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**Final report**

**EFTA Surveillance Authority mission to Norway**

**From 15 to 24 September 2014**

**regarding the application of EEA legislation related to**

**protection of animals at the time of killing**

Please note that comments from Norway to the draft report are referred to in footnotes in *underlined italic* print in this final report. Comments and information on the corrective actions already taken and planned by Norway are included in Annex 4.

### ***Executive summary***

*This report describes the outcome of a mission carried out by the EFTA Surveillance Authority (the Authority) in Norway from 15 to 24 September 2014 regarding the application of EEA legislation related to protection of animals at the time of killing and in particular Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing and related operations.*

*This was the first Authority mission to Norway specifically focusing on animal welfare at the time of killing.*

*The main objective of the mission was to assess the general organisation of official controls in place and assurance of compliance with requirements by the Norwegian competent authority and business operators to ensure that animals are spared any avoidable pain, distress or suffering during their killing and related operations.*

*The mission team found that relevant EEA legislation has been incorporated into the national legislation. The responsible competent authority is clearly designated and legal powers are in place to enforce legal requirements. Stricter national rules than required by EEA legislation, aimed at ensuring more extensive protection of animals at the time of killing, have been maintained or adopted in Norway.*

*Norway has developed detailed rules on animal welfare concerning killing of fish and national legal requirements for business operators slaughtering aquaculture fish for human consumption go beyond what is required in EEA legislation.*

*In Norway killing of animals and related operations are mostly done according to requirements although some deficiencies were noted concerning business operators' standard operating procedures and own control systems.*

*In general official controls are in place although the nature, intensity and frequency of official controls vary between control districts and relevant training has not been provided to all officials.*

*The main shortcoming identified by the Authority is that there are no routines in place concerning verification of appropriateness and effectiveness of official controls related to the scope of this mission.*

*The report includes a number of recommendations addressed to Norway 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 15 to 24 September 2014. The mission team comprised two inspectors from the EFTA Surveillance Authority (the Authority) and an observer from the Food and Veterinary Office of the European Commission.

The opening meeting was held on 15 September in Oslo with representatives of the Norwegian Food Safety Authority (NFSA), The Ministry of Agriculture and Food and The Ministry of Trade, Industry and Fisheries. 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 reply to the Authority's pre-mission document.

Throughout the mission, the mission team was accompanied by a representative of the NFSA head office and met with NFSA regional and district representatives in charge of official controls in the establishments visited.

The final meeting was held on 24 September 2014 in Oslo where the mission team presented its main findings and preliminary conclusions from the mission.

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

## 2 Scope and objectives of the mission

The main scope of the mission was to evaluate the official controls in place at the time of killing of animals bred or kept for the production of food, wool, skin, fur or other products, as laid down in *Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing*, as amended and as adapted to the EEA Agreement, as well as other EEA legislation referred to in Annex 2 to this document.

In addition to the main scope, the mission included evaluation of the system in place at slaughterhouse level concerning detection of poor welfare conditions of chickens kept for the production of meat, as required by Article 3 and Annex III of Directive 2007/43/EC, and if only animals which are fit for transport are sent to slaughterhouses, as required by Article 3 and Chapter I of Annex I to Regulation (EC) No 1/2005.

The main objective of the mission was to assess the application in Norway of the relevant EEA Acts, with particular focus on the general organisation of official controls, assurance of compliance with requirements by competent authorities and food business operators and effectiveness of controls ensuring that animals are spared any avoidable pain, distress or suffering during their killing and related operations.

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

Meetings with the competent authority and types of establishment visited during the mission are listed in table 1.

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

Meetings	No	Comments
Competent authorities	10	Opening and final meeting with NFSA head office representatives and eight meetings in four regions visited with representatives from the respective NFSA regional office and NFSA district office staff in charge of official controls in the visited establishments.
Poultry slaughterhouses	3	Establishments approved for slaughtering poultry.
Slaughterhouses for cattle, pigs, horses, sheep.	6	Establishments of various sizes, including a mobile slaughterhouse.
Fishery product establishments	2	Companies involved in killing and processing of fishery products.
Fur farms	2	A fox farm and a mink farm

### 3 The legal basis for the mission

- a) 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;
- b) Point 4 of the Introductory Part of Chapter I of Annex I to the EEA 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;*
- 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.*

Legislation relevant for the mission is listed in Annex 2.

## 4 Background

This was the first Authority mission to Norway on animal welfare at the time of killing with focus on the general organisation of official controls, assurance of compliance with requirements by competent authorities and food business operators as well as effectiveness of official controls ensuring that animals are spared any avoidable pain, distress or suffering during their killing and related operations.

## 5 Findings and conclusions

### 5.1 National legislation

#### Legal Requirements

Article 7 of the EEA Agreement states that acts referred to or contained in the Annexes to this Agreement shall be binding upon the Contracting Parties and be made part of their internal legal order.

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

Article 23 of Regulation (EC) No 1099/2009 requires each Member State to lay down the rules on penalties applicable to infringements of this Regulation and take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Authority.

Article 26 of Regulation (EC) No 1099/2009 gives Member States the option of maintaining or adopting under certain conditions national rules aimed at ensuring more extensive protection of animals at the time of killing. The Member States must inform the Authority about such stricter national rules.

### Findings

According to information provided by Norway in its reply to the pre-mission document of the Authority, Regulation (EC) No 1099/2009 has been incorporated into the Norwegian legal framework by the Norwegian Regulation No 60/2013 entering into force in February 2013. According to Article 22 of this regulation, rules on penalties applicable to infringements are given in the Norwegian Animal Welfare Act No 97/2009 where the NFSA is given legal powers to intervene in cases of non-compliances with measures such as stopping activities, withdrawing establishment approvals or issuing fines.

According to information provided by Norway, stricter national rules than required by Regulation (EC) No 1099/2009, aimed at ensuring more extensive protection of animals at the time of killing, have been maintained or adopted and Norway has developed detailed rules on animal welfare concerning killing of fish. At the time of the mission, the Authority had not been formally informed by Norway of these stricter national rules. However, immediately following the mission, the Authority received a notification from Norway referring to Article 23 and Article 26 of Regulation (EC) No 1099/2009, regarding terrestrial animals. The notification can be found in Annex 3 to this report.

### Conclusions

The EEA legislation included in the scope of this mission has been made part of the Norwegian internal legal order and legal powers are in place to enforce the legislation.

Norway has notified to the Authority national rules on penalties applicable to infringements and stricter national measures, as required by Article 23 and Article 26 of Regulation (EC) No 1099/2009.

## **5.2 Competent authorities**

### *5.2.1 Designation of competent authorities*

#### Legal Requirements

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

Article 21(1) of Regulation (EC) No 1099/2009 requires Member States to designate the competent authority responsible for: (a) ensuring that training courses are available for

personnel involved in killing and related operations; (b) delivering certificates of competence attesting the passing of an independent final examination; (c) approving training programmes of the courses.

### Findings

According to information provided by Norway in its reply to the pre-mission document of the Authority, Norway has designated the NFSA as the competent authority responsible for official controls for the purposes of Article 4(1) of Regulation (EC) No 882/2004 and Article 21 of Regulation (EC) No 1099/2009. The NFSA head office is responsible for approving training programmes and the NFSA district offices are responsible for delivering certificates of competence (see chapter 5.4.2).

### Conclusions

Norway has designated a competent authority responsible for official controls in line with the requirements laid down in the Article 4(1) of Regulation (EC) No 882/2004 and Article 21(1) of Regulation (EC) No 1099/2009.

#### *5.2.2 Personnel and training of staff*

### Legal Requirements

Article 4(2)(c) of Regulation (EC) No 882/2004 requires the competent authority to ensure that they have access to a sufficient number of suitably qualified and experienced staff.

