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Final report

EFTA Surveillance Authority mission to

Norway

from 21 to 30 January 2013

regarding the application of EEA legislation related to

import/transit control systems and

border inspection posts

Please note that comments and information from the Norwegian competent authorities on the corrective actions already taken and planned by the Norwegian competent authorities are included in Annex 3 in the report and referred to in footnotes in *underlined italic print* in the body of the report.

Executive Summary

This report describes the outcome of a mission carried out by the EFTA Surveillance Authority (the Authority) in Norway from 21 to 30 January 2013. The obligations related to import controls laid down in the European Economic Area (EEA) Agreement are applicable to Norway as regards all products of animal origin and live animals. On the mission six border inspection posts (BIPs) (out of 17 approved BIPs) were visited by the mission team.

The objective of the mission was to verify that official controls related to import/transit control systems and BIPs were carried out in compliance with the EEA legislation.

The mission team found improvements since the last mission carried out in 2009 and that the BIP facilities and veterinary import procedures in general are in line with the EEA agreement and that Norwegian Food Safety Authority (NFSA)remains the competent authority. Evidence was seen of cooperation and coordination between the NFSA and the Customs. Extensive training had been provided to staff in BIPs by the NFSA, however limited training had been provided regarding the use of the TRACES (Trade Control and Expert System) database. In addition, the NFSA had not initiated training of Customs officials in interpretation of Common Veterinary Entry Documents (CVEDs). Official controls are generally carried out in accordance with documented procedures, and instructions for staff had been updated and contained all relevant legislation in BIPs visited. There is not yet a harmonised system of supervision of BIPs in place in line with Article 8 (3) of Regulation (EC) No 882/2004, nevertheless most BIPs visited had implemented systems of verification of official controls including reporting and follow-up. A system of audits of the import control system and the BIPs as required by Article 4 (6) of the same regulation has been launched in 2012 aiming at covering all BIPs in Norway within a 3 to 5 year cycle.

The majority of consignments checked had been correctly pre-notified before arrival. However, it was noted that systematic checks of available cargo manifests or other sources of information was not done in all BIPs visited in order to ensure that all consignments are identified and presented for veterinary control in a BIP. Veterinary checks for identified consignments are generally carried out correctly. TRACES is used correctly for all checked consignments with only minor shortcomings noted. A monitoring plan was developed centrally and samples were taken at a risk basis by the BIPs. The six BIP facilities visited generally complied with the current approval categories.

The main problem noted was that the current customs procedure, which allows customs warehousing until the customs clearance, does not require veterinary checks before the transfer of consignments from the entry point to the warehouse. In addition, the current customs procedure allows transit of products of animal origin without veterinary checks carried out in a BIP. This is not in line with Article 3(4) of Directive 97/78/EC for consignments in transit and warehouse consignments.

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

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1 INTRODUCTION

The mission took place in Norway from 21 to 30 January 2013. The mission team comprised two inspectors from the EFTA Surveillance Authority (the Authority) and an observer from the Food and Veterinary Office (FVO) of the European Commission.

The opening meeting was held with representatives from the Norwegian Food Safety Authority (NFSA), the Ministry of Health and Care and the Ministry of Fisheries and Coastal Affairs on 21 January 2013 at the NFSA office in Bergen. At the meeting, the mission team confirmed the objectives and the itinerary of the mission. The Norwegian representatives provided additional information to that set out in the reply to the Authority's pre-mission questionnaire.

Throughout the mission, representatives of NFSA accompanied the mission team during meetings with the customs and the visits to the border inspection posts (BIPs).

A final meeting was held at representatives from NFSA and the customs authorities in Oslo on 30 January 2013, at which, the mission team presented its main findings and some preliminary conclusions from the mission.

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

2 OBJECTIVES OF THE MISSION

The main scope of the mission was to assess the application by the Norwegian competent authorities of the following main European Economic Area (EEA) Acts and related EEA legislation:

a) *Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on the official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules*, as corrected and amended;

b) *Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption*, as corrected and amended;

c) *Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries*, as amended and adapted;

d) *Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC*, as amended and adapted;

e) *Commission Decision 2001/812/EC of 21 November 2001 laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries*, as amended.

This assessment was carried out based on, and related to, the abovementioned legal acts and other relevant European Economic Area (EEA) legislation referred to in Annex 2 to this report. The assessment was further based on the reply to the pre-mission questionnaire of the Authority.

The objectives of the mission were to evaluate the import/transit controls procedures in for animal products and to verify whether relevant EEA requirements related to infrastructure, equipment, hygiene, staffing and documentation are correctly applied at the border inspection posts visited.

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

The meetings with the Competent Authorities and the visits during the mission are listed in Table 1.

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

	Number	**Comments**
Competent authorities	NFSA	An initial meeting, a final meeting and in the course of the on-the-spot visits
	Customs	One meeting at the Customs head office in Oslo
BIPs	6	Egersund (port), Kristiansund (port), Larvik (port), Måløy (port), Oslo (airport) and Tromsø (port).

3 LEGAL BASIS FOR THE MISSION

The legal basis for the mission was:

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

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

c) *Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States*;

d) Article 45 of *Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on the official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules*.

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

4 BACKGROUND

4.1 Background information

The obligations related to import controls laid down in the EEA Agreement are applicable to Norway as regards all products of animal origin and live animals.

4.2 Previous missions

This last mission carried out by the Authority on import controls systems and BIPs to Norway was from 4 to 15 May 2009, where several shortcomings in the procedures related to import control were identified. The final report from this mission is available on the Authority's website: (www.eftasurv.int)

4.3 Approved BIPs in Norway

There are 17 BIPs approved in Norway. Apart from the BIP at Oslo airport, and the road BIP in Storskog, all BIPs are situated in ports. Norway has notified changes to the list of agreed BIPs to the Authority (see also Chapter 5.10.1). Details on the approval of the BIPs and the number of consignments imported and in transit in 2010 and 2011 as provided in the answer to the pre-mission questionnaire are given in Figure 1.

