EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Directorate F - Food and Veterinary Office

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FINAL REPORT OF AN AUDIT CARRIED OUT IN POLAND FROM 18 NOVEMBER 2014 TO 28 NOVEMBER 2014 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 Poland. The audit took place from 18 to 28 November 2014 to assess whether the organization of the competent authorities and the implementation of national provisions in respect of controls on poultry meat and products derived therefrom comply with EU requirements.

The report concludes that Poland has in place an organised official control system based on EU and national legislation, supported by a number of Central Competent Authority instructions and guidelines. In general, this control system is applied consistently over time and covers the entire poultry production chain.

However some shortcomings in the implementation of the official control system were noted with respect to:

- The insufficient supervision and control of the use of food additives and the labelling of mechanically separated meat.
- Shortcomings at establishment level detected by the FVO audit team but had not previously been noted during official controls.
- The actions taken by the Competent Authorities in cases of positive results after official Salmonella sampling, particularly in order to prevent recurrence of these situations.
- The application of National measures not in line with EU rules, in relation to the adaptation of the requirements of Regulation (EC) No 853/2004 in low production establishments.

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

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ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

AMI	Ante – mortem inspection
CA	Competent Authority
CCA	Central Competent Authority
CVO	Chief Veterinary Officer
DV	Designated Veterinarians
EU	European Union
FBO	Food Business Operator
FCI	Food Chain Information
FVO	Food and Veterinary Office
GVI	General Veterinary Inspectorate
HACCP	Hazard Analysis – Critical Control Points
MARD	Ministry of Agriculture and Rural Development
PSA	Polish Accreditation Centre
PMI	Post – mortem inspection
PVI	District Veterinary Inspectorates
PVO	District Veterinary Officers
RASFF	Rapid alert System for Feed and Food
RVO	Regional Veterinary Officer
SSI	State Sanitary Inspectorate (SSI)
VI	Veterinary Inspectorate
VVI	Regional Veterinary Inspectorates

1 INTRODUCTION

The audit took place in Poland from 18 to 28 November 2014 and was undertaken as part of the Food and Veterinary Office's (FVO) planned audit programme.

The audit team comprised one auditor from the FVO and one national expert from an EU Member State. Representatives from the competent authority (CA) accompanied the audit team during the whole audit

2 OBJECTIVE

The objective of the audit was to assess whether the organisation of the Competent Authority (CA) and the implementation of national provisions, against which the CA controls poultry meat and products derived therefrom is compliant with the EU requirements

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

- an opening meeting was held on 18 November 2014 with the Central Competent Authority (CCA) in Warsaw. At this meeting the audit team confirmed the objectives of, and itinerary for the audit, and requested additional information required for the satisfactory completion of the audit;
- the following sites were visited:

COMPETENT AUTHORITY VISITS		
CCA	1	Opening and closing meetings
CA	1	District Veterinary office
LABORATORY VISITS		
Official	1	Regional Veterinary Laboratory
PRIMARY PRODUCTION		
Farms	1	
FOOD PROCESSING FACILITIES		
Slaughterhouse	4	Two for broilers and two for turkeys (one not in operation during FVO visit)
Cutting plant	7	Four attached to slaughterhouses, one attached to a meat products establishment and two stand-alones
Meat Preparation establishment	4	Two attached to slaughterhouses, one attached to a cutting plant and one stand-alone
Meat Product establishment	2	One attached to a slaughterhouse and one attached to a cutting plant.
Mechanically separated meat establishment	2	One attached to a slaughterhouse and one attached to a cutting plant
Cold store	1	

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 2010 as part of a general audit to Poland (DG(SANCO 2010-8452). As regards the poultry sector the general audit report concluded that there was a comprehensive and documented control system in place, highlighting however some sanitary shortcomings at establishment level, deficiencies in the performance of post-mortem inspection (PMI) in slaughterhouses and the implementation systems based on HACCP principles and some problems on the enforcement measures taken in cases of non-compliances.

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. Written guarantees were received from the CCA in relation to the corrective actions implementing those recommendations

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.

Findings

The following legal acts provide the CA the necessary legal powers to carry out official controls, including the powers to access food business premises and documentation (References to the Journal of Laws[1] refers to the latest amended/consolidated version of the legislation in question):

- the Act of 25 August 2006 on food and nutrition safety (Journal of Laws 2015, item 594),
- the Act of 16 December 2005 on products of animal origin (Journal of Laws 2014, item 1577) and
- the Act of 29 January 2004 on Veterinary Inspection (Journal of Laws 2010, No 112, item 744)

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

- Chief Veterinary Officer's Guidelines of 10 September 2014 for Veterinary Inspection bodies on rules for supervision over checks carried out by entities producing foodstuffs of animal origin as regards product safety and controls of the hygiene of production processes.
- Chief Veterinary Officer's Instruction No GIWhig-500-4/08 of 1 April 2008 on the methodology for official controls.
- Chief Veterinary Officer's Instruction No GIWbż-500-2/2011 of 1 September 2011 on determining, the basis for risk analysis, the frequency of controls of food business operators (FBOs) subject to official supervision of the Veterinary Inspection service.

[1] Dziennik Ustaw – Poland's Official Gazette

- Chief Veterinary Officer's Instruction No GIWbż-500-1/13 of 3 April 2013 on supervision over animal slaughter.
- Chief Veterinary Officer's Instruction No GIWbż-500-4/12 of 27 November 2012 on the manner of keeping by Designated Veterinarians (DVs) a logbook of ante-mortem inspection (AMI) of animals, post-mortem inspection of meat, ante-mortem inspection of poultry, post-mortem inspection of poultry meat, and a logbook of visual inspection of unskinned animal carcasses.
- Chief Veterinary Officer's Instruction No GIWbż-500-1/10 of 23 March 2010 on official controls as regards the possibility of tracing products of animal origin and labelling.

While a comprehensive review of the national legislation and document procedures was not carried out during the audit, the audit team noted that they are in line with EU requirements applicable to the production of poultry meat and products derived therefrom and are binding for officials and FBOs involved in the sector.

