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The logo of the EFTA Surveillance Authority, featuring the text 'EFTA SURVEILLANCE AUTHORITY' in white on a dark blue background.

EFTA SURVEILLANCE  
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**Final report**

**EFTA Surveillance Authority's mission to Norway**

**from 17 to 24 April 2018**

**in order to evaluate animal welfare**

**during transport and related operations**

*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 in Norway from 17 to 24 April 2018. The objective of the mission was to evaluate the application by the Norwegian competent authorities of EEA requirements on the protection of animals during transport and related operations.*

*The mission team found that the control system for animal welfare during transport has improved since the last mission carried out by the Authority in 2012 on the same topic. In particular, the competent authority has developed a guidance document on fitness for transport, and has established rules on penalties applicable to infringements of Regulation (EC) No 1/2005, such as animals unfit for transport, and is taking measures to ensure they are implemented. Also, non-compliances related to animal welfare detected by the NFSA on arrival at the slaughterhouse are communicated to the departments where the farm of origin is located to facilitate enforcement.*

*The mission team noted that the NFSA efficiently communicates with stakeholders (farmers, transporters, etc.), and drivers and attendants of road vehicles are trained with e-learning modules and classroom courses to focus on challenges and practical aspects to be granted a certificate of competence.*

*A system is in place for authorisation of short and long journey transporters; however, approval of means of transport by road, checks on long journeys, transport documentation, and annual reporting were not in line with EEA requirements. Weaknesses were also identified in relation to documented procedures and training on important requirements which do not allow NFSA staff to satisfactorily perform their tasks. This raises concerns in relation to the reliability of the approval of means of transport throughout the country, on their conformity with EEA requirements and on the reliability of transporters' authorisation for long journeys (type II) as the NFSA did not assess certain critical points.*

*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 17 to 24 April 2018. The mission team comprised two inspectors from the EFTA Surveillance Authority (the Authority).

A pre-mission questionnaire was sent by the Authority to the Ministry of Agriculture and Food on 20 February 2018. A reply ('the pre-mission document') was provided on 26 March 2018.

The opening meeting was held with representatives of the Norwegian Food Safety Authority (NFSA) and the Ministry of Agriculture and Food on 17 April 2018 at the head office of the NFSA in Oslo. At the meeting, the mission team confirmed the objectives and the itinerary of the mission and the Norwegian representatives provided additional information to that set out in the pre-mission document.

Throughout the mission, a representative of the NFSA accompanied the mission team. Representatives of the relevant regional offices participated during meetings and visits to the different establishments and operators.

A final meeting was held with representatives of the NFSA, the Ministry of Agriculture and Food and the Ministry of Health and Care Services, at the head office of the NFSA in Oslo on 24 April 2018. During 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 Objective and scope of the mission

The main objective of the mission was to evaluate the application by the Norwegian competent authorities of requirements on the protection of animals during transport and related operations. In particular, the application of the following European Economic Area (EEA) Acts and related EEA legislation, was assessed:

- a) *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 to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;*
- b) *Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations, as corrected, and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;*

The scope of the audit included:

- National legislation, policy and procedures related to protection of animals during transport;
- Official controls on animal welfare during transport, including the system for certifying the health status of such animals, and their outcome; in particular, controls prior to, during and after the journey and follow-up of controls, including implementation of corrective actions;

- Status of implementation of corrective measures by Norway to address recommendations made during the previous mission carried out by the Authority from 22 to 31 October 2012.

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

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

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

**Table 1: Competent authorities and establishments/sites visited during the mission**

	Number	Comments
<b>Competent authorities</b>	2	An opening meeting and a final meeting in Oslo, with representatives of the NFSA and relevant ministries.
	4	Meetings with representatives of three NFSA regions.
<b>Norwegian Public Roads Administration</b>	3	One meeting with Norwegian Public Roads Administration (NPRA) at central level. Two meetings with Driver and Vehicle Licensing Office in two different regions.
<b>Assembly centre</b>	2	Two assembly centres approved according to community veterinary legislation.
<b>Slaughterhouse</b>	1	One meeting with slaughterhouse for domestic ungulates. Also authorised as transporter.

### 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 and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;

- e) Article 28 of *Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97*, as corrected, and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

Legislation relevant to this mission is listed in Annex 2.

## 4 Background

The Authority carried out a mission regarding the application of EEA legislation related to animal welfare during transport and laying hens on farms in Norway from 22 to 31 October 2012<sup>1</sup>. The present mission will allow the Authority to follow-up on the actions taken by the relevant competent authorities to address recommendations issued following this earlier mission. The final report from this mission can be found on the Authority's website ([www.eftasurv.int](http://www.eftasurv.int)).

## 5 Findings and conclusions

### 5.1 Legislation, competent authorities and enforcement measures

#### Legal Requirements

Article 4(1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for the official controls set out in the Regulation. It also lays down operational criteria for the competent authorities.

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

Article 8(3)(b) of Regulation (EC) No 882/2004 requires the competent authority to ensure that corrective action is taken when needed.

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

Article 55 Regulation (EC) No 882/2004 requires Member States to lay down the rules on sanctions applicable to infringements and take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Article 25 of Regulation (EC) No 1/2005 requires the Member States to lay down the rules on penalties applicable to infringements of the provisions of this regulation and to take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

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<sup>1</sup>[http://www.eftasurv.int/media/reports/662585-Final\\_report\\_-\\_mission\\_to\\_Norway\\_on\\_animal\\_welfare\\_22-31\\_October\\_2012.pdf](http://www.eftasurv.int/media/reports/662585-Final_report_-_mission_to_Norway_on_animal_welfare_22-31_October_2012.pdf)

Article 26(2) and (3) of Regulation (EC) No 1/2005 provides that where a competent authority establishes that a transporter has not observed, or a means of transport does not comply with this Regulation, or that a journey took place in breach of this Regulation, it shall notify without delay the competent authority that granted the authorisation to the transporter or the certificate of approval of the means of transport, or the competent authority of the place of departure. Article 26(4) provides that in the cases mentioned above, the competent authority shall, if appropriate, require the transporter to remedy the breaches, subject the transporter to additional checks, or suspend or withdraw the authorisation of the transporter or the certificate of approval of the means of transport.

### Findings

1. The NFSA is the designated competent authority for food and feed safety, animal health and animal welfare. Control and monitoring of animal welfare of terrestrial animals is under the responsibility of the Animal Welfare section of the NFSA's head office, and regions are responsible for implementing official controls. For a more detailed description of the structure and organisation of the NFSA and its legal powers, reference is made to the Country Profile for Norway<sup>2</sup> published on the Authority's webpage, and to the multi-annual national control plan<sup>3</sup> (MANCP) available on the NFSA webpage.
2. The NFSA provided in the pre-mission document a list of adopted laws and regulations implementing the EEA legislation related to animal welfare during transport.
3. Article 9 of Regulation (NO) No 139 of 8 February 2012<sup>4</sup> on commercial transport of live animals provides that long journeys are forbidden for animals destined to slaughterhouses, except poultry. The legislation allows to extend the journey time up to eleven hours in the northern part of the country (Nordland, Troms and Finnmark) if the transport from the holding to the nearest slaughterhouse cannot be carried out within eight hours. In these cases, for journeys exceeding eight hours, requirements for long journeys for means of transport and transporters need to be fulfilled, with the exception of water access in cold weather when water would freeze.
4. A system is in place for competent authorities to take action in case of non-compliance and ensure that the operator remedies the situation, on the basis of Norwegian legislation and guidelines. Special measures under Article 30 of the Animal Welfare Act<sup>5</sup> No 97 of 19 June 2009 allow the NFSA to take the necessary and appropriate measures to ensure that legislation is enforced.
5. The NFSA's procedures and legal powers are described in the administrative rules concerning infringement procedures, 3<sup>rd</sup> Edition as amended on 28 October 2014, which purpose is to ensure consistency on decisions to be taken in case of breaches of legal requirements. The regional director of each region is responsible for ensuring that decisions are taken in accordance with these guidelines. Examples of violations of the Animal Welfare Act, for which fees may be applied, include non-compliances on transport time, approval of means of transport, stocking density and handling or driving causing damage to animals.

