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Final report

EFTA Surveillance Authority's mission to Norway

from 23 to 27 October 2017

on import controls and use of TRACES in import and trade

Please note that comments from Norway to factual errors in the draft report are referred to in footnotes and/or have been included in the body of the report using underlined italic print. Please note that comments and information from the Norwegian competent authority on the corrective actions already taken and planned are included in Annex 3, 4 and 5 to the report.

Executive Summary

This report describes the outcome of a mission carried out by the EFTA Surveillance Authority (the Authority) in Norway from 23 to 27 October 2017.

The objective of the mission was to verify that official controls related to import and transit of products of animal origin, animal by-products and live animals were carried out in compliance with the European Economic Area (EEA) legislation and to follow up recommendations issued in previous missions carried out by the Authority in this area.

The import control system in Norway is supported by cooperation and coordination between relevant competent authorities, a sufficient number of qualified and trained staff, and documented procedures. However, consistency of veterinary checks in border inspections posts (BIPs) was not always ensured due to the lack of detailed instructions and guidance for assessing risks and performing physical checks, including sampling.

Consignments intended for import were in most cases pre-notified electronically through the Trade Control and Expert System (TRACES) before their physical arrival in the EEA. However, consignments in transit and transhipment were generally not pre-notified, and the NFSA did not take action in case of failure to pre-notify, or to pre-notify in a timely manner.

The competent authority did not systematically cross-check all sources of relevant information to ensure that all consignments required to undergo veterinary checks were presented to BIPs, in particular for consignments in transit and transhipment which are not flagged by customs.

Veterinary checks on imported consignments are generally performed according to planned arrangements. However, weaknesses were identified in relation to frequency and selection of consignments for physical checks, including sampling, and the reduced frequency of physical checks of consignments for certain imported products was not implemented correctly. Furthermore, the monitoring plan was not in line with legal requirements and channelling of consignments was not implemented.

Limited progress has been made regarding consignments in transit and transhipment and there is still no system in place to detect consignments under customs procedure arriving at the border which are transported directly to customs warehouses.

In general, TRACES was used correctly for recording veterinary checks implemented at BIPs, with the exception of recording sampling and related results in the framework of the monitoring plans, and the channelling procedure which was not implemented.

The three BIP facilities visited generally complied with requirements concerning facilities, equipment and hygiene, although weaknesses were identified in relation to handling of certain products for human consumption and not for human consumption, and use of commercial storage facilities.

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

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1 Introduction

The mission took place in Norway from 23 to 27 October 2017. The mission team comprised two inspectors and a legal officer from the EFTA Surveillance Authority ('the Authority') and a national expert.

A pre-mission questionnaire was sent by the Authority to the Norwegian Ministry of Agriculture and Food on 14 July 2017. A reply ('the pre-mission document') was provided on 16 October 2017.

The opening meeting was held on 23 October 2017 at the head office of the Norwegian Food Safety Authority ('NFSA') in Oslo, with representatives of the NFSA, the Ministry of Health and Care Services and the Directorate of Customs ('customs').

The mission team confirmed the objectives and the itinerary of the mission and the Norwegian representatives provided additional information to that already set out in the pre-mission document.

Throughout the mission, representatives of the section of export and import of the NFSA head office accompanied the mission team. In addition, the mission team met with other representatives of the NFSA, with staff from border inspection posts (BIPs) and with customs officials involved in import controls.

A final meeting was held at the NFSA head office in Oslo on 27 October 2017, with representatives of the NFSA, the Ministry of Health and Care Services, the Ministry of Agriculture and Food, the Ministry of Trade, Industry and Fisheries and customs present. At this meeting, the mission team presented its main findings and preliminary conclusions from the mission.

The abbreviations used in the report are listed in Annex 1.

2 Scope and Objective of the mission

The principal scope of the mission was to assess the application by the Norwegian competent authorities of the following European Economic Area (EEA) Acts, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement, and related EEA legislation:

- *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*, as corrected, as amended and adapted;
- *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*, as corrected and amended;
- *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*, as amended and adapted;

- *Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC,* as amended and adapted.
- *Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries,* as amended and adapted.
- *Commission Decision 2001/812/EC of 21 November 2001 laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries,* as amended.

This assessment was carried out based on, and related to, the EEA legislation referred to in Annex 2 to this report and on the pre-mission document.

The objective of the mission was to evaluate the official control system implemented by the competent authorities covering import and transit of products of animal origin, animal by-products and live animals against EEA requirements, in particular by assessing the following issues:

- incorporation and application of the relevant EEA Acts;
- compliance with the applicable legislation and planned arrangements;
- effectiveness and suitability of official controls in ensuring that only compliant consignments are introduced in the EEA;
- use of the TRAde Control and Expert System (TRACES) by the competent authorities in relation to import, transit, export and intra-EEA trade;
- compliance with facilities, equipment and hygiene requirements applying to BIPs, where relevant; and
- implementation of corrective actions addressing the recommendations of previous relevant missions.

The evaluation included gathering of relevant information, appropriate verification by means of interviews/discussions, review of documents and records, and on-the-spot inspections in order to ascertain both control procedures normally adopted and measures in place to ensure that necessary corrective actions are taken in the case of non-compliance.

Meetings with competent authorities and visits during the mission are listed in Table 1.

Table 1: Competent authorities and sites visited during the mission

	Number	**Comments**
Competent authorities	2	Opening and closing meeting in Oslo with representatives of the NFSA, customs, and relevant Ministries.
	1	Meeting at customs' main office in Oslo.
	2	Meeting with representatives of the NFSA regional office and customs in Aalesund and in Oslo.
	1	Clarification meeting with representatives of the NFSA.
BIPs	3	Meetings at Aalesund (port), and Oslo (airport

		and port).

3 Legal basis for the mission

The legal basis for the mission was:

a) Point 4 of the Introductory Part of Chapter I of Annex I to the EEA Agreement;

b) Article 1(e) of Protocol 1 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (Surveillance and Court Agreement);

c) *Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States*, as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;;

d) Article 45 of *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*, as amended.

4 Background - Previous missions

4.1. Background information

The general rules on official controls on feed and food, including rules on import, are laid down in Regulation (EC) No 882/2004. Specific requirements for veterinary checks of products of animal origin and animal by-products ('ABPs') are set out in Council Directive 97/78/EC and, for live animals, in Council Directive 91/496/EEC. In addition, certain special conditions have been adopted for import controls of food for which there may be an increased risk to human health, animal health or the environment.

TRACES is an integrated web-based veterinary system, maintained by the Directorate-General for Health and Food Safety (DG SANTE), through which imports, transits, exports and intra-EEA trade of products of animal origin, feed and food of non-animal origin, live animals, ABPs, plants, semen and embryo are required to be notified, certified and monitored.

All information contained in both the common veterinary entry documents (CVEDs) provided for in Commission Regulation (EC) No 136/2004 (for products of animal origin) and in Regulation (EC) No 282/2004 (for live animals) and in the certificates for intra-EEA trade harmonised by Commission Regulation (EC) No 599/2004 must be entered in TRACES by EEA States. The specific situation of the EEA common border requires communication between different BIPs dealing with import/transit controls of relevant commodities, allowing officials to take coordinated decisions.

4.2. Previous missions

The Authority carried out missions on import controls and BIPs in Norway from 4 to 15 May 2009 and from 21 to 30 January 2013. A mission on catering waste, import controls on non-commercial pets and on products of animal origin in personal luggage and mail was performed from 18 to 27 May 2011. A mission on verification of the effectiveness of import control systems for products of animal origin was carried out from 31 August to 4

September 2015. A mission on ABPs took place from 13 to 22 February 2017. The present mission will allow the Authority to follow-up on the actions taken by the relevant competent authorities to address recommendations issued following these earlier missions.

The final report from these missions can be found on the Authority's website (www.eftasurv.int).

4.3. Approved BIPs in Norway

Table 2: Approved BIPs in Norway.

Name of the BIP	Type	Approval EFTA Surveillance Authority Decision 115/15/COL	Last Inspection	Number of Consignments received**			Number of rejected consignments**	
				2015	2016	Transit/ tranship	2015	2016
Borg	Port	HC (2), NHC (2), E(7)	2009	219	256	-	1	0
Båtsfjord	Port	HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	2007	286	316	Transit: 7 in 2015/ 10 in 2016	0	0
Egersund	Port	HC-NT(6), NHC-NT(6)(16)	2013	4	1	-	0	0
Hammerfest IC Rypefjord	Port	HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	2009	161	155	Transit: 33 in 2015/ 29 in 2016	0	0
Honningsvåg IC Honningsvåg	Port	HC-T (FR)(1)(2)(3)	2009	0	0	-	0	0
Kirkenes	Port	HC-T(FR)(1)(2)(3) HC-NT(1)(2)(3)	2009	120	170	1 transit in 2015	5	0
Kristiansund IC Kristiansund	Port	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3), HC-NT(6), NHC-NT(6)	2013	6	6	-	0	0
Larvik	Port	HC(2)	2013	139	82	-	0	0
Måløy IC Gotteberg	Port	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	2013	120	307	Tranship: 2 in 2015/ 7 in 2016	1	1
Oslo*	Air-port	HC(2), NHC(2), U, E, O	2013	652 POAO 70 live animals	521 POAO 63 live animals	-	2 POAO 1 live animal	2 POAO

Oslo*	Port	HC(2), NHC(2)	2009	542	626	1 tranship in 2015	17	15
Sortland IC Sortland	Port	HC-T(FR)(1)(2)(3)	2009	21	88	Tranship: 1 in 2015/ 4 in 2016	0	2
Storskog	Road	HC, NHC, U, E, O	2009	18 POAO 188 live animals	4 POAO 4 live animals	Exiting transit: 41 in 2015/ 39 in 2016	11 live animals	0
Tromsø IC Bukta	Port	HC-T(FR)(1)(2)(3)	2013	278	252	-	0	0
IC Solstrand		HC-T(FR)(1)(2)(3)		186	200	-	0	0
Ålesund IC Breivika	Port	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	2009	273	320	-	3	5
IC Skutvik*		HC-T(1)(2)(3), HC-NT(6), NHC-T(FR)(2)(3), NHC-NT(6)						
	* BIPs and ICs visited during this mission.							
	** Data provided by the competent authority							

5 Findings and conclusions

5.1. Competent authorities and national legislation

Legal Requirements

Article 4(1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for the purposes and official controls set out in that Regulation.

Article 7 of the EEA Agreement requires acts referred to or contained in the Annexes to the Agreement to be made part of the Norwegian internal legal order.

Findings

The NFSA provided in the pre-mission document a list of adopted laws, regulations and administrative provisions implementing the EEA legislation related to import controls and BIPs listed in Annex 2 to this report.

The Food Act (NO) No 124 of 19 December 2003[1] represents the basis of the legislation on import controls in Norway. Proposals for amendment of the Food Act can be drafted by the Ministry of Agriculture and Food, the Ministry of Trade, Industry and Fisheries and/or

[1] https://lovdata.no/dokument/NL/lov/2003-12-19-124
English version: http://app.uio.no/ub/ujur/oversatte-lover/cgi-bin/sok.cgi?type=LOV

the Ministry of Health and Care Services. Any amendments are to be finally decided upon by the Parliament. Authorisation to decide on implementing regulations for defined areas within the scope of the Food Act is given to the Ministry of Agriculture and Food, the Ministry of Fisheries and Coastal Affairs and/or the Ministry of Health and Care Services. Regulation (NO) No 884 of 5 May 2004[2] provides the NFSA with competence to propose implementing legislation pursuant to certain articles of the Food Act. Instructions, procedures and circulars as to the application of the regulations are also drafted by the NFSA to assist the competent authorities at regional level.

