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HEALTH & CONSUMERS DIRECTORATE-GENERAL

Directorate F - Food and Veterinary Office

DG(SANCO)/ 2008-7810 - MR - FINAL

FINAL REPORT OF A MISSION CARRIED OUT IN POLAND FROM 01 DECEMBER TO 12 DECEMBER 2008 IN ORDER TO EVALUATE THE FOLLOW-UP ACTION TAKEN BY THE COMPETENT AUTHORITIES WITH REGARD TO OFFICIAL CONTROLS RELATED TO THE SAFETY OF FOOD OF ANIMAL ORIGIN, IN PARTICULAR MEAT AND MILK

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 an endnote.

Executive Summary

The Competent Authorities (CAs) gave satisfactory replies to the recommendations of the previous mission report DG(SANCO)/2007-7442 and most of the corrective actions have been completed and implemented satisfactorily.

Several new pieces of legislation and instructions have been issued to finalise the up-dating process to comply with Community legislation.

Audits on the supervisory levels of control have not yet been carried out and the appropriate training has not yet been finalised.

A risk based system to determine the frequency of official controls (full comprehensive inspection) has been implemented, however, the impact of non-compliances or previous inspection results is marginal. In addition, ad-hoc inspections are carried out.

Official controls over food business operators (FBOs) and supervision by the district officials and official veterinarians (OVs) are carried out in a structured way. When the deficiencies had been detected they were reported and official action was taken and, in most cases, the FBOs implemented the action plans accordingly. In most cases the documentation was well maintained both by the FBO and the OV. However, some deficiencies were not detected.

Evidence was seen that the procedure for the approval of new establishments or after upgrading is followed. However, one District Veterinary Officer (DVO) failed to apply correctly the procedure for a meat products establishment after change of ownership and activities.

There was progress in complying with hygiene requirements and with the official control of the establishments. The mission team considered that ten out of the thirteen establishments visited complied with requirements, albeit with some deficiencies. The implementation of the requirements of the hygiene Regulations by FBOs in the establishments was generally adequate and the majority of the deficiencies seen during the mission had already been reported in the official controls. However, serious deficiencies were detected in the other three establishments visited and had not been addressed by either the District or Regional levels during recent inspections.

The quality of the raw milk is controlled and in case of non-compliances, the DVO is informed and action is taken. In one dairy the procedure for the rejection of non-compliant milk did not cover all the relevant cases.

The former low capacity establishments (there is a large number in Poland) have been evaluated and classified. A new monitoring will take place in 2009. However, there was no system in place to guarantee full compliance at the end of the transitional period

In the slaughterhouses (SH) visited, ante- and post-mortem examinations were generally in compliance with the requirements. Trichinella testing was found to be adequate.

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

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ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

Abbreviation	Explanation
ABP(s)	Animal By-Product(s)
CA(s)	Competent authority (ies)
CCA	Central Competent Authority
CVO	Chief Veterinary Officer
DVO(s)	District Veterinary Officer(s)
EU	European Union
FBO(s)	Food Business Operator(s)
FVO	Food and Veterinary Office
GVI	General Veterinary Inspectorate *(Główny Inspektorat Weterynarii)*
HACCP	Hazard Analysis and Critical Control Points
ITC	Intra-Community Trade
NRL	National Reference Laboratory
OV(s)	Official Veterinarian(s)
RVO(s)	Regional Veterinary Officer(s)
SCC	Somatic Cell Count
SH	Slaughterhouse
TBC	Total Bacteria Count

1 INTRODUCTION

The mission took place in Poland from 1 to 12 December 2008, as part of the planned mission programme of the Food and Veterinary Office (FVO). The mission team comprised two FVO inspectors and was during mission by from the central competent authority (CCA), the General Veterinary Inspectorate (*Glówny Inspektorat Weterynarii*– GVI).

The mission itinerary in pursuit of the mission's objectives included the following:

Competent authorities			**Comments**
Competent authorities	Central	**X**	Opening and closing meeting
	Regional	**X**	Regions Lodzkie, Opolskie, Dolnoslaskie
	Local	**X**	District and Regional officers met at the establishments
Food production/processing / distribution – Activities			
Slaughterhouses		**2**	
Cutting plants		**6**	1 independent, 5 integrated with PP (1 authorised only for national market)
Meat products/meat preparations plants		**7**	1 independent and authorised only for national market
Minced meat, mechanically separated meats		**1**	
Milk processing plants		**3**	
Game handling establishment		**2**	
Casings, stomachs establishment		**1**	
Storage establishments		**1**	

At the opening meeting, the objectives, itinerary, and reporting procedures were confirmed, and information complementary to that received in the course of the preparation of the mission was requested by the mission team.

2 OBJECTIVES OF THE MISSION

The objectives of the mission were the evaluation of the follow-up action taken by the competent authorities in response to the recommendations made in report DG(SANCO)/2007-7442 with regard to:

- competent authority organisation and operation,
- official controls over FBOs' compliance with general and specific rules on the hygiene of food of animal origin,
- the implementation of these rules by food business operators,
- the correct implementation of the chain of certification.