Article 6 of Regulation (EC) No 882/2004 requires the competent authorities to ensure that staff receives appropriate training and are kept updated in their area of competence.

Article 5(7) of Regulation (EC) No 854/2004 requires that Member States shall ensure that official veterinarians are qualified and undergo training in accordance with Annex I, Section III, Chapter IV of the same regulation.

### Findings

The Multi-Annual National Control Plan for Norway (MANCP) 2011-2014 describes the general training programmes for NFSA employees (see MANCP - point 7.2, available on [www.mattilsynet.no](http://www.mattilsynet.no)).

The mission team met with a number of NFSA officials, responsible for official controls related to animal welfare at the time of killing in slaughterhouses, in three different NFSA regions. In one of the three visited NFSA regions, training activities specific to animal welfare at the time of killing had been arranged by the regional office in 2012 and 2013. The mission team visited three district offices belonging to another NFSA region and noted that in this region no specific training on animal welfare at the time of killing had been arranged by the regional office but in one of the visited NFSA districts a presentation on animal welfare at the time of killing had been arranged by the district office, held in March 2013, for the district staff. The mission team also noted that in one visited district belonging to this region, relevant official veterinarians had participated in a EU Commission training initiative (Better Training for Safer Food) e-training programme on animal welfare at the time of killing. In a third visited NFSA region, training on requirements related to killing of animals had been arranged by the regional office following a request from one of the district offices. It was noted that official veterinarians in charge of official controls in a poultry slaughterhouse visited in this region had not



participated in the training provided and explained to the mission team that this was due to that the training had not focused on specific issues relevant for killing of poultry.

According to information provided by Norway in its reply to the pre-mission document of the Authority, an e-learning programme, developed by the Norwegian Meat and Poultry Research Center (ANIMALIA) for operators at slaughterhouses, has been made available for official veterinarians performing official controls at slaughterhouses. It was noted by the mission team that the training material had been used by some official veterinarians met while others did not know of the availability of this training option or had not used it.

The mission team noted that although the officials met were in general qualified and in most cases experienced, control staff in the visited NFSA districts were not in all cases aware of specific requirements of Regulation (EC) No 1099/2009 and non-compliances detected by the mission team in the visited establishments had not always been detected by the NFSA control staff (see chapter 5.4.1).

According to information provided by Norway in its reply to the pre-mission document of the Authority, not all official veterinarians who work in slaughterhouses have undergone training in accordance with Article 5(7) of Regulation (EC) No 854/2004. A continuing education course over two weeks, developed and arranged by the NFSA and the Norwegian School of Veterinary Science for that purpose, was last held in 2009. The mission team noted that the NFSA head office, regional offices and district offices visited did not have an overview of whether veterinarians working in slaughterhouses had completed the continuing education course for official veterinarians. According to information provided by Norway in relation to this mission, training for official veterinarians to fulfill Article 5(7) of Regulation (EC) No 854/2004 requirements is planned to take place in January 2015 and training on the provisions of Regulation (EC) 1099/2009 will be implemented in the course material.

### Conclusions

The competent authority has, in general, access to qualified and experienced staff but it is not always ensured that relevant control staff has received appropriate training and are kept up to date in their area of competence as required by Article 6 of Regulation (EC) No 882/2004. In Norway it is not ensured that all official veterinarians working in slaughterhouses have undergone training in accordance with Annex I, Section III, Chapter IV Article of Regulation (EC) No 854/2004, as required by Article 5(7) of the same regulation.

## **5.3 Official controls**

### *5.3.1 Organisation of official controls*

#### Legal Requirements

Article 3(1)(a) of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency taking account of identified risks that may influence animal welfare.

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



Article 4(9) of Regulation (EC) No 854/2004 requires that the nature and intensity of auditing tasks in respect of individual establishments shall depend upon the assessed risk. Furthermore, it states that in the case of slaughterhouses this assessment should include animal welfare aspects.

Article 31(2) of Regulation (EC) No 882/2004 states that the competent authority shall establish procedures for business operators to follow when applying for approval of their establishments.

Article 29(1) of Regulation (EC) No 1099/2009 states that until 8 December 2019, Article 14(1) of the same Regulation concerning layout and construction of slaughterhouses and the equipment used therein shall only apply to new slaughterhouses or to any new layout, construction or equipment covered by the rules set out in Annex II which have not entered into operation before 1 January 2013.

Article 41 of Regulation (EC) No 882/2004 requires Member States to prepare a single integrated multi-annual national control plan (MANCP).

### Findings

According to information provided by Norway in its reply to the pre-mission document of the Authority, there are several general mechanisms in place to ensure effective coordination and cooperation between the different levels within the NFSA (For further information, see the Country profile for Norway available at [www.eftasurv.int](http://www.eftasurv.int)).

According to information provided by Norway in its reply to the pre-mission document of the Authority, a long-term plan for official control describes the activities of the NFSA for the following five years. The annual Budget Disposing Letter (BDL) for 2014 to 2016 has been prepared by the NFSA head office outlining the annual budget, ongoing tasks, special assignments and prioritisations of tasks. On that basis each region further develops the BDL, addressing in more detail areas already identified by head office and communicates regional nuances to the NFSA district offices. Feedback shall be provided from the NFSA regions and districts to the head office with regular reporting, steering and dialogue meetings.

The mission team noted that official controls on animal welfare at slaughtering has been identified as a prioritised area for 2014 according to the BDL prepared by the NFSA head office. No guidelines are included in the BDL on how the regions shall address the prioritised area on animal welfare at the time of killing in slaughterhouses but the NFSA department of control, section for animal health, sent a letter in March 2014 to the regions informing that a checklist of eight control points had been prepared in the central NFSA electronic operating system for official control (MATS), focusing on business operators' compliance with requirements, standard operating procedures and own control systems in place and if competence had been certified for business operator personnel involved in killing and related operations. In the letter it was also stated that the prepared control points shall be used in both poultry and red meat slaughterhouses without indicating how frequently these control points should be used.

According to information provided by Norway in its reply to the pre-mission document of the Authority, inspection frequency is based on risk assessments carried out by the official veterinarians at the slaughterhouses. The mission team noted that no further guidelines, specific to animal welfare at the time of killing, had been provided to the regions or districts concerning risk based controls and/or frequencies of official controls. The general policy for risk-based control is described in the Multi-Annual National Control Plan for Norway (see MANCP - point 4.3, available on [www.mattilsynet.no](http://www.mattilsynet.no))

The mission team noted that a general risk matrix is used by the NFSA regions to identify areas of risk in different control sectors. The mission team noted that the risk classification system described did not take into account specific risks that may influence animal welfare at the time of killing such as number of animals slaughtered per establishment and methods of stunning used. In one visited NFSA region the mission team noted that based on the directions in the BDL from the NFSA head office, a more detailed list of fields for the districts to focus on had been developed (handling in lairage and checks on stunning). In the BDL for this region it was also stated that not only stationary slaughterhouses should be inspected (monthly inspections), but also establishments killing farmed game and mobile slaughterhouses (one annual inspection). Concerning frequencies of inspections the mission team noted that in another visited NFSA region it had been decided that inspections related to animal welfare at the time of slaughter should be done at least monthly. In this region a regional checkpoint list had also been prepared in MATS. In a third visited NFSA region no guidance to the districts concerning inspection frequencies had been provided by the regional office. In at least one district visited in this region there had not been any regular inspection so far focusing on animal welfare at the time of killing, apart from daily routine controls. In general the mission team noted that in the visited establishments daily control routines, frequency of regular inspections, checklists used and reporting varied (see chapter 5.3.2).

