



**Final report**

**EFTA Surveillance Authority mission to**

**Norway**

**from 11 to 22 October 2010**

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

**Feed Hygiene**

Please note that the Norwegian Food Safety Authority did not have any material comments or corrections to the content of the report.

Comments and information on the corrective actions already taken and planned by the Norwegian Food Safety Authority are included in Annex 3.

### ***Executive Summary***

*This report describes the outcome of a mission carried out by the EFTA Surveillance Authority in Norway from 11 to 22 October 2010.*

*The objective of the mission was to verify that official controls related to feed hygiene were carried out in compliance with the European Economic Area legislation. The relevant legislation entered into force in the Agreement on the European Economic Area on 1 May 2010.*

*All feed business operators had, at the time of the mission, not registered as required by Regulation (EC) No 183/2005. As a result of this, the NFSA did not have a complete overview of all the feed business operators in Norway and the mission team noted that official controls did not cover all stages in the production and processing of feed. Furthermore, Norway had not taken into account the time limits for the notification and application for registration by feed business operators.*

*The mission team found that the feed hygiene regulation was implemented in the Norwegian national legislation on 1 March 2010.*

*Norway had, at the time of the mission, not established a single, integrated multi annual national control plan in accordance with Article 41 of Regulation (EC) No 882/2004. Furthermore, the competent authority had yet to put in place procedures to verify the effectiveness of the official controls carried out as required by the same Regulation.*

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

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## 1 Introduction

The mission took place in Norway from 11 to 21 October 2010, as part of the EFTA Surveillance Authority's (the Authority) planned mission programme. The mission team comprised two inspectors from the Authority.

This was the first mission to Norway focusing on feed hygiene within the framework of the "Food Hygiene Package". The opening meeting was held with representatives of the Norwegian Food Safety Authority (NFSA) on Monday 11 October at the head office of the NFSA in Bergen. The meeting was held as a video conference, allowing representatives of the head office of the NFSA in Sandnes and Oslo, the Ministry of Fisheries and Coastal Affairs and the Ministry of Food and Agriculture to participate. 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 from the NFSA's head office together with representatives of the relevant regional and district offices of the NFSA.

A final meeting was held with representatives of the NFSA, the Ministry of Fisheries and Coastal Affairs and the Ministry of Food and Agriculture on Thursday 21 October at the NFSA's head office in Oslo. This meeting was also arranged as a video conference, allowing representatives of the head office of the NFSA in Sandnes and Bergen to participate. At the meeting, the mission team presented its main findings and some preliminary conclusions from the mission.

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

## 2 Scope and 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 31j of Chapter II 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, amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- b) The Act referred to in Point 31m of Chapter II of Annex I to the EEA Agreement, *Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene*, adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- c) The Act referred to in Point 1a of Chapter II of Annex I to the EEA Agreement, *Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that 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 report.

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

**Table 1: Competent authorities and premises visited**

Meetings/sites visited	Number	Comments
<b>Competent authorities</b>	<b>6</b>	An opening meeting in Bergen and a final meeting in Oslo with representatives of the NFSA, the Ministry of Fisheries and Coastal Affairs and the Ministry of Food and Agriculture. Four meetings at different district offices. In addition representatives of the relevant district and regional offices accompanied the mission team during the visits to the different sites.
<b>Laboratories</b>	<b>1</b>	A national reference laboratory (NRL)
<b>Feed mills</b>	<b>4</b>	One producing fish feed, three producing feed for both ruminants and non-ruminants and authorised by the competent authority to incorporate fishmeal in the latter. Two of these were also approved for producing feed with coccidiostats.
<b>Home compounder</b>	<b>2</b>	One producing wet feed for pigs and one receiving co-products from a bakery using this as feed for beef cattle.
<b>Other feed establishments</b>	<b>1</b>	Importing additives and premixes
<b>Primary producers</b>	<b>3</b>	One producing grain, one producing and drying grain and one producing and drying roughage and grain.
<b>Feed business operators drying feed</b>	<b>1</b>	In addition to the two of the primary producers drying grain, one central granary drying grain was visited
<b>Fish meal factory</b>	<b>1</b>	Producing fish oil and fish meal from fish caught in the open sea
<b>Food business operators delivering products to be used as feed</b>	<b>3</b>	One brewery, one bakery and one juice producer also producing rapeseed oil out of fruit season.

### **3 Legal basis for the mission**

The legal basis for the mission was:

- a) Point 1(e) of Protocol 1 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice;
- b) Point 4 of the Introductory Part of Chapter I of Annex I to the EEA Agreement;
- c) 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.
- 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 Authority carried out a mission to Norway from 1 to 5 November 2004 regarding the application of EEA legislation in the field of animal nutrition. The main objective of that mission was to assess the Norwegian CA's application of certain measures to ensure feed safety as laid down in Council Directive 95/53/EC (later repealed by Regulation (EC) 882/2004) and Commission Directive 98/51/EC and Council Directive 95/69/EC (both later repealed by Regulations (EC) No 183/2005) and related legislation. The final report is available on the Authority's website: <http://www.eftasurv.int>

The Authority carried out a mission to Norway from 31 August to 4 September 2009 regarding the application of EEA legislation related to control of transmissible spongiform encephalopathies (TSEs) and the prohibition of feeding products of animal origin to farmed animals, the total feed ban. The mission team noted during that mission that contrary to the EEA Agreement, Norway allowed the use of fishmeal as feedingstuffs for ruminants. Following infringement procedures by the Authority, Norway notified several corrective actions, including the implementation of the total feed ban in accordance with the requirements laid down in EEA legislation. The final report of the mission to Norway on TSEs and the total feed ban is available on the Authority's website: <http://www.eftasurv.int>.