In particular, controls over meat of domestic ungulates, farmed game, wild game, minced meat, meat preparations, mechanically separated meat, meat products, raw milk and dairy products in the framework of Regulations (EC) No 178/2002, No 852/2004, No 853/2004, No. 854/2004 and No 882/2004 were subject to this evaluation.

In addition, the mission evaluated the measures taken in view of fulfilling the commitments with regard to the three establishments for which the Commission services had requested information as these establishments had been granted a transitional period and were not in compliance with EU legislation on 1 January 2008.

3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation and, in particular Article 45 of Regulation (EC) No 882/2004.

A full list of the legal instruments referred to in this report is provided in Annex 1. Legal acts quoted in this report refer, where applicable, to the last amended version.

4 BACKGROUND

The previous FVO mission in the evaluated sectors was carried out in June 2007 (ref. number DG(SANCO)/2007-7442 hereafter referred to as the previous report) and the following recommendations were made:

1. To finalise the updating of legislation, instructions and guidelines in line with the requirements of the new EU hygiene legislation.

2. To ensure that official controls are carried out on a risk basis as foreseen in Article 3 of Regulation (EC) No 882/2004.
3. To ensure that health certificates for export do not contain any unsupported animal health statements as required by Council Directive 96/93/EC.
4. To put in place a system for non approved establishments that before 1 January 2006 were allowed to place food of animal origin on the national market as foreseen in Article 4, (5) of Regulation (EC) No 853/2004, in order to ensure that all of them comply with EU requirements by the end of 2009.
5. To ensure that only compliant establishments, including establishments on the transitional list that have reached the end of their transition period, are allowed to put food of animal origin on the market as required in Article 4 (2) of Regulation (EC) No 853/2004.
6. To take further measures in order to ensure the uniformity and consistently quality of the official controls so that only fully compliant establishments are approved in accordance with Article 3 of Regulation (EC) No 854/2004 and to ensure that FBOs comply with the general and specific hygiene requirements laid down in Council Regulations (EC) No 852/2004 and 853/2004.
7. To ensure that traceability is established at all stages of production and processing as required in Article 18, 1 of Regulation (EC) No 178/2002 and that food placed on the market is adequately labelled or identified.
8. To further improve the official controls over raw milk quality and assess the reliability of the controls carried out with regard to the criteria for raw milk.

The CCA gave satisfactory replies to recommendations 1, 2, 3, 5 and 7 of the previous report providing deadlines for the implementation of the corrective actions. However, recommendations 4, 6 and 8 were not satisfactorily addressed in the action plan received.

5 MAIN FINDINGS

5.1 COMPETENT AUTHORITIES

5.1.1 Designation of competent authorities and operational criteria

5.1.1.1 Legal powers

In reply to recommendation N° 1 of the previous report, the CA stated that several Decrees have been issued by the Minister for Agriculture and Rural Development within the scope of this mission. For example:

1. Regulation of the Minister of Agriculture and Rural Development of 29 December 2006 on conducting training for hunters (J. o L. of 2007 No 5, item 39).
2. Instruction of the Chief Veterinary Officer No GIWhig - 500 - 11/07 of 14 August 2007 r. on defining, on the basis of risk assessment, the frequency of the controls of the entities of the food sector subjected to supervision carried out by the Veterinary Inspection.
3. The new Instruction of the Chief Veterinary Officer No GIWhig - 500 – 3/08 of 20 March 2008 r. on approving the establishments.
4. The Instruction of the Chief Veterinary Officer No GIWhig - 500 – 4/08 on types of inspections, procedures and their verification, taking into account the provisions of Article 8 of the Regulation of the European Parliament and the Council No 882/2004.

Observations

- The above mentioned legislation and instructions were found to be appropriate to address the areas in question.

5.1.1.2 Audits of the competent authorities

Observations

- The system of auditing as required by Article 4 (6) of Regulation (EC) No 882/2004 has not yet been implemented and the supervisory visits carried out at regional level have to be considered mainly as controls.
- The training of the auditors has not yet been finalised and is foreseen for 2009.
- Evidence was seen of the need for implementing these audits in order to create a system which, in accordance with Commission Decision 2006/677/EC, will cover, during the course of a single year,1/5 of Veterinary Inspections units, i.e., district and border veterinary inspectorates, which, as auxiliary units of the district and veterinary officers, conduct official controls to ensure the verification of compliance with feed and food law, animal health and animal welfare rules. (see Endnote)

5.1.2 Staff performing official controls

Observations

- The CCA informed the mission team that nationwide 798 new positions (veterinarians and technical staff) were opened and filled for 90% of the cases allowing a better coverage of official veterinary controls.
- With a few exceptions the OVs and DVOs met had a good knowledge of the legal requirements and of the instructions from the Chief Veterinary Officer (CVO).
- The CCA were continuously organising training sessions that cover several topics such as traceability, Regulations (EC) No 852/2004 and No 853/2004, Hazard

Analysis Critical Control Points (HACCP) and intra-Community trade (ITC) within the framework of the "facility transition project". According to the programme seen, around 40 DVOs will be trained by the end of 2008 and a cascade system will be applied to transmit the knowledge to lower levels. Officials were also attending courses organised by the Commission ("better training for safer food").

