COMMENTS OF THE CZECH REPUBLIC ON THE DRAFT REPORT OF THE MISSION DG(SANCO)/2008-7939

Page 1

Please add this sentence in the end of second article of introduction:

The general good level of the preparation of the mission by the CCA was appreciated verily at the closing meeting.

Page 2

Table of competent authorities

Hradec Králové, Pardubice, Ostrava and Olomouc are no regional competent authorities but regions, during the mission only one regional competent authority has been visited and this is the Regional Veterinary Administration for Olomouc region.

During the mission, only 1 local veterinary authority has been visited, and this is the district veterinary inspectorate in Ostrava.

Please correct the table on page 2.

Page 4

Coordination of competent authorities

Observations

Second bullet point, **please delete the second sentence**. The SVA CR does not carry out official inspections on potato pancakes' (tortillas) production. The SVA CR inspects only the blast freezer which is located in this particular producing area, potato pancakes' production is inspected by another control body, which is CAFIA. The SVA CR is legally not responsible for non animal products.

Legal powers

Please replace the second paragraph with this one:

"There is a new decree notified to the European Commission as No 2007/0052/CZ No 289/2007 Coll. on veterinary and hygiene requirements which are not regulated by directly applicable Community legislation. This decree repealed national provisions implementing EC directives listed in directive 2004/41/EC of the European parliament and of the council of 21 April 2004. In the concrete decree No 200/2003 Coll. on veterinary requirements for eggs, decree No 2001/2003 Coll. on veterinary requirements for poultry meat, meat of lagomorphs, farmed game meat and wild game meat, decree No 202/2003 Coll. on veterinary requirements for fresh meat, minced meat, meat preparations and meat products and decree No 203/2003 Coll. on veterinary requirements for milk and milk products.

There is a new amendment No 182/2008 to the Veterinary Act No 166/1999." It was published…

Please delete the last sentence ("- food chain information and new duties to notify all species of animals"). The amendment to the Veterinary act does not implement this duty, the Czech Republic simply does not profit from the derogation in Article 8 paragraph 1. to the Regulation (EC) 2076/2005 and requires FCI to be sent with all animal species intended for slaughter for human consumption as laid down in Point 1. Section III Annex II to the

Regulation (EC) 853/2004. The amendment of the Veterinary Act was necessary to avoid excessive administrative burden of animal keepers. Before entering into force Regulation (EC) 853/2004 animals intended for slaughter were accompanied by a health certificate – this duty has been deleted from the Veterinary Act by the amendment No 182/2008 Coll.

Page 5

Other criteria

Observations

Please, delete the first bullet point. The official inspections are properly carried out in all FBOs regardless of the premises location. We are not aware of such recruitment problems mentioned in this bullet point.

Page 6

Staff performing official controls

Observations

Please delete the last sentence in the bullet point on the top of this page. There are no official veterinary inspectors who are not aware of the Regulation (EC) 2073/2005 on microbial criteria. All veterinary staff involved in food hygiene has been trained in new microbiological requirements and the accompanying representatives from CCA did not realize such insufficient knowledge during the mission.

Organization of official controls

Please replace the abbreviation "SVA CS" with "SVA CR"

Page 7

Periodicity and frequency of the official controls

Please replace the wording "Client database" with "Information System of the SVA (IS SVA)". "Klient" is only one part of the Information System used for feeding data.

Procedure to review the system

Please delete the first paragraph. The mission team did not asked questions regarding verification procedures during this mission. There are several procedures to verify the effectiveness of official controls. The mission team has been informed about the review of the audit system and has been provided with the new methodical instruction issued by the SVA CR regarding audit procedures. This new system has been introduced after one year of experiences. This is considered to fulfill requirements of the Article 8 to Regulation (EC) 882/2004.

Other procedures to verify the effectiveness of official controls are for example:

- report on implementation of the Multi-Annual National Control Plan (MANCP)
- regular amendments of methodical instructions
- evaluation of administrative procedures initiated by RVAs
- extraordinary control actions
- etc.

In the second paragraph please add "or RVA" after the words "…by the head of the DVI"

Page 8

Actions following official controls

Please, use the official abbreviation for the currency Czech Crown which is "CZK"

Verification procedures

Please, delete the first bullet point – see above the comments on *Procedures to review the system.*

Please replace the following paragraph with this one: *"The CA draws up report (protocol) on inspection findings and a copy is provided to the FBO."*

Page 9

Approval of establishments

The second bullet point – the interpretation of retail shops has been clarified several times to the mission team. It has been explained that a slaughterhouse must be always approved and cannot operate as a retail shop for which only registration is required. National measures regarding this topic have been notified to the European Commission as a notification No 2008/0433/CZ. **Please delete this bullet point**.

Page 10

Approval of establishments

5 operators have been deleted from the list of conditionally approved establishments because they appeared there by mistake. Those 5 subjects are now registered as traders. The mission team has been provided with written explanation of this situation (in the Czech language).