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

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

- Regulation of the Minister for Agriculture and Rural Development of 19 May 2010 on certain veterinary requirements applicable to the production of products of animal origin in slaughterhouses with low capacity (Journal of Laws 2010 No 98, item 630), and the
- Regulation of the Minister for Agriculture and Rural Development of 19 May 2010 on certain veterinary requirements applicable to the production of products of animal origin in specified establishments with low capacity (Journal of Laws 2010 No 98, item 629).

The measures provide for a system of approval of certain establishments to trade their products only in the national market with the use of a round national identification mark on their products.

However, this is not in line with EU legislation as according to Article 5 of Regulation (EC) No 853/2004 FBOs can place their products on the market only if an identification mark has been provided in line with Section I, Annex II of Regulation (EC) No 853/2004.

The Chief Veterinary Officer (CVO) maintains a separate list of these establishments which according to the information given to the audit team include 12 establishments (11 cutting establishments and 1 pig slaughterhouse) and is available in the link:

http://www.wetgiw.gov.pl/index.php?action=art&a_id=2960

Conclusions

From a summary review of the national legislation and documented procedures related to the performance of official controls on the production and placing on the market of poultry

meat and products derived therefrom it can be concluded that they cover and are in line with relevant EU legal requirements.

In line with Article 1(4) of Regulation (EC) No 853/2004 national rules concerning the direct supply by the producer, of small quantities of meat from poultry slaughtered on the farm to the final consumer or to local retail establishments directly supplying such meat to the final consumer and they have been notified to the Commission.

The national measures applied concerning structural and equipment requirements of establishments with lower production (Point 4(b), Article 10 of Regulation (EC) No 853/2004) are not in line with EU legislation as they provide for the approval of these establishments at national level with the application of a round national identification mark.

5.2 COMPETENT AUTHORITY

Legal requirements

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

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

Findings

A detailed description of the CA responsible for official controls in Poland can be found in the country profile at:

http://ec.europa.eu/food/fvo/controlsystems_en.cfm?co_id=PL

The Veterinary Inspectorate (VI) under the MARD is the designated CA responsible to carry out official controls of poultry meat and poultry meat products. The VI has a pyramidal structure with a direct line of command between central, regional and district levels. The VI, at central level, has a General Veterinary Inspectorate (GVI), acting as the CCA, at regional level has 16 Regional Veterinary Inspectorates (VVI) and at district level 305 District Veterinary Inspectorates (PVI). These are headed by the CVO, Regional Veterinary Officers (RVOs) and District Veterinary Officers (PVOs) respectively.

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

Co-operation and co-ordination between the VI and the SSI is governed by a Framework Agreement of 21 September 2007, laying down detailed conditions and rules for cooperation and collaboration regarding supervision of foodstuffs. This agreement is replicated at regional and local levels. The audit team reviewed cases of this co-operation during RASFF notifications and during incidents of meat which tested positive for *Salmonella enteritidis* at retail level (recall activities or investigations organised by the VI at establishment production level after sampling performed by the SSI at retail level).

Specific daily controls at establishment level are performed by the DV which are private veterinarians appointed (contracted) by the PVO at district level in order to carry out certain official control tasks. More than 5,000 DVs work today for the CAs. The audit team was informed by the CAs that a contract (that is usually renewed annually) is signed between the PVI and the DV only once the newly appointed DVs has proven his knowledge and experience in the field or after accomplishing a probationary three months period on the spot.

The designation of DVs is fully regulated at district level and it is the PVO's responsibility to ensure that there are no cases of conflict of interest when the DVs perform their duties. The audit team was informed in the PVIs visited that there are no legal requirements for the DVs to declare any possible conflict of interest before being appointed. However, it is at the initiative of the PVO, to ask for any necessary information or specific declarations by the DVs in order to avoid any potential conflict of interest. The audit team noted evidence of such declarations when reviewing the relevant files in the offices of the PVI visited. In this PVI the DVs had to declare, before been designated, that they had no family or professional relations with the establishments in question, acknowledging in addition that they are not allowed to give medical prescriptions or to sign certificates for food exports to third countries.

Moreover, the audit team noted in the establishments visited, that the issue of conflict of interest is assessed during the supervision visits performed by the PVIs on the spot in order to evaluate the performance of DVs. The PVIs perform at least one such visit per year. These visits are independent of the inspections of the establishments also performed by the PVIs (see also chapter 5.3.3 on Controls in slaughterhouses).

Training

A training system for officials is in place at central (VI), regional (VVI) and district (PVI) levels.

At the end of each year, training requirements and needs for the following year are identified, on the basis of VI strategic objectives. Training is standardised by the VI central offices and organised, generally at regional or district level, on a continuous basis covering relevant topics. Once a new instruction is introduced, training is arranged to harmonise interpretation and implementation.

As a general rule, a selected number of officials are trained from VVI and PVI level and a cascade system is applied to disseminate the knowledge to colleagues. The consistency throughout the country is assured by making the same training material available to all trainers and trainees.

In addition regions and districts may organise their own training, the results of which are reported to the central level.

Several CA staff have also participated in seminars and workshops organised by the European Commission (e.g. "Better Training for Safer Food") and by other international bodies.

During the audit, evidence of staff participation in trainings was provided to the audit team at each level.

The relevant staff met in various locations by the audit team was suitably qualified and familiar with national and EU requirements, with the exception of the official control on the use of food additives (see also chapter 5.3.8 on controls on food additives).

Audits/Verification activities

Verification activities comprise audits and controls organised at Regional and District level.

Audits are performed since 2011 under article 4 of Chief Veterinary Officer's Instruction No GIWbk 090.2 of 2010. These audits (in both VVI and PVI levels) comprise a number of different topics (poultry and red meat, milk and milk products, animal by-products, animal feed and registration of animal holdings, fish products and food additives).

