

Brussels, 3 December 2009
Case No: 66483
Event No: 538731

Final report

EFTA Surveillance Authority mission to

NORWAY

from 7 to 11 September 2009

concerning the application of EEA legislation related to

animal welfare on farms

Please note that the comments from the Norwegian competent authorities to the factual content of the report, if any, have been included in the body of the report in *underlined italic* print. Comments and information on the corrective actions taken are included in Annex 3 and referred to in footnotes in *underlined italic* print.

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1 Introduction

The mission took place in Norway from 7 to 11 September 2009, as part of the EFTA Surveillance Authority's (the Authority) planned mission programme. The mission team comprised two inspectors from the Authority and an observer from the European Commission's Food and Veterinary Office.

The opening meeting was held with representatives of the Ministry of Agriculture and Food and the Norwegian Food Safety Authority (NFSA) on 7 September at the NFSA's head office in Oslo. At the meeting, the representatives of the NFSA added information to its reply to the Authority's pre-mission questionnaire.

Throughout the mission, a representative of the NFSA's headquarters and a representative of the head office in Sandnes accompanied the mission team. In addition, representatives of the relevant regional offices and district offices of the NFSA participated during meetings at the district offices and the visits to the different farms.

A final meeting was held at the NFSA's headquarters in Oslo on 11 September 2009, where, 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. The meetings with the competent authorities and the visits to farms during the mission are listed in Table 1.

Table 1: Competent authorities and holdings visited

	Number	Comments
Competent authority	6	Including the opening and final meetings at the head office in Oslo and 4 meetings at district offices where representatives of the regional and district offices participated.
Holdings with laying hens	2	One holding with unenriched cages and one barn.
Holdings with pigs	2	One holding with rearing pigs and one holding with sows for reproduction and piglets/weaners.
Holdings with calves	3	One visit to a holding was un-announced and decided on the spot.

2 Scope and objective 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 9.1.4 of Chapter I of Annex I to the EEA Agreement, *Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves*, as amended and adapted.
- b) The Act referred to at Point 9.1.5 of Chapter I of Annex I to the EEA Agreement, *Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs*, as amended and adapted.

- c) The Act referred to at Point 9.1.6 of Chapter I of Annex I to the EEA Agreement, *Council Directive 98/58/EC of 20 July 1998 concerning protection of animals kept for farming purposes.*
- d) The Act referred to at Point 9.1.8 of Chapter I of Annex I to the EEA Agreement, *Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens.*
- e) The Act referred to at Point 9.2.2 of Chapter I of Annex I to the EEA Agreement, *Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC, as amended.*
- f) The Act referred to at Point 9.2.4 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 2006/778/EC of 14 November 2006 concerning minimum requirements for the collection of information during the inspections of production sites on which certain animals are kept for farming purposes.*

The main objective of the mission was to assess the application by the Norwegian competent authorities of the above-mentioned legislation and other legislation referred to under Annex 2 to this document. A particular focus was put on the following areas:

- (a) The legal and administrative measures in place to implement the above requirements.
- (b) The control framework established and operated by the competent authority to ensure the uniform application of these requirements.
- (c) Other measures to achieve compliance.
- (d) The follow-up of controls, including corrective actions.

3 Legal basis for the mission

The legal basis for the mission was:

- a) 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);
- b) The Act referred to at Point 9.1.4 of Chapter I of Annex I to the EEA Agreement, *Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves*, as amended and adapted.
- c) The Act referred to at Point 9.1.5 of Chapter I of Annex I to the EEA Agreement, *Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs*, as amended and adapted.
- d) The Act referred to at Point 9.1.6 of Chapter I of Annex I to the EEA Agreement, *Council Directive 98/58/EC of 20 July 1998 concerning protection of animals kept for farming purposes.*

- e) The Act referred to at Point 9.1.8 of Chapter I of Annex I to the EEA Agreement, *Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens.*
- f) The Act referred to at point 1.2.74 of Chapter I to Annex I to the EEA Agreement *Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States.*

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

4 Legislation in force

The main Norwegian Act creating the general framework for the functioning of the NFSA is Act No 124 of 19 December 2003 relating to food safety and plant and animal health (the Food Act). The Food Act also provides the legal basis for regulations in the relevant fields adopted by the Ministry of Agriculture and Food, the Ministry of Health and Care Services and the Ministry of Fisheries and Coastal Affairs.

According to information provided by the NFSA in its reply to the pre-mission questionnaire of the Authority, the legal basis of the legislation in Norway related to animal welfare is the Animal Welfare Act of 20 December 1974.

The department of legislation of the head office, drafts new legislation in the field of animal welfare. The Ministry of Agriculture and Food adopts legislation concerning animal welfare of terrestrial animals, whilst the Ministry of Fisheries and Coastal Affairs adopts legislation concerning animal welfare of aquatic animals.

The main Norwegian legislation implementing EEA Acts in the field of animal welfare is listed in Annex 2.

5 Main findings

5.1 Transposition and application of relevant legislation

Although a comprehensive check of the national legislation was not carried out during the course of the evaluation of controls, the mission team noted that the national legislation goes beyond the EEA requirements on certain issues. Stricter measures are implemented in Norway with regard to housing of sows: In this respect, confinement is allowed for only seven days after farrowing (giving birth) in the case of excitable sows whereas the EEA legislation allows confinement for four weeks at farrowing and for four weeks after service.

