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

EFTA SURVEILLANCE
AUTHORITY

Final report

EFTA Surveillance Authority's Mission to Norway

from 31 August to 4 September 2015

to evaluate national procedures in place to verify the effectiveness

of import control systems for products of animal origin

Please note that comments from Norway to the draft report are referred to in footnotes in *underlined italic* print in this final report. Comments and information on the corrective actions already taken and planned by Norway are included in Annex 3.

Executive Summary

This report describes the outcome of a mission carried out by the EFTA Surveillance Authority in Norway from 31 August to 4 September 2015.

The objective of the mission was to assess the system in place regarding verification of effectiveness of official controls on imports of products of animal origin. The assessment included evaluation of the organisation and planning of verification activities, the system in place to ensure that controls are implemented as planned, the suitability of arrangements to achieve objectives and whether/how results of verification activities are used to continuously improve the official controls system.

The NFSA has recently developed general strategic objectives with the aim to improve the effectiveness of official controls, including setting the overall objective to further develop the methodology for the verification of effectiveness of official controls. It was noted by the mission team that prerequisites for a system of verification of effectiveness of official controls have been or are being developed and there are currently general processes/tools in place that to a certain extent can be used in this context.

The report concludes that although general prerequisites for a system of verification of effectiveness of official controls have been or are being developed by the competent authority, there is very limited systematic evaluation of the effectiveness of the import control system for products of animal origin. Results of verification activities, organised at regional and central level, appear to lead primarily to improvements in the unit concerned by the activity. Limited impact was seen of the different activities on the control system as a whole (official controls system on imports of products of animal origin).

The mission team noted limited progress in relation to relevant recommendations previously issued concerning the lack of verification of effectiveness for official controls in other sectors, and not all recommendations issued in relation to the Authority's import specific mission in 2013 have been addressed satisfactorily by Norway.

The report includes a recommendation addressed to Norway in relation to the verification of effectiveness of official controls.

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1 Introduction

The mission took place in Norway from 31 August to 4 September 2015. The mission team comprised of three inspectors from the EFTA Surveillance Authority (the Authority) and an observer from the European Commission's Food and Veterinary Office.

The opening meeting was held on 31 August 2015 in Oslo with representatives of the Norwegian Food Safety Authority (NFSA), the Ministry of Agriculture and Food, the Ministry of Trade, Industry and Fisheries and the Directorate of Customs and Excise. At the meeting, the mission team confirmed the objectives and the itinerary of the mission and the Norwegian representatives provided additional information to that set out in the reply to the Authority's pre-mission document.

Throughout the mission, the mission team was accompanied by representatives of the head office of the NFSA. In addition, the mission team met with other representatives of the NFSA, both from the regional level and from the head office, and Customs officials at central and regional level, responsible for official controls related to imports of products of animal origin.

A final meeting was held on 4 September 2015 in Oslo, 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 Objective and scope of the mission

The objective of this mission was to assess if the verification of the appropriateness and effectiveness of official controls on imports and transit of products of animal origin, is organised and carried out in accordance with the relevant provisions 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*, and other related European Economic Area (EEA) legislation referred to in Annex 2 to this document.

The scope of this mission was limited to the official control system on imports and transits of products of animal origin. Controls on live animals, non-commercial movements of pets and consignments intended for private consumption were not included in the mission scope.

The mission team focused on the following areas:

- a) Organisation and allocation of responsibilities, coordination between relevant authorities, services and/or departments;
- b) Planning of verification activities and the system in place to ensure that official controls are implemented as planned;
- c) Monitoring and measurement of the performance of official controls and verification of effectiveness of arrangements in place to achieve set objectives;
- d) If/how the results of verification activities are used to improve control systems and are used as input for future planning of official controls.

The assessment included the gathering of relevant information, and appropriate verifications, by means of interviews/discussions, review of documents and records, and on-the-spot inspections. The assessment was further based on the reply to the pre-mission document of the Authority. Meetings with the competent authorities and other visits during the mission are listed in Table 1.