## 5 Findings and Conclusions

### 5.1 Legislation and implementing measures

#### Legal requirements

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

#### Findings

Most of the legal acts referred to in the pre-mission questionnaire of the mission are incorporated into the national legislation. However, the NFSA confirmed in the opening meeting that *Directive 98/68 of 10 September 1998 laying down the standard document referred to in Article 9(1) of Council Directive 95/53/EC and certain rules for checks at the introduction into the Community of feedingstuffs from third countries* had been repealed in the Norwegian legislation. During the mission the mission team was informed that the above mentioned legislation had been repealed by a mistake and will be implemented again.

#### Conclusions

The national legislation in place mostly fulfilled the relevant EEA requirements in the field of the production and the placing on the market of feed. However, *Directive 98/68 of 10 September 1998 laying down the standard document referred to in Article 9(1) of Council Directive 95/53/EC and certain rules for checks at the introduction into the Community of feedingstuffs from third countries* had been repealed although still in force in the EEA Agreement. This is not in conformity with the requirements set out in Article 7 of the EEA Agreement.

### 5.2 Competent Authorities

#### 5.2.1 Organisation and responsibilities

#### Legal requirements

Article 4(1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for official controls. Article 4(3) and 4(5) of the same Regulation states that when more than one competent authority or unit within a competent authority is competent to carry out official controls, efficient and effective coordination and cooperation shall be ensured between the different units and competent authorities.

#### Findings

According to information provided by the NFSA in its reply to the Authority's pre-mission questionnaire, the NFSA is the designated competent authority in charge of the official controls of feed in Norway. The NFSA is also responsible for the enforcement of related legislation adopted by the respective Ministries. For further information see the country profile for Norway on the Authority's website [www.eftasurv.int](http://www.eftasurv.int).

In one district office visited, the mission team was informed by a representative of the NFSA that one inspector from that district office also covered the control of feed business operators in the neighbouring district. In exchange, the neighbouring district office covered issues related to pesticides in the visited district.

In another district office visited, representatives of the regional office and the district office stated that until one year ago, one inspector had been responsible for the feed control in the entire region. At the time of the mission, the control was covered by two different district offices.

### Conclusions

The competent authorities responsible for the organisation of official controls on feed have been designated in line with the requirements of Article 4(1) of Regulation (EC) No 882/2004.

Cooperation between different units of the competent authority e.g. neighbouring district offices coordinating and sharing expertise in certain fields such as feed and pesticide control is in line with the requirement for efficient and effective cooperation between competent authorities as provided for in Article 4(5) of Regulation (EC) No 882/2004.

## **5.2.2 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 the information given by representatives of the NFSA in the opening meeting, official sampling of feed of non-animal origin arriving from both third countries and other EEA countries is carried out by a private company, the Norwegian Cargosurvey. The NFSA provided a copy of the contract between the NFSA and the Norwegian Cargosurvey to the mission team. The contract was signed on 22 July 2009 and is outlining the arrangement for sampling of feedstuff of vegetable origin. According to the contract, the Norwegian Cargosurvey will sample consignments arriving in ports where they are stationed when instructed to do so by the relevant district office of the NFSA. The samples are delivered to the relevant district office with the relevant/necessary information. According to information from the NFSA the company is accredited.

According to the NFSA, a delegation of competence has to be made by the relevant Ministry, not by the competent authority. The Authority has not been notified by the Norwegian competent authority that specific tasks have been delegated to control bodies.

### Conclusions



Full compliance with Article 5 of Regulation (EC) No 882/2004 could not be ensured since the Norwegian Cargosurvey carried out sampling on behalf of the competent authority without the specific task being delegated to them by the competent authority.

The delegation of controls to control bodies by the Ministry of Food and Agriculture and not the NFSA is not in conformity with the requirements established in Article 5(1) of Regulation (EC) No 882/2004 that such delegation should be made by the competent authority.

Finally, the requirement laid down in Article 5(4) of Regulation (EC) No 882/2004 relating to the notification by the competent authority to the Authority of any delegation of specific tasks to control bodies has not been fulfilled.

### **5.2.3 Resources and training**

#### Legal requirements

Article 4(2) 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, and that they have appropriate and properly maintained facilities and equipment. Article 6 of the said Regulation requires the competent authority 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 Authority's pre-mission questionnaire, all relevant staff, on both regional and district level, are invited to courses based on identified need for new information. In general, all inspectors have attended general HACCP courses, covering all inspection areas.

Feed courses are typically of two days duration, with approximately 35 participants. The last two courses were held in 2009 and 2010.

In one region visited, two out of seven district offices were responsible for the feed control in the region. Two different inspectors from each of these offices had been trained for feed control. In case of new personnel without prior training in feed control they were accompanied by an experienced inspector on the first visits before carrying out official controls on their own.

In the opening meeting the mission team was informed that staff from the NFSA, two from the head office and two from the district level, had participated in feed courses arranged by the European Commission as part of the training programme "Better training for safer food". The knowledge gained in these courses had, according to representatives of the NFSA, been disseminated in the national feed courses arranged by the NFSA.

The facilities of the district offices visited were well maintained and sampling equipment and emergency equipment was in place.

#### Conclusions

The training arrangements required by Article 6 of Regulation (EC) No 882/2004 are in place and ensure that feed inspectors are aware of the requirements applicable to feed establishments.

The facilities and equipment to implement feed controls were in line with the requirements of Article 4(2) of Regulation (EC) No 882/2004.

## **5.2.4 Internal controls and audits**

### Legal requirements

Article 8(3) of Regulation (EC) No 882/2004 states that the competent authorities must have procedures in place to verify the effectiveness of official controls.

