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Health and food audits and analysis

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**FINAL REPORT OF AN AUDIT
CARRIED OUT IN
POLAND
FROM 04 FEBRUARY 2019 TO 08 FEBRUARY 2019
IN ORDER TO
ASSESS THE OPERATION OF OFFICIAL CONTROLS OVER THE PRODUCTION OF
BOVINE MEAT**

Executive Summary

The report describes the outcome of an audit carried out by Directorate-General for Health and Food Safety in Poland from 4 to 8 February 2019. This audit was carried out following the public broadcast on Polish television of slaughter practices in a slaughterhouse involving cows which were unable to stand ("downer cows") or were injured, which pointed to violations of European Union (EU) animal welfare law and possibly of EU food safety legislation, and after the Polish competent authority launched a rapid alert notifying the other EU Member states and the European Commission of the placing on the EU market of bovine meat over which veterinary control had not been properly carried out as required, and which was presumably unfit for human consumption.

The objectives of this audit were to a) obtain first-hand knowledge of the situation and actions taken, and b) to review, against this background, the operation of official controls.

The audit found serious shortcomings in the implementation of these official controls in the allegedly implicated slaughterhouse. Moreover, the supervision at district level over these controls did not recognise the indications which might point in the direction of such shortcomings. More generally, and in terms of targeting official controls along the production chain, the audit team found nothing to suggest that competent authorities took into consideration either the widely available information concerning dealers actively looking for "downer cows"/injured cattle, or the fact that there had been previous, similar events. Feedback from competent authority representatives at all levels suggests that staffing/resource issues are a limiting factor in the organisation and implementation of the controls.

The audit also found a range of issues, in the area visited, in relation to the correct application of those EU-based mechanisms that are aimed at properly ensuring the traceability of bovine animals, including the operation of the cattle database. These issues range from persistent late or non-notification of cattle movements, through the absence of (cross) checks at the different operational levels and the lack of access of approved veterinarians to the database, to the quite ineffective enforcement of the relevant provisions. Not only does this seriously undermine the correct application of these provisions by food business operators, it also means that the database cannot be effectively used as an otherwise important tool to monitor animal movements, and hence to inform competent authorities not only of the correct application of traceability provisions but also about possible targeting of official controls.

The operation of official controls in practice was ineffective as a deterrent for the occurrence of the practices identified.

In contrast, the competent authority controls over the recall procedures following the Rapid Alert System for Food and Feed (RASFF) notification, were found to be satisfactory.

Table of Contents

1	Introduction	1
2	Objectives and scope	1
3	Legal Basis	2
4	Background	2
5	Findings and Conclusions	3
5.1	Organisation of Competent Authority	3
5.2	Slaughterhouse and Associated Official Controls	3
5.3	Risk Based Controls	5
5.4	District Veterinary Inspectorate	5
5.5	Regional Veterinary Inspectorate	5
5.6	Recall/RASFF	6
5.7	Central database	6
6	Overall Conclusions	6
7	Closing Meeting	7
8	Recommendations	7
Annex 1	Legal references	

ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
DVI	District Veterinary Inspectorate
EC	European Commission
EU	European Union
GVI	General Veterinary Inspectorate
GVI	General Veterinary Inspectorate
RASFF	Rapid Alert System for Food and Feed
RVI	Regional Veterinary Inspectorate

1 INTRODUCTION

This audit took place in Poland from 4 to 8 February 2019. This audit was not part of the Directorate-General for Health and Food Safety (DG Health and Food Safety) planned audit programme. This audit was carried out following the public broadcast on Polish television of slaughter practices in a slaughterhouse involving cows which were unable to stand ("downer cows") or were injured, which pointed to violations of European Union (EU) animal welfare law and possibly of EU food safety legislation, and after the Polish competent authority launched a rapid alert notifying the other EU Member States and the European Commission of the placing on the EU market of bovine meat over which veterinary control had not been properly carried out as required, and which was presumably unfit for human consumption.

The audit team comprised two auditors from the DG Health and Food Safety and was accompanied throughout the audit by representatives of the national competent authority, the General Veterinary Inspectorate (GVI) of the Department of Food Safety and Veterinary Matters of the Ministry of Agriculture and Rural Development.

2 OBJECTIVES AND SCOPE

The objectives of the audit were to a) obtain first-hand knowledge of the situation and actions taken, and b) to review, against this background, the operation of official controls.

In terms of scope, the audit covered bovine slaughter, and in particular:

- the gathering of information regarding the timeline of the events that led to the incident, and the subsequent actions;
- the organisation and performance of the official controls, in particular the controls over bovine slaughter and bovine traceability;
- the competent authority oversight over the recall carried out in the context of Rapid Alert System for Food and Feed (RASFF) notification No 2019.0311 "veterinary controls not properly carried out for bovine meat from Poland presumably unfit for human consumption".