Table 1: Competent authorities and sites visited during the mission

Meetings	No	Comments
Opening / final meeting	2	Representatives from the Ministry of Agriculture and Food, the Ministry of Trade, Industry and Fisheries and the Directorate of Customs and Excise. NFSA representatives from the central level.
NFSA regional level	2	Officials from the regional level involved in official controls on products of animal origin.
NFSA head Office	1	Officials at central level from section for import and export, section for hygiene and drinking water, section for labelling and quality and corporate governance staff.
Directorate of Customs and Excise	3	One meeting with central Customs officials and two meetings with Customs officials at regional level.
Border inspection post	1	Officials carrying out official controls at a border inspection post.

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

Relevant legislation is listed in Annex 2 of this report.

4 Background - Previous missions

The Authority has carried out a number of missions on import/transit control systems in Norway, the last one in January 2013. The Authority concluded on a number of issues in the report from that mission, and subsequently the Norwegian competent authorities informed the Authority of corrective measures taken, or to be taken. At the time of the mission in 2013 it appeared that consignments of animal products subject to veterinary checks in a BIP could transit through Norway or be stored in non-approved warehouses without a prior BIP notification and a veterinary check. The mission team noted that some

of the proposed corrective actions have not yet been fully implemented in Norway. The Authority will assess available information and decide how to further follow up the relevant recommendations to ensure that corrective actions are implemented.

Recommendations concerning the verification of effectiveness of official controls have been issued in relation to several sector-specific Authority missions to Norway (see Table 2).

Table 2: Overview of recent Authority missions where recommendations have been issued on verification of effectiveness of official controls

Year	Topic
2013	Import/transit control systems and border inspection posts
2013	Bovine Spongiform Encephalopathy (BSE) epidemio-surveillance
2013	Pure-bred bovine animals and intra-community trade with bovine semen and embryos
2013	Primary products - food of non-animal origin
2014	Animal welfare at the time of killing
2015	Live bivalve molluscs

The final reports from previous Authority missions is accessible on the website of the Authority, at www.eftasurv.int.

5 Findings and conclusions

Legal Requirements

Article 3 of Regulation (EC) No 882/2004 sets out general obligations with regard to the organisation of official controls.

Article 4 of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for the official controls set out in the Regulation. It also lays down operational criteria for the competent authorities including ensuring the effectiveness and appropriateness of official controls at all stages.

Article 8 of Regulation (EC) No 882/2004 requires the competent authority to carry out official controls in accordance with documented procedures and that the competent authorities must have procedures in place to verify the effectiveness of official controls.

5.1 Competent authorities and organisation of official controls

Findings

According to information provided by Norway in its reply to the pre-mission document of the Authority, Norway has designated the NFSA as the competent authority responsible for official controls of imports of products of animal origin. The NFSA is from 2 February 2015 reorganised into two administrative levels, the head office and the regional level. There are five NFSA regions in Norway with 32 departments. At regional level, the five regional directors coordinate the activity of the departments. The competence to issue decisions is delegated to the regional level, and the head office handles all appeals from business operators disagreeing with decisions made by the regions. In case of non-compliances, the NFSA is given the legal authority to make the necessary administrative decisions to ensure compliance, including the prohibition of imports, orders of withdrawal from the market and

finances. Within the NFSA head office there is a dedicated export and import section and at regional level there are also dedicated departments of export and import¹.

According to the same information, cooperation with the Norwegian Customs and Excise Directorate is based on written agreements at central and regional level from 2012. Described are annual meetings and meetings on an *ad hoc* basis. The mission team was informed that it was planned to update these agreements to reflect the new NFSA organisation but there were no set plans for update of agreement details, guidance documents etc.

According to the reply to the pre-mission document, the NFSA head office annually prepares a document outlining main targets, special assignments and prioritisations for official controls in the NFSA regions (the annual budget disposal letter - BDL). Each region shall further develop the BDL, addressing in more details areas already identified by the head office. The mission team noted that the BDL for one region visited, stated that cooperation with Customs authorities should be increased, however the BDL did not indicate to which level it should be increased. It was also noted that the BDLs in question had not led to any formal changes in the cooperation between the Customs authorities and the NFSA in the region. Finally, the reporting from the departments did not include information on the cooperation with Customs authorities allowing for verification that the cooperation had been increased in line with the BDL.