Under Article 4(6) of Regulation (EC) No 882/2004 competent authorities are required to carry out internal audits, or may have external audits carried out.

### Findings

According to information provided by the NFSA in its reply to the Authority's pre-mission questionnaire, the NFSA considers the good salmonella status, infrequent RASFF notifications involving Norway and the good status of the annual TSE-reports as verification of effectiveness and appropriateness of the official controls carried out. However, no procedures had been established by the NFSA to verify the effectiveness of the official controls.

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the NFSA has established a system of internal audits to be carried out each year. The scope of these internal audits may cover both central and local level.

The managing director of the NFSA selects issues to be audited, which can be both administrative and substantive issues. A national team with members from different levels of the NFSA will carry out internal audits on these issues throughout the whole organisation. Feed hygiene had at the time of the mission not been covered by such a national internal audit.

The regional directors select themes for audits at local level i.e. on regional or district level. For 2010 the regional directors have been instructed to carry out audits on issues considered to be most important and to the extent that the regional directors find necessary. No internal audits on feed control had, at the time of the mission, been conducted on regional or district level in Norway.

### Conclusions

Full compliance with Article 8(3)(a) of Regulation (EC) No 882/2004 could not be ensured since the competent authority had not established procedures to verify the effectiveness of official controls that they carry out.

The NFSA had established a system for internal audits in line with the requirements laid down in Article 4(6) of Regulation (EC) No 882/2004. However, no internal audits had, at the time of the mission, been carried out in the feed sector.

## 5.2.5 Control and verification procedures

### Legal requirements

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

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

Article 13 of Regulation (EC) No 882/2004 requires Member States to draw up operational contingency plans setting out measures to be implemented without delay when feed or food is found to pose a serious risk to humans or animals either directly or through the environment. Member States must review these contingency plans as appropriate, particularly in the light of changes in the organisation of the competent authority and of experience, including experience gained from simulation exercises.

### Findings

According to representatives of the NFSA, checklists for official controls on feed had been developed according to the previous legislation on animal nutrition. These checklists had, according to the same representatives, not been amended and updated after the entry into force of “The Food Hygiene Package”.

Representatives of a district office demonstrated to the mission team the use of the NFSA’s Information technology system (MATS) in official controls of feed. The officials carrying out controls have to complete certain steps in MATS in order to prepare and issue reports, and for follow up of official controls.

The mission team observed that reports are drawn up in MATS describing the method, the scope, observations and conclusions of the official controls carried out. Audit reports are left on the spot at the end of the on-site visit. However, the mission team observed that in some cases there were delays in issuing inspection reports to the establishment.

In another district office the administrative contingency plan for the NFSA was presented to the mission team, in particular the part of the plan concerned with feed safety. Local adaptations had been made including e.g. a risk analysis for Salmonella in feed. This plan had been verified through simulation exercises and the outcome evaluated.

The documents of the contingency plan should, according to the procedures laid down in the plan, have been reviewed annually. However, the mission team noted that the national feed specific contingency plan was last updated /reviewed in 2007.

### Conclusions

The competent authorities carried out official controls in accordance with documented procedures as laid down in Article 8(1) of Regulation (EC) No 882/2004.

Reports on official controls are drawn up in compliance with the requirements of Article 9 of Regulation (EC) No 882/2004.

The administrative contingency plan and the local adaptations presented to the mission team were signed and dated as required. The feed specific contingency plan in place was not updated as required in Article 13 of Regulation (EC) 882/2004.

### **5.3 Official controls on feed**

#### 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 must be carried out at any of the stages of production, processing and distribution of feed and, in general, are to be carried out without prior warning.

Article 4(2)(a) requires that the competent authorities shall ensure the effectiveness and appropriateness of official controls on live animals, feed and food at all stages of production, processing and distribution, and on the use of feed.

#### Findings

The mission team noted that the NFSA did not have a complete overview of all feed business operators. Several food business operators delivering co-products to be used as feed were visited by the mission team which noted that not all feed stuffs originating in these establishments were identified by the NFSA.

The mission team noted that none of the primary producers visited had been inspected by the NFSA. Furthermore, according to representatives of the district offices visited, they had not carried out any official controls related to feed hygiene at the level of primary production. Finally, representatives of the district offices informed the mission team that no inspections were carried out at farm level regarding the feeding of animals. The exception to this rule would be in case of suspected animal welfare violations as the feeding regime in place would be an integrated part of the inspection and follow up of such cases.

The mission team observed that official samples were taken in accordance with the surveillance programmes for feed. Some of these samples were analysed for parameters with no maximum limit. High values of mycotoxins in samples taken were notified to the relevant establishment. However there was no further follow up.

The mission team also noted that a feed establishment, importing additives and premixes, visited appeared to be well organised with an established HACCP system. The last audit of the establishment was in 2002. Since then only samples had been taken according to the surveillance programme e.g. imported additives from China. The results of the analyses were satisfactory.

The mission team noted that according to the risk assessment of the NFSA, this establishment was classified in the highest risk class and should be audited annually. The mission team did not receive any information to explain the increase in frequency of inspections of the establishment.

## Conclusions

Official controls carried out did not cover all stages of the production and processing chain as required by Article 3 of Regulation (EC) No 882/2004.

### **5.4 Laboratories carrying out official analyses**

#### Legal requirements

Article 4(2) of Regulation (EC) No 882/2004 requires the competent authorities to ensure that they have access to adequate laboratory capacity for testing.

Article 12 of the said Regulation lays down that the competent authorities shall designate laboratories that may carry out analysis of samples taken during official controls, and sets out accreditation criteria for laboratories so designated.