5.1.3 General obligations with regard to the organisation of official controls

In reply to recommendation N° 2 of the previous report, the CA stated that in order to ensure that official controls are carried out on a risk basis as foreseen in Article 3 of Regulation (EC) No 882/2004, the Instruction of the CVO No GIWhig - 500 - 11/07 of 14 August 2007 r. was issued on defining, on the basis of risk assessment, the frequency of the controls of the entities of the food sector subjected to supervision carried out by the Veterinary Inspection.

5.1.3.1 Organisation of official controls

Observations

- This CVO instruction to determine the minimum frequency of official controls of establishments,takes into account the relevant criteria as defined in Article 3 of Regulation (EC) No 882/2004 and was implemented in all establishments visited. It is a risk rating system graduated by points. However, when applied, the impact of non-compliances or the result of previous inspections or controls is marginal. (see Endnote)

5.1.3.2 Periodicity and frequency of the official controls

- The establishments were regularly controlled by private practitioners appointed as OVs or by officials. Periodic visits were also scheduled for the district and regional levels, with variable frequency determined by the CVOs' instruction and some additional ad-hoc inspections.
- Staff shortages were no longer reported by the CAs visited.

5.1.3.3 Procedure to review the system

- The new CVO instruction includes a procedure to update the system every two years as required by Article 8, 3 (b) of Regulation (EC) No 882/2004.
- The updating of the checklists for the different types of establishments to reflect the hygiene package, annexed to the instruction CVO No GIWhig - 500/4/08 in response to the methodology of official controls is not yet completed. Most of the specific annexes to the general checklist, each covering a particular sector of activity (following Regulation (EC) No 853/2004) have been provided, however not for all establishments (for example, for game meat establishments).

5.1.3.4 Actions following official controls

Observations

- Generally, there was a proper follow-up of the deficiencies detected by the OVs, DVOs and regional officers. Deadlines were set and further visits to verify the correction of the deficiencies were well documented.

5.1.3.5 Verification procedures

Observations:

- The regional officers prepare an annual plan to control the performance of the DVOs, and records and results of the programmes are kept. The control is performed by visiting the establishments and comparing the results of the visit of the regional officers with the control carried out by the DVO. Different topics are covered (for example, hygiene, animal welfare, animal by products (ABP)).

5.1.4 Reports

Observations

- Reports were routinely drawn up after official controls and the FBOs were provided with a copy. The report contents were found to be in compliance with Article 9 of Regulation (EC) No 882/2004.

5.2 OFFICIAL CERTIFICATION

According to the information provided, the new notification system will allow the OVs to have enough information on animal health issues to sign the export certificates as required by Council Directive 96/93/EC.

Observations

- The DVOs have access to all the Animal Health information (ADNS system) on the official website.
- None of the establishments visited was exporting and therefore the mission team could not assess the application of the new procedure.

5.3 REGISTRATION AND APPROVAL OF ESTABLISHMENTS

Following recommendation N° 1 of the previous report, the new Instruction of the Chief Veterinary Officer No GIWhig - 500 – 3/08 of 20 March 2008 r. on approving the establishments has been implemented.

Following recommendation N° 4 of the previous report (*"To put in place a system for*

non approved establishments that before 1 January 2006 were allowed to place food of animal origin on the national market as foreseen in Article 4, (5) of Regulation (EC) No 853/2004, in order to ensure that all of them comply with EU requirements by the end of 2009"), the CA stated that the DVOs are obliged to provide information concerning establishments approved for placing food of animal origin on the national market until 17 October 2007. The elaboration of the strategy and guidelines for taking further measures concerning the above mentioned establishments will be possible after suitable data is provided.

During 2007, a survey was carried out in order to update the information on the classification of establishments, which were allowed to place food of animal origin on the national market as foreseen in Article 4 (5) of Regulation (EC) No 853/2004, and their intentions. 1 244 establishments still remain on this list. A new survey will be launched in the first trimester of 2009.

5.3.1 Registration of establishments

Observations

- Establishments that need to be registered according to Regulation (EC) No 853/2004 are also registered in the SPIWET database.