According to the pre-mission document, safeguard measures are implemented in accordance with the simplified procedure[3] and are published on the websites of the NFSA. These measures are also sent to the BIPs by e-mail. The mission team was informed that information on acts subject to simplified procedures is received from the EFTA Secretariat and that the NFSA also monitors the Official Journal of the European Union.

The responsibility for policy related to import of live animals and food of animal origin is shared between the Ministry of Agriculture and Food, the Ministry of Trade, Industry and Fisheries, *and the Ministry of Health and Care Services*. The Ministry of Agriculture and Food is administratively responsible for the NFSA, which is the central competent authority in Norway for food and feed safety, animal health and welfare.

Distribution of responsibilities in relation to import control systems and operational levels remain unchanged since the Authority's previous mission on the verification of effectiveness of import controls carried out in 2015[4]. More details can be found in the Norwegian country profile Part 1[5] and in the Multi-Annual National Control Plan (MANCP)[6] available on the NFSA webpage.

The export and import section of the NFSA head office is responsible for coordinating official import controls performed by BIP staff over products of animal origin and live animals entering Norway from third countries. This section has 17 employees, of which five are working full or part time on import controls. The section is the national contact point for TRACES and for the Rapid Alert System for Food and Feed (RASFF), both for the NFSA and for the European Commission. All BIPs have access to the RASFF database and use TRACES.

According to the pre-mission document, the fees to cover costs occasioned by official import controls are stipulated in Regulation (NO) No 307 of 3rd March 2010[7] on the payment of charges for veterinary border controls. Norway has fixed its charges at a flat rate on the basis of costs borne by the competent authority for the performance of veterinary border controls over a given period of time, in accordance with Annex VI criteria. This was achieved as part of the process of revising the previous regulation on the payment of charges for veterinary border controls. The NFSA has established a group,

[2] https://lovdata.no/dokument/DEL/forskrift/2004-05-05-884
[3] The simplified procedure is a derogation from general procedures for incorporation of acquis laid down by the EFTA Standing Committee. Simplified procedures means that acts which are subject to these procedures are no longer incorporated into the EEA Agreement by a Decision of the EEA Joint Committee in order to become applicable in the EEA EFTA States.
[4] http://www.eftasurv.int/media/reports/779522_Final-report---2015_NOR_6---EFTA-Surveillance-Authority-mission-to-Norway-from-31-Augu.pdf
[5] http://www.eftasurv.int/media/food-safety/Country-profile-NORWAY---July-2017---Part-1.pdf
[6] https://www.mattilsynet.no/om_mattilsynet/multiannual_national_control_plan__english_version.23956/binary/Multi-annual%20national%20control%20plan%20-%20English%20version
[7] https://lovdata.no/dokument/SF/forskrift/2010-03-03-307

which mandate is to review the fee-scheme to ensure effective adjustments and collection of fees.

Conclusions

The competent authorities responsible for official import controls on products of animal origin, live animals and ABPs have been designated in compliance with Article 4(1) of Regulation (EC) 882/2004.

Relevant EEA legislation concerning import controls and BIPs as referred to by the NFSA in its response to the pre-mission document has been made part of the Norwegian internal legal order in line with Article 7 of the EEA Agreement.

5.2. Organisation of official controls

5.2.1. Legal powers and enforcement

Legal Requirements

Article 4(2)(e) of Regulation (EC) No 882/2004 requires that competent authorities have the legal powers to carry out official controls and to take the measures provided for in this Regulation.

Article 54 of Regulation (EC) No 882/2004 requires a competent authority which identifies non-compliance to take appropriate action to ensure that the operator remedies the situation.

Findings

Legal powers of the NFSA to carry out official controls and take related enforcement measures are laid down in the Food Act. In particular, Article 23 of the Food Act stipulates that the NFSA is responsible for ensuring compliance with provisions laid down in or pursuant to it and for taking relevant decisions to ensure their implementation, including imposing administrative fines, prohibition of imports, exports and/or marketing and orders on withdrawal from the market, isolation, killing, destruction, rejection, restrictions, labelling or special treatment. Should it not be possible to determine responsibility for non-compliance, or should the measures need to be quickly in place, the NFSA may directly implement such measures. Furthermore, on request, the NFSA shall be provided with relevant information by public authorities and shall be assisted by the police, the customs authorities, the coastguard and the municipal authorities.

Regulation (NO) No 1163 of 18 October 1999[8] on inspection and veterinary checks on import and transit of foodstuffs and products of animal origin from third countries provides that all animal products from third countries are introduced via a BIP, that they are pre-notified to the veterinary staff of the BIP using a CVED and are subjected to veterinary checks as required.

The same regulation enables the NFSA to make all necessary checks in case of suspicion or doubt as to the identity or destination of a product or as to whether the terms of the legislation are not fulfilled. The concerned products shall be kept under NFSA supervision

[8] https://lovdata.no/dokument/SF/forskrift/1999-10-18-1163?q=1999-10-18-1163

until the results of the veterinary checks are available. If any suspicion is confirmed, veterinary checks on products of the same origin shall be intensified.

If products do not meet import conditions or reveal illegal conditions according to veterinary checks, or if they enter the EEA without having been subjected to the prescribed veterinary checks, the NFSA shall decide if the consignments are to be (i) re-dispatched by the same means of transport and within a maximum of 60 days to a destination outside the EEA agreed with the party responsible for the consignment; or (ii) destroyed if it is impossible to re-dispatch the products, if the 60-day deadline has expired or if the party responsible for the consignment agrees immediately.

According to the pre-mission document, BIPs are part of the local departments where they are located, except for the BIPs located in Greater Oslo region which are part of a specific department for border control and import. The administrative responsibility for the BIPs concerning budget, staff administration and day-to-day management lies with the local department. According to point 2.3.1.5 of Decision (NO) of 26 February 2015[9] on the delegation of powers from the NFSA head office to the NFSA regional offices, last updated on 13 January 2017, the regional offices have been empowered to take decisions concerning consignments entering Norway through the BIPs.

The mission team found evidence of corrective actions taken by a BIP following detection of non-compliances during supervision by the export and import section of the NFSA. The mission team also noted that if mistakes are identified in part 1 of the CVED, the economic operator is required to rectify the error; and most of the rejected consignments checked had been dispatched within the 60-day limit. However, delays in pre-notification of consignments by importers did not result in the NFSA taking action to ensure that the operator remedies the situation (see section 5.3.1.). Furthermore, the mission team found that in one case where a BIP obtained an unsatisfactory laboratory result in the context of the monitoring plan, no action had been taken by the BIP that received the results.

Conclusions

The NFSA has the legal powers to carry out official import controls in line with Article 4(2)(e) of Regulation (EC) No 882/2004 and to take the measures provided for in that Regulation.

Appropriate action is generally taken in case of infringements of EEA legal provisions to ensure that the operator remedies the situation in accordance with Article 54 of Regulation (EC) No 882/2004.

5.2.2. Coordination between and within competent authorities involved in import controls

Legal Requirements

Article 4(3) of Regulation (EC) No 882/2004 requires that, when a Member State confers the competence to carry out official controls on a competent authority or authorities other than a central competent authority, in particular those at regional or local level, efficient and effective coordination shall be ensured between all the competent authorities involved.

[9] https://www.mattilsynet.no/om_mattilsynet/gjeldende_regelverk/delegeringer/delegering_av_myndighet_fra_hovedkontoret_til_regionene.18286/binary/Delegering%20av%20myndighet%20fra%20hovedkontoret%20til%20regionene

Article 4(5) of Regulation (EC) No 882/2004 requires that when, within a competent authority, more than one unit is competent to carry out official controls, efficient and effective coordination shall be ensured between the different units.

Article 24(1) of Regulation (EC) No 882/2004 requires the competent authorities and the customs services to cooperate closely for the organisation of official controls on the introduction of feed and food from third countries.

Findings

The mission team was informed that the export and import section of the NFSA seeks *ad-hoc* advice from other sections at central level, with which it also collaborates occasionally for drafting guidance and for the monitoring plan. The export and import section also relies on other sections which have responsibility over issues such as the development of guidance for verification of effectiveness and risk assessment. However, the mission team found coordination was lacking between central level sections involved in developing the monitoring plan (see section 5.3.3.).

Coordination between regional offices of the NFSA takes place via interregional fora in which the NFSA central level generally participates as observer. The mission team was informed that since 1st April 2017, the import and export interregional forum led by Greater Oslo region of the NFSA had been split into two. Since then, the interregional forum on import has had two meetings for which minutes were provided, evidencing discussion of challenges and issues faced by each NFSA region.

According to the pre-mission document, the export and import section of the NFSA aims at harmonising and coordinating import controls through basic training courses for BIP staff and annual gatherings for lectures and discussion on relevant issues and legislation. The section also communicates as necessary with the BIPs by email and periodically updates guidelines and information relevant for import controls that are available on the NFSA intranet accessible by BIPs. However, the mission team noted that veterinary checks were not always carried out in a consistent manner in BIPs (see section 5.2.4.).

Coordination between NFSA central level and local departments is foreseen in relation to market controls of food business operators involved in trading and importing of foodstuffs. A guideline developed by the NFSA on regional supervision of businesses and last updated in August 2016 was provided to the mission team. This guideline specifies that after the completion of border checks, the local department which zip code corresponds to the destination of the consignment will receive a message via TRACES. It will then be possible for that local department to enter information about the checks made in TRACES. An example was provided to the mission team regarding a warehouse control in collaboration with police and customs, during which imported meat was detected and seized, and the department of border control and import of Oslo was contacted.

According to the pre-mission document, and as already described in previous mission reports, cooperation between the NFSA and customs for the organisation of official import controls has been formalised in written agreements signed in 2012 at central level and in each region.

The central level agreement requires, *inter alia*, that a top-level meeting be held annually as a minimum, and that further *ad-hoc* meetings take place as necessary. According to the pre-mission document, the annual meeting is attended by the director general of both

authorities, technical directors and a dedicated working group with representatives from both authorities in order to focus on cooperation between the NFSA and customs. In addition, the same working group meets regularly during the year to discuss topics related to import controls.

The mission team was informed that, in accordance with the central level agreement, two contact points within the agreeing parties have been appointed to ensure exchanges of relevant information. The agreement also provides for the possibility of joint control actions. However, the mission team noted that neither the central or regional level agreements have been reviewed or updated since 2012[10] to reflect the new organisation of the NFSA, as already found during the Authority's mission of 2015, or to allow for improvement in accordance with the conclusions stipulated in previous missions.

Furthermore, the action plan proposed by the NFSA following the Authority's mission on import controls carried out in 2013 has not in practice resulted in any actions addressing the shortcomings identified in the relevant mission report. However, the mission team was informed of a coordinated campaign between the NFSA central level and central customs regarding custom warehouses, importers and ship chandlers as a follow-up to the 2013 mission on import controls (see section 5.6.).