Article 33 of Regulation (EC) No 882/2004 provides for the designation of national reference laboratories and specifies their responsibilities, in particular with regards to official laboratories.

#### Findings

In the reply to the Authority's pre-mission questionnaire the NFSA submitted a list of the designated laboratories involved in the official controls and the designated National Reference Laboratories (NRL) for food and feed in Norway.

The mission team visited The National Institute of Nutrition and Seafood Research (NIFES) which is the designated NRL for *inter alia* fish feed and is designated to take part in the national surveillance programme for fish feed.

According to the NFSA's reply to the Authority's pre-mission questionnaire, the number of samples in the national surveillance programme on fish feed has been greatly reduced during the last few years and now consists of 25 samples. Each of these samples is analysed for a range of relevant parameters. The representatives of NIFES informed the mission team that there had been no non compliances of samples the last few years.

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

The representatives of NIFES informed the mission team that out of about ten relevant CRLs, the laboratory had established good relations with two. This matter had been taken up in a contact meeting between the NFSA and NIFES in October 2009. At this meeting it had been decided that the NFSA would write an official letter to NIFES which would facilitate better contact with the relative CRLs. However, the mission team was informed by the representatives of NIFES that no such letter had been received at the time of the mission. In the final meeting a representative of the NFSA stated that the relevant CRLs had been contacted in order to find a solution.

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

The representatives of NIFES informed the mission team that the samples taken in the surveillance programme were usually analysed by the end of the year. Regarding long turn around times it was pointed out that the samples were considered surveillance samples and not intended as control samples.

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

### Conclusions

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

The NRL visited did not fully comply with the requirements of Article 33(2) as it had limited contact with the relevant CRLs, did not have the necessary overview of laboratories taking part in the official controls of feed, did not coordinate the controls and did not organise any comparative tests for the laboratories involved in the official controls.

## **5.5 Compliance with the requirements for feed hygiene**

### **5.5.1 Scope**

#### Legal requirements

Article 2(2)(a) of Regulation (EC) No 183/2005 states that the Regulation does not apply to the direct supply of small quantities of primary production of feed at local level by the producer to local farms for use on those farms.

#### Findings

In its reply to the Authority's pre-mission questionnaire the NFSA confirmed that it has defined the direct supply of small quantities of primary production of feed at local level as the supply of up to 15 tonnes of feed on a yearly basis within a maximum distance of 30 km.

### **5.5.2 Registration and approval of feed establishments**

#### Legal requirements

Articles 9 and 10 of Regulation (EC) No 183/2005 lay down the requirements for registration and approval of establishments under the control of feed business operators.

Article 18 of Regulation (EC) No 183/2005 lays down the transitional measures for implementing the regulation, including time limits for the notification or application for registration by feed business operators.

Article 31 of Regulation (EC) No 882/2004 requires competent authorities to establish procedures for the registration/approval of food and feed business establishments, for granting conditional approval and for the withdrawal of approvals. In addition, competent authorities must keep the approval of establishments under review.

Article 19 of Regulation (EC) No 183/2005 requires the competent authority to maintain up-to-date lists of registered establishments and approved establishments and make available to the public the lists of registered establishments.

### Findings

According to the reply to the Authority's pre-mission questionnaire the NFSA was in the process of registering and re-approving those establishments that were registered and approved according to Council Directive 95/69/EC. However, the mission team observed that, at the time of the mission, limited attention had been paid to those feed business operators that should be registered according to Regulation (EC) No 183/2005 that were not required to be registered or approved under Council Directive 95/69/EC, e.g. primary producers and food business operators delivering co-products as feed.

A representative of the NFSA head office informed the mission team in the opening meeting that they were not aware of the time limits for the notification or application for registration of feed business operators. According to the same representative of the NFSA this was the reason why no deadlines had been set for establishments approved or registered in accordance with Directive 95/69/EC to submit a notification of their continuing activities. Furthermore, the NFSA had set no deadlines for establishments to submit applications for registration that had not required registration or approval under Directive 95/69/EC.

According to the NFSA's reply to the Authority's pre-mission questionnaire, feed business operators registered and re-approved according to Regulation (EC) No 183/2005 appear on a publicly available list on the NFSA's website. However, the mission team noted that lists of feed business establishments registered or approved in accordance with Council Directive 95/69/EC and those establishment that did not need registration, under that legislation, are not yet publicly available. According to the reply to the Authority's pre-mission questionnaire the primary producers of feed are registered through the registry of farmers qualifying for subsidies. According to information given by the representatives of the NFSA this list is available to the users of MATS but not to the public.

### Conclusions

The approval and registration system for feed businesses required by Articles 9 and 10 of Regulation (EC) No 183/2005 is not fully in place.

Compliance with Article 18 of 183/2005 was not fully ensured since the NFSA did not enforce the time limits for the notification or application for registration by feed business operators.



Compliance with Article 19 of Regulation (EC) No 183/2005 could not be fully assured since the NFSA does not maintain up-to-date lists of all feed establishments approved or registered in accordance with the said Regulation, and had not made available to the public all lists of registered establishments.

### **5.5.3 Obligations of primary producers**

#### Legal requirements

Article 5(1) of Regulation (EC) No 183/2005 establishes that for operations at the level of primary production and other associated operations, feed business operators shall comply with the provisions in Annex I to the said Regulation.

Article 5(5) requires that farmers feeding food producing animals comply with the provisions set out in Annex III to Regulation (EC) No 183/2005.

Commission Decision 2004/217/EC adopts a list of materials whose circulation or use for animal nutrition purposes is prohibited.

Article 5(6) of Regulation (EC) No 183/2005 requires that feed business operators and farmers only source and use feed from registered or approved establishments.