5.3.2 Approval of establishments

Observations

- The mission team evaluated the measures taken in view of fulfilling the commitments with regard to ensuring full compliance of the three establishments as requested by the Commission Services concerning establishments in transition. The measures taken were considered acceptable.
- The procedure to keep the published lists of establishments updated has been modified. The status of the establishment is verified at regional level and the information is then sent to national level which has to process it within seven days.
- A new detailed approval procedure has been put in place and evidence was seen of its correct application and was well documented in most cases. The DVO is responsible for the evaluation and attribution of the approval. (see Endnote)
    - However in one establishment, the DVO failed to apply the procedure. Although a change in activities took place, the action of the DVO was limited to the transcription of ownership. No comprehensive inspection took place to evaluate the approval conditions and despite deficiencies related to the infrastructure of the establishment conditional approval was not granted. A request for co-financing for some up-grading was introduced and several non-compliances were noted by the FVO team and not reported by the DVO.
    - Another establishment was still approved for the production of minced meat even though the equipment was removed, the room re-allocated and no production took place.
- The instruction to evaluate all establishments producing only for the national market

within the framework of Article 4 of Regulation (EC) No 2076/2005 (including former low capacity establishments in accordance with Article 4 of the repealed Council Directive 64/433/EEC and Article 9 of the repealed Council Directive 77/99/EC) and to agree to an up-grading programme if necessary for approval, is followed. Progress is monitored by the Regions, and transmitted on a yearly basis to the CCA. However, no additional initiatives have yet been taken. The CCA announced for the first trimester of 2009 the launching of another round of evaluation and appropriate action. Some establishments have already been up-graded, found in compliance and approved.

- The lists of establishments on the official website are updated every three months and will be updated daily from 2009.

5.3.3 National measures and derogations

National legislation including derogations from Regulation (EC) No 852/2004 and Regulation (EC) No 2074/2005 was notified to the Commission. It includes provisions concerning traditional and marginal production, direct sales and specific dairy products.

5.4 Application of Hygiene Rules at establishment level and official controls

In reply to recommendation N° 5 of the previous report, the CA committed itself to ensure that only compliant establishments, including establishments on the transitional list that have reached the end of their transition period, are allowed to put food of animal origin on the market as required by Article 4 (2) of Regulation (EC) No 853/2004.

5.4.1 Food business operators' obligations

5.4.1.1 General hygiene requirements

Observations

- From the thirteen food establishments visited (all approved) ten were found to be generally compliant with regard to structure, maintenance, cleanliness and hygiene of operations. The deficiencies observed in these establishments can relatively easily be addressed.
- In three establishments significant non compliances were found (see Endnote).

1. In one dairy plant, recontamination of pasteurised milk prior to final packing and contamination of the filling room with waste water from the adjacent washing room was noted. Corrective action was requested and evidence of it was provided at the final meeting.
2. In one cold store poor housekeeping was noted and the traceability of the meat was not fully ensured in places (more details at 5.4.1.5). Observations included unprotected products and lard stored in unhygienic conditions, damaged cartons, products with none or non-compliant identification, presence of

expired products, storage of packing and wrapping materials from the adjacent meat product plant inside the freezer stores.

3. One meat product plant was not fulfilling all the requirements concerning lay-out, structure, separation of products with different sanitary status and conditions for the reception of meat. In addition meat, intermediate products and meat products were stored in an external container without fulfilling the requirements for storage in relation to hygiene, traceability and labelling.

- Some deficiencies were noted in some of the other establishments visited. The most common were condensation on high areas with exposed products underneath, damaged or badly worn floors and walls and cold units not directly ducted to the waste system. In addition, windows and doors not sufficiently tight to prevent the entry of pests and insufficient cleaning, in areas behind, under and inside equipment, some contamination during dehiding, exposed meat in direct contact with carton boxes.
- One establishment with its own water supply did not test for all the required chemical parameters as required by Council Directive 98/83/EC.
- Microbiological carcass testing, testing of minced meat, meat preparations and dairy products followed in general the provisions of Regulation (EC) No 2073/2005 with regard to sampling frequency, methodology of sampling and testing, calculation of results and trend analysis. According to a national instruction of April 2007 the sampling plan of the FBO must be approved on a yearly basis by the DVO. Moreover, the DVO must verify the system by sampling and testing twice a year.
- In one SH, where constant negative results were obtained for the microbiological testing of bovine carcasses for the whole year, the validity of the results was not analysed by the CA or by the FBO.

5.4.1.2 Specific requirements

Observations

- The level of compliance with specific hygiene requirements was in most of the establishments satisfactory. Some deficiencies were noted in one or more establishments, for example:

- risk of cross-contamination between unprotected heat treated meat product and raw meat in a meat product establishment due to incorrect design;

- insufficient attention to clean animal policy;

- loading and dispatch conditions were not sufficient to avoid contamination of exposed meat cuts, carcasses and products (in two establishments);

- pans to transport offal on the slaughterline were not sufficiently rinsed or disinfected.

5.4.1.3 HACCP based systems

Observations

- In all establishments visited, HACCP based systems were available. The standard of the HACCP plans checked were found to be slightly higher than during the previous mission.
- However, occasionally procedures were not updated or detailed enough.

