Case No: 68935
Event No: 596999

Final report

EFTA Surveillance Authority mission to

NORWAY

from 17 to 26 January 2011

regarding the application of EEA legislation related to the safety of food of animal origin, in particular meat, milk and their products

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

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Executive Summary

This report describes the outcome of a mission carried out by the EFTA Surveillance Authority in Norway from 17 to 26 January 2011.

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

The mission team found that the Norwegian Food Safety Authority has a system in place for the official controls of meat and milk production. Some weaknesses were observed in relation to official controls by the competent authorities. Shortcomings were identified in some areas e.g. approval of establishments, microbiological controls and general and specific hygiene requirements at food business operators' level, official controls of dairy farms and controls of potable water. However meat and milk products placed on the market in Norway and in the European Economic Area are generally complying with the requirements laid down in the regulations.

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

1 Introduction

The mission took place in Norway from 17 to 26 January 2011. The mission team comprised two inspectors from the EFTA Surveillance Authority (the Authority).

The opening meeting was held with representatives of the Ministry of Agriculture and Food, the Ministry of Health and Care Services and the Norwegian Food Safety Authority (NFSA) on 17 January at the NFSA head office in Oslo.

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

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, the mission team was accompanied by representatives of the NFSA head office together with representatives of the relevant regional and district offices. The itinerary included visits to establishments processing meat and milk products.

A final meeting was held with representatives of the NFSA and the Ministry of Health and Care Services in Oslo on 26 January 2011.

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

2 Objectives of the mission

The following main European Economic Area (EEA) Acts and related EEA legislation fall within the scope of the mission:

a) The Act referred to at Point 1.1.11 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 882/2004) of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules*, as corrected and as amended and adapted;

b) The Act referred to at Point 7.1.13 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety* as amended and adapted to the EEA Agreement;

c) The Act referred to at Point 6.1.16 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 852/2004 on the hygiene of foodstuffs*, as amended and corrected in the EEA Agreement ;

d) The Act referred to at Point 6.1.17 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin*, as amended and adapted to the EEA Agreement; and

e) t The Act referred to at Point 1.1.12 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 854/2004 laying down specific rules for the*

organisation of official controls on products of animal origin intended for human consumption, as amended and adapted to the EEA Agreement;.

The objective of the mission was to assess the Norwegian competent authorities' application of the above mentioned legislation and additional legislation referred to in Annex 2 to this document. The mission covered all stages of meat and milk production and processing, with a particular focus on the following areas:

a) Official controls related to food business operators' compliance with general and specific rules on the hygiene of food of animal origin and in particular meat, milk and their products;

b) The implementation of these rules by the food business operators.

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

Table 1: Competent authorities and sites visited during the mission

Meetings/sites visited		Comments
Competent authority		Opening and final meeting and meetings at four district offices. In addition, representatives from the relevant regional offices and district offices of the NFSA accompanied the mission team during the visits to the different sites.
Dairy establishment	1	
Dairy company	1	This meeting was organised to clarify the organisation regarding control of raw milk quality at dairy holdings' level.
Slaughterhouses	2	Also approved as cutting plants, meat products and meat preparations plants.
Cutting plants	2	One also approved for meat products and meat preparations plant.
Meat products and meat preparation plant	1	
Laboratory	1	Private laboratory analysing official and private samples.

3 Legal basis for the mission

The legal basis for the mission was:

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

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

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

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

4 Background

4.1 Previous missions

The last missions in Norway concerning the production and placing on the market of meat and milk products, were carried out in 2005 and 2004 respectively. The final reports from these missions are accessible on the website of the Authority, www.eftasurv.int. The Authority concluded on a number of issues in the reports and subsequently the competent authorities informed the Authority of corrective measures taken, or to be taken.

4.2 Information on production and trade

The figures on production and trade of meat and milk products were provided by the NFSA during the mission and are available in Annex 3.

Norway has, together with Sweden and Finland, been granted special guarantees concerning Salmonella for consignments of certain meat and eggs. Consignments of poultry, bovine and porcine meat shall be accompanied by documents that confirm that the consignment has been analysed for the presence of Salmonella with negative results in the country of dispatch. Spot-check samples are on certain occasions taken from meat. However, consignments of meat products that are accompanied by required documentation are not routinely tested for the presence of Salmonella.

5 Findings and conclusions

5.1 National 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 information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the Norwegian Act No. 124 of 19 December 2003 relating to food safety and plant and animal health, (the Food Act), provides the legal basis for regulations in the relevant fields, including meat, milk and their products. Power to issue regulations within the scope of the Food Act is delegated to the Ministry of Agriculture and Food, the Ministry of Health and Care Services and the Ministry of Fisheries and Coastal Affairs according to the Norwegian Regulation of 19 December 2003 No.1790. The *Ministries have* subsequently delegated *some of their power* to issue regulations to the NFSA in the Norwegian Regulation of 5 May 2004 No. 884 *(some supplementing, changes and repeals).*

Conclusions

The national legislation was, at the time of the mission, in line with the EEA agreement according to information provided by the NFSA head office.

5.2 Competent authorities[1]

5.2.1 Designation of competent authorities – organisation and responsibilities

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

Findings
According to information provided by the NFSA in its reply to the Authority's pre-mission questionnaire, the NFSA is the designated competent authority responsible for the official controls concerning the safety of food of animal origin, in particular meat, milk and their products. The NFSA is also responsible for the enforcement of related legislation adopted by the respective Ministries.

Conclusions
Norway has designated competent authorities responsible for the official controls concerning the safety of food of animal origin, in particular meat, milk and their products in line with the requirements laid down in the Regulation (EC) No 882/2004.

5.2.2 Coordination and cooperation between competent authorities

Legal requirements
Article 4(3) of Regulation (EC) No 882/2004 provides for efficient and effective coordination and cooperation between competent authorities.

Findings
The NFSA cooperates with several other governmental authorities (See the Country profile for Norway). According to additional clarification provided by the NFSA head office during this mission, the other authorities do not have any legal power to carry out routine controls nor powers to take action according to the hygiene legislation in the meat and milk sector.

As explained by representatives of the NFSA head office to the mission team, coordination and cooperation exist between the competent authorities in the form of regular meetings and direct contacts. Additional clarification concerning cooperation between the NFSA and other authorities were provided along the mission: in one district office the mission team went through files confirming coordination with other competent authorities. In particular the Police, the Directorate of Customs and Excise, the Climate and Pollution Agency and the Directorate of Health were involved in activities related to controls carried out by the district officers at food business operators' premises following repeated and severe breaches.

Conclusions
Efficient and effective coordination and cooperation between competent authorities in line with the requirements of Article 4(3) of Regulation (EC) No 882/2004 was documented by information provided by the NFSA during the mission.

[1] Further information on the organisation of official controls in Norway is given in the country profile available on the Authority's website; http://www.eftasurv.int/internal-market-affairs/fields-of-work/food-safety/country-profiles/

5.2.3 Coordination and cooperation within competent authorities

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

Findings
The mission team verified that the flow of information and the coordination was implemented and documented at the district offices visited.

However, the mission team pointed out the lack of follow-up by district offices in relation to certain conclusions and recommendations addressed to the NFSA following missions carried out by the Authority, contrary to the corrective measures indicated by the NFSA in correspondence with the Authority (see chapter 5.6.1) which included follow-up by district offices. In addition, the district offices had not put in action measures according to a reminder letter from the NFSA head office related to sampling and laboratory analysis in accordance with the requirements laid down in Regulation (EC) No. 2073/2005 (see chapter 5.4.4).

Conclusions
Compliance with Article 4(5) of Regulation (EC) No 882/2004 was generally confirmed by the information received and the observation made by the mission team. However lack of coordination within competent authorities was observed under the above mentioned circumstances.

5.2.4 Delegation of specific tasks related to official controls

Legal requirements
Article 5 of Regulation (EC) No 882/2004 sets out the scope of the possible delegation of specific tasks by the competent authority to control bodies, the criteria for delegation, and the minimum criteria which must be met by control bodies. Where such delegation takes place, the delegating competent authority must organise audits or inspections of the control bodies as necessary. The Authority must be notified of any such wish to delegate specific tasks to control bodies.

Findings
According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, information available in the Country profile for Norway and additional information provided by the NFSA head office during the mission, no delegation related to official controls has been given to control bodies.

Conclusions
No specific tasks have been delegated to control bodies within the meaning of Article 5 of Regulation (EC) No 882/2004 concerning any of the provisions in the “Food Hygiene Package”.

