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Final report

EFTA Surveillance Authority mission to

NORWAY

24 to 28 April 2006

concerning animal welfare

The comments from the Norwegian Competent Authority are included in Annex 3 and referred to in the text with footnotes in italics. Comments on factual errors have been included in underlined italic print in the body of the report.
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1. **Introduction**

The mission took place in Norway from 24 to 28 April 2006. The mission team comprised two inspectors from the EFTA Surveillance Authority (the Authority) and one observer from the European Commission's Food and Veterinary Office.

The opening meeting was held on Monday 24 April 2006 at the Norwegian Food Safety Authority's (NFSA) head office in Oslo with representatives of the head office, the National Centre of Animals and Food, and the National Fish and Seafood Centre of the NFSA, the Ministry of Fisheries and Coastal Affairs, and the Ministry of Agriculture and Food. At that meeting the objectives and the itinerary of the mission were confirmed by the mission team and the representatives of the NFSA provided additional information to that set out in the Norwegian reply to the Authority's pre-mission questionnaire.

Throughout the mission two representatives of the National Centre of Animals and Food accompanied the mission team. In addition, representatives of the relevant regional offices and the district offices participated in meetings at the district offices and the visits to the different establishments.

A final meeting was held at the head office of the NFSA in Oslo on 28 April 2006, at which the mission team presented the main findings and some preliminary conclusions from the mission.

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

2. **Objectives of the mission**

The main objective of the mission was to evaluate the Norwegian system of supervision of animal welfare at the time of slaughter and killing, and during transport. In particular the measures put in place by the NFSA to give effect to rules laid down in the Agreement on the European Economic Area (EEA Agreement), in Point 9.1.1 and Point 9.1.2 of Part I of Chapter I of Annex I to the EEA Agreement and other relevant EEA legislation in the field of animal welfare.

In order to achieve this objective, the mission team had meetings with the NFSA and visited food processing establishments slaughtering domestic animals of the bovine, ovine, caprine and porcine species (hereinafter referred to as “domestic animals”) and poultry, and had a meeting with a representative of the Norwegian Fur Breeders Association. The visits undertaken during the mission are listed in Figure 1. Furthermore, the mission team followed-up certain aspects of the Authority's animal welfare mission performed in 2003.

The meetings with the NFSA, the Norwegian Fur Breeders Association and the visits to the establishments during the mission are listed in Figure 1.
Figure 1: Food processing establishments visited, meetings held and the Competent Authority visited during the mission

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<tr>
<th>Competent Authority</th>
<th>Number</th>
<th>Comments</th>
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<td>Regional offices</td>
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<td>Norwegian Fur Breeders Association</td>
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<td>Food processing establishments</td>
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<td>Poultry</td>
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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 Agreement on the European Economic Area (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) The Act referred to at Point 1.2.74 of Chapter I of 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.


Other legislation relevant for the mission is listed in Annex 2.

4. National legislation

The main Norwegian Act creating the general framework for the functioning of the NFSA is Act No 124 of 19 December 2003 relating to food safety and plant and animal health (the Food Act). The Food Act also provides the legal basis for regulations in the field of animal welfare adopted by the Ministry of Agriculture and Food.
In its answer to the pre-mission questionnaire the NFSA submitted the following information:

- the main act transposing Council Directive 93/119/EC into Norwegian law is Regulation No 775 of 28 August 1995 on protection of animals in slaughterhouses, as amended;

5. Previous mission

In 2003, the Authority carried out its first mission related to animal welfare in Norway. The final report from that mission is available on the Authority's website: http://www.eftasurv.int.

In the report from the 2003 mission the Authority concluded, inter alia, with regard to competent authorities that it could not be clarified during the mission what was the standing and powers of the Local Animal Welfare Committees, for which animal species they were responsible and what procedures they had to follow. Thus, there was doubt on how a homogeneous approach could be ensured throughout the country and towards the various species. Furthermore, it was concluded that the prioritisation of controls was not centrally co-ordinated and that there was not a homogenous approach and level of control in the places visited. However, since 1 January 2004 there is a new competent authority.

With regard to control of the transport of animals the Authority concluded, inter alia, in its report that there was no evidence on how the competent authority ensured that its inspections covered an adequate sample of animals transported every year, as required in Article 8 of Council Directive 91/628/EEC. Furthermore, it was concluded that it could not be demonstrated by the competent authority how it controlled the general permission to allow animals to be transported for up to 11 hours granted in certain areas to allow transporters to reach the nearest slaughterhouse. Regarding the loading density for pigs of up to 100 kg it was concluded that it was not in compliance with Council Directive 91/628/EEC, as amended. It had to be ensured that lactating cows could be milked in order to comply with point 7 (b) in Chapter I (a) of the Annex to Council Directive 91/628/EEC. Finally, the design of containers used for transporting poultry was not in compliance with point 30 of Chapter II of the Annex to Council Directive 91/628/EEC, as amended e.g. regarding providing adequate space for the animals to stand in their natural position.

