses put aside by the OA to their batches for detailed examination as required in point 1(b), Part B, Chapter V, Section IV, Annex I of Regulation (EC) No 854/2004.
- The examination of a representative sample of carcasses per day was not done or was not documented by the OV (as required in point 1(a), Part B, Chapter V, Section IV, Annex I of Regulation (EC) No 854/2004).

In the geese/ ducks slaughterhouse two kinds of post-mortem inspection take place, in two different designated points, dependent on the type of evisceration:-

- In the case of the delayed eviscerated carcasses (carcasses of birds that had been slaughtered 12 hours before intended for the production of "foie gras"), post-mortem inspection starts usually in the morning and is done by an OA under the partial supervision of an OV. Two days of the week and during the morning hours the same OV also supervises the procedures followed in another slaughterhouse in the district (which performs discontinuous slaughter for geese and ducks) and therefore is not able to be present at all times during the post-mortem inspection in the establishment visited by the audit team. Moreover, the audit team noted that at the designated inspection point (which was located in an area before the removal of the liver), it was not possible for the OA to inspect all the offal of the carcasses (point D (1), Chapter II, Section I, Annex I of Regulation (EC) No 854/2004).
- For the normal evisceration procedure (evisceration immediately after slaughter), post-mortem inspection is done usually between 4am and 6am without the required presence of the OV, who inspects later in the morning the carcasses that have been put aside by the OA. The audit team found only limited evidence to verify that this is properly done by the OV (no documents produced by the OA communicating his findings to the OV, no documents of detailed examination of condemned carcasses by the OV, no documents of random inspections by the OV). Moreover, the designated point for that post-mortem inspection was not properly equipped (no equipment to help the inspection of all parts of the bird (no mirrors¹), inadequate lighting, no equipment for disinfection of knives) to ensure suitable inspection conditions.

¹ In their response to the draft report the CA stated that at the time of the audit this part of the line was empty, as no activity was being carried out there. This being the case, the portable mirror was indeed not on the premises. The lighting and disinfecting equipment have been improved.

Although requested by the audit team, the CAs could not produce evidence of a risk-based adaptation of the frequency of controls (presence of OV) in this slaughterhouse. This is however required by point 2, Chapter II, Section III, Annex I to Regulation (EC) No 854/2004 which indicates that the CA has to carry out a risk analysis to avail of this flexibility (in the case of discontinuous slaughter) taking into account requirements detailed in Annex VI.b, point 2 of Regulation (EC) No 2074/2005.

Conclusions

The presence of an OV in the slaughterhouse during ante and post-mortem inspection is not always guaranteed. To avail of the flexibility provided for in point 2, Chapter II, Section III, Annex I to Regulation (EC) No 854/2004 (adaptation of the frequency of controls (presence of OV) in slaughterhouses), the CA did not perform a risk analysis.

Ante-mortem inspection is generally carried out in line with the requirements of Regulation (EC) No 854/2004. Nevertheless, supervision of OAs by the OV is not sometimes adequate.

In the majority of the establishments visited post-mortem inspection is not carried out in compliance with the general requirements of Chapter II (D), Section I and Chapter I, Section III and the specific requirements of Chapter V (B), Section IV, of Annex I to Regulation (EC) No 854/2004 (limited number of birds inspected by OV, deficiencies in designated post-mortem inspection points, not all the offal subjected to inspection, limited documentation of post-mortem activities).

5.3.4 Animal welfare at slaughter

Legal requirements

Articles 3, 4, 5 and 17 of Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing.

Findings

In all the SHs visited there were animal welfare officers designated by the FBOs as required by Article 17(1) of Regulation (EC) No 1099/2009.

However, the Audit Team noted that:

- In all SHs visited stunning parameters followed by FBOs were not in compliance with point 6.3, Chapter II, Annex 1 to Regulation (EC) 1099/2009. In two of them, this led to welfare problems as a high percentage of animals showed signs of consciousness in the period between the end of the stunning process and death contrary to the requirements of Article 4(1) of Regulation (EC) 1099/2009. (birds opening and closing their mouths, flapping of wings, birds having their eyes open).
- There were several others non-compliances with the requirements described in Table 2, Chapter I, Annex I to Regulation (EC) 1099/2009 for electrical waterbaths (not all of them in all establishments): birds were receiving pre-stun shocks, only the heads of the birds were immersed instead of up to the base of the wings, long time intervals between stunning and killing.
- Stunning parameters were not adequately monitored although required by Paragraph 1, Article 5 to Regulation (EC) 1099/2009. In one establishment visited the monitoring documents did not correspond to the actual conditions and the values in use during the audit team visit.