The itinerary of the audit covered visits to the slaughterhouse allegedly implicated and the responsible district veterinary office involved in the incident, another slaughterhouse and one supplying dealer, and one independent cutting plant involved in the recall. Representatives of the relevant district and regional competent authorities were present during the on-the-spot visits. In addition, a visit to the bovine identification and registration database (central database) was included in the itinerary.

The visits included the gathering of relevant information and verification as appropriate, by means of interviews/discussions, review of documents and records, and on-the-spot visits.

The Polish competent authority collaborated fully with the audit team in the performance of this audit, which took place in the context of what must be described as a crisis situation.

Given the specific nature of this audit, its outcome constitutes only a limited assessment of the design and implementation of the Polish official control system. A more in-depth audit covering the official controls over slaughter of bovine animals and bovine traceability in Poland has been scheduled from 25 March to 5 April 2019.

3 LEGAL BASIS

The mission 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 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

EU legislation ⁽¹⁾ relevant to the audit is listed in the Annex to this report.

4 BACKGROUND

On 25 and 26 January 2019, a Polish television network broadcasted video footage showing serious animal welfare non-compliances at the time of slaughter and during transport of bovine animals. The images were allegedly taken - probably during November 2018 - in one bovine slaughterhouse with associated cutting activities, and also pointed to possible lack/inadequacy of veterinary controls.

The broadcasts included images recorded on 14 January 2019 around 9:00 pm, showing two livestock transport vehicles which delivered livestock to the slaughterhouse. Two cows unloaded were seen to be able to walk independently. Subsequently – and, it would appear, due to the presence of the reporters - the vehicles left the slaughterhouse premises and were then abandoned by the drivers. The abandoned vehicles contained eight "downer" cows. Subsequent images indicated the arrival of the district official veterinarians who were alerted by the police (which, in turn, had been alerted by the reporters), who assessed the condition of the animals and euthanized them.

On 28 January 2019 the Polish competent authority, at the suggestion of the Commission launched a RASFF notification (No 2019.0311) due to “veterinary controls not properly carried out for bovine meat from Poland presumably unfit for human consumption”. Subsequent RASFF updates linked the unfit meat to deliveries in 15 Member States, including Poland.

(1) EU legal texts quoted in this document refer to the last amended version

5 FINDINGS AND CONCLUSIONS

5.1 ORGANISATION OF COMPETENT AUTHORITY

1. The competent authority comprises a three level structured system:
 - a. The GVI is the competent authority for implementation of policy and control and is responsible for the supervision of production of foodstuffs of animal origin, including primary production.
 - b. The Regional Veterinary Inspectorate (RVI) is responsible for performing controls over districts.
 - c. The District Veterinary Inspectorate (DVI) carries out most of the official tasks, including establishment approval. The District Veterinary Officer authorises private veterinary practitioners (approved veterinarians) to carry out official tasks, such as ante-mortem and post-mortem inspection, sampling, issuing of health certificates, and the supervision of certain types of establishments.

5.2 SLAUGHTERHOUSE AND ASSOCIATED OFFICIAL CONTROLS

2. The slaughterhouse/cutting plant allegedly involved in the incident specialises in cull (at the end of their production life) dairy cow slaughter, with an approximate monthly throughput of 300 animals. Bovine slaughter typically took place from 6:00 pm onwards, with an average line speed of five cows/hour.
3. According to the information provided by the food business operator to the audit team 35 to 40% of the cows were slaughtered as a service for one particular dealer which took the carcasses from his cows to a cutting plant in his ownership. The competent authority informed the audit team that this particular dealer owned the two transport vehicles involved in the incident on 14 January 2019. On 15 January 2019, regional and district veterinary officials carried out an investigation at the slaughterhouse. During the audit the police arrived and seized relevant documentation, including competent authority records such as those relating to ante- and post-mortem inspection. Nonetheless, the competent authority retained copies of ante-mortem and post-mortem records from 29 June 2018 and 14 December 2018 respectively, and until 14 January 2019.
4. The competent authority identified that, unlike the ante-mortem records, the post-mortem inspection records were not kept from 10 to 14 January 2019, despite the fact that 36 cows had been slaughtered during this period. This is the reason why the competent authority launched the RASFF alert notification. The competent authority informed the audit team that the two approved veterinarians performing duties in the slaughterhouse were officially relieved of their duties on 17 January 2019 for this reason. The competent authority stated that the video footage broadcast also points to a lack of control over the health mark by the approved veterinarian.
5. In the case of this slaughterhouse, one approved veterinarian was in charge of the daily

official controls during slaughter. The approved veterinarians are generally paid per head inspected (approximately €3.50 per cow). They also have to enforce hygiene rules during slaughter which could lead to them having to slow down the line. The districts visited highlighted the challenge, especially at small slaughterhouses, to contract approved veterinarians.