It had to be ensured that poultry has, if necessary, access to food and water, as required in Annex A III (3) of Council Directive 93/119/EC. Finally, it was concluded that the procedures and the facilities for stunning and bleeding animals in slaughterhouses for domestic animals had to be improved to comply with points 3 and 4 of Annex B, point II (1) (c) of Annex C and point 1 of Annex D to Council Directive 93/119/EEC. Thus, it had to be ensured that animals were stunned immediately, accurately and effectively and that only properly stunned animals should be bled.
6. Main findings

6.1 Competent Authority

6.1.1 Structure and organisation
The Ministry of Agriculture and Food, the Ministry of Health and Care Services and the Ministry of Fisheries and Coastal Affairs are responsible for the food safety and quality legislation. The Ministry of Agriculture and Food is responsible for national legislation concerning animal welfare.

Paragraph 23 of the Food Act of 19 December 2003 delegates the competence to administer national legislation regarding animal welfare to the NFSA. Accordingly, the NFSA established on 1 January 2004 is the competent authority.

The NFSA is organised into three administrative levels, the central level with the head office, a regional level with eight regional offices, and a local level with 63 district offices. The head office, located in Oslo, is responsible for co-ordinating the organisation's activities including, inter alia, inspections, disease surveillance and eradication, and preparation of legislation. Out of a total of 1,300 employees in the NFSA, the head office has approximately 130 employees, of which seven deal with animal welfare, the regional offices have 230, and the district offices have 940 employees.

The NFSA drafts instructions and administrative provisions with regard to animal welfare. Within the NFSA administrative decisions are adopted by the district offices. Any appeal following these decisions is considered by the regional offices.

Five different national centres having been assigned special tasks are located at different regional offices. The national centres have no legal power and take instructions only from the head office, but are administratively organised under the respective regional office. The National Centre of Animals and Food is located at the regional office in Sandnes. Information was received by the Authority in the answer to the pre-mission questionnaire that the National Centre of Animals and Food provides technical and administrative support to the NFSA at all levels and that it currently has three employees exclusively dealing with animal welfare. It was observed by the mission team that the National Centre of Animals and Food and the National Fish and Seafood Centre had an active role with regard to animal welfare.

The NFSA covers all stages of the food chain, including animal health and animal welfare aspects. Accordingly, both slaughterhouses and lairages are now approved by the same competent authority.

The mission team took note of the new set-up related to the Local Animal Welfare Committees, which are supposed to inform the district offices of society's ethical view on animal welfare issues. It was observed that the role of the Local Animal Welfare Committees was more clearly defined than in 2003, as they are now organised under the district offices.

The mission team took note of the participation of the NFSA in the inter-nordic working group on animal health and welfare as well as the related project on risk assessment and selection criteria for official controls.
The mission team took note of the nationally established network groups which includes the “Fagforum” a forum to consider animal health personnel and animal welfare issues at regional level, and the “collaboral groups” at the local level within each of the regions. However, a factual outcome of the discussions in the “Fagforum” could not be identified by the mission team. On several occasions during the mission, the mission team asked for minutes from such meetings but these were not provided. With regard to the “collaboral groups”, the mission team received information on-the-spot from the representatives of the district offices visited that these groups were established. However, it was observed by the mission team that there were considerable variations between district offices on how these groups should be used e.g. the frequency of meetings and the degree of integration in the daily work differed.

It was observed by the mission team that dispensations from the legislation were granted by the regional offices. One regional office had issued guidelines to its district offices on how to administer dispensations. These guidelines did not call for time limited dispensations or for the involvement of the National Centres. Another regional office granted dispensations including time limits to take account of e.g. scientific progress. One regional office visited did not provide information on any particular procedures in place related to granting dispensations. Furthermore, a dispensation granted by the former competent authority on the use of stunning equipment was observed.

6.1.2 Training
Information was received by the mission team in the opening meeting from representatives of the head office that the head office has a general project on training for 2006. Information was received by the mission team from representatives of the regional offices that the before mentioned networks at regional and district office level (see 6.1.1) are partly supposed to serve for training purposes. However, no explicit training related to animal welfare was observed by the mission team. The mission team observed that the staff, especially in two of the three visited regional offices, was well trained with regard to animal welfare but this was based on their personal initiative and interest.