Animal welfare issues during stunning and killing are normally not covered during the official

controls; the deficiencies found by the audit team had not been previously noted by the CA.

Conclusions

Animal welfare conditions at the time of killing in the slaughterhouses visited were found to be generally not in compliance with Regulation (EC) No 1099/2009 and not subject to official control contrary to the requirements of Article 5 of Regulation (EC) No 854/2004.

5.3.5 Controls at establishment level

Legal requirements

Article 3 of regulation (EC) No 882/2004

Article 4 of Regulation (EC) No 854/2004

Regulation (EC) No 1333/2008 on food additives

Findings

Annual planning of audits/controls of establishments

The official controls at establishment level are organised as either full audits or partial inspections.

Since 2012, the frequency of full audits is determined centrally based on the results of the previous year's audits (details of audits are uploaded in an intranet database by regional and district authorities). This selection process applies to all food establishments and the audit details (names of establishments to be audited) are sent directly from the CCA to the districts.

The results of the partial inspections performed by district authorities (four to eight per year in poultry meat establishments) are not taken into account while determining the full audit frequency. In addition, the information available on the activities performed in the establishments is not always accurate at central level as several discrepancies were found in the list of approved establishments (see chapter 5.3.2). To improve the accuracy of the data available at CCA level NFCSO is planning to expand the level of detail in the intranet database.

The audit team found that the frequency of full audits set centrally was generally respected.

General findings

Although the establishments visited by the audit team were found to be generally in compliance with EU legislation, some deficiencies were observed as follows (not all deficiencies present in each establishment):-

- Maintenance problems - in most of the establishments visited - not in line with the requirements of Chapter I, Annex II of Regulation (EC) No 852/2004 (damage to the walls and floors, problems in joint connections between the walls and the floors, area difficult to clean and disinfect, peeling of paint on the walls above exposed meat, channel drainage not free flowing - full of dirty water, rusty chains used for hanging of lights in the meat cutting room, bad sanitary conditions in some places such as corridors used for meat hanging transportation).
- Washbasins were not equipped with warm water or insufficient in number (point 4, Chapter I, Annex II of Regulation (EC) No 852/2004).
- Minor contamination problems of the carcasses touching structural elements of the establishment (points 2 & 3, Chapter IX, Annex II of Regulation (EC) No 852/2004).

- Ready-to-eat meat products (in edible casings) exposed to possible contamination by condensation (point 3, Chapter IX, Annex II of Regulation (EC) No 852/2004).

The majority of these deficiencies had also been recorded by the CA but still existed during the visit of the audit team despite that allegedly action plans had been implemented by FBO.

In addition, in the majority of the establishments visited some long standing problems were also present that had in most cases not previously been detected by the CAs (not all deficiencies present in each establishment):

- No covered waiting area for the birds in two slaughterhouses visited (point 1, Chapter II, Section II, Annex III of Regulation (EC) No 853/2004).
- No specific place for the cleaning of the birds' transportation vehicles in the same two slaughterhouses (point 6a, Chapter II, Section II, Annex III of Regulation (EC) No 853/2004). Cleaning was carried out in the area for unloading and hanging of birds. In the same very limited space the clean crates were stored before being re-uploaded and were exposed to contamination.
- Inadequate number of facilities for disinfecting tools and insufficient disinfection procedures followed in most of the cutting establishments visited (point 1(e), Chapter III, Section II, Annex III of Regulation (EC) No 853/2004).
- Metal tubes and electrical cables above exposed product in one establishment visited. These were in a bad state of hygiene and could not adequately be cleaned.
- Storage of plastic crates outside without any protection and as a result exposed to contamination.
- Large volume of production affecting the sanitary conditions and hygiene practices in one establishment e.g. (impeding the constant progress of operation or the flow of meat intended for cutting into the workrooms progressively as required in point 1 (a), Chapter III, Section II, Annex III to Regulation (EC) No 853/2004).
- Production systems in place that allowed maximum time between slaughtering – cutting of meat and freezing being up to five days. This cannot be considered as done "without undue delay" and therefore not in line with point 5, Chapter V, Section II, Annex III, of Regulation (EC) No 853/2004.
- Several discrepancies regarding the production and labelling of MSM. The majority of these cases had not been detected as such by the CA (details in chapter 5.3.7 on labelling and chapter 5.3.2 on approval procedures).