5.4.1.4 Identification marking

Observations

- Improvement was noted as regards identification marking and most products seen were correctly identified.
- Some labelling deficiencies were noted by the FVO team in a game meat processing establishment. A distinction between the National Market and ITC is still made for storage, packing and labelling.
- An improvement was noted regarding plastic crates bearing old identification marks from other establishments, and this was only seen in one establishment.

5.4.1.5 Traceability and labelling

In reply to recommendation N° 7 of the previous report, the CA in the letter No GIWhig-501 - 392/07 of 30 July 2007, ordered that controls be intensified on labelling in milk establishments and on traceability of the product, including intestines supplied to processing plants.

Observations

- Traceability systems were in place in most of the meat establishments visited. However, in some cases deficiencies in labelling and in the specific identification of raw materials undermined their reliability. In particular in one casing plant many deficiencies were seen. In one meat product plant, there was no correlation between the cooking sheets and the cooker used, limiting the traceability to the production to the entire day. (see Endnote)
- In one cold store the traceability was not fully ensured and most of the traceability relied on the knowledge and availability of individual persons and not on an auditable system. Although the operator could trace back products, the systems were not transparent or easy to verify by the OV.
- As regards the milk sector, there were documented procedures in place which made it possible for the FBOs to demonstrate traceability.

5.4.2 Official controls at establishments for verification of food business

operators' compliance

The day to day supervision is carried out by private practitioners appointed as OVs whereas the periodic or ad-hoc inspections are done by DVOs. In addition, there is a higher level of control carried out by the regional veterinary officers (RVOs).

Observations

- The frequency of official controls as laid down in a CVO instruction was, in most cases, met in the establishments visited. Staff shortages which were a general problem in the past at both regional and district levels were no longer reported.
- In most cases, the deficiencies seen by the mission team were identified by the CA during their controls and corrective actions were initiated and, in most cases, the FBOs carried out the action plans accordingly. In most cases the documentation was well maintained both by the FBO and the OV. However, particularly in the three non-compliant establishments mentioned above, the CA failed to identify serious deficiencies present in the establishments.

5.4.2.1 Audits of good hygiene practices

Comprehensive audits are carried out according to, and recorded, in the checklists laid out in the SPIWET database. There is one general checklist for comprehensive reviews and a simplified form for ad-hoc controls.

Observations

- Audits of good hygiene practices are documented in the above-mentioned checklists and in most cases the checklists were properly completed.
- In some cases the inspectors failed to identify obvious structural deficiencies, thereby completing checklists with none or very few remarks.
- The new specific CVO instruction of 4 April 2007 providing guidance as regards the official controls of the implementation of Regulation (EC) No 2073/2005 was used by the officials met by the mission team.

5.4.2.2 Audits of HACCP-based procedures

Observations

- Audits of HACCP-based procedures are carried out and documented in the documents referred to above. The part of the SPIWET checklist that concerns HACCP is, however, rather limited.
- In the dairy establishments visited controls of HACCP-based procedures were also carried out randomly during regular daily or weekly supervision.

5.4.2.3 Controls over the application of identification marks

Observations

- The new CVO instruction of 4 April 2007 regarding official controls of traceability and marking is applied and controls over the application of the identification mark

are included in the model checklist.

- Compliance with legal requirements in these areas was reasonably good, but the deficiencies noted by the mission team earlier in this report had not been detected by the official services.
- Specific training on traceability was organised in 2007. However, in one District, the knowledge of two official veterinarians (OVs) demonstrated during their controls in one cold store was unsatisfactory. Although it was claimed that a traceability exercise had been carried out, no evidence could be provided. Moreover, most of the traceability relied on the knowledge and availability of individual persons and not on an auditable system. Although the operator could trace back products, the systems were not transparent or easy to verify by the OV.

5.4.3 Official inspection tasks in establishments

5.4.3.1 Ante-mortem inspection

Observations

- The *ante-mortem* inspection was documented in both SHs visited. However, in one cattle SH visited the documentation was filled in after the slaughter of the animals and was based on the slaughter records of the FBO and therefore could not be considered as fully reliable. In the same SH no sick or injured animals were noted out of 2 000 animals inspected during a four month period. This was not questioned by the OV or the DVO.
- A system of food chain information for pigs has been implemented and has been operational since the beginning of 2008 including the relevant information as required by Annex II, Section III of Regulation (EC) No 853/2004 which was verified by the OVs.

5.4.3.2 Post-mortem inspection

National provisions are in place for the collection of wild game largely in line with the repealed Council Directive 92/45/EC on the killing of wild game and the placing on the market of wild-game meat.