5.2.5 Contingency planning

Legal requirements
Article 4(2)(f) of Regulation (EC) No 882/2004 requires competent authorities to have contingency plans in place, and be prepared to operate such plans in the event of an emergency. Article 13 of the same regulation requires Member States to draw up

operational contingency plans setting out measures to be implemented without delay when feed and food is found to present a serious risk.

Article 7 of Regulation (EC) No 2075/2005 requires competent authorities to have contingency plans in place outlining all action to be taken where samples test positive to Trichinella.

Findings
The contingency planning of the NFSA is described in the Country profile for Norway available on the Authority's website.

An Administrative Contingency Plan gives an overview of how the NFSA organizes its management of incidents and outbreaks. It also outlines the structures and the directives that will be put into place.

In addition to the Administrative Contingency Plan, the NFSA has contingency plans for the different sectors within its area of control, including a contingency plan for food which contains the national measures to be implemented in the event of a foodborne outbreak. The responsibilities and duties of the district, regional and head offices, are described in the plan.

The mission team observed that some of these plans were not adapted to the local situation of the district offices. However emergency numbers and contacts which would be used in case of emergency related to foodborne outbreaks (e.g. for disposal of commodities) were provided to the mission team when requested. A contingency plan and recall procedures where available in a dairy plant visited during the mission. In a large meat establishment and in another meat processing establishment, the mission team observed a well functioning and effective recall system linked to the data system of the producers, but in another one recall of products could not be carried out because of the lack of reliable traceability system (see chapter 5.10.5).

The mission team was informed by representatives of the NFSA head office that a contingency plan concerning Trichinella had not been prepared.

Conclusions
The competent authority had established contingency plans for food and feed, however, it could not be ensured that all district offices were prepared to operate these in accordance with Article 4(2)(f) of Regulation (EC) No 882/2004.

Contingency plans outlining all actions to be taken where samples test positive to Trichinella were not available as laid down in Article 7 of Regulation (EC) No 2075/2005.

5.3 Resources for official controls performed

5.3.1 Legal powers to carry out official controls

Legal requirements
Article 4 of Regulation (EC) No 882/2004 requires that the necessary legal powers to carry out official controls are in place and that there is an obligation on food business operators to undergo inspections by the competent authorities. Article 8(2) of the above-mentioned regulation requires that competent authorities have the necessary powers to access food business operators' premises and documentation.

Findings
According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority and to additional information provided by the NFSA head office during the mission, the Food Act establishes that the NFSA has legal powers to carry out official controls. Under the same law, establishments are obliged to let the NFSA carry out controls and take necessary samples in the establishments. Establishments are also obliged to provide information and documentation upon request by the NFSA. The NFSA has legal powers to take action and decide relevant sanctions to ensure that the establishment remedies any non-compliance to the legislation.

The mission team had the possibility to verify that the NFSA had access to the food business premises even though some inspections were carried out without prior warning.

The mission team also observed that the NFSA had the possibility to call for the assistance of the Police when access to the food business premises was denied (see chapter 5.2.2).

Conclusions

The NFSA has the necessary legal powers to access food business premises as laid down in Article 8(2) of Regulation (EC) No 882/2004 and carry out official controls as required by Article 4 of the same regulation.

5.3.2 Staffing provision and facilities

Legal requirements
Article 4 of Regulation (EC) No 882/2004 requires the competent authorities to ensure that they have access to a sufficient number of suitably qualified and experienced staff; that appropriate and properly maintained facilities and equipment are available; and that staff performing controls are free of any conflict of interest.

Findings
According to information provided to the mission team by a district officer there has been a 20% reduction of the budget of the NFSA since the restructuring occurred in 2004. Despite this fact, the district officers informed the mission team that the number of qualified staff was, in general, able to perform the duties in relation to official controls of establishments subject to approval. However, the controls that are to be carried out on the level of primary production, in particular dairy holdings, were in one district office according to the district officer, insufficient because of lack of human resources.

The mission team visited NFSA offices always well maintained and appropriately equipped (including cars) to carry out relevant duties.

In some cases, the deficiencies noted by the mission team in the establishments visited had not been detected by the official veterinarians (see chapters 5.10.1, 5.10.2 and 5.10.3).

Conclusions
The NFSA has access to suitable facilities in accordance with Article 4(2)(d) of Regulation (EC) No 882/2004. The mission team found the staff of the NFSA in general performing their duties in an appropriate manner apart from not detecting some deficiencies in the establishments.

5.3.3 Staff qualifications and training

Legal requirements

Article 6 of Regulation (EC) No 882/2004 requires competent authorities to ensure that staff receive appropriate training, and are kept up-to-date in their competencies.

Findings
According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, in addition to the training programme for official auxiliaries and the two-week course for official veterinarians allowing them to be familiarised with the requirements laid down in Regulation (EC) No 854/2004, there are also other different training programmes for the NFSA's staff in charge of official controls. A HACCP training programme and a basic surveillance training programme are available online for all employees of the NSFA. A "Basic system auditing" programme was developed in 2008, as a regional training programme to educate lead auditors. Several areas are also covered by the education programme provided by the Norwegian School of Veterinary Science for the veterinarians and by the NFSA's training programme for the auxiliaries and also other courses, training programmes and higher education-programmes (both inside and outside the NFSA). Some courses and training activities are designed especially for the staff performing official controls of the meat and milk sectors and some others are more generally and are offered to all of the NFSA's control staff.

In addition to the above-mentioned training, the NFSA staff also receive training courses on professional issues in their field of work e.g. meat inspection, dairy control, outbreak investigation and sampling.

Over the last three years eight NFSA officials participated in the "Better training for safer food" courses.

During the visits, the mission team confirmed that staff participated in training courses related to their field of work.

Conclusions
The NFSA staff receive training and are kept up-to-date in their competencies in line with the requirements laid down in Article 6 of Regulation (EC) No 882/2004.

5.4 Organisation and implementation of official controls

5.4.1 Registration/approval of food business operators

Legal requirements
Article 31 of Regulation (EC) No 882/2004 requires Member States to establish procedures for the registration/approval of food and feed business operators, for reviewing compliance with conditions of registration and for the withdrawal of approvals. The competent authority shall keep the approval of establishments under review when carrying out official controls. In addition, Article 4 of Regulation (EC) No 853/2004 lays down food business operators' obligations in relation to registration and approval of establishments.

Findings
According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the NFSA approves establishments subject to approval pursuant to Article 4 of Regulation (EC) No 853/2004. By use of the NFSA's quality control system, MATS, the establishments will be given the possibility of a web-based

application for approval. The quality control system has standardized procedures for approval and layout of the certificate for approval.

All establishments supervised by the NFSA (for food of animal origin) have to be approved according to the "Food Hygiene Package" legislation. The evaluation of establishments based on their application, is performed by the district offices, and a certificate of full approval or conditional approval is issued by the district office.

According to the same information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the NFSA started the development of new lists of approved food businesses operators according to the "Food Hygiene Package"; however there are still some food businesses that have only been approved under the previous legislation.

The plan of the NFSA head office is to finish approval according to the requirements of the "Food Hygiene Package" of already approved establishments according to previous legislation by the end of 2011. The NFSA has issued guidelines for the approval process according to the requirements of the "Food Hygiene Package". Nevertheless, the only publicly available list of approved establishments is still based on establishments approved by the former legislation. The mission team was provided with a draft list of establishments that have been approved to date by the current legislation.

However, two meat establishments visited by the mission team and inspected several times by the NFSA officers in charge at district levels had not been approved according to the requirements of the "Food Hygiene Package" or given a conditional approval. In a large meat processing establishment, a new processing area of 20.000 m² had been taken into use without approval. In another large slaughter- and meat cutting establishment fulfilling the requirements of the "Food Hygiene Package", had not been approved because of problems with the information system (MATS).

The dairy establishments and one meat processing establishment visited had been approved according to the requirements of the "Food Hygiene Package" .

Conclusion

Guidelines for approval of establishments were in line with the requirements laid down in Article 31 of Regulation (EC) No 882/2004. However the publicly available list of approved establishments was not up to date and the approval of establishments was sometimes not kept under review despite official controls carried out.

5.4.2 Prioritisation of official controls

Legal requirements

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency. Controls shall be carried out at any of the stages of the production and processing chain and, in general, are to be carried out without prior warning. According to Chapter II, Section III of Annex I to Regulation (EC) No 854/2004 a permanent presence of officials during slaughter is required.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, official controls on food, including food of animal origin, are performed by the district offices, in accordance with delegation of power in the NFSA, under management of the head office and regional level.