The audit team also noted that the use of food additives in poultry establishments producing meat product was not supervised by the CA in any of the establishments visited and was usually not included in the CA's audit scope. In two of the establishments producing meat preparation the audit team noted the use of non-permitted food additives.

Findings related to HACCP based procedures

All the establishments visited had HACCP systems in operation.

For the audit of HACCP systems, official inspectors use regularly a general centrally developed checklist (which contains some general questions on HACCP principles). In two establishments visited located in the same county, a more detailed and specific HACCP checklist also developed at central level was used.

During the visits the audit team noted cases of inaccurate evaluation of the FBOs' HACCPs plan by the CAs:

- In an establishment producing smoked meat products, the smoking step of the production line was not monitored for the level of contamination with Polycyclic Aromatic Hydrocarbons. That hazard was not included in the HACCP plan and the compliance with the limits set in point 6.1.4, Section 6, of the Annex to Regulation (EC) 1831/2003 could not be assured.
- In the same establishment the safe use of food contact material for meat products was not validated. In this case meat products were wrapped in plastic film before the cooking (boiling) process. The FBO could not demonstrate that the use of these food contact materials at cooking temperatures and for the specified cooking time would not lead to chemical contamination.
- In the slaughterhouses visited there were no provisions in the HACCP plans for slaughter of flocks positive for *Salmonella*. In one case examined by the audit team, the slaughter of such a flock was done at the beginning of the day, prior to the slaughter of healthy birds, using the same slaughter line without any proper disinfection.

The deficiencies noted by the audit team were not reflected in the CA reports which call into question the knowledge of official control staff on HACCP systems.

Conclusions

There is a regular and documented system of official controls of poultry meat and products derived therefrom. The situation in establishments visited was generally acceptable.

Nevertheless, several deficiencies were noted, some being significant (long standing deficiencies in construction or equipment, wrong use of food additives, non-compliances regarding the specific requirements of Regulation (EC) No 853/2004 for cutting plants) which had not previously been reported, calling into question the effectiveness of official controls.

Audit of HACCP systems is normally carried out during official controls. The audit team found, however, deficiencies in HACCP drafting.

Official controls on the use of additives to verify compliance with requirements of Regulation (EC) No 1333/2008, are not carried out in poultry meat establishments.

5.3.6 Controls on FBOs compliance with microbiological criteria for foodstuffs - official sampling

Legal requirements

Article 4 of Regulation (EC) No 854/2004.

Article 11 of Regulation (EC) No 882/2004.

Regulation (EC) No 2073/2005.

Findings

FBO sampling activities

In all but one case there was an FBO sampling plan in the establishments visited. Microbiological analyses on products, water and surfaces are carried out in an FBO laboratory or in external laboratories. The FBOs' sampling plans followed as a minimum the legislative requirements.

Water used in establishments visited originated from on-site wells. Water samples were regularly taken and were tested for microbiological and physical parameters in all the establishments visited, in compliance with criteria of Directive 98/83/EC.

In most establishments visited the audit team noted that microbiological analyses results were compliant. In cases of positive results actions were taken as laid down in the relevant EU legislation. For example the audit team reviewed the case of *Salmonella* positive neck skins of poultry carcasses, in which adequate hygiene measures had been taken in establishment level and proper communication and corrective actions also followed at farm level).

The audit team noted some deficiencies in relation to the implementation of the requirements of Regulation (EC) No 2073/2005 as regards the number of sampling units (one instead of five) and the use of non-validated methods of analysis. However most of these deficiencies had been also detected by CA and had been corrected by FBOs since April 2013.

