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Final report

EFTA Surveillance Authority mission to

NORWAY

from 29 August to 9 September 2011

regarding the application of EEA legislation related to

the production and placing on the market of fishery products

Please note that comments from the Norwegian competent authorities to factual errors in the draft report have been included in *underlined italic print* in the body of the report. Comments and information on the corrective actions already taken and planned by the Norwegian competent authorities are included in Annex 4 and referred to in footnotes in *underlined italic print*.

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Executive Summary

This report describes the outcome of a mission carried out by the EFTA Surveillance Authority in Norway from 29 August to 9 September 2011.

The objective of the mission was to verify that official controls related to the production and placing on the market of fishery products were carried out in compliance with the European Economic Area legislation.

The aquaculture sector in Norway was, based on the findings made by the mission team, without serious remarks. The structure of the industry and official controls, from the aquaculture farm inspected to the various processing establishments of this sector was in general in compliance with the legislation regarding general and specific hygiene requirements including HACCP.

However in the sector of land-based establishments, processing white fish, serious problems were found and HACCP systems were in general not functioning properly.

The mission team found no evidence of use of polyphosphates as additives in salted fish during the mission.

The observations made the mission team conclude that for the official controls in place in Norway at the time of the mission, in particular in the white fish sector, there is room for considerable improvements. Shortcomings of the competent authority's procedures were pointed out by the mission team e.g. regarding re-approval of establishments, enforcement measures and revision of HACCP systems.

The situation concerning the implementation of the general and specific hygienic requirements by the food business operators in white fish production was also found not to be in conformity with several requirements laid down in the relevant European Economic Area legislation.

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.

1 Introduction

The mission took place in Norway from 29 August to 9 September 2011 as part of the EFTA Surveillance Authority's (the Authority) planned mission programme. The mission was originally planned for April 2011 but had to be postponed. The mission team comprised four inspectors from the Authority and an observer from the Food and Veterinary Office (FVO) divided in two sub-teams the first week. The second week only one team composed of two inspectors from the Authority and the observer from the FVO carried out the inspections.

This was the first mission regarding fishery products carried out by the Authority in Norway since the implementation of the "Food Hygiene Package" on 1 May 2010.

The opening meeting was held with representatives of the Norwegian Food Safety Authority (NFSA), the Ministry of Health and Care Services and of the Ministry of Fisheries and Coastal affairs on 29 August 2011 at the NFSA head office in Bergen. During the meeting, the representatives of the NFSA provided additional information to that set out in their reply to the pre-mission questionnaire of the Authority.

Throughout the mission, representatives of the NFSA head office accompanied the mission team. The itinerary was prepared taking into account the possibility to carry out visits without prior warning.

A final meeting was held at the NFSA head office in Oslo on 9 September 2011, where the mission team presented its main findings and some preliminary conclusions.

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

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

Table 1: Competent authorities and premises visited

	Number	Comments
Competent authorities	5	An opening meeting in Bergen and a final meeting in Oslo with representatives of the NFSA and the Ministries of Fisheries and Coastal Affairs and Health and Care Services. Meetings were also held in three District Offices.
Laboratories	2	A National Reference Laboratory dealing with official samples and a municipally owned private laboratory mainly dealing with samples from food business operators but also some official samples
Landing sites	2	At processing establishments for white fish.
Aquaculture farm	1	
Fishing vessels		Several registered small fishing vessels were observed but no approved factory vessels or freezing vessels were available in port for inspection.
Establishments processing fishery products	<u>15</u>	Six of the visits were carried out without prior warning.

2 Objectives of the mission

The following main European Economic Area (EEA) acts fall within the scope of the mission:

- a) The Act referred to at Point 7.1.13 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety* as amended and adapted to the EEA Agreement;
- b) The Act referred to at Point 6.1.16 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 852/2004 on the hygiene of foodstuffs*, as amended and corrected in the EEA Agreement;
- c) 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 adapted to the EEA Agreement;
- d) The Act referred to at Point 1.1.12 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption*, as amended and adapted to the EEA Agreement; and
- e) The Act referred to at Point 1.1.11 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules*, as amended and corrected in the EEA Agreement.

The objective of the mission was to assess the Norwegian competent authorities' application of the above-mentioned legislation and additional legislation referred to in Annex 2 to this document.

The mission covered all stages of fishery products and fish processing, with a particular focus on the following areas:

- a) Official controls related to food business operators' compliance with general and specific rules on the hygiene of food of animal origin and in particular fishery products;
- b) The implementation of these rules by food business operators.

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) 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; and

- 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.*

4 Background

4.1 Previous mission

The previous mission concerning fishery products was carried out in Norway from 15 to 19 October 2007. The report from that mission included a number of conclusions and a recommendation addressed to the Norwegian competent authority aimed at rectifying the shortcomings identified and subsequently the Norwegian competent authorities notified the Authority of corrective measures taken or planned to be taken. The final report from the mission is available on the website of the Authority, www.eftasurv.int.

4.2 Information on production and trade

See Annex 3 for figures provided by the NFSA in its reply to the Authority's pre-mission questionnaire for the production and trade of fishery products in Norway.

5 Findings and Conclusions

5.1 Legislation and implementing measures

Legal requirements

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

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the Ministry of Fisheries and Coastal Affairs is responsible for the Norwegian legislation, implementation and application of EEA acts related to the production of fishery products.

Since March 2011 when the Authority received the reply to the Authority's pre-mission questionnaire there were some changes in the legislation relating to the mission. Regulation (EC) No 1333/2008 on Food Additives was taken into the EEA Agreement and entered into force 21 May 2011. It had been made part of the Norwegian internal legal order by FOR 2011-06-06 nr 668: Forskrift om tilsetningsstoffer til næringsmidler, and entered into force 6 June 2011.

Conclusions

The relevant EEA legislation in the field of the production and the placing on the market of fishery products had been made part of the Norwegian internal legal order in line with Article 7 of the EEA Agreement.

5.2 Competent Authorities

5.2.1 Organisation and co-ordination

Legal requirements

Article 4 of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for official controls, provides for efficient and effective co-ordination and cooperation between and within competent authorities.

Findings

According to information provided by the NFSA in its reply to the Authority's pre-mission questionnaire, the NFSA is the designated competent authority responsible for the official controls concerning the safety of fishery products. The NFSA is also responsible for the enforcement of related legislation adopted by the respective ministries.