#### Findings

The primary producers visited had all implemented the national agricultural quality system (KSL) for their production. According to the reply to the Authority's pre-mission questionnaire the NFSA has not formally recognised this system as fully covering all the requirements laid down in Annex I of Regulation (EC) No 183/2005. However, according to a representative of the NFSA, the responsible for the KSL and the head office of NFSA had through informal contacts and co-operation confirmed that the requirements of the said Regulation were taken into account in the system.

The mission team noted that the primary producers visited had established pest control and kept registers of activities related to their production. Varying levels of documentation were presented to the mission team on-the-spot related to e.g. pest control and pesticides used. However, further documentation in this regard was sent to the mission team during the mission.

The mission team observed generally good hygiene conditions, well maintained facilities and equipment in the farms of the primary producers visited.

The mission team visited a farmer feeding food producing animals *inter alia* bakery products. The farmer removed plastic material but not paper bags from the bakery products. The animals were therefore fed bread packed in paper bags.

The mission team noted that the obligation of sourcing feed only from registered feed business operators were not known to the farmers.

#### Conclusions



The operations of the primary producers visited were mostly in line with the requirements of Article 5 of Regulation (EC) No 183/2005.

Compliance with the requirements laid down in Article 5(1) and in Part A(I), Point (4)(f) of Annex I to Regulation (EC) No 183/2005 and in Article 2 and Point 7 in the Annex to Commission Decision 2004/217/EC were not fully ensured as packed bread was used as feed for animals.

#### **5.5.4 Obligations of feed business operators**

##### Legal requirements

Article 5(2) of Regulation (EC) No 183/2005 establishes that for operations, other than operations at the level of primary production and certain associated operations, feed business operators shall comply with the provisions in Annex II to the Regulation (EC) No 183/2005. Annex II lays down the requirements as regards, facilities and equipment, personnel, production, quality control, storage and transport, record keeping and complaints and product recall. In addition, Articles 6 and 7 of the same Regulation lay down requirements on HACCP.

##### Findings

The mission team observed several shortcomings regarding facilities and equipment in the feed business establishments visited.

In one establishment bad storage conditions for finished products were observed with open doors and a lack of pest control. In another establishment open windows were observed without fly nets, the floor in the production area was flooded and unhygienic conditions were found in the storage room for finished products.

The feed mills visited by the mission team used different methods in order to check the effectiveness of the mixers with regard to homogeneity. However, only one of the mills could demonstrate to the mission team that the methods used were effective and that the mixers were therefore effective with regard to homogeneity.

Some of the feed mills visited by the mission team used flushing to avoid carry over of e.g. coccidiostats or fish meal. The amount of the flushing material varied e.g. one used 100 kg and another used 4 tonnes. However, the effectiveness of these methods could not be demonstrated to the mission team and the NFSA had not required such a demonstration. Furthermore, the product used for flushing after production of feed with coccidiostats or fish meal went into the batch of feed containing coccidiostats or fishmeal.

The mission team noted that some of the feed business operators visited did not have a HACCP system in place, some were in the process of establishing a HACCP system while others claimed to have established HACCP systems but demonstrated a lack of understanding of the practical implementation of such a system by e.g. using identified critical limit as the limit for corrective action. In one establishment visited, one of the corrective actions described for product with a high dioxin content was diluting that product with another batch that had a lower dioxin content.

## Conclusions

Compliance with the requirements of Annex II to Regulation (EC) No 183/2005 could not always be ensured regarding pest control and hygienic conditions in storage rooms.

Compliance with the requirements of Annex II to Regulation (EC) No 183/2005 could not be ensured since only one of the feed business operators visited could document the effectiveness of their mixers with regard to homogeneity, and none for the absence of carry over.

Not all feed businesses required by Article 6 of Regulation (EC) No 183/2005 to implement HACCP based systems has done so.

Compliance with Article 5 of Directive 2002/32/EC on undesirable substances in animal feed could not be ensured since products intended for animal feed containing levels of dioxin that exceed the maximum level could, according to a HACCP plan, could be mixed for dilution purposes with a batch with a lower dioxin level.

## **5.6 Other requirements along the feed chain**

### Legal requirements

Article 7 and Annex IV of Regulation (EC) No 999/2001 lays down the prohibition of feeding products of animal origin to farmed animals, the total feed ban, and exemptions applicable to this ban.

### Findings

The mission team observed that all feed mills for land animals visited were authorised for incorporating fishmeal in feed for non-ruminants and producing feed for ruminants in the same establishment and on the same line without physically separate facilities.

In one feed mill the mission team observed that fish meal was received in the same way as other bulk material. Compound feed containing fishmeal was processed on the same line as feed intended for ruminants that did not contain fishmeal. The storage facilities for fishmeal and final product containing fishmeal were separated. In another feed mill there was only one production line and production of compound feed containing fishmeal was on the same line as other feed that did not contain fishmeal and intended for ruminants. The production was separated in time only.

The Norwegian legislation incorporating Regulation EC (No) 999/2001 requires physical separation for the production of compound feed containing fishmeal and other feed that does not contain fish meal and intended for ruminants. However, according to the national guidelines on transmissible spongiform encephalopathies published on the NFSA website separation in time is considered to be sufficient.

### Conclusions

Separation in time, as accepted by the NFSA and applied by the feed mills visited authorised for incorporating fishmeal in non-ruminant feed and producing ruminant feed, is not in line

with the requirement of physically separate facilities for such activities as laid down in Annex IV Point 2(B)(c)(ii) of Regulation (EC) 999/2001.

## **5.7 Actions taken in case of non-compliance**

### Legal requirements

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

### Findings

The mission team noted that in several cases of non-compliance that warranted immediate action the competent authorities did not take action on the spot. In other cases the competent authorities did not follow up non-compliant findings.