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<sup>2</sup> <http://www.eftasurv.int/media/food-safety/Country-profile-NORWAY---July-2017---Part-1.pdf>

<sup>3</sup> [https://www.mattilsynet.no/om\\_mattilsynet/multiannual\\_national\\_control\\_plan\\_english\\_version.23956/binary/Multi-annual%20national%20control%20plan%20-%20English%20version](https://www.mattilsynet.no/om_mattilsynet/multiannual_national_control_plan_english_version.23956/binary/Multi-annual%20national%20control%20plan%20-%20English%20version)

<sup>4</sup> <https://lovdata.no/dokument/SF/forskrift/2012-02-08-139?q=LOV-2012-02-08-139>

<sup>5</sup> <https://lovdata.no/dokument/NL/lov/2009-06-19-97?q=Lov%20om%20dyrevelferd>

6. Infringement fees for violations of the Animal Welfare Act are governed by Regulation (NO) No 925 of 30 June 2014<sup>6</sup>, which purpose is to promote good welfare and respect for animals through predictable, effective and uniform use of infringement fees. This Regulation lists the provisions of the Animal Welfare Act (including transport), of the Regulation on commercial transport of live animals and of the Regulation on approval and competence of transporters and drivers, for which an intentional or negligent breach may entail the imposition of an infringement fee. It establishes rules for determining the amount of the infringement fee in each case so that it is proportionate to the severity of the violation, and defines minimum and maximum limits for infringement fees.
7. In case of non-compliance, the mission team was informed that the NFSA uses different enforcement measures which are taken by the inspector at local department level, ranging from guidance related to legal requirements, decisions for corrective actions, and infringement fees. Serious infringements may be reported to the police and eventually brought to Court for prosecution under criminal law. All NFSA local departments visited provided examples of guidance given to the operators, decisions included in inspection reports, and cases for which the NFSA imposed an infringement fee. The mission team noted that most of the fees were applied to transporters and/or farmers and/or drivers in cases where slaughter animals were found unfit for transport.
8. For the purpose of harmonising the amount prescribed for infringement fees, the mission team was informed by the NFSA of actions undertaken at local department, regional and inter-regional levels, such as meetings, use of an intranet SharePoint where cases of used infringement fees are stored, advice sought from the regional animal welfare advisors, involvement of lawyers, and requests for support in decision-making.
9. The NFSA local departments visited informed the mission team of initiatives taken to communicate information to stakeholders (transporters, drivers, and farmers) on enforcement measures, including the use of the infringement fee by the NFSA in case of certain non-compliances, and awareness raising on animals' fitness for transport. This is achieved through various means such as meetings and letters, of which examples were provided to the mission team. In one department, a short version of the guidance on fitness for transport had been sent to all producers to raise awareness on animal welfare requirements.
10. According to the pre-mission document, in serious cases, the transporter's authorisation or the driver's certificate of competence may be withdrawn. If a driver is found unsuitable to handle animals, he may even lose the right to handle and own animals, or take part in other activities with animals, for a set time or until further notice. This enforcement measure has not been used by the NFSA to date.
11. The NFSA explained that, according to an instruction updated in 2015, non-compliances related to animal welfare, detected during checks on arrival at the slaughterhouse in connection with ante-mortem control, are communicated within or between local departments to allow follow-up in the farm of origin (place of departure). For this purpose, an email notification is sent through NFSA's electronic database MATS to the responsible person or to the relevant local department where the farm of origin is located.

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<sup>6</sup> <https://lovdata.no/dokument/SF/forskrift/2014-06-30-925?q=overtredelsesgebyr%20etter%20dyrevelferdsloven>

## Conclusions

12. Norway has designated competent authorities responsible for the official controls falling within the scope of this mission in line with the requirements laid down in Article 4(1) of Regulation (EC) No 882/2004.
13. The NFSA has the legal powers to carry out official controls and take measures in line with Articles 4(2)(e) and takes corrective actions when needed in line with Articles 8(3)(b) and 54 of Regulation (EC) No 882/2004, and Article 26 of Regulation (EC) No 1/2005.
14. Norway has established rules on sanctions/penalties applicable to infringements of the provisions of Regulation (EC) No 1/2005 on the protection of animals during transport, such as animals unfit for transport, and is taking measures to ensure they are implemented, as required by Article 55 of Regulation (EC) No 882/2004 and Article 25 of Regulation (EC) No 1/2005.

## **5.2 Organisation of official controls**

### *5.2.1 Coordination, training and documented procedures*

#### Legal Requirements

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency.

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.

Article 6 of Regulation (EC) No 882/2004 requires the competent authority to ensure that all its 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; and keep up to date in their area of competence and receive additional training as necessary.

Article 16 of Regulation (EC) No 1/2005 requires the competent authority to ensure that its staff are duly trained and equipped to check data recorded by the recording equipment for road transport as provided for by Regulation (EEC) No 3821/85 (tachographs), and the navigation system.

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

#### Findings

15. According to the pre-mission document, the NFSA is currently carrying out a project to develop a national risk-based system for official controls. With the requirements of Regulation (EU) 2017/625 as a starting point, a framework is under development, including the definition of needed and accessible data (from internal and external

sources), identification of criteria and grading-principals. The objective is to develop an IT-tool to support inspectors in prioritising based on common assessment criteria and updated data. The framework will be tested in three pilot-projects. The Authority is currently following up on this project identified as a corrective action to address a recommendation related to the mission on post-slaughter traceability of meat, meat products and preparations, and composite products from 3 to 12 October 2016<sup>7</sup>.

16. According to the same document, it lies within the remit of the NFSA to inspect vehicles transporting live animals. The Norwegian Public Roads Administration (NPRA), which comprises the Directorate of Public Roads and five administrative regions with Driver and Vehicle Licensing Offices, has the responsibility for surveillance of traffic and technical inspections of vehicles or vessels. The NPRA regional offices are responsible for traffic surveillance and for inspecting vehicles according to Law (NO) No 4 of 18 June 1965 on road traffic, and Law (NO) No 45 of 21 June 2002 on professional transport with vehicles and vessels.
17. Coordination between the NFSA and NPRA is based on a written agreement dated January 2017 for approval of means of transport for live animals and roadside checks. The clear division of tasks (reference is made to section 5.4 of this report) is linked to NPRA having the premises and experience to carry out physical examinations of the vehicles. The mission team noted that, although prescribed by the agreement, training and annual meetings between the NFSA and the NPRA have not taken place to date.
18. Based on the situation in Norway, with diffuse transports both in time and place, and following a related cost/benefit assessment, the NFSA decided not to carry out roadside checks on animal transport (reference is made to section 5.6.1 of this report). Nevertheless, the NFSA cooperates with the NPRA which has the authority to detain vehicles during their road-side checks in case of serious welfare issues (reference is made to section 5.6 of this report). In such situation, the NPRA shall contact the NFSA for it to make a decision on necessary actions to be taken.
19. Coordination between regions takes place through the interregional forum (IRF) on animal welfare. As confirmed by the mission team based on a summary of topics covered during IRF and minutes provided by the NFSA, issues of different nature have been discussed, such as the guidance document on fitness for transport and the application of infringement fees, to guarantee a common understanding and harmonise official controls on the national territory. The NFSA head office handles appeals on decisions made by the regions to contribute to a harmonised control system.
20. Evidence of coordination at NFSA regional level was provided to the mission team. A regional advisor for animal welfare issues is placed in each region to harmonise approaches between local departments and among inspectors, in particular in relation to the application of infringement fees. However, in one region, the mission team noted that replies given to inspectors' questions were communicated only to the requesting inspector and was not shared with other staff across the region.
21. The NFSA provided information on the training of staff, on the employer strategy until 2020 for staff development to better achieve NFSA goals, and on the functional strategy 2017-2019 to ensure that the NFSA and its employees have the competence to fulfill their tasks. General training is provided to NFSA staff through the NFSA's school of supervision "tilsynsskolen" and programmes for new employees. According to the pre-mission document, the education programme for official veterinarians

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<sup>7</sup> <http://www.eftasurv.int/media/food-safety/final-report.pdf>

includes the topic of animal welfare during transport, and a list of participants for the period 2015-2017 was provided to the mission team. 13 staff have also attended the Better Training for Safer Food training course on animal welfare during transport since 2009.