The district offices are responsible for the approval of establishments processing fishery products. However, the mission team found different approaches to re-approval of establishments in different districts (see point 5.3). Also some district officers did not know all the features of the operative system for official control in the NFSA (MATS), e.g. how to register withdrawal of approvals in establishments that had stopped operations.

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority the NFSA analyses specified business sectors for risk classification of the sector and the establishments in that sector giving it a risk classification from one to four. The sector analyses for fishery products has not been finalized on central level. The mission team observed different approaches in two district offices. One district office had established a frequency of three times per year for all fish processing establishments based on experience and the history of the establishments. However in another district office there had been established a risk based targeted frequency of inspection visits to fishery establishments at four times per year and six times for high risk establishments.

Conclusions

Norway has designated competent authorities responsible for the official controls concerning the safety of fishery products in line with the requirements laid down in the Article 4(1) of Regulation (EC) No 882/2004.

Compliance with Article 4(2) of Regulation (EC) No 882/2004 could not always be ensured regarding co-ordination of control activities.

5.2.2 Staff performing official controls

Legal requirements

Article 6 of Regulation (EC) No 882/2004 requires the competent authorities to ensure that staff performing official controls shall receive appropriate training, and are kept up-to-date in their areas of competence.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the NFSA arranges every year key skill training activities for the staff. These activities include general training and also specific training for controls on for instance fishery products and the employees also participate at seminars and courses outside the NFSA.

However, in one district office the mission team was informed by a senior inspector dealing with official controls on fishery products that the last training received was a basic course on HACCP in 2007. Furthermore, the inspector told the mission team that he had not received any specific training on the new legislation.

An official from the regional office this district office belonged to and dealing with controls on fishery products informed the mission team that he had received a course in HACCP but had got no special training in the new legislation. At the same district office the representatives of the head office, regional office and district office all expressed the opinion to the mission team that there had not been enough training on the new legislation and wished for more training.

Conclusions

Compliance with Article 6 of Regulation (EC) No 882/2004 was not fully ensured since the competent authorities did not ensure that all of the staff performing official controls on fishery products received appropriate training, and were kept up-to-date in their areas of competence.

5.2.3 Control and verification procedures

Legal requirements

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

Article 13 of Regulation (EC) No 882/2004 requires Member States to draw up operational contingency plans setting out measures to be implemented without delay when feed or food is found to pose a serious risk to humans or animals either directly or through the environment.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the NFSA referred to procedures for official controls in MATS. The NFSA's reply to the pre-mission questionnaire of the Authority describes the functions of MATS: *"The principles of the Public Administration act are laid down in MATS which standardises the operational procedures regarding official control. MATS gives directions, guidance and support to the inspectors who carry out official control. The inspectors register observations and necessary administrative follow-ups. MATS generates a letter to the business operators based on these registrations. All official control will be registered in MATS."* In the opening meeting the mission team got a demonstration of the MATS system and its functions.

In a district office the mission team was shown by a district officer how documented procedures were generated in MATS to suit the inspection to be performed.

In the same district office the district officer showed the mission team how the national operational contingency plan for crisis management was locally adapted.

Conclusions

The competent authorities carried out official controls in accordance with documented procedures as laid down in Article 8 of Regulation (EC) No 882/2004.

Operational contingency plans for crisis management were available as required by Article 13 of Regulation (EC) 882/2004.

5.3 Approval of establishments

Legal requirements

Article 31 of Regulation (EC) No 882/2004 and Article 3 of Regulation (EC) No 854/2004 require Member States to establish procedures for the registration/approval of food and feed business operators, for reviewing compliance with conditions of approval, for granting conditional approval and for the withdrawal of approvals. Furthermore they shall keep up to date lists of these establishments.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the approval of establishments according to the Regulation (EC) 853/2004 is in progress. The establishments thus approved are given new codes according to the document DG SANCO 2179/2005 “*Technical specifications in relation to the master list and the lists of EU approved establishments.*” In the opening meeting the mission team was informed that about 70% of establishments and vessels had been approved and the approval process would be finished by the end of the year 2011.

The mission team in a meeting at one district office was informed that a certain number of establishments, listed as approved, were not in operation and therefore not under control. Amongst them some establishments were categorised in the highest risk category with an inspection frequency of six times per year. However, no evidence was found of withdrawal of approval by the competent authorities in the MATS system or otherwise documented, e.g. for an establishment that was visited in July 2010 and at that time had stopped operations. The representatives of the district office informed the mission team that another four establishments found on the official list available on the NFSA’s website had stopped operations.

In another district the mission team visited an establishment that was approved in 2008 and reapproved on 17 December 2010 even though the production line was still not operational. In March 2011 the same establishment received permission for test production. The establishment has been on the list of approved establishments since 2008.

Another establishment in the same district applied for re-approval early in 2011. This establishment was inspected for re-approval on 10 March 2011. A letter following the inspection was dated 15 March 2011 with an approval document valid from 14 February 2011.

In another district visited by the mission team an establishment approved under the former legislation for packaging, salting and handling of farmed fish had still not been re-approved despite several inspections by the competent authority. A letter had been sent to the establishment on 15 September 2010 stating that it should apply for re-approval but no deadline had been given.

In two establishments that the mission team visited without prior warning there were serious shortcomings regarding general hygiene requirements and HACCP. The competent authority informed the mission team that these establishments had been reapproved. In both of these establishments the mission team found considerable amount of wet salted fish in such a condition that the competent authority detained the products immediately and took samples for analyses for further decision.

Conclusions

Compliance with Article 31 of Regulation (EC) No 882/2004 and Article 3 of Regulation (EC) No 854/2004 were not always ensured since establishments were approved without complying with the relevant requirements of the legislation and lists of approved establishments available to the public were not kept up to date.

5.4 Official controls concerning production and placing on the market of fishery products

5.4.1 Official controls

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 and that official controls shall be carried out without prior warning.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, official controls are mainly carried out without prior warning except audits. Furthermore the inspection frequency was based on risk consideration carried out by each district office taking various factors into account but without precise instructions from the central level. Risk classification of the fishery production had not yet been done at central level.

The mission team observed different approaches in two district offices. One district office had established a frequency of three times per year to all fish processing establishments based on experience and the history of the establishments. However in another district office there had been established a risk based targeted frequency of inspection visits to fishery establishments at four times per year and six times for high risk establishments.

Conclusions

Official controls at the district offices visited was mainly carried out in line with the requirements laid down in Article 3 of Regulation (EC) No 882/2004.

