

Non-compliances	Proposed answer
<p>Page 4 [p. 3 in English version] Full coverage of the interpretation of Regulation 2073/2005 is not yet in place in instructions and guidance</p>	<p>The Chief Veterinary Officer's Instruction will be brought into line with Regulation 2073/2005 in the light of the entry into force of subsequent amendments with respect to Salmonella in pig carcasses. It is expected that the work on the amendments will be completed in the 1st quarter of 2013.</p>
<p>Page 5 Concerning control results, the reporting includes figures on controls on hygiene and food safety including the number of infringements without any further specifications</p>	<p>The new reporting forms for highly detailed information on the laboratory test results have been designed, and their use will become compulsory in 2014 (Annex 1).</p>
<p>Pages 6 and 8 [pp. 5 and 7 in English version] Review of RASFF notifications – actions were not taken before, on average four to six days, after the notification [...] the initial response to RASFF notifications was not timely in all cases.</p>	<p>Letter GIWbż-530/RASFF-239/13(1) was sent to the provincial branches of the Veterinary Inspectorate on 29 August 2013, reminding them that, in the event of alerts, the available reaction time at each level is 48 hours, as set out in EU law and in the Chief Veterinary Officer's Instruction on the RASFF system (Annex 2).</p>
<p>Page 6 The NVRI has organised specific training on microbiological risks in food, [...], however, only for a limited number of staff [the Polish version states "for a <i>small number of staff</i>"].</p>	<p>This is a translation error. It should read "dla ograniczonej liczby pracowników" ("for a limited number of employees"). Data on the number of training courses on microbiological criteria held in 2012 can be found in the Annex (Power Point Presentation).</p>
<p>Page 7 In XXXXXXX, where <i>Salmonella</i> had been detected in meat products and MSM, the District (XX) Veterinary Officer ordered that they be destroyed. However, for a period of approximately two months, the FBO continued to apply the reduced sampling frequency that had previously been granted</p>	<p>On 12 March 2013, the District Veterinary Officer in XXXXXXX issued an administrative decision repealing decisions concerning a reduction in the frequency in which meat products are sampled for Salmonella. The plant is currently testing meat products for Salmonella at a sampling rate of 1/1 000, based on test schedule taking into account the rotation of days in individual sampling weeks. On 24 June 2013, the Provincial Veterinary Officer in XXXXXXX acting on the advice of the District Veterinary Officer, discussed the issues arising from the draft FVO mission inspection report and ordered a re-examination of the documentation on the tests carried out by the plants for compliance with Regulation 2073/2005 and the</p>

	situation in the plants.
Page 9 [p. 8 in English version]	"Four private laboratories are approved by the VI to carry out microbiological testing" should read "Thirty-seven private laboratories are approved by the VI to carry out microbiological testing on food of animal origin." (Pursuant to the current list of approved laboratories, other approved laboratories perform tests in different areas).
Pages 9 and 10 [p. 9 in English version] Although the XXXX had organised a wide range of proficiency tests for its official laboratory network, limited activities were noted concerning proficiency tests for dairy products	<p>Proficiency tests are part of the PT programme on the microbiology of food of animal origin. During the period 2008-2012, nine rounds of such tests were performed, including microbiological tests on milk and milk products which are referred to in the Regulation and which fall within the competence of the XXXXX XXXXXXXX Establishment:</p> <ul style="list-style-type: none"> - detection of staphylococcal enterotoxins (5 PT: frequency: once a year; number of participating laboratories: 6,3,3,5,3) - detection of Salmonella spp. (3 PT: frequency: once every two years; number of participating laboratories: 25, 24, 26) - detection and enumeration of the number of L. monocytogenes (3 PT – frequency: once every two years; number of participating laboratories: 24, 19, 17) - detection and enumeration of the number of coagulase-positive staphylococci, including Staphylococcus aureus (% PT: frequency: once a year; number of participating laboratories: 13, 23, 21, 18, 18) - number of beta-glucuronidase-positive E.coli (1 PT; number of participating laboratories: 26) <p>The next round of tests is planned for 2013 (round 03/2013, 16.09.2013 - 16.12.2013) and will include tests on the number of Enterobacteriaceae and the number of coagulase-positive staphylococci. After completion of the PT programme, as part of round 03/2013, from 16.12.2013 to 16.01.2014, XXXXXXXX will analyse the programme and the needs of the official laboratories with respect to microbiological tests on food. It will use the results of its analysis as a basis for</p>