22. According to the pre-mission document, many regions report that they address animal welfare during transport regularly during meetings and courses to keep staff updated, and some arranged specific training in connection with campaigns. In one region, NFSA staff had participated in NPRA training to improve the quality of the inspections of the vehicles prior to approval.
23. The mission team found that the NFSA mostly relies on on-the-job training for inspectors to gain knowledge on controls related to animal welfare during transport. No specific training related to animal welfare during transport has been planned nor carried out by the NFSA or NPRA, at national or regional level, in particular on important requirements such as authorisation of transporters (section 5.3), approval of means of transport (section 5.4), and assessment of journey logs (section 5.6.1).
24. According to the pre-mission document, the head office and regional offices have not provided training on checking data on tachographs and satellite navigation system (SNS) as it has not been prioritised due to the limited extent of long journeys in Norway. The NFSA intends to discuss training to check this data with the NPRA; however, this task has not yet started and no timeframe could be given.
25. The NFSA quality management system holds the documents describing the control system at strategic level (MANCP, Budget Disposal Letter (BDL), operational lines) and the implementation of official controls (guidelines). These documents apply to all regions in the NFSA.
26. The 2018 central BDL establishes long-term goals related to animal welfare and generally refers to ensuring that all animals in Norway have good welfare. Animal welfare during transport is specifically mentioned in the operational lines according to which the NFSA head office instructed the regions to provide an overview on the movement of livestock (cattle, sheep and pigs) in Norway, to be used for planning of official controls the following year. The mission team found that in two regions visited, the NFSA had not started working on this overview, whereas in another region, the regional BDL had allocated the responsibility of collecting information on livestock transporters to a NFSA local department. The mission team noted that no further instructions or templates were provided by national or regional level to guide the local departments in collecting the required information, thus generating delays or lack of actions at regional level in addressing this request.
27. Planning at regional level is based on the central BDL. It is for each local department to follow the priorities defined by the regions and to plan the inspections. The mission team noted that for the purpose of planning inspections, local departments do not exchange information with other local departments of the same region or with other regions to harmonise approaches.

28. The NFSA has published a guidance document on fitness for transport<sup>8</sup>, dated April 2017 and publicly available on the NFSA website. A working group appointed by the IRF on animal welfare is currently working on a similar guidance for poultry.
29. According to the pre-mission document, NFSA head office has produced documented procedures for authorisation of transporters and approval of means of transport for long journeys, and for animal health certification for officers signing live animal export health certificates to non-EEA countries. These procedures are part of the NFSA's quality system and inspectors are obliged to perform checks according to these documents, which are available on the NFSA intranet. Due to the limited number of long journeys in Norway, the NFSA has not developed guidelines or instructions related to checks on long journeys.
30. The mission team noted that some procedures were insufficiently detailed, in particular in relation to the approval of means of transport for the assessment of information in the check-list, or lacking for checks at departure of long journeys, reading of SNS data, and road-side checks (reference is made to sections 5.4 and 5.6.1 of this report).

### Conclusions

31. Official controls on animal welfare during transport are not systematically based on risk, contrary to Article 3 of Regulation (EC) No 882/2004. A national risk-based system is currently under development and is being followed-up by the Authority.
32. Coordination is ensured within the NFSA in relation to official controls on animal welfare during transport in line with Article 4(3) of Regulation (EC) No 882/2004.
33. A framework is established for coordination between the NFSA and the NPRA in relation to approval of means of transport; however, its efficiency and effectiveness were not fully ensured contrary to Article 4(3) of Regulation (EC) No 882/2004.
34. NFSA generally has a system in place for training of staff. However, the NFSA did not always ensure that staff received for their area of competence appropriate training enabling them to undertake their duties competently and to carry out official controls on transport of live animals, such as authorisation of transporters, approval of means of transport and assessment of journey logs, and that they received regular additional training as necessary, contrary to Article 6(a) and (b) of Regulation (EC) No 882/2004.
35. The NFSA staff has not been duly trained and equipped to check tachographs and SNS data contrary to Article 16 of Regulation (EC) No 1/2005.
36. The NFSA head office has developed a system of official controls on animal welfare during transport with documented procedures. However, compliance with Article 8(1) of Regulation (EC) No 882/2004 could not be fully ensured due to the insufficiently detailed instructions for authorisation of transporters and approval of means of transport for long journeys, and lack of procedures on checks of long journeys and reading of data recorded by the recording equipment for road transport (such as tachographs and SNS data).

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<sup>8</sup>[https://www.mattilsynet.no/om\\_mattilsynet/gjeldende\\_regelverk/veiledere/veileder\\_om\\_transportegnethet\\_og\\_skiller\\_mellom\\_dyr\\_under\\_transport.26027/binary/Veileder%20om%20transportegnethet%20og%20skille%20mellom%20dyr%20under%20transport](https://www.mattilsynet.no/om_mattilsynet/gjeldende_regelverk/veiledere/veileder_om_transportegnethet_og_skiller_mellom_dyr_under_transport.26027/binary/Veileder%20om%20transportegnethet%20og%20skille%20mellom%20dyr%20under%20transport)

### 5.2.2 *Reporting obligations and verification of effectiveness of official controls*

#### Legal Requirements

Article 27(2) of Regulation (EC) No 1/2005 states that Member States shall submit to the Authority by 30 June each year an annual report for the previous year on the inspections provided for in paragraph 1. The report shall be accompanied by an analysis of the major deficiencies detected and an action plan to address them.

Article 2 of Commission Implementing Decision 2013/188/EU establishes the information to be included in the annual reports and model form as set out in Annex I to this Decision and completed in accordance with the explanatory notes set out in Annex II.

Article 8(3)(a) of Regulation (EC) No 882/2004 requires competent authorities to have procedures in place to verify the effectiveness of official controls that they carry out.

#### Findings

37. The inspections carried out are registered and handled in NFSA's electronic operational quality management system for case handling (MATS), from which information is retrieved to draft the annual reports submitted by the NFSA to the Authority on control of animal transports and holdings with farm animals as carried out by the competent authority in Norway.
38. The mission team noted that the annual reports for 2015 and 2016 include an overview of inspections related to animal welfare during transport, but they do not contain all the information required, nor the analysis of the major deficiencies detected and related action plan. Furthermore, the annual report is not drafted in accordance with the correct model form. The NFSA explained that MATS required improvements to allow extracting data such as species and number of animals. The NFSA is aware of this issue and intends to address it once there is more clarity on implementing acts for reporting obligations according to the new official control regulation. The NFSA could not provide a timeline for adapting the report to the required model.
39. According to the annual report of 2016, 290 official controls were carried out, mostly consisting in checks on means of transport and animals on arrival at slaughterhouses. Out of these, 116 (40%) revealed non-compliances mainly related to fitness for transport (34), transport documentation (31), means of transport for long journeys (23) and transport practices (19). Ten non-compliances led to imposition of infringement fees on transporters (and two on drivers as indicated during the opening meeting). According to the 2015 report, 104 inspections out of 282 (37%) revealed non-compliances. The NFSA explained that this high rate of non-compliances was due to more targeted inspections.
40. For slaughterhouses authorised as transporters, NFSA inspectors record observations related to animal welfare during transport made in connection with ante-mortem control on a daily basis. These are summarised in a specific report on the slaughterhouse drafted every two months. This report does not include the outcome of planned inspections focusing on animal welfare during transport. In case of non-compliances, the official veterinarian decides whether it is necessary to make written administrative decisions, or if it is sufficient to give oral guidance.