6.1.3 Reporting between different levels of the Competent Authority, in particular with regard to non-discriminatory inspections performed of means of transports and animals
In one regional office visited no information was received by the mission team from the representative of the regional office on the reporting procedures in the regional office. In another regional office visited there was indication of incomplete reporting, as the low numbers reported by the regional office to the head office for 2005 did not correspond to the trends in the registers observed on-the-spot which were based on the first four months of 2006.

Information was received by the mission team that the head office is currently working on improving the reporting systems through utilizing a database called “Ephorte”. However, so far, none of the regional offices could produce a complete report regarding incidences related to animal welfare during transport, including details of the reported infringements.

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1 See first comment under Point 6.1.1 in the comments from the Norwegian Competent Authority.
2 See second comment under Point 6.1.1 in the comments from the Norwegian Competent Authority.
3 See third comment under Point 6.1.1 in the comments from the Norwegian Competent Authority.
4 See first comment under Point 6.1.3 in the comments from the Norwegian Competent Authority.
and the actions taken. No documentation was received by the mission team on which information is submitted by the district offices to the regional offices on this matter. In the answer to the pre-mission questionnaire the Authority was informed that the annual reports from the district offices “reveal that nearly all inspections of animal transports take place at slaughterhouse arrival, and that their scope might not be fully representative.” It was observed by the mission team that no corrective action had been taken on the issue.

It was observed by the mission team that no definition, to guide the official veterinarians (OVs) on-the-spot, had been established for the types of infringements which would qualify for reporting according to Article 8 of Directive 91/628/EC. There was no indication that the data on animal transport was used for a risk assessment, although, it was claimed at the opening meeting and during meetings with regional offices that the official control to ensure compliance with animal welfare requirements during transportation was based on a risk assessment. Furthermore, there were no targets set by the regional offices and district offices in addition to or to further clarify the targets set by the head office.

6.2 Approval and veterinary supervision of staging points

Information was received by the Authority in the answer to the pre-mission questionnaire that there are no assembly centres in Norway.

It was observed by the mission team that a district office had approved a staging point in co-operation with its regional office. However, this staging point was not on the list of approved staging points submitted to the Authority. Information was received from the establishment that the animals kept there stayed overnight. It was not possible from the transport documentation, received by the mission team, to calculate the transport time, respective rest time at the staging point. There was no record kept by the establishment and no evidence of supervision carried out by the OV.

At one of the slaughterhouses visited the pen located nearest to the stunning area and the isolation pen for sick and suspect animals was used as a so-called “transfer pen” for animals traded with other slaughterhouses. The slaughterhouse had a surveillance scheme to assess the overall transport time for animals subject to this kind of transfer. According to the records kept by the slaughterhouse, all kind of domestic animals except birds passed through this so-called “transfer pen”. There was no record from the OV and no evidence of supervision carried out by the OV on this activity of the slaughterhouse.

In both cases described above, the staging point and the so-called “transfer pen” were located in the fenced-in area of the slaughterhouse.

The mission team observed a checklist referring to an “omlaste punkt” and received confirmation in the final meeting by representatives from the head office, that this refers to a transfer point as laid down in Article 2(d) of Directive 91/628/EC and not to a staging point or to an assembly centre.

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5 See second comment under Point 6.1.3 in the comments from the Norwegian Competent Authority.
6 See Point 6.2 in the comments from the Norwegian Competent Authority.
6.3 Transport of live animals

The stocking density for pigs of an average weight 100 kg, as laid down in the Norwegian legislation, is 0.35 m$^2$ per animal if transported by road. It was observed on-the-spot that this density was applied.

During the mission, despite several requests, the mission team received no information from the head office or National Centre of Animals and Food as to whether the derogation laid down in the Norwegian legislation allowing for 11 hour transports in the northern counties of Nordland, Troms and Finnmark is still applied\(^7\). The representatives of the regional offices visited informed the mission team that they would not apply such derogation but they did not cover any of the above mentioned counties.

With regard to the staging point and the so-called “transfer pen” mentioned under 6.2, it was observed in relation to transport of live animals that\(^8\):
- It was not possible to calculate whether the transport time was within the 8 hour limit;
- The movements of the animals to the staging point or the so-called “transfer pen” were not reflected on the accompanying transport documentation and there was doubt that e.g. movements of cattle would be reflected and traceable in the cattle database;
- There was no information received by the mission team from the OV on-the-spot if the staging point was registered as a holding;
- There was no information provided as to whether the movement of sheep and goat crossing county borders were based on derogations from the movement restrictions imposed in respect of these animals in Norway.