The NFSA has established general procedures for business operators to follow when applying for approval of their establishments. Approvals are issued by the district offices. The mission team noted that there is limited guidance from the NFSA head office to the regions or districts regarding taking into account the specific requirements related to Regulation (EC) No 1099/2009 in the approval process. The mission team also noted that there are no procedures established to ensure that already approved slaughterhouses comply with the rules set out in Annex II of Regulation (EC) No 1099/2009 when introducing new equipment, changing layout or construction or any developed plans in place concerning upgrading needed before 8 December 2019 which is the compliance date for older slaughterhouses concerning the requirements in Annex II to the Regulation.

A MANCP including animal welfare requirements has been prepared by Norway. The mission team noted that the chapter on official controls at slaughterhouses concerning animal welfare does not describe in detail the organisation of official controls related to the scope of this mission (see MANCP - point 4.14.3, available on [www.mattilsynet.no](http://www.mattilsynet.no)).

### Conclusions

A general system for risk classification for organising official controls, in line with Article 3(1) of Regulation (EC) No 882/2004, is in place and efficient and effective coordination and cooperation between the different units of the designated competent authority is in general ensured, as required by Article 4(5) of Regulation (EC) No 882/2004.

Official controls related to animal welfare at the time of killing are not fully coordinated and the nature and intensity of auditing tasks in respect of individual establishments do not depend upon the assessed risk as required by Article 4(9) of Regulation (EC) No 854/2004.

It is not ensured that the requirements of Article 14(1) and Annex II of Regulation (EC) No 1099/2009 are taken into consideration when slaughterhouses introduce new equipment, change layout or construction or when approving new slaughterhouses, cf. Article 29(1) of the same regulation.

A MANCP including animal welfare requirements has been prepared by Norway as required by Article 41 of Regulation (EC) No 882/2004.

### 5.3.2 Documented control procedures and reporting on official controls

#### Legal Requirements

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

Article 9 of Regulation (EC) No 882/2004 requires competent authorities to draw up reports on the official controls carried out, including a description of the purpose of official controls, the methods applied, the results obtained and any action to be taken by the business operator concerned.

Article 54 of Regulation (EC) No 882/2004 requires that when the competent authority identifies non-compliance, it shall take action to ensure that the operator remedies the situation. When deciding which action to take, the competent authority shall take account of the nature of the non-compliance and operators past record with regard to non-compliance.

#### Findings

The mission team noted evidence of regular official controls in the slaughterhouses visited although the inspection reports and checklist seen used varied in which degree they included all relevant requirements related to animal welfare at the time of killing and related operations. Also checklists used for daily controls varied between NFSA districts and establishments. Concerning regular inspections it was noted that reporting routines in establishments and district offices varied both in detail and frequency and it was left to each official more or less to decide the scope and extent of these regular inspections. The staff met expressed different understanding on how to use and report the use of checkpoints listed in MATS and it varied between visited establishments what checkpoints in MATS were included in regular inspections. Furthermore, reporting in MATS of checkpoints used was not done consistently since sometimes it was only indicated that a checkpoint had been controlled if a non-compliance related to that checkpoint had been identified.

All establishments visited during the mission, except one, had been regularly inspected by the relevant NFSA district offices including issues related to animal welfare at the time of killing. In the districts visited the mission team noted evidence of enforcement, letters prepared for establishments and follow-up of deficiencies detected by the NFSA. Several examples were seen where non-compliances had been identified and followed up by a written decision and where feedback had been provided by the food business operator within the given deadlines and the case had subsequently been closed by the district office. Nevertheless, the mission team noted some examples where follow-up of the shortcomings identified was not fully documented. Also the mission team noted some non-compliances in the slaughterhouses visited that had not been detected or where active enforcement in case of non-compliances was not in place (see chapter 5.4.1).

#### Conclusions

Official controls and reporting of official controls are mostly carried out in accordance with Article 8 and Article 9 of Regulation (EC) No 882/2004.

Actions are taken by the competent authority when non-compliances are identified, as required by Article 54 of Regulation (EC) No 882/2004.

### 5.3.3 Effectiveness of official controls and enforcement

#### Legal Requirements

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

Article 8(3) of Regulation (EC) No 882/2004 states that the competent authority must have procedures in place to verify the effectiveness of official controls and to ensure that corrective action is taken when needed and that the documentation is updated as appropriate.

#### Findings

According to information provided by Norway, the NFSA has several general mechanisms in place to verify the effectiveness and appropriateness of official controls (For further information, see the Country profile for Norway available at [www.eftasurv.int](http://www.eftasurv.int)).

According to information provided by Norway in its reply to the pre-mission document of the Authority, checkpoints set up in MATS shall ensure that the different requirements of Regulation (EC) No 1099/2009 are controlled consistently in the establishments. The mission team noted that reporting to the MATS system by official veterinarians between establishments and the use of pre-defined control points and reporting in MATS differed between establishments (see chapter 5.3.2). It was explained to the mission team by the NFSA officials that the MATS system and therefore the data in the system cannot be used as a basis for monitoring appropriateness and consistency of controls<sup>1</sup>.

According to information provided by Norway in its reply to the pre-mission document of the Authority, the NFSA head office may carry out audits of regional or district offices and regional offices can also carry out audits of district offices. The mission team noted that animal welfare at the time of killing has not been included in previous internal audits and there are no internal audits scheduled concerning this topic according to information provided to the mission team.

It was explained to the mission team that the NFSA regional offices use an electronic database to verify that district offices carry out the planned number of inspections in a given area of official controls. The mission team noted that the data produced in this system does not identify specific scope or result of official controls nor does it identify specifically controls on animal welfare at the time of killing. It was explained to the mission team that the reports generated were quite general and not suitable to verify effectiveness of the controls, merely whether the number of controls carried out

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<sup>1</sup> Comment on the draft report from the Norwegian Food Safety Authority:

*Our understanding of the findings and the conclusion in this section of the draft report, is that the Norwegian Food Safety Authority is not able to use neither the MATS system nor Exie to verify the effectiveness of official controls. We understand that the Authority considers these systems not to be good enough for this purpose. In our opinion the MATS system is able to supply the required information, provided that the District Offices use the system properly and carry out inspections in accordance with directions given from the Head Office and the Regional Offices. Our understanding of the findings in this matter is therefore that corrective action must be taken to ensure a more effective control of the District Offices regarding proper use of i.e. checklists, and MATS in general, and in the matter of following directions given.*

corresponded to the number of planned controls. The mission team could not detect evidence of any verification of official controls at the time of killing. Furthermore, no information was provided to the mission team of any procedures in place concerning verification of appropriateness and effectiveness of official controls on animal welfare at the time of killing.

### Conclusions

There are no procedures in place to verify the effectiveness of official controls related to requirements of Regulation (EC) No 1099/2009, as required by Article 8(3) of Regulation (EC) No 882/2004, and therefore effectiveness and appropriateness of official controls and the impartiality, consistency and quality of official controls at all levels are not ensured, as required by Article 4 of the same Regulation.

## **5.4 Killing of animals in slaughterhouses**

### *5.4.1 Official controls and business operator obligations*

#### Legal Requirements

Article 6(2) of Regulation (EC) No 1099/2009 requires business operators to draw up and implement standard operating procedures (SOPs) to ensure that killing and related operations are carried out sparing animals any avoidable pain, distress or suffering and that business operator SOPs define for each stunning method the key parameters set out in Chapter I of Annex 1 and specify the measures to be taken when the checks referred to in Article 5 of the same Regulation indicate that an animal is not properly stunned.

Article 16(1) of Regulation (EC) No 1099/2009 requires business operators to put in place and implement appropriate monitoring procedures to perform the checks on stunning required under Article 5 of Regulation (EC) No 1099/2009.

Article 4(1) of Regulation (EC) No 1099/2009 requires that animals shall only be killed after stunning in accordance with the methods and specific requirements related to the application of those methods set out in Annex I.