Furthermore, the NFSA's objective is to control or supervise all segments of the food sector within a determined period of time, covering any stages of production, processing and distribution. A document called "5-year-supervision-horizon" describes what kind of activity the NFSA is planning for a five year cycle. These are a priority on a national level. Local and regional level can decide on further prioritisation. The document describes also obligatory control activities (the activities the NFSA has to carry out). The NFSA head office updates this document at least once a year and it makes a foundation for the discussion of next year's priorities made by the management of the NFSA.

According to additional information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, supervision of the establishments is mainly carried out without prior warning, however, sometimes warning may apply, *e.g.* audits.

The mission team observed that official controls are carried out regularly, on a risk basis with appropriate frequency as regards milk and meat establishments subject to approval. However, the controls that are to be carried out on the level of primary production in particular dairy herds were in some district offices carried out according to the resources available but not on a risk basis. The district officer in one district informed the mission team that the dairy holdings could routinely only be visited once every five to six years and the officer considered that frequency too low.

Conclusion
Official controls are carried out regularly on a risk basis and with appropriate frequency in accordance with Article 3 of Regulation (EC) No 882/2004. However the controls of dairy holdings were sometimes based on resources instead of risk.

5.4.3 Control activities, methods and techniques

Legal requirements
Article 10 of Regulation (EC) No 882/2004 specifies the control activities, methods and techniques that should be deployed.

Findings
According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the activities, methods and techniques for the official controls of the meat and milk sector at local level are regulated by a number of regulations, instructions, guidelines and circular letters. The purpose is to cover the whole production chain, and includes control and supervision of establishments, case handling, formulation of decisions, accomplishing training courses, guidance, laboratory support, etc.

The mission team confirmed that the above mentioned information was consistent with what observed during the visits to the district offices.

Conclusion
The control activities, methods and techniques listed in Article 10 of Regulation (EC) No 882/2004 were in use.

5.4.4 Sampling and laboratory analysis

Legal requirements

Article 4 of Regulation (EC) No 882/2004 requires competent authorities to have, or to have access to, adequate laboratory capacity. Article 11 of the regulation establishes requirements for sampling and analysis and Article 12 requires the competent authorities to designate laboratories that may carry out analysis of samples taken during official controls. It also lays down accreditation criteria for laboratories so designated.

Findings

Designated laboratories for analysing official samples are listed in the Country profile for Norway.

All the laboratories are assessed and accredited in accordance with the Standard EN ISO 17025. Norwegian Accreditation is the only Norwegian body for accreditation of laboratories and monitors all the laboratories annually. Should a laboratory fail to meet the standard, the designation is withdrawn.

The mission team checked some analysis results concerning water samples and observed that the sheets from the laboratory were not always bearing the accreditation stamp on it.

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, a part of the official samples taken of meat, *e.g.* Trichinella testing and some tests for antibiotics in meat from slaughtered animals, are still analysed at small non-accredited laboratories, situated at the meat inspections' premises, or possibly at the slaughterhouses' own premises where slaughterhouse staff is involved in testing under the official veterinarian's responsibility. However, the major part of the official samples of meat and milk are analysed by external accredited laboratories using accredited methods, either the National Veterinary Institute or commercial laboratories.

With the exception of the instruction on surveillance and monitoring (the "OK programme"), sampling of dairy products is not coordinated by the head office.

According to information given by representatives of the NFSA in Norway all slaughtered swine and horses are tested for Trichinella. The NFSA is considering to use the derogation possibilities given in Article 3 of Regulation (EC) No 2075/2005, but no action has been taken in this direction so far. The mission team was informed by the representatives of the NFSA that the prevalence of Trichinella in swine carcasses in Norway was very low. No samples had tested positive since 1994. Laboratories performing the Trichinella analysis are designated by the NFSA and are analysing the samples using the method described in Chapter I and II of Annex I to Regulation (EC) No 2075/2005 (the magnetic stirrer method). This was confirmed by the official veterinarians in the establishments visited.

The mission team observed that the microbiological criteria for certain microorganisms as laid down in Regulation (EC) No 2073/2005 were not respected in the establishments visited by the mission team. Furthermore, some food business operators (e.g. dairy establishments and slaughterhouses) did not follow the frequency of sampling or only tested a sample consisting of one unit instead of five units per sample or did not have the sample analysed for the parameters required by the regulation despite a letter sent from the NFSA head office to the district officers reminding them of the parameters and requirements laid down in the above mentioned regulation.

The mission team visited a private laboratory performing analyses for official controls and private samples. The laboratory was accredited for about 50 methods of analyses,

including parameters relating to the scope of the mission regarding milk and meat products. The accreditation was issued by Norwegian Accreditation making reference to the Nordic Committee on Food Analysis (NMKL) methods. These methods are equivalent to the reference methods mentioned in the EEA legislation according to additional clarification provided by the NFSA head office.

The laboratory took part in proficiency tests organised by Statens Livsmedels Verk- (Swedish national reference laboratory for Salmonella and *Listeria monocytogenes*) four times a year for every person that was performing the analyses. The laboratory was designated by the NFSA as a laboratory for analyses of official samples. The mission team observed that a piece of paper without heading and signature was used by the NFSA to accompany an official sample taken upon suspicion of a food outbreak. The mission team was informed by the representatives of the NFSA that there were no conventional forms to fill in with pre-established information that should follow samples to the laboratory when official samples were taken outside of the residue and the surveillance and monitoring programmes (the "OK-programme")[2]. During the visit to this laboratory the mission team found in a cooler for the media in use several expired products intended for microbiological tests including reagents for *Listeria monocytogenes*. The mission team also observed that the laboratory could not carry out an analysis for *Yersinia spp.* requested by the NFSA. The mission team found no evidence that this had been reported to the NFSA.

During a visit to an establishment processing ready-to-eat products the mission team checked the food safety criteria detailed in the HACCP. The food business operator explained that *Listeria monocytogenes* was, since August 2010, not checked on a monthly basis. According to the food business operator, this was due to the information received from the above-mentioned laboratory and its suggestion that, considering the cost of such analysis, the test could be replaced by the KIMTALL method (total plate count) at 30ºC with three days incubation. Only in case of positive reaction to this parameter, the following analyses for *Listeria monocytogenes* would be carried out by the laboratory. While drafting the report the NFSA informed the Authority that the laboratory denied having suggested this to the food business operator and that the district office responsible was going to follow-up this issue with the food business operator.

Conclusion

Compliance with Article 12(1) of Regulation (EC) No 882/2004 was ensured since the NFSA had designated laboratories that may carry out the analysis of samples taken during official controls on meat and milk products. The methods checked by the mission team and used for the controls testing of meat and milk products were in compliance with the EEA legislation.

Samples for official controls in a private laboratory were not handled (accompanying form) in a way as to guarantee their legal validity as required by Point 7, Article 11 of Regulation (EC) No 882/2004.

Trichinella testing is carried out in compliance with Regulation (EC) No 2075/2005 in laboratories designated by the NFSA. However the testing for microbiological criteria as laid down in Regulation (EC) No 2073/2005 were not consistently followed by the food business operators.

[2] *See additional information provided by the NFSA in its reply to the draft report in Point 5.4.4 of Annex 4.*

5.4.5 Procedures for performances and reporting of control activities

Legal requirements

Article 8 of Regulation (EC) No 882/2004 requires official controls to be carried out in accordance with documented procedures, containing information and instructions for staff performing official controls. Article 9 of the same regulation requires the competent authority to draw up reports on the official controls that it carries out, describing the purpose, the control methods and the results of the official controls and, where appropriate, the corrective action that the food business operator is to take.

Findings

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the NFSA has written instructions in place covering the areas to be controlled. Check list used are available on the intranet (MATS) and some have been developed at local or regional level. However, there were no up-to-date written guidelines available on official controls of dairy farms including the follow up of samples of raw milk positive for antibiotics. The mission team was however informed that guidelines on official controls at the level of primary production of milk were under preparation[3].

The mission team noted that reports were drawn up after each control visit and the food business operator was provided with a copy of the report signed by the NFSA food inspector. One district officer informed the mission team that the request for corrective measures was addressed verbally to the food business operator and immediately implemented; however, the same district officer failed to follow up the implementation of corrective measures in an establishment visited by the mission team concerning a saw used to cut the sternum of ovine carcasses. The same district officer was not always establishing deadlines for the corrective measures to be taken by the food business operator.