Information was received by the mission team from the OV in one of the poultry slaughterhouses visited that the transport cages used would not allow for laying hens to stand in their natural standing position. However, in the other poultry slaughterhouse visited cages were observed, which would have allowed for laying hens to stand in their natural standing position but the OV informed the mission team that those cages would only be used for turkeys.

In the first poultry slaughterhouse visited some damaged and overcrowded cages were observed. In the same slaughterhouse the mission team received information from the OV that, due to early collection times and resulting waiting for the ferry, the transport times would in some cases exceed 12 hours.

With regard to general veterinary surveillance of transport of live animals it was observed by the mission team that no inspections on an adequate sample of the animals transported each year within Norway were carried out, as only those vehicles arriving at slaughterhouses were subject to veterinary supervision. Furthermore, it could not be demonstrated to the mission team how the regional offices could ensure that the target set by the head office, to control 2% of all animal transports, was met as they had no information on the total number of transports, including other transports than those to slaughterhouses (see findings related to the staging points and the so-called “transfer pen” above).

\(^7\) See first comment under Point 6.3 in the comments from the Norwegian Competent Authority.

\(^8\) See second comment under Point 6.3 in the comments from the Norwegian Competent Authority.
An improvement was noted by the mission team with regard to the training and certification of training of transporters compared to the last animal welfare mission. All transport vehicles were registered and all drivers could present certificates showing that they had participated in training courses. Furthermore, it was noted by the mission team that in one slaughterhouse for domestic animals and in one for poultry, the companies had defined and calculated maximum loading capacities for each species for the individual lorries.

6.4 Main observations made at the visited slaughterhouses

6.4.1 Veterinary supervision by the head, regional and district offices
The head office had issued some guidelines and checklists with regard to animal welfare and the mission team took note of several initiatives taken by the head office and the National Centre of Animals and Food (see point 6.1.1). In addition, the mission team could not observe any practical outcome of the meetings held at regional and local levels. In particular, there were no set criteria for inspection tasks and risk assessment.

In two of the regional offices visited the mission team observed the existence of procedures for granting dispensations related to the approval of stunning equipment. In both these regional offices they were base on scientific knowledge collected by OVs in the regional offices. One regional office had also been in informal contact with the National Centre of Animals and Food. The mission team took note that in the future it will be compulsory to involve the National Centre of Animals and Food in the process of granting derogations for stunning equipment. However, a representative of one of the regional offices visited informed the mission team that there were no activities with regard to animal welfare so far due to lack of staff.

One of the regional offices visited had initiated an inter-regional project with two other regional offices regarding animal welfare. Furthermore, this regional office presented detailed documentation to the mission team on its follow-up of deficiencies reported in the previous Authority's mission regarding animal welfare, which were related to restrain and electrical stunning of pigs.

At local level, the degree of assistance given to the OVs in the slaughterhouses varied considerably; from nothing to mentoring programmes. In the answer to the pre-mission questionnaire, the Authority received information that the district offices and regional offices have the possibility to plan and carry out inspections according to their own targets. None of the district offices visited had defined their own targets or initiatives with regard to animal welfare and as mentioned before, only one out of the three visited regional offices had done so.

6.4.2 Veterinary supervision in the slaughterhouses
Information was received by the mission team from the OV in the slaughterhouse visited slaughtering bovines, that bovines arriving with one ear mark would be accepted.

It was observed by the mission team that the transport documentation, accompanying animals to the slaughterhouses, included the holding number and the four digit individual number.

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9 See Point 6.4.1 in the comments from the Norwegian Competent Authority.
In the visited slaughterhouses, several registers were observed by the mission team documenting veterinary supervision. These registers were all produced by the OVs themselves. For example, in one slaughterhouse for domestic animals visited, the OV had designed a data sheet to trace repeated offenders. There was no indication that knowledge was shared to find best practise.

The veterinary supervision regarding animal welfare was part of the daily supervision of the slaughterhouses. In addition, random checks of animal transports arriving at the slaughterhouses were performed by the OVs.

It was observed by the mission team that the OVs in the slaughterhouses visited were not aware that animals delivered other than in containers, which have experienced pain or suffering during transport or upon arrival at the slaughterhouse must be slaughtered immediately or at least within the following two hours.\(^\text{10}\)

The mission team observed that systems of veterinary supervision had been developed and implemented individually by the OVs in the visited slaughterhouses. However, not all checks were documented e.g. those with regard to stunning equipment and some possible ways of violating the legislation had not been identified (see remarks on supervision of the staging point and the so-called “transfer pen”). Apart from the pig slaughterhouse visited, the back-up system for the stunning had not been evaluated by the OVs. In the poultry slaughterhouses visited there was no suitable spare equipment and instruments kept at the place of slaughter for emergency use. A breakdown of the gas stunning equipment was observed by the mission team in one poultry slaughterhouse visited.