In one establishment the mission team noted that the final product had been sampled and analysed for *inter alia* zinc. The result was higher than both declared value and the maximum limit. The only follow up action by the NFSA was to inform the establishment of the findings in a letter. According to a representative of the NFSA, a follow up would have been initiated if such results were repeatedly found in the establishment. However, the mission team noted that no further official sampling had been carried out. According to a representative of the establishment they had sampled *inter alia* the premix and other products. The results for the premix was within the declared values, however the results for the other products sampled gave values both below and above the declared values.

One farmer visited used surplus products from a bakery for feed for beef cattle. According to representatives of the NFSA, the return products from retail stores collected had until recently included *inter alia* pizza-buns with pepperoni filling. The mission team noted that the representative of the NFSA informed the farmer that it could not be excluded that pizza buns were included in one full container with bakery products. However, the NFSA did not instruct the farmer to exclude the product before feeding the cattle.

### Conclusions

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

## **6 Overall conclusion**

The mission team found that the feed hygiene regulation was implemented in the Norwegian national legislation on 1 March 2010.

All feed business operators were, at the time of the mission, not registered as required by Regulation (EC) No 183/2005. As a result of this, the NFSA did not have a complete overview of all the feed business operators in Norway and the mission team noted that official controls did not cover all stages in the production and processing of feed. Furthermore, Norway had not

enforced the time limits for the notification or application for registration of feed business operators.

Norway had, at the time of the mission, not established a single, integrated multi annual national control plan in accordance with Article 41 of Regulation (EC) No 882/2004. Furthermore, the competent authority had yet to put in place procedures to verify the effectiveness of the official controls carried out as required by the same Regulation.

## 7 Final meeting

A final meeting was held with representatives of the NFSA, the Ministry of Fisheries and Coastal Affairs and the Ministry of Food and Agriculture on Thursday 21 October at the NFSA's head office in Oslo. This meeting was arranged as a videoconference, allowing representatives of the head office of the NFSA in Sandnes and Bergen to participate. At the meeting, the mission team presented its main findings and some preliminary conclusions from the mission.

The Norwegian representatives did not indicate any disagreement with the main findings and the preliminary conclusions presented.

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

## 8 Recommendations

No	Recommendation
1	Norway should ensure that <i>Directive 98/68 of 10 September 1998 laying down the standard document referred to in Article 9(1) of Council Directive 95/53/EC and certain rules for checks at the introduction into the Community of feedingstuffs from third countries</i> will again be made part of the Norwegian internal legal order in accordance with Article 7 of the EEA Agreement.
2	The competent authorities should ensure that the delegation of specific tasks related to official controls to one or more control bodies is in compliance with the requirements laid down in Article 5 of Regulation (EC) No 882/2004.
3	The competent authorities should put in place procedures to verify the effectiveness of official controls they carry out in compliance with Article 8(3)(a) of Regulation (EC) No 882/2004.
4	The competent authorities should ensure that official controls carried out cover all stages of the production, processing and distribution of feed as required by Article 3 of Regulation (EC) No 882/2004.
5	The competent authorities should assist the NRL visited during the mission with improving contact with all the relevant CRLs and is kept up to date about the

	laboratories carrying out official controls in order to fully comply with the requirements of Article 33(2) of Regulation (EC) 882/2004.
6	The competent authority should ensure that an approval and registration system for feed businesses required by Articles 9 and 10 of Regulation (EC) No 183/2005 is fully in place.
7	The competent authorities should ensure compliance with Article 18 of 183/2005 regarding the enforcement of time limits for the notification or application for registration by feed business operators.
8	The competent authorities should maintain up-to-date lists of all registered feed business operators and make these lists available to the public in compliance with Article 19 of Regulation (EC) No 183/2005.
9	The competent authorities should ensure full compliance with the requirements laid down in Article 5(1) and in Part A(I), Point (4)(f) of Annex I to Regulation (EC) No 183/2005 and in Article 2 and Point 7 in the Annex to Commission Decision 2004/217/EC.
10	The competent authorities should ensure full compliance with the requirements of Annex II to Regulation (EC) No 183/2005 regarding pest control and hygiene conditions in storage rooms, effectiveness of mixers regarding homogeneity and the absence of carry over.
11	The competent authorities should ensure that all feed-business operators, other than those referred to in Article 5(1) of Regulation (EC) No 183/2005, have implemented HACCP based systems as required by Article 6 of Regulation (EC) No 183/2005.
12	The competent authorities should ensure full compliance with Article 5 of Directive 2002/32/EC on undesirable substances in animal feed.
13	The competent authorities should ensure that feed mills authorised for incorporating fishmeal in non-ruminant feed and producing ruminant feed, do so in physically separate facilities for such activities as laid down in Annex IV Point 2(B)(c)(ii) of Regulation (EC) 999/2001.
14	The competent authorities should ensure that action in case of non-compliance is taken as required by Article 54(1) of Regulation (EC) No 882/2004.