Audits by the VVIs on PVIs are planned at central level under the organisation of the control department of GVI, who develops an annual programme according to uniform criteria. Under the central plan 20% of the PVIs should be audited annually by the VVIs, covering the above mentioned topics. The audit team was informed by the CCA, that under the framework of these audits, 55 on-site inspections were carried by the VVI's auditors to poultry meat establishments, between 2012 and 2013, in order to assess the performance of the PVI's inspectors. These inspections led to 12 written proposals/recommendations to PVIs regarding the poultry meat controls

Under a separate plan, internal audits by the GVI are also performed on VVIs (planned audits) or to PVIs (ad hoc specific audits). The audit team was informed by the CCA that such audits, relevant to the scope of this FVO mission, were performed in 2013 and 2014 in one VVI and two PVIs. They had focused on mechanical separated meat (MSM) production and labelling. At the moment of the FVO audit team visit, such audits had not been performed yet in the VVIs and PVIs visited.

Regarding the verification controls that are also performed at lower levels (by the GVI and the VVIs), these are decided independently by the different CAs, using different criteria and according to local circumstances. For example, some of these controls that performed by the VVIs on PVIs the last year, had focused on the level of the supervision of the DVs by the PVIs.

The audit team was informed by the CCA representatives that audits are mainly documented checks that come up with specific binding recommendations while controls can lead to immediate administrative enforcement measures if needed.

The outcome of these audits and controls are collected and analysed by the GVI in order to monitor the implementation of the annual control programme. An annual review report is prepared and necessary instructions are prepared by the CVO in the light of this analysis.

Evidence of these audits and controls were reviewed by the audit team in the PVI offices and some of the establishments visited and found to be adequate.

Organisation of official controls

Establishments are categorised into three risk classes which determine the minimum frequency for official controls for each class. The categorisation is performed by the PVIs, with the use of the GVI guidelines. These guidelines comprise specific criteria like the type and volume of production, the compliance history of the FBO and the reliability of HACCP programmes, in line with the requirements of Article 3 of Regulation (EC) No 882/2004. The frequency of inspections can be further increased by a PVO decision, if the risk is considered to be higher based on the compliance history or other factors (e.g. the results of laboratory analysis).

Announced comprehensive inspections and unannounced ad-hoc inspections are performed by the PVIs. The latter focus on several pre-defined inspection points. Where needed, additional follow-up inspections are also organised.

The audit team visited establishments under the responsibility of three different PVIs and noted that in general the frequency of inspections during the last two years was in line with the programmed arrangements. All the approved establishments had undergone at least one comprehensive inspection each year. Moreover, several ad hoc inspections had also been performed by the various levels of control during the last years (3-7 inspections yearly).

There is a cascade system in place for the flow of information whereby instructions/guidelines issued by the CVO are distributed to PVI through the VVI. The

audit team noted that in general guidelines and instructions sent by central level are adequately followed at local level. A system of reporting is in place between PVI, VVI and the GVI.

As regards the communication between the PVI and the DVs, the audit team was informed by the CAs that as the DVs are responsible for specific tasks (AMI and PMI in slaughterhouses, sampling for residues, hygiene supervision and animal welfare conditions) they have only to report monthly on the results of these controls. They are not authorised to report on other issues or to follow up any recommendations done by the CAs during previous controls. In addition they can notify to the CA any incidents of inadequate corrective actions taken by the FBOs in response to their controls (to allow the CA to enforce corrections).

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.

The written procedures developed by the CCA, together with its comprehensive training plan, provide an appropriate basis for the CAs to adequately implement official controls in the poultry meat sector.

Procedures for the verification of CA performance (controls and internal audits) have been progressively implemented since 2011.

A risk based approach to the planning of controls is organised by the CAs, based on CCA guidelines.

A system for ensuring communication between the different CAs and the co-ordination and consistency in their performance of official controls is in place.

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

Chapter I of Annex II to Council Directive 2009/158/EC

Findings

Poultry farms are registered in a national database that is maintained and updated at district level. The registration system is based on individual holdings and a unique eight digit identification number is given to each farm. This number gives information about the region and the district where the farm is located. Information concerning the farming activities carried out (kind of animals, kind of farming) is kept by the PVIs, as poultry farmers are obliged to notify the arrival of any new flock to their district CA. The audit team visited a farm that was fattening broilers in both of its houses. The relevant notification on the arrival of the birds in the farm had been sent to the CA.

The frequency of official controls at poultry farms is determined at district level and is based on a risk analysis. The audit team was informed by the PVI responsible for the farm visited that in this district 25% of poultry farms are visited every year (comprising also

controls under the *Salmonella* National Control Programmes). Reports of official controls were available to the audit team at the farm visited.

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

The farm visited was maintained in adequate conditions, applied biosecurity measures and was kept relevant production data records. However, some weaknesses on biosecurity were noted by the audit team (partially fenced, vegetation in close proximity with the farm walls, old/ redundant machinery in the outer yard in close proximity with the farm houses).

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

The birds are accompanied to the slaughterhouse by the FCI and a health certificate issued by the DV responsible for the farm and who also performs the ante-mortem inspection at farm level.

Conclusions

Regular official controls on the poultry farms to verify FBO compliance with provisions of Regulation (EC) No 852/2004 are implemented as required by EU legislation (Article 4(2) of Regulation (EC) No 854/2004).

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 list of establishments approved under Regulation (EC) No 853/2004 is available at the website of GVI.

Registration and approval of establishments are performed in accordance with Polish legislation, the Products of Animal Origin Act (2005), and the procedures have not changed since the previous FVO mission report on poultry meat.

Approval is granted by the PVI after an on-site visit to an establishment. The PVO reports each new approval of an establishment (or any change to approval's status) to the VVI and the PVO's decision on the approval may be verified by the VVI with an on-site visit. According to CVO instructions every new approval granted by a PVI, must be followed up, within a month, by an additional inspection visit by the VVI.

For each approved establishment, a unique identifier (eight digit number), including codes for the region/district and the type of main activity as well as a specific number for the establishment, is granted. PVI is obliged to send regularly an up-to-date list of approved establishments to the CVO via VVI.

In all but two cases the approval procedures were adequately followed in the establishments visited by the audit team.

However, in two establishments visited, when reviewing the approval documents the audit team noted that:

- In one establishment that was approved for cutting of poultry meat, activities of cold storage and trade of turkey meat were also taken place, as part of the regular activity of the establishment. This activity was not covered/specified in the approval of the establishment and it was not under the knowledge and the monitoring of the PVI[2].
- In the cold store visited freezing of chilled meat was taking place, without this activity being mentioned in the official approval documentation of the establishment. The audit team was informed by the CCA during the final meeting that the freezing activity should have been recorded in the official approval documents. The audit team also noted that only limited controls on this activity were performed by the CA and that deficiencies concerning these activities had not been recorded during official controls (see also chapter 5.3.5. on controls at establishments level).