41. The NFSA retrieved data from MATS for 2017 and 2018 as requested by the mission team on the number of inspections carried out on means of transport, drivers, and transporters. Some of the NFSA local departments visited could not retrieve the exact number of infringement fees from MATS, and did not analyse trends on the use of enforcement measures to compare them to the number of non-compliances.
42. The mission team noted that effectiveness of official controls was not systematically verified in the local departments visited. According to the pre-mission document, the NFSA is developing a method for verification of effectiveness of official controls, for which guidelines have already been adopted. These actions are currently being followed up by the Authority to address recommendations issued following a mission on verification of effectiveness of import control systems for food of animal origin from 31 August to 4 September 2015<sup>9</sup>, and a mission on post-slaughter traceability of meat, meat products and preparations, and composite products from 3 to 12 October 2016. The NFSA has planned to conduct two pilot projects<sup>10</sup>.
43. According to the pre-mission document, an ongoing research project ANIWEL for the period 2015-2019, on the realisation of animal welfare goals in Norway's food sector, is currently being carried out by the Norwegian Institute of Bioeconomy Research (Norsk institutt for bioøkonomi NIBIO), Oslo and Akershus University College of Applied Sciences, University College of Southeast Norway, Institute for Rural and Regional Research, Swedish University of Agricultural Sciences (Sveriges lantbruksuniversitet SLU) and Animalia. The project is funded by the Research Council of Norway. Its aim is to produce information, expertise and knowledge on how official means can be designed and used to effectively reach the objectives of the animal welfare legislation. This information will also be relevant for the controls on animal welfare during transport.

### Conclusions

44. Norway submits to the Authority an annual report for the previous year on the inspections of animals, means of transport and accompanying documents. However, the report is not accompanied by an analysis of the major deficiencies detected and an action plan to address them, contrary to Article 27(2) of Regulation (EC) No 1/2005. In addition, the annual report does not include all the information and does not follow the model form, contrary to Article 2 and Annex I of Commission Decision 2013/188/EU.
45. Collection and analysis of data are achieved by the competent authority in the framework of annual reporting. However, results of official controls on animal welfare during transport are not systematically analysed and used as input for further planning, and effectiveness is not always verified contrary to Article 8(3)(a) of Regulation (EC) No 882/2004. The system is currently under development and is being followed-up by the Authority.

<sup>9</sup> [http://www.eftasurv.int/media/food-safety/779522\\_report-2015-NOR-control-systems-for-products-of-animal-origin.pdf](http://www.eftasurv.int/media/food-safety/779522_report-2015-NOR-control-systems-for-products-of-animal-origin.pdf)

<sup>10</sup> Comments provided by Norway: *Norway would like to clarify a misunderstanding on this matter. None of the pilots testing the model for verification of effectiveness are in the animal welfare-area, but verification of effectiveness in control of restaurants (smiley system) and control in white-fish-FBOs.*

### 5.3 Authorisation of transporters

#### Legal Requirements

Article 5(1) of Regulation (EC) No 1/2005 states that no person shall contract or subcontract the transport of animals except to transporters authorised in accordance with Article 10(1) or Article 11(1).

Article 6(1) of the same regulation states that no person shall act as a transporter unless he holds an authorisation issued by a competent authority pursuant to Article 10(1) or, for long journeys, Article 11(1). A copy of the authorisation shall be made available to the competent authority when the animals are transported. Article 6(7) states that Paragraphs 1, 2, 4 and 5 shall not apply to persons transporting animals up to a maximum distance of 65 km counted from the place of departure to the place of destination.

Article 10 of the same regulation lays down the requirements for authorising transporters carrying out journeys of less than eight hours.

Article 11 of the same regulation lays down the requirements for authorising transporters carrying out long journeys.

#### Findings

46. Transporters' authorisations for journeys under eight hours (type I) and for long journeys (type II) are given by the NFSA departments according to a guideline developed at central level available on NFSA intranet, and last updated in December 2016. Transporters must submit an on-line or paper application, which includes: (i) details on the company and drivers; (ii) documents demonstrating that they have sufficient and appropriate staff, equipment and operational procedures; and (iii) a self-declaration that no serious infringements of EEA or national animal welfare legislation have been committed in the three years preceding the application date.
47. According to the guideline, it is considered sufficient for transporters to provide an overview of the means of transport, and a copy of the drivers' certificate of competence or documentation of completed training depending on the species to be transported. For journeys under eight hours, the transporter needs to provide a declaration that the means of transport meets the requirements of the regulations. For long journeys, the transporter must submit a valid certificate of approval for all means of transport by road, a contingency plan, and documentation on its system to trace and record movement and contact drivers. A SNS is required for means of transport for long journeys, which use must be documented by the transporter.
48. The authorisation is generated with a validity of maximum five years through MATS, where all relevant documentation is stored. However, the mission team noted that the NFSA was not able to find all relevant documentation in the database for all transporters checked.
49. The guideline does not specify how NFSA staff should control that transporters have no records of serious infringements. According to the pre-mission document, controls consists of verifying that transporters have provided the self-declaration and NFSA staff perform a check in MATS to detect any previous infringements or problems.

50. The NFSA guideline establishes that the contingency plan should ensure that any damage or adverse consequences of unforeseen events, such as unplanned stops/delays or accidents, are minimised. The plan should describe feeding, watering, and stalling in case of delays, where and how to get water if necessary, how to euthanise or provide emergency assistance to injured animals in different situations, and transfer to other means of transport. It should also include procedures for training and introduction to the plans, to ensure that drivers understand the plan. The mission team checked a contingency plan and confirmed that the guideline was generally being followed.
51. The mission team was informed that following the transporter's application for authorisation, the NFSA checks the provided documentation and the transporter's self-declaration that no previous serious infringements have been committed in the last three years. The mission team was informed that the NFSA has not received specific training on authorisation of transporters.
52. According to the pre-mission document, there is no instruction or written procedure for the suspension or withdrawal of the authorisation of transporters or of the certificate of approval of the means of transport given by the head office or the regional offices. The regions report that they will follow normal procedures for case handling. The regions have not reported any cases of withdrawal of the authorisation or of the approval to this date.

### Conclusions

53. Transporters are authorised by the NFSA in accordance with the relevant requirements laid down in Articles 10 and 11 of Regulation (EC) No 1/2005, including the submission of contingency plans in the event of emergencies by the transporter authorised for long journeys.

## **5.4 Approval of means of transport for long journeys**

### Legal Requirements

Article 7(1) of Regulation (EC) No 1/2005 states that no person shall transport animals by road for a long journey unless the means of transport has been inspected and approved under Article 18(1).

Article 18 of the same regulation lays down the requirements for the competent authority or body designated by a Member State to grant a certificate of approval for means of transport by road used for long journeys. Article 18(1)(b) requires the means of transport to be inspected by the competent authority or body designated by a Member State and found to comply with the requirements of Chapters II and VI of Annex I applicable to the design, the construction and the maintenance of means of transport by road used for long journeys.