Customs at central level informed the mission team of a project aiming at, *inter alia*, improving accuracy and efficiency in the performance of tasks and fighting illegal import and export of goods. This project includes, in its first phase in 2018, improvement of management of carrier manifests. Customs had communicated the project plan during a meeting with all agencies. However, the mission team noted that the NFSA would not be directly involved in the project planning and implementation.

The NFSA informed the mission team that regional agreements have been signed between the six customs regions and all five NFSA regions, which also meet regularly. The purpose of regional cooperation is to reveal and prevent illegal import and export of animals and products under NFSA legislation. Customs at regional level can perform documentary and/or physical controls on imported consignments, which are selected via control filters on the declarations received in Customs' electronic database (TVINN). During visits to BIPs, examples were provided to the mission team of customs detecting imported products of animal origin without an accompanying CVED and informing the BIP staff in order for them to perform the required veterinary checks. The mission team noted that the 2017 regional budget disposal letter (BDS) of the NFSA specifically refers to maintaining cooperation with customs, to further strengthening it if needed and to ensuring that regular meetings take place between the NFSA and customs.

At local level, customs and the NFSA have not signed specific agreements, although the mission team was informed that they cooperate through regular meetings, exchanges of information as required by email or phone, and joint actions at the border and in stores, restaurants, warehouses etc. Some examples of topics discussed at the meetings were provided, including import of pets, private import of meat and dairy products and joint actions at borders. Furthermore, local custom officers may contact the NFSA local department or BIP should they have questions concerning imported consignments at the border or at cargo terminals.

[10] Comments provided by Norway: *Regional level agreements were reviewed and updated in 2016 and 2017. Updated versions were provided to the Authority. Central level agreement has not been updated since 2012, but will be updated in 2018.*

The mission team was informed of a dedicated food-specialised group as part of Oslo regional customs since 2010 and of its cooperation with Oslo Port BIP. Continuous exchanges take place through emails, phone conversations, and meetings (at least once every three months) for which minutes were available. Recently, a member of customs staff visited the BIP for three days to have a better understanding of import controls on food of animal origin. Examples of imported goods in relation to which there had been cooperation between customs and BIP staff were provided to the mission team. However, the mission team noted that this cooperation was not formalised in any written agreement and that customs and the NFSA in other regions or at central level were unaware of this arrangement or of its outcomes. In the other BIPs visited, communication took place mainly with customs at central level, reflecting the fact that management of CVEDs and release of consignments have been centralised. Exchanges between these BIPs and local customs was therefore limited in relation to products of animal origin.

According to the pre-mission document, the NFSA also cooperates with customs for detection of illegal products of animal origin in personal luggage. Joint actions on airports and at borders are arranged to detect illegal products and give information to travellers. Furthermore, both customs and the export and import section of the NFSA have participated in meetings organised by the European Commission.

According to the pre-mission document, the police and local government shall assist the NFSA on request in the exercise of its authority, for example for access to premises or facilities and protection of inspectors in case of suspicion of illegally imported meat in restaurants and warehouses. The police also contacts the NFSA in case of illegally imported pets. Furthermore, the NFSA participates in A-Krim, a local interdisciplinary group with representatives from the Labour inspection, the Police, the Tax Collection Office, etc. which organises joint actions in warehouses, restaurants and other relevant businesses.

Conclusions

Coordination within the NFSA is mostly in place in accordance with Articles 4(3) and 4(5) of Regulation (EC) No 882/2004. However, efficient and effective coordination was not always be ensured for veterinary checks in BIPs.

A framework is established for cooperation between the NFSA and the customs in relation to official import controls. Despite related action plans proposed by the NFSA following previous missions, limited progress has been made between the NFSA and customs regarding controls on consignments in transit and transhipment, contrary to Article 24(1) of Regulation (EC) No 882/2204.

5.2.3. Competence and training

Legal Requirements

Article 5(1) of Directive 97/78/EC and Article 3(1) of Regulation (EC) No 136/2004 require that after completion of the required veterinary checks the official veterinarian responsible for the relevant BIP shall sign and issue a certificate for the consignment of products concerned certifying the results of the checks. In the case of BIPs checking imports of fish, the designated official agent may carry out the functions of the official veterinarian including completion and signature of the CVED.

Article 4(2)(c) of Regulation (EC) No 882/2004 requires the competent authority to ensure that it has a sufficient number of suitably qualified and experienced staff so that official controls and control duties can be carried out efficiently and effectively.

Article 6(a) of Regulation (EC) No 882/2004 requires the competent authority to ensure that staff performing official controls receive, for their area of competence, appropriate training enabling them to undertake their duties competently and to carry out official controls in a consistent manner.

Findings

According to the pre-mission document, 31 employees of the NFSA are currently working full time and 22 are working part time on official import controls. The NFSA avails itself of the possibility to use designated official agents certifying that veterinary checks on consignments of fishery products have been carried out in accordance with EEA requirements. The number of people performing border controls can vary in some BIPs according to season and workload. The mission team was informed that, when needed, staff already listed as approved signatories for certificates may be temporarily moved from other regions or BIPs to the concerned BIP.

All BIP staff must have proven competence and must complete training in accordance with national procedures. Local training allows for newly appointed personnel for import controls to be approved by the export and import section of the NFSA, to be added to the national list of approved signatories for issuance of certificates, and to be provided with access to TRACES. This training is performed by the responsible official veterinarian or designated official agent of the BIP, and includes relevant regulations and procedures, NFSA use of databases and TRACES, practical training at the BIP and practical implementation of import controls. In addition, BIP staff may visit another BIP and/or the NFSA at central level in the capacity of observer.

The mission team was informed that a four-day basic training course on import controls targeted at new signatories was organised by the export and import section of the NFSA according to need. A list of BIP staff which attended the basic training courses organised since 2004 was provided by the NFSA. However, no courses had taken place since 2014 due to an insufficient number of participants.

Maintenance of competence, which must be documented under NFSA procedures, is ensured through participation in courses at national level, in the Better Training for Safer Food (BTSF) workshops and in annual gatherings. Each BIP must have an up-to-date overview of staff competence and their professional training. Annual gatherings generally include updates on legislation and other relevant topics, information obtained from attendance at BTSF workshops and discussions on challenges faced by the BIPs. According to the agendas provided for 2016 and 2017, issues included were internal audits, TRACES, RASFF, Administrative Assistance and Cooperation (AAC), food fraud, protective measures, meat imported from Brazil and the Authority's missions. The mission team was also informed that the export and import section of the NFSA regularly updates BIP staff about relevant new legislation and information by email and via the NFSA website.

Evidence of training was provided in the BIPs visited, where staff had attended local training and participated in the annual gatherings organised by the NFSA and in the BTSF workshops. However, not all BIP staff had attended the basic training course on import controls.

According to the pre-mission document, the NFSA provides training to customs officers at the Tollskolen (customs school). The purpose is to give an overview of the work of customs on behalf of the NFSA and to show customs officers where to find further information and instructions. In particular, customs officers are given information on the role of the NFSA and import controls, and on the CVED for imports of live animals, food of animal origin and other animal products from non-EU/EEA countries. During this training, the NFSA clarifies, *inter alia*, which commodities require a CVED, and what a valid CVED should contain. Furthermore, custom officials participate at meetings with the regional NFSA and BIPs, during which they are informed about new import regulations.

Conclusions

Certification is performed only by authorised staff in relation to consignments of products of animal origin, in line with the requirements of Article 5(1) of Directive 97/78/EC and Article 3(1) of Regulation (EC) No 136/2004.

A sufficient number of suitably qualified and experienced staff perform official import controls in line with Article 4(2)(c) of Regulation (EC) No 882/2004.

Staff from the NFSA and customs are trained and kept up-to-date in their competences, in line with the requirement of Article 6(a) of Regulation (EC) No 882/2004. However, not all BIP staff had received the basic course for BIPs.

5.2.4. Documented procedures, consistency and verification of effectiveness

Legal Requirements

Article 8(1) of Regulation (EC) No 882/2004 requires that competent authorities carry out official controls in accordance with documented procedures which contain information and instructions for staff performing official controls.

Article 4(4) of Regulation (EC) No 882/2004 requires competent authorities to ensure the impartiality, quality and consistency of official controls at all levels.

Article 8(3) of Regulation (EC) No 882/2004 requires competent authorities to have procedures in place to verify the effectiveness of official controls and to take corrective action and update relevant documentation when needed.

Findings

The mission team noted that procedures documented by the NFSA are available for all BIP staff concerning organisation and implementation of official import controls, use of TRACES and RASFF notifications. Most of these are produced by the export and import section of the NFSA, which also provides BIPs with relevant information from the European Commission and competent authorities of other countries. Other documents are developed at each BIP, such as local procedures and checklists/templates for veterinary checks, or are drafted at regional level, such as instructions related to the monitoring plan.

The mission team noted that in some areas, where shortcomings in the performance of official import controls were observed during the mission, insufficiently detailed or no procedures were provided. In particular:

- There is no documented procedure establishing methods and frequency for cross-checking available intelligence on consignments presented for veterinary checks, in particular in relation to cargo manifests, information from other sources such as TRACES and information from other involved authorities.
- There is no specific procedure for determining the frequency of physical checks or for undertaking risk assessments for selecting consignments to be subjected to a physical check and sampling.
- There is no procedure for applying the reduced checks regime.
- There is no procedure for official controls of channelled and re-imported consignments.

The mission team found that each visited BIP dealt with import controls with different approaches, and developed its own checklists and procedures in areas where there is no NFSA central level documented procedure. As a consequence, veterinary checks were not carried out in a harmonised way in the BIPs visited and the mission team found a lack of consistency in interpretation of the relevant legislation. This is particularly apparent in the performance of risk-based controls, in the selection of consignments for physical checks including sampling and in understanding the objectives and implementation of monitoring plans developed by the NFSA central level (see section 5.3.3. for more details).

As described in previous missions, individual BIPs are subjected to supervision audits by the export and import section of the NFSA at central level. According to the plan provided to the mission team, five audits were carried out in 2013 and 2014, for which reports were available. No audits took place in 2015 and 2016. In 2017, two BIPs had had a one-day audit. Four audits were scheduled for 2018 and four for 2019 at selected BIPs. Although the reports of the 2017 audits were not yet available at the time of the mission, the mission team received information from the staff of one visited BIP concerning detected non-compliances which reflected the mission team's findings. The mission team also noted that some actions were being taken to follow-up on the audit's findings. For more information on supervision activities at BIPs, reference is made to the Authority's mission report on verification of effectiveness in import controls of 2015.

The mission team was informed that interregional audits are taking place in BIPs. Two of the visited BIPs had already been subjected to a one-day audit for which criteria included training, facilities, sampling and storage.

The mission team asked the NFSA to provide an overview of the results of control activities on consignments performed at BIPs in 2015 and 2016. Each BIP visited was able to provide an overview of the veterinary checks for all imported consignments in the form of an excel file containing details such as information retrieved from Part I of the CVED, samples taken, decision on consignments and the identity of staff involved in controls. However, the mission team noted that records were not kept on delays in pre-notification or on the percentage of planned or performed physical checks for specific commodities.