The reports seen by the mission team varied in detail but included a description of the purpose of the official controls, the results of the official controls and, where appropriate, corrective measures to be taken by the food business operator. The food business operators were provided with a copy of the reports however, the reports seen by the mission team did not in some cases reflect the situation as seen in the establishments visited.

Conclusion

Official controls are carried out in accordance with documented procedures as required by Article 8 of Regulation (EC) No 882/2004 and reports are drawn up after each visit broadly in line with the requirements of Article 9 of the regulation. However some inconsistencies were observed in applying the procedures.

5.4.6 Transparency and confidentiality

Legal requirements

Article 7 of Regulation (EC) No 882/2004 requires that competent authorities carry out their activities with a high degree of transparency, in particular by giving

[3] *In the additional information provided by the NFSA in its reply to the draft report it was stated that guidelines on official controls at the level of primary production of milk are now decided and communicated to the region and district offices. See point 5.4.5 of Annex 4.*

relevant information to the public as soon as possible. However, information covered by professional secrecy and personal data protection is not to be disclosed.

Findings
According to information provided by the NFSA head office during the mission, questions about public access and professional secrecy for the administrative area of NFSA is regulated in the Norwegian legislation.

According to the same information provided by the NFSA head office during the mission, the NFSA is normally not obliged to publish information/documents without a request, but it is allowed to do it. However, the NFSA is obliged to publish some information in accordance with the Food Act when food that might be dangerous for human (or animal) health is placed on the market.

The mission team observed that official controls were carried out in a transparent manner and that relevant information was easily accessible to the public.

Conclusion
The requirements of Article 7 of Regulation (EC) No 882/2004 regarding transparency and confidentiality are covered by the Norwegian legislation and complied with.

5.5 Enforcement measures

5.5.1 Measures in the case of non-compliance

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

Findings
According to the Food Act the NFSA has the legal power to take necessary actions to ensure that the establishment remedies the situation. The establishments are obliged to let the NFSA carry out controls and take necessary samples; establishments are also obliged to provide information and documentation on request by the NFSA. The NFSA has legal powers to take action and decide relevant sanctions to ensure that the establishment remedies any non-compliance to the legislation.

The mission team found evidence that, in cases of non-compliance, the NFSA took action ensuring the operators remedied the situation. However it was also observed that staff responsible for the official controls had not followed up on deviations previously reported within reasonable time (see chapter 5.10.2).

During the inspection to a large slaughterhouse and meat processing plant the staff responsible for the official controls had not identified several serious deviations or not followed up on deviations previously reported.

Conclusion
The NFSA has the necessary powers and does take appropriate action as required by Article 54 of Regulation (EC) No 882/2004 when non-compliances are identified. However some inconsistencies were detected.

5.5.2 Sanctions

Legal requirements
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 Community 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 information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the basic legal framework for the NFSA sanctions for food establishments is the Food Act. The practical enforcement instruments *and sanctions*[4] are:

- *Advance* warning;
- *Individual decision*/enforcement notice (e.g. imposing improvement of own-checks, ban on production, correction, external training, consultancy);
- *Coercive* fine;
- *Individual decision/enforcement notice (implemented by the NFSA in the event of non-compliance by the food business operator with the individual decision/enforcement notice mentioned before).*

If an establishment fails to comply with an enforcement notice it is given a new stronger sanction. It can *be put in quarantine for some period* or be reported to the Police *for prosecution or the approval could be withdrawn.*

The mission team observed that the above mentioned rules were consistently implemented in the district offices where the questions were addressed and was supported by documented evidence.

Conclusion
Norwegian legislation providing detailed rules on sanctions is in place in line with the requirements laid down in Article 55 of the regulation and the sanctions provided appear to be effective, proportionate and dissuasive.

5.6 Control and verification procedures

Legal requirements
Article 4 of Regulation (EC) No 882/2004 requires the competent authorities to ensure the effectiveness and appropriateness and the impartiality, consistency and quality of official controls at all levels. Article 8 states that they must have procedures in place to verify the effectiveness of official controls and to ensure that

[4] *See additional information provided by the NFSA in its reply to the draft report in Point 5.5.2 of Annex 4.*

corrective action is taken when needed and that documented procedures on official controls are updated as appropriate.

Findings
The mission team observed several instructions prepared by the NFSA for staff performing controls at meat establishments. However, it was also observed that no documented procedures were in place to verify that staff responsible for the official controls was effectively following-up the corrective actions needed in case of non compliance (see chapters 5.5.1 and 5.10.2).

The mission team also observed that the district offices visited had not established a documented procedure for follow-up visits on the farms where milk samples tested positive for antibiotics.

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, no procedures to verify the effectiveness of the official controls carried out had been established.

Conclusion
The requirements in Article 8 of Regulation 882/2004 were not always fulfilled since, the control procedures established by the NFA did not cover all control activities. In addition the NFSA had no procedures in place to verify the effectiveness of the official controls.

5.7 Audits

Legal requirements
Under Article 4 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
The Country profile for Norway describes the established procedures for both external and internal audits. According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the internal audit body performs systematically examinations of own organization and appurtenant processes. An annual plan for internal audits will be worked out yearly.

In addition to these central internal audits, the district, regional and head offices may carry out local audits in coordination with the NFSA's internal audit body. Some of the regions have carried out local audits i.e. on the milk sector and the mission team verified that audits had been carried out.

The mission team observed that, in one district visited, the only internal audit performed by the internal audit body team was an audit of the border inspection post.

Conclusion
A system of external and internal audits is in place in accordance with Article 4 of Regulation (EC) No 882/2004.

5.8 Fees or charges

Legal requirements

According to Article 27 of Regulation (EC) No 882/2004 fees or charges to cover the costs occasioned by official controls may be collected. However, as regards the activities referred to in Section A of Annex IV and Section A of Annex V to the above mentioned regulation, the collection of a fee shall be ensured.

Findings
According to information provided by the NFSA head office during the mission, the Norwegian system for charges and fees is based on the Norwegian Regulation on charges and fees in the food control. The principle is that fees have to be paid on produced raw material that will be processed as food stuffs. The charge shall only be demanded one time for each raw material[5].

Conclusion
According to Article 27 of Regulation (EC) No 882/2004 fees or charges to cover the costs occasioned by official controls are collected in Norway.

5.9 Multi annual national control plan

Legal requirements
Article 41 of Regulation (EC) No 882/2004 requires that each Member State prepares a single integrated Multi Annual Control Plan (MANCP).

Findings
According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the NFSA was finalising the MANCP. According to information given by the NFSA head office to the mission team the MANCP was available at the NFSA's intranet. The document was in Norwegian only.

Conclusion
The Norwegian MANCP has been prepared as required by Article 41 of Regulation (EC) No 882/2004 and can be submitted to the Authority upon request.

5.10 Follow-up action

Legal requirements
According to Article 45 of Regulation (EC) No 882/2004 Member States shall take appropriate follow-up action in the light of the recommendations resulting from Community controls.

Findings
In a mission on residues in late 2009 the representatives of the Authority observed that own check milk samples positive for antibiotics were not always reported to the district offices and the district offices did not always conduct an investigation at farm level in such cases. In its reply to the report, the NFSA assured the Authority that the dairies would notify the respective district offices of such findings which would investigate these cases.

However, during this mission the mission team was informed by the district officers that they were not notified by the food business operators but they received a notification when

[5] *See additional information provided by the NFSA in its reply to the draft report in Point 5.8 of Annex 4.*

the positive sample was confirmed by the Norwegian School of Veterinary Science, sometimes with seven to ten days delay.

In relation to the use of potable water at establishments' level, the mission team pointed out that several missions have been carried out by the Authority since 2007 where this topic was addressed (mission on potable water from 5 to 9 November 2007, mission on poultry products from 11 to 19 November 2010 and mission on fish health from 26 April to 7 May 2010). The NFSA plans of corrective actions provided guarantees to the Authority that attention would be paid to the implementation of procedures aiming at rectifying the shortcomings identified by the Authority on the use of potable water by establishments processing food of animal origin. However, during this mission the absence of procedures in place to verify that potable water was used by food processing establishments was still observed (see chapter 5.13).

Conclusion

The requirements in Article 45 of Regulation (EC) No 882/2004 were not always fulfilled since lack of appropriate follow-up action, in the light of the recommendations resulting from previous missions carried out by the Authority, was observed under the above mentioned circumstances.