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

Authority	EFTA Surveillance Authority
CRL	Community Reference Laboratory
EEA	European Economic Area
EFTA	European Free Trade Association
HACCP	Hazard Analyses Critical Control Points
MATS	The Electronic Quality System of the NFSA
NFSA	Norwegian Food Safety Authority
NIFES	National Institute for Nutrition and Seafood Research
NRL	National Reference Laboratory
RASFF	Rapid Alert System for Feed and Food
Total feed ban	The prohibition of feeding products of animal origin to farmed animals and exemptions applicable to this ban as laid down in Article 7 and Annex IV of Regulation (EC) No 999/2001
TSE	Transmissible Spongiform Encephalopathy

## **Annex 2 Other relevant EEA legislation**

- a) The Act referred to at Point 7.1.9b of Chapter I of Annex I to the EEA Agreement, *Commission Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption*, as corrected and amended;
- b) The Act referred to at Point 7.1.12 of Chapter I of Annex I to the EEA Agreement, *Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies*, 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 of Chapter II of Annex I to the EEA Agreement, *Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- d) The Act referred to in Point 1a of Chapter II of Annex I to the Agreement on the European Economic Area (EEA Agreement), *Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- e) The Act referred to at Point 1zq of Chapter II of Annex I to the EEA Agreement, *Commission Regulation (EC) No 1334/2003 of 25 July 2003 amending the conditions for authorisation of a number of additives in feedingstuffs belonging to the group of trace elements*, as corrected and amended;
- f) The Act referred to at Point 3 of Chapter II of Annex I to the EEA Agreement, *Council Directive 93/113/EC of 14 December 1993 concerning the use and marketing of enzymes, micro-organisms and their preparation in animal nutrition*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- g) The Act referred to at Point 5 of Chapter II of Annex I to the EEA Agreement, *Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs*, as amended;
- h) The Act referred to at Point 8 of Chapter II of Annex I to the EEA Agreement, *Council Directive 93/74/EEC of 13 September 1993 on feedingstuffs intended for particular nutritional purposes*, as amended;
- i) The Act referred to at Point 11 of Chapter II of Annex I to the EEA Agreement, *Commission Directive 80/511/EEC of 2 May 1980 authorising in certain cases, the marketing of compound feedingstuffs in unsealed package or containers*, as amended;
- j) The Act referred to at Point 14a of Chapter II of Annex I to the EEA Agreement, *Council Directive 96/25/EC of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC*, as amended;
- k) The Act referred to at Point 14b of Chapter II of Annex I to the EEA Agreement, *Commission Decision 2004/217/EC of 1 March 2004 adopting a list of materials whose circulation or use for animal nutrition purposes is prohibited*;



- l) The Act referred to at Point 15 of Chapter II of Annex I to the EEA Agreement, *Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition*, as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- m) The Act referred to at Point 31j of Chapter II 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, amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- n) The Act referred to at Point 31aa of Chapter II of Annex I to the EEA Agreement, *Council Directive 98/68/EC of 10 September 1998 laying down the standard document referred to in Article 9(1) of Council Directive 95/53/EC and certain rules for checks at the introduction into the Community of feedingstuffs from third countries*;
- o) The Act referred to at Point 31l of Chapter II of Annex I to the EEA Agreement, *Commission Decision 2006/677/EC of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules*;
- p) The Act referred to in Point 31m of Chapter II of Annex I to the Agreement on the European Economic Area (EEA Agreement), *Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene*, as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- q) The Act referred to at Point 31n of Chapter II of Annex I to the EEA Agreement, *Commission Decision 2007/363/EC of 21 May 2007 on guidelines to assist Member States in preparing the single integrated multi-annual national control plan provided for in Regulation (EC) No 882/2004 of the European Parliament and of the Council*;
- r) The Act referred to at Point 31o of Chapter II of Annex I to the EEA Agreement, *Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for official control of feed*;
- s) The Act referred to at Point 33 of Chapter II of Annex I to the EEA Agreement, *Directive 2002/32/EC of the European Parliament and the Council of 7 May 2002 on undesirable substances in animal feed*, as amended;
- t) The Act referred to at Point 40 of Chapter II of Annex I to the EEA Agreement, *Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC*, as amended;
- u) The Act referred to at Point 41 of Chapter II 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 adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;



- v) The Act referred to at Point 47 of Chapter II of Annex I to the EEA Agreement, *Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on certain feed and foods of non- animal origin and amending Decision2006/504/EC.*

### Annex 3 Actions taken or planned by the Norwegian Competent Authority

5 Findings and Conclusions
<p>5.1 Legislation and implementing measures</p> <p>Directive 98/68 of 10 September 1998 was repealed by a mistake and has now been re-incorporated into Norwegian legislation (Forskrift 7. November 2002 nr 1290 om fôrvarer, § 12). <a href="http://www.lovdatabank.no/lovdata/ltavd1/filer/sf-20101112-1425.html">http://www.lovdatabank.no/lovdata/ltavd1/filer/sf-20101112-1425.html</a></p>
5.2 Competent Authorities
5.2.1 Organisation and responsibilities
<p>5.2.2 Delegation of specific tasks related to official controls</p> <p>NFSA will insure that the Norwegian Cargo Survey is delegated the task of sampling, according to 882/ 2004 Article 5, and that ESA is notified accordingly.</p>
5.2.3 Resources and training
<p>5.2.4 Internal controls and audits</p> <p>NFSA's verification of the effectiveness of its official controls, is thorough the follow up of deviations found during controls, audits and inspections. As this will result in adaption and adjustment of frequency, methods and focusing in controls, audits and inspections that NFSA representatives performs. We trust that our new system for control, MATS, will help considerably with background and data for decision-making, and therefore increase the effectiveness of controls.</p> <p>The feed area is one of the areas under consideration for internal audit in 2011, but no decision is taken yet.</p>
5.2.5 Control and verification procedures
<p>Work on updating guidelines has started, the, checklists, etc, are to be in line with the newly introduced regulations. The Contingency plan on feed is planned to be revised.</p>
5.3 Official controls on feed
<p>NFSA's head office as central point and through the regional and district offices, will put emphasis on registrations / approvals on all operators working with feed. The aim to achieve this work by July 1. 2011. Based on risk assessment NFSA will carry out controls in the whole feed chain, however, within the capacity of the NFSA.</p> <p>As far as controls on farm level are concerned plans are to enhance our cooperation with KSL (Quality Assurance in Agriculture). The aim is to recognize the KSL-standard for primary production, in an effort to ensure that a primary producer following the KSL-</p>

standard also is within the factual content of relevant regulations on feed hygiene.