The export and import section of the NFSA informed the mission team that, during 2015 and 2016 respectively, 3292 and 3308 import controls, excluding controls on consignments in transit or transhipment, had been performed, resulting in a total of 30 and 25 rejected consignments. The mission team noted that this overview is of a quantitative nature and the NFSA was not able to provide, at the time of the mission, an overview at national level of the number and type of non-compliances observed and the cases where enforcement measures had been taken and penalties imposed. The mission team noted that the NFSA does not systematically carry out any analysis of results of official import controls at national level.

In the mission of 2015, the Authority recommended that the competent authority ensure that there are procedures in place to verify the effectiveness of official controls for import of products of animal origin. An action plan was previously provided to the Authority by the NFSA where it was indicated, with no confirmed timeline, that a working group had been established for drafting relevant procedures. The Authority was further informed that guidelines for methodology of measuring effectiveness of official controls had been prepared, although these were not available at the time of the mission.

Conclusions

Official controls are generally carried out in accordance with documented procedures in line with Article 8(1) of Regulation (EC) No 882/2004. However, there is a lack of documented procedures, or of sufficiently detailed procedures, in some areas where shortcomings in import controls were detected.

Due to the absence of documented or sufficiently detailed procedures in some areas and the resulting use of different approaches to import controls at individual BIPs, as well as different interpretations of legal requirements, official import controls at BIPs are not carried out in a consistent manner, contrary to Article 4(4) of Regulation (EC) No 882/2004.

5.3. Implementation of official controls on imported consignments at entry BIPs

5.3.1. Pre-notification and system to ensure presentation of consignments for veterinary checks

Legal Requirements

Article 2(1) and (4) of Regulation (EC) No 136/2004 require that, before the physical arrival of a consignment of a product of animal origin in the EEA, the person responsible for the load shall notify the arrival of the products to the veterinary staff of the BIP to which the products are to be submitted using the CVED or, if agreed with the competent authority, using telecommunications or other systems of electronic data transmission which include the same information.

Article 3(3) of Directive 97/78/EC requires the person responsible for the load to forward information in advance by duly completing where applicable the certificate referred to in Article 5(1), or provide a detailed description in writing or in computerised form of the third country consignment to the veterinary staff of the border inspection post to which the products are to be submitted.

Article 1(1) of Regulation (EC) No 282/2004 requires the person responsible for the load to give notice of entry of any animal referred to in Directive 91/496/EEC into the Community from a third country, at least one working day before the expected arrival of the animal(s) on Community territory. Such notification shall be made to the inspection staff of the BIP using a document drawn up in accordance with the CVED.

Article 17(1) of Regulation (EC) No 882/2004 requires feed and food business operators responsible for consignments of certain food and feed of non-animal origin to give prior notification of their arrival and nature.

Article 3(1) of Directive 97/78/EC and Article 4(1) of Directive 91/496/EEC require Member States to ensure that no consignment from a third country is introduced into the EEA without having been subjected to the required veterinary checks at a BIP.

In order to ensure that all animal products and live animals imported from outside the EEA undergo veterinary checks, Articles 6 and 7 of Regulation (EC) No 136/2004 and Articles 5 and 6 of Regulation (EC) No 282/2004 require the competent authorities and the official veterinarian to coordinate with other enforcement services to gather all pertinent intelligence from customs, manifests and other information sources and the competent authorities to have access to the relevant databases or relevant parts thereof available to customs or to participate in the mutual exchange of data with customs.

Findings

As reported in previous missions and as confirmed in the pre-mission document, the NFSA relies on (i) pre-notification of imported consignments via the CVED; (ii) manifests provided by carriers; (iii) information communicated by customs and (iv) information sent by other authorities such as port authorities, the pilot service and the coast surveillance authorities in order to identify products of animal origin and live animals entering Norway which are required to undergo veterinary checks.

According to national legislation and the NFSA coordination guidelines for official import controls, all goods subject to veterinary checks must be notified before they physically arrive at the border, and all live animals must be notified 24 hours prior to their arrival. The mission team was informed that imported consignments are generally pre-notified through the TRACES system. However, the mission team noted that transhipments and consignments in transit are not always pre-notified, whether in TRACES or by other means, and that CVEDs of imported goods examined in each BIP visited evidenced delays in pre-notification.

The NFSA were not able to provide the pre-notification rate for imported consignments for 2016-2017 in Norway at the time of the mission. The mission team was informed in the BIPs visited that the risk of an imported consignment not being pre-notified was considered to be negligible and that delays in, or the absence of, pre-notification are not recorded by BIP staff for relevant imported consignments. Neither was any action taken in the absence of pre-notification of imported consignments, whether in terms of enforcement or BIP staff encouraging economic operators to pre-notify the necessary information in a timely manner.

Staff at BIPs visited by the mission team confirmed that the NFSA has direct access to cargo manifests or receives cargo manifests from carriers. The mission team noted that manifests were checked randomly, rather than systematically, to ensure that all consignments of products of animal origin would be subject to veterinary checks. For example, in one of the BIPs visited, a written procedure according to which the manifest should be checked once or twice per month had been drafted, following a risk assessment made by the responsible veterinarian.

Imported goods are declared in customs' electronic database (TVINN). Those consignments from non-EEA countries containing animal products listed in Commission Decision 2007/275/EC (implemented in Regulation (NO) No 726[11] of 26 June 2008 concerning import controls), are flagged in TVINN using a specific Combined

[11] https://lovdata.no/dokument/SF/forskrift/2008-06-26-726

Nomenclature code (CN code) and are subject to manual processing by customs at central level. However, the mission team was informed that customs only flag consignments at the time of the import declaration and therefore not those consignments destined for customs warehousing or those in transit (see section 5.5. and 5.6.).

Customs update the TVINN system with control data received from the NFSA and consignments are manually released for free circulation only if a valid CVED is available. The mission team was informed that goods are released for free circulation once customs have checked that the CVED is signed and that box 32 on acceptability for internal market is ticked. Customs at central level contact the BIP by email or phone should they not have the CVED for an imported consignment flagged by TVINN.

The mission team was informed that one representative of the NFSA at central level benefits from direct access to TVINN. However, according to the NFSA, this access is not used or considered of added value for identifying consignments which must be subjected to veterinary checks.

According to the pre-mission document, the port authority, pilot services, Norwegian Defence and the Directorate of Fisheries provide information to the NFSA on the arrival of ships and cargo, but they do not perform any tasks on behalf of the NFSA. The means of communication and frequency of exchanges between BIPs and these authorities vary, depending on the location and throughput of the BIPs and the type of consignments in question. In the BIPs visited, there was evidence of cooperation with these authorities.

The mission team was informed that NFSA central level had instructed the BIPs in 2016 to make arrangements with concerned authorities as required. However, the NFSA central level did not provide any guidance on how these arrangements should be made or how different sources of information should be cross-checked. The NFSA recently sent an email to all BIPs requiring details of such arrangements to obtain a national overview. The NFSA did not intend to carry out any comprehensive assessment of this overview, which was obtained only for the purpose of planning supervision of BIPs and selecting BIPs to be visited.

For some BIPs, the port authority provides an overview of incoming ships from non-EU countries and their manifests by email, while other BIPs contact pilot services directly in order to receive information on arrival of ships. The Coast Guard, which is part of the Norwegian Defence, gathers information on catches and manages resources in cooperation with the Directorate of Fisheries. Some BIPs receive daily messages from the Norwegian Defence with an overview over incoming ships, and in some cases, with issues related to hygiene on board vessels controlled at sea. Such cases may be further investigated by the NFSA by an on-board inspection and by taking samples on the basis of suspicion of non-compliance when checking the relevant consignment at the BIP. While the Directorate of Fisheries has no specifically established role in import controls, it may be contacted by the BIPs about port regulations, sign up of catch and time for unloading.

Conclusions

Consignments intended for import are generally pre-notified electronically through TRACES before their physical arrival in the EEA. However, transhipments and consignments in transit are not always pre-notified, contrary to Article 17(1) of Regulation (EC) No 882/2004, Article 2(1) and (4) of Regulation (EC) No 136/2004, and Article 3(3) of Directive 97/78/EC. Furthermore, the NFSA does not monitor the

rate of pre-notification for imported consignments and does not take action in case of failure to pre-notify or to pre-notify in a timely manner.

BIP staff have access to different sources of information to ensure that consignments imported from a non-EEA country introduced in Norway are presented for veterinary checks. However, the NFSA does not systematically cross-check information with notification of consignments to ensure that all products of animal original and live animals are presented for veterinary checks. Coupled with the lack of pre-notification for consignments in transit and transhipment, it cannot be excluded that consignments of products of animal origin and live animals that have not been subjected to required veterinary checks are entering Norway, contrary to Article 3(1) of Directive 97/78/EC and Article 4(1) of Directive 91/496/EEC.

5.3.2. Veterinary checks on imported consignments

Legal Requirements

Article 3(1) of Regulation (EC) No 882/2004 requires the Member States to ensure that official controls are carried out regularly, on a risk basis and with appropriate frequency, so as to achieve the objectives of this Regulation.

Requirements for documentary, identity and physical checks of products of animal origin are laid down in Article 4, 5 and 7 and Annex III of Directive 97/78/EC and in Articles 1 and 3 and Annex I of Regulation (EC) No 136/2004.

Requirements for documentary, identity and physical checks for live animals are laid down in Article 4 of Directive 91/496/EEC, Article 2 of Regulation (EC) No 282/2004 and Commission Decision 97/794/EC

Commission Decision 94/360/EC lays down procedures for reduced frequency of physical checks of consignments of certain products from third countries.

Article 18 of Regulation (EC) No 882/2004 and Article 20 of Directive 97/78/EC require the competent authority to carry out official controls in order to confirm, or to eliminate, any suspicion of non-compliance or doubt as to the identity or the actual destination of the consignment or as to the correspondence between the consignment and certified guarantees or guarantees laid down in legislation for the relevant product. The competent authority shall place the consignment concerned under official detention until it obtains the results of such official controls.

Point 3 of Annex II of Regulation (EC) No 136/2004 requires that where laboratory tests are carried out on the basis of suspected non-compliance, the official veterinarian responsible for the BIP who carried out the test or the competent authority must withhold the consignment from veterinary clearance and release until satisfactory results of the laboratory tests are received.

Article 19 of Regulation (EC) No 882/2004 requires the competent authority to place under official detention feed or food from third countries that does not comply with feed or food law and, having heard the feed or food business operators responsible for the consignment, to take specified measures in respect of such feed or food.

Findings

The mission team assessed a range of CVEDs selected from the TRACES database prior to the mission and from the files stored in each BIP visited during the mission. The mission team found that veterinary checks were generally performed according to the NFSA's documented procedures. Shortcomings detected by the mission team were discussed with BIP staff.

According to the pre-mission document, documentary and identity checks are carried out by BIP staff on 100% of imported consignments, under the responsibility of the official veterinarian or designated official agent. BIP staff check the information in part 1 of the CVED submitted by the economic operator against the relevant EU health certificate.