Figure 1 Details about the BIPs in Norway

Name of the BIP	Inspection centres	Type	Approval EFTA Surveillance Authority Decision 339/12/COL (repealed and replaced by Decision 131/13/COL of 18 March 2013)	Last inspection	Number of Consignments received	
					2010	2011
Borg		Port	HC, NHC, E(7)	2009	135	366
Båtsfjord		Port	HC-T(FR)(1)(2)(3) HC-NT(1)(2)(3)	2007	162	
Egersund*		Port	HC-NT(6) NHC-NT(6)(16)	2006	14	3
Florø EWOS		Port	NHC-NT(6)(16)		0	0
Hammerfest	IC Rypefjord	Port	HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	2009	223	166
Honningsvåg	IC Honningsvåg	Port	HC-T(1)(2)(3)	2009	15	50
	IC Gjesvær		HC-T(1)(2)(3)			
Kirkenes		Port	HC-T(FR)(1)(2)(3)	2009	181	302
Kristiansund*	IC Kristiansund	Port	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3), HC-NT(6),NHC-NT(6)	2006	51	30
Larvik*		Port	HC(2)			89

Måløy*	IC Gotteberg	Port	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	2005	162	158
	IC Trollebø		HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3),			
Oslo*		Air-port	HC, NHC, U, E, O	2007	315 POAO 227 live animals	369 POAO 176 live animals
Oslo		Port	HC, NHC	2009	1063	631
Sortland	IC Melbu	Port	HC-T(FR)(1)(2)(3),	2009	106	29
	IC Sortland		HC-T(FR)(1)(2)(3),			
Storskog		Road	HC, NHC, U, E, O	2009	24 POAO 49 live animals	30 POAO 0 live animals
Tromsø*	IC Bukta	Port	HC-T(FR)(1)(2)(3),	2004	155	192
	IC Solstrand		HC-T(FR)(1)(2)(3),		64	208
	IC Vannøy		HC-T(FR)(1)(2)(3),			
Vadsø		Port	HC-T(FR)(1)(2)(3),	2007	22	31
Ålesund	IC Breivika	Port	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	2009	50	9
	IC Skutvik		HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3),		364	413
* BIPs and ICs visited during this mission.						

5 FINDINGS AND CONCLUSIONS

5.1 Transposition of EEA legislation

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 the information received in the answer to the pre-mission questionnaire, amendments in the Norwegian legislation implement the EEA legislation on official control of food and feed including Regulation (EC) No 882/2004 (Regulation on the control regulation, i.e. *"Forskrift om offentlig control med etterlevelse av regelverk om fôrvarer, næringsmidler og helse of velferd hos dyr"*). In addition, the relevant EEA legislation regarding import controls of animals and products of animal origin has been transposed to national legislation in line with Article 7 of the EEA Agreement.

The NFSA has established a system to ensure timely implementation of safeguard measures adopted subject to the simplified procedure[1]. Information on Acts subject to

[1] The simplified procedure is derogation from the general procedures for incorporation of acquis laid down by the EFTA Standing Committee. Simplified procedures signify that acts which are subject to these procedures are no longer incorporated into the EEA Agreement by a Decision of the EEA Joint Committee in order to become applicable in the EEA EFTA States.

simplified procedures is received from the EFTA Secretariat. In addition, the department of legislation of the NFSA monitors the Official Journal daily and identifies Acts that should be applied simultaneously in Norway/EEA and EU 27. The department of legislation is responsible and keep an overview of relevant Acts to ensure that deadlines are respected. The mission team noted that the majority of Acts falling under the simplified procedure were transposed in time.

Conclusions

Norway has, in line with Article 7 of the EEA Agreement, amended national legislation regarding organisation of official controls and import controls of animals and animal products.

5.2 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 4(3) of Regulation (EC) No 882/2004 requires efficient and effective co-ordination between different competent authorities. Article 4 (5) requires that, when more than one unit within the same competent authority is competent to carry out official controls, efficient and effective coordination and cooperation should be ensured.

Findings

The management structure and organisation of the Competent Authorities in the area of control system for imports of animals and products of animal origin is described in the country profile for Norway that is available at the internet at: http://eftasurv.int.

According to the information received in the answer to the pre-mission questionnaire there are no changes to the organisation of the competent authorities regarding import controls of animals and products of animal origin since the last mission carried out in 2009. The NFSA, department of control, section for import and export, is the competent authority for veterinary import control of products of animal origin and live animals. The NFSA is responsible for all the BIPs in Norway. The BIPs are organised as part of the district offices. The NFSA, department of control, section for import and export, is also the national contact point for Trade Control and Expert System (TRACES) and Rapid Alert System for Food and Feed (RASSF), not only towards the EU Commission but also within the NFSA. It is the responsibility of this department to update web pages with information on RASFF and TRACES continuously. All the BIPs have access to the RASFF database and they all use TRACES.

According to information received at the initial meeting the NFSA has managed the review and finalised a central agreement with the customs authorities in the beginning of 2012 to set out the obligations for cooperation and to initiate closer cooperation. The agreement includes quarterly meetings between NFSA and customs authorities and includes writing of minutes. In addition, this agreement includes a standard template for regional agreements between NFSA and customs authorities which have all been signed in 2012 according to the information received.

The mission team noted that:

- At the BIPs visited it was confirmed that cooperation and communication between the BIPs and the customs authorities was ensured by exchanging information as frequently as required.
- At regional level yearly meetings are organised with the customs authorities and in the districts visited it was confirmed that in most cases a representative for the district level is invited to these meetings;
- There are no signed agreements between NFSA and the customs authorities at district level. Nevertheless the local BIPs have been encouraged by NFSA to have regular contact with the customs authorities. Evidence was seen that meetings had been held including minutes;
- In BIPs visited, where direct landings from Russian vessels were taking place, the BIP did not allow unloading of the fishery products before the Directorate of Fisheries (DoF) had finalised the port state control;
- At the meeting with the customs authorities the mission team noted that consignments of products of animal origin could be transported under customs transit procedure without any communication to the NFSA and consequently the required veterinary checks in a BIP were not always performed. In addition, the mission team noted that the customs authorities were not aware that transit consignments of products of animal origin should be subject to veterinary controls in a BIP (see also section 5.9.1) before introduction and transit through the EEA area;
- Regarding consignments of products of animal origin for customs warehousing the mission team noted, that the customs authorities were not aware that these consignments need to go through veterinary checks in a BIP and that a Common Veterinary Entry Document (CVED) needs to be issued by the BIP before customs warehousing (see also section 5.9.2). Consequently the required veterinary checks in a BIP were not always performed prior to customs warehousing.

Conclusions

The NFSA is the designated competent authority responsible for veterinary checks at BIPs in line with Article 4(1) of Regulation (EC) No 882/2004 and evidence was seen of cooperation and coordination between the customs authorities and the NFSA as required by Article 4(3) of the same regulation. Nevertheless, compliance with the requirements for effective cooperation between competent authorities could not be fully ensured, since the coordination in place between the BIPs and the customs authorities did not ensure the gathering of all relevant information regarding consignments of products of animal origin, in particular for consignments in transit and for customs warehousing[2].