5.4.2 Primary production (aquaculture farms) and fishing vessels

Legal requirements

Article 4 of Regulation (EC) No 854/2004 states that the competent authorities shall carry out official controls to verify food business operators' compliance with the requirements of Regulation (EC) No 852/2004 and in particular its Annex I.

Article 7 of Regulation (EC) No 854/2004 requires official controls with respect to fishery products to take place in accordance with Annex III of the said regulation.

Chapter I of Annex III of Regulation (EC) No 854/2004 states that official controls are to include inspections at regular interval of vessels.

Findings

The mission team visited an aquaculture farm in one district. Hygiene provisions observed by the mission team were good and traceability and registration of feed and medicines were without remark. Official controls were performed once a year and the establishment had a contract with a aquaculture health service that made regular visits six times per year.

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the NFSA carried out a control project in 2008 to 2009 concerning quality requirements and hygiene condition of fishery vessels and landing sites. The NFSA controlled approximately 1000 vessels and landing sites in a period of six months i.e. all factory and freezing vessels and 20% of the smaller registered fishing boats. Several problems regarding hygiene were found. In the opening meeting the mission team was informed that all the regions were asked to follow up on the results of the report of the control project (Sluttrapport-Nasjonalt tilsynsprosjekt 2008/2009, ferskfiskkampanjen) in 2011.

In a district office the mission team was informed that vessels were inspected when they called at port. Also vessels registered in other districts and third countries were inspected. However, the mission team did not have an opportunity to visit approved freezing or factory vessels as none were found at port at the time of the mission. The mission team had an opportunity to observe several smaller fishing vessels that only needed registration and found them in sound hygienic condition.

Conclusions

Compliance with Article 4 of Regulation (EC) No 854/2004 was ensured since the competent authority carried out official controls to verify food business operators' compliance with the requirements of Regulation (EC) No 852/2004 and in particular its Annex I.

Compliance with Chapter I of Annex III of Regulation (EC) No 854/2004 was ensured since inspections of vessels when calling at a port was carried out.

5.4.3 Landing and first sale sites

Legal requirements

Point 1(a) of Chapter I of Annex III to Regulation (EC) No 854/2004 requires that official controls on the production and placing on the market of fishery products are to include, in particular, regular checks on the hygiene conditions of landing and first sale sites.

Article 3 of Regulation (EC) No 853/2004 requires food business operators to comply with the relevant provisions of Annex II and III of the said regulation.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority auction halls are not to be found in Norway. Most of the fresh fish is landed at landing sites that are often at the site of the processing establishments.

The mission team visited two landing sites also approved for some processing of landed fish. The mission team observed landing of crab in one of the sites while the other site was not in operation. The manager of the landing site inspected each batch of live crab as it came off the fishing vessel and the crabs were then put in a chilled storage and iced before being transported to another establishment.

As almost all the establishments had a landing site the mission team observed landing of fish in several places from registered fishing vessels that were observed to be in good hygienic condition and the landing procedures were performed in a hygienic manner. Also the mission team observed that representatives of the establishments receiving fish made

organoleptic examinations on the fish. With regard to the premises other than the actual landing sites, please see shortcomings described in 5.4.3.

Conclusions

Compliance with Point 1 of Chapter I of Annex III to Regulation (EC) No 854/2004 was ensured since checks on the hygiene conditions of landing are carried out by the NFSA.

Compliance with Article 3 of Regulation (EC) No 853/2004 was ensured since food business operators complied with the relevant provisions of Annex II and III of the said regulation.

5.4.4 Facilities handling fishery products (land based establishments)

Legal requirements

Article 3 of Regulation (EC) No 853/2004 requires food business operators to comply with the relevant provisions of Annex II and III of the said regulation.

Annex II of Regulation (EC) No 852/2004 lays general hygiene requirements for all food business operators.

Article 4 of Regulation (EC) No 854/2004 states that the competent authorities shall carry out official controls to verify food business operators' compliance with the requirements of Regulation (EC) No 852/2004 and in particular its Annex II.

Findings

The mission team visited two establishments operating on a site where several fishery products establishments were situated. The mission team found the layout of the premises was not permitting good food hygiene practices including protection against contamination. The floor surfaces were not found in adequate condition. In the smoking facilities used by four establishments, the sawdust producing the smoke was placed directly under the product and finished ready-to-eat products had to be handled in the same room as sawdust meant for smoke production. Furthermore the transport of smoked products and occasionally ready-to-eat smoked products was observed by the mission team through unclean areas under circumstance that did not eliminate the possibility of cross contamination.

In several establishments processing white fish the mission team made the following observations and these non-conformities were in general more severe in those establishments that were visited without prior warning:

- Unidentified and exposed products in cold stores;
- doors that did not close to the outside as to contain pests;
- layout not permitting good food hygiene practices;
- layout not protecting for accumulation of dirt;
- accumulation of condensation water on overhead structures;
- floor and wall surfaces not always maintained in a sound condition;
- wrapping and packaging materials exposed to a risk of contamination;
- reusing of packaging material that could not be cleaned, and
- ice intended to be used in contact with food or as an ingredient in food was not stored under hygienic conditions.

In the establishments producing salted fish, untreated wooden pallets, coming into contact with the fish, were used both during processing and storing of the final product.

Furthermore in several establishments the mission team found that salted fish was dried on wooden racks. However the wood of the racks had been smoothed as to make them easier to clean.

Several of the conditions described above had not been noted or reported by the competent authority during official controls.

Conclusions

Compliance with Annex II of Regulation (EC) 852/2004 could not always be ensured since general hygiene requirements were not always fulfilled.

Compliance with Chapter III of Section VIII of the Annex III to Regulation (EC) No 853/2004 could not be ensured since food business operators responsible for establishments did not always fulfil structural and hygiene requirements.

Compliance with Article 4 of Regulation (EC) No 854/2004 could not always be ensured since the competent authorities had not noted or reported several of the shortcomings in white fish establishments identified by the mission team.

5.4.5 Traditional production methods

Legal requirements

Article 10.3 and 10.4(a)(i) of Regulation (EC) 853/2004 states that Member States may adopt national measures to adapt the legislation with the aim of enabling the continued use of traditional methods at the stage of production, processing and distribution of food. In case the competent authority decides to request this derogation the steps in Article 10.5 of the mentioned regulation must be followed.

Findings

The mission team observed in several places wooden/metallic structures outside establishments intended for the production of stockfish. None of the structures contained any fish hanged up for drying, the season for this process ends in spring. The representatives of the competent authority informed the mission team that some of the structures were still in use.