In relation to the implementation of physical checks on imported consignments, the mission team noted that:

- Physical checks are carried out by BIP staff with a varied frequency, depending on the risk assessment made by the BIP staff based on their own knowledge of imported products and importers' history. In BIP Oslo Airport, physical checks were carried out on 100% of imported consignments of products of animal origin and live animals.
- Performance of physical checks, including sampling, is the subject of detailed NFSA documented procedures. However, this does not include guidance on the frequency of random physical checks or the risk assessment for selecting which consignments are to be checked.
- Consignments subjected to physical checks are selected randomly, and the operator is unable to predict them.
- The frequency of reduced physical controls are defined according to the category of goods and vary between 1% and 50%. However, each BIP visited showed a different understanding of the reduced physical checks regime. One BIP decided it would not implement this regime. In BIP Oslo Port, following a recent supervision audit, BIP staff anticipated introducing the practice but the system was not yet in place. In BIP Aalesund, 20% of incoming consignments underwent a physical check, irrespective of the type of commodity.
- No overview was available to any of the BIPs visited at the time of the mission enabling staff to verify whether the frequency of physical checks was met for each commodity according to relevant requirements.
- Samples are sent to accredited laboratories and the analytical results are then sent to BIP staff.
- Veterinary checks in the case of suspected non-compliance are foreseen according to documented procedures. Consignments are detained under the supervision of the competent authority until the results of the tests are obtained.

Conclusions

Documentary and identity checks on imported consignments are generally performed in line with Articles 4(3) and 4(4)(a) of Directive 97/78/EC, Annex I of Regulation (EC) No 136/2004 and Article 4 of Directive 91/496/EEC, Article 2 of Regulation (EC) No 282/2004 and Commission Decision 97/794/EC.

Physical checks are generally carried out in line with Article 4(4)(b) and Annex III of Directive 97/78/EC. However, there was no systematic approach to performing physical

checks, including sampling, based on risk, contrary to Article 3(1) of Regulation (EC) No 882/2004.

Physical checks are carried out on randomly selected consignments, in such a way that it is not possible for an importer to predict whether any particular consignment will be subjected to a physical check in line with Article 2 of Commission Decision 94/360/EC. However, the reduced frequency of physical checks of consignments for certain imported products was not implemented as required by Article 1 and Annex I and II of Commission Decision 94/360/EC.

5.3.3. Monitoring plan for sampling imported consignments

Legal Requirements

Article 1(2) and Point 1 of Annex II to Regulation (EC) No 136/2004 require Member States to submit consignments of products of animal origin presented for import to a monitoring plan involving sampling and laboratory testing to detect residues, pathogenic organisms or other substances dangerous to humans, animals or the environment.

Point 4 of Annex II of Regulation (EC) No 136/2004 requires Norway to inform the Authority monthly of favourable and unfavourable results of laboratory testing carried out in its BIPs.

Findings

According to the pre-mission document, Regulation (NO) No. 1347 of 30 November 2005 implementing Regulation (EC) No 136/2004 requires Norway to carry out monitoring and control of residues, pathogens and other substances in imported foodstuffs from third countries. For this purpose, the surveillance and mapping programme (OK programme) was launched in autumn 2007 as a monitoring programme for imported products of animal origin. Monitoring instructions are prepared in accordance with the BDS and existing agreements with laboratory services. The programme is currently divided in two monitoring plans for which the export and import section of the NFSA has a coordinating role.

Monitoring plan for fishery products (including marine mammals, flour and oil, for human consumption and not for human consumption) under the responsibility of the NFSA section for fish health and welfare.

The mission team noted that:

- The National Institute of Nutrition and Seafood Research (NIFES) develops a risk-based monitoring plan on behalf of the NFSA, in cooperation with the BIP staff. The plan is reviewed annually and the plan's results are provided in an annual report drafted by NIFES.
- According to the 2016 NIFES annual report, a total of 131 samples were collected by BIP staff and analysed by NIFES for residues, pathogenic organisms and other substances.
- According to the instructions provided by the NFSA, samples should be taken from batches that are considered to have the greatest risk of containing residues, pathogens or other substances.

- With the exception of the number of samples to take, no sampling plan was available at the BIPs visited.
- Samples are taken by BIP staff during import controls. The number of samples to be taken in each region is defined by the NFSA at central level, without, however, always considering the throughput of individual BIPs. BIP staff are not informed of the purpose of sampling, on the parameters that should be tested, nor on the commodity that should be sampled, except for fish oil.
- Samples are sent to NIFES, which, according to the information accompanying the sample, decides which parameters to analyse.
- Analytical results are sent by NIFES to the responsible BIP. However, the mission team found that in some cases the results were sent to the BIP up to six months after the sample had been taken.
- In case of unsatisfactory results, the BIP is responsible for taking action, and for informing NFSA central level and the concerned local departments performing controls on the market. However, in examples provided to the mission team, actions taken by the NFSA in the case of unsatisfactory results was very limited due to the long delays between sampling and reception of results.
- Analytical results are recorded by BIP staff and sent to the export and import section of the NFSA.
- According to the NFSA fish health and welfare section, this monitoring plan is not designed to meet the requirements of Regulation (EC) No 136/2004. It should be considered as a monitoring programme to collect data.

Monitoring plan for residues in meat and honey under the responsibility of the NFSA section for chemical safety and EEA.

The mission team noted that:

- This import monitoring programme on residues aims to monitor residues of substances with anabolic effects, prohibited substances, veterinary drugs and contaminants in meat and honey produced in non-EEA countries. The legal basis for the monitoring programme is Council Directive 96/23/EC.
- In 2015 and 2016 respectively, 90 and 93 samples of food products from cattle, sheep, poultry, deer and honey were analysed under the programme and found compliant.
- National and regional sampling plans, drafted by the NFSA responsible section, were provided to the mission team. These plans outline the number of samples from meat and honey to be taken and corresponding residues for which the samples will be tested, both at national level and in each region. Each region is responsible for drafting a plan for each BIP, of which an example was seen by the mission team.
- Samples are taken by BIP staff on the basis of their individual risk assessment and sent to the selected laboratory throughout the year.
- The BIP is responsible for recording analytical results, for sending them to the export and import section of the NFSA, and for taking action in the case of the unsatisfactory results.
- According to the NFSA section for chemical safety and the EEA, this monitoring plan was not designed to meet the requirements of Regulation (EC) No 136/2004. It should be considered as a monitoring programme to collect data.

Implementation of both monitoring plans and sampling performed at BIPs.

The mission team found that:

- BIPs did not have a harmonised understanding of sampling of imported consignments or of the implementation and objectives of the monitoring plans.
- Sampling of consignments and analytical results obtained in the framework of the monitoring plans were not recorded in TRACES. Only in one BIP visited did the mission team find that results of 2017 were added to TRACES where unsatisfactory. This omission impacts on both statistics and data used for supervision activities within TRACES and for RASFF notifications made via TRACES.
- Pathogenic organisms and other substances are not included in the monitoring plans for commodities other than fishery products.
- Sampling undertaken by BIP staff in accordance with the monitoring plans was not considered to be part of import controls. Therefore, these BIPs were performing additional sampling (random, re-enforced and suspicion) in the framework of their veterinary checks.
- Sampling was not performed with a systematic approach. Plans or procedures for sampling outside the framework of the monitoring plans were not available in the BIPs visited by the mission team.
- Results of laboratory testing carried out in BIPs, both for samples taken in the framework of the monitoring plans and for those taken as part of import controls, were recently sent to the Authority in one consolidated document covering January to September 2017.

Conclusions

The monitoring plan for imported consignments is not in line with Article 1(2) and Annex II of Regulation (EC) No 136/2004.

The Authority was not informed on a monthly basis during 2017 of the results of laboratory testing carried out in its BIPs, contrary to Point 4 of Annex II of Regulation (EC) No 136/2004.

5.3.4. Decision on the consignments and rejected consignments

Legal Requirements

Article 3 of Regulation (EC) No 136/2004 lays down the procedure to be followed after the completion of the veterinary checks of products of animal origin and Article 3 of Regulation (EC) No 282/2004 lays down the procedure to be followed after the completion of veterinary checks of live animals.

Requirements for the veterinary decision on consignments of animal origin and live animals and the follow-up of such specific consignments are laid down in Directives 91/496/EEC and 97/78/EC, in Regulations (EC) No 136/2004 and 282/2004 and in Decisions such as 97/794/EC and 2001/812/EC.

Article 21(2) of Regulation (EC) No 882/2004 requires that re-dispatch of consignments take place no more than 60 days after the day on which the competent authority decides on the destination of the consignment, unless legal action has been undertaken. If, after the expiry of the 60-day period, re-dispatch does not take place, the consignment shall be destroyed, unless a delay is justified.

Article 17 of Directive 97/78/EC lays down the requirements for the competent authority to destroy or re-dispatch consignments that do not comply with Articles 3 and 4 of the same Directive.

Articles 17(3), 20 and 24 of Directive 97/78/EC, Article 30 of Directive 96/23/EC and Point 3 of Annex II to Commission Regulation (EC) No 136/2004 lay down appropriate action for official veterinarians at BIPs to take in case of suspected non-compliant consignments and the application of re-enforced checks to such consignments.

Article 5 of Regulation (EU) No 16/2011 requires Members of the RASFF network to send border rejection notifications to the Commission contact point without undue delay. The notification shall include all information available regarding, in particular, the risk and the product from which the risk derives.

Findings

According to information provided to the mission team, after completion of the required veterinary checks, part 2 of the CVED is completed by BIP staff under the responsibility of the official veterinarian responsible for the BIP or by the designated official agent in case of imports of fish. BIP staff send the valid CVED by email to the central customs mailbox in order to notify customs of veterinary clearance of the consignment.

The mission team noted that:

- Decisions were generally correctly taken by BIP staff for imported consignments when non-compliances were detected.
- When random sampling is carried out and no immediate danger to public or animal health is suspected, consignments are released for free circulation before the laboratory results are obtained.
- Incorrect decisions on channelled and reimported consignments were reported by BIP staff (box 35 of the CVED left blank).
- The BIP triggers RASFF alerts via TRACES as soon as they receive non-satisfactory laboratory test results for samples which are not taken in the framework of the monitoring plans.

The NFSA guideline on rejected consignments, last updated in September 2017, establishes that products that do not meet import conditions or that have been illegally imported shall be (i) re-dispatched within a maximum of 60 days to a destination outside the EEA, agreed upon with the person responsible for the load, with the same type of means of transport, or (ii) destroyed, should it be impossible to re-dispatch the consignment, or in case the sixty-day period has elapsed, or if the person responsible for the load agrees immediately, or (iii) re-classified as ABP if there is no danger to human or animal health. Rejected consignments are detained in the BIP facilities under NFSA supervision.

According to the same guideline and to the coordination guidelines for import controls, when a consignment has been rejected at a BIP, a copy of the decision of rejection and a

specific form when the rejected consignment has left the BIP is sent by the BIP to the export and import section of the NFSA. It is recommended that BIP staff remind after 40 days the person responsible for the load of the deadline for re-dispatch. It is the BIP that rejects the consignment that is responsible for ensuring that it has left the EEA before the deadline.

Records provided by the NFSA indicate that 25 consignments were rejected in 2016 in Norway. The 60-day limit imposed by legal requirements for re-dispatch of rejected consignments is calculated by the NFSA from the date the decision by the NFSA is taken. According to the NFSA records, the 60-day limit is generally respected.