5.11 National measures and derogations

Legal requirements

According to Article 10 of Regulation (EC) No 853/2004 Member States may, without compromising the achievement of the objectives of Regulation (EC) No 853/2004, adopt national measures adapting the requirements laid down in Annex III. The national measures refer to continued use of traditional methods and regions subject to geographical constraints and are subject to notification to the Authority. Article 7 of Regulation (EC) No 2074/2005 allows Member States to grant establishments manufacturing foods with traditional characteristics derogations from certain requirements set out in Regulation (EC) No 852/2004.

Findings

The NFSA has so far not notified any national measures and derogation to the Authority; however, according to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, in the Norwegian regulation implementing Regulation (EC) No 852/2004 there is a national derogation from the requirements laid down in Chapter I (3) of Annex II to the above mentioned regulation concerning flush lavatories. In accordance to the national measures alternative flush lavatories toilets (e.g. dry closet in mobile slaughterhouses) are considered equal with customary flush lavatories.

In the same reply to the pre-mission questionnaire of the Authority, according to the Norwegian regulation implementing Regulation (EC) No 853/2004 it is forbidden to sell raw milk for consumption. However it is allowed for the farmer to sell raw milk randomly to the final consumer for his own use.

During the opening meeting, the mission team requested information on any derogations given at national level for the maturation of cheeses including the use of wooden materials for maturation. According to the representatives of the NFSA present at the meeting no such derogations had been given. However, during a visit to a dairy plant, the mission

team observed that wooden plates coming directly into contact with cheese were used for maturation of two weeks[6].

Conclusion

The Norwegian authorities have not notified the Authority of national measures and derogations in place as required by Article 10 (5) of Regulation (EC) No 853/2004 and Article 7 of Regulation (EC) No 2074/2005.

5.12 Food business operators' obligations and official controls

5.12.1 General hygiene requirements

Legal requirements

Article 4(2) of Regulation (EC) No 852/2004 establishes that food business operators carrying out any stage of production, processing and distribution of food after the stage of primary production/associated operations shall comply with general hygiene requirements as set out in Annex II to Regulation (EC) No 852/2004. These provisions relate to cleaning and maintenance, layout, design, construction, siting and size of food premises. Article 4(4) of Regulation (EC) No 854/2004 specifies that the competent authority shall carry out official controls in respect of products of animal origin to verify food business operators' compliance with these requirements.

Findings

Establishments were found to be mainly compliant with the general hygiene requirements. In some establishment the deficiencies related to structure and maintenance noted had already been identified by the NFSA and action by the food business operators had been requested. However, the majority of the following additional deficiencies not previously noted by the NFSA were identified by the mission team during the visits:

- Condensation water from a detained carcass in a refrigerated storage was dripping on carcasses fit for human consumption. Condensation in chiller rooms was dripping on exposed carcasses. Condensation was found on the ceiling in several places over exposed ready to eat products;
- overhead structures above the slaughtering line were found to be rusty and with flaking paint;
- washing and use of chemicals was going on in several places near exposed products;
- cleaning chemicals were found in several places in the production area;
- several paper bags containing a food additive (a chelating agent) were stored in the production area and exposed to washing water and some of the bags were opened and wet;
- the cross-flow of people and equipment was not in line with good hygiene practice (cross-flow between cutting, processing, cooking and packaging area);
- cleaning agents were stored near the open production of cream cheese: chlorine, soda and foaming agent;
- several bags of caustic soda were stored in the production area;
- flaking paint was observed on a wall near a production line;
- poor housekeeping in a cold store where frozen reindeer meat was stored.

[6] *See additional information provided by the NFSA in its reply to the draft report in Point 5.11of Annex 4.*

- half carcasses in a drying area were touching wood and walls;
- ventilation in a drying area through dirty ventilators/fan;
- windows which could be opened to the outside were not lockable and not fitted with insect-proof screens;
- exposed products were observed in a cold store;
- rusted electrical equipment no longer in use was observed in an area where food was handled;
- animal-by-products not adequately labelled were present in a chiller and containers for food waste were found in a cold store (detected by the district officer).

Conclusion

Several deficiencies were noted related to the general hygiene requirements of Annex II to Regulation (EC) 852/2004.

5.12.2 Specific requirements

Legal requirements

Article 3 of Regulation (EC) No 853/2004 sets out that food business operators shall comply with the specific requirements of Annexes II and III to this regulation. Article 4(3) of Regulation (EC) No 852/2004 states that food business operators shall adopt specific hygiene measures regarding compliance with microbiological criteria for foodstuffs, compliance with temperature control requirements and sampling and analyses. Details on microbiological criteria foodstuffs are set out in Regulation (EC) No 2073/2005 and Article 4(4) of Regulation (EC) No 854/2004 specifies that the competent authorities shall carry out official controls in respect of products of animal origin to verify food business operators' compliance with these requirements. These official controls cover a range of items with regard to requirements for slaughterhouses, cutting plants, emergency slaughter, game handling, raw milk and dairy products and other products of animal origin.

Findings

The establishments visited were found to be generally compliant with the specific hygiene requirements but some deficiencies were noted in individual establishments:

- One unit of samples of final products were analysed for *Listeria monocytogenes* and Salmonella instead of five;
- no inspection of ovine stomachs, intestines and spleen were taking place;
- carcasses touching each other were observed on the line before meat inspection;
- saw for the opening of ovine sternum was not cleaned and the cleaning box only contained cold water and caused splashing on the carcasses. This had been reported in the inspection reports starting from May 2009 without corrective action by the food business operator and enforcement measures by the competent authority;
- some unhygienic procedures were noted on the slaughter line of the establishment mentioned above i.e. the saw was touching the outside of the skin of every carcass, a knife was contaminated by cutting through the skin of the sternum of the carcass and then without disinfection used to cut inside the skin on the forelegs, a sink at the slaughter line was filled with bloody stagnant water;
- the temperature of the water in a knife disinfecting tool was found to be only at 64˚C.

With reference to Regulation (EC) No 2073/2005 the mission team confirmed that the competent authorities had demanded with a "warning of decision" that the requirements of the regulation should be complied with. However, the mission team found that regarding Salmonella a food business operator took no samples from carcasses and meat preparations. Only minced meat was sampled and analysed once per day for Salmonella. This establishment sampled carcasses of sheep, bovines and pigs for total plate count, *E. coli* and *Enterobacteriacae*. The frequency of sampling was once every two-three weeks instead of once per week. The results shown to the mission team showed no apparent reason for the reduced frequency.

In another establishment processing ready to eat products, *Listeria monocytogenes* was not tested.

Conclusion

A certain number of deficiencies were noted regarding the specific hygiene requirements as set out in Regulations (EC) 853/2004 and 854/2004.

The implementation of microbiological sampling and testing by the food business operators visited was not in line with the requirements of Regulation (EC) No 2073/2005.

5.12.3 HACCP-based systems

Legal requirements

On the basis of Article 5 of Regulation (EC) No 852/2004 the food business operators shall put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles. The specific requirements for HACCP-based procedures in slaughterhouses are specified in Section II of Annex II to Regulation (EC) No 853/2004. Official controls in respect of all products of animal origin falling within the scope of Regulation (EC) No 854/2004 shall include audits of HACCP-based procedures (Article 4(5)).

Findings

All establishments visited had a HACCP based system in place but with a varying degree of appropriateness.

In a meat cutting and processing plant approved according to the requirements of the "Food Hygiene Package" in December 2010 by the NFSA, the mission team found several deficiencies in the HACCP manual. The manual had not been updated taking into account the requirements of Regulation (EC) No 2073/2005 in relation to the sampling plan i.e. number of units comprising a sample and sampling frequencies. There was no mention of the requirements of Regulation (EC) No 853/2004 for knives disinfecting tools. Furthermore the risk assessment for heat treated products had one correctly decided critical control point, however the risk assessment had also two other critical control points that would not have been decided if the correct procedure using a decision tree had been applied. A similar observation had been done when the competent authorities audited the hazard analyses for the production of salted and dried lambs ribs with a deadline for correction of 1/2/2011.

In a dairy plant the HACCP was checked especially for the verification of the effectiveness of pasteurisation equipment. This was checked four times per year and

verified once a year by a team of experts working for the company establishment; also phosphatase tests were done six times per year.