Conclusions

Establishment approval procedures are in place and in general in line with relevant EU requirements. However, the system does not ensure that the CA approve an establishment for the activities concerned only if the FBO has demonstrated that it complies with all the relevant requirements of food law as required in Article 31 (1.c) of Regulation (EC) No 882/2004.

5.3.3. Controls in slaughterhouses: AMI and PMI.

Legal requirements

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

Findings

AMI:
AMI is always carried out by DVs at farm and also at slaughterhouse level.

In accordance with Point A.1 of Chapter V, Section IV, Annex I to Regulation (EC) No 854/2004 the DV that performs the inspection of birds at farm level issues the health certificate based on a common template provided by the GVI. The audit team noted that this accompanies the birds to the slaughterhouse together with the FCI.

All birds and their accompanying documents are checked in the slaughterhouse by DVs. This inspection at slaughterhouse level is based on documentary checks (FCI and health certificate), identification of the consignment, health inspection and animal welfare conditions.

In the slaughterhouses visited the FCI documents reviewed by the audit team always contained information on the treatments applied and the relevant withdrawal periods. Samples for Salmonella testing are taken within 21 days of slaughter of birds and the results included in the FCI documents.

The audit team noted that for birds found to be positive for *Salmonella ssp*, this information is mentioned on the FCI document, while for flocks positive for the serotypes

[2] In their response to the draft report the CA noted that the establishment is supervised by two inspectorates. The Veterinary Inspectorate supervises the cutting of poultry meat (in accordance with the decision granting approval to the establishment), while the Sanitary Inspectorate supervises the wholesale of poultry meat, and means of transport.

Salmonella typhimurium and *Salmonella enteritidis,* the serotype is mentioned on the health certificates. The audit team noted that in both cases this information is made available to the slaughterhouse in sufficient time before the arrival of the animals and slaughter activity is planned accordingly.

PMI:

In all the slaughterhouses visited by the audit team post-mortem inspection is done by the DVs. The number of inspection staff present and the speed of the slaughter line allowed proper inspection in all the slaughterhouses visited by the audit team. The CA informed the audit team that there are no official auxiliaries in Poland.

In all but one slaughterhouse visited the PMI points were in general well equipped and clearly designated.

Adequate records, including the PMI results, were kept in all the slaughterhouse visited.

Conclusions

AMI and PMI are, in general, carried out in line with the requirements of Regulation (EC) No 854/2004.

5.3.4. Animal welfare at slaughter

Legal requirements

Articles 3, 4 and 5 of Council Regulation No (EC) No 1099/2009

Findings

In all the slaughterhouses visited there were animal welfare officers designated by the FBOs as required by Article 17(1) of Regulation (EC) No 1099/2009. Adequate documentation on the monitoring of stunning conditions and the effectiveness of stunning was also provided to the audit team.

However, the audit team noted welfare problems in the one (in operation) turkey slaughterhouse visited as a significant percentage of animals showed signs of consciousness (flapping of wings, intense moving and lifting of the body) in the period between the end of the stunning process and death, contrary to the requirements of Article 4(1) of Regulation (EC) No 1099/2009.

In the same slaughterhouse, some other non-compliances with the requirements described in Table 2, Chapter I, Annex I to Regulation (EC) No 1099/2009 for electrical water baths were also noted: birds were receiving pre-stun shocks and only the heads of the birds were immersed instead of up to the base of the wings.

In another broiler slaughterhouse visited the audit team noted that the cleaning of lorries occurred in close proximity to crates containing birds without any protective measures against water spray. This practice could lead to unnecessary stress for the birds and is not in line with Article 3 of Regulation (EC) No 1099/2009[3].

[3] In their response to the draft report the CA noted that, the length of the room in which cages are loaded/ unloaded, where vehicles are washed at the slaughterhouse is 66 m, which makes it possible to unload birds from one vehicle while at the same time washing another vehicle. Controls conducted by local Veterinary Inspection authorities have revealed that animal welfare has not been compromised. If it is established that birds exhibit abnormal behaviour, measures will be taken to separate the vehicle washing area and the bird unloading area.

Animal welfare issues during stunning and killing are normally covered during the official controls and relevant guidelines have been provided by the CCA. However, the deficiencies found by the audit team had not been previously noted by the CA. The representatives of the PVI on the spot considered the stunning procedure effective and the signs observed as normal stunning effects.

Conclusions

Official controls cannot always ensure that EU animal welfare requirements regarding the stunning and killing of birds are met in particular, concerning the application and effectiveness of the stunning procedure.

5.3.5. Controls at establishments level

Legal requirements

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

Findings

General findings

All the establishments visited by the audit team were under adequate official control. Records of official controls were always available to the audit team. The audit team noted they included announced comprehensive audits and ad hoc inspection visits. Implementation deadlines were set for FBOs as required and corrective actions and enforcement measures applied. The audit team followed some of these official control actions which included follow-up visits, administrative and execution decisions, warnings and the imposition of sanctions and fines.

The audits by the OV were performed with the use of a specific checklist (Spiwet) provided by the CCA.

All but one of the establishments visited by the audit team were found to be broadly in compliance with EU legislation.

Findings regarding the hygiene of operation

Some deficiencies that had not previously been detected by the CAs during their inspections were observed (not all present in each establishment):-

- Significant hazards of contamination of meat in one slaughterhouse, as after the scalding and plucking of birds, the slaughter line (with the exposed carcasses) passed again in parallel and in very close proximity to the scalding and plucking machines. This area was contaminated (dust and water droplets in the air where exposed carcases pass) and not completely separated from the bleeding of the birds area (the separation wall did not cover the whole height of the building).
- Inadequate cleaning and disinfection of the crates used for the transportation of the birds (in one establishment where the crates were cleaned together with the fixed modules on the trucks, in which they were set).
- In the cutting areas of two establishments, the temperature of meat, during the visit of the audit team was above 4ºC during cutting and wrapping with maximum temperature to be 6 ºC. In both cases the audit team noted that there was a backlog of meat during cutting leading to these deviations. The temperature of MSM (in one establishment visited that produced MSM) was between 6 and 7,1 ºC.
- Carton packages of food additive mixes in the production area and close to exposed meat (in one case).