At the BIP visited it was confirmed that cooperation and communication between the BIP and the Customs authorities was ensured by frequent exchanges of information. Furthermore, evidence was seen of local initiatives of cooperation between NFSA and local Customs authorities. However, the head office was not aware of these local initiatives, and the outcomes thereof remained at local level. The mission team met with Customs officials in the same region and received copies of customs procedures for controls on products of animal origin. The mission team noted that the NFSA had not verified that the procedures prepared by the Customs authorities were suitable and in line with the legal requirements and for the import control system for products of animal origin. The mission team was informed of a new initiative planned concerning involvement of the NFSA in standard training programs for new Customs employees. Finally, according to representatives from Customs authorities, it was not part of their control procedures to ensure that products of animal origin stored in Norwegian Customs warehouses had been released for free circulation from the veterinary point of view.

According to information provided by Norway in its reply to the pre-mission document of the Authority, a general risk-based approach is described for the organisation of official controls. The mission team noted that in the NFSA departments visited, limited details could be provided on the risk-based approach for official controls of products of animal origin imported on the Norwegian market.

Conclusions

The NFSA has been designated as the competent authority responsible for official controls of imports of products of animal origin. General framework agreements for cooperation

¹ there is only one region (Greater Oslo Region) which has a department dedicated to import; the Border Control and Import Department.

between the NFSA and the Customs authorities exists but there is room for improvement in cooperation between Customs authorities and the NFSA.

5.2 Planning and implementation of verification activities

Findings

According to information provided by Norway in its reply to the pre-mission document of the Authority, the NFSA has developed general strategic objectives for official controls for the period 2015-2020, including the overall goal to improve the effectiveness of official controls. The NFSA BDL for the period 2015-2017 defines further operational objectives, e.g. to increase the number of controls, to increase time used in controls, to further develop and improve co-operation within the NFSA etc.

The mission team noted that in Norway, the main general activities relevant for verification of effectiveness of official controls are: annual steering meetings between the NFSA Director General and the directors of the departments of the head office and the regional directors, tertiary reports, and an electronic scoreboard that is used for a set of indicators. It was explained to the mission team that the NFSA uses an electronic database to verify that NFSA departments carry out the planned number of inspections in a given sector of official controls. The mission team noted that the data reports seen, generated from these systems, mainly provided information of a quantitative nature, rather than on the content or quality. Consequently, the reports were of limited value to verify effectiveness of the controls, and more suited to verify efficiency, i.e. that the number of controls carried out corresponded to the number of planned controls.

According to information provided by Norway in its reply to the pre-mission document of the Authority, the section for export and import of the head office of the NFSA carries out supervision audits of individual BIPs. According to the guideline for these audits, each BIP should be visited every 3-5 years. A program covering the period 2012-2014 was included in the reply to the pre-mission document. The mission team noted that written reports from previous audits were available, as well as evidence of follow-up of findings in the individual BIPs. It was also noted, however, that many of the BIPs in Norway have not been audited so far, including the BIP visited during this mission. It was explained to the mission team that the long-term plan was subject to annual revision depending upon available budget.

The mission team noted that the visited BIP had in place an in-house verification system of performed controls where BIP staff reviewed documents for all consignments to identify possible errors, making notes of findings and identifying measures to be taken to avoid similar errors in the future. Moreover, identified illegal imports were assessed and statistically analysed (e.g. importer, origin, port of arrival etc.). The BIP staff met on weekly meetings to discuss findings from previous weeks and current relevant issues. The mission team noted that the NFSA central level was not aware of these initiatives and information on whether similar practices in other BIPs were implemented could not be provided to the mission team.

For market controls, NFSA inspectors are obliged to use the NFSA electronic database (MATS) when carrying out official controls. It was noted by the mission team that some control points have been pre-defined in checklists and are compulsory while other control points may be chosen by the inspectors. However, it was not clear which control points covered checks for illegal imports. Furthermore, in the two visited NFSA departments the checklists were not consistently used, and there were no verification procedures in place on

the use of checklists relevant for market/importer controls on regional or central level. The mission team noted that there is no central system in place to ensure compliance with planned arrangements apart from the goal concerning targets for reaching planned frequencies of inspections and that there are no procedures in place concerning verification of effectiveness of customs controls related to mission scope.