5.3 Resources for performing official controls

Legal Requirements

Article 4 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 and that appropriate and properly maintained facilities and equipment are available. Article 6 of Regulation (EC) No 882/2004 requires the competent authorities to ensure that staff receives appropriate training and keep the staff updated in their area of competence.

[2] *See Annex 3 for additional comments from the NFSA regarding exchange of information between the NFSA and the customs authorities.*

Findings

There have been no substantial changes since the mission carried out in 2009 regarding staff.

At the initial meeting the NFSA informed about a compulsory training system for all staff working at BIPs and the initial training program had to be finalised in order to be allowed to sign and finalise CVEDs. A list is available at the intranet of approved signatories for each BIP in Norway. In addition, the NFSA organises a yearly meeting for all staff working in BIPs in order to exchange information on new legislation, and other relevant issues in relation to import controls. Moreover, there is a basic training course for all BIP staff that lasts one week.

The mission team noted that:

- In the BIPs visited the staff number in place seemed appropriate and the facilities and equipment available seemed appropriate and were properly maintained (nevertheless, in one BIP visited the mission team had some remarks about hygiene and sampling procedures, see also section 5.10);
- In the BIPs visited it was confirmed that staff had participated in the yearly meetings organised by NFSA, other training and in most BIPs also in the Better Training for Safer Food and afterwards training cascades had been carried out.
- None of the BIP staff met had received training specifically aimed at use of TRACES (see also section 5.7.2.);
- At the meeting with the customs authorities the mission team noted that the NFSA had not initiated training of customs official in TRACES, interpretation of CVEDs or veterinary import controls;
- The BIPs visited were under the responsibility of official veterinarians with the exception of one BIP approved only for frozen packed fishery products for human consumption that was under the responsibility of a fish inspector in line with Commission Decision 93/352/EC.

Conclusions

The available resources for the performance of import control and training of staff were in line with the requirements of Articles 4 and 6 of Regulation (EC) No 882/2004. However, limited training had been provided specifically regarding the use of TRACES for staff working at BIPs and of customs officials of veterinary imports controls in general.

5.4 Procedures for performance and reporting of control activities

Legal Requirements

Article 8 of Regulation (EC) No 882/2004 requires the competent authorities to carry out their official controls in accordance with documented procedures, containing information and instructions for staff performing official controls. Article 9 of the above mentioned Regulation 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.

Findings

NFSA has developed a comprehensive list of written instructions for import controls. In addition, locally used checklists were used for document, physical and identity control in the BIPs visited.

The mission team noted that:

- A procedure for rejected animal products and channelling of animal products has been put in place since the mission carried out in 2009 (written instructions);
- For the channelled products checked by the mission team (re-imported consignments) application of the correct procedure (conformation of arrival to the controlled destination) was verified by e-mail from the district office (but not in TRACES). However, the BIP accepted non-manipulation declarations issued by the food business operator and not the competent authorities in the third country (it was a commercial rejection);
- A safeguard measure subject to the simplified procedure, Commission Decision 2007/25/EC regarding imports of pet birds and protection against highly pathogenic influenza, was implemented in Norwegian national legislation in March 2008. However, an instruction updated in 2010 used for these imports was not in line with the Commission Decision, since it allowed private quarantine of birds (up to 10 birds). In addition, the instruction does not refer specifically to the safeguard measures in place.

Conclusions

Official controls are generally carried out in accordance with documented procedures. Instructions for staff are drawn up in line with Article 8 of Regulation (EC) No 882/2004. However, instructions for imports of non commercial birds are not in line with the safeguard measures in place.

5.5 Enforcement measures

Legal Requirements

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

Article 54 of Regulation (EC) No 882/2004 requires a Competent Authority which identifies a noncompliance to take appropriate action to ensure that the operator remedies the situation. Article 55 of Regulation (EC) No 882/2004 states that Member States shall lay down the rules on sanctions applicable to infringements of feed and food law and other EU provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Findings

According to the information received in the answer to the pre-mission questionnaire the legal basis for enforcing legislation with regard to import controls is the Food Production and Food Safety Act (*Matloven*) of 19 December 2003. The Act provides for the possibility to impose or propose sanctions in case of infringements. According to information received by NFSA at the initial meeting there are no major problems in Norway concerning delayed notification of consignments.

Since the mission carried out in 2009 there has been a revision in the procedures (written instruction) for rejected consignments in order to ensure that the deadline of 60 days is kept. The instruction sets out that when the rejected consignment has been seized at the BIP and the consignment has not been destroyed or re-dispatched within 40 days, the responsible importer should be reminded of the deadline to ensure that the rejected consignment is either destroyed or leaves the EEA within the 60 day limit. This decision is final and cannot be appealed.

The mission team noted that:

- During document control in the BIPs visited the consignments were seen to be correctly pre-notified with only small delays noted in some cases;
- Most of the rejected consignments checked had left within the 60 day deadline, with only one exception seen. In this case the BIP adopted a decision two months after the elapse of the deadline including daily fines until this consignment was dispatched;
- During an audit from NFSA to a BIP (see also section 5.6) shortcomings were detected concerning hygiene and cleaning standard of the facilities. Appropriate procedures for corrective actions and follow-up were noted including written instructions to the BIP of corrective actions and obligations to inform about follow-up measures implemented.

Conclusions

The legal powers are in place to enforce the relevant legislation regarding import controls and the competent authorities take action when non-compliances are detected. Evidence was seen of enforcing the deadline of 60 days.

5.6 Verification and review of official controls and procedures

Legal Requirements

Article 8(3) of Regulation (EC) No 882/2004 states that the competent authorities must have procedures in place to verify the effectiveness of official controls, to ensure effectiveness of corrective action and to update documentation where needed.

Under Article 4(6) of Regulation (EC) No 882/2004 competent authorities are required to carry out internal audits, or have external audits carried out. These must be subject to independent scrutiny and carried out in a transparent manner.

Findings

According to information received from NFSA at the initial meeting a revised system for audits as set out in Article 4(6) of Regulation (EC) No 882/2004 of BIPs has been launched in 2012. Audits are carried out by staff from the head office of NFSA, department of control, section for import and export. All BIPs should be visited every three to five years according to a written plan. The BIPs to be inspected are chosen on a risk-basis (e.g. factors relevant are findings from the last visit by the Authority or last NFSA visit, re-approvals for new products and the general impression of the BIP). During the audit the procedures, documents, facilities and equipment are controlled. The BIPs are informed about these audits before they take place. All audits must be followed by a

written report from NFSA. In 2012 the NFSA had carried out audits to four BIPs (of which one was visited by the mission team).