- Placing of animal by-products in plastic boxes that should be used only for the placing of meat according to the specific hygiene policy of the establishment (in one case).
- Carcasses touching surfaces of the wall and construction of slaughter line (in one case).
- Potential contamination of ready-to-eat (RTE) product in a high risk area of an establishment where the products are sliced and packaged, as the bottom of the plastic containers were in contact with exposed final product.
- Wash hand basin not equipped with warm water (in one case)
- Door in production area leading directly to the exterior environment (in one case).
- Condensation in some areas above exposed products (in one case)
- In the cold store visited the audit team noted that the production systems in place and the specifications of the products did not specify or limit the maximum time between slaughtering, cutting of meat and freezing. The audit team was informed by the FBO that freezing of meat takes place immediately upon receiving of meat cuts. However, this could not be confirmed by the production documents or the HACCP system of the establishment. This, according to legislation should be done "without undue delay" and therefore is not in line with point 5, Chapter V, Section II, Annex III, of Regulation (EC) No 853/2004. Moreover, the system in place did not ensure that information about the production date (or freezing date when different from production/cutting date) would be available to the FBO to whom the food would be supplied as this information was not included in the label of the products or the accompanying documents. This is not in line with Section IV of Annex II to Regulation (EC) No 853/2004.

Additional major deficiencies were noted by the audit team in one slaughterhouse visited. This slaughterhouse has a history of positive *Salmonella* sampling results based on samples taken by the SSI at retail points, PVI at establishment level and CAs of other EU Member States during trade as well as several RASFF Alert notifications. The audit team noted among others that:

- Significant hazards of contamination, as after the scalding and plucking of birds, the curving slaughter line (with the exposed carcasses) continues with several bends for some time around the same area. This area was heavily contaminated and was not completely separated from the bleeding line and the hanging line of alive birds. That was the second slaughterhouses visited by the audit team with a similar problem.
- Dirty structures and accumulation of dirt close to exposed meat (e.g. close to the PMI point for turkeys). Passages use for the transportation of exposed meat in bad maintenance conditions.
- Damaged and rusty equipment in the area of cooling of turkey carcasses (after evisceration) resulting in contamination of the meat as the cooling is done with additional spraying of water.
- Peeling of painted surfaces in close proximity with exposed meat, dirty and damaged points in the joints between floors and the walls, floors not maintained in a sound condition and not easy to clean and disinfect in some areas, heavy ice formation on the ceiling of the freezer and condensation above exposed meat.

- Flow of air - from the dirty area (killing, scalding, plucking) to the clean (evisceration) area - leading to contamination.
- Plastic pallets in close contact with exposed meat.
- Exposed reception/ waiting area for the live birds

These deficiencies had not had not previously been detected by the CAs during their inspections.

Regarding the implementation of HACCP systems

HACCP systems were applied in all establishments visited. These included the seven principles and were implemented. All the production lines were included in the flow charts.

The relevant hazard analysis included the most important hazards of the production lines and most of the EU legal requirements were taken into consideration.

The audit team noted that these HACCP systems were in general under adequate official control.

In the meat processing establishments visited by the audit team critical control points (CCPs) such as storage temperatures, heat treatment points, use of nitrites in meat products, smoking process and contamination with Polycyclic Aromatic Hydrocarbons, migration hazards caused by the use of plastic material in contact with meat were adequately monitored.

In the slaughterhouses visited logistical slaughter was included in the HACCP system in cases of flocks positive for *Salmonella*. The audit team noted evidence of this in two slaughterhouses visited.

However, the audit team also noted that the temperature of meat was not monitored during production in two cutting establishments. This element was not included in either establishments' HACCP system (meat was monitored at the end of chilling and again during storage).

Regarding the implementation of national measures covering low capacity establishments

The audit team also visited a small scale cutting plant, in which derogations on structure and equipment were applied according to national measures based on the requirements laid down in Annex III of Regulation (EC) No 853/2004 (MARD Regulation No 629).

A national approval number was given to this establishment which was allowed to trade products only in the Polish market with the use of a round identification number (see also chapter 5.1 on legislation and implementing measures). The audit team was informed by the FBO that final products are mainly dispatched to the domestic retail market and restaurants.

The audit team noted that several derogations from the requirements of EU legislation were accepted in this establishment regarding the structure and the equipment, for example:

- use of parts of the production and storing areas for the cold storage of non-approved activities (wholesale activities under the competence of SSI),
- wash basins that operate with the use of hands in the cutting of meat area,
- storage of clean plastic containers in the cutting area,
- storage of carton packages in the production area,
- ceiling made of materials that could not be cleaned in some places,

- gaps between the connections of floors and walls that could not be adequately cleaned.

The audit team noted that the establishment was under appropriate official supervision. The hygiene level of the operations taken place in this establishment could not be assessed as it was not in operation during the audit team visit.

Conclusions

A regular and documented system of official controls of poultry meat and products derived therefrom is in place at establishment level. However the official controls do not ensure that FBOs meet all relevant EU requirements as some shortcomings had not been detected/recorded during the inspection visits.

HACCP based procedures were present in all the establishments visited which were, in general, well implemented.

Establishments availing of derogations from the requirements of EU legislation are under official control.

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, in particular Article 1.

Findings

FBO sampling activities

In all establishments visited there was an FBO sampling plan available. Microbiological analyses on products, water and surfaces of these establishments were carried out in external accredited laboratories. The FBOs' sampling plans followed as a minimum the legislative requirements.

The CA does not apply derogations from the own-check sampling frequency in establishments producing minced meat and meat preparations in small quantities.

Water used in establishments visited originates from the municipal networks. Water samples are regularly taken and are tested for microbiological and physical parameters in the establishments visited.

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 cases of *Salmonella* positive neck skins of poultry carcasses, in which adequate hygiene measures had been taken at establishment level and proper communication and corrective actions also followed at farm level.