Article 15(1) Regulation (EC) No 1099/2009 requires that business operators ensure that the operational rules for slaughterhouses set out in Annex III are complied with.

Article 5(1)(c) of Regulation (EC) No 854/2004 requires that the official veterinarian shall carry out inspection tasks in slaughterhouses regarding animal welfare in accordance with Section I of Annex I to the Regulation. Point C of Chapter II of Section I of Annex I requires that the official veterinarian is to verify compliance with relevant EEA and national rules on animal welfare, such as rules concerning the protection of animals at the time of slaughter and during transport.

Article 5(3)(d) of Regulation (EC) No 854/2004 requires that after carrying out controls the official veterinarian shall take appropriate measures as set out in Annex I, Section II as regards decisions concerning animal welfare. Point 1 of Chapter IV of Section II of Annex I to the same regulation requires that when the rules concerning the protection of animals at the time of slaughter or killing are not respected, the official veterinarian is to verify that the food business operator immediately takes necessary corrective measures and prevents recurrence.



Article 9 of Regulation (EC) No 1099/2009 requires business operators to ensure that equipment used for stunning and restraining animals is maintained and checked according to the manufacturer's instructions.

### Findings

The mission team visited nine slaughterhouses and noted that own control systems in these establishments, taking into consideration specific requirements of Regulation (EC) No 1099/2009, were at a various development stages. Although all establishments visited had in place standard operating procedures (SOPs) related to animal welfare at the time of killing the mission team noted that the procedures did not always take into consideration all relevant requirements.

In slaughterhouses visited slaughtering pigs, temperature of gas used for stunning had not always been considered as a key parameter in the available SOPs, and in one establishment the gas concentration indicator was defect and information concerning the functionality of the alarm in cases of low gas concentrations could not be provided. In the poultry slaughterhouses visited the mission team noted some deficiencies concerning available SOPs such as handling of birds not being described, limits for evaluation of efficiency of stunning not being set and monitoring of set limits for key electrical parameters not being described. Procedures concerning controls on sign of life before further handling were in general not described in the SOPs seen and the procedure did not always define and include monitoring of stun to stick interval. The mission team noted that official veterinarians in the slaughterhouses visited had not always detected or taken appropriate measures concerning the non-compliances described above.

In all slaughterhouses visited in general a good handling of animals was seen and it was noted by the mission team that the time of receiving animals was registered and bedding or feeding was provided to four legged animals that stayed for more than 12 hours in the lairage from arrival to slaughter.

The mission team noted that equipment seen used for killing was correctly used, in good condition and mostly well maintained. Back-up equipment was available and correctly used.

### Conclusions

Slaughterhouses have drawn up and implemented SOPs as required by Article 6(2) of Regulation (EC) No 1099/2009 but it is not fully ensured by business operators that all operational rules for slaughterhouses set out in Annex III are complied with as required by Article 15(1) Regulation (EC) No 1099/2009.

It is not always ensured that official controls in slaughterhouses take place in accordance with Annex I of Regulation (EC) No 854/2004, regarding verification of compliance with relevant rules on animal welfare at the time of slaughter, as required by Article 5 of that Regulation.

#### *5.4.2 Animal welfare officers and certificate of competence*

### Legal Requirements

Article 17 of Regulation (EC) No 1099/2009 requires business operators to designate an animal welfare officer for each slaughterhouse to assist them in ensuring compliance with the rules laid down in the regulation.

Article 7(2) of Regulation (EC) No 1099/2009 requires that business operators shall ensure that certain slaughter operations are only carried out by persons holding a certificate of competence as provided for in Article 21 of the same Regulation.

Article 21(1)(a)(b) and (c) of Regulation (EC) No 1099/2009 requires that for the purpose of Article 7 of the same regulation the responsible designated competent authority shall deliver certificates of competence attesting the passing of an examination and ensure availability of approved training courses.

### Findings

According to information provided by Norway in its reply to the pre-mission document of the Authority, animal welfare officers (AWOs) have been designated for slaughterhouses and this was confirmed in the establishments visited by the mission team. The mission team noted that registers of activity and job descriptions were not always available for the AWOs met and limited focus on technical issues related to gas and electric stunning equipment was noted.

According to information provided by Norway in its reply to the pre-mission document of the Authority, an e-learning training programme has been developed by the Norwegian Meat and Poultry Research Center (ANIMALIA) for operators handling and killing cattle, sheep, goat, swine, horse and poultry at slaughterhouses. In each establishment, the AWO is responsible for the practical part of the training, and must sign standard check-lists to document that the training has been carried out. Both documentation on passed exam on the e-learning programme and signed check-lists from the AWO is necessary to obtain a certificate of competence. The mission team noted that an overview of trained personnel was available in the establishments visited and practical training was seen documented where competencies were defined for the respective employees.

According to information provided by Norway in its reply to the pre-mission document of the Authority, the training material has been approved by the NFSA head office and certificates of competence (COC) are to be issued by the respective district offices. A template certificate has been prepared by the NFSA head office for the district to use when issuing COCs. The template provided includes a certification number, expiry date, list of operations, stunning method, animal species and the issuing district.

The mission team noted that COCs were issued by the NFSA district offices and an example was seen where a district office had withdrawn a COC in relation to enforcement activities.

The mission team was informed that the NFSA has not approved any training courses specific for business operators handling and killing farmed game. The NFSA could not provide information to the mission team concerning any arrangements planned to address this issue.

### Conclusions

Animal welfare officers have been designated by business operators in Norway as required by Article 17 of Regulation (EC) No 1099/2009.

The competent authority has mostly ensured availability of approved training courses for animal species slaughtered for human consumption and ensured that slaughter operations are carried out by persons holding a certificate of competence. However, the competent authority has not ensured availability of approved training courses and delivery of certificates of competence, attesting the passing of an examination, for personnel involved



in killing of farmed game and related operations, as required by Article 21(1)(a)(b) and (c) of Regulation (EC) No 1099/2009.

## **5.5 Killing of animals outside slaughterhouses**

### *5.5.1 Killing of fur animals*

#### Legal Requirements

Article 7(1) of Regulation (EC) No 1099/2009 requires that killing and related operations shall only be carried out by persons with the appropriate level of competence to do so without causing the animals any avoidable pain, distress or suffering.

Article 7(3) of Regulation (EC) No 1099/2009 requires the killing of fur animals to be carried out in the presence and under the direct supervision of a person holding a certificate of competence issued for all the operations carried out under his supervision and that business operators of fur farms shall notify the competent authority in advance when animals are to be killed.

#### Findings

The mission team visited a fox farm and a mink farm. Equipment for killing fox and mink was seen and fulfilled the requirements of Regulation (EC) No 1099/2009. The mission team noted that the farmers met were well aware of these requirements and detailed SOPs were in place.

Fur farmers have undergone training organized by the industry on animal welfare in general and on animal welfare at the time of killing. Killing is only performed by trained personnel. The NFSA has approved the training programme that has been organised in previous years by the industry. The mission team was informed that the NFSA has requested updates concerning the training programme provided by the industry and that so far no COCs have been issued for killing of fur animals by the NFSA although farmers are trained and already certified by the industry training provider.

According to information provided by Norway in its reply to the pre-mission document of the Authority, fur farmers have been made aware of their responsibilities to only perform killing of fur animals under direct supervision of a person holding certificate of competence and the requirement to notify the competent authority when killing is planned. The mission team noted that the NFSA district offices are informed when killing is planned and regular inspections are done.

#### Conclusions

In Norway the killing of fur animals is carried out by trained farmers and according to requirements although the competent authority has not so far issued any certificates of competence.