It is also worth mentioning that we will continue to carry out controls on farm level independent from the KSL- system

#### 5.4 Laboratories carrying out official analyses

NFSA has written the relevant CRL to facilitate the contact between the NRL and CRL. NFSA and NRL received confirmation from CRL Dec. 29. 2010 that CRL has accepted NRL and will inform NRL about CRL's future activities, and invite NRL for participation in PT (ringtests) and Workshops. “

#### 5.5 Compliance with the requirements for feed hygiene

##### 5.5.1 Scope

##### 5.5.2 Registration and approval of feed establishments

NFSA will ensure that all relevant feed business operators are registered / approved. This will include registers – lists – that are made public and /or published on the web-pages of EU. However it is worth mentioning that the list of primary producers / users (Attachments I and III) is of such a volume, that it is necessary search for a practical solution for using/making available of the already existing registers.

##### 5.5.3 Obligations of primary producers

NFSA will ensure a closer contact with KSL, farmers and their organisations through the following:

- Provide information about the obligation of buying feed, including co-products, only from registered operators.
- Provide information about obligations on cleanliness of all feed materials, including packing materials

##### 5.5.4 Obligations of feed business operators

Generally the items referred to have been considered in our internal instructions for control of “Annex II operators”, and will continue to be so also in the future.

The results of carry-over analysing for coccidiostats are within the limits, also the results for contents of coccidiostats are in general within the border values. Moreover, NFSA will go through the routines for use of cleaning batches/plugs without coccidiostats in feed with coccidiostats.

The control concerning the implementation of HACCP and the effectiveness of the HACCP-plan will be part of the instructions for control of the operators.

### 5.6 Other requirements along the feed chain

Regarding the separation of production of feed with and without fish meal, we are practising this according to point 3 in this partly translation of the guidelines.

The guideline for implementing the regulations on fish meal separation from feed / feed material intended for ruminants is attached to this letter (in Norwegian).

The main elements are:

### 3 Feed producers

#### **a) Production of feed for ruminants and feed with fish meal and/or processed fish ensilage on the same premises ref attachment IV, part II B (c) (ii) and (e)**

Production of feed for ruminants and feed with fish meal and/or processed fish ensilage f.i. fish protein concentrate (hereafter named fish meal) can be permitted by the NFSA on certain conditions. It is considered sufficient that production is separated in time. Provided that these premises have a special approval by the NFSA. Such approval can be given only if, sufficient, efforts are made to avoid cross contamination of feed for ruminants with fish meal. Conditions made to avoid such contamination are

1. Fish meal to be used for non-ruminants (one-stomached animals) must be produced at/ and originate from premises only producing fish meal.
2. The fish meal must be transported directly from the production premises to the compound feed producer by means of transportation not transporting other animal proteins at the same time.
3. Measures must be taken to ensure that the fish meal does not contaminate other raw materials during transport to the silo in the raw material storage.
4. Fish meal must be stored in silo(s) only used for this feed material
5. Routines must be introduced in the production line from weighing, via mixer and press, till silo for produced feed to ensure that compounds with fish meal does not contaminate compounds for ruminants.
6. Feed (compounds) for ruminants must be stored in separate, designated silos.
7. Routines must be introduced at loading and transport to prevent cross contamination between feed for ruminants and feed with fish meal.
8. If feed for ruminants and compounds with fish meal are transported on the same vehicle, routines and measures must be introduced to ensure that feed for ruminants is not contaminated with fish meal. If the same compartment / bulk cell is to be used for transport of feed for ruminants and compounds with fish meal, the cleaning procedure shall be approved by the NFSA.

9. The feed for ruminants shall only be sold for use in Norway.
10. Test must be performed on a regular basis (own control) of feed for ruminants for possible cross contamination of fish meal. The demand for testing is not applicable if only fish ensilage (fish protein concentrate) is used on the premise.

The minimum frequency for testing in connection with production of compounds with fish meal is:

<b>Yearly production of compounds with fish meal, tonnes</b>	<b>Sampling and analysing of compounds in relation to the amount of production of compounds with fish meal</b>
0 – 2.000	Minimum one sample pr. year
2.000 - 20.000	1 sample pr 2.000 tonnes
More than 20.000	1 sample pr month

**b) Producers of feed for non-ruminants (one-stomached animals) including fish feed, ref attachment IV part II B (c)**

Operators not producing compounds for ruminants , however using fish meal in compound for other species, must be registered / approved according to Regulation on feed hygiene.

**c) Feed for pets and fur animals ref attachment IV part III D**

According to regulation on TSE, production of feed containing blood from ruminants or PAP, apart from fish meal, shall not be on premises producing feed for food producing animals. Such feed in bulk shall also during transport, storing and packing be kept psychically separated from feed in bulk for food producing animals. See the text in the Regulation about requirements for production of feed for pets and fur animals if the feed contains di- or tri-calcium phosphate or certain blood products.

The whole guideline is attached, in Norwegian.

#### 5.7 Actions taken in case of non-compliance

The revision of our instructions for control of operators will include more adequate means for action regarding non-compliance.

#### 6 Overall conclusion

Regarding the items mentioned in the overall conclusion, would like to refer that they are covered in the above comments/answers, this in addition to the following fact which is worth mentioning:

Norway is currently preparing its Multi Annual Control Plan (MANCP). Norway expects its submission to the EFTA Surveillance within the end of January 2011. Currently there is a preliminary MANCP available at our intranet(the document is in Norwegian only).