Wooden racks specially treated for drying salted fish were used in the establishments visited that dried the fish. The representative of one of these establishments told the mission team that plastic or metal had been tried in order to replace the wood but with unsatisfactory result regarding the quality of the product.

Conclusions

If Norway considers certain stockfish production and drying of salted fish to be done according to traditional methods then national measures should be adopted and notified to the Authority according to Article 10 of Regulation (EC) 853/2004.

5.4.6 Use of food additives

Legal requirements

Requirements for food additives other than colours and sweeteners, in particular which substances may be used and for which purposes, are laid down in Regulation (EC) No 1333/2008 on Food Additives.

Findings

The mission team paid special attention during the visits to establishments salting fish if there were used any unauthorised additives (phosphates) in the production. No evidence of such use was found during the mission. Furthermore a representative of a regional office informed the mission team that use of unauthorised additives had been detected in the past and the district offices had taken action in these cases to ensure compliance. The same representative stated that their next step in escalating the enforcement measures in case of detected illegal use would be reporting to the police.

However in one establishment the mission team found stored a mixture of additives that were not allowed for fishery products but not labelled as containing polyphosphates. The mission team was informed that the competent authority would order them removed from the premises. This was confirmed at the final meeting by one of the representatives of the head office.

Conclusions

Compliance with Regulation (EC) No 1333/2008 was generally in line with the requirements of the legislation.

5.4.7 Action taken in case of non-compliance

Legal requirements

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

Findings

The mission team found several unidentified fishery products in the cold stores of one establishment. This had been recorded by the competent authority in an inspection report. but with no evidence of action taken by the competent authority to ensure that the food business operator remedied the situation. In another establishment the mission team found unidentifiable fishery products that the manager said should not be there but destroyed. However, no action was taken by the competent authority on-the-spot to ensure any corrective actions. This was the case in other establishments as well.

However, the mission team observed on two occasions that the competent authority did take action on the spot regarding defect fishery products.

Conclusions

Following identification of non compliance the competent authority did not always take appropriate immediate action to ensure that the food business operator remedied the situation as required by Article 54(1) of Regulation (EC) No 882/2004.

5.4.8 HACCP based systems

Legal requirements

Article 5 of Regulation (EC) No 853/2004 requires food business operators carrying out any stage of production, processing and distribution of food after primary production to put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles.

Article 4 of Regulation (EC) No 854/2004 requires that the competent authority shall carry out official controls to verify food business operators' compliance with the requirements laid down in Regulation (EC) No 852/2004 and Regulation (EC) No 853/2004. Official controls shall include audits and verification of good hygiene practices and HACCP-based procedures.

Findings

The mission team inspected four HACCP plans that only had none or very minor remarks by the mission team. These were in salmon processing establishments and one shrimp processing plant.

However the mission team observed in other fishery processing plants HACCP plans presenting several shortcomings e.g. the relevant hazards were not identified, critical limits were not decided, corrective actions were not established etc. The sampling plans required by Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs were sometimes insufficient. Furthermore monitoring and recording requirements were sometimes incorrectly or not implemented.

In two establishments the mission team found that the quality managers had been appointed without any training on the HACCP principles.

In some establishments the mission team found that no results of analyses carried out for Salmonella in cooked crustaceans and for histamine and Listeria for ready to eat smoked mackerel were available.

Conclusions

The requirements of Article 5 of Regulation (EC) No 852/2004 could not always be ensured since some of the HACCP plans had several shortcomings.

Article 4 of Regulation (EC) No 854/2004 could not be fully ensured since audits and verification of HACCP based procedures did not always identify the shortcomings of some of the HACCP plans.

Full compliance with Regulation (EC) No 2073/2005 microbiological criteria applicable to fishery products could not always be ensured.

Compliance with Chapter XII of Annex II to Regulation (EC) No 852/2004 was not always fully assured since the food business operator did not always ensure that the staff responsible for the development and maintenance of the HACCP plan had received adequate training in the application of the HACCP principles.

5.4.9 Official controls of fishery products

Legal requirements

Article 7 of Regulation (EC) No 854/2004 requires official controls with respect to fishery products to take place in accordance with Annex III of the said regulation.

Chapter II of Annex III to Regulation (EC) No 854/2004 requires that official controls of fishery products are to include at least certain parameters.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, a sampling plan to verify some of the requirements of Chapter II of Annex III to Regulation (EC) No 854/2004 is to be found in a centrally issued sampling plan the so called "OK programme" while other requirements are fulfilled locally. At the time of the mission, the situation was the following:

a) Organoleptic examinations are decided on and performed by the districts. The examinations take place either at processing plants or aboard vessels. The total number of organoleptic examinations reported by the districts in 2009 were 223 and in 2010 the number was 124. No preliminary data for the number of organoleptic examinations was available at the time of the mission for 2011;

b) freshness indicators were checked if the results of organoleptic examinations indicated spoilage. Total Volatile Basic Nitrogen (TVB-N) was analysed four times in 2009 and four times in 2010. Trimethylamine Nitrogen (TMA-N) was analysed two times in 2009 and three times in 2010. No figures for 2011 were available at the time of the mission;

c) histamine samples are taken at district level at processing plants for analyses. The total number of samples taken in Norway 2009 was 17 and the same number of samples was taken in 2010. No data was available for 2011 at the time of the mission;

d) sampling for residues and contaminants are done by the district offices according to the OK-programme at processing plants. According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority the following number of samples were analysed for the parameters indicated:

Contaminant	Number of samples 2009	Number of samples 2010
Mercury	905	890
Lead	905	890
Cadmium	905	890
Tin	905	890
Dioxins/PCBs	320	170
Benzo(a)pyrene (PAH)	40	115

e) microbiological checks are taken by decision locally. The number of official samples analysed throughout Norway in 2009 was 240 and in 2010 there were 270 samples analysed. The number of samples analysed in 2011 was not available at the time of the mission.

f) screening for parasites is taken by local decision. In 2009 23 checks for parasites were performed and in 2010 the number of checks was 26 in the whole of Norway.

g) poisonous fishery products are not specially monitored in Norwegian waters. Fish of the following families: Tetradontiadae, Molidae, Diodontidae and Canthigasteridae are not fished for commercial purposes in Norway and fish species associated with ciguatera poison are not found in Norwegian waters.

Conclusions

Compliance with the requirements of Article 7 of Regulation (EC) No 854/2004 that official controls with respect to fishery products should take place in accordance with Annex III of the said regulation was in line with the legislation.