### *5.5.2 Killing of aquaculture animals*

#### Legal Requirements

Article 3(1) of Regulation (EC) No 1099/2009 requires that animals shall be spared any avoidable pain, distress or suffering during their killing and related operations.

## Findings

According to information provided by Norway in its reply to the pre-mission document of the Authority, chapter 4 of the Norwegian Regulation No 1250/2006 sets rules for general fish welfare requirements, competence of operators, methods and technical devices, handling, stunning and killing. The mission team noted that fish is also included in the scope of the Norwegian Animal Welfare Act that entered into force 1 January 2010.

The mission team noted that although national requirements related to animal welfare of fish have been in place for some years, guidelines for the official control staff was only finalised and issued by the NFSA head office in June 2014. The NFSA has in September 2014 issued detailed guidelines for animal welfare at the time of killing for the industry.

According to information provided by Norway in its reply to the pre-mission document of the Authority, the annual budget disposing letter identified supervision of slaughtering of fish as a prioritised area in 2014. With regard to guidance from the NFSA head office to local levels concerning risk assessment, frequencies of official controls and verification of effectiveness, the same was seen for aquaculture as previously described for terrestrial animals (see chapters 5.3.1 and 5.3.3).

The two aquaculture establishments visited by the mission team had been inspected after the national guidelines were issued, and the official controls had identified shortcomings concerning stunning and handling in both establishments. Corrective actions had been required and documented follow-up activities were seen.

## Conclusions

In Norway, killing of aquaculture fish is carried out in accordance with the requirements of Regulation (EC) No 1099/2009.

Furthermore, in Norway, the legal requirements for business operators slaughtering aquaculture fish for human consumption go beyond what is required in Regulation (EC) No 1099/2009.

## **5.6 Scientific support and guides to good practice**

### Legal Requirements

Article 20(1) of Regulation (EC) No 1099/2009 requires each Member State to ensure that sufficient independent scientific support is available to assist the competent authorities, upon their request.

Article 20(2) of Regulation (EC) No 1099/2009 requires each Member State to identify a single contact point and make it publicly available via the internet.

According to Article 13(1) of Regulation (EC) No 1099/2009, Member States shall encourage the development and dissemination of guides to good practice to facilitate the implementation of this Regulation. According to Article 13(2) of Regulation (EC) No 1099/2009, when such guides to good practice are drawn up, they shall be developed and disseminated by organisations of business operators: (a) in consultation with representatives of non-governmental organisations, competent authorities and other interested parties (b) having regard to scientific opinions as referred to in Article 20(1)(c). According to Article 13(3) the competent authority shall assess guides to good practices in

order to ensure that they have been developed in accordance with Article 13(2) and that they are consistent with existing EEA guidelines.

### Findings

According to information provided by Norway, the NFSA is ensuring independent scientific support through agreements with the Norwegian Veterinary Institute, the Norwegian Veterinary School of Science and also the Norwegian Scientific Committee for Food Safety. The mission team noted that a system for scientific support regarding animal welfare has been in place in Norway for several years, and several reports prepared by the Norwegian Veterinary Institute were provided to the mission team on topics such as killing of poultry, killing without prior stunning and evaluation of methods of killing during depopulation according to the NFSA contingency plan. In addition, the NFSA has asked for an evaluation related to the national ban on use of CO<sub>2</sub> for stunning of fish.

According to information provided by Norway in its reply to the pre-mission document of the Authority a national contact point for Norway was appointed in August 2014.

According to information provided by Norway in its reply to the pre-mission document of the Authority, the competent authority has not assessed or validated any guides of good practice prepared according to Article 13 of Regulation (EC) No 1099/2009, except concerning the killing of fur animals.

### Conclusions

In Norway sufficient independent scientific support is available and a single contact point has been appointed as required by Article 20 of Regulation (EC) No 1099/2009.

In Norway guides to good practices to facilitate the implementation of Regulation (EC) No 1099/2009 have not been developed by organisations of business operators or validated by the competent Authority as foreseen by Article 13 of Regulation (EC) No 1099/2009.

## **5.7 Monitoring of broiler welfare indicators at slaughterhouses**

### Legal Requirements

Article 3(1)(b) of Council Directive 2007/43/EC requires each Member State to ensure that the required inspections and the monitoring and follow-up, including those provided for in Annex III, are carried out by the competent authority or the official veterinarian.

### Findings

According to information provided by Norway in its reply to the pre-mission document of the Authority, Norway has limited the maximum stocking density for broilers to no more than 36kg/m<sup>2</sup>, instead of the maximum of 42kg/m<sup>2</sup> possible under certain conditions according to Directive 2007/43/EC. The national system in Norway is described in the Norwegian meat and egg industries' animal welfare programme for broilers which was accepted by the NFSA in June 2013 as national guidelines. The system requires that in order to produce broilers at densities higher than 25kg/m<sup>2</sup> the producer must be part of that programme and provide all relevant production data and notifications to the NFSA as required. In order to slaughter broilers from producers operating at densities higher than 25kg/m<sup>2</sup> the slaughterhouses must be part of that programme. According to the programme, each slaughterhouse is required to have qualified staff, trained by a

recognised provider, performing a verification and scoring (into 3 levels, A, B or C) of footpad dermatitis for each incoming flock and keep records of all the scoring results together with the relevant production data for each producer. If a footpad dermatitis scoring result is considered non-satisfactory the producer must reduce the stocking density by at least 2kg/m<sup>2</sup> for the next flock in that house. The scoring results are notified by the slaughterhouse to the producer and to the respective official veterinarian.

Two industry associations are responsible for audits and sample based supervisions at the slaughterhouses. In addition to the industry association supervision and the daily submission by the slaughterhouse to the official veterinarian of the scoring results the NFSA will also carry out an annual audit of the industry system described above and an annual visit to the holdings participating in this programme.

The NFSA issued in August 2014 procedures and instructions for official controls, at both producer and slaughterhouse level to ensure that the national guidelines are respected by producers and slaughterhouses. The mission team was informed that the industry started operating the system at the end of 2013 and 2014 would be the first time that the NFSA would carry out the official verification audits. Of the three poultry slaughterhouses visited by the mission team this audit had been performed in one of the establishments. The mission team noted that the scoring system had been implemented in all visited slaughterhouses and notifications issued as relevant with also evidence available of reduction in stocking density on farm.

### Conclusions

In Norway it is ensured that the required inspections and the monitoring and follow-up, including those provided for in Annex III, are carried out by the competent authority or the official veterinarian as required by Article 3(1)(b) of Council Directive 2007/43/EC, although the system in place is in the initial stages of official supervision.

## **5.8 Controls in slaughterhouses on welfare conditions of transported animals**

### Legal Requirements

Article 3(b) of Regulation (EC) No 1/2005 requires that only animals that are fit for the journey are to be transported.

Article 15(1) of Regulation (EC) No 1099/2009 requires that business operators ensure that operational rules for slaughterhouses set out in Annex III are complied with. Annex III(1.1) requires that the welfare conditions of each consignment of animals shall be systematically assessed by the animal welfare officer or a person reporting directly to the animal welfare officer upon arrival.

### Findings

According to information provided by Norway in its reply to the pre-mission document of the Authority, fitness for transport is one of the most frequently controlled check-points in connection with control on animal transport and in addition fitness for transport shall be controlled daily in connection with the ante-mortem control at the slaughterhouses. In Norway a well established system of emergency slaughter on farm is in place and the NFSA has issued detailed guidelines clearly stating that animals that are not fit for transport must not be transported to the slaughterhouse.

For the slaughterhouses visited the mission team noted that systematic assessment by the business operator of welfare conditions at arrival was in place except in one slaughterhouse. The mission team noted that fitness of animals to be transported has been focussed on in inspection reports seen in various establishments and sanctions used in case of detected non-compliances.