Observations

- Both the *post-mortem* of bovines and pigs was evaluated. In general the procedures applied complied with the requirements of Annex I to Regulation (EC) No 854/2004. However, there was no systematic visual inspection of the mesenteric lymphnodes of pigs.
- A declaration signed by a trained hunter was accompanying wild game to the game handling facility and lists of trained hunters are available in the DVO, but only of hunters operating in the same district. Consequently, the DVO at the wild game

handling establishment was not able to verify the validity of the signature of the hunter, when wild game was received from other districts.

- *Post-mortem* inspection of large wild game in the game handling facilities visited was not carried out before de-skinning had taken place. Moreover, de-skinning of wild-boars was not carried out before the result of the *Trichinella* examination was obtained. Account was taken of a signed declaration (by the trained hunter), when *post-mortem* of large game was carried out, as provided for in Annex I, Section IV, Chapter VIII of Regulation (EC) No 854/2004.

5.4.3.3 Trichinella examination

All detections of *Trichinella* in slaughtered domestic pigs, horses and wild boars are reported by the DVO, via the RVO to the GWI, including the holding of origin and the district where the holding is located. In 2007, forty-one and in 2008 thirty-three *Trichinella* detections in domestic pigs were recorded. No outbreaks in humans were related to these cases.

There were 150 cases of *Trichinella* in wild boars recorded in 2007. Records for 2008 for the detection of *Trichinella* in wild boar were not available.

The magnetic stirring method is the only method allowed for the detection of *Trichinella.*

Observations

- In the pig SH visited a system was in place that documented that all slaughtered animals were tested. A written permission was given by the DVO allowing the health marking of the carcasses before the result of the *Trichinella* examination obtained. However, the permission was not available on the spot and the OV was not aware of the conditions included in the document.
- In the game handling facilities visited, the carcasses of wild boars were labelled after the *Trichinella* examination to prove that the examination had taken place. No handling of the carcasses was allowed before the result was obtained.
- In the game handling facility in the cases reviewed, *Trichinella* positive carcasses were destroyed and disposed of by incineration. The disposal was documented.
- In both the SH and game handling facilities visited, OVs carrying out the examinations had participated in proficiency tests organised by the NRL with satisfactory results.

5.4.3.4 Health marking

Observations

- Health marking was properly performed and under veterinary control. However it was not correctly applied on game carcasses in one establishment.

5.4.3.5 Animal welfare at the time of slaughter or killing

Observations

- In both SHs visited, the stunning of the animals (cattle and pigs) was effective and spare instruments were available. The slaughtering procedures did not start before the animals were fully bled. The operators were trained in the stunning technique. The operations were supervised by the FBO and the OV.

5.4.3.6 Health requirements and criteria for raw milk

In response to recommendation N° 8 of the previous report the CCA stated that it was planned to provide the DVOs with guidelines (elaborated in co-operation with scientists from the National Reference Laboratory (NRL)) on controls of raw milk carried out by the milk sector establishments and on interpretation of results.

Observations

- Guidelines on the controls of raw milk and on interpretation of results had not been elaborated and provided to the DVOs.(see Endnote)
- The NRL offers training to private laboratories carrying out controls on raw milk criteria and arranging proficiency tests on controls on raw milk criteria on a voluntary basis. Moreover, training is provided to the FBOs and the CA on the interpretation of results.
- Surveillance programmes for Brucellosis and Tuberculosis in dairy holdings based on SPIWET instructions are in place. Positive results are reported from the DVO to the RVO who reports to the CCA and to the relevant FBO. If the FBO to be supplied is located in another district that DVO will also be informed.
- If a farmer has the intention to change to another FBO processing the raw milk the FBO cannot accept the milk before the farmer has documented a satisfactory animal health status of the holding (including status for Brucellosis and Tuberculosis).
- The CVO instruction of 29 December 2006 concerning official controls of raw milk was used as the basis for the control and was in general adhered to:
    - The FBOs visited kept the relevant documentation for the controls of the Total Bacterial Count (TBC), Somatic Cell Count (SCC) and antibiotic inhibitors and non-compliant results for TBC and SCC were reported to the DVOs on a monthly basis.
    - Documented action was available in cases of non-compliant results. Milk deliveries would be suspended if the situation had not been corrected within three months with regard to the results for TBC and SCC. The mission team observed that a new sample was immediately taken after suspension and analysed in the laboratory, deliveries resumed when one result (rolling geometrical average was not calculated) complied with the criteria.
    - Pooled samples of raw milk were screened for antibiotic inhibitors by a rapid

test at the time of arrival of the truck to the dairy, but before unloading. In two establishments visited pooled samples were screened by two different tests in parallel covering different substances. If a positive result was obtained with the quickest test the milk was rejected and was destroyed in accordance with Regulation (EC) No 1774/2002. If a negative result was obtained by the quickest test, the FBO did not await the result of the second test before using the milk in production. The FBO stated that should the first result obtained be negative and the second result positive all contaminated milk would be destroyed. However, in one of the establishments visited this procedure was not included in the written documentation of the own-check programme.