The mission team was informed that the NFSA was in the process of updating the system for internal audits, and the plan is to include the import sector in that system. The mission team noted that no independent internal or external audits have covered the full import control system after the implementation in Norway of Regulation (EC) No 882/2004 in May 2010 in line with all requirements of Commission Decision 2006/677/EC.

The NFSA has a structure in place for the training of BIP staff, both initial and recurrent training. However, the mission team noted that the NFSA has limited overview of training of other NFSA staff involved in official controls on the market. It was also noted that there is no formal training of Customs officials on the specifics of veterinary-related issues, although NFSA plans to incorporate relevant training in the Customs school curriculum².

Conclusions

Although prerequisites essential for verification of the effectiveness of the import control system have been or are being developed, there is no operational system or procedures in place to ensure that the effectiveness of the official controls is verified, as required by Article 8(3) of Regulation (EC) No 882/2004. In general the main indicators used by the NFSA to measure performance are quantitative and not qualitative, i.e. measuring efficiency rather than effectiveness of the official controls system.

5.3 Impact of verification activities

Findings

According to information provided by Norway in its reply to the pre-mission document of the Authority, annual seminars are planned by the NFSA head office, section of export and import, for the BIP staff and the NFSA regional contact persons. These seminars are arranged over two or three days, giving the participants the possibility to discuss current challenges, problems encountered, input from the Directorate of Customs and Excise as well as other relevant topics, and the outcome of the Authority's missions or supervision audits³. The mission team was also informed of the establishment of an interregional forum for export and import, where each NFSA region as well as the head office export and import section will be represented. This forum is established as a further venue to present and discuss issues related to official import controls. The mission team noted that the last annual

² Customs officials have been trained for years at the Customs school on veterinary-related issues, although NFSA did not get an opportunity to see the presentation held by TAD until spring 2013, when it was sent to the Export and Import Section for review. We received it again for review in spring 2015. However, NFSA has been invited to arrange the two hours of training in the Customs school from next year on.

³ NFSA has reported that the annual seminars for BIP staff and NFSA regional contact persons are arranged over two or three days. We would like to correct ourselves on this; the seminars have been arranged over two days, but we have started planning for three-days.

seminar was arranged in 2013. The program of that seminar included a presentation of the outcome of the Authority's last mission on import controls in Norway.

According to information provided by Norway in its reply to the pre-mission document of the Authority, the NFSA has developed an electronic database system to register non-conformities/shortcomings related to official controls and to ensure follow-up. The mission team noted that, although the system could potentially be a useful tool to e.g. ensure implementation of corrective actions, the system was not yet in use by all units of the NFSA.

Concerning the follow-up of supervision audits at the BIPs, the reports provided to the mission team identified shortcomings that were followed up by the NFSA head office towards the individual BIPs. The mission team noted that limited evidence could be provided whether/how findings from these supervision audits were used to improve the import control system, other than at the individual BIPs.

It was noted by the mission team that activities related to import controls are discussed at annual steering meetings between the NFSA head office and regional offices, although limited evidence could be provided to the mission team whether/how information from these meetings was being assessed and processed by the central level in a planned systematic way.

Conclusions

The NFSA has structures in place which could be used to improve the import control system. However, the lack of procedures to gather information centrally, to review/analyse it and to evaluate if further actions are needed at national, regional or other administrative level, reduces the ability of the verification activities to identify areas for improvement as well as the ability of the activities to lead to improvement of the import control system.

6 Final meeting

A final meeting was held on 4 September 2015 in Oslo with representatives from NFSA central and regional level, the Ministry of Agriculture and Food, the Ministry of Trade, Industry and Fisheries and the Directorate of Customs and Excise. At this meeting, the mission team presented its main findings and 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 could be included in the report.

7 Recommendations

In order to facilitate the follow-up of the recommendation hereunder, Norway should notify the Authority no later than 1 February, of additional corrective actions planned or taken other than those already indicated in the reply to the draft report of the Authority. In case no additional corrective actions have been planned, the Authority should be kept continuously informed of all changes made to the already notified corrective actions and measures, including changes of the deadlines indicated for completion and also the completion of the measures included in the timetable.