It was observed that the equipment was not always laid out in a way to facilitate ante-mortem inspection with regard to the design of the lairages and the lack of recording equipment for the gas concentration in the gas stunners.\(^\text{11}\)

At one slaughterhouse visited the animals had to pass very sharp angles (90°) from the cattle boxes towards the corridor and from the corridor towards the stunning box. It was observed that the animals did not move freely to the stunning box. However, it was observed in the pig slaughterhouse that the pigs moved very calmly into the stunning gondola and that there was a low density of three pigs in a gondola originally designed for six pigs.

It was observed that the outcome of the stunning was randomly checked by the OVs and ensured that animals were stunned as fast as possible. In order to be able to supervise this, it was observed that the NFSA had taken the initiative to modify certain stunning equipment by requiring the establishments to install windows in the gas stunners for poultry or to install an access for sampling equipment in the gas stunner for pigs. Information was received by the mission team on-the-spot that the OV in the slaughterhouse and representatives of the regional office considered to ask the establishment to equip the gas stunner for pigs with windows, to facilitate veterinary supervision. In the second poultry slaughterhouse visited, where the poultry was transmitted automatically into the gas stunner, the slaughterhouse was required by the NFSA to sort-out dead animals before the gas stunning.\(^\text{12}\).

\(^{10}\) See first comment under Point 6.4.2 in the comments from the Norwegian Competent Authority.

\(^{11}\) See second comment under Point 6.4.2 in the comments from the Norwegian Competent Authority.

\(^{12}\) See third comment under Point 6.4.2 in the comments from the Norwegian Competent Authority.
Electrical stunning of pigs could not be observed in function by the mission team during the mission.

6.5 Religious slaughter
Information was received by the Authority in the answer to the pre-mission questionnaire that Norwegian legislation does not allow for ritual slaughter and that “the only type of religious slaughter is Islamic”. Some slaughterhouses allow for a believer of the Islamic faith to pray for an animal and to perform bleeding under supervision of slaughterhouse personnel of the before stunned animal. This is performed mainly with poultry, sheep and lambs.

Information was received by the mission team in the opening meeting from representatives of the head office that restraining systems turning, in particular bovine animals, upside down (Weinberg pen, Dyne pen, North British Type pen) are not approved in Norway.

6.6 Slaughter and killing outside slaughterhouses
Information was received by the Authority in the answer to the pre-mission questionnaire that there is no specific legislation regulating slaughter outside slaughterhouses apart from the general provisions in the animal welfare act and species-specific husbandry regulations\(^\text{\ref{6.6}}\).

The OVs in one of the slaughterhouses visited informed the mission team that they would require a “skilled slaughter man” to perform the stunning and slaughter on the farm. However, this was not subject to any veterinary supervision apart from one OV, who informed the mission team that he would check were the shot was placed with regard to captive bolts. The mission team received information from the OVs in the slaughterhouses for domestic animals visited that all emergency slaughter is performed on the farms and that the slaughterhouses are not equipped to handle those animals arriving alive (e.g. immobile animals).

6.7 Killing of animals for disease control purposes
Information was received by the Authority in the answer to the pre-mission questionnaire that “Norway has not implemented Annex E to Council Directive 93/119/EEC in the framework of disease control”. Furthermore, the Authority was informed that “to assure that scientific knowledge form the basis in the methods used for slaughter and killing for disease control, the NFSA has asked the Norwegian Veterinary Institute to review methods for stunning and mass culling of poultry\(^\text{\ref{6.7}}\). This project is still to be finalised.

According to the information provided by the NFSA in the opening meeting, the contingency plans only partly include provisions for the stunning and killing of animals for disease control purposes. The NFSA acknowledged in the opening meeting the need to lay down in the contingency plans more practical details like e.g. gas concentrations to be used and on the performance of equipment. The mission team took note of the intended use of gas containers and the NFSA’s participation in the Nordic project regarding Avian Influenza.

\(^\text{\ref{6.6}}\) See Point 6.6 in the comments from the Norwegian Competent Authority.

\(^\text{\ref{6.7}}\) See Point 6.7 in the comments from the Norwegian Competent Authority.
6.8 Killing of fur animals

Information was received by the Authority in the answer to the pre-mission questionnaire that according to the Norwegian husbandry legislation for fur animals “mustelids shall be killed by using exposure to CO or CO₂, or by breaking the neck (dislocation of the spine). If they are killed by breaking the neck, prior stunning by a blow to the head or by use of electricity is a pre-requisite. Foxes shall be killed using electrocution with cardiac arrest.”