Compliance with the requirements of Chapter II of Annex III to Regulation (EC) No 854/2004 that official controls of fishery products are to include at least certain parameters was ensured.

5.5 Laboratories

Legal requirements

Article 12(1) of Regulation (EC) No 882/2004 states that the competent authority shall designate laboratories that may carry out the analysis of samples taken during official controls.

Article 33(2) Regulation (EC) No 882/2004 states that the National Reference Laboratories (NRL) shall collaborate with the Community Reference Laboratory (CRL) in their area of competence and ensure the dissemination to the competent authority and official national laboratories of information that the CRL supplies.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the NFSA had designated laboratories to carry out the analysis of samples taken during official controls on fishery products.

The mission team visited one of the designated laboratories, the National Institute of Nutrition and Seafood Research (NIFES). According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, this is the NRL for ten of the parameters related to the official controls of fishery products. However, for the information available on the Nordic Committee on Food Analyses (NMKL) website NIFES is not reported as the NRL for all of them¹.

According to representatives of NIFES the laboratory takes part in proficiency tests for all the accredited methods. However, the laboratory has only taken part in some of the ring tests arranged by the relevant CRLs because of problems in communication with some of them.

The mission team was informed that NIFES had not had any coordination of, nor organised any, comparative tests between officially designated national laboratories and they did not have an overview of other laboratories involved in official controls that were possibly carrying out analyses for which NIFES had been appointed as the NRL². The NFSA approves that the NRL mainly coordinates activities of the designated official laboratories when these laboratories participate in surveillance programs.

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the NFSA has in 2010 participated in the European Commission's baseline study of sampling and analysis of fishery products for *Listeria monocytogenes*. However, despite being the NRL for *Listeria monocytogenes* in seafood the laboratory was not involved in the baseline study.

The mission team was informed that NIFES did not have an accredited method for one of the parameters for which it was designated NRL. Therefore NIFES used a private

¹ See comments provided by the NFSA in its reply to the draft report in Annex 4.

² See comments provided by the NFSA in its reply to the draft report in Annex 4.

accredited laboratory as a subcontractor for analyses of Polycyclic Aromatic Hydrocarbons.

The mission team visited a section of the laboratory dealing with heavy metals and found the layout and premises of the laboratory to be satisfactory, with competent staff and adequate equipment for the duties carried out.

The mission team visited an officially designated private laboratory. The laboratory analyses some official samples regarding meat hygiene but very few samples of fishery products. Their main task is analyses of samples for the private sector. The laboratory was accredited to ISO 17025 by Norwegian Accreditation body and takes part in ring tests arranged by a private laboratory. The ring tests are performed four times a year for food and water. Three samples are analysed for each matrix in every test. The z scores examined by the mission team were generally good and the mission team observed that when a z score had exceeded the limits the deviation was analysed and a deviation report written.

The mission team was informed that the laboratory sometimes sent samples for analyses for methods which they were not accredited for to NIFES. However the mission team was also informed this was the only relation they had with NIFES although the laboratory was carrying out analyses for which NIFES was the NRL.

Conclusions

A NRL and official laboratories have been designated for fishery products, in accordance with the requirements of Articles 12 and 33(1) of Regulation (EC) No 882/2004.

The NRL visited did not fully comply with the requirements of Article 33(2) of the above mentioned regulation, as it had limited contact with the relevant CRLs. Moreover, it did not have the necessary overview of laboratories taking part in the official controls of food and feed, it did not organise any comparative tests for the laboratories involved in the official controls and did not ensure the dissemination to the competent authority and official national laboratories information that the CRLs supplied³.

6 Final meeting

The final meeting was held at the NFSA head office in Oslo with representatives of the NFSA, Ministry of Fisheries and Coastal Affairs and the Ministry of Health and Care Services on 9 September 2011. At this meeting, the mission team presented its main findings and some preliminary conclusions of the mission. At the meeting the mission team also explained that, based on a more detailed assessment of the information received during the mission, additional conclusions and recommendations could be included in the report. The Norwegian representatives did not indicate any disagreement with the observations and preliminary conclusions presented by the mission team.

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

³ *See comments provided by the NFSA in its reply to the draft report in Annex 4.*

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

No	Recommendation
1	The competent authority should ensure that control activities are co-ordinated according to Article 4(2) of Regulation (EC) No 882/2004.
2	The competent authority should ensure that the staff performing official controls on fishery products receive appropriate training, and are kept up-to-date in their areas of competence according to Article 6 of Regulation (EC) No 882/2004.
3	The competent authority should ensure that approval of food business operators processing fishery products in Norway is in line with the requirements laid down in Article 31 of Regulation (EC) No 882/2004 and Article 3 of Regulation (EC) No 854/2004.
4	The competent authority should ensure that general hygiene requirements are fulfilled according to Annex II of Regulation (EC) No 852/2004 and structural and hygiene requirements according to Chapter III of Section VIII of the Annex III to Regulation (EC) No 853/2004.
5	The competent authority should ensure that all shortcomings in establishment are noted and reported in accordance with Article 4 of Regulation (EC) No 854/2004.
6	Norway should, if traditional production methods are used, adopt national measures according to Article 10 of Regulation (EC) No 853/2004 and notify them to the Authority.
7	The competent authority should ensure following identification of non compliances that appropriate immediate action is taken to ensure that the food business operator remedies the situation as required by Article 54(1) of Regulation (EC) No 882/2004.
8	The competent authority should ensure that the requirements of Article 5 of Regulation (EC) No 852/2004 regarding HACCP plans are fulfilled and that audit and verification procedures identify the shortcomings of these plans according to Article 4 of Regulation (EC) No 854/2004.
9	The competent authority should ensure full compliance with Regulation (EC) No 2073/2005 on microbiological criteria applicable to fishery products.
10	The competent authority should ensure that the NRL fully complies with the requirements of Article 33(2) of Regulation (EC) No 882/2004.