The NFSA has not issued instructions or procedures to the BIPs to carry out verification/supervision procedure as set out in Article 8(3) of Regulation (EC) No 882/2004 to ensure that checks are carried out in accordance with the EEA requirements.
The mission team noted that:

- In three out of four visited BIPs local verification systems for the efficiency of the controls performed were in place. In the three BIPs where this took place, copies of verification reports were provided to the mission team. These differed in level of detail, and it was not in all cases clear if identified structural and hygienic shortcomings detected had afterwards been properly followed up;
- The BIP visited where an audit was carried out in 2012 by the NFSA a report had been issued at by the NFSA pointing to some shortcomings regarding hygiene and cleaning standard (see also section 5.5.). Corrective actions had been taken to ensure that the deficiencies noted were corrected;
- However, the mission team noted that independent internal or external audits have not been carried out of the full import control system, covering all competent authorities and all relevant units within these, after the implementation of Regulation (EC) No 882/2004 in May 2010 in line with all requirements of Commission Decision 2006/677/EC, in particular as regards independence of auditors.

Conclusions

There is not yet a harmonised verification/supervision system in place in line with Article 8(3) of Regulation (EC) No 882/2004. However, most BIPs have implemented supervision including reporting and follow-up.

The NFSA has introduced a revised system of audits that is aiming at covering all BIPs within three to five years in line with Article 4(6) of Regulation (EC) No 882/2004.

5.7 Legislative and administrative provisions

5.7.1 Provisions for implementation

Legal Requirements

A large number of Commission Decisions and Regulations detail the application of import control procedures; i.e. animal-by-products, veterinary fees, approved third country lists, model health certificates and safeguard measures introduced to prevent potentially harmful commodities being introduced into the Union.

Several pieces of EEA legislation require entry point lists or certain establishment lists linked to controls to be established (Articles 8 (6) and 12 (4) of Directive 97/78/EC).

The range of documents which must be available in BIPs is specified in point 3 of the Annex to Decision 2001/812/EC, whereas in Inspection Centres only documentation relevant for the checks in this Inspection Centre are required (Article 5(3) of Decision 2001/812/EC). These documents (legislation, lists of approved establishments, etc.) are necessary to enable BIP staff to carry out import/transit controls correctly and in accordance with the most recent EEA legislation.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire changes in legislation are distributed by e-mail. Depending on the type of legislation the changes are accompanied by explanations to the BIPs/district level, and published at the NFSAs homepage as well as on the intranet.

According to information received by the NFSA updates of lists of approved establishments are found on EUs websites and links are provided in the intranet. The NFSA has established a site in the data system of NFSA which is accessible for the BIPs. On these sites the NFSA distributes and archives information on legal acts and other documentation for the BIPs.

The mission team noted that:

- The information provided by the NFSA at central level was confirmed at the on-the-spot visits in the BIPs.

Conclusions

The competent authorities provided BIP staff access to relevant information.

5.7.2 Implementation of TRACES

Legal Requirements

Article 3(3) of Commission Decision 2004/292/EC requires that the TRACES system is used for all consignments presented to BIPs. This system is used as a communication means for specific consignments received at BIPs, e.g. live animals, channelled and rejected consignments, non-EU complying consignments for transit, warehouse storage or ship supply.

Findings

The mission team noted that:

- In general TRACES was used for all imports. However, not all data were correctly entered and in several cases seen Part I of CVEDs checked contained incorrect data (filled in by the importer) and this had not been corrected/or requested corrected by the signing BIP staff (see also section 5.3);
- For consignments sampled on a random basis it was noted that CVEDs were not in all cases finalised after laboratory results were received and the results were not put into TRACES. BIP staff met explained this to be due to long turnover time between sampling and the time of receiving the results from laboratory (in some cases seen more than a year had passed);
- In TRACES Norway has chosen to identify seal as cetacean (whale) and Norway has so far not notified the responsible TRACES person in the Commission that the CN code for seal is missing or not available in TRACES.

Conclusions

TRACES was used correctly in the consignments checked, but Part I of CVEDs were often incorrect and corrective actions were not always implemented when so required. Due to the incorrect data entered TRACES the statistical overview of imports into Norway is not reliable.

In addition, laboratory results were not always entered so full compliance with Decision 2004/292/EC was not ensured in all cases seen.

5.7.3 Databases and distribution of documentation/information

Legal Requirements

Point 4 of the Annex to Decision 2001/812/EC specifies the records to be kept in electronic or paper form at the BIP, such as registers in accordance with Commission Decisions 97/394/EC and 97/152/EC and a register on the reduced frequency of checks (Commission Decision 94/360/EC) as well as one of all samples taken for laboratory tests, if the data are not entered into TRACES.

Findings

The mission team noted that following records were available in the BIPs:

- Register of all imported consignments including rejected consignments and follow-up of these (Excel sheet);
- Register of laboratory samples (Excel sheet);
- Register of laboratory results reported to the Commission (so far Norway has only sent to the Commission and not to the Authority as they should);
- In addition, TRACES was used for the re-inforced checks regime.

Conclusions

The required records as set out in Commission Decision 2001/812/EC were kept in all the BIPs visited.

5.8 Controls of consignments at entry BIPs

5.8.1 System to ensure presentation of consignments for veterinary checks

Legal Requirements

Article 4 (1) of Directive 91/496/EEC and Article 3 of Directive 97/78/EC require that Member States shall ensure that no consignment from a third country is introduced into EU territory without having been subjected to the veterinary checks at a BIP and being notified in advance to the BIP and also gives the member states the possibility to check manifests. Additionally, Article 7 of Directive 2002/99/EC stipulates that products of animal origin intended for human consumption are introduced only if they comply with the EU requirements for animal health.

Article 2 (1) of Regulation (EC) No 136/2004 requires notification of consignments of products of animal origin before their physical arrival on EEA territory to the BIP staff and Article 1 (1) of Regulation (EC) No 282/2004 specifies the same for live animals, at least one working day before their physical arrival on EEA territory.

In order to ensure that all animal products and live animals undergo veterinary checks Articles 6 and 7 of Regulation 136/2004 and Articles 5 and 6 of Regulation 282/2004 require the Member States to gather all pertinent intelligence from Customs, manifests and other information sources and to have access to the relevant databases held by Customs.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire, Part I of CVED in TRACES is used for pre-notification of imports of products of animal origin from third countries. In some cases the importers choose to send an e-mail in advance of the TRACES-notification (e.g. for ship loads with long transport times). In addition, it was stated that the NFSA staff in BIPs had access to manifests from the importers so it was possible to double-check that all consignments were checked if not correctly pre-notified. According to information provided by the NFSA at the initial meeting, the NFSA has had access to the customs database (TVINN) since 2011. However, the NFSA stated that access was not considered as a useful tool. At the time of the mission only one person at central level NFSA has this access and it is up to regions and district levels to ask the central level for relevant information which they according to the information received never do. Nevertheless, the customs authorities also provide available information on request to district levels (see also section 5.2).