In one cutting plant and meat preparation establishment visited, no sampling plan was available and no samples were taken from the meat cuts contrary to the requirements of Regulation (EC) No 2073/2005 and according with the food safety criterion 1.28 of Chapter 1 of the same Regulation. Moreover, samples for meat preparations had been taken only for the last two weeks as according to the FBO a new production of these products had begun recently. Nevertheless, and according to the production data of the establishment, meat preparations had previously been produced and no samples had been taken. The CA officials present declared that they were unaware of that earlier activity despite the regular official controls performed in the establishment.

Official sampling

Several official sampling programmes concerning poultry products are implemented and they are well organised. An annual microbiological monitoring plan is established by the CCA and disseminated to local authorities. The plan is based on risk and aims to verify FBOs' own sampling and testing for food safety and process hygiene criteria, in accordance with Regulation (EC) No 2073/2005 and national legislation (e.g. *Campylobacter* tests for survey reasons).

Other sampling programmes in poultry meat cover residues and contaminants (e.g. polychlorinated biphenyls and dioxins).

Under these sampling programmes, the county authorities allocate each month the number of samples to be collected specifying the parameters to be tested and the commodities to be sampled. The audit team noted that, for the microbiological samples, there are no defined criteria for that allocation.

In case of unacceptable results, specific guidelines have been issued by the CCA on corrective actions and measures that have to be applied. These include identification of the cause, actions to prevent recurrence, actions on non-compliant products and application of sanctions.

The audit team noted that in one case, repeated positive results for *Salmonella* in minced meat led only to general corrective actions (e.g improvement of the sanitation programme) asked to be done by the concerned FBO. No other specific measures (e.g. measures to prevent recurrence, modifications to the HACCP plan, withdrawal or recall of products still being on the market) were enforced by the CAs in order for FBO to comply with Article 7 of Regulation (EC) No 2073/2005. There was also no sanction imposed for the production of unsafe product (although provided for in the above mentioned guidelines).

Conclusions

In most cases FBOs own-check sampling programmes on poultry meat and poultry meat products are implemented in compliance with Regulation (EC) No 2073/2005.

There is a well organised and extensive official sampling programme. However corrective actions or sanctions in cases of non-compliances are not always applied as required by CA procedures and EU requirements.

5.3.7 Controls on traceability – Labelling – Identification marking

Legal requirements

Traceability: Article 4.6 of Regulation (EC) No 854/2004

Labelling: Chapter IV, Section V, Annex III of Regulation (EC) No 853/2004

Article 2 of Directive 2000/13/EC

Article 16 of Regulation (EC) 178/2002

Identification marking: Article 4.6 of Regulation (EC) No 854/2004

Section I, Annex II of Regulation (EC) No 853/2004

Traceability

Traceability systems were in place in the establishments visited. Traceability checks were found to be part of official controls. Where the audit team performed traceability exercises in the establishments visited, the results were satisfactory.

Labelling

In all establishments visited, the mission team reviewed the labels applied and the official controls on their application, which were in most cases in line with the requirements of EU legislation.

Nevertheless, in all the establishments producing or using MSM for further production, the audit team noted cases of non-compliances, as follows:

A. Regarding the information on the packages of MSM packaged for other processing establishments:

- The FBO used the description "chicken meat pulp" (Csirke Huspep) for the MSM produced under point 4, Chapter III, Section V of Annex III to Regulation (EC) No 853/2004 (also known as high pressure MSM). It is worth noting that the establishment had been approved for the production of "chicken meat pulp" (cf. details in chapter 5.3.2 for approval procedures).
- MSM referred to in point 3, Chapter III, Section V of Annex III to Regulation (EC) No 853/2004 (also known as low pressure MSM) was labelled as meat (Gyorsfagyasztott Pulykahús - Quick Frozen Turkey Meat).

B. Regarding labelling of products for the final consumer it was noted that:

- MSM as defined in point 3, Chapter III, Section V of Annex III to Regulation (EC) No 853/2004 (also known as low pressure MSM) was packaged for the final consumer (retail level establishments) and was clearly labelled as minced meat.
- MSM, as defined in point 4 Chapter III, Section V of Annex III to Regulation (EC) No 853/2004 (also known as high pressure MSM), used in the production of meat products was labelled as meat in the ingredients list and was counted toward the meat content; in one case MSM was the only "meat" source in a product.