Chapter II of Annex I to the same regulation details the requirements for means of transport; in particular, Point 1 lists the provisions for all means of transport, including how they shall operate. Chapter VI of Annex I to the same Regulation states the additional provisions for long journeys of domestic Equidae and domestic animals of bovine, ovine, caprine and porcine species; in particular, Point 2 provides requirements for water supply for transport by road, rail or sea containers.

## Findings

54. The approval (and re-approval) of means of transport for long journeys by road for horses, bovine, ovine, caprine and porcine species is given by the NFSA local departments according to a guideline developed at central level, available on NFSA intranet and last updated in December 2016. The NFSA's approval is based on the NPRA's technical assessment of the means of transport, in accordance with an agreement established at central level. The approval is generated through MATS with a validity of maximum five years. All relevant documentation is stored in MATS; however, the mission team noted that the NFSA was not able to find all relevant documentation in their database for all means of transport checked.
55. The Driver and Vehicle Licensing Offices of NPRA are responsible for the physical inspection of the means of transport according to a check-list jointly developed by the NFSA and NPRA. The check-list includes technical requirements for means of transport applicable to all species, species-specific requirements for horses, for cattle, sheep and pigs, and for poultry, and detailed instructions for both NPRA and NFSA assessment depending on their responsibilities. The NPRA inserts technical measurements and adds a preliminary assessment of presence/absence to the different checkpoints of the check-list by marking them as OK. The completed check-list, with supporting photos if any, is then sent by email to the NFSA to be processed.
56. According to the pre-mission document, the results from the physical inspection carried out by the NPRA are the basis for the formal approval by the NFSA. The NFSA local department is responsible for collecting any other information necessary to evaluate the means of transport if the filled check-list from the Driver and Vehicle Licensing Office does not give sufficient information.
57. The mission team examined the check-list and noted that it was not part of NFSA or NPRA quality systems. Indeed, the document was not allocated an identification number, was not dated and amendments were not recorded. The mission team found that although the level of detail was high, important elements were missing, such as: (i) assessment of the appropriateness of watering devices in the section specific for horses; (ii) assessment of the appropriateness of watering devices for the concerned animal categories (only species are mentioned); (iii) verification that watering devices are in good working order; (iv) verification that water tanks are in good working order. Furthermore, the check-list does not require the NPRA to verify that devices such as the ventilation system, temperature monitoring system, means to record data, temperature warning system, and navigation system, are operating.
58. The mission team visited the premises of NPRA Driver and Vehicle Licensing Offices and noted that the updated version of the check-list was available in the NPRA intranet. When amendments to the check-lists are made, a memo is circulated to the different licensing offices. However, approval of livestock means of transport is not included in the NPRA quality system, and there is no documented procedure or instruction developed other than the guidance provided in the check-list. In addition, the supporting documentation was not always available or linked to the specific means of transport in NPRA database.
59. One Driver and Vehicle Licensing Office explained that the inspectors strictly follow the check-list and the inspection of means of transport for live animals does not include verification that the devices are in working order. The NPRA stated that they relied on

the NFSA to make sure that the check-list was complete to assess the information for granting the approval.

60. The mission team noted that contrary to the instructions provided in the check-list, the inspectors of the NFSA local departments visited did not assess or know how to assess the information provided in the check-list or make the required calculations, in particular in relation to ventilation systems and their capacity, water tanks, and drinking devices for animal categories. Furthermore, the certificates of approval of vehicles for long journeys do not distinguish between different animal categories (adult and unweaned animals).
61. The mission team was informed that no training had been provided to NFSA and NPRA staff in relation to approval of means of transport for long journeys.

### Conclusions

62. The approval of means of transport by road is granted by the NFSA following an inspection by the NPRA, in line with Articles 7(1) and 18 of Regulation (EC) No 1/2005.
63. However, the system in place for approval of means of transport by road, in particular in relation to the assessment of compliance with the requirements of Chapters II and VI of Annex I applicable to the design, the construction and the maintenance of means of transport by road used for long journeys, was not in line with Article 18(1)(b) of Regulation (EC) No 1/2005.

## **5.5 Training courses and certificate of competence**

### Legal Requirements

Article 6(4) and (5) of Regulation (EC) No 1/2005 establish that transporters shall entrust the handling of the animals to personnel who have received training on the relevant provisions of Annexes I and II; and that no person shall drive, or act as an attendant on a road vehicle transporting domestic Equidae or domestic animals of bovine, ovine, caprine or porcine species or poultry unless he holds a certificate of competence pursuant to Article 17(2). The certificate of competence shall be made available to the competent authority when the animals are transported.

Article 17 of Regulation (EC) No 1/2005 establishes that training courses shall be available for personnel of transporters and assembly centres. The certificate of competence shall be issued by the competent authority or body designated for this purpose by the Member States and in accordance with the specimen set out in Chapter III of Annex III. The scope of the said certificate of competence may be limited to a specific species or group of species.

### Findings

64. According to the pre-mission document and as confirmed by the mission team, training courses for drivers and attendants approved by the NFSA are available and include a final examination. Two independent organisations have been designated to offer training courses for different species of animals transported and have been granted the authority to arrange the final examination. The NFSA's National Assignments

Department belonging to one of the NFSA regions is responsible for approving training courses.

65. One designated body offers around two approved courses per year for drivers and attendants on transport of cattle, sheep, goat and pigs, and one or two per year on transport of poultry. In 2017, a new e-learning module with clear animations and illustrations was introduced as a first step before attending the one-day class and final examination. The other designated body offers around two approved courses per year on transport of horses.
66. The mission team noted that the formal certificate of competence is granted by the NFSA at regional level, following an online application made by the drivers and attendants who have successfully completed the training course and passed the examination. Examples of certificates of competence for drivers were seen by the mission team.

### Conclusions

67. Drivers and attendants on road vehicles hold a certificate of competence in line with Article 6(4) and (5) of Regulation (EC) No 1/2005.
68. Training courses for drivers and attendants of road vehicles are available and certificates of competence are granted in line with the requirements laid down in Article 17 of Regulation (EC) No 1/2005.

## **5.6 Checks on transport**

### Legal Requirements

Article 3 of Regulation (EC) No 1/2005 states that no person shall transport animals or cause animals to be transported in a way likely to cause injury or undue suffering to them, and requires animals to be fit for the intended journey.

Article 6(3) of Regulation (EC) No 1/2005 requires transporters to transport animals in accordance with the technical rules set out in Annex I to this Regulation.

Article 14 of Regulation (EC) No 1/2005 provides requirements on checks and other measures related to journey log to be carried out by the competent authority before long journeys.

Article 15 of Regulation (EC) No 1/2005 provides requirements on checks to be carried out by the competent authority at any stage of a long journey.

Article 27(1) of Regulation (EC) No 1/2005 requires the competent authority to check that the requirements of this Regulation have been complied with by carrying out non-discriminatory inspections of animals, means of transport and accompanying documents. Such inspections must be carried out on an adequate proportion of animals transported each year within the Member State, and may be carried out at the same time as checks for other purposes.

Points 1, 2, 3(a) and 4 of Chapter I, Annex I of Regulation (EC) No 1/2005 establishes rules related to fitness for transport. When animals fall ill or are injured during transport, they

shall be separated from the others and receive first-aid treatment as soon as possible. They shall be given appropriate veterinary treatment and if necessary undergo emergency slaughter or killing in a way which does not cause them any unnecessary suffering.

Point 8(3) of Annex II of Regulation (EC) No 1/2005 requires documents referred to in point (a) [a copy of the completed journey log] to be returned to the competent authority of the place of departure within 1 month after the completion of the journey, unless the systems referred to in Article 6(9) were used. A simplified version of the journey log and guidelines for the presentation of the records referred to in Article 6(9) shall be established in accordance with the procedure referred to in Article 31(2), when vehicles are equipped with the systems referred to in Article 6(9).