In another establishment processing ready-to-eat products, the HACCP manual mentioned that such products should have been tested monthly for *Listeria monocytogenes*. However the last results of analysis were dated August 2010 and the food business operator explained that he was not testing *Listeria monocytogenes* anymore because of the indications received from the private laboratory (see chapter 5.4.4).

Conclusion

The HACCP manuals checked by the mission team were broadly in line with the legal requirements laid down in Article 5 of Regulation (EC) No 852/2004. However the food business operators did not always demonstrate a sufficient knowledge of the HACCP principles and the competent authorities had not always detected the non-compliances with the HACCP principles.

5.12.4 Identification marking and labelling

Legal requirements

Provisions for the identification marking of a product of animal origin are made in Article 5 and Section I of Annex II to Regulation (EC) No 853/2004 and verification of compliance with these requirements is foreseen by Article 4(6) of Regulation (EC) No 854/2004. Article 3 of Directive 2000/13/EC sets out the particulars on the labelling of foodstuffs to be delivered as such to the ultimate consumer.

Findings

In general the mission team found identification marking and labelling applied to the commodities inspected; however, in one establishment, unidentifiable products in the cold store (not labelled) and animal by-products not labelled as such in the refrigerated storage together with products fit for human consumption were observed.

Conclusion

Identification marking and labelling was, with one exception, in line with the legal requirements.

5.12.5 Traceability

Legal requirements

According to Article 18 of Regulation (EC) No 178/2002 the traceability of food and food producing animals and any other substance intended to be incorporated into a food shall be established at all stages of production, processing and distribution. The food business operators shall have in place systems and procedures to identify from whom they have been supplied and the other businesses to which their products have been supplied.

Article 4(6) of Regulation (EC) No 854/2004 requires that verification of compliance with traceability requirements takes place in all approved establishments.

According to Article 3 of Regulation (EC) No 853/2004, the food business operators shall comply with the relevant provisions of Annexes II and III to this regulation. In particular the food business operators operating slaughterhouses must,

as appropriate, request, receive, check and act upon food chain information in respect of all animals, other than wild game, sent or intended to be sent to the slaughterhouse.

Findings
The mission team checked the traceability of meat products in two of the establishments visited and found a consistent system concerning the traceability of incoming raw material and outgoing products in one of them. However, in the other one, the system in place did not allow the food business operator to trace forward the quantity of meat products and to identify the other business to which its products have been supplied. In the same establishment, the date of freezing of incoming raw material reported 10/09/2008 and documentation accompanying incoming raw material was not available.

The mission team observed in one establishment that a system for food chain information for animals was in place and that information provided was complete.

Conclusion
Traceability systems and procedures were not always in place to identify the other businesses to which their products had been supplied to, as required by Article 18 of Regulation (EC) No 178/2002.
The food chain information was found in accordance with Annex II, Section III of Regulation (EC) No 853/2004.

5.13 Official inspection tasks in establishments for verification of the food business operators' compliance

5.13.1 Food chain information

Legal requirements
According to Article 5(1) of Regulation (EC) No 854/2004 the official veterinarian shall carry out inspection tasks in slaughterhouses, also as regards food chain information.

Findings
The mission team observed in one establishment that the official veterinarian responsible for the ante-mortem had checked the food chain information and signed the forms.

Conclusion
The food chain information was checked by the official veterinarian as required by Article 5(1) and Chapter II, A, Section I of Annex I to Regulation (EC) No 854/2004.

5.13.2 Ante-mortem inspection

Legal requirements
Article 5(1) of Regulation (EC) No 854/2004 requires that the official veterinarian carries out inspection tasks, including ante-mortem inspection of all animals before slaughter in accordance with the general requirements of Chapter II, Section I of Annex I to Regulation (EC) No 854/2004.

Findings

The ante-mortem examinations were carried out by official veterinarians and documented as foreseen in the legislation. The mission team observed the ante-mortem inspection of bovine animals in one establishment. The inspection was carried out by an official veterinarian in a new lairage facilitating a thorough inspection of the animals.

Conclusion
The ante-mortem inspection was carried out and documented as foreseen in the legislation. Ante-mortem examinations were carried out by official veterinarians.

5.13.3 Post-mortem inspection

Legal requirements
Article 5(1) of Regulation (EC) No 854/2004 requires that the official veterinarian carries out inspection tasks, including post-mortem inspection in accordance with the general requirements of Chapter II, Section I, of Annex I to Regulation (EC) No 854/2004 and with the specific requirements of Section IV of Annex I to the same regulation.

Findings
The mission team observed post-mortem inspection of bovines and sheep. In relation to the post-mortem inspection of sheep, the layout of the facilities where the meat inspection was taking place did not allow for a satisfactory inspection of the stomachs, intestines and spleen because of the distance from the meat inspector and the fact that the intestines were put on a shaft at floor level that carried them quickly by gravity down to the cellar.

Conclusion
The post-mortem inspection of bovine animals was carried out according to the requirements. The post-mortem inspections for sheep was not carried out as required by Article 5(1) and Section IV of Annex I to Regulation (EC) No 854/2004.

5.13.4 Health marking

Legal requirements
Article 5(2) of Regulation (EC) No 854/2004 requires that health marking shall be carried out in slaughterhouses and game-handling establishments by, or under the responsibility of, the official veterinarian when official controls have not identified any deficiencies that would make the meat unfit for human consumption.

Findings
The application of the health mark was generally acceptable.
In one establishment the mission team observed that a special health mark for emergency slaughter was applied to the carcasses.

Conclusion
Health marks and identification marks seen were generally applied in line with the requirements of Article 5(2) of Regulation (EC) No 854/2004.

5.13.5 Criteria for raw milk

Legal requirements
Article 8 of Regulation (EC) No 854/2004 states that Member States shall ensure that official controls with respect to raw milk and dairy products take place in accordance with

Annex IV to Regulation (EC) 854/2004. The last states that the competent authority is to monitor the checks carried out in accordance with Annex III, Section IX, Chapter I, Part III to Regulation (EC) No 853/2004.

Findings

The mission team observed that the main operator in the dairy industry outsourced the controls of raw milk at farm level to a specific branch of their organisation which through their database notified the farmer and the dairy plant. The actual information on the geometrical average of total plate count and somatic cell numbers were not available to all the district offices of the NFSA regarding holdings exceeding the rolling geometrical average of the two months total plate count or three months somatic cell count. Samples positive for antibiotics in bulk milk were traced back to the farm by the food business operator and immediately notified to the quality services of the same dairy company and to the farmer. However the NFSA was first informed of a positive sample a week to ten days after the incident by the Norwegian School of Veterinary Science, which was responsible for the confirmation of the positive sample.

According to the information given by the district officers dairy farms are receiving an ordinary inspection (e.g. on animal health, animal identification, animal welfare, milking hygiene) by the NFSA every three to six years. In addition extraordinary inspections are carried out to follow up on identified deficiencies as regards raw milk criteria, antibiotic residues or other non-compliances.

Conclusion

Raw milk is tested by the food business operator as foreseen in the legislation but the monitoring by the NFSA of the checks carried out by the food business operators as required by Chapter II of Annex IV to Regulation (EC) No 854/2004 could not be demonstrated. The lack of information regarding the before mentioned checks did not always allow the competent authority to carry out the enforcement measures as foreseen in the Annex IV to Regulation (EC) 854/2004.

5.14 Other requirements

Legal requirements

Council Directive 98/83/EC lays down the requirements for the quality of water intended for human consumption. In particular, Article 7 of this directive provides that Member States shall take all measures necessary to ensure that regular monitoring of the quality of the water intended for human consumption is carried out; appropriate monitoring programmes shall be established by the competent authorities. Those monitoring programmes shall meet the minimum requirements set out in Annex II to the directive.

Findings

In a large meat processing establishment with water consumption of, on average, 500m³ per working day, the water was taken from a river, chlorinated, sand filtered and radiated with ultra-violets light. Four to five samples were sent for analyses every second week. Eight times a year samples were sent for all the parameters of a check monitoring. Last audit monitoring was done in 2004.

In another slaughterhouse and cutting plant the estimated consumption of potable water taken from own borehole and ultra-violets treated was estimated 250m³ per working day. The last audit monitoring available was done in 2004.

The explanation from the NFSA was that the frequency of the audit checks was based on the Norwegian transposition of the legislation. In the Norwegian law the frequency is based on the number of inhabitants not taking into account the volume used by the food industry[7].