Conclusions

Procedures to be followed after completion of veterinary checks of products of animal origin and live animals were generally in line with Article 3 of Regulation (EC) No 136/2004 and Article 3 of Regulation (EC) No 282/2004.

Decisions on the consignments were generally taken in line with Directives 97/78/EC and 91/496/EEC.

When random tests are carried out and no immediate danger to public or animal health is suspected, consignments are released for free circulation before the laboratory results are obtained, in line with Article 3(2) and paragraph 2 of Annex II to Regulation (EC) No 136/2004.

The time taken for re-dispatch of rejected imported consignments is monitored by the NFSA. Re-dispatch takes place within sixty days of the relevant decision of the NFSA in most cases, in accordance with Article 21(2) of Regulation (EC) No 882/2004 and Article 17 of Directive 97/78/EC.

5.4. Controls of channelled consignments

Legal Requirements

Article 8 of Directive 97/78/EC lays down specific requirements in relation to channelled consignments, including the requirement for the competent authority to ensure that channelled consignments are transported to the place of destination under customs supervision.

Findings

The mission team was informed that Norway does not have any procedures for, and does not implement, channelling as required by Article 8 of Directive 97/78/EC. Furthermore, customs stated that they were not aware of the specific procedures required for channelled consignments. However, according to the pre-mission document, this procedure has been used for fish and squid oils which are to be refined before use. According to TRACES data, 35 of such consignments have been channelled since 2015. However, in some CVEDs of channelled consignments verified by the mission team, BIP staff indicated that the box corresponding to channelling of re-imported products as required by Article 15 of Directive 97/78/EC had not been selected as required.

A list of approved establishments at the place of destination for consignments of products which are to be monitored from the BIP of arrival to the establishment at the place of destination was not available at the time of the mission.

Conclusions

Channelling of consignments is not implemented, contrary to Article 8 of Directive 97/78/EC.

5.5. Controls of consignments for ship supply, in transit and transhipments

Legal Requirements

Article 3(1) of Directive 97/78/EC requires EEA States to ensure that no consignment of products of animal origin from a third country is introduced into the EEA without having been subjected to veterinary checks at a BIP.

Article 11 of Directive 97/78/EC lays down specific requirements in relation to consignments of products of animal origin in transit, including mandatory communications and deadlines for exit. Such consignments are required to meet animal health requirements laid down in Article 7 of Directive 2002/99/EC but not public health requirements (non-conforming consignments). Consignments in transit must enter and leave the EEA via an approved BIP and detailed requirements, including deadlines for delivery, are specified in Commission Decisions 2000/208/EC and 2000/571/EC.

Article 3 of Decision 2000/208/EC requires the official veterinarian (or its designated agent in the case of fishery products) to be responsible for seeing that necessary checks are carried out at the BIP of exit and to confirm that the consignment received conforms to that despatched from the BIP of introduction and that it matches the information given in the certificate accompanying the consignment.

Article 3(4) of Regulation (EC) No 136/2004 requires that, for consignments of products in transit and ultimately intended for destinations outside the EEA, the original veterinary documents accompanying the consignment on arrival in the EEA travel onwards with the consignment and only copies of these documents are retained at the BIP of entry.

Veterinary check requirements for transhipment of consignments of products of animal origin are laid down in Articles 9 and 11 of Directive 97/78/EC.

Findings

The NFSA implements a specific procedure for ship supply, according to which TRACES must be used. Consignments must be sealed and remain under NFSA supervision until they reach the ship. The consignment must be delivered on the ship within 30 days from the consignment leaving the BIP of entry. It is the responsibility of the BIP of entry to report to customs if confirmation of dispatch has not been received from the BIP of exit within the deadline. The consignment shall be subject to documentary and identity checks at the BIP of entry. A physical check may be performed if there is a danger to human or animal health or in case of suspicion as to the identity, origin, destination or respect of transit conditions.

Ship supplies are checked at BIP Oslo Port according to local detailed procedure and the required CVEDs and certificates laid down in 2000/571/EC are issued. The consignment is sealed and accompanied by the required documentation to the ship of destination in the port of Oslo, Bergen, Trondheim or Tromsø. BIP Oslo Port alerts the local department which controls the seal of the consignment at arrival at the port, signs the certificate and returns it to the BIP of entry. A document is used at BIP Oslo Port to record the completion of these checks and a copy of such document for 2016 ship supplies was provided to the mission team. The mission team noted that the procedure was generally well implemented in the examples of CVEDs assessed during the mission.

According to the pre-mission document, the NFSA has developed procedures for checking non-compliant consignments in transit which are the basis of local guidelines documented by BIPs. After veterinary checks are carried out at the BIP of entry, the outgoing BIP is alerted about non-compliant consignments in transit. The outgoing BIP controls the seal and CVED, signs the CVED and returns it to the incoming BIP. If the CVED is not returned within 30 days, the incoming BIP will request it. The export and import section of the NFSA includes implementation of transit procedures within the scope of its supervision of BIPs.

The mission team was informed that consignments of products of animal origin in transit and transhipment are not flagged by customs. They are customs-cleared without being presented for veterinary checks and without a CVED having been issued by a BIP. This is a recurrent shortcoming identified during previous missions carried out by the Authority, despite proposed corrective actions by the NFSA indicating strengthening of cooperation between the NFSA and identification of a digital solution to allow flagging of these consignments by customs.

In practice, in order to identify consignments in transit and transhipment which are required to undergo veterinary checks, the NFSA relies on pre-notification (not always undertaken, see section 5.3.1), on manifests and on information from other involved authorities. The NFSA provided to the mission team a list of transhipped consignments extracted from TRACES for Norway, according to which two consignments had been transhipped in 2017, 10 in 2016, and 6 in 2015. These were discussed in one of the visited BIPs and the mission team was informed that not all of these consignments had been checked according to their procedures. By contrast, according to its own investigations in TRACES, the mission team found that 14 consignments had been transhipped in 2017 and 28 in 2016. In addition, the NFSA stated that often a new CVED was generated for transhipped consignments, rather than completing the one created at the time of in first country of arrival of the consignment.

BIP staff in Oslo Port stated that their procedures required them to check the list of consignments in transhipment once a week. The mission team was informed that these consignments are usually not pre-notified. An example of a transhipped consignment detected by checking the list was provided by one BIP, customs being unaware of such consignment and it not having been subjected to veterinary checks. The part of the consignment which was still in storage had then been rejected. However, no records related to transhipped consignments, including dates of arrival and departure, or veterinary or exit checks, were available at the time of the mission.

Conclusions

The information relied on by the NFSA in order to identify consignments in transit and transhipments required to undergo veterinary checks is inadequate to ensure compliance with Articles 3(1), 9 and 11 of Directive 97/78/EC. These consignments are not always pre-notified and are not flagged by customs. This has been a recurrent shortcoming identified during previous missions carried out by the Authority.

Based on current customs procedure, it cannot therefore be excluded that non-conforming consignments of products of animal origin enter Norway without being subjected to any veterinary checks and freely circulate on the EEA market.

5.6. Controls over free zones, free and customs warehouses

Legal Requirements

Articles 12 and 13 of Directive 97/78/EC and Decision 2000/571/EC lay down specific requirements in relation to unloading and storage of non-EEA-conforming consignments (products of animal origin not required to meet public health requirements) at free/customs warehouses or at ship suppliers in order to prevent these consignments from being released for free circulation within the EEA. These include requirements in relation to approval of warehouses and conditions for storage, labelling and record keeping in relation to these consignments. Confirmation of arrival of the consignment at destination (either ship or warehouse) must be provided to the authority responsible for dispatching the consignment (BIP of entry or warehouse). Such consignments must fulfil the animal health requirements laid down in Article 7 of Directive 2002/99/EC.

Article 24(2) of Regulation (EC) No 882/2004 requires customs services not to allow entry or handling of consignments of feed and food of animal origin in free zones or free warehouses without agreement of the competent authority.

Findings

According to the pre-mission document, there are no free zones, free warehouses, custom warehouses or ship suppliers approved by the NFSA under Articles 12 (4) and 13 of Council Directive 97/78/EC for the temporary storage of non-conforming products.

The mission team was informed that customs warehouses are approved by customs and that NFSA approves warehouses that are cold stores for compliance with hygiene requirements. Customs were able to provide a list of customs warehouses. However, they do not monitor products of animal origin stored at warehouses and were not able to extract an overview of such products.

As described in reports of previous Authority missions, it is not an obligation for the importer to provide the CN code at the border when the relevant consignment is transported to be stored in a customs warehouse since the CN code is only requested at the moment of customs clearance of the consignments. Current customs procedures therefore allow customs warehousing of products of animal origin until customs clearance of consignments, without any veterinary checks having been carried out before the transfer from the BIP of entry to the warehouse.

As a follow-up to the Authority's mission of 2013 on import controls, the warehouse joint cooperation campaign has been launched by the NFSA. In accordance with the central BDS for 2017-2019, this is a project between central office and customs regarding

customs warehouses, importers and ship chandlers to ensure that products of animal origin have undergone veterinary checks at BIPs. Project planning took place in 2017, implementation is scheduled for 2018 and evaluation will take place in 2019.

The mission team was informed that a letter dated 30 December 2014 had been sent to local departments requiring them to screen the list of customs warehouses potentially storing products of animal origin and to check if any of such products coming from non-EEA countries had not gone through a BIP. However, results from inspections carried out at local level were not collected in view of the above-mentioned campaign.

In September 2017, the NFSA at central level received an updated list of customs warehouses from customs. A pilot project in the regions of Greater Oslo and East was launched in October 2017. This focuses on identification of customs warehouses where products of animal origin from non-EEA countries may be stored in order to detect illegally imported products of animal origin. Following identification of ten warehouses in two regions, inspections are planned to be performed jointly by customs, NFSA BIP staff and NFSA local inspectors in November 2017.

Nevertheless, the mission team noted that, in practice, the situation has not changed since previous Authority missions. Customs continue to allow consignments of products of animal origin to be transported to warehouses under transit procedures without any communication to the NFSA. Consequently, the required veterinary checks are not always performed at the BIP.

Conclusions

There is still no system in place to detect consignments under customs procedure arriving at the border which are transported directly to customs warehouses, contrary to Article 3(4) of Directive 97/78/EC. Therefore, under the current official control system for products stored in customs warehouses, it cannot be excluded that non-conforming consignments enter Norway without being subjected to veterinary checks and without a CVED issued by the BIP.

5.7. Use of TRACES

Legal Requirements

Article 3 of Commission Decision 2004/292/EC requires that the TRACES system be used for imported and traded consignments of products of animal origin and live animals, and for products in transit entering the EEA. This system is used as a means of communication for specific consignments received at BIPs, including channelled and rejected consignments and non-EEA-conforming consignments for transit, warehouse storage or ship supply.

Findings

According to the pre-mission document, the NFSA has procedures in place for issuing and signing CVEDs, distribution of copies and release of consignments by BIP staff and customs. Procedures are also available for issuing and signing official trade documents (INTRA, DOCOM) at origin and for controls at destination. For DOCOMs, there are specific procedures, such as on how to provide feedback to the country of origin. In

particular, following the Authority's mission[12] of February 2017 on animal by-products, the NFSA published in July 2017 an internal guideline on controls in TRACES regarding intra-EEA trade of ABPs. The NFSA also uses the user manuals developed by the European Commission. The use of TRACES is monitored during supervision activities.