The mission team noted that:

- The vast majority of consignments checked were correctly pre-notified before arrival in line with the EEA requirements with only minor delays noted;
- It was confirmed that BIP staff in general had access to manifests from importers. However, these manifests were not in all BIPs visited cross-checked in a systematic manner (and in some BIPs not at all) in order to ensure that all consignments of products of animal origin (including not pre-notified) would be subject to veterinary checks;
- According to information from the customs authorities consignments of products of animal origin are flagged in their system. Several examples were given where the customs authorities had discovered illegal imports of animal products and had informed the NFSA in order for them to perform the required veterinary controls. These consignments had not been notified in advance;
- It was noted that customs authorities only flagged consignments at the time of import declaration (consignments in customs warehousing and in transit were not flagged see also section 5.9.1. and 5.9.2.);
- According to the reply to the pre-mission questionnaire, district offices of the NFSA had performed controls in customs warehouses and had identified consignments of products of animal origin that were illegally imported and subsequently had not been veterinary checked (see also section 5.9.2.). In addition, the customs authorities had not informed the NFSA about these consignments (see also section 5.9.2.).

Conclusions

There is a system in place to ensure that consignments that require veterinary checks are presented at BIPs. Although access to cargo manifests is available in the BIPs, these are not in all BIPs cross-checked in a systematic way with notification of consignments to ensure that if consignments of animal origin arrive, that are not correctly notified, will be detected and be subject to veterinary controls at the BIPs. Consequently, the lack of systematic checks of manifests or use of other sources of intelligence (e.g. customs database) does not ensure that all consignments of products of animal origin (POAO) are presented for veterinary checks.

5.8.2 Veterinary checks

Legal Requirements

Article 6(1)(d) of Regulation (EC) No 853/2004 requires that imports of products of animal origin from third countries only takes place if the requirements of Article 14 of Regulation (EC) No 854/2004 concerning certificates and documents are satisfied. Article 14 of Regulation (EC) No 854/2004 requires that products of animal origin are accompanied by a document meeting the requirements set out in Annex VI of that Regulation when imported. Model health certificates as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004, to be used when importing products of animal origin, are laid down in Article 6 and Annex VI of Regulation (EC) No 2074/2005.

Procedures for veterinary checks on consignments of animal origin or live animals are laid down in Directives 91/496/EEC and 97/78/EC, in Regulations (EC) No 136/2004 and 282/2004 and in Commission Decisions such as 94/360/EC, 97/794/EC and 2001/812/EC.

Findings

NFSA has issued several instructions on how to carry out veterinary checks.

The mission team noted that:

- At the BIPs visited, veterinary checks were applied correctly in most cases and checklists were generally used to record veterinary checks;
- In general the correct veterinary certificates were used. However, incorrect documentary checks for some commodity descriptions (e.g. cetacean was used for fish products) could contribute to inaccurate statistics in the TRACES database. This is mainly caused by wrong description of the goods done by the importer and is not corrected during the checks by the BIPs and no evidence of enforcement measures to remedy repeating wrong descriptions could be provided (CVED part 1 incorrectly filled by importer and not corrected by the BIP);
- The reduced check regime has been implemented and is controlled by the BIPs in an unpredictable manner in line with the requirements of Commission Decision 94/360/EC;
- The health certificates were complete. However, captains declarations were accepted from both freezer and factory vessels;
- If products produced by EEA vessels landed in third countries arrive in Norway they are accompanied by health certificates according to the answer to the pre-mission questionnaire.

Conclusions

Veterinary checks in general were carried out as provided for in EEA legislation. However, the way documentary checks are carried out does not in all cases ensure that if there is incorrect information in the CVED Part 1 for the consignments is corrected when necessary, which is not in compliance with Articles 3 and 5 of Directive 97/78/EC.

5.8.3 Monitoring plans for sampling imported consignments

Legal Requirements

Point 1 of Annex II to Regulation (EC) No 136/2004 requires Member States to submit consignments of POAO presented for importation to a monitoring plan to detect residues,

pathogenic organisms or other substances dangerous to humans, animals or the environment.

Point 4 of Annex II to the above Regulation stipulates that each Member State shall inform the Commission monthly of favourable and unfavourable results of laboratory testing carried out in its BIPs. This Article should be read in conjunction with Protocol 1 to the EEA Agreement, which stipulates that where an EU Member State is to submit information to the Commission, for the EFTA States, the information shall be transmitted to the Authority.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire the NFSA has drawn up a national monitoring plan. The plan consists of three parts, one for seafood, one for meat and one for feeding stuffs. The NFSA sends out number of samples to be taken by each BIP.

The mission team noted that:

- The national monitoring plan was implemented in the BIPs visited and samples taken were decided in district offices or BIPs taking into account different risks and pattern of trade. The records of laboratory results were kept in the BIPs;
- In general the laboratory results from samples taken were not put consistently into TRACES. In several BIPs this was explained by long waiting time for results;
- All results of all samples taken at the BIPs were reported to the European Commission on a quarterly basis (Excel-sheets), and to the Authority after this mission as required.
- In general RASSF notifications were sent out if laboratory results had positive findings; However, one case was seen where too high level of dioxin was detected in a sample taken from squid oil from Vietnam (in June 2011, i.e. before the introduction of the re-inforced check regime in TRACES), and in this case no RASFF had been sent out;
- A national salmonella sampling plan is implemented; 100% of consignments not accompanied by additional salmonella guarantee while 20% of consignments accompanied by such a guarantee are sampled.

Conclusions

A monitoring plan for imported consignments is in place and is implemented as required by Annex II to regulation (EC) No 136/2004, contributing to ensure the safety of the products of animal origin imported into the EEA.

5.8.4 Decision on the consignment

Legal Requirements

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

Findings

The mission team noted that:

- Veterinary decisions were mostly adopted correctly;

- For seal oil imported for human consumption a harmonised health certificate for fishery products was used;
- Captain declarations were harmonised after May 2012;
- For rejected consignments confirmation of departure with bill of lading were available;
- An example was seen in the BIP in Oslo airport of imports of three parrots from UAE without sufficient guarantees as required by Commission Decision 2007/25/EC (see also section 5.4). It was also accepted for import by the BIP in Oslo airport with only photocopies of health certificates (in transit from Frankfurt BIP that according to the information received had kept the originals and in addition, had ticked Norway as a third country in the CVED);
- Another import of birds directly from the US to Norway was seen with the same shortcomings based on not updated instructions from NFSA.