Results from audit monitoring were not made available for the mission team in one establishment using water from a lake nearby. After the mission the NFSA head office informed the mission team that when this establishment was approved in 2003, the NFSA was not yet established. The approval was given by the municipal food authority. The district office managed to find the letter from 2002 from the municipal authorities' files, where it was said that such water audit monitoring should had been taken before approval, but it was not possible to provide evidence of the results. Since then, no attention was paid by the NFSA to the audit monitoring of the potable water used in the establishment.

Conclusions

The frequency of check monitoring was higher than four times per year in both establishments checked, however the frequency of audit monitoring was not in line with the requirements of Article 7 of Council Directive 98/83/EC.

6 Overall conclusion

The NFSA has a system in place for the official controls of meat and milk production. Some weaknesses were observed in relation to tasks to be fulfilled by the competent authorities. Shortcomings were identified in some areas e.g. approval of establishments, microbiological controls and general and specific hygiene requirements at food business operators' level, official controls of dairy farms and controls on potable water. However meat and milk products placed on the market in Norway and in the European Economic Area are generally complying with the requirements laid down in the regulations.

7 Final meeting

The final meeting was held with representatives of the NFSA and the Ministry of Agriculture and Food in Oslo on Wednesday 26 January 2011. At this meeting, the mission team presented its main findings and some preliminary conclusions of the mission. At the meeting the mission team also explained that, based on a more detailed assessment of the information received during the mission, additional conclusions and recommendations could be included in the report.

The NFSA did not have any objections to the observations made and the preliminary conclusions presented.

8 Recommendations

Norway should inform the Authority in its reply to the draft report, by way of written evidence, of the corrective actions taken and a plan for corrective measures and actions,

[7] *In the additional information provided by the NFSA in its reply to the draft report it was stated that the number of inhabitants are not relevant for food establishments with own water supply. In these cases the frequency is based on m³ (1 person = 0,2 m³ pr day). See point 5.14 of Annex 4.*

including a timetable for completion of measures still outstanding, relevant to all the recommendations hereunder. This information will be annexed to the final report. The Authority should also be kept informed of the completion of the measures included in the timetable.

No	Recommendation
1	The competent authorities should ensure efficient and effective coordination and cooperation between the different units as required by Article 4(5) of Regulation (EC) No 882/2004.
2	The competent authority should ensure that all districts offices are prepared to operate the contingency plans for food and feed in accordance with Article 4(2)(f) of Regulation (EC) No 882/2004. The competent authorities should also prepare a contingency plan outlining all action to be taken where samples test positive to Trichinella in accordance with Article 7 of Regulation (EC) No 2075/2005.
3	The competent authority should ensure that the available list of approved establishments is up to date and the approval of establishments is kept under review when carrying out official controls as required by Article 31)(1)(b) (e) and (f) of Regulation (EC) No 882/2004.
4	The competent authority should ensure that controls of dairy holdings are carried out in accordance with Article 3 of Regulation (EC) No 882/2004.
5	The competent authority should ensure that samples for official controls are handled in a way as to guarantee their legal validity as required by Article 11 (7) of Regulation (EC) No 882/2004. The competent authority should also ensure food business operators compliance with microbiological criteria for foodstuffs as laid down in Regulation (EC) No 2073/2005.
6	The competent authority should ensure that procedures are in place to verify the effectiveness of the official controls in line with the requirements laid down in Article 8 of Regulation (EC) No 882/2004.
7	In case of non-compliance, the competent authority should take action to ensure that the food business operator remedies the situation as required by Article 54 of Regulation (EC) No 882/2004
8	Appropriate follow-up action should be taken by the competent authorities, in the light of the recommendations resulting from previous missions carried out by the Authority, as laid down in Article 45 of Regulation (EC) No 882/2004
9	The competent authorities should notify the Authority of national measures and derogations in place as required by Article 10 (5) of Regulation (EC) No 853/2004 and Article 7 of Regulation (EC) No 2074/2005.
10	The competent authority should ensure that all food business operators operate in accordance with the hygiene requirements laid down in Regulations (EC) No 852/2004 and 853/2004.
11	The competent authority should ensure that all food business operators operate in accordance with the provisions for the identification marking of a product of animal origin as laid down in Article 5 and Annex II, Section I to Regulation (EC) No 853/2004.

12	The competent authority should ensure that all food business operators operate in accordance with the requirements laid down in Article 18 of Regulation (EC) No 178/2002 concerning the traceability of food.
13	The competent authority should ensure that post-mortem inspections for sheep is carried out as required in Article 5(1) of Regulation (EC) No 854/2004 in accordance with the specific requirements of Section IV, Chapter II of Regulation (EC) No 854/2004.
14	The competent authority should ensure that, concerning raw milk, monitoring of the checks carried out by the food business operators and enforcement measures (suspension) are performed as required by Chapter II of Annex IV to Regulation (EC) No 854/2004.
15	The competent authority should ensure that, concerning potable water, the frequency of audit monitoring in food processing establishments is in line with the requirements of Article 7 of Council Directive 98/83/EC.

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

The Authority	EFTA Surveillance Authority
EEA	European Economic Area
EEA Agreement	Agreement on the European Economic Area
EN/ISO	European standards/International Organization for Standardization
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 Food Hygiene package includes several Regulations, *inter alia*, Regulations (EC) No 852/2004, 853/2004 854/2004.
HACCP	Hazard Analysis and Critical Control Point
MATS	NFSA's quality control system
NFSA	Norwegian Food Safety Authority

Annex 2 - Other relevant legislation

The main EEA Acts regarding meat and milk products and relevant for this mission are:

a) The Act referred to at Point 1.1.1 of Chapter I of Annex I to the EEA Agreement, *Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market*, as amended and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

b) The Act referred to at Point 1.1.4 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 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 1.1.7 of Chapter I of Annex I to the EEA Agreement, *Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals*, as amended.

d) The Act referred to at Point 1.1.7b of Chapter I of Annex I to the EEA Agreement, *Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EE*, as amended.

e) The Act referred to at Point 1.1.7c of Chapter I of Annex I to the EEA Agreement *Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97*, as amended.

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

g) 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.

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

i) 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;

j) The Act referred to at Point 4.1.1 of Chapter I of Annex I to the EEA Agreement, *Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine,* as amended and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

k) The Act referred to at Point 4.1.2 of Chapter I of Annex I to the EEA Agreement, *Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals,* as amended.

l) 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*.

m) The Act referred to at Point 5.1.7 of Chapter I of Annex I to the EEA Agreement, *Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/ EEC,* as amended.

n) The Act referred to at Point 6.1.16 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs,* as amended.

o) The Act referred to at Point 6.1.17 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin,* as amended and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

p) The Act referred to at Point 6.1.18 of Chapter I of Annex I to the EEA Agreement, *Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC,* as corrected.

q) The Act referred to at Point 6.2.52 of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EC) No 2073/2005 of 5 December 2005 on microbiological criteria for foodstuffs,* as amended.

r) The Act referred to at Point 6.2.53 of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European*

Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) 854/2004, as amended.

s) The Act referred to at Point 6.2.54 of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EC) No 2075/2005 of 5 December 2005 laying down specific rules on official controls for Trichinella in meat,* as amended.

t) The Act referred to at Point 6.2.55 of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) 854/2004*, as amended.

u) The Act referred to at Point 7.1.1 of Chapter I of Annex I to the EEA Agreement, *Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC,* as amended.

v) The Act referred to at Point 7.1.2 of Chapter I of Annex I to the EEA Agreement, *Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC*, as amended.

w) 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 amended.

x) The Act referred to at Point 7.1.13 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety,* as amended and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

y) The Act referred to at Point 9.1.2 of Chapter I of Annex I to the EEA Agreement, *Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing*, as amended.

z) The Act referred to at Point 18 of Chapter XII of Annex II to the EEA Agreement, *Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs*, as amended.

aa) The Act referred to at Point 7a of Chapter II of Annex XX to the EEA Agreement, *Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption*.