No	Recommendation
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1	The competent authority should ensure that there are procedures in place to verify the effectiveness of official controls for import of products of animal origin, as required by Article 8(3) of Regulation (EC) No 882/2004.
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Annex 1 - List of abbreviations and terms used in the report

Authority	EFTA Surveillance Authority
BDL	Budget disposal letter
BIP	Border Inspection Post
EC	European Community
EEA	European Economic Area
EEA Agreement	Agreement on the European Economic Area
MATS	NFSA electronic database
NFSA	Norwegian Food Safety Authority

Annex 2 - Relevant legislation

The following EEA legislation is referred to in this report:

- 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 to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.
- b) The Act referred to at Point 1.1.11 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules*, as amended, and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- 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*, as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- d) The Act referred to at Point 1.2.111 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.
- e) 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 as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.
- f) 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*.

Annex 3 - Norway's comments and plan for corrective actions

Efta Surveillance Authority
Rue Belliard 35
B-1040 Brussels
Belgium

Your ref: 76408/74617
Our ref: 2015/68191
Date: 30.10.2015
Original: 985 399 077

Att. Karl Karlsson

Norwegian Food Safety Authority



EFTA Surveillance Authority's mission to Norway on verification of effectiveness of import control systems for products of animal origin from 31 August to 4 September 2015 (Mission ID: 2015-NOR-6)

Please find enclosed our comments on the factual content and other elements of the report. The Annex I includes the comments on the factual errors of the report. The Annex II refers to other comments and to the plans for actions we are going to take, and those already taken, in response to your recommendation.

Yours Sincerely

Helka Almola
Senior Advisor

Norwegian Food
Safety Authority
Head Office,
Corporate
Governance Staff

Official in charge: Helka Almola
Phone: +47 2277 8278
Location: Ullensakerveien 76, N-0454 Oslo,
Norway
E-mail: postmottak@mattilsynet.no
(Remember recipient name)

www.mattilsynet.no
Postal address: Head Office, Corporate
Governance Staff
P.O. Box 383
N-2381 Brønnøysund
NO NORWAY
Telex: +47 232168 01

Annex I: Comments on the factual errors of the report

Statens tilsyn for planter, fisk, dyr og næringsmidler

Mattilsynet

We find the report corresponding good in how we perceived the mission. However, we would like to call attention to some corrections for the text:

- In chapter 5.1, last sentence in the first paragraph under "Findings", it is written that *at the regional levels there are also dedicated departments of export and import*. However, there is only one region (Greater Oslo Region) which has a department dedicated to import; this is the Border Control and Import Department, which we visited, together with the Oslo, Asker and Bærum Department, on Wednesday 2. Sept. Please see enclosed excel-sheet for an overview over the regions of NFSA.
- In chapter 5.2, last sentence of the last paragraph under "Findings", it is written that *there is no formal training of Customs officials on the specifics of veterinary-related issues, although NFSA plans to incorporate relevant training in the Customs school curriculum*. However, the Customs officials have been trained for years at the Customs school on veterinary-related issues, although NFSA did not get an opportunity to see the presentation held by TAD until spring 2013, when it was sent to the Export and Import Section for review. We received it again for review in spring 2015, please see enclosed presentation. However, NFSA has been invited to arrange the two hours of training in the Customs school from next year on.
- NFSA has reported that the annual seminars for BIP staff and NFSA regional contact persons are arranged over two or three days (first "finding" in chapter 5.2). We would like to correct ourselves on this; the seminars have been arranged over two days, but we have started planning for a three-day-seminar next year. However, it is still uncertain whether this expansion will be accepted or not.

Mattilsynet.no

Annex II: Plans and actions taken in response to the recommendation

Statens tilsyn for planter, fisk, dyr og næringsmidler

The logo for Mattilsynet, featuring three stylized green circles of varying sizes above the word "Mattilsynet" in white text on a red rectangular background.

Mattilsynet

We would like to share you our preliminary plans to respond the recommendation:

Management team has handled the report from the mission and we have established a working group in order to work out a draft of procedure for to verify the effectiveness of official controls in general. The time schedule is not yet confirmed but we have an ambition to have the first draft before summer 2016. ESA will be informed when the time schedule is confirmed.

Otherwise, we have no comments to contents of the report.

Mattilsynet.no