### Conclusions

In Norway there is a system in place to control that only animals that are fit to be transported are transported to slaughterhouses and the welfare conditions of animals received at slaughterhouses are assessed by the business operator as required by Article 15(1) of Regulation (EC) No 1099/2009.

## **6 Final meeting**

A final meeting was held on 24 September 2014 in Oslo with representatives of the NFSA, the Ministry of Agriculture and Food and the Ministry of Trade, Industry and Fisheries. At the meeting, the mission team presented its main findings and preliminary conclusions of the mission with reference to the relevant EEA legislation.

In the final meeting the mission team stated that during the mission it was noted that current practices of a throat cut of sheep, carried out in most Norwegian slaughterhouses, is in breach with Annex III, section I, Chapter IV, (7)(a) of Regulation (EC) No 853/2004. The mission team was informed that this practice has been centrally decided with the aim to shorten bleeding time of sheep and therefore reduce the risk of animals regaining consciousness. The Authority informed that this matter will be further pursued in the same manner as done by the European Commission services as the mission team is informed that similar practices are seen in at least one other EEA state.

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

## **7 Recommendations**

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 recommendations hereunder. The Authority should also be kept informed of the completion of the measures included in the timetable.

<b>No</b>	<b>Recommendation</b>
1	The competent authority should ensure that all staff performing official controls related to animal welfare at the time of killing receive appropriate training and are kept up-to-date in their area of competence, as required by Article 6 of Regulation (EC) No 882/2004.
2	The competent authority should ensure that the requirements of Article 14(1) and Annex II of Regulation (EC) No 1099/2009 are taken into consideration when

	slaughterhouses introduce new equipment, change layout or construction, or when approving new slaughterhouses.
<b>3</b>	Norway should ensure that official controls related to animal welfare at the time of killing are coordinated and that the nature and intensity of auditing tasks in respect of individual establishments are dependent upon the assessed risks, as required by Article 4(9) of Regulation (EC) No 854/2004.
<b>4</b>	The competent authority should ensure that the procedures in place to verify the effectiveness of official controls, as required by Article 8(3) of Regulation (EC) No 882/2004, include verifying effectiveness of official controls related to requirements of Regulation (EC) No 1099/2009.
<b>5</b>	The competent authority should ensure the availability of approved training courses and delivery of certificates of competence, attesting the passing of an examination, for personnel involved in killing of farmed game and related operations, as required by Article 21(1)(a)(b) and (c) of Regulation (EC) No 1099/2009.
<b>6</b>	The competent authority should ensure the delivery a certificate of competence, attesting the passing of an examination, for personnel involved in killing of fur animals, as required by Article 21(b) of Regulation (EC) No 1099/2009.
<b>7</b>	Norway should encourage the development and dissemination of guides to good practice to facilitate the implementation of Regulation (EC) No 1099/2009, as required by Article 13 of Regulation (EC) No 1099/2009.

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

ANIMALIA	The Norwegian Meat and Poultry Research Center
AWO	Animal Welfare Officers
Authority	EFTA Surveillance Authority
BDS	Annual budget disposing letter
Better Training for Safer Food	A training programme covering food and feed law and animal health and welfare rules initiated by the European Commission for staff of national authorities in Member States and third countries
COC	Certificates of Competence
EC	European Community
EEA	European Economic Area
EEA Agreement	Agreement on the European Economic Area
FBO	Food business operator
MANCP	Single integrated multi-annual national control plan
MATS	NFSAs electronic operating system for official control
SOP	Standard operating procedure



## Annex 2 - Other relevant legislation

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

- a) The Act referred to at Point 9.1.2. of Chapter I of Annex I to the EEA Agreement, *Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing*, as amended and as adapted to the EEA Agreement;
- b) 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 amended and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.
- c) The Act referred to at Point 7.1.13 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*, as amended and 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 amended, and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- e) The Act referred to at Point 6.1.17 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin*, as amended and as adapted to the EEA Agreement by sectoral adaptations as referred to in Annex I to that Agreement;
- f) The Act referred to at Point 1.1.12 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption*, as amended and as adapted to the EEA Agreement;
- g) The Act referred to at Point 9.1.2a of Chapter I of Annex I to the EEA Agreement, *Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing*, as amended and as adapted to the EEA Agreement.
- 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*, as amended and as adapted to the EEA Agreement.
- i) The Act referred to at point 9.1.13 of Chapter I of Annex I to the EEA Agreement, *Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production*, as amended and as adapted to the EEA Agreement.

## Annex 3 - Notification from Norway subject to Regulation (EC) No 1099/2009

EFTA Surveillance Authority  
Rue Belliard 35  
B-1040 Brussels  
Belgium

Our ref: 2014/223794  
Date: 3 October 2014  
Org.no: 985 399 077

Statens tilsyn for planter, fisk, dyr og næringsmidler



### NOTIFICATIONS SUBJECT TO REGULATION (EC) NO 1099/2009

#### 1 Background

Regulation (EC) No 1099/2009 entered into force in Norway the 1<sup>st</sup> of February 2013. The regulation is implemented in Regulation on Killing of Animals of January 13 2013 No 60 ("forskrift om avliving av dyr"). The implementation was notified to ESA through the standard Form-1 procedure.

As part of ESA's mission to Norway autumn 2014 regarding Norway's application of EEA legislation related to protection of animals at the time of killing, we have been informed that ESA requests a more thorough notification in accordance with the articles 23 and 26 of (EC) No 1099/2009. In these articles, it is specified that Member States shall notify the Commission of the national rules on penalties applicable to infringements, as well as stricter national rules. ESA will be the correct addressee for such information as (EC) no. 1099/2009 has entered into force in the EEA-Agreement.

In the following, the Norwegian Food Safety Authority will notify ESA in accordance with the articles 23 and 26 of (EC) No 1099/2009.

#### 2.1 Notification subject to (EC) no 1099/2009 article 23 – *Norway's rules on penalties applicable to infringements*

A violation of the Regulation on Killing of Animals may be punished in accordance with the Animal Welfare Act. This follows from section 23 of the regulation. Also, all other sanctions established in the Animal Welfare Act may be applied to violations of the Regulation on Killing of Animals. This

[www.mattilsynet.no](http://www.mattilsynet.no)

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103004 – Section for Animal Welfare and  
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Norway

follows from the Animal Welfare Act being the regulation's legal basis. In the following, the sections concerning sanctions in the Animal Welfare Act will be quoted.<sup>1</sup>

#### § 34 Non-compliance fee

The control authority may impose a non-compliance fee on any person who intentionally or negligently fails to comply with regulations in or under this Act.  
The size of the charge shall be determined subject to the seriousness of the breach, profits made by the responsible person in connection with the breach and costs on the part of the control authority in connection with control actions and administration of the case.  
Non-compliance fees owed, may be recovered by execution proceedings.  
The King may issue specific regulations regarding non-compliance fees, including the determination and calculation of the fees.<sup>2</sup>

#### § 35 Enforcement damages

The control authority may impose, on any person who fails to comply with a decision within the stated deadline, enforcement damages, either as a one off imposition or as running damages imposed daily.  
The size of the damages shall be determined subject to the importance of the implementation of the decision, and which costs are likely to incur.  
The enforcement damages may be determined in connection with the issuing of the decision when it is considered necessary that the deadline is met.  
Enforcement damages owed may be recovered by execution proceedings. The control authority may abandon incurred execution proceedings.  
The King may issue specific regulations regarding the determination and calculation of enforcement damages.<sup>3</sup>

#### § 37 Punishment

Intentional or grossly negligent violation of the requirements in or under this Act or decision issued under this Act is punishable with fines or imprisonment for a maximum of 1 year, or both, provided the offence is not subject to more severe penal provisions. Aiding and abetting are punished in the same way. Serious violations are punishable with imprisonment for a maximum of 3 years. When determining the seriousness of the violation, the scale and effect of the violation and the level of guilt shall be taken into account. (...).