6. The ante-mortem records available did not document any remarks on or rejections of animals presented for slaughter, while the post-mortem records documented were limited to liver condemnations. In the particular context of cull cow slaughter it would, in the experience of the audit team, appear very unusual not to have any incidents and/or other condemnations recorded for the periods of time documented, and could be an indication of inadequate ante- and post-mortem inspection by the approved veterinarians. Moreover, the ante-mortem records include the two cows delivered on 14 January belonging to the dealer, declared fit for slaughter with no remarks, whereas the video footage allegedly taken in the slaughterhouse lairage suggests that one of these two cows was too weak to stand up, and with a severely swollen knee. On contrast, and as an illustration in the other slaughterhouse visited which was not slaughtering exclusively cull cows the audit team noted some extensive condemnations at post-mortem inspection.
7. The audit team found that the supervisory visit by the District office of the approved veterinarian was carried out at the minimum required frequency of once a year, with no remarks on performance of the approved veterinarians.
8. The competent authority cross checked the central database data with the veterinary and establishment records available for January 2019, finding no discrepancies. This means that all cattle recorded in the central database as slaughtered, were documented in the ante- and post-mortem inspection records for the period concerned.
9. There was no systematic verification in the slaughterhouses visited of the cattle identity against the central database prior to slaughter. This allows the slaughter of animals despite notification issues in the database and in theory, also cattle coming from restricted herds/dealers could be slaughtered. In the second slaughterhouse visited, and contrary to the competent authority requirements, the approved veterinarians did not have access to the central database.
10. Moreover, there is no systematic cross-check of the identities of slaughtered cattle reported by the slaughterhouse operator database, against the competent authority records on ante- and post-mortem inspection. This could allow the slaughter of animals without having been subject to the requisite controls by the competent authority. Indeed, on 17 December 2018 the slaughterhouse allegedly involved in the incident reported 22 cows slaughtered while the ante- and post-mortem inspection records only documented 21 cows. This could allow the slaughter of animals which were not subject to the requisite controls by the competent authority.

5.3 RISK BASED CONTROLS

11. Similar incidents involving the slaughter or transport of unfit animals have been identified in the past by media, police and "whistle-blowers". In one of the districts visited the competent authority informed to the audit team that the official controls identified the transport of "downer" cows to the slaughterhouse.
12. According to the information provided by the competent authority to the audit team, buyers extensively advertised to seek "downer" cows, offering prices varying somewhere between €125 and €250. In contrast, the price paid for an average cull cow, according to a dealer interviewed by the audit team, was approximately €900, which makes downer cows a financially interesting proposition.
13. There was no evidence that the above information, which is widely available, was used by the competent authority to inform the design of the (risk-based) official controls

5.4 DISTRICT VETERINARY INSPECTORATE

14. The District authorities informed the audit team of a significant staff shortage at district level: staff involved in food safety official controls was stated to have dropped in 2017 by 109 to 500, while for the same year the number of official veterinarians diminished by 114, to 358. In the three District veterinary offices visited, the staff highlighted that the complicated staff situation has worsened because of recent increased demands in the animal health area. According to the staff, they were finding it extremely hard to meet their control obligations. For example, in 2018 in one district visited only one out of nine registered cattle dealers was subject of the planned annual control.
15. In the same district, the staff highlighted difficulties in working with the central database, as well as the lack of easy access to certain data such as slaughtered cattle in the district.
16. The audit team also noted that the checklist, which is the basis for the supervision by the District veterinary officers, does not address the issue of possible conflict of interest of the approved veterinarians.

5.5 REGIONAL VETERINARY INSPECTORATE

17. In 2014, the RVI performed a control in the slaughterhouse allegedly involved in the incident. The control identified amongst others that the District supervision was not satisfactory. A follow-up inspection in 2015 verified that deficiencies noted were corrected. However, no recommendations regarding supervision by the District veterinary office were issued.
18. The last audit by the RVI for the food safety area controls of the district supervising the slaughterhouse allegedly involved in the incident, dates from 2013. Although the frequency of the audits of the districts should be established on the basis of a risk

assessment, no such assessment was undertaken in 2017 and 2018. The regional authority stated that the task was not performed due to staff turnover and lack of personnel.