	considering possible changes to the programme in 2014 and thereafter, including the scope and number of tests.
Page 11 [<i>p. 10 in English version</i>] National legislation within the remit of the VI does not describe the FBO's right to have a countersample [<i>in English version: contradictory sample</i>] taken during official sampling sessions.	The Chief Veterinary Officer's Instruction will be brought into line with the amendments to Regulation 2073/2005 and supplemented to include the requirement that the entity be informed of its right to take a countersample. It is expected that work on the amendments will be completed in the 1st quarter of 2014. Pending the amended Instruction, the issue was raised in letter GIWbž-0810-6/2013(5) of 30 August 2013 (Annex 3).
Page 12 [<i>p. 11 in English version</i>] In one establishment it could not be documented that the use of alternative methods had been validated against the reference methods provided for in Regulation (EC) No 2073/2005 in accordance with ISO 16 140 or other...	By the end of the year, the SPIWET control lists will be supplemented to include the requirement that the Veterinary Officer check that the test methods are reference methods and, if they are alternative methods, that they have been validated. Pending the amended SPIWET control lists, the issue was raised in letter GIWbž-0810-6/2013(5) of 30 August 2013 (Annex 3).
Pages 14 and 15 [<i>p. 13 and 14 in English version</i>] A distribution of the rating was applied (in the instruction), which led to cases where non-compliant results with regard to food safety criteria or RASFF notifications only led to a slight increase in the audit frequency. The system does not ensure that the frequency in all cases is proportionate to the risk.	The Instruction on the frequency of controls contains general guidelines and sets out a minimum audit frequency for plants in each risk group. Depending on the assessment of the specific circumstances prevailing in the plant and the options for the audit frequency, the Veterinary Inspectorate body may increase the frequency to above the minimum indicated in the Instruction. Moreover, the plant's compliance with administrative decisions must always be checked by means of a repeat control.
Page 14 The general instruction on verification of implementation of Regulation (EC) No 2073/2005 and the instructions on the design of FBOs' sampling programmes in fishery products establishments do not take into account inherent risk factors such as pH and	The Chief Veterinary Officer's Instruction will be brought into line with the amendments to Regulation 2073/2005 and supplemented to include such risk factors as pH and water activity. The work on the amendments is expected to be completed in the first quarter of 2013.

<p>water activity of the products when assessing the sampling programme.</p>	
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<p>Page 19 [p. 17 in English version] Inadequate hazard analysis – in establishments producing RTE products, the hazard analysis did not take into consideration the product characteristics in particular in relation to the ability to support the growth of <i>L. monocytogenes</i> and in three of the cases it did not identify the relevant microbiological hazards</p>	<p>Letter GIWbż-0810-6/2013(5) of 30 August 2013 (Annex 3) requires verification, by the end of the current year, that the plants' HACCP plans have correctly identified the microbiological risks to the various products made by those plants.</p>
<p>Page 19 [p. 17 in English version] Inadequate hazard analysis – the procedure for action to be taken in case of non-compliant test results did not include all applicable food safety criteria</p>	<p>Letter GIWbż-0810-6/2013(5) of 30 August 2013 (Annex 3) requires verification, by the end of the current year, of the analysis of the risks to individual products/groups of products and procedures in the event of non-compliant results, with a view to identifying all microbiological risks affecting the plant's products.</p>
<p>Page 19 [p. 18 in English version] Lack of verification and validation of HACCP programmes using the criteria in Regulation (EC) No 2073/2005 and lack of a specific recall procedure in the case of non-compliant results with regard to the applicable food safety criteria.</p>	<p>Letter GIWbż-0810-6/2013(5) of 30 August 2013 (Annex 3) referred to checks on whether the HACCP programmes have been verified and validated in accordance with Regulation (EC) No 2073/2005. This matter will also be regulated in the revised Instruction.</p>

<p>Page 20 [p. 18 in English version] Two of the five product categories manufactured in the establishment (XXXXXX) were not tested at all for <i>L.m.</i></p>	<p>XXXXXXXXXXXXXXXXXXXXXXXXXXXX, a poultry producer, changed its schedule for taking test samples. Currently, all five product groups tested are compatible with Regulation 2073/2005. The test frequency was determined on the basis of an analysis of the production volume for individual product groups. The keeping quality test procedure takes account of consumer behaviour.</p>
<p>Page 21 [p. 19 in English version] In the fishery products establishment visited, testing for histamines was carried out only in one of the three categories</p>	<p>Zakład „XXXXXX” changed its test plan in 2013 to take account of the test for histamines in smoked and marinated fish. Under the new test plans for 2014, the risk analysis will include factors such as pH and water activity.</p>
<p>Page 21 [p. 19 in English version] In one establishment only one of the categories of meat preparations was tested for process hygiene criteria. The pig and beef carcasses were tested once per month.</p>	<p>XXXXXXXXXXXX was fined for failing to comply with the test frequency. The District Veterinary Officer issued an administrative decision ordering compliance with the correct test frequency, to take account of all days of the calendar week, when taking samples on slaughtering days for individual species. The District Veterinary Officer ordered that the test be extended to all commodity groups.</p>
<p>Page 22 [p. 20 in English version] In the fishery establishment also processing shrimps, no testing for <i>E. coli</i> was carried out in the cooked product.</p>	<p>The District Veterinary Officer believes that the test for <i>E. coli</i> as a hygiene criterion is not applicable to XXXXXXXX, because it relates to cooked crustaceans and molluscan shellfish, whereas the plant in question produces smoked shrimps in the shell.</p>
<p>Page 23 [p. 21 in English version] Storage testing did not reflect common consumer behaviour and did not take into consideration the conditions foreseen for storage, distribution and use of the foodstuffs (temperatures not complied with) This aspect was not checked by the CAs.</p>	<p>The Chief Veterinary Officer's Instruction will be supplemented to include an obligation to check that the test on keeping quality takes account of consumer behaviour (food storage conditions, distribution and use). It is expected that the work on the amendments will be completed in the 1st quarter of 2014. Pending the amended Instruction, this issue was raised in letter GIWbż-0810-6/2013(5) of 30 August 2013 (Annex 3)</p>

<p>Page 24 [<i>p. 22 in English version</i>] Checks over compliance with the provisions of Article 6 of Regulation (EC) No 2073/2005 are not included in the check-lists for inspection</p>	<p>The SPIWET control list will be supplemented to include the requirement that the Veterinary Officer check whether the marking of minced meat intended for consumption after heat treatment is appropriate (by the end of the year).</p>
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