It was observed by the mission team that there were no comprehensive control of fur farms by the NFSA apart from a few inspections, and no guidelines had been issued to fur breeders\(^{15}\).

Information was received from a representative of the Norwegian Fur Breeders Association that that the association has teams performing voluntary controls of its members to ensure quality. Those teams include a veterinarian.

The representative of the Norwegian Fur Breeders Association presented to the mission team stunning and killing equipment for fur animals, which could be operated with CO₂ or CO. It was observed that the equipment did not include any device to measure the CO₂ concentration. Furthermore, the engine used to produce CO was not tested and there were no guidelines on how long animals should be exposed to the gas. The presented equipment included a device to filter and cool down the CO.

The mission team was informed by representatives of the head office that there is a Norwegian Parliamentary report on animal welfare making recommendations for fur animals. Amongst others, there should be in the future a formal education for fur farmers including training on keeping and killing. The representative of the Norwegian Fur Breeders Association informed the mission team that he will consult the Danish Fur Breeders Association, to seek for information.

7. Final meeting

A final meeting was held on Friday 28 April 2006 at the head office of the NFSA in Oslo with representatives of the head office, the National Centre of Animals and Food, and the National Fish and Seafood Centre of the NFSA, the Ministry of Fisheries and Coastal Affairs and the Ministry of Agriculture and Food. At this meeting the mission team presented the main findings and some preliminary conclusions of the mission.

At the meeting the mission team also informed that, based on a more detailed assessment of the information received during the mission, additional conclusions could be included in the report.

The representatives of the Ministries and the NFSA took note of the findings and the preliminary conclusions presented. The representatives of the NFSA did not indicate any disagreement with the main findings and the preliminary conclusions presented. Additional information provided by the representatives of the NFSA at the final meeting has been included in the relevant chapters of the report.

\(^{15}\) See Point 6.8 in the comments from the Norwegian Competent Authority.
8. Conclusions

8.1 Approval and veterinary supervision of staging points
Full compliance with Article 3(3) of Council Regulation (EC) No 1255/97 was not ensured since the list of approved staging points, as notified to the Authority, had not been updated. Furthermore, full compliance with Article 3 was not ensured since the staging point visited was not under the control of an OV and it did not undergo regular inspections. Furthermore, Article 5(h) of the before mentioned Regulation was not enforced by the NFSA as there was no record kept by the owner or any person running the staging point.

Article 3(1) of Council Regulation (EC) No 1255/97 was not complied with as the so-called “transfer pen” was used as a staging point.

Point 18(b) of Chapter V of Annex I to Council Directive 64/433/EEC was not complied with as animals other than those for slaughter and those necessary for its operation were allowed to enter the premises of the slaughterhouse and its precincts.

8.2 Transport of animals
The stocking density was still not in accordance with Article 3(1)(aa) and, in particular, point D of Chapter VI of the Annex to Council Directive 91/628/EEC with regard to pigs of an average weight 100 kg if transported by rail or by road.

Full compliance with Article 8 of Council Directive 91/628/EEC was still not ensured as there were no inspections of means of transport and animals during transport, at place of destination, other than slaughterhouses, at markets, at places of departures, at staging points and at transfer points.

Full compliance with Article 3(1)(aa) and, in particular, point 2 of Chapter VII of the Annex to Council Directive 91/628/EEC could not be ensured due to deficient documentation of the transport times for animals passing through the staging point and the so-called “transfer pen”.

Full compliance with Article 3(1)(a) and, in particular, Point 30 of Chapter II of the Annex to Council Directive 91/628/EEC was still not ensured since the transport cages used for laying hens did not allow them to stand in their natural standing position.

8.3 Animal welfare in the slaughterhouses
Full compliance with Article 4 of Council Directive 91/628/EEC was not ensured as bovines identified with only one ear mark were transported and accepted for slaughter.

Full compliance with Part I, point 6 of Annex A to Council Directive 93/119/EC was not ensured as it could not be demonstrated how it is ensured that the relevant animals are slaughtered immediately or within the following two hours.

Full compliance with Article 6(2) of Council Directive 93/119/EC was not ensured as no suitable spare equipment and instruments were kept for emergency use at the poultry slaughterhouses.

16 See Point 8.1 in the comments from the Norwegian Competent Authority.
17 See Point 8.2 in the comments from the Norwegian Competent Authority.
8.4 Slaughter and killing outside slaughterhouses
It could not be demonstrated how Articles 3 and 9(1) of Council Directive 93/119/EC are fully complied with since there was little evidence of veterinary supervision.