## 2.2 Notification subject to (EC) No 1099/2009 article 26 – *Norway's stricter national rules*

### 2.2.1 Introduction

The stricter Norwegian national rules have been explained to ESA during ESA's mission to Norway autumn 2014 regarding Norway's application of EEA legislation related to protection of animals at the time of killing. More precisely, the stricter national rules have been communicated in the Norwegian Food Safety Authority's reply to the Pre-mission questionnaire, in point 1.3 of the letter dated 19<sup>th</sup> of August 2014. We will repeat the content below.

<sup>1</sup> The quotes are taken from the translated version available at <http://www.regjeringen.no/en/doc/laws/Acts/animal-welfare-act.html?id=571188>. The official version is available at <http://lovdata.no/dokument/NL/lov/2009-06-19-97?q=dyrevelferds>.

<sup>2</sup> Such regulations are issued in «forskrift 30. juni 2014 nr. 925 om overtredelsesgebyr etter dyrevelferdsloven», available at <http://lovdata.no/dokument/SF/forskrift/2014-06-30-925?q=overtredelsesgebyr+dyrevelferd>.

<sup>3</sup> Such regulations are yet to be issued.

Firstly, we will explain the EEA legal foundation of the stricter national rules. Chapter III of Regulation on Killing of Animals of January 13 2013 no 60 consists entirely of provisions maintained from before the entering into force of Regulation (EC) 1099/2009. These provisions are therefore maintained with reference to article 26 (1) of Regulation (EC) No 1099/2009.

The provisions of Regulation on Killing of Animals of January 13 2013 No 60 chapter IV regulate killing of animals outside of slaughterhouses. These provisions are therefore introduced with reference to Regulation (EC) 1099/2009 article 26 (2) litra a. However, some of the provisions in chapter IV are maintained from previous legislation, hence with reference to both article 26 (1) and article 26 (2) litra a of Regulation (EC) No 1099/2009.

The stricter national rules of the Regulation on Killing of Animals of January 13 2013 no 60 entered into force simultaneously as Regulation (EC) 1099/2009 entered into force in Norwegian legislation. The Regulation on Killing of Animals of January 13 2013 no 60 has not been amended since its introduction.

## 2.2.2 The content of the stricter national rules

### 2.2.2.1 Chapter III of Regulation on Killing of Animals of January 13 2013 no 60 – Additional national rules on the killing of animals in abattoirs (maintained with reference to (EC) No 1099/2009 article 26 (1))

#### § 4 on unloading:

The unloading ramp must not be steeper than 10 degrees and must if necessary be covered by litter, straw or other suitable material (ref annex II no 2).

#### § 5 on other demands on arrival:

Horses must be slaughtered on the day of arrival, and animals fallen ill or being injured during the transport must be prioritized (ref Annex III no 1.5).

#### § 6 on moving of animals:

The corridors for moving animals must be designed to make use of the animals' flock instinct. A board or other mechanical devices may be used to guide the animals if necessary (ref Annex II no 2.1).

The use of electrical rods for moving the animals must be avoided as far as possible. The rod may only be used in intervals of at least 10 sec, and only give a couple of short electrical impulses at a time. The animals must have free access to move forwards (ref annex III no 1.9).

#### § 7 on stabling and feeding:

The state of the animals must be checked at least at the start and the end of the working day.

The stabling area must if necessary have equipment for tying up animals (ref Annex II no 1).

The requirements of protection against unfavourable weather conditions are not applicable to reindeer (Annex II no 2.6).

Snow may be used as drinking water for reindeer (ref Annex III no 1.6).

Outdoor pens must be kept in a state that protects the animals from being harmed by physical, chemical or other health risks (Annex II no 2.6).

§ 8 on fixation at stunning:

Animals must be fixated in a suitable way to avoid any unnecessary pain, suffering, stress or injury (ref Art 3, 7, 8 and 9, and Annex II no 3 and Annex IV).

If stunning takes place after the animals have been hung up, poultry may be hung up by the legs before stunning (ref Annex III no 1.8 c).

Personnel checking the stunning shall ensure that poultry hung up on a moving chain are calm when they arrive at the stunning place, to ensure effective stunning. Poultry that are too large or small compared to the actual adjustment of the stunning or killing equipment, must not be hung up. Poultry with leg injuries or similar injuries, must not be hung up (ref Art 5).

§ 9 on stunning and religious rites:

The requirement of stunning before killing laid down in the Animal Welfare act § 12 second paragraph is also mandatory in connection with religious rites in slaughterhouses (ref Article 4 no 1 and 4).

§ 10 on stunning with captive bolt or firearms:

a) Mammals must be shot in the forehead. Sheep and goats may be shot behind the horn basis if the horns makes a shot in the forehead impossible. In such cases the animal must be shot directly behind the horn base in the direction of the mouth. Large reindeer bulls with antlers may be shot in the temple.

The shot must be placed in such a way as to give immediate stunning, according to the species in question.

b) The person performing stunning with captive bolt must ensure that the bolt has withdrawn completely before each shot. If complete withdrawal of the bolt is not possible, the defect must be repaired before the captive bolt device is used again (ref Annex I chapter I table I no 1, 2 and 3 and Chapter II no 1).

§ 11 on electrical stunning:

Additional requirements (ref Annex I Chapter I table 2 and Chapter II no 4, 5 and 6):

- a) If animals are stunned one at a time, the electrical device must give a light signal during the time which the current passes through the animal's brain.
- b) The current between the electrodes must be at least 2,5 Ampere for cattle older than 6 months, and 0,3 Ampere for rabbits.
- c) The correct current must be reached as quick as possible and within ½ sec after putting the electrodes in place, and must last for at least 3 sec.



- d) Measurements must be carried out to show the current each animal is exposed to when necessary, and at least twice a year and after any modifications of the stunning device.

Personnel who check the stunning during the slaughtering of poultry can not have other working tasks at the same time (ref Art 5).

§ 12 on stunning of pigs with gas:

Additional requirements (ref Annex I Chapter I table 3 no 7, 8 and 9 and Annex II no 6):

- a) The animals must be stunned in groups of at least two.
- b) When the pigs have been taken into the chamber for stunning, the stunning must take place as quickly as possible.
- c) There must be enough light for the pigs to see each other and their surroundings until they are stunned.
- d) The chamber must be designed to keep the gas level as stable as possible, and be equipped with instruments that measure the gas concentration at the level of the pigs' head.
- e) When carbon dioxide is used for stunning, the pigs must be placed in boxes with floors and transported directly to where the gas concentration is at least 80 volume percent.
- f) The animals must be in contact with the gas long enough to secure that they are dead or remain unconscious until they are killed through bleeding.

§ 13 on bleeding:

Additional requirements (ref art 4 no 1 and Annex III no 3):

- a) No animal must be stunned unless the bleeding can take place immediately afterwards.
- b) Stunned animals may be lifted up on the slaughter line before bleeding.
- c) The bleeding must take place before the animal can regain conscience after stunning.
- d) The bleeding must be performed by cutting through both carotid arteries or the main arteries they branch out from.
- e) Bleeding of poultry must be performed by cutting off the head with a sharp tool.
- f) When poultry are bled with an automatic device, the personnel checking the stunning (ref Art 5) shall secure that the animals are killed immediately if the automatic device fails. The killing shall be performed by cutting off the head.

2.2.2.1 Chapter IV of Regulation on Killing of Animals of January 13 2013 no 60 – Additional national rules on the killing of animals outside of abattoirs (introduced with reference to (EC) No 1099/2009 article 26 (2) litra a)

§ 14 on stunning with captive bolt, firearms and cervical dislocation

Stunning with captive bolt or firearms outside of slaughterhouses shall be performed in accordance with § 10 (of this regulation) (ref Annex I Chapter I no 1).