5.6 RECALL/RASFF

19. The investigation to determine the production batches to be recalled was performed by the Regional and District level. Most of the meat from the 36 recalled carcasses was traced to the independent cutting plant visited by the audit team, and the remaining meat was traced to the cutting plant belonging to the dealer allegedly involved in the incident. The meat remaining in the slaughterhouse was detained and subsequently rendered.
20. The audit team verified the tracing in the cutting plant visited, and found it to be satisfactory. In total, from approximately 4 tonnes of carcasses received, more than 42 tonnes of meat was recalled by this plant. The recall also catered for meat trimmings, bones and offal.

5.7 CENTRAL DATABASE

21. During the investigation the competent authority identified 600 cows traded by the dealer which had incomplete traceability histories previous to being bought by him. These issues were not solved even if the cattle had been slaughtered.
22. The central database does not record on-farm emergency slaughter. This information, which is a good indicator of the handling of "downer cows", is not available to the competent authority to monitor the situation, and to alert it of possible movements of such cattle.
23. The audit team identified clear issues with the timely notification of animal movements: central database records indicate that, on 7 February 2019, the dealer allegedly involved in the incident had not yet notified the movement of 142 animals. These animals were still recorded as being in his possession, some as far back as 12 October 2015, despite the fact that his dealer registration did not allow him to hold cattle. This indicates to the audit team that the system in place does not ensure that adequate action can be/is taken when bovine traceability data are not satisfactory. Moreover, the enforcement actions taken by the competent authority after identification of traceability issues related to this particular dealer did not ensure that the situation was remedied.
24. The penalties for lack of notification of cattle movements are low and not dissuasive (around 110€) which, according to the competent authority, makes it difficult to enforce this requirement.

6 OVERALL CONCLUSIONS

<p>The audit found serious shortcomings in the implementation of official controls in the allegedly implicated slaughterhouse. Moreover, the supervision at district level over these</p>

controls did not recognise the indications which might point in the direction of such shortcomings. More generally, and in terms of targeting official controls along the production chain, the audit team found nothing to suggest that competent authorities took into consideration either the widely available information concerning dealers actively looking for "downer cows"/injured cattle, or the fact that there had been previous, similar events. Feedback from competent authority representatives at all levels suggests that staffing/resource issues are a limiting factor in the organisation and implementation of the controls.

The audit also found a range of issues, in the area visited, in relation to the correct application of those EU-based mechanisms that are aimed at properly ensuring the traceability of bovine animals, including the operation of the cattle database. These issues range from persistent late or non-notification of cattle movements, through the absence of (cross) checks at the different operational levels and the lack of access of approved veterinarians to the database, to the quite ineffective enforcement of the relevant provisions. Not only does this seriously undermine the correct application of these provisions by food business operators, it also means that the database cannot be effectively used as an otherwise important tool to monitor animal movements, and hence to inform competent authorities not only of the correct application of traceability provisions but also about possible targeting of official controls.

The operation of official controls in practice was ineffective as a deterrent for the occurrence of the practices identified.

In contrast, the competent authority controls over the recall procedures following the RASFF notification, were found to be satisfactory.

7 CLOSING MEETING

A closing meeting was held on 8 February 2019 with the central and the regional competent authorities. The competent authority acknowledged the audit team findings. The competent authority stated that a) the official controls system failed in the district responsible for the controls of the slaughterhouse involved in the incident and b) the official control system did not minimise the risk of similar situations occurring elsewhere. The competent authority highlighted that the official control system is underfunded, resulting in different levels of performance of the services in different areas in the country.

The competent authority presented an array of measures which it intends and/or considers to introduce including the re-enforcement of the official controls at different levels and the introduction of legislative changes in order to support such controls. Other measures such as the introduction of compulsory closed-circuit television (CCTV) camera recording at slaughterhouses are under consideration. The competent authority also stated that it counts on ministerial support to improve the staffing situation and financial remunerations for officials.

8 RECOMMENDATIONS

As the Commission has already requested the competent authority to initiate a number of concrete actions to address the main issues identified during this audit, and to document these actions in an action plan to be submitted to the Commission services, this audit report does not contain recommendations for the competent authority. In addition, the forthcoming audit scheduled for March 2019 will assess more in-depth the design and implementation of official controls in the area of bovine traceability and slaughter, and relevant recommendations will be issued as appropriate and in light of the audit outcome.

ANNEX 1 – LEGAL REFERENCES

Legal Reference	Official Journal	Title
Reg. 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
Reg. 1082/2003	OJ L 156, 25.6.2003, p. 9-12	Commission Regulation (EC) No 1082/2003 of 23 June 2003 laying down detailed rules for the implementation of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals
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. 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. 1/2005	OJ L 3, 5.1.2005, p. 1-44	Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97

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
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