8.5 Killing of animals for disease control purposes
Full compliance with Article 10(1) of Council Directive 93/119/EC was not ensured so far since the requirements of Annex E to the Directive were not yet implemented in the framework of disease control.

8.6 Killing of fur animals
It could not be demonstrated by the NFSA that it ensures that Articles 3 and 10(2) of Council Directive 93/119/EC are applied with respect to fur animals.

9. Recommendations to the Norwegian Competent Authority

The new competent authority facilitates to link together the veterinary surveillance of slaughter and transport. However, despite initiatives taken within the NFSA, the Authority recommends that further action is taken to improve knowledge sharing, in particular, to support the OV's in their daily work.

The Authority recommends that, with regard to killing and slaughter outside the slaughterhouse, the NFSA should assess the current practices and take the necessary action to ensure that Article 3 is also applied to animals slaughtered outside the slaughterhouse.

Norway should notify the Authority, within two months of receiving the final report, by way of written evidence, of the corrective actions taken and a plan for corrective measures and actions, including a timetable for completion of measures still outstanding, relevant to all the conclusions under Chapter 8 of this report. The Authority should also be kept informed of the completion of the measures included in the timetable.
10. Annexes

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

<table>
<thead>
<tr>
<th>Authority</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFTA</td>
<td>Surveillance Authority</td>
</tr>
<tr>
<td>EC</td>
<td>European Community</td>
</tr>
<tr>
<td>EEA</td>
<td>European Economic Area</td>
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<tr>
<td>EEA Agreement</td>
<td>Agreement on the European Economic Area</td>
</tr>
<tr>
<td>NFSA</td>
<td>Norwegian Food Safety Authority</td>
</tr>
<tr>
<td>OV</td>
<td>Official Veterinarian</td>
</tr>
</tbody>
</table>

10.2 Annex 2  Other relevant legislation

The main EEA Acts on animal welfare applicable to Norway and other Acts relevant for this mission are:


d) The Act referred to at Point 9.1.7 of Chapter I of Annex I to the EEA Agreement, Council Regulation (EC) No 411/98 of 16 February 1998 on additional animal protection standards applicable to road vehicles used for the carriage of livestock on journeys exceeding eight hours.
10.3 Annex 3: Comments from the Norwegian Competent Authority

RESPONSE TO DRAFT REPORT – EFTA SURVEILLANCE AUTHORITY MISSION TO NORWAY FROM 24th TO 28th APRIL 2006 REGARDING THE APPLICATION OF EEA LEGISLATION CONCERNING ANIMAL WELFARE

Referring to your letter dated May 29th, 2006 with the above mentioned draft report enclosed, please find our comments to the factual contents in response to some of the observations, comments and conclusions.

6. Main findings
6.1.1 Structure and organisation
(Page 7, top): The Fagforum referred to does not involve animal health, but animal welfare and animal health personnel issues.

As regards the minutes from the last meeting (February 2006), please refer to the enclosed attachment. We had intended to hand the minutes over at the final meeting, and apologize for this omission.

(Second paragraph, last sentence): “Furthermore a dispensation granted by the former competent authority on the use of stunning equipment was observed”. We are not certain what is implied by this comment, that is, if this observation is regarded as an infringement or not. However, the procedure when NFSA was established in 2004 was that decisions of this kind made by the former competent authority prevailed. Thus, the dispensation granted by the former competent authority, as mentioned, is according to our national legal procedure.

6.1.3 Reporting between different levels of the Competent Authority
(First paragraph): In another regional office visited there was indication of incomplete reporting, as the low number reported by the regional office to the head office for 2005 did not correspond to the trends in the registers observed on the spot which were based on the first four months of 2006. As mentioned in the PMQ, reports from the districts- and regional offices to the head office as regards details on infringements observed in slaughterhouses have not previously been reported. This is requested from 2006. Registrations on observations recorded by the OVs in slaughterhouses, the district offices and/or the regional offices thus would not be reflected in the annual report for 2005. This might explain some of the disparity between the annual report for 2005 and the OVs internal report/registration for the first four months of 2006.

(Last paragraph): As regards guiding on what type of infringements that should be reported, our inspection form and reporting tables as provided in the instruction for supervision of live animal transports, requires that all infringements of the regulation should be reported.

6.2 Approval and veterinary supervision of staging points
(Page 8, second paragraph, end): Although there was no documentation of supervision carried out by the OV at the approved staging point, the District Office does inspect this staging point daily when animals are present.