Farmed deer may be stunned with firearm by shooting a free projectile through the animal's brain from a short distance.

At emergency killing of animals with firearms from a long distance, the shot must be aimed at the animal's heart region (ref art 19).

The person using a firearm for killing, must have passed a hunters exam in addition to fulfilling the requirements of (EF) no 1099/2009 art 7 no 1. This does not apply for emergency killing if there is no such person present.

When firearms are used, the ammunition impact energy must lead to the loss of conscience in the animal as quickly as possible.

When killing animals by cervical dislocation, the animals must be stunned before killing with a percussive blow to the head (ref Annex I Chapter II no 3).

#### § 15 on horses:

Electrical stunning is not allowed for the killing of horses (ref Annex I Chapter I table 2).

#### § 16 on poultry:

Poultry flocks may be killed with carbon dioxide pumped into the animals' room (ref Annex I Chapter I table 3). Doors and windows must be closed and all ventilation other than the roof ventilation stopped immediately before the gas is let in. The gas jet into the room must not be aimed directly at the animals.

The carbon dioxide level must reach 45 volume percent quickly and be kept at 40 volume percent or more for 60 min.

Planned killing of flocks must be reported to the Norwegian Food Safety Authority one week in advance. The person responsible for the killing, must ensure the correct calculation of the amount of gas needed to kill the animals quickly and effectively, before the gas is pumped into the room.

Chickens, quails and turkeys may be killed with carbon dioxide in gas containers constructed and produced for this purpose. Clean carbon dioxide is let into the animals in the container and kept at a sufficient level until the animals are dead. No animal can be taken out of the container before all animals are dead.

Anyone killing poultry as a business must be registered with the Norwegian Food Safety Authority.

For killing of poultry flocks the Norwegian Food Safety Authority, upon application, may allow the use of other gases or gas mixtures than carbon dioxide.

Poultry and other animals under 3 kg may be killed through cervical dislocation by stretching after stunning through a percussive blow to the head.

#### § 17 on day-old chickens and embryos in hatcheries

Day-old chickens that are not intended as production animals, must be killed before they are 24 hours old. Killing of live embryos not hatched at normal time, shall be performed within 24 hours after normal hatching time.

The animals may be killed by maceration (ref Annex I Chapter I table 1 no 4) in a mechanical device with high speed rotating knives or expanding polystyrene taps. The device must be designed and used in a way that secures instant killing of all chickens and embryos, even when large numbers are handled at the same time. When gas is used for day-old chickens, the animals must be placed in one single layer.



§ 18 on ostriches:

Gas stunning is not allowed for killing of ostriches (ref Annex I Chapter I table 3).

§ 19 on fur animals:

Killing of foxes must be performed by a person with a Certificate of competence as mentioned in (EF) no 1099/2009 Art 21, instead of fulfilling the requirement of Art 7 no 3.

Killing of mink must be performed by a person with a Certificate of competence, or with the presence and under direct supervision of a person with such a certificate, as mentioned in (EF) no 1099/2009 Art 21, instead of fulfilling the requirement of Art 7 no 3.

When killing fur animals with electricity (ref Annex I Chapter I table 2), only devices constructed for the killing of the species in question may be used. The device must be equipped with a measurement tool which continually shows the current during the killing. The tool must give a signal as the current passes through the animal.

When killing fur animals with gas (ref Annex I Chapter I table 3), the chamber where the animals breath the gas, must be designed to keep the gas level as stable as possible. The chamber must be equipped with tools to measure the gas concentration during the killing proses, which give a clear warning signal if the concentration falls below the allowed volume percentage. (Note: As equipment for measuring carbon monoxide concentrations during the killing proses does not exist, the Norwegian Food Safety Authority has proposed to the Ministry of Agriculture and Food to amend the requirement for this gas to cover only the carbon monoxide concentration produced as the motor device is started before the animals are put into the gas chamber. The amendment is not yet cleared by the Ministry for public hearing.)

When carbon dioxide is used, no animal must show signs of consciousness after 30 sec exposure to the gas (ref Annex I Chapter I table 3 no 1).

§ 20 on bleeding and further handling of the animals:

Animals being killed outside of slaughterhouses must be bled in accordance with (EF) 1099/2009 Annex III no 3 and § 13 (of this regulation). The requirement for bleeding does not apply when a lethal injection is used or for the killing of poultry not intended for food production, killing of fur animals with gas or electricity or killing of dogs, cats and other pet animals, provided that the stunning method leads to a certain death.

No further handling of the animals must take place before required bleeding is finished and every single animal is declared to be dead. The skinning of fur animals must not take place before at least 10 min after the animal is declared to be dead.

Please do not hesitate to contact The Norwegian Food Safety Authority for any further information.

Yours sincerely,


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#### Annex 4 - Reply from Norway to the draft report

No	Recommendation	Preliminary plan on corrective actions received from the Norwegian Food Safety Authority <sup>2</sup>	Date of Compliance	Comment/attachment
1	The competent authority should ensure that all staff performing official controls related to animal welfare at the time of killing receive appropriate training and are kept up-to-date in their area of competence, as required by Article 6 of Regulation (EC) No 882/2004.			
2	The competent authority should ensure that the requirements of Article 14(1) and Annex II of Regulation (EC) No 1099/2009 are taken into consideration when slaughterhouses introduce new equipment, change layout or construction, or when approving new slaughterhouses.	The Head Office will inform the Regional Offices and establish routines to ensure that the requirements of Article 14(19 and Annex II of Regulation (EC) No 1099/2009 are taken into consideration when slaughterhouses introduce new equipment, change layout or construction, or when approving new slaughterhouses.	2015	
3	Norway should ensure that official controls related to animal welfare at the time of killing are coordinated and that the nature and intensity of auditing tasks in respect of individual establishments are dependent upon the assessed risks, as required by			

<sup>2</sup> In the reply to the Authorities draft report, the Norwegian Food Safety Authority stated the following:  
All corrective actions to be implemented are not yet settled, and therefore the plan is not complete.

	Article 4(9) of Regulation (EC) No 854/2004.			
4	The competent authority should ensure that the procedures in place to verify the effectiveness of official controls, as required by Article 8(3) of Regulation (EC) No 882/2004, include verifying effectiveness of official controls related to requirements of Regulation (EC) No 1099/2009.			
5	The competent authority should ensure the availability of approved training courses and delivery of certificates of competence, attesting the passing of an examination, for personnel involved in killing of farmed game and related operations, as required by Article 21(1)(a)(b) and (c) of Regulation (EC) No 1099/2009.	In a letter dated 19.09. this year, the Head Office has informed the industry that they are responsible to ensure training courses for personnel involved in killing of farmed game. Depending on the response, the Head Office will consider necessary follow up on this issue. Please find the letter attached.	2015	 \\mattilsynet.no\ dfs\Hjemme\hebbv My Documents\
6	The competent authority should ensure the delivery a certificate of competence, attesting the passing of an examination, for personnel involved in killing of fur animals, as required by Article 21(b) of Regulation (EC) No 1099/2009.	The NFSA will during 2014 authorize the new training course for personnel involved in killing of fur animals. Personnel that have complete the course and passed the exam will get a certificate of competence.	2015	
7	Norway should encourage the development and dissemination of guides to good practice to facilitate the implementation of Regulation (EC) No 1099/2009, as required by Article 13 of Regulation (EC) No 1099/2009.	The NFSA will encourage the development of guides to good practice, especially on specific issues that are considered as a challenge by the District Offices (for instance key parameters on electrical stunning (head only) on sheep.	2015	