Conclusions

The veterinary decisions taken on consignments of products of animal origin are generally correct and in line with Directive 97/78/EC and contribute to the overall effectiveness of the import control system. Nevertheless, pet birds have been accepted for import into the EEA without fulfilling applicable EEA safeguard measures.

5.9 Controls of transit/non-EU-complying consignments

5.9.1 Monitoring of transit consignments by entry and exit BIPs

Legal Requirements

Article 9 of Directive 91/496/EEC and Articles 11 and 12 of Directive 97/78/EC lay down specific requirements in relation to consignments in transit including deadlines for exit. These consignments must enter and leave the EU via an approved BIP and detailed requirements including deadlines for delivery are specified in Commission Decisions 2000/208/EC and 2000/571/EC. Such consignments must fulfil the animal health requirements laid down in Article 7 of Directive 2002/99/EC.

The first indent of Article 11 (2) (b) of Directive 97/78/EC provides for the possibility that documentary checks will be confined to the examination of the on-board manifest.

Findings

According to information provided by the NFSA in its reply to the pre-mission document the only transit of products of animal origin in Norway is of canned fishery products from Russian fishing vessels via Norway to Russia.

The mission team noted that:

- Products of animal origin in transit are sufficiently described in the customs information system (NCTS) to be identified. However, it is not compulsory to use the CN code, but if it is done at least four digits are used. Independently, if they are described by free text or CN codes these consignments are not flagged by the customs authorities. In addition, the customs authorities only request a CVED at the time of customs clearance for import (not for transits at all). Customs authorities were not aware of the requirements for veterinary checks prior to any customs procedure (including transit, warehousing and imports). Consequently,

there is a risk that consignments of products of animal origin go through Norway in transit without any veterinary checks.

- Non-conform consignments are not allowed to enter Norway with the exception of direct transport of ship supplies (non-conform consignments for direct supply of cruiser ships). According to the information received from the NFSA these ship supplies are checked by the BIP in Oslo Port, that issue the required CVEDs and certificates laid down in 2000/571/EC.

Conclusions

Based on current customs procedure it cannot be excluded that consignments of products of animal origin could be allowed transited through Norway without a CVED having been issued by the BIP and without any veterinary checks.

5.9.2 Free zones, free and customs warehouses, and ship suppliers

Legal Requirements

Articles 12 and 13 of Directive 97/78/EC and Decision 2000/571/EC lay down specific requirements in relation to non-EEA-complying consignments, unloaded and stored in free/customs warehouses or at ship suppliers, in order to prevent these consignments from being released for free circulation within the EEA territory. These include requirements in relation to approval of warehouses and conditions for storage, labelling and record keeping in relation to these consignments. Confirmation of arrival of the consignment at destination (either ship or warehouse) must be provided to the authority responsible for dispatching the consignment (BIP of entry or warehouse). Such consignments must, however, fulfil the animal health requirements laid down in Article 7 of Directive 2002/99/EC. According to the provisions of Article 24 of Regulation (EC) No 882/2004 customs services shall not allow the entry or handling in free zones or free warehouses of consignments subject to veterinary checks without the agreement of the competent authorities.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire Norway has chosen not to implement Article 12 and 13 of Directive 97/78 and subsequently no free or customs warehouses and no ship suppliers are approved by the NFSA.

The mission team noted that:

- Products of animal origin are sufficiently described in the customs information system (NCTS) to be identified. Independently if they are described by free text or CN codes these consignments are not flagged by the customs authorities unless the consignment is declared for import. In addition, the customs authorities only request CVEDs at the time of customs clearance for import (not for customs warehousing and there was no time limit for storing products of animal origin). The customs authorities were not aware of the requirements for veterinary checks prior to any customs procedure (warehousing). Consequently there is a risk that consignments of products of animal origin go for customs warehousing in Norway without any veterinary checks. Information in the answer to the pre-mission questionnaire supports this finding. The district offices of the NFSA check customs warehouses and products of animal origin that has not undergone veterinary checks have been identified during such checks. These consignments are considered as illegal imports by the NFSA.

Conclusions

Based on the current customs procedure it cannot be excluded that consignments of products of animal origin could be allowed for customs warehousing in Norway without a CVED having been issued by the BIP and without any veterinary checks.

5.10 BIP facilities, equipment and hygiene

5.10.1 Approval/withdrawal procedures for BIPs

Legal Requirements

The procedures for addition of new BIPs to and withdrawal of BIPs from the list of BIPs are laid down in Article 6 of Directives 91/496/EEC and 97/78/EC as well as in point 5(b) of the Introductory Part of Chapter I of Annex I to the EEA Agreement,

Findings

Approval of two BIPs, BIP Florø and BIP Vadsø, has been withdrawn by the NFSA as well as three inspection centers: IC Melbu under BIP Sortland, IC Trollebø under BIP Maløy and IC Gjesvær under BIP Honningsvåg. The Authority has been notified by the NFSA of these amendments, and the list of agreed border inspection posts has been amended accordingly by EFTA Surveillance Authority Decision 131/13/COL of 18 March 2013.

The BIP in Oslo airport was approved for non-packed products but appropriate facilities were not available and only packed products are received.

Conclusions

The procedures for approvals and withdrawal of BIPs from the list of BIPs are in line with Article 6 of Directives 91/496/EEC and 97/78/EC.

5.10.2 BIPs visited during the audit

Legal Requirements

The requirements for BIP facilities, their equipment and hygiene are laid down in Directive 91/496/EEC concerning live animals and in Directive 97/78/EC and Decision 2001/812/EC concerning products of animal origin.

Findings

The layout of the BIPs visited has not been amended since approval. The inspection facilities of the visited BIPs are placed in private establishments with the exception of BIP Larvik and BIP Gardermoen.

BIP Måløy: NO MAY 1, IC Gotteberg, HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)

The facilities were in general acceptable and generally in a good state of repair and well kept. Necessary equipment was largely in place at the BIP. There was a light table for parasite control. A fenced off, lockable area in the freezer storage would be used to store detained products. The BIP could also store detained products in sealed containers. Packaging material for sampling was stored on the inspection table.

IC Trollebø has been withdrawn by the NFSA, consequently this IC was not visited by the mission team.