- In one establishment visited there were no non-compliant results with regard to compliance of TBC and SCC for the last two years. The laboratory carrying out the tests for SCC had not participated in the voluntary proficiency tests arranged by the NRL. The CA had not queried the validity of these results.

5.4.3.7 Animal by-products

Observations

- In general ABPs were correctly categorised, labelled and disposed of. In one case category 2 ABP was wrongly categorised as category 3 material due to insufficient instructions given to the operators.

5.4.3.8 Professional qualifications of official veterinarians and auxiliaries

All the OVs carrying out *Trichinella* controls in meat receive additional training before starting these controls.

5.4.4 Action in case of non-compliance

The procedures to be followed when non-compliances are detected are laid down in national legislation.

Observations

- Actions in case of non-compliances detected were in general well documented, with defined deadlines, verification and follow-up.
- However, some important shortcomings in individual establishments, noted by the mission team, had not been detected and had not been acted upon.

6 CONCLUSIONS

6.1 COMPETENT AUTHORITIES

The CAs are clearly designated for the areas covered by the mission. National provisions have been developed to improve the uniformity and consistency of the official controls.

Several new pieces of legislation and instructions have been issued to finalise the up-dating process to comply with all Community legislation.

The actions announced in the action plan to the recommendations of the previous report were in place and, in most cases, satisfactorily addressed.

Internal audits are not yet performed fully in line with Article 4 (6) of Regulation (EC) No 882/2004 and the training of auditors had not yet been finalised.

6.2 Official certification

An improved system is in place to ensure compliance with the provisions of Article 30, (2) of Regulation 882/2004 and of Article 3, (2) of Directive 96/93/EC.

6.3 Registration and approval of establishments

There has been an improvement in the updating of the published lists of establishments, in line with Article 31 (2) of Regulation (EC) No 882/2004. However, the activities listed were not always accurate.

There are still a large number of establishments operating within the framework of Article 4 of Regulation (EC) No 2076/2005 and the CA has not put in place a system to ensure that at the end of the transitional arrangements laid down in the above-mentioned Regulation, all of the remaining ones will be in line with the relevant EU requirements.

Evidence was seen that the new procedure for the approval of new establishments or establishments after upgrading is followed. However, one DVO failed to apply the procedure correctly. A re-evaluation of this particular approval has been requested by the FVO.

6.4 Application of Hygiene Rules at establishment level and official controls

The progress noted during the previous mission regarding compliance of the establishments visited was confirmed and the general hygiene standards were largely in line with Regulation (EC) No 852/2004, and with the specific hygiene requirements laid down in Regulation (EC) No 853/2004. The establishments had HACCP-based procedures in line with Article 5 of Regulation (EC) No 852/2004.

A risk based system to determine the frequency of official controls (full comprehensive inspection) has been implemented in accordance with Article 3 of Regulation (EC) No 882/2004; however, the impact of non-compliances or previous inspection results is marginal.

Official controls over FBOs and supervision by the district officials and OVs are carried out in a structured way, at the prescribed intervals and were well documented and in line with the requirements of Regulation (EC) No 854/2004. Progress in this area is also noticeable. However, in three of the establishments visited significant deficiencies had not been identified or documented by any level of the official services which indicates a

lack of quality and consistency of the official controls.

Although traceability systems were in place, they did not always contain the essential elements to demonstrate traceability in line with Article 18 of Regulation (EC) No 178/2002, which was not detected during the official controls. There is noticeable progress in the control of traceability by the officials involved, in particular at dairy plants.

The system of food chain information for pigs that has been implemented complied with the relevant requirements of Annex II, Section III of Regulation (EC) No 853/2004.

The *ante*- and *post mortem* inspections were well documented and complied with the requirements of Regulation (EC) No 854/2004 with only minor shortcomings noted.

A system of trained hunters and handling of wild game largely complying with Annex III, Section IV, Chapters I + II of Regulation (EC) No 853/2004 was in place. In cases where the trained hunters are not located in the same district as the game handling establishment, full account of the hunters' declaration of large wild game cannot be taken when carrying out the *post-mortem* inspection as the OV has no possibility to verify the hunters' declaration as required by Annex I, Section IV, Chapter VIII of Regulation (EC) No 854/2004.

The testing regime for *Trichinella* complied with Regulation (EC) No 2075/2005.

The FBOs complied with the animal welfare requirements as laid down in Council Directive 93/119/EC.

The relevant requirements for ABP as laid down in Regulation (EC) No 1774/2002 were largely complied with apart from one shortcoming detected.

Recommendation N° 8 of the previous report with regard to the provision of guidelines on controls of raw milk and on the interpretation of results was not addressed.

Bovine holdings were tested for the criteria for raw milk in line with the requirements established in Section IX of Annex III to Regulation (EC) No 853/2004; however, the FBOs' procedures to reject non-compliant milk did not always cover all relevant situations.

The official control of raw milk production holdings and upon collection complied largely with the requirements of Annex IV to Regulation (EC) No 854/2004.