Annex 3 - Figures on production and trade of meat and milk products (source: the Norwegian Food Safety Authority)

2007	Production in Norway (*million litres*)	Trade with EEA countries (*million litres*)	Trade with third countries (*million litres*)
Beef	84 150	-	9 300
Sheep/lamb	22 850	-	2 300
Swine	117 400	7 600	-

2008	Production in Norway (*million litres*)	Trade with EEA countries (*million litres*)	Trade with third countries (*million litres*)
Beef	86 100	-	11 800
Sheep/lamb	23 700	-	4 600
Swine	122 400	2 100	-

2009	Production in Norway (*million litres*)	Trade with EEA countries (*million litres*)	Trade with third countries (*million litres*)
Beef	84 500	-	5 400
Sheep/lamb	23 500	-	1 150
Swine	123 400	1 375	-

(For the milk sector, the information are incomplete)

2007	Production in Norway (million litres)	Trade with EEA countries (million litres)	Trade with third countries (million litres)
Cow milk	1 479		
of this organic	29		
Goat milk	19		

2008	Production in Norway (million litres)	Trade with EEA countries (million litres)	Trade with third countries (million litres)
Cow milk	1 464		
of this organic	33		
Goat milk	19		

2009	Production in Norway (*million litres*)	Trade with EEA countries (million litres)	Trade with third countries (million litres)
Cow milk	1 437		
of this organic	39		
Goat milk	20		

Annex 4 - Reply from the NFSA to the draft report

DRAFT REPORT – COMMENTS

Mission to Norway 17.01.2011 – 26.01.2011 regarding the application of EEA legislation related to the safety of food of animal origin, in particular meat, milk and their products – draft report

With reference to your letter of 10 March 2011 the NFSA would like to give some comments to the draft report.
In all material aspects this is about misunderstandings on the Norwegian legislation. However, we also have a few other comments.

1) Factual content:

Point 5.1 (page 6)
Findings

"According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the Norwegian Act No. 124 of 19 December 2003 relating to food safety and plant and animal health, (the Food Act), provides the legal basis for regulations in the relevant fields, including meat, milk and their products. Power to issue regulations ~~in closer defined areas~~ within the scope of the Food Act is delegated to the Ministry of Agriculture and Food, the Ministry of Health and Care Services and the Ministry of Fisheries and Coastal Affairs according to the Norwegian Regulation of 19 December 2003 No.1790. ~~The authority to issue regulations for most of the areas in the Food Act are subsequently delegated to the NFSA in the Norwegian Regulation of 5 May 2004 No. 884.~~ "

Correction: The Ministries have subsequently delegated some of their power to issue regulations to the NFSA in the Norwegian Regulation of 5 May 2004 No. 884 (some supplementing, changes and repeals).

Point 5.4.4 (page 15)
Findings (second paragraph)

It is not quite correct that "there were no conventional forms to fill in with pre-established information that should follow samples to the laboratory when official samples were taken outside of the residue and the surveillance and monitoring programmes (the "OK-programmer").
Correction: We have got such forms by the electronic case-handler system MATS.

Point 5.5.2 (page 18)
Findings

We don't have administrative fines as a sanction in Norway. We use coercive fines (Food Act/ml § 26) and closure of premises (ml § 25 1st paragraph) as enforcement instruments. We also may carry through the enforcement notice by our selves in some cases (ml § 23). As sanctions we have quarantine (ml § 25 2nd paragraph) or ask the Police to prosecute the establishment (ml § 28).

The sentences marked with red should therefore be erased and we have added a few sentences about enforcements and sanctions.

"According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the basic legal framework for the NFSA sanctions for food establishments is the Food Act. ~~Several recommended levels of fines regarding different categories of criminal offences are listed. These recommended levels of fines form the basis of issuing administrative fines in connection with previous court cases. If an administrative fine is not paid by the establishment, the NFSA ask the Police to prosecute the establishment.~~
The ~~main~~ practical instruments, enforcement instruments and sanctions are:

- advance warning (Public Administration Act § 16);
- individual decition/enforcement notice, e.g. imposing improvement of own-checks, ban on production, correction, external training, consultancy (ml § 23)
- coercive fine (ml § 26)
- carry out the individual decition/enforcement note ourselves (ml § 23 2nd paragraph). (We don't use this enforcement often)
- ~~Administrative fine (instead of reporting to the Police in certain well-defined cases);~~

If an establishment fails to comply with an enforcement notice it is given new stronger sanctions as;

- put the establishment in quarantine for some period (ml § 25 2nd paragraph).
- reporting to the Police for prosecution (complicated fraud cases and frequent offenders)
- withdrawal of the approval
- ~~It can receive an administrative fine or be reported to the Police (claim for fine or prison).~~

The mission team observed that the above mentioned rules were consistently implemented in the district offices where the questions were addressed and was supported by documented evidence."

Point 5.8 (page 19)
Findings

None comments on the first sentence:

> "According to information provided by the NFSA head office during the mission, the Norwegian system for charges and fees is based on the Norwegian Regulation on charges and fees in the food control."

However, some clarifications may be needed as regards the two next sentences, as there are more than one charge/ fee in question. For a better understanding of the system established in Norway in recent years, we will like to draw your attention to a hearing letter from the Ministry of Agriculture and Food in connection with the introducing process of the above mentioned regulation.
http://www.regjeringen.no/nb/dep/lmd/dok/horinger/horingsdokumenter/2003/horing-avgift-og-gebyrfinansiering-av-ma/1.html?id=95915

Here the system is described in some depth. The term "charge" (*avgift*) is used for a more general payment, some kind of tax, and the term "fee" (*gebyr*) for special payments on particular public services, i.a. meat inspection, case handling by approvals, certifications etc.

(1) Charge on food production
The regulation referred to is Regulation on charges and fee in the administration of food (FOR 2004-01-28 nr 221: *Forskrift om avgifter og gebyr i matforvaltningen*).
http://www.lovdata.no/for/sf/ld/xd-20040128-0221.html

In the Norwegian system there is a general charge on food production (*matproduksjonsavgift*), cf. § 4.

- It is laid on Norwegian produced raw material intended for food.
- This charge shall only be demanded one time for each raw material.

This charge is intended to cover NFSA's supervisions, inspections, samplings and audits in food establishments, slaughterhouses as well as retailers.

(2) Fee on meat inspection
A separate regulation, Regulation on fee for coverage of expenditures by meat inspection (FOR 2005-12-27 nr 1726: *Forskrift om gebyr til dekning av utgifter ved kjøttkontroll*).
http://www.lovdata.no/for/sf/ld/xd-20051227-1726.html

- Actually the continuation of an hundred years old charge/fee on meat inspection. However, by introduction in 2004 of the above mentioned general charge on food production in connection with the establishment of the NFSA, there was a need for a distinction, resulting in calling this a fee on meat inspection and giving it a restriction on traditionally meat inspection by exclusion of supervision of hygiene, animal welfare and mandatory sampling, i.e. a restriction on ante and post mortem inspections and associated tasks.

The consequence is that slaughterhouses are paying general charge on food production based on their slaughtered volume, and in addition fee on meat inspection for control of the same carcasses.

(3) Fees on specified services from NFSA

Also regulated by a separate regulation, Regulation on payment of fees for particular services by the NFSA (FOR 2004-02-13 nr 406: *Forskrift om betaling av gebyrer for særskilte ytelser fra Mattilsynet*).
http://www.lovdata.no/for/sf/ld/xd-20040213-0406.html

- It is restricted to particular services, specified on two lists in the regulation, e.g. approval of establishments, certifications.

(4) Fee on additional official controls
Regulated by the above mentioned Regulation on charges and fee in the administration of food (FOR 2004-01-28 nr 221: *Forskrift om avgifter og gebyr i matforvaltningen*), § 15a. Cf. Regulation (EU) No 882/2004 article 28.

- Intended for coverage of expenditures arising as a consequence of supervision for following-up establishments.

Point 5.11 (page 21)
Findings
We are uncertain about the notification of the national measures mentioned. As far as we can se notifications are given by case number 2008/9002/N and 2008/9008/N in the TRIS-system. In addition the implementing regulations on the hygiene package (where these national measures are established) are notified by Form1 18 June 2010. Please tell us what is missing.

Point 5.14 (page 28)
Findings (3rd paragraph)

"The explanation from the NFSA was that the frequency of the audit checks was based on the Norwegian transposition of the legislation. In the Norwegian law the frequency is ~~solely~~ based on the number of inhabitants not taking into account the volume used by the food industry."
To clarify we want to add: Number of inhabitants are not relevant for food establishments with own water supply. In these cases the frequency is based on m³ (1 person = 0,2 m³ pr day).

Annex 3 (page 35)
On milk production in Norway in 2009 we have made a mistake. The content in the brackets should be "million litres", not "tons". We are sorry for that.

2) Actions taken

Point 5.4.5 (page 16)
Findings (first paragraph)

Guidelines on official controls at the level of primary production of milk are now decided and communicated to the region- and district offices.