BIP Kristiansund: NO KSU 1, HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3), HC-NT(6), NHC-NT(6)

The facilities were in general acceptable, well kept and in a good state of repair. Necessary equipment was largely in place at the BIP including equipment for sampling of fish oil in barrels and bulk. Fenced off, lockable areas were available for detained frozen and ambient products. Fish oil in bulk could be detained in a tank that was kept for the exclusive use of the BIP.

BIP Larvik: NO LAR1 HC(2)

The facilities were well kept and in a good state of repair. Necessary equipment was in place at the BIP. Storages were available for detained products, however, it was explained by the BIP staff that detained products would be stored in sealed containers with locks on the electrical supply.

BIP Tromsø: NO TOS 1, IC Bukta: HC-T(FR)(1)(2)(3)

The facilities of the BIP were in general acceptable, however, the layout of the facilities requires close follow up and monitoring of the hygiene. Not all equipment was available - e.g. equipment to sterilise sampling equipment and equipment to seal packaged samples. A fenced off, lockable area was available for detained frozen products. For larger consignments, the full room would be made available for the BIP. The door could not be sealed as explained by the BIP staff.

BIP Tromsø: NO TOS 1, IC Solstrand: HC-T(FR)(1)(2)(3)

The facilities of the BIP were in general acceptable, however, the layout of the facilities requires close follow up and monitoring of the hygiene. Not all equipment was available - e.g equipment to sterilise sampling equipment and equipment to seal packaged samples. A fenced off, lockable area was available for detained frozen products. For larger consignments, the full room would be made available for the BIP. The door could not be sealed as explained by the BIP staff.

BIP Egersund: NO EGE 1, HC-NT(6), NHC-NT(6)(16)

The facilities of the BIP were in general acceptable and necessary equipment was largely in place at the BIP, including equipment for sampling of fish oil in bulk. Sampling of fishmeal was by automatic sampling during unloading. Detained products would be stored in separate sealed silos or tanks.

BIP Oslo Airport: NO OSL 4, HC, NHC

The facilities were in general acceptable and in a good state of repair and well kept. Necessary equipment was largely in place at the BIP, however the BIP is not equipped to handle unpacked products. Separate storage rooms were available for storing detained products.

Conclusions

The BIP facilities, their equipment and hygiene generally comply with the current approval categories as laid down in Directive 91/496/EC, Directive 97/78/EC and Decision 2001/812/EC, with the exception of BIP Oslo Airport which is approved for handling unpacked products but is not equipped for it[3].

[3] See Annex 3 for additional comments from the NFSA regarding BIP facilities.

6 Final meeting

A final meeting was held on 30 January 2013 at the headquarters of the NFSA in Oslo with representatives from the NFSA, the Ministry of Health and Care, the Ministry of Fisheries and Coastal Affairs and the customs authorities the Directorate for Customs and Excise. At this meeting, the mission team presented its main findings and preliminary conclusions of the mission. The representatives from the NFSA and the customs authorities accepted the findings and preliminary conclusions presented.

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.

No	Recommendation
1	The competent authority should continue the efforts to ensure effective and efficient co-operation between the different competent authorities in line with Article 4(3) of Regulation (EC) No 882/2004. It should be ensured that consignments from a third country are not introduced into the EEA without having been subjected to veterinary checks at a BIP in particular by ensuring that all pertinent information is gathered as set out in Article 3 of Directive 97/78/EC, Article 6 and 7 of Regulation (EC) No 136/2004 and Article 5 and 6 of Regulation (EC) No 282/2004.
2	The competent authority should ensure that the system for verification of the effectiveness of the official controls with respect to import/transit controls is further developed and harmonised in line with Article 8(3) of Regulation (EC) No 882/2004.
3	The competent authority should ensure that appropriate actions are taken, as required by Article 54 of Regulation (EC) No 882/2004, when documentary checks reveal incorrect information on the consignment from the person responsible for the load and to ensure that information entered into TRACES in part I of the CVED is correct and in line with Article 3(3) of Commission Decision 2004/292/EC and Article 3(3) of Directive 97/78/EC.
4	The competent authority should ensure that consignments of animal origin intended for transit through Norway are correctly pre-notified and undergo the necessary veterinary checks in a BIP as set out in Article 11 of Directive 97/78/EC.
5	Norway should ensure that the customs authorities allow the intended customs-approved treatment or use of the consignments only in accordance with the conditions set out in the certificate referred to in Article 5(1) in accordance with Article 3(4) of Directive 97/78/EC.

6	The competent authority should ensure that the BIPs are equipped and have facilities to handle the different product categories for which the BIPs are approved as laid down in Directive 97/78/EC and Decision 2001/812/EC concerning products of animal origin.

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

Authority	EFTA Surveillance Authority
BIP	Border inspection post
CVED	Common Veterinary Entry Document
NFSA	Norwegian Food Safety Authority
EC	European Community
EEA	European Economic Area
EEA Agreement	Agreement on the European Economic Area
FVO	Food and Veterinary Office of the European Commission
Customs	Norwegian Directorate for Customs and Excise
Food Hygiene Package	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 *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*. The Hygiene package includes several Regulations, *inter alia, Regulation 882/2004 of the European Parliament and of the Council of 29 April 2004 on the official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.*
CN	Combined Nomenclature
POAO	Products Of Animal Origin
TRACES	Trade Control and Expert System
RASFF	Rapid Alert System for Food and Feed
HC*	All products for Human Consumption
NHC*	Other Products
HC(2)*	All products for Human Consumption (Packed products only)
HC-T(FR)(1)(2)(3)*	All products for human consumption-Frozen products (Checking in line with the requirements of Commission Decision 93/352/EEC taken in execution of Article 19(3) of Directive 97/78/EC) (Packed products only) (Fishery products only)
NHC-(FR)(2)(3)*	Other products - No temperature requirements (Packed products only) (Fishery products only)
HC-NT(6)*	All products for Human Consumption - No temperature requirements (only liquid fats, oils and fish oils)
NHC- NT(6)*	Other products - No temperature requirements (only liquid fats, oils and fish oils)
NHC-NT(6)(16)*	Other products - No temperature requirements (only liquid fats, oils and fish oils) (Fishmeal only)

* Abbreviation as defined in EFTA Surveillance Authority Decision No 131/13/COL

Annex 2 - Other relevant legislation

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

a) The Act referred to at Point 1.1.4 of Chapter I of Annex I to the EEA agreement, *Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries*, as amended and adapted.

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

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

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 the official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules,* as corrected and amended.

e) The Act referred to at Point 1.1.12 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption*, as corrected and amended.

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

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

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

i) The Act referred to at Point 1.2.60 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 97/394/EC of 6 June 1997establishing the minimum data required for the databases on animals and animal products brought into the Community*.