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

Authority	EFTA Surveillance Authority
CRL	Community Reference Laboratory
EEA	European Economic Area
EEA Agreement	Agreement on the European Economic Area
EN/ISO	European standards/International Organization for Standardization
EU	European Union
Food Hygiene Package	<p>A term that refers to a group of European Regulations that represent a significant reorganisation of the regulatory framework for food and feed hygiene and safety. The package builds on general food law basis established by <i>Regulation (EC) No 178/2002 of the European Parliament and the Council laying down the general principles and the requirements of food law, establishing the European Food Safety Authority and laying down procedures for matters of food safety.</i></p> <p>The Food Hygiene package includes several Regulations; <i>inter alia</i>, Regulations (EC) No 852/2004, 853/2004 854/2004.</p>
HACCP	Hazard Analysis and Critical Control Point
MATS	The operative system for official control in the NFSA
NFSA	Norwegian Food Safety Authority
NMKL	Nordic Committee on Food Analyses
NRL	National Reference Laboratory
DG SANCO	The European Commission's Directorate General for Health and Consumer Policy
TMA-N	Trimethylamine Nitrogen
TVB-N	Total Volatile Basic Nitrogen

Annex 2 - Relevant legislation

The main EEA Acts regarding the production and placing on the market of fishery products and relevant for this mission are:

- a) The Act referred to at Point 7.1.2 of Chapter I of Annex I to the EEA Agreement, *Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC*, as amended;
- b) The Act referred to at Point 7.2.19 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 2002/657/EC of 12 August 2002 implementing Council Directive 96/23/EC concerning the performance of analytical methods and the interpretation of results*, as corrected by OJ L 239, 6.9.2002, p. 66, as amended;
- c) The Act referred to at Point 6.2.52 of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs*, as corrected by OJ L 278, 10.10.2006, p. 32 and OJ L 283, 14.10.2006, p. 62 and as amended;
- d) The Act referred to at Point 6.2.53 of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004*, as amended;
- e) The Act referred to at Point 6.2.55 of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2005*, as amended;
- f) The Act referred to at Point 7.1.9b of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption*, as corrected and as amended;
- g) The Act referred to at Point 7a of Chapter II of Annex XX to the EEA Agreement, *Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption* as adapted to the EEA Agreement;
- h) The Act referred to at point 18 of Chapter XII of Annex II to the EEA Agreement, *Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to labelling, presentation and advertising of foodstuffs*, as corrected by OJ L 124, 25.5.2000, p.66, as amended and adapted to the EEA Agreement;

- i) The Act referred to at Point 54zb of Chapter XII of Annex II to the EEA Agreement, *European Parliament and Council Directive No 95/2/EC of 20 February 1995 on food additives other than colours and sweeteners*, as amended;
- j) The Act referred to at Point 54zzzzg of Chapter XII of Annex II to the EEA Agreement, *Commission Directive 2008/84/EC of 27 August 2008 laying down specific purity criteria on food additives other than colours and sweeteners*, as amended;
- k) The Act referred to at Point 54zzzn of Chapter XII of Annex II to the EEA Agreement, *Commission Regulation (EC) No 1883/2006 of 19 December 2006 laying down methods of sampling and analysis for the official control of levels of dioxins and dioxin-like PCBs in certain foodstuffs*;
- l) The Act referred to at Point 54zzzp of Chapter XII of Annex II to the EEA Agreement, *Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs*;
- m) The Act referred to at Point 54zzzz of Chapter XII of Annex II to the EEA Agreement, *Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum level for certain contaminants in foodstuffs*, as amended and adapted to the EEA Agreement;
- n) The Act referred to at Point 54zzzzr of Chapter XII of Annex II to the EEA Agreement *Regulation (EC) No 1333/2008 on food additives*, as amended and adapted to the EEA Agreement.

Annex 3 – Figures for the production of fishery products in Norway⁴

Quantity of catch, by fish species and main group of fish species. 2008-2010*. Tonnes live weight

* =Preliminary figures, 2010

Common name	Scientific name	2008	2009	2010*
Total		2 436 744	2 537 134	2 677 339
Pelagic fish		1 713 473	1 806 280	1 791 797
Norway pout	<i>Trisopterus esmarkii</i>	6 650	37 293	65 669
Sprat	<i>Sprattus sprattus</i>	4 453	11 469	14 647
Horse mackerel	<i>Trachurus trachurus</i>	12 244	72 619	12 503
Blue whiting	<i>Micromesistius poutassou</i>	418 289	225 996	194 318
Capelin	<i>Mallotus villosus</i>	40 907	233 005	272 416
Mackerel	<i>Scomber scombrus</i>	121 496	121 229	233 957
Herring	<i>Clupea harengus</i>	1 027 873	1 077 250	920 273
Sandeel	<i>Ammodytes marinus</i>	81 553	27 418	78 013
Pelagic fish nei		8	1	2
Codfishes		557 923	587 214	674 570
Blue ling	<i>Molva dypterygia</i>	407	392	517
Tusk	<i>Brosme brosme</i>	16 197	13 763	16 817
Haddock	<i>Melanogrammus aeglofinus</i>	74 299	106 324	124 812
Whiting	<i>Merlangius merlangus</i>	129	115	168
Ling	<i>Molva molva</i>	19 479	16 716	18 222
Pollack	<i>Pollachius pollachius</i>	3 065	2 154	1 886
Hake	<i>Merluccius merluccius</i>	1 608	1 714	1 745
Saithe	<i>Pollachius virens</i>	227 295	202 377	227 281
Atlantic cod	<i>Gadus morhua</i>	215 444	243 659	283 122
Flatfishes and other demersal fishes		49 104	50 852	52 446
Greenland halibut	<i>Reinhardtius hippoglossoides</i>	9 017	10 176	9 738
Angler	<i>Lophius piscatorius</i>	5 034	5 324	6 291
Halibut	<i>Hippoglossus hippoglossus</i>	1 764	1 588	1 873
Plaice	<i>Pleuronectes platessa</i>	1 818	1 690	1 670
Lumpsucker	<i>Cyclopterus lumpus</i>	4 625	2 844	2 540
Catfish	<i>Anarhichas lupus</i>	4 749	7 025	3 928
Lesser and greater argentines	<i>Argentina silus</i> <i>Argentina sphyraena</i>	13 428	13 579	12 871
Atlantic redfish	<i>Sebastes marinus</i>	8 117	8 296	13 263
Other flatfish and groundfishes nei		552	330	273
Deep-sea species		2 439	3 166	1 884

⁴As provided by the NFSA in its reply to the pre-mission questionnaire of the Authority.

Species not else-where included		1 572	1 185	1 207
Crustaceans and molluscs		112 234	88 436	155 435
Lobster		44	50	57
King crab	<i>Paralithodes camtschaticus</i>	5 199	5 613	1 906
Crab	<i>Cancer pagurus</i>	5 295	4 971	5 714
Deep water prawn	<i>Pandalus borealis</i>	30 741	27 325	22 035
Norway lobster	<i>Nephrops norvegicus</i>	331	315	290
Mussels		918	775	767
Crustaceans and molluscs nei		69 706	49 387	124 667

Sales of slaughtered fish for food. Quantity, by fish species and county, 2009. Tonnes

2010 numbers not yet available.