Regulation (EC) No 854/2004, Annex I, Section I, Chapter IIC requires the official veterinarian at slaughterhouses to verify compliance with EEA rules on animal welfare during transport.

## Findings

### *5.6.1 Checks on long journeys*

69. According to the pre-mission document, with the exception of registered horses transported for competition purposes within and outside of Norway, for which the journey log is not required, the number of long journeys is limited. However, there is no obligation to report all transport taking place on the national territory and the NFSA does not have a full overview of the number of transports taking place during the year, nor of how many exceed eight hours.
70. As already found during the Authority's mission related to animal welfare during transport of October 2012, there is no specific guideline, instruction or training (reference is made to section 5.2 of this report) to carry out checks at any stage of a long journey, to assess that journey logs are realistic or to perform retrospective checks by cross-checking the information with SNS data.
71. The NFSA inspectors met reported that they check all animals to be exported to non-EEA countries for clinical signs of diseases before issuing the export health certificate the day before the departure, in accordance with instructions<sup>11</sup> published in 2001. These instructions establish that the inspectors shall not issue the live animal export certificate if they don't have the necessary knowledge of the provisions related to the live animals to be certified, or if they do not clearly understand the meaning of the content of each individual certificate. The NFSA inspectors stated that in this occasion, they included checks of journey logs, transporter's authorisation, certificate of competence for drivers and approval of means of transport.
72. One of the five NFSA regional offices is involved in checks on long journeys to EEA states and non-EEA countries. The mission team selected 14 long journeys, for which Norway provided the journey logs as requested by the mission team. However, no returned journey logs were available at the time of the mission.
73. For all long journeys, before the departure, NFSA inspectors check transport documents and stamp the journey log after making sure that it has been filled. Four journey logs were evaluated and the mission team found that the information was in some cases inaccurate (e.g. resting country not indicated in transiting country box) or

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<sup>11</sup> <https://lovdata.no/dokument/INS/forskrift/2001-03-29-423>

inconsistent (e.g. different journey times for similar routes). The NFSA inspectors stated that they do not check that the journey logs are realistic and they had not identified any non-compliance in the journey logs examined by the mission team.

74. In relation to retrospective checks to verify travelling and resting times, the mission team noted that NFSA inspectors were not aware of the requirement for transporters to return journey logs within one month of the journey. They did not carry out retrospective checks and did not make use of records of the movement of the means of transport by road obtained from the navigation system to cross-check the information of the journey log.
75. Road-side checks are generally not carried out by the NFSA. According to the agreement between NFSA and NPRA, if the NPRA inspectors find that animal welfare is compromised when they check means transporting livestock, they have the possibility to hold back the truck and consult the NFSA. One example was provided to the mission team in relation to non-compliances reported by the NFSA following a road-side check carried out by the NPRA.

#### 5.6.2 *Checks on short journeys*

76. Checks on animal welfare during short journeys are mainly carried out on arrival at the slaughterhouse. Loading conditions at farm level were generally not known in NFSA local departments, with the exception of one local department visited, where loading at farm was included in some inspections.
77. Observations noted by the inspectors during daily animal welfare checks on arrival at the slaughterhouse are summarised in a report prepared every 2 months by the NFSA at local department level for each slaughterhouse authorised as transporter.
78. Inspections focusing on animal welfare during transport are planned on the basis of the daily observations, outcome of inspections of the previous year, and local knowledge. They are generally carried out according to a check-list and focus on different aspects of animal welfare during transport. In one local department visited, the mission team observed the arrival and unloading of animals at the slaughterhouse and noted that fitness for transport, means of transport and unloading were generally satisfactory. In this department, the mission team was informed that assessment of stocking density is made visually. The presence of killing equipment on board may also be checked although inspectors did not always make sure it was working.
79. NFSA inspectors in all local departments visited gave particular emphasis to checking fitness for transport during inspections and during daily animal welfare checks, on the basis of the guidance document. In one department visited, according to a summary report, around 50 out of 3500 animals (1.43%) had been found unfit for transport. Evidence of checks for fitness for transport was seen by the mission team in examples of reports provided by all NFSA local departments, including imposition of fees in cases of non-compliance.

#### Conclusions

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| <ol style="list-style-type: none"><li>80. Under the current system of official controls for long journeys, the NFSA verifies transportation documents and stamps the journey log according to Article 14(1)(a)(i) and (c) of Regulation (EC) No 1/2005. The NFSA carries out checks on long</li></ol> |
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journeys to non-EEA countries at the place of departure as part of the animal health checks in line with Article 15(2) of Regulation (EC) No 1/2005.

81. However, there is no system in place for the NFSA to assess planned and actual resting and travelling times before and after the journey. The NFSA does not verify that declared journey times are realistic and that the journey complies with Regulation 1/2005, contrary to Articles 14(1)(a)(ii) and 15(1) of Regulation (EC) No 1/2005.
82. The NFSA has a system in place to carry out non-discriminatory inspections of animals, means of transport and accompanying documents. However, official controls concerning animal welfare during transport are almost exclusively carried out on arrival at slaughterhouse facilities for short journeys. The NFSA, without an overview of the number of short and long journeys in Norway, does not ensure that inspections are carried out on an adequate proportion of animals transported each year, contrary to Article 27(1) of Regulation (EC) No 1/2005.

## 5.7 Transport documentation

### Legal Requirements

Article 4(e) of Regulation (EC) No 1/2005 states that no person shall transport animals without carrying documentation in the means of transport stating the expected duration of the intended journey.

### Findings

83. In one local department visited, the mission team was informed that transport documentation is usually checked by NFSA inspectors on arrival at the slaughterhouse during planned inspections. According to the plan, all drivers are checked once a year.
84. The slaughterhouse operator provided copies of recent transport documentation accompanying animals. The mission team noted that these stated the time of loading at the place of departure and the drivers would fill in the time of unloading at the place of arrival. However, the expected duration of the intended journey was not always indicated as already found during the Authority's mission related to animal welfare during transport of October 2012. The mission team also found that information filled by the transporter was not always accurate. In one case, a single document referred to transport of 270 pigs in one truck, outside of NFSA working hours. The relevant operator explained that it actually corresponded to two journeys. However, the NFSA inspectors were not aware of this and were unable to provide any explanation for it.

### Conclusions

85. The documentation carried by the means of transport does not always state the expected duration of the intended journey, contrary to Article 4(e) of Regulation (EC) No 1/2005.

## 5.8 Assembly centres, control posts and livestock centres

### Legal Requirements

Article 3(1) of Directive 64/432/EEC requires EEA States to ensure that only animals that fulfil the relevant conditions laid down in this Directive are sent from its territory to that of another EEA State.

Article 6(1) of Directive 64/432/EEC requires animals for breeding or production to have remained in a single holding of origin for a period of 30 days prior to loading, or since birth in the holding of origin where the animals are less than 30 days old. However, in the case of animals transiting through an approved assembly centre in the EEA State of origin, the period during which the assembly of these animals takes place outside the holding of origin shall not exceed six days.

Article 9(2)(a) of Regulation (EC) No 1/2005 requires operators of assembly centres that are approved in accordance with EEA veterinary legislation to entrust the handling of animals only to personnel who have followed training courses on the relevant technical rules set out in Annex I.

### Findings

86. According to the pre-mission document, Norway has no control posts, three assembly centres approved according to EEA veterinary legislation, one registered assembly centre and five registered livestock markets 'livdyrfjøs' which are not approved for use in connection with trade.
87. The NFSA indicated that two of the assembly centres are actually used as quarantine for animals where they stay for 30 days prior to being transported to other countries. The mission team met with a representative of one of the approved assembly centres used as a quarantine centre. The representative confirmed that this centre was a point of departure where breeding pigs stay for 30 days before being traded with EU Member States or exported to non-EEA countries.
88. The mission team was informed that staff handling the animals had not received any specific training on the relevant technical rules.