An officer from the export and import section of the NFSA has been designated as TRACES administrator in Norway. A national helpdesk has been established in the department of border control and import of the Greater Oslo region, available from Monday to Friday between 14:00 and 15:00 by telephone and e-mail.

A list of TRACES users at BIPs was provided to the mission team. TRACES is also used by NFSA officers at central and regional level for planning, although most statistics are provided by the TRACES administrator. Other authorities, such as the Norwegian Environment Agency (Miljødirektoratet) also receive TRACES statistics for planning purposes.

In 2016, the NFSA organised video training courses on use of INTRA for all regions, in which all but one region participated. NFSA staff also participate in BTSF training courses when possible and participants are required to disseminate their knowledge. In addition, annual BIP gatherings represent an opportunity for sharing updates and new experiences on TRACES and for bringing forward related issues. However, the NFSA stated that they mainly rely on the passing of knowledge on TRACES from experienced colleagues to newcomers.

The mission team noted that generally, for imported consignments, NFSA staff use TRACES correctly. The information about random sampling is correctly recorded in TRACES as "random" and the CVEDs accompanying these consignments indicate that results are pending. However, sampling performed in the framework of the monitoring plan and related analytical results are generally not recorded in TRACES (see section 5.3.3.), with the exception of one BIP for 2017. Weaknesses were also identified by the mission team for consignments in transhipment (see section 5.5.) and for channelled consignments (see section 5.4.).

Conclusions

In general, TRACES is used correctly for recording veterinary checks implemented at the BIPs. However, not all samples taken by BIP staff or related analytical results are recorded in TRACES, and the channelling procedure is not implemented in TRACES, which is not fully in line with Article 3 of Commission Decision 2004/292/EC.

5.8. BIP facilities, equipment and hygiene

Legal Requirements

Requirements for BIP facilities BIPs are laid down in Directive 97/78/EC and Commission Decision 2001/812/EC concerning products of animal origin, and in Directive 91/496/EEC concerning live animals.

[12] Report: http://www.eftasurv.int/media/food-safety/Final-Report---Mission-to-Norway-on-animal-by-products-not-intended-for-human-consumpt.pdf

Article 4(2) of Regulation (EC) No 882/2004 lays down operational criteria for the competent authorities, including adequate laboratory capacity and appropriate and properly maintained facilities and equipment to be able to perform official controls efficiently and effectively.

Article 11(7) of Regulation (EC) No 882/2004 requires samples to be handled and labelled in such a way as to guarantee both their legal and analytical validity.

Findings

The BIPs visited generally had small storage facilities and depended on using operators' storage facilities for storing or detaining larger consignments. However, these arrangements were not always formalised through written agreements.

According to the pre-mission document, the list of equipment required at BIPs is regulated under Norwegian legislation. It is the responsibility of the official veterinarian or designated official agent in charge of the BIP to make sure that this equipment is in place. The export and import office of the NFSA focuses on facilities and equipment during it supervision of BIPs. However, the mission team noted that in two visited BIPs, the sampling equipment did not allow the samples to be handled in such a way as to make them tamper-proof.

Cleaning plans and records of cleaning activities were provided by the NFSA for the visited BIPs and were available at the BIPs during the mission.

According to the pre-mission document, BIP staff are updated by the export and import section of the NFSA central office. Central procedures and guidelines and information from the European Commission are distributed to BIPs by email and saved in electronic format on a central drive available to all BIPs. BIPs keep daily records of imported consignments and veterinary checks performed which provide an overview of the various BIP activities. In addition, documents such as CVEDs and health certificates are physically kept at the BIP for at least three years.

The mission team visited three BIPs and noted the following.

BIP Aalesund, IC Skutvik (HC-T(1)(2)(3), HC-NT(6), NHC-T(FR)(2)(3), NHC-NT(6))

Facilities, equipment and hygiene conditions were found general acceptable. The mission team noted that:

- Commercial storage facilities were used for detaining products in locked zones, clearly fenced off from all other products, and identified in the BIPs blueprints. However, the reception, unloading and storage area for consignments not in containers (around 10% of incoming consignments), was not dedicated for BIP use but rather shared between the BIP and an operator, and was poorly maintained and cleaned.
- Products for human consumption and not for human consumption were not handled in separate areas, inspection rooms and storage facilities. No documents concerning risk assessment by the competent authority or specific procedures laying down measures to prevent cross-contamination were made available to the mission team.

- Cleaning and disinfection procedures were not updated and logs of these activities were different from the ones provided in the procedures.

BIP Oslo Airport (HC(2), NHC(2), U, E, O)

Facilities, equipment and hygiene conditions are in general acceptable. There were no changes in the facilities since the last missions. However, the mission team found that:

- Commercial storage facilities of an operator were used for detaining products However, these products were not stored in a separate lockable room, chamber, or zone clearly fenced off from all other products. Furthermore, BIP staff was unaware of the relevant operator's cleaning and disinfection procedures.
- Two consignments of live animals arrived at the same time and were kept in the same reception area of the BIP. Although an inspection facility where live animals can be inspected was available, BIP staff performed a physical check on one of the two consignments in the reception area. No information was provided to the mission team on the prevention of the risk of cross-contamination.
- The BIP is approved for live ungulates, registered equidae and other animals. However, the BIP staff informed the mission team that live ungulates were not generally received at this BIP. The facilities were adapted to the live animals commonly imported. However, the BIP staff was not able to provide, at the time of the mission, an agreement for services of an undertaking in the immediate vicinity of the BIP with facilities and equipment to house, feed, water, treat and, if necessary, slaughter, the animals.

BIP Oslo Port (HC(2), NHC(2))

Facilities, equipment and hygiene conditions are in general acceptable. However, the mission team found that:

- Storage areas for detained products in the BIP premises were also used for other purposes, such as storing of office equipment.
- Storage of detained products in separate stand-alone containers placed outside the operator's premises, had recently been agreed with the operator. The mission team noted that the products were closed with NFSA seals and that the containers were locked. BIP staff stated that they planned to mark the dedicated space.

Conclusions

BIPs generally comply with requirements concerning facilities, equipment and hygiene under Directives 91/496/EEC and 97/78/EC and Decision 2001/812/EC.

However, products for human consumption and products not for human consumption were not handled in separate unloading areas, inspection rooms and storage facilities contrary to Article 4(4) and (5) of Decision 2001/812/EC, and commercial storage facilities of an operator used for detaining products were not in line with Article 4(3) of the same Decision.

6 Final meeting

A final meeting was held on 27 October 2017 at NFSA head office in Oslo, with representatives of the NFSA, the Ministry of Health and Care Services and the Ministry of Agriculture and Food, Ministry of Trade, Industry and Fisheries, and customs present. At this meeting, the mission team presented its main findings and some preliminary conclusions. The mission team explained that, based on a more detailed assessment of the information received during the mission, additional findings could be included in the report.

7 Recommendations

In order to facilitate the follow-up of the recommendations hereunder, Norway should notify the Authority no later than 28 March 2018, by way of written evidence, of additional corrective actions planned or taken other than those already indicated in the reply to the draft report of the Authority. A timetable for completion of outstanding measures, relevant to the recommendations hereunder, should be included. In case no additional corrective actions have been planned, the Authority should be advised. The Authority should be kept continuously informed of changes made to the already notified corrective actions and measures, including changes of deadlines for completion, and completion of the measures included in the timetable.

No	Recommendation
1	The competent authority should ensure that official import controls are implemented in a consistent manner in line with Article 4(4) of Regulation (EC) No 882/2004.
2	The competent authority should ensure that persons responsible for consignments from a non-EEA country forward information in advance by duly completing where applicable the certificate or provide a detailed description in writing or in computerised form of the consignment to the veterinary staff of the BIP to which the products or live animals are to be submitted, in line with Article 17(1) of Regulation (EC) No 882/2004, Article 3(3) of Directive 97/78/EC, Article 2(1) and 2(4) of Regulation 136/2004 and Article 1(1) of Regulation (EC) No 282/2004, notably as regards consignments transiting and transhipped via EEA countries.
3	The competent authority should ensure that all pertinent intelligence is systemically gathered and cross-checked to ensure that no consignment from a third country is introduced into the EEA without having been subjected to the veterinary checks as required by Article 3(1) of Directive 97/78/EC.
4	Norway should ensure that the reduction in the frequency of physical checks for certain imported products is implemented as required by Article 1 and Annex I and II of Commission Decision 94/360/EC.
5	The competent authority should ensure that imported consignments of products of animal origin are submitted to a monitoring plan involving sampling and laboratory testing to detect residues, pathogenic organisms or other substances dangerous to humans, animals or the environment in line with Article 1(2) and Annex II to Regulation (EC) No 136/2004.
6	The competent authority should ensure that no consignments in transit and transhipment from a non-EEA country are introduced into the EEA without undergoing the necessary veterinary checks as required by Articles 3(1) and 11(2) of Directive 97/78/EC.
7	Norway should ensure that the customs authorities allow the intended customs-approved treatment or use of the consignments only in accordance with the

	conditions set out in the certificate referred to in Article 5(1) in accordance with Article 3(4) of Directive 97/78/EC.
8	Norway should ensure that channelling of consignments is implemented as required by Article 8(4) of Directive 97/78/EC.
9	The competent authority should ensure that handling of products for human consumption and products not for human consumption is in line with Article 4(4) and (5) of Decision 2001/812/EC and that commercial storage facilities used for detaining products is in line with Article 4(3) of the same Decision.

Annex 1 - List of abbreviations and terms used in the report

Authority	EFTA Surveillance Authority
AAC	Administrative Assistance and Cooperation
ABP	Animal by-product
BIP	Border inspection post as defined in Council Directives 97/78/EC and 91/496/EEC
BTSF	Better Training for Safer Food
CN	Combined Nomenclature
CN-code	The goods nomenclature code as laid down by Annex 1 to Council Regulation (EEC) No 2658/87 (i.e. the Combined Nomenclature)
Customs	Directorate of Customs
CVED	Common Veterinary Entry Document
DG SANTE	Directorate-General for Health and Food Safety
EC	European Community
EEA	European Economic Area
EEA Agreement	Agreement on the European Economic Area
MANCP	Single integrated multi annual national control plan
NFSA	Norwegian Food Safety Authority
NIFES	Norwegian Institute of Nutrition and Seafood Research.
OK programme	'overvåkning og kartlegging' programme meaning surveillance and mapping programme.
RASFF	Rapid Alert System for Food and Feed
TRACES	Trade Control and Expert System
TVINN	Customs' electronic database
HC(2)*	All products for Human Consumption (Packed products only)
HC(1)(2)(3)*	All products for human consumption (Checking in line with the requirements of Commission Decision 93/352/EEC taken in execution of Article 19(3) of Directive 97/78/EC) (Packed products only) (Fishery products only)
HC-T(1)(2)(3)*	All products for human consumption-Frozen/chilled products (Checking in line with the requirements of Commission Decision 93/352/EEC taken in execution of Article 19(3) of Directive 97/78/EC) (Packed products only) (Fishery products only)
HC-T(FR)(1)(2)(3)*	All products for human consumption-Frozen products (Checking in line with the requirements of Commission Decision 93/352/EEC taken in execution of Article 19(3) of Directive 97/78/EC) (Packed products only) (Fishery products only)
HC-NT(1)(2)(3)*	All products for human consumption - No temperature requirements (Checking in line with the requirements of Commission Decision 93/352/EEC taken in execution of Article 19(3) of Directive 97/78/EC) (Packed products only) (Fishery products only)
HC-NT(6)*	All products for human consumption - No temperature requirements (only liquid fats, oils and fish oils)
NHC(2)*	Other products (Packed products only)
NHC-NT(2)(6)(16)*	Other products-No temperature requirements (Packed products only) (Fishery products only) (only liquid fats, oils and fish oils) (Fishmeal only)
NHC- NT(6)*	Other products - No temperature requirements (only liquid fats, oils and fish oils)
NHC(16)*	Other products (Fishmeal only)
O(15)*	Other animals (Aquaculture animals only)