	Total	Salmon	Rainbow trout	Char/migratory char	Cod	Halibut	Other species
1997	367 115	332 581	33 295	350	304	¹ 113	472
1998	410 449	360 806	48 431	190	199	¹ 290	534
1999	476 291	425 154	48 692	498	157	451	1 340
2000	490 278	440 061	48 778	282	170	562	425
2001	508 497	435 119	71 764	317	535	377	385
2002	548 718	462 495	83 559	319	1 258	424	663
2003	582 587	509 544	68 931	272	2 185	426	1 229
2004	633 110	563 914	63 401	324	3 165	648	1 658
2005	656 894	586 512	58 875	352	7 409	1 197	2 549
2006	708 558	629 888	62 703	897	11 087	1 185	2 798
2007	838 856	744 220	77 465	395	11 104	2 307	3 365
2008	846 353	737 694	85 266	468	18 052	1 587	3 286
2009	960 110	862 908	74 072	421	20 924	1 568	218

Annex 4 – Reply from the NFSA to the draft report



**DET KONGELIGE
HELSE- OG OMSORGSDEPARTEMENT**

The Royal Ministry of Health and Care Services

EFTA Surveillance Authority
Rue Belliard 35
B-1040 Brussels
Belgium

Your ref

Our ref
201101234-/MRW

Date
23.12.2011

Mission to Norway regarding application of EEA legislation related to fishery products – answer to draft report

I refer to the email of 5 December 2001 from Mr Rögnvaldur Ingolfsson, where the deadline for response to the draft report was expanded.

Please find enclosed a letter from the Norwegian Food Safety Authority with the plan for corrective measures regarding the Authority's mission to Norway.

Yours sincerely,

Nina Horg Thoresen
Assistant Director General

Enclosure 2

Postal address PO Box 8011 Dep 0030 Oslo	Office address Einar Gerhardsens plass 3	Telephone +47 22 24 90 90 Vat no. 983 887 406	Department of Administration Telefax +47 22 24 95 77	Our officer Maren Ringstad Widme +47 22 24 85 58
------------------------------------------------	---------------------------------------------	--------------------------------------------------------	---------------------------------------------------------------	--------------------------------------------------------

No	Recommendation	Corrective measures	Time of completion
1	<p>The competent authority should ensure that control activities are co-ordinated according to Article 4(2) of Regulation (EC) No 882/2004.</p>	<p>The NFSA will continue its work within the frame of our standard operating procedures for official controls and for good risk management practices. The risk classification system in MATS is still under development. National priorities for control activities will be laid down in the budget disposal letter (BDS) to the regional offices.</p> <p>The work with sector analysis on foodstuffs has been postponed, and will be split up into several parts. We will inform ESA about the schedule of this work when it has been decided.</p>	2012
2	<p>The competent authority should ensure that the staff performing official controls on fishery products receive appropriate training, and are kept up-to-date in their areas of competence according to Article 6 of Regulation (EC) No 882/2004.</p>	<p>The NFSA will continue its work with training of staff, both in generic and professional issues.</p> <p>As a part of the central key skill training activities (SKUT) a training course was arranged for inspectors of fishery products in November 2011, where exchange of experience was one of the main topics. A similar training course will be prepared for in 2012, as well as a training course focusing on controls of HACCP systems in fishery product establishments.</p>	2012
3	<p>The competent authority should ensure that approval of food business operators processing fishery products in Norway is in line with the requirements laid down in Article 31 of Regulation (EC) No 882/2004 and Article 3 of Regulation (EC) No 854/2004.</p>	<p>To ensure compliance with regulation Article 31 of Regulation (EC) No 882/2004 and Regulation (EC) No 854/2004 Article 3, regarding the re-approval of food establishments, a training course for staff performing official control was held on November 10th - 11th. One of the main focuses on the course was the re-approval of food establishments.</p> <p>NFSA will take corrective actions in cases where re-approval/approval has been granted on an incorrect basis. NFSA will also review existing guidelines for granting approval/re-approval.</p> <p>The NFSA will consider the need for improvements of the system MATS in order to assure that the public list of approved establishments for fishery products is up to date. Improvement of routines regarding</p>	2012

		registration of approvals and withdrawal in MATS will also be considered.	
4	The competent authority should ensure that general hygiene requirements are fulfilled according to Annex II of Regulation (EC) No 853/2004 and structural and hygiene requirements according to Chapter III of Section VIII of the Annex III to Regulation (EC) No 853/2004.	<p>The NFSA showed to the mission team during the inspection how documented procedures (templates) were generated in MATS to suit the inspection to be performed, as described in 5.2.3 in the report. The NFSA head office has now started a work to review all the templates in MATS and we will focus on the non-conformities ESA has pointed out in the report, in this work.</p> <p>The findings in the report from ESA will be communicated to the trade organisations of the seafood industry.</p> <p>Please also refer our answer to point 5.</p>	2012
5	The competent authority should ensure that all shortcomings in establishment are noted and reported in accordance with Article 4 of Regulation (EC) No 854/2004.	<p>A training course was arranged 9-10 November 2011 for inspectors of fishery products. The preliminary conclusions after the mission were presented and discussed.</p> <p>NFSA will carry out a national supervision campaign in 2013 focusing on hygiene issues within controls of fishery product establishments. We will start the planning of the campaign in 2012.</p> <p>Please also refer our answers to point 2, 4 and 7.</p>	2012 and 2013
6	Norway should, if traditional production methods are used, adopt national measures according to Article 10 of Regulation (EC) No 853/2004 and notify them to the Authority.	NFSA has started to review the use of traditional production methods, cf. Article 10 of Regulation (EC) No 853/2004, and the aim is to finish this work within 2012. If these methods cannot be preserved in accordance with the hygiene regulations, NFSA will notify the use of traditional production methods to the Authority accordingly.	2012
7	The competent authority should ensure following identification of non-compliances that appropriate immediate action is taken to ensure that the food business operator remedies the situation	A training course for staff performing official control will be held in the first half of 2012 were appropriate immediate actions following identification of non-compliance will be made one of the focus areas. Furthermore, NFSA will review the guidelines and routines related to infringement procedures (virkemiddelbruk) to make sure these are in accordance with Article 54(1)	2012