6.5 Overall conclusion

Progress was noticed regarding the level of compliance with the different requirements of the food hygiene regulations since the previous mission. The CA has implemented corrective actions to address most of the recommendations from the previous report. The overall compliance in many of the fields covered is satisfactory. However, there are still some issues which remain outstanding, in particular with regard to audits and the ability of the control systems to address cases of inconsistent and non-effective official controls.

7 Closing Meeting

A closing meeting was held on 12 December 2008 with the representatives of the CCA, during which the mission team presented its initial findings. The CCA took note of these findings and provided evidence of corrective action for three of the establishments visited.

8 RECOMMENDATIONS

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

No.	Recommendation
1	To ensure that internal audits are carried out in accordance with Article 4 (b) of Regulation (EC) No 882/2004.
2	To put in place a system for establishments that are placing food of animal origin on the national market pending the approval of establishment as foreseen in Article 4 of Regulation (EC) No 2076/2005, in order to ensure that all of them comply with EU requirements by the end of 2009.
3	To continue to take further measures in order to ensure the quality and consistency of the official controls as required by Article 4 (4) of Regulation (EC) No 882/2004.
4	To ensure that only compliant establishments, including establishments on the transitional list that have reached the end of their transition period, are allowed to put food of animal origin on the market as required by Article 4 of Regulation (EC) No 853/2004.
5	To ensure that traceability is established at all stages of production and processing as required by Article 18, 1 of Regulation (EC) No 178/2002 and that food placed on the market is adequately labelled or identified.
6	To further improve the official controls over raw milk quality and assess the reliability of the controls carried out with regard to the criteria for raw milk
7	To improve the basis for verification of trained hunters in order to ensure that full account can be taken of the hunters' declaration in all cases when carrying out the post mortem inspection of large wild game as required by Annex I, Section IV, Chapter VIII of Regulation (EC) No 854/2004

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

http://ec.europa.eu/food/fvo/ap/ap_poland_7810_2008.pdf

9 ENDNOTES

Concerning	Detail
Section 5.1.1.2	In their response to the draft report, the Competent Authority elaborated more extensively on the controls in place carried out by the Control Office, which conducts scheduled controls (problem controls and compliance checks) and non-scheduled ad hoc (interventionist) controls of the Veterinary Inspection authorities.
Section 5.1.3.1	In their response to the draft report, the Competent Authority elaborated more extensively on the content of the Instruction of the CVO No. GIWhig-500-11/07 defining, on the basis of a risk assessment, the frequency of controls of food sector entities subject to supervision by the Veterinary Inspection relates to the frequency of comprehensive controls covering all the requirements contained in the relevant regulations that apply to the activities of food business operators (FBOs). They announced a possible amendment to this Instruction after a thorough analysis is conducted as to the potential consequences of these changes.
Section 5.3.2	In their response to the draft report, the Competent Authority noted that in the two establishments involved the approval procedure is now followed.
Section 5.4.1.1	In their response to the draft report, the Competent Authority noted that corrective action was taken in all three establishments.
Section 5.4.1.5	In their response to the draft report, the Competent Authority noted that the FBO was ordered to introduce measures to ensure their traceability.
Section 5.4.3.6	In their response to the draft report, the Competent Authority noted that guidelines on verifying the quality of raw milk have been prepared and submitted to the RVO - detailed information is included in the reply to recommendation 6.

ANNEX 1 - LIST OF LEGISLATION REFERENCED IN THE REPORT

Reference	OJ Ref.	Detail
Directive 89/662/EEC	OJ L 395, 30.12.1989, p. 13–22	Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market
Directive 93/119/EC	OJ L 340, 31.12.1993, p. 21–34	Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing
Directive 97/78/EC	OJ L 24, 30.1.1998, p. 9–30	Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries
Directive 2002/99/EC	OJ L 18, 23.1.2003, p. 11–20	Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption
Directive 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
Regulation (EC) No 1760/2000	OJ L 204, 11.8.2000, p. 1–10	Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97
Regulation (EC) No 1825/2000	OJ L 216, 26.8.2000, p. 8–12	Commission Regulation (EC) No 1825/2000 of 25 August 2000 laying down detailed rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products
Regulation (EC) No 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
Regulation (EC) No 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

Reference	OJ Ref.	Detail
		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
Regulation (EC) No 2075/2005	OJ L 338, 22.12.2005, p. 60–82	Commission Regulation (EC) No 2075/2005 of 5 December 2005 laying down specific rules on official controls for Trichinella in meat
Regulation (EC) No 2076/2005	OJ L 338, 22.12.2005, p. 83–88	Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004
Regulation (EC) No 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
Regulation (EC) No 1774/2002	OJ L 273, 10.10.2002, p. 1–95	Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption
Regulation (EC) No 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
Regulation (EC) No 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

Reference	OJ Ref.	Detail
Regulation (EC) No 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
Regulation (EC) No 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