However, the audit team noted some deficiencies that had not previously been detected by the CA, in relation to:

- the lack of sampling of ice that was used for the cooling of meat cuts (where melted ice was coming into direct contact with meat). The ice was produced by establishment's ice machines and until the date of the FVO audit team visit the FBO had not performed any sampling to check the quality of that ice.

- In one meat preparation establishment, samples, in order to check the compliance of the final products with point 1.5, Chapter 1, Annex I to Regulation (EC) No 2073/2005, were only taken either from the incoming raw meat or from intermediate products during production.
- In one establishment visited that produced certain RTE products able to support the growth of Listeria monocytogenes, the food safety criterion of point 1.2, Chapter 1, Annex I to Regulation (EC) No 2073/2005 was applied, with the limit to be 100 cfu/gr during the shelf-life of products. The audit team noted that the shelf-life studies performed by the FBO on these products were not in line with Article 3(2) of Regulation (EC) No 2073/2005 as they did not include the specifications mentioned in Annex II of the same Regulation, regarding the physico-chemical characteristics of the products, concentration of preservatives and type of packaging system. The audit team was informed by the FBO that the shelf-life of the products was calculated on the basis of market assumptions and microbiological sampling tests at several timeframes. The audit team also noted that no specific questions were included in the checklists used by the CAs for the assessment of the shelf-life studies of the RTE products.

Official sampling

Official sampling programmes are applied by the PVIs in order to verify the implementation of FBO own-check sampling programmes and are based on specific GVI guidelines. Under these guidelines, the PVIs have to apply every year a microbiological sampling plan in the poultry meat establishments, consisting of a number of samples equal (in maximum) to 10% of the samples that have been taken by the FBO in the last year.

In order to implement their sampling plans the PVIs have to take into consideration the kind of establishment to be sampled and the results of the FBO own-sampling plan carried out (number and kind of samples, number of positive samples, past history and trend results, laboratory used for the analysis). During its visits the audit team noted that the planning of the official sampling was based on these criteria with the number of the samples to be increased in some establishments following positive laboratory results.

Moreover, the audit team reviewed several cases of positive results for *Salmonella* spp. after official sampling in the establishments visited. The positive results referred to cut meat (final product), several kinds of meat preparations and in one case to MSM. In all cases, on-site inspections and investigations were performed by the CA in the establishments concerned and improvements in the hygiene procedures were recommended to the FBO. Adequate measures were also imposed regarding the products in question (see also RASFF).

The audit team was also informed by the CCA representatives that under the national implementing rules no sanctions are applied in cases where positive results for *Salmonella* (or pathogens) in food products are found at establishment or market level, but that administrative measures are taken regarding the food (e.g. removal from the market, imposition of sanitation procedures).

In one of the establishments visited (poultry slaughterhouse, cutting plan and meat preparations establishment), the audit team noted that several official samples that had been taken in recent years had tested positive for *Salmonella* serotypes. In response to these samples the CA had increased the number of official controls in the establishment and the number of samples taken the following years. Furthermore, specific hygiene measures (e.g. change of the disinfection agents used) and additional own-check sampling were requested of the FBO.

The audit team noted during its visit to this establishment that serious problems of hygiene still existed and several points in the process line that microbiological contamination of products could occur the majority of which had not been previously detected by the CA. (see also chapter 5.3.5. on controls at establishments level, second paragraph of findings regarding the hygiene of operations). Furthermore, when, the audit team reviewed the official control file of this establishment, it noted that:

- No specific controls were performed by the FBO in this establishment aimed at investigating the cause of the *Salmonella* contamination and no corrective actions were undertaken by the FBO in order to prevent a recurrence of this situation in contrast with what is required in Article 7 of Regulation (EC) No 2073/2005.
- No additional controls performed by the CAs in the farms supplying the birds to this establishment had taken place either.

The audit team further noted that the guidelines produced by the CCA do not adequately address the specific actions that should be performed by the CAs at establishment level in cases of official samples positive for pathogens.

The official sampling programme at establishment level includes also tests for residues (Directive 96/23/EC).

Conclusions

Comprehensive own-check monitoring programmes are implemented by the FBOs in poultry establishments, with some deficiencies regarding the sampling protocols and the shelf life studies in RTE products.

An organised official sampling plan is implemented. However, in cases of significant increases in *Salmonella* at establishment level, it is not ensured that adequate actions to prevent recurrence of these situations take always place.

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

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

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

Findings

Evidence was provided to the audit team that checks on traceability, identification mark and labelling are part of official controls.

Traceability systems were in place in all the establishments visited. Where the audit team performed traceability exercises in the establishments visited, the results were satisfactory.

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

The audit team visited two establishments that produce MSM. In both cases the MSM was used for the production of their own meat products or, in one of the two, was additionally dispatched to other processing establishments.

When the MSM was used for the own-production of meat products and the final products were labelled for the consumer the audit team noted that:-

- In both establishments MSM of point 4 of Chapter III, Section V of Annex III to Regulation (EC) No 853/2004 (also known as high pressure MSM) was clearly noted in the ingredients list as MSM in line with EU regulations.
- In one of the two establishments MSM of point 3, Chapter III, Section V of Annex III to Regulation (EC) No 853/2004 (also known as low pressure MSM) was labelled in the final meat products as "pulverised turkey meat" ("mięso drobne z indyka") which is a denomination not foreseen in Regulation (EC) No 853/2004.

In the establishment that dispatched MSM to other processing establishments, the audit team noted that:

- the FBO used the description MSM, 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)
- the FBO used the description "pulverised turkey meat" (mięso drobne z indyka) for the MSM produced under point 3, Chapter III, Section V of Annex III to Regulation (EC) No 853/2004 (also known as low pressure MSM) which is a denomination not foreseen in Regulation (EC) No 853/2004.

The audit team noted that the CA had not detected/recorded during the official controls that the labels applied on the final products containing MSM did not meet the requirements of Directive 2000/13/EC[4]. In addition, the absence of clear information concerning the type of food (i.e. high or low pressure MSM) from establishments producing MSM to establishments using it does neither allow the CA to verify the nature of the MSM, and consequently to ensure that it is used in accordance with the requirements of points 3 and 4, Chapter III Section V, Annex III to Regulation (EC) No 853/2004, nor that the food destined to the final consumers is labelled in accordance with the requirements of Directive 2000/13/EC.