The sixth bullet point – **please delete this paragraph**; it regards a diary plant which produces milk powder from pasteurized milk. According to the European Commission - working group on veterinary legislation, the pasteurized milk is not considered to be a processed product and such an establishment must be approved according to the Regulation (EC) 853/2004.

The ninth bullet point – the Regulation (EC) 2076/2005 introduces transitional period for implementation of the Regulation (EC) 853/2004 until 31st December 2009 therefore the use of oval in shape identification mark by an establishment approved in 2003 is legal. According to the Point 2 Article 5 to the Regulation (EC) 854/2004 the health mark is to be beard on the carcass not on the accompanying documents. **Please delete the last sentence in this paragraph**.

Page 11

General hygiene requirements

Observations

The fifth bullet point – the frequency of potable water sampling is in line with legislation in force. The table B1 Annex II is intended for the Member State's competent authority (public health authority) not for FBOs. The Czech decree implementing Directive 98/83/EC derogates from the *Note 2* to the table B1 Annex II to the Directive 98/83/EC and uses the number of inhabitants in a supply zone – in this case the number of samples stipulated in the table B1 is not relevant for FBOs. Frequency and place of potable water sampling is subject to hazard analysis. **Please delete the third sentence in this bullet point**.

Seventh bullet point – **please, delete this bullet point**. The pallets in the production area do not introduce any health risk. The mission team did not enter these premises so the system

of handling pallets, ingredients, row material and final products could not be explained to them. The FBO has been made, by the competent authority, to invest a lot of money to fulfill all food safety requirements as regards handling of pallets.

Page 12

HACCP based systems

Observations

Third bullet point – space or time separation between two different activities is not subject to HACCP based procedures, it is subject to written operational procedures which must be approved by the supervising OV. This has been explained several times to the mission team. **Please delete this bullet point**.

Page 13

Traceability and labelling

Third bullet point – In one dairy establishment visited, lactose produced in October 2007 was labelled with a production date of August 2008, which was the date when the product was packed after being 9 months in storage. The CCA declared that legal provisions consider packing as the completion of the production process. To label a product with production date is not prohibited and therefore the CCA does not consider this practice of the food business operator as illegal. According to national provisions the food business operator is also obliged to label the packaging of the foodstuff (in this case the lactose) among others with the date of minimum durability. It means the date until which the foodstuff retains its specific properties when properly stored and meets the requirements on the health mark. The food business operator has the particular samples available, therefore it is possible to verify the safety of the product any time until the end of the date of minimum durability. **Please replace the text of the third bullet point with this one.**

Audits of good hygiene practices and HACCP-based procedures

Third bullet point – Pursuant to annex 4 to the Methodical instruction 2006/01/HYGI on audits; establishments were classified into 4 categories: Excellent, Suitable, Well-mannered with the need of additional official controls (Article 28 to Regulation (EC) 882/2004) and Unsuitable. **Please correct this bullet point**.

Page 14

Official inspection tasks in establishments

The amendment of the Veterinary act does not implement the obligation to use FCI for all animal species, the Czech Republic simply does not profit from the derogation in Article 8 paragraph 1. to Regulation (EC) 2076/2005 and requires FCI to be sent with all animal species intended for slaughter for human consumption as laid down in Point 1. Section III Annex II to the Regulation (EC) 853/2004. But the amendment of the Veterinary Act was necessary to avoid excessive administrative burden of animal keepers. Before entering into force Regulation (EC) 853/2004 animals intended for slaughter were accompanied by a health certificate – this duty has been deleted from the Veterinary Act by the amendment No 182/2008 Coll.

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Health marking

The second bullet point regards ID marking (Section I Annex II to the Regulation (EC) 853/2004) not health marking. According to Point 2. Article 5 to Regulation (EC) 854/2004 the health mark is to be beard on the carcass not on the accompanying documents. **Please delete the first sentence of this bullet point**.

Page 16

6.1 COMPETENT AUTHORITIES

Please delete the last paragraph – see comments on point 5.1.3.3 *Procedure to review the system.*

Page 17

6.3 REGISTRATION AND APPROVAL OF ESTABLISHMENTS

The first paragraph – the conditional approval is in line with Article 31 to Regulation (EC) 882/2004. All new establishments have been approved permanently after maximum of 6 months of conditional approval and appeared on the list of EU approved establishments. In several cases the RVA forgot to delete them from the list of conditional approved establishments. The Article 31 to Regulation (EC) 882/2004 requires that the competent authority shall maintain up-to-date lists of approved establishments not conditionally approved establishments. **Please delete this paragraph**.

7 CLOSING MEETING

Third paragraph – documentation to prove that official inspections of the blast freezing activity is carried out were provided additionally. **Please delete appropriate part of the sentence**.

In the report we are missing information that education and training of official auxiliaries have been reviewed by the mission team and have been found in line with EC legislation. Please include this fact and mention in the report that curriculum of the Veterinary secondary school has been provided to the mission DG(SANCO)/8177/2006 team and has been found to fulfill all requirements of the Point B. Chapter IV Section III Annex I to Regulation (EC) 854/2004.