### Conclusions

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| <ol style="list-style-type: none"><li>89. The breeding pigs stayed for a period of 30 days in the assembly centre approved in accordance with EEA veterinary legislation, contrary to Article 6(1) of Directive 64/432/EEC.</li><li>90. Personnel handling animals in one assembly centre approved in accordance with EEA veterinary legislation have not followed training courses on the relevant technical rules set out in Annex I, contrary to Article 9(2)(a) of Regulation (EC) No 1/2005.</li></ol> |
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## 5.9 Communication between EEA states

### Legal Requirements

Article 24(2) of Regulation (EC) No 1/2005 requires each EEA State to communicate details of a contact point for the purposes of this Regulation to the Commission, including, where available, an electronic address, within three months of the date of entry into force of this Regulation as well as any update of such data.

### Findings

91. Norway has designated a contact point for the purpose of mutual assistance and exchange and has communicated its details to the European Commission.
92. According to the pre-mission document, Norway was contacted ten times by EU Member States contact points in 2017, and twice in 2018, details being stored in a folder in NFSA internal mail system. Each request is assessed by the contact point at the NFSA head office, who decides whether to forward the information to regional offices. The regional offices are responsible for forwarding the information to NFSA staff. One request in 2018 has been forwarded to the regional offices.
93. It is very rare for Norway to have exchanges with the country of departure or the transporter's country of origin in cases of non-compliance concerning long journeys, due to their limited number. There is no specific procedure for dealing with such non-compliance. However, the national contact point would take action and provide the necessary information to the contact point in the country of departure if considered necessary.
94. In one case in 2017, Norway considered it necessary to contact an EU Member State regarding the transport of animals. The transport conditions were not satisfactory, and the transporter was not authorised for transport of live animals. The region at destination reported the situation to the head office and Norway's national contact point communicated the information to the national contact point of the country of origin. It was later confirmed by the national contact point of the country of origin that necessary actions had been taken to address the shortcoming.

### Conclusions

95. Norway has identified a contact point for the purpose of Regulation (EC) No 1/2005 and mutual assistance and exchange of information between Norway and other EEA states is in place, in line with Article 24 of Regulation (EC) No 1/2005.

## 6 Final meeting

A final meeting was held on 24 April 2018 at the head office of the NFSA in Oslo with representatives of the NFSA, the Ministry of Agriculture and Food, and the Ministry of Health and Care Services present. At this meeting, the mission team presented its main findings and preliminary conclusions of the mission. The mission team also explained that, based on a more detailed assessment of the information received during the mission, additional findings and conclusions 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 11 September 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	<p>The competent authorities should ensure that staff performing official controls receive appropriate training enabling them to undertake their duties competently and to carry out official controls on transport of live animals in a consistent manner and that they receive regular additional training as necessary, as required by Article 6(a) and (b) of Regulation (EC) No 882/2004.</p> <p>Recommendation based on conclusion 34. Associated findings: 23, 51, 61, 70.</p>
2	<p>The competent authorities should ensure that their staff are duly trained and equipped to check tachographs and SNS data as required by Article 16 of Regulation (EC) No 1/2005.</p> <p>Recommendation based on conclusions: 35. Associated finding: 24, 70.</p>
3	<p>The competent authority should ensure that officials have adequate procedures in accordance with Article 8(1) of Regulation (EC) No 882/2004 to enable them to effectively assess all the requirements of Chapters II and VI of Annex 1 to Regulation (EC) No 1/2005 for granting the approval of means of transport by road used for long journeys, as required in Article 18(1)(b) of Regulation (EC) No 1/2005, and for carrying out checks on long journeys.</p> <p>Recommendation based on conclusions: 36. Associated findings: 29, 30, 60, 70.</p>
4	<p>The competent authority should submit to the Authority annual reports on the inspections of animals, means of transport and accompanying documents, drafted in accordance with Article 27(2) of Regulation (EC) No 1/2005, and Article 2, Annex I, and Annex II of Commission Implementing Decision 2013/188/EU.</p> <p>Recommendation based on conclusion 44. Associated finding 38.</p>
5	<p>The competent authorities should ensure that only means of transport that fully comply with all the requirements for long journeys are approved in accordance with Article 18(1)(b) of Regulation (EC) No 1/2005.</p> <p>Recommendation based on conclusion 63. Associated findings: 57, 59 and 60.</p>

6	<p>The competent authorities should ensure that appropriate checks related to journey logs are carried out before long journeys and appropriate checks on a random or targeted basis are carried out at any stage of the long journey as required in Articles 14(1)(a)(ii) and 15(1) of the same Regulation.</p> <p>Recommendation based on conclusion 81.          Associated findings: 72, 73, 74.</p>
7	<p>The competent authorities should ensure that the documentation in the means of transport states the expected duration of the intended journey as required by Article 4(e) of Regulation (EC) No 1/2005.</p> <p>Recommendation based on conclusion 85.          Associated finding 84.</p>
8	<p>Norway should ensure that the period during which the assembly of breeding pigs takes place outside the holding of origin shall not exceed six days in line with Article 6(1) of Directive 64/432/EEC.</p> <p>Recommendation based on conclusion 89.          Associated finding 87.</p>
9	<p>The competent authorities should ensure that assembly centres approved in accordance with EEA veterinary legislation entrust the handling of animals only to personnel who have followed training courses on the relevant technical rules set out in Annex I, in line with Article 9(2)(a) of Regulation (EC) No 1/2005.</p> <p>Recommendation based on conclusion 90.          Associated finding 88.</p>

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

Authority	EFTA Surveillance Authority
BDL	Budget Disposal Letter
EC	European Community
EEA	European Economic Area
EEA Agreement	Agreement on the European Economic Area
EU	European Union
MATS	Electronic operational quality management system for case handling in the NFSA
MANCP	Single integrated multi annual national control plan
MATS	Mattilsynets tilsynssystem
NFSA	Norwegian Food Safety Authority
NPRA	Norwegian Public Roads Administration
SNS	Satellite Navigation System

## Annex 2 - Relevant legislation

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

- c) The Act referred to at Point 1.1.9 of Chapter I of Annex I to the EEA Agreement, *Council Directive 96/93/EC 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;
- d) 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 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 to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- e) The Act referred to at Point 1.1.12 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.
- f) 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*, as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- g) The Act referred to at Point 4.1.1 of Chapter IV of Annex I to the EEA Agreement, *Council Directive 64/432/EEC of 26 June 1964 on health problems affecting intra-Community trade in bovine animals and swine*, as amended;
- h) The Act referred to at Point 9.1.10 of Chapter I of Annex I to the EEA Agreement, *Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97*, as corrected, and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.
- i) The Act referred to at Point 9.1.14 of Chapter I of Annex I to the EEA Agreement, *Commission Implementing Decision 2013/188/EU of 18 April 2013 on annual reports on non-discriminatory inspections carried out pursuant to Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97*.

### 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

17/1209-

3 July 2018

#### **EFTA SURVEILLANCE AUTHORITY'S MISSION TO NORWAY ON ANIMAL WELFARE DURING TRANSPORT AND RELATED OPERATIONS, FROM 17 TO 24 APRIL 2018**

Please find enclosed The Norwegian Food Safety Authority's comments on the content of the draft report.

Also attached is a preliminary plan for corrective actions.