Identification marks were applied in the establishments visited. However, the audit team noted that, in two of the establishments visited, when cut meat was wrapped and packaged in order to be dispatched to other establishments or when such meat was purchased by other cutting establishments, the identification mark was not applied to a label fixed (or printed) to the packaging or the wrapping material (when wrapping provided the same protection as packaging) or when affixed it was done in such way that the label would be destroyed during opening. This is not in line with point C.10, Section I of Annex II to Regulation (EC) No 853/2004. The audit team noted cases of this practice being followed almost in all the establishments visited.

Conclusions

Satisfactory traceability systems were in place in the establishments visited. Traceability checks are regularly performed by the CAs during official controls.

Labels in the establishments visited were in most the cases correctly applied and their application was under regular official control.

The controls performed by the CAs do not ensure that food containing MSM is labelled in accordance with EU requirements. Moreover they do not provide guarantees that MSM is

4 Directive 2000/13/EC has been repealed by Regulation (EU) No 1169/2011. Concerning labelling of food destined to final consumers relevant for this section of the report the Regulation, which is applicable since 13/12/2014, contains requirements equivalent to those laid down in Directive 2000/13/EC.

used in accordance with requirements of points 3 and 4, Chapter III Section V, Annex III to Regulation (EC) No 853/2004.

The controls performed by the CAs do not ensure that the application of the identification mark fulfil all the requirements of point C.10, Section I of Annex II to Regulation (EC) No 853/2004.

5.3.8. Control on the use of food additives

Legal requirements

Regulation (EC) No 1333/2008.

Findings

The audit team was informed by the CCA that in the establishments producing food of animal origin the monitoring of the use of food additives by the FBO was included in the PVI's duties.

In the poultry meat processing establishments visited the use of food additives was covered by the HACCP system. The audit team noted that several parameters are monitored such as the composition requirements of the additives used, the specifications of pre-mixes used and the quantity of nitrates added in incoming materials.

However, in the establishments producing meat preparations the audit team noted that:

- In most of these establishments the OVs were not familiar with the permissible scope of use of food additives and not adequately been informed on how to assess their use by FBOs. In one of the PVIs visited, products that are meat preparations (frozen chicken fillets, injected and tumbled with spices and additives) were considered by the CAs as meat products thus allowing the use of several food additives (Phosphates and E621 in meat preparations) which is not in line with EU legislation.
- The audit team noted that the use of these food additives was allowed by the CAs in all the establishments visited producing meat preparations.
- In addition, in one of the meat preparations establishments visited, which uses several mixes of food additives for its production (more than one in the same product) the audit team noted that the documentation kept by the establishment did not allow the identification of the quantities of food additives used in individual products. In particular, the FBO did not know the exact composition (percentages of different food additives) of the mixes of food additives used and did not calculate (or record on the production sheets) the exact quantity of the mixes used per product (also for additives that could be used under a specific maximum limit). As a result, the OV did not have all the necessary information to adequately assess the appropriateness of the use of food additives by this FBO. Moreover, in the production of one specific product, one of the food additives used was not mentioned on the labelling of the final product. None of these deficiencies had been detected by the CAs during their previous inspections.

  In this establishment, the representatives of this PVI on the spot informed the audit team that no comprehensive controls on food additives had been performed until that date as this issue was not perceived to be part of their controls. In cases where they had any suspicions on the mixes used they informed the SSI, but this had not been the case in this establishment. They also mentioned that they had received no specific guidelines on how to assess the use of food additives at establishment level

and they were basically based on the check performed by the SSI inspector at the pre-mixing establishments.

The audit team noted that despite that some general elements for the assessment of their use were included in relevant checklists used by the CA's inspectors these were not accompanied by specific instructions on the official control of the use of food additives.

Conclusions

The CAs do not perform comprehensive controls on the use of food additives and cannot ensure that they are always used in line with EU legislation.

5.4 RASFF

Legal requirements
Article 50 of Regulation (EC) No 178/2002; Chapter I, Title VII of Regulation (EC) No 882/2004.

Findings
Every time that an official sample results are positive on food safety criteria established in Regulation (EC) No 2073/2005 a RASFF alert notification is issued by the CA that performed the sampling.

In cases of FBO's samples not complying with the food safety criteria of Regulation (EC) No 2073/2005 (and when the product has left the immediate responsibility of the FBO in question) CAs are notified and a RASFF alert notification is also issued. In cases of process hygiene criteria or when the product has not yet dispatched the production establishment, a RASFF information notification is issued.

The GVI has put in place specific instructions/procedures that have to be applied by the CAs in cases of RASFF issues.

There have been 13 RASFF alert notifications linked with poultry meat and products derived therefrom since the last FVO audit of which 11 were due to *Salmonella* presence (3 in 2014).

The audit team visited three establishments whose products had triggered RASFF alert notifications in the last two years (concerning Salmonella presence in poultry meat, poultry meat preparations and MSM). The audit team reviewed the measures taken by the CAs and the FBOs after these notifications and noted that in all cases, the CA actions were prompt and comprehensive and in general effective concerning the contaminated product. These actions included detection and seizure of the products in question, recall from the market, rendering or heat treatment.

In addition, notifications to the PVIs responsible for supplying the establishment in question were done (e.g. those responsible for the slaughterhouses or the cutting establishments supplying the meat). The audit team was informed by the CAs that under national legislation no sanctions are imposed on the establishment in question, when products are found positive of pathogens after sampling taken at retail level.

Conclusions

There is a system in place for notifications of RASFF and adequate actions are taken by the CAs regarding the contaminated products in question.

5.5 LABORATORIES

Legal requirements

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

Findings

The CCA has 16 approved regional official laboratories to carry out testing in the poultry sector (live animals and food of animal origin).

These laboratories are accredited by the Polish accreditation centre (PSA) and are required to participate in proficiency tests annually conducted by the National Reference Laboratory (NRL). In addition, a supervisory visit is carried out by the NRL in each laboratory every year.