6.3 Transport of live animals
(Page 8, last paragraph): “During the mission, despite several requests, the mission team received no information from the head office or National centre of Animals and Food as to whether the derogation laid down in the Norwegian legislation allowing for 11 hour transports in the northern counties of Nordland, Troms and Finnmark is still applied”. ESA received information on this subject from the head office during the final meeting. In summary, at the time of entering into force of the existing Regulation on animal transports (2001), derogations (permissions) were granted from certain areas (typically islands) in the northern counties to transport animals for up to 11 hours. These permissions were granted based on the
present situation with regard to slaughterhouse distribution in the north, where animals from these remote areas could not be transported to the nearest slaughterhouse within 8 hours. The permissions given thus concerned certain routes and allowed transport of animals to the nearest slaughterhouse only. No further permissions have been granted.

(Page 9, second paragraph): The report states that it was not possible to calculate whether the transport time was within the 8 hour limit when animals went through the approved staging point and the so-called “transfer pen”, and that the movement of the animals to the approved staging point and the transfer pen were not reflected in the transport documentation. As confirmed during the mission and mentioned by ESA under point 6.2, the slaughterhouse with the transfer pen do calculate and document transport times for the animals passing through the pen, and the stay in the transfer pen is reflected in the accompanying transport documentation.

6.4.1 Veterinary supervision by the head, regional and district offices
(Page 10, second paragraph): The district office is responsible for the approval of stunning equipment, whilst the regional office is responsible for granting dispensations. In this paragraph, our impression is that the subject is procedures when granting dispensations. We suggest that the word “approval” in the second sentence is changed accordingly.

6.4.2 Veterinary supervision in the slaughterhouses
(Page 10, last paragraph): The Regulation on protection of animals in slaughterhouses, paragraph 9 reads:

Animals that have become ill or injured during transport, as well as suckling lambs except autumn lambs, shall be slaughtered immediately after arrival. If this is not possible, they shall be kept separately from other animals and be slaughtered as soon as possible. Animals that are unable to walk shall be put down where they are, or, if this is not possible, they shall be transported on a trolley/wagon to a suitable place for stunning and killing.

Dyr som er blitt sjuke eller skadet under transport, samt ikke fravente dyr med unntak av høstlam, skal slaktes straks etter ankomst til slakteri. Dersom dette ikke er mulig, skal de holdes adskilte fra andre dyr og slaktes snarest mulig. Dyr som ikke er i stand til å gå, skal avlives der de befinner seg eller dersom dette ikke er mulig, transporteres på tralle/vogn e.l. til egnet sted for bedøving og avliving.

(Page 11, second paragraph): We find this paragraph difficult to interpret, especially with regards to the connection between ante mortem controls and recording equipment for gas concentrations.

(Fourth paragraph): “In the second poultry slaughterhouse visited, where the poultry was transmitted automatically into the gas stunner, the slaughterhouse was required by the NFSA to sort-out dead animals before the gas stunning” This is also the procedure in the first poultry slaughterhouse visited.

6.6 Slaughter and killing outside slaughterhouses
(Page 12, top): “Information was received by the Authority in the answer to the pre-mission questionnaire that there is no specific legislation regulating slaughter outside slaughterhouses apart from the general provisions in the animal welfare act.” As mentioned in the answer to the pre-mission questionnaire, requirements regarding slaughtering of animals on farms are also provided in species-specific husbandry regulations.

6.7 Killing of animals for disease control purposes
(First paragraph, end): We regret that the wording in our response to the PMQ was imprecise regarding the Norwegian Veterinary Institute’s task as requested by the NFSA. The sentence needs some clarification, and should read: “(...) the NFSA has asked the Norwegian Veterinary Institute to review methods for stunning and mass culling of poultry”

6.8 Killing of fur animals
(Second paragraph): “It was observed by the mission team that there were no comprehensive control of fur farms by the NFSA apart from a few inspections, and no guidelines had been issued to fur breeders”.
As pointed out during the inspection, fur farms are inspected in the same way and at similar intervals as other farms. In the area visited, the District Office had inspected the two existing fur farms in 2006. Considering the fact that the Norwegian Fur Breeders Association inspects fur farms regularly, and give notice to the NFSA if serious infringements are detected, a risk based assessment would suggest to inspect these farms less frequently than several other husbandry systems.

8. Conclusions
8.1 Approval and veterinary supervision of staging points
(First paragraph): It is stated that the approved staging point did not undergo regular inspections. Although regular inspection of the approved staging point could not be documented, the District Office does inspect this staging point daily when animals are present. May we suggest that the wording under point 6.2 better reflects the actual situation, - that “there was no evidence of supervision carried out by the OV”?

8.2 Transport of animals
(Page 14, second paragraph): Please refer to our comments to point 6.3. In our opinion, the transport times for animals passing through the “transfer-pen” are documented.