In the official control reports there was no record that all the above deficiencies had been detected or were unacceptable to the CAs.

Identification marking

Identification marking was always present on the product documents.

Conclusions

Traceability systems were generally in place in the establishments visited.

Several deficiencies were noted regarding the information on the packages of MSM dispatched to other processing establishments or on the labelling of products destined to the final consumer containing MSM. These practices are neither in compliance with the provisions of Regulation (EC) No 853/2004 nor with those of Article 2 of Directive 2000/13/EC and nor with Article 16 of Regulation (EC) No 178/2002 which requires that labelling shall not mislead consumers.

These deficiencies had not previously been detected or reported by CAs during official controls.

5.3.8 Rapid Alert System for Food and Feed (RASFF)

Legal requirements

Article 50 of Regulation (EC) No 178/2002;

Findings

Since 2008 there have been twelve RASFF alert notifications on poultry meat/poultry meat products originating from Hungary (eleven of them as information and one with alert status).

The co-ordination of the system is carried out by the NFCSO which is the national contact point. Every notification was followed up by the county CA concerned and the likely cause of product contamination was established and notified through the RASFF system.

Conclusions

There were adequate responses and actions taken by the CA in the cases of RASFF notifications.

5.4 LABORATORIES

Legal requirements

Articles 11, 12 and 33 of Regulation (EC) No 882/2004

Findings

The FFSD within the NFCSO is responsible for coordinating the activity of the 14 official laboratories (including the National Reference Laboratory (NRL)) of the NFCSO network. The NRL and six of the county laboratories are designated for official microbiological testing. The tests for the microbiological criteria provided by Regulation (EC) No 2073/2005 are carried out by all six county laboratories, other than special tests e.g. for verotoxin producing *Escherichia coli* (VTEC), staphylococcal enterotoxins and *Salmonella* serotyping which are carried out only by the NRL.

The audit team visited one county laboratory carrying out microbiological analyses on both official and own-check samples. The audit team was informed by the laboratory that in 2012 they carried out microbiological analyses on around 4,500 official and 760 own-check samples.

The laboratory visited is accredited to ISO 17025 by the Hungarian Accreditation Body. All the EU reference methods laid down in Regulation (EC) No 2073/2005 are within the scope of accreditation. Accreditation is valid for four years and accreditation body carries out audits annually

to verify that the conditions for accreditation are being met. The reports from these audits were available to the audit team who noted that during the most recent audit no deficiencies had been recorded.

The audit team also noted that the laboratory regularly participates in proficiency tests (including *Salmonella* and *Listeria*) organised by the NRL or third party laboratories with satisfactory results.

Conclusions

The official laboratory visited meets the requirements of Article 12 of Regulation (EC) No 882/2004.

6 OVERALL CONCLUSIONS

There is a comprehensive and well documented system of official controls of poultry meat and products derived therefrom. Although conditions at establishment level were generally adequate, the effectiveness of the system is limited by deficiencies in its implementation.

In particular, these deficiencies include problems in ante and post-mortem inspections, insufficient supervision of mechanical separated meat production and labelling, unsatisfactory animal welfare conditions in the slaughterhouses, cases of insufficient enforcement actions and inadequate training of official staff.

7 CLOSING MEETING

During the closing meeting held in Budapest on 17 May 2013, the audit team presented the findings and preliminary conclusions of the audit to the CAs.

During this meeting, the CAs acknowledged the findings and preliminary conclusions presented by the audit team and provided a commitment to correct the deficiencies found.