The CCA also maintains a register of private laboratories which are used for FBO own-checks. These laboratories are not required to be accredited but are subject to proficiency testing, in accordance with the testing schedule prepared by the NRL[5].

The CCA may withdraw the official approval of a laboratory and remove a private laboratory from the register where it fails in two successive proficiency tests to obtain results meeting the criteria defined by the NRL, or where it fails to undergo proficiency testing at all.

Renewal of the accreditation of the approved laboratories is carried out every four years by the PSA. The reports of the PSA's audit visits together with the scope of the accreditation are transmitted to the CCA.

The audit team visited one regional official laboratory carrying out microbiological analyses on both official and own-check samples. The audit team was informed by the laboratory that in 2013 around 12,000 samples were microbiologically analysed, 700 of them for *Salmonella spp* on poultry meat and products therefrom. Approximately 60% of these samples were taken during official controls while the remainder were FBO own-check samples.

The laboratory visited by the audit team is accredited against ISO standard 17025 and the results of proficiency tests for microbiological parameters were satisfactory. It has also acquired a serotyping accreditation of microbial isolates; however, the positive microbiological samples are, in addition, sent to the NRL, in order to be checked for antimicrobial resistance.

The audit team noted that the laboratory's accreditation included all the EU reference methods laid down in Regulation (EC) No 2073/2005 and it is valid for four years.

The reports from the NRL's supervisory visit and the PSA's audit were available to the audit team who noted that during the most recent audits no deficiencies had been recorded.

Conclusions

Laboratories have been designated by the CA to perform analyses on official samples in the poultry sector in accordance with Article 12 of Regulation (EC) No 882/2004.

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5 In their response to the draft report the CA noted that in accordance with Article 25a of the Act on Veterinary Inspection, private laboratories approved by the Chief Veterinary Officer must be accredited. If the accreditation authority withdraws or suspends the accreditation granted to a laboratory for a particular test, then the Chief Veterinary Officer would have grounds to withdraw the approval for the areas no longer covered by the accreditation.

Moreover, the methods of analysis of official samples are carried out in line with Article 11 of the same Regulation.

The fact that private laboratories have to participate in proficiency testing represents a useful tool for providing guarantees concerning the reliability of own-checks results carried-out in the context of Regulation (EC) No 2073/2005.

6 OVERALL CONCLUSION

Poland has in place an organised official control system based on EU and national legislation, supported by a number of central competent authority instructions and guidelines. In general, this control system is applied consistently over time and covers the entire poultry production chain.

However some shortcomings in the implementation of the official control system were noted with respect to:

- The insufficient supervision and control of the use of food additives and of labelling of MSM.
- Shortcomings at establishment level detected by the FVO team which had not previously been noted during official controls.
- The actions taken by the CA, at establishment level, in cases of positive results after official *Salmonella* sampling, in order to prevent recurrence.
- The application of National measures not foreseen under EU rules, in relation to the adaption of the requirements of Regulation (EC) No 853/2004 in low production establishments.

7 CLOSING MEETING

During the closing meeting held in Warsaw on 28 November 2014, 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.

8 RECOMMENDATIONS

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

No.	Recommendation
1.	To ensure that the national measures applied concerning structural and equipment requirements of establishments with lower production are in line with EU legislation, in particular as regards Article 5 of Regulation (EC) No 853/2004 (i.e. the placing of their products on the market only when an identification mark is applied in accordance with Annex II, Section I, of this Regulation).
2.	To ensure that establishments are approved for the activities concerned if the FBO has demonstrated it complies with the relevant requirements of food law

No.	Recommendation
	as required by Article 31(2c) of Regulation (EC) No 882/2004.
3.	To ensure that FBOs comply with the requirements of Regulation (EC) No 1099/2009 regarding the protection of animals at the time of slaughter or killing in particular that the stunning of birds is carried-out in accordance with Article 4(1) of Regulation (EC) No 1099/2009.
4.	To ensure that as required by Article 4 of Regulation (EC) No 854/2004 official controls verify FBO compliance with all the relevant EU requirements; in particular the CA has to ensure that the official controls at establishments cover all the relevant requirements laid down in Regulations (EC) Nos 852/2004 and 853/2004 in order to verify their compliance.
5.	To ensure that official controls cover all relevant requirements of Regulation (EC) No 2073/2005, in particular that the FBOs apply the sampling protocols required and they conduct studies in accordance with Annex II of Regulation (EC) No 2073/2005 in order to investigate compliance with microbiological criteria throughout the shelf-life of its products (Article 3.2 of Regulation (EC) No 2073/2005).
6.	To ensure that when the results of testing against the criteria set out in Chapter I of Annex I of Regulation (EC) No 2073/2005 are unsatisfactory, the FBOs take measures to find the cause of the unsatisfactory results in order to prevent recurrence of the unacceptable microbiological contamination, as required by Article 7.1 of Regulation (EC) No 2073/2005.
7.	To ensure that products containing MSM destined to final consumers are labelled in accordance with the requirements of Point 18 of Part B, Annex VII to Regulation (EU) No 1169/2011 and that MSM supplied to other establishments is correctly identified to allow FBOs to use it in accordance with points 3 and 4, Chapter III Section V, Annex III to Regulation (EC) No 853/2004.
8.	To ensure that official controls on the application of the identification mark fulfil all the requirements of Point C.10, Section I of Annex II to Regulation (EC) No 853/2004, in particular regarding the application of the mark in the case of packaging or wrapping of cut poultry meat.
9.	To ensure that official controls are carried out in order to ensure that the use of food additives in the production of products derived from poultry meat is carried-out in accordance with the relevant requirements of Regulation (EC) No 1333/2008, in particular concerning their use for the specific category of food established in part E of Annex II to this Regulation.

ANNEX: LEGISLATION (TABLE MISDOC GENERATED)

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=2014-7160

ANNEX 1 – LEGAL REFERENCES

Legal Reference	Official Journal	Title
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
Dir. 2009/158/EC	OJ L 343, 22.12.2009, p. 74-113	Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs
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
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. 1169/2011	OJ L 304, 22.11.2011, p. 18-63	Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004