Annex 2 - Relevant legislation

The following EEA legislation is taken into account in the context of the mission:

a) The Act referred to at Point 1.1.4 of Chapter I of Annex I to the EEA agreement, *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*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

b) The Act referred to at Point 1.1.5 of Chapter I of Annex I to the EEA Agreement, *Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

c) The Act referred to at Point 1.1.6 of Chapter I of Annex I to the EEA Agreement, *Council Decision 92/438/EEC of 13 July 1992 on computerisation of veterinary import procedures (Shift project), amending Directives 90/675/EEC, 91/496/EEC, 91/628/EEC and Decision 90/424/EEC, and repealing Decision 88/192/EEC*, as amended.

d) The Act referred to at point 1.1.9 of Chapter I of Annex I to the EEA Agreement, *Council Directive 96/93 of 17 December 1996 on the certification of animals and animal products*, as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

e) The Act referred to at point 1.1.11 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on the official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules*, as corrected, amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

f) The Act referred to at Point 1.1.12 of Chapter I of Annex I to the EEA Agreement, *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*, as corrected and amended.

g) The Act referred to at Point 1.2.12 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 92/486/EEC of 25 September 1992 establishing the form of cooperation between the ANIMO host centre and Member States*, as amended.

h) The Act referred to at Point 1.2.21 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 93/352/EEC of 1 June 1993 laying down derogations from the conditions of approval for border inspection posts located in ports where fish is landed*.

i) The Act referred to at Point 1.2.25 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 94/360/EC of 20 May 1994 on the reduced frequency of physical checks of consignments of certain products to be imported from third countries, under Council Directive 90/675/EEC*, as amended.

j) The Act referred to at Point 1.2.57 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 97/152/EC of 10 February 1997 concerning the information to be entered in the computerised file of consignments of animals or animal products from third countries which are re-dispatched*.

k) The Act referred to at Point 1.2.60 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 97/394/EC of 6 June 1997 establishing the minimum data*

required for the databases on animals and animal products brought into the Community.

l) The Act referred to at point 1.2.68 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 97/794/EC of 12 November 1997 laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries*.

m) The Act referred to at point 1.2.74 of Chapter I to Annex I to the EEA Agreement, *Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States*.

n) The Act referred to at Point 1.2.88 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 2000/208/EC of 24 February 2000 establishing detailed rules for the application of Council Directive 97/78/EC concerning the transit of products of animal origin from one third country to another third country by road only across the European Community*.

o) The Act referred to at Point 1.2.106 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 2000/571/EC of 8 September 2000 laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport*.

p) The Act referred to at Point 1.2.111 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 2001/812/EC of 21 November 2001 laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries*, as amended.

q) The Act referred to at Point 1.2.115 of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

r) The Act referred to at Point 1.2.117 of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

s) The Act referred to at Point 1.2.118 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system and amending Decision 92/486/EEC*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

t) The Act referred to at Point 1.2.119 of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EC) No 599/2004 of 30 March 2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin*.

u) The Act referred to at Point 1.2.134 of Chapter I of Annex I to the EEA Agreement, *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 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, as amended.

v) The Act referred to at Point 1.2.136 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 2006/677/EC of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules*.

w) The Act referred to at Point 1.2.137 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC* as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

x) The Act referred to at Point 4.1.5a of Chapter I of Annex I to the EEA Agreement, *Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals*, as corrected and amended.

y) The Act referred to at Point 5.1.6a of Chapter I of Annex I to the EEA Agreement, *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*, as amended.

z) The Act referred to at Point 7.1.9b of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002* as corrected and amended, and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;

aa) The Act referred to at Point 7.1.9c of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive as corrected and amended*, and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

bb) The Act referred to at Point 7.1.13 of Chapter I of Annex I to the EEA Agreement, *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*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;

cc) The Act referred to at point 7.2.54 of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EU) No 16/2011 of 10 January 2011 laying down implementing measures for the Rapid alert system for food and feed.*

Annex 3 – Norway's response to the draft report

ROYAL NORWEGIAN
MINISTRY OF AGRICULTURE AND FOOD

EFTA Surveillance Authority
35 Rue Belliard
BE 1040 Brussels
BELGIUM

Your ref	Our ref	Date
	16/996-	22 January 2018

Mission to Norway on import controls and use of TRACES in import and trade from 23 to 27 October 2017. Comments on DRAFT report.

Please find enclosed the Norwegian comments on the factual content and recommendations of the DRAFT report.

Annex 1 includes the comments on the factual errors of the report.
Annex 2 includes other comments and plans for actions in response to your recommendations.

Yours sincerely

Cathrine Steinland
Deputy Director General

Henrik Høyer Holgersen
Adviser

This document is signed electronically and has therefore no handwritten signature

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EFTA Surveillance Authority

Your ref:
Our ref: 2017/148268
Date: 03.12.2018
Org.no: 985 399 077

Norwegian Food Safety Authority

Mattilsynet

Mission to Norway on import controls and use of TRACES in import and trade from 23 to 27 October 2017. Comments on DRAFT report.

Please find enclosed our comments on the factual content and recommendations of the DRAFT report.

Annex 1 includes the comments on the factual errors of the report.

Annex 2 includes other comments and plans for actions in response to your recommendations.

Yours Sincerely

Malin Elisabeth Florvåg

This document has been electronically approved, and sent without signature.
Documents that require a signature will also be sent as a paper copy.

www.mattilsynet.no

Norwegian Food Safety Authority
Seksjon eksport og import

Official in charge: Hanne Ly
Phone: +4722400000
E-mail: postmottak@mattilsynet.no
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Felles postmottak, P.O. Box 383
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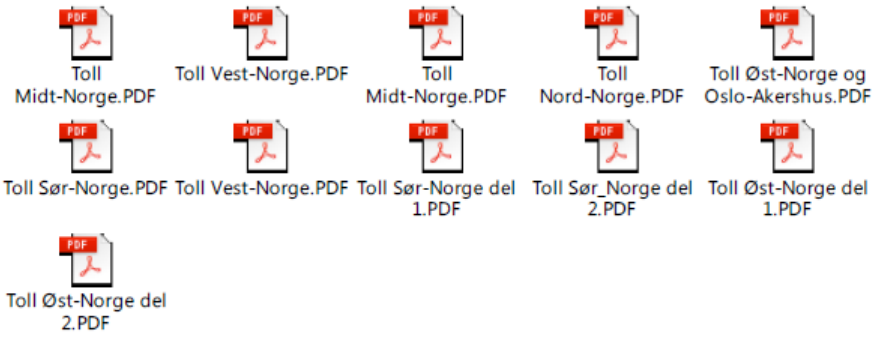
Annex 4 – Norway's comments to the draft report

Annex 1

Comments on the factual errors of the report

Page 9, third paragraph, our third ministry should be added: The responsibility for policy related to import of live animals and food of animal origin is shared between the Ministry of Agriculture and Food, Ministry of Trade, Industry and Fisheries and Ministry of Health and Care Services

Page 13, second paragraph: Regional level agreements were reviewed and updated in 2016 and 2017. Updated versions are attached.



Central level agreement has not been updated since 2012, but will be updated in 2018.

Annex 5 – Norway's action plan for corrective actions

Annex 2

Plans and actions taken in response to the recommendations

No	Comments and information	Deadline
1	To ensure that official import controls are implemented in a consistent manner NFSA (Export and Import Section – SEI) will update our guidelines to include what is pointed out in point 5.2.4.	1.3.2018
	Internal Audits will be used in follow-up of the implementation. Plan for 2018 and 2019 is attached  2017 Skjematisk overtilsynsplan 2018-2 In addition, SEI will bring forward the guidelines on the yearly gathering for BIP personnel planned in spring 2018.	2018/2019
2	To make sure that consignments are pre-notified we will emphasize this point when updating our guidelines. NFSA - SEI have considered a penalty for consignments which are not pre-notified. This requires an amendment to the Norwegian Food Safety Regulation, which is currently under the scrutiny of our Ministries.	1.3.2018
	Internal Audits will be used in follow-up of the implementation. In addition, SEI will bring forward the guidelines on the yearly gathering for BIP personnel planned in spring 2018.	2018/2019
3	In our guidelines, we will emphasize the importance of cooperation with other departments.	1.3.2018
	Internal Audits will be used in follow-up of the implementation. In addition, SEI will bring forward the guidelines on the yearly gathering for BIP personnel planned in spring 2018.	2018/2019
4	To make sure that the reduction in the frequency of physical checks for certain imported products is implemented as required, we will point this out in our guidelines.	1.3.2018
	Internal Audits will be used in follow-up of the implementation. In addition, SEI will bring forward the guidelines on the yearly gathering for BIP personnel planned in spring 2018.	2018/2019
5	Regarding the monitoring plan, SEI will work together with the relevant sections to make a plan that covers all the requirements. We	1.9.2018

	will initiate and coordinate the job and aim at finishing a plan within 1.9.2018	
6	To ensure that all consignments in transit and transhipment are subjected to necessary veterinary checks we will - Aim at using the transshipment procedure in TRACES correctly - Emphasize the importance of pre-notification - Work together with customs to make a good solution in their new system TREFF, so that consignments of animal origin are flagged. See also response from The Custom Authority attached in point 7.	Provisional actions 2018. Final actions implementetd 2019.
7	NFSA has discussed this ESA recommendation with The Custom Authority at a central level meeting on December 18th 2017. The response from The Custom Authority is attached. NFSA and Custom have had a common pilot project at custom warehouses in Nov.-Des. 2017. 8 custom warehouses were inspected and they did not find any product of animal origin imported from a third country that had not been subjected to necessary veterinary checks. The inspection at custom warehouses will continue in 2018.  Oversettelse av brev 211217 fra TOD til M	Provisional actions 2018. Final actions implementetd 2019.
8	Regarding channeling of consignments NFSA has started a process with registration of establishment that will be listed for this procedure.	1.6.2018
	There will also be sent an inquiry to Custom asking for their participation in the procedures according to their national procedures as the T5-procedure as mentioned in the Council Directive is not longer in force in the EU and furthermore never has been implemented in customs legislation in Norway.	
9	NFSA will ask the BIPs which use facilities for both HC and NHC packed products, to make a risk analysis and a procedure for the handling of such products. This will be entered into our guidelines.	1.3.2018
	Internal Audits will be used in follow-up of the implementation. In addition, SEI will bring forward the guidelines on the yearly gathering for BIP personnel planned in spring 2018.	2018/2019