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

k) The Act referred to at Point 1.2.87 of Chapter I of Annex I to the EEA Agreement, *Council Decision 2000/25/EC of 16 December 1999 establishing the detailed rules for the application of Article 9 of Council Decision 97/78/EC concerning the*

transhipment of products at a Border Inspection Post where the consignments are intended for eventual import into the European Community, and amending Commission Decision 93/14/EEC.

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

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

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

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

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

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

r) The Act referred to at Point 1.2.134 of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004*, as amended.

s) The Act referred to at Point 1.2.135 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 854/2004*, as amended.

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

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

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

w) The Act referred to at Point 5.1.6a of Chapter I of Annex I to the EEA Agreement, *Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption.*

x) 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 amended.

Annex 3 – Reply to the draft report

EFTA Surveillance Authority
Rue Belliard 35
1040 Brussels
Belgium

Your ref: 72694/662560
Our ref: 2012/241874
Date: 09.04.2013
Org.no: 985 399 077

Norwegian Food Safety Authority

Mattilsynet

Unclassified

COMMENTS TO THE DRAFT REPORT REGARDING THE APPLICATION OF EEA LEGISLATION RELATED TO IMPORT/TRANSIT CONTROL SYSTEMS AND BORDER INSPECTION POSTS

Dear Sir/Madam,

Reference is made to the draft report form EFTA Surveillance Authority (the Authority) dated 4 March 2013 following the mission by ESA to Norway from 21 to 30 January 2013 concerning import controls and border inspection posts.

Six border inspection posts (BIPs) with, where relevant, Inspection Centres (ICs) were visited during this mission. A meeting with the Directorate of Customs and Excise was also held.

The Norwegian Food Safety Authority (the NFSA) welcomes the invitation to comment on the factual content and other elements of the report, and also to notify the Authority of any corrective actions taken. Please find enclosed a plan for completion of corrective measures and actions relevant to the recommendations of the Authority in chapter seven. Three of those concern the Customs, who have therefore been asked by the NFSA to provide their comments on the report, which they have done pr. email. Please find also their comments enclosed.

The NFSA has following comments to the report:

5.2 Competent authorities
In the conclusions of this chapter, it is noted that "*compliance with the requirements for effective cooperation between competent authorities could not be fully ensured, since the coordination in place between the BIPs and the customs authorities did not ensure the gathering of all relevant information regarding consignments of products of animal origin, in particular for consignments in transit and for customs warehousing*." However, it is the impression of the NFSA that the lack of relevant information from the Customs regarding

these consignments is due to inadequate procedures to sort out such consignments before passing the border when they are not declared in the Customs TVINN-system until after the import, or in case of transit, not at all.

5.10.2 (BIP facilities, equipment and hygiene) BIPs visited during the audit
The NFSA would like to point out that BIP Larvik Port is placed in a private establishment, so that BIP Oslo Airport is the only exception among the BIPs visited.

Yours Sincerely

Marianne Tomtum

On behalf of

Grethe Bynes
Head of Section

No	RECOMMENDATION	ACTIONS	TIME ASPECT	ENCLOSURES
1 + 4 + 5	**1.** The competent authority should continue the efforts to ensure effective and efficient co-operation between the different competent authorities in line with Article 4(3) of Regulation (EC) No 882/2004. It should be ensured that consignments from a third country are not introduced into the EEA without having been subjected to veterinary checks at a BIP in particular by ensuring that all pertinent information is gathered as set out in Article 3 of Directive 97/78/EC, Article 6 and 7 of Regulation (EC) No 136/2004 and Article 5 and 6 of Regulation (EC) No 282/2004. **4.** The competent authority should ensure that consignments of animal origin intended for transit through Norway are correctly pre-notified and undergo the necessary veterinary checks in a BIP as set out in Article 11 of Directive 97/78/EC. **5.** Norway should ensure that the customs authorities allow the intended customs-approved treatment or use of the consignments only in accordance with the conditions set out in the certificate referred to in Article 5(1) in accordance with Article 3(4) of Directive 97/78/EC.	The NFSA, Head office, and the TAD (Head office of the Customs) are working towards a solution to the problem of missing notification of the NFSA from the Customs for customs procedures such as transit and warehousing, when these are involving POAO crossing the Norwegian border from third countries. There has already been an informal telephone meeting at adviser level between the NFSA and Customs, the deviation will be addressed at the meeting between the Director Generals of the agencies in May, and another meeting at adviser level, concerning this deviation only, is planned now in April. Please note also the answer from Customs Authority attached to this document.	Since we are not the only authority involved in the closure, it is difficult to set a time limit. However, we are focused on finding a solution as soon as possible.	

2	The competent authority should ensure that the system for verification of the effectiveness of the official controls with respect to import/transit controls is further developed and harmonised in line with Article 8(3) of Regulation (EC) No 882/2004.	The NFSA, Head office, will develop a check list for the BIPs to be used in local internal audits and distribute this to the regions. This will also be a topic at the next seminar arranged by the Head office for the BIPs, where we will also encourage internal audits as exchanges between the personnel at different BIPs.	The check list will be distributed before July 2013. The seminar will be arranged in September or October 2013	
3	The competent authority should ensure that appropriate actions are taken, as required by Article 54 of Regulation (EC) No 882/2004, when documentary checks reveal incorrect information on the consignment from the person responsible for the load and to ensure that information entered into TRACES in part I of the CVED is correct and in line with Article 3(3) of Commission Decision 2004/292/EC and Article 3(3) of Directive 97/78/EC.	Documentary checks will be a topic at the next seminar arranged at the head office. The BIPs will be sent a reminder that they must report to HO if there are HS-codes missing in the TRACES-system. Concerning the seal oil classified as whale: Sanco-Traces has updated the CN code 1504 30, and now the only option for the selection of species is the generic term “Marine mammals”.	The reminder to the BIP’s will be sent within April 2013	
6	The competent authority should ensure that the BIPs are equipped and have facilities to handle the different product categories for which the BIPs are approved as laid down in Directive 97/78/EC and Decision 2001/812/EC concerning products of animal origin.	The listing of product categories and facilities of BIP Oslo Airport has been unchanged since listed. We agree that the listing of today is not corresponding with the facilities in BIP Oslo Airport, but this also goes for two other BIPs. Therefore, we will start a process, involving the BIPs and the regional offices in question, to determine whether the product category shall be reduced to packed products only, or if the facilities will be updated to receive unpacked products.	We will have decided within September 2013 whether the facilities of the BIPs in question will be upgraded or if we will ask ESA for changes in the listing of their product categories (to be reduced).	