8 RECOMMENDATIONS

The CCA should provide the Commission services with guarantees and an action plan, including a timetable for its completion, within twenty – five days of receipt of the report, in order to address all the deficiencies identified and in particular the following recommendations:

| N°. | Recommendation |
|------------|--|
| 1. | The CA should notify to Commission services and Member States the national legislation establishing the rules governing the activities and persons involved in the direct supply, by the producer, of small quantities of meat from poultry slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer as fresh meat (Article 1.3(d) of Regulation (EC) No 853/2004) and the derogations applied in low throughput poultry establishments (Article 10.4 (b) of Regulation (EC) No 853/2004), as required by Directive 98/34/EC and Article 10.5 of regulation (EC) No 853/2004 respectively. |

| N°. | Recommendation |
|-----|---|
| 2. | The CA should designate the approved veterinarians carrying out official controls on poultry holdings on its behalf (Article 2 (g) of Regulation (EC) No 854/2004). In particular it must be ensured that they are free from any conflict of interest (Article 4.2(b) of Regulation (EC) No 882/2004). |
| 3. | The CA should keep establishments' approval under review when carrying-out official controls as required by Article 31(2) of Regulation (EC) No 882/2004 and in particular ensure that deficiencies found by the audit team are corrected in the establishments visited and are not present in the other ones. |
| 4. | The CA should ensure that the lists of approved establishments are maintained up-to-date, particularly concerning the activities actually performed (Article 31.2(f) of Regulation (EC) No 882/2004). |
| 5. | The CA should ensure that when sanctions imposed in cases of infringements these are effective, proportionate and dissuasive, as provided for in Article 55 of Regulation (EC) No 882/2004. |
| 6. | The CA should ensure that official control staff receive appropriate training to enable them to undertake their duties competently and to update their knowledge in the area of their responsibilities (Article 6 of Regulation (EC) No 882/2004). |
| 7. | The CA should ensure that official controls are applied in slaughterhouses in order to ensure the welfare of animals at time of slaughter according to Regulation (EC) No 1099/2009. |
| 8. | The CAs should ensure that at least one OV is present in slaughterhouses, throughout both ante-mortem and post-mortem inspection (point 1, Chapter II, Section III, Annex I to Regulation (EC) No 854/2004). Any adaptation made by the CA to the presence of OVs in slaughterhouses should be based on risk analysis as required in Paragraph 2, Chapter II, Section III, Annex I of Regulation (EC) No 854/2004. |
| 9. | The CA must ensure that post-mortem inspection is carried out in accordance with the general requirements of Chapter II (D), Section I and Chapter I, Section III and the specific requirements of Chapter V (B), Section IV, of Annex I to Regulation (EC) No 854/2004. The CA should pay particular attention to the designated points for post-mortem inspection, the supervision of OAs by the OV, the inspections of all parts of the carcasses and offal, the personal checks done by OV and to the completeness of records of activities kept by official staff. |
| 10. | The CA should ensure that MSM sold to other establishments is accompanied by the necessary information which allows proper use according to Regulation (EC) No 853/2004 and that the labels of products containing MSM destined to the final consumer are in accordance with the requirements of Directive 2000/13/EC and Article |

| N°. | Recommendation |
|-----|---|
| | 16 of Regulation (EC) No 178/2002. |
| 11. | The CA should ensure that EU requirements for the correct use of food additives are respected (Regulation (EC) No 1333/2008). |
| 12. | The CA should ensure that FBOs' HACCP procedures are in line with Article 5 of Regulation (EC) No 852/2004, especially concerning the identification of any hazards that must be prevented, eliminated or reduced to acceptable levels. |

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=2013-6691

ANNEX 1 - LEGAL REFERENCES

| Legal Reference | Official Journal | Title |
|-----------------|---|--|
| Dir. 98/34/EC | OJ L 204, 21.7.1998, p. 37-48 | Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations |
| Dir. 2000/13/EC | OJ L 109, 6.5.2000, p. 29-42 | Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs |
| 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 |

| Legal Reference | Official Journal | Title |
|------------------------|--------------------------------|---|
| 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 |
| Reg. 1333/2008 | OJ L 354, 31.12.2008, p. 16-33 | Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives |
| Reg. 1099/2009 | OJ L 303, 18.11.2009, p. 1-30 | Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing |
| Reg. 200/2012 | OJ L 71, 9.3.2012, p. 31-36 | Commission Regulation (EU) No 200/2012 of 8 March 2012 concerning a Union target for the reduction of Salmonella enteritidis and Salmonella typhimurium in flocks of broilers, as provided for in Regulation (EC) No 2160/2003 of the European Parliament and of the Council |
| 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 |