8	<p>as required by Article 54(1) of Regulation (EC) No 882/2004.</p> <p>The competent authority should ensure that the requirements of Article 5 of Regulation (EC) No 852/2004 regarding HACCP plans are fulfilled and that audit and verification procedures identify the shortcomings of these plans according to Article 4 of Regulation (EC) No 854/2004.</p>	<p>of Regulation (EC) No 882/2004.</p> <p>The NFSA will focus on HACCP and system auditing in 2012:</p> <ul style="list-style-type: none"> • A training course for inspectors of fishery products was arranged in November 2011. Auditing risk analysis of fishery establishments was one of the main subjects. A similar training course will be arranged in 2012. • A training course focusing on controls of HACCP systems in fishery product establishments will be in arranged in 2012 • During 2012 the NFSA will carry out a national campaign focusing on auditing HACCP systems in large and medium sized establishments producing foodstuff, and in catering establishment. 1000 establishments will be audited. This will also include some fishery product establishments. • A regional training program for inspectors in system auditing, developed in 2008, will continue in 2012. 	2012
9	<p>The competent authority should ensure full compliance with Regulation (EC) No 2073/2005 on microbiological criteria applicable to fishery products.</p>	<p>Training in microbiological criteria and sampling:</p> <ul style="list-style-type: none"> • A training course for inspectors of fishery products was arranged in November 2011, where requirements in regulation 2073/2005 were one of the subjects. A similar training course will be arranged in 2012. • Training in regulation 2073/2005 for inspectors is planned in 2012. The project group responsible for this training will make use of experiences gained from "Better Training for Safer Food" on regulation 2073/2005. • Training regarding sampling and analysis is planned for 2012 	2012
10	<p>The competent authority should ensure that the NRL fully complies with the requirements of Article 33(2) of Regulation (EC) No 882/2004, as regards contact with the relevant CRLs</p>	<p>NFSA is continuously working on improving contact between EURL and NRL. In some cases EURLs have not accepted Norwegian NRLs because we are not a member state. But after some time of correspondence the contact between EURL and NRL usually is established.</p>	Continuously

	<p>and co-ordination and control of the officially designated laboratories.</p>	<p>NFSA invites private laboratories every fourth year to tender. The laboratories designated are published both for the district offices (DO) and the NRLs. Just these days NFSA invites laboratories to tender, and by May 15, 2012 new laboratories will be designated. NFSA will ensure that the NRL gets knowledge both of the present designated laboratories and those that will be designated in May 2012.</p> <p>Both NFSA and NRL will focus more on the information that NRL gets from the EURL. NFSA stays in close touch with the NRL, and regular meetings are arranged. Disseminating news and knowledge from the EURL will be on the agenda for the next meeting between NFSA and NRL.</p>	<p>May 2012</p> <p>2012</p>
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EFTA Surveillance Authority
Rue Belliard 35
B-1040 Brussels
Belgia

Your ref: 69299
Our ref: 2011/63318
Date: 16.12.2011
Org.nr: 985 369 077

Statens tilsyn for planter, fisk, dyr og næringsmidler



Mattilsynet

**Mission to Norway regarding application of EEA legislation related to fishery products
-answer to draft report**

With reference to the draft report of 3 November 2011 from EFTA Surveillance Authority, after the mission to Norway from 29 August to 9 September 2011 regarding application of EEA legislation related to fishery products.

Norway is invited to comment on the factual content or other elements of the report, and to provide information on action already taken in response to the recommendations of the draft report.

Norway is also asked to provide a plan for corrective measures and actions, including a timetable for completion of measures still outstanding, relevant to the recommendations given in the draft report.

Comments to the draft report and information regarding action taken are listed below. Please find enclosed a plan for corrective measures in relation to the recommendations in the draft report.

Comments to the draft report

1 Introduction

Table 1 Competent authorities and premises visited

The number of visited establishments processing fishery products should be 15.

5.5 Laboratories

Findings

The draft report says: "The mission team was informed that NIFES had not had any coordination of, nor organised any, comparative tests between officially designated national laboratories and they did not have an overview of other laboratories involved in official controls that were possibly carrying out analyses for which NIFES had been appointed as the NRL."

Comment:

NIFES has for the time being organised three comparative tests (every second year) on microbiological screening on antibiotics in fish liver.

**Norwegian Food Safety Authority
Head Office, Department of controls**

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Regulation 882/2004 Art.33 (c) states that NRL when it is appropriate shall organize comparative tests between the official national laboratories (that is the laboratories through tender designated for analyzing the samples taken by the DO). The NFSA approves that the designated laboratories participates in comparative tests arranged by other laboratories than the NRL.

Regarding information available on the NMKL website:

The NMKL list for NRLs in the Nordic countries is adjusted approximately once a year, so there will often be a difference between the NMKL list and the NRL appointed in Norway. To give the Authority access to the correct NRL list and to avoid differences between lists, NFSA will in January 2012 publish the NRL list on www.mattilsynet.no.

Conclusions

The draft report says that the NRL did not coordinate the control.

Comment:

NFSA approves that the NRL mainly coordinates the activities of designated official laboratories when these laboratories participate in surveillance programs.

Action taken in response to the recommendations of the draft report

All parts of the NFSA have been informed about the preliminary conclusions after the mission. A meeting between the Head Office and the Chief Regional Officers was held in December, where the conclusions and recommendations from the draft report were discussed. The meeting decided to carry out a national supervision campaign in 2013 focusing on hygiene issues within controls of fishery product establishments.

In a meeting in November 2011 with representatives from all 8 regional offices of NFSA, information about the preliminary conclusions after the mission was given. The regional representatives are all involved in coordinating supervision of fishery product establishments. Meetings in this national network on fishery products in NFSA are held on a regular basis.

A training course was arranged in November 2011 for inspectors on fishery products. The preliminary conclusions after the mission were presented and discussed. Other subjects at the training course were 2073/2005 Microbiological Criteria and Auditing risk analysis (HACCP).

The final report from the Authority will also be published on www.mattilsynet.no, followed by information to the regional and district offices regarding follow up of the recommendations.

In the cases where the mission team pointed out that the list of approved establishments were not kept up to date, the district office has made corrections, and establishments not in operation have been withdrawn.

The establishments visited during the mission, have been followed up by the NFSA when non-compliance with the regulation was revealed.

If you have any questions, please do not hesitate to contact the Norwegian Food Safety Authority.

Yours Sincerely

Kristina Landsverk
Director of Controls

Enclosure: Plan for corrective measures