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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**Annex 4 - Norway's comments to the draft report**

EFTA Surveillance Authority  
Rue de Belliard 35  
B-1040 Brussels

Your ref:  
Our ref: 2018/48291  
Date: 26.06.2018  
Org.no: 985 399 077

Norwegian Food Safety Authority



**EFTA SURVEILLANCE AUTHORITY'S MISSION TO NORWAY ON  
ANIMAL WELFARE DURING TRANSPORT AND RELATED  
OPERATIONS, FROM 17 TO 24 APRIL 2018**

The Norwegian Food Safety Authority has two comments on the content of the draft report.

A preliminary plan for corrective actions is attached.

As a general follow up, the Head Office will present the findings, conclusions and recommendations in the regular meeting with the regions as soon as possible after the summer holiday.

Comments on the draft report

Recommendation number 8

Norway should ensure that the period during which the assembly of breeding pigs takes place outside the holding of origin shall not exceed six days in line with Article 6(1) of Directive 64/432/EEC.

Norway would like to emphasise that the two locations referred to in this recommendation are in fact not assembly centres, but quarantine stations. We refer to our answer to the pre mission questionnaire on this matter. The locations are indeed registered as assembly centres in MATS, but this is incorrect registration. Actions will be taken to make sure that they are registered correctly.

This means that there are no approved assembly centres in Norway. Nevertheless we will inform the regions that animals can not be kept at approved assembly centres for more than six days, to make sure that any approved assembly centres in the future are used in accordance with the legislation.

Norwegian Food Safety Authority  
Seksjon dyrevelferd

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Finding number 42

The mission team noted that effectiveness of official controls was not systematically verified in the local departments visited. According to the pre-mission document, the NFSA is developing a method for verification of effectiveness of official controls, for which guidelines have already been adopted. These actions are currently being followed up by the Authority to address recommendations issued following a mission on verification of effectiveness of import control systems for food of animal origin from 31 August to 4 September 2015, and a mission on post-slaughter traceability of meat, meat products and preparations, and composite products from 3 to 12 October 2016. The NFSA has planned to conduct two pilot projects, of which one is focusing on animal welfare.

Norway would like to clarify a misunderstanding on this matter. None of the pilots testing the model for verification of effectiveness are in the animal welfare-area, but verification of effectiveness in control of restaurants (smiley system) and control in white-fish-FBOs.

Yours Sincerely

Torunn Knævelsrud  
Head of unit Animal Welfare

1 attachment

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

## Annex 5 - Norway's action plan for corrective actions

Preliminary plan on corrective actions, EFTA Surveillance Authority mission to Norway on animal welfare during transport and related operations, from 17 to 24 April 2018				
No	Recommendations/subject	Action	Time aspect	Enclosures
1	The competent authorities should ensure that staff performing official controls receive appropriate training enabling them to undertake their duties competently and to carry out official controls on transport of live animals in a consistent manner and that they receive regular additional training as necessary, as required by Article 6(a) and (b) of Regulation (EC) No 882/2004. Recommendation based on conclusion 34. Associated findings: 23, 51, 61, 70.	This will be addressed in view of the complete training programme for animal welfare inspectors.  Specific requirements regarding transport of live animals, and the need for training, will be identified and included in the programme.	31.12.2019	
2	The competent authorities should ensure that their staff are duly trained and equipped to check tachographs and SNS data as required by Article 16 of Regulation (EC) No 1/2005. Recommendation based on conclusions: 35. Associated finding: 24, 70.	This will be taken into consideration, and we will discuss possible solutions together with the NPRA, which is the competent body regarding the recording equipment for road transport in Norway. The amount of transports for which this is relevant is very limited in Norway, and the most efficient solution regarding the tachographs will probably be that the NPRA carry out the checks on behalf of the NFSA.  See also our answer to recommendation number 6.	31.12.2018	
3	The competent authority should ensure that officials have adequate procedures in accordance with Article 8(1) of Regulation (EC) No 882/2004 to enable them to effectively assess all the requirements of Chapters II and VI of Annex 1 to Regulation (EC) No 1/2005 for granting the approval of means of transport by road used for long journeys, as required in Article 18(1)(b) of Regulation (EC) No 1/2005, and for carrying out checks on long journeys. Recommendation based on conclusions: 36. Associated findings: 29, 30, 60, 70.	The head office will revise both the guidelines and the checklists due to improve and specify the guidance, and to clarify the division of responsibility between the NPRA and the NFSA.	30.06.2019	
4	The competent authority should submit to the Authority annual reports on the inspections of animals, means of transport and accompanying documents, drafted in accordance with Article 27(2) of Regulation (EC) No 1/2005, and Article 2, Annex I, and Annex II of Commission Implementing Decision 2013/188/EU. Recommendation based on conclusion 44. Associated finding 38.	Submitting annual reports in accordance with current EU legislation, as listed in column B, requires that the Norwegian Food Safety Authority's modifies the database MATS. Such changes are time-consuming and there is therefore a backlog of issues that our IT staff need to deal with. At the same time the EU Commission is currently working on new legislation on reporting in conjunction with Regulation (EU) No 2017/625 on official controls. We have been notified that the Commission has launched an Intra-SANTE consultation with deadline early July. We expect that this proposal will follow ordinary EU adoption procedures and is likely to be adopted this year. There is a proposal for altering the EU reporting template for checks on animal transport and for repealing Commission Decision 2013/188/EU. Given this, the NFSA will await the final outcome of the new EU reporting templates before evaluating and requesting changes in MATS.	startup in 2019	
5	The competent authorities should ensure that only means of transport that fully comply with all the requirements for long journeys are approved in accordance with Article 18(1)(b) of Regulation (EC) No 1/2005. Recommendation based on conclusion 53. Associated findings: 57, 59 and 60.	This will be part of the revision of the guidelines and the checklists, as mentioned in our answer to recommendation number 3.	30.06.2019	
6	The competent authorities should ensure that appropriate checks related to journey logs are carried out before long journeys and appropriate checks on a random or targeted basis are carried out at any stage of the long journey as required in Articles 14(1)(a)(ii) and 15(1) of the same Regulation. Recommendation based on conclusion 81. Associated findings: 72, 73, 74.	The NFSA will establish routines on checks related to long journeys, both before, during and after the transports take place.  The routines will be published in guidelines in the quality system.	31.12.2019	
7	The competent authorities should ensure that the documentation in the means of transport states the expected duration of the intended journey as required by Article 4(e) of Regulation (EC) No 1/2005. Recommendation based on conclusion 85. Associated finding 84.	The head office will consider different ways to make sure that the regions focus on the transport documentation in general, including expected duration of the journey. We will consider more detailed guidance in the checkpoint in MATS, and also making the checkpoint mandatory for a period.	autumn 2018	
8	Norway should ensure that the period during which the assembly of breeding pigs takes place outside the holding of origin shall not exceed six days in line with Article 6(1) of Directive 64/432/EEC. Recommendation based on conclusion 89. Associated finding 87.	Norway would like to emphasise that the two locations referred to in this recommendation are in fact not assembly centres, but quarantine stations. We refer to our answer to the pre mission questionnaire, and our comments to the draft report in this matter.  There are no approved assembly centres in Norway. Nevertheless we will inform the regions that animals can not be kept at approved assembly centres for more than six days, to make sure that any approved assembly centres in the future are used in accordance with the legislation.	autumn 2018	
9	The competent authorities should ensure that assembly centres approved in accordance with EEA veterinary legislation entrust the handling of animals only to personnel who have followed training courses on the relevant technical rules set out in Annex I, in line with Article 9(2)(a) of Regulation (EC) No 1/2005. Recommendation based on conclusion 90. Associated finding 88.	In the current situation, there is no need for approved assembly centres in Norway.  Nevertheless, the NFSA will inform the relevant operators/organisations on the requirements regarding training of personnel at any future assembly centres.  In addition, the Head Office will make available check-points in MATS.	autumn 2018	