In Norway, castration of piglets during the first week of life can only be carried out by veterinarians and under anaesthesia whilst in the European Community this operation can be carried out by a trained person without anaesthetic. In Norway, piglets between seven days and four weeks of age are castrated using anaesthetics and additional prolonged analgesics as required by the EEA legislation.

No docking of the tail is allowed in Norway except for medical reasons and carried out only by a veterinarian. In the European Community tail docking can be carried out by a trained person before the age of seven days but only where there is evidence that injuries to tails have occurred.

According to information provided by the NFSA in the reply to the pre-mission questionnaire of the Authority, beak trimming is banned in Norway. The Norwegian legislation regarding keeping of laying hens includes a general ban on any mutilation, and beak trimming is mentioned specifically.

The mission team was informed by representatives of the NFSA that in a new Animal Welfare Act recently approved by the Norwegian Parliament and effective from 1 January 2010, private veterinarians are obliged to report any violations of the animal welfare legislation to the competent authorities.

In relation to specific provisions for various categories of pigs, the mission team noted that Norway had given a transitional period until 1 January 2013 for the provisions related to unobstructed floor area available to adult boars. The mission team noted that Directive 91/630/EC was not adapted when incorporated into the EEA Agreement in 1999 and that the date by which adult boars should have at least six square meters was 1 January 2005.¹

In relation to the transposition of Decision 2006/778/EC, the NFSA's department of legislation informed the mission team that for such a Decision an instruction issued by the central competent authority is enough and compulsory for the district officers to be implemented as such. Decisions and instructions are published on the Law Data Site of the NFSA's website for further implementation by district offices. However, the specific instructions on Decision 2006/778/EC has not been published because of the restructuring of the NFSA's website. This kind of inconsistency will be solved as soon as the new electronic operational quality management system for case handling in the NFSA (MATS) will be fully operational.

5.1.1 Procedures in place to enforce the legislation

The Animal Welfare Act Chapter VIII and Articles 30 to 32 form the legal basis for enforcement of legislation related to animal welfare. All general procedures in cases concerning the public administration in Norway are regulated in the Public Administration Act. The NFSA has issued guidelines "Measures of Supervision" (*Virkemiddelbruk ved tilsyn*). These guidelines address, *inter alia*, how to propose and impose sanctions when necessary. The guidelines describe which sanctions are available, when to use different sanctions and how to use them.

According to information provided by representatives of the NFSA to the mission team, the reaction from the NFSA in cases of infringements will vary, depending on the specific situation. In some cases, giving advice to the farmer or pointing out the requirements/the duty of the farmer will be sufficient. In other cases, there is need for more formal actions, such as imposing measures to improve the conditions. In these cases, the Norwegian regulation requires that a formal notice is given previous to the imposition of specific measures (e.g. administrative fines). In cases when a previous notice results in sufficient changes, a formal imposition will not be given. In some cases, the NFSA may use the imposition of an administrative fine to enforce necessary changes in the situation. In severe cases, the NFSA reports the situation to the police for further investigation and possible prosecution.

¹ In their comments to the draft report, the Norwegian competent authorities stated that the Norwegian regulation requires at least six square meters for adult boars stalled in buildings built in 2003 or later. The transitional period only apply to buildings already existing when the regulation came into force.

The NFSA informed in its reply to the pre-mission questionnaire of the Authority, that in the period from 1 January 2008 until June 2009, the number of different infringements (all categories included) that resulted in a letter of formal notice have been as follows:

- for laying hens, five infringements had been detected in barn systems and 16 in unenriched cage systems. No administrative fines had been given by the NFSA related to the keeping of laying hens in this period. In addition, from 2006 until the time of the mission, there had been one report to the police regarding keeping of laying hens. This case resulted in deprivation of the rights to keep animals of the person responsible, in addition to a fine;
- for pigs, 84 letters of formal notice and three fines had been issued for all categories of infringements. From 2006 until the time of the mission, there had not been any report to the police regarding keeping of pigs and;
- for calves, all categories of infringements, 333 letters of formal notice had been issued and twelve administrative fines given by the NFSA. In addition, from 2006 until the time of the mission there had been six reports to the police regarding the keeping of calves.

5.2 Competent Authorities

5.2.1 Organisation

The NFSA has three administrative levels: the head office, eight regional offices and 54 district offices. Following a reorganisation in the autumn of 2007, the head office of the NFSA has from 1 September 2007, been located in six different places: Oslo, Ås, Sandnes, Bergen, Sortland and Brumunddal. The head office for the section of animal health and animal health personnel, also in charge of animal welfare, is based in Sandnes. The NFSA has approximately 1300 employees.

The NFSA is authorised to carry out the inspections and veterinary controls within the scope of the Food Act, and adopt the necessary decisions (as individual decisions or as a regulation) in order to carry out the provisions set out in the Food Act or issued pursuant thereto. The 54 district offices carry out practically all inspections in the field.

Control and monitoring of animal welfare in Norway is under the responsibility of the NFSA and 120 animal welfare committees. The animal welfare committees are official laymen bodies appointed by the regional officers and established in each district office according to the provisions of the Animal Welfare Act from 1974. Each animal welfare committee has three members. In special cases the committee may have five members. A staff member of the district office of the NFSA acts as a secretary to the respective committee (see point 5.2.2).

5.2.2 Collaboration with other services

According to the information provided by the NFSA in the reply to the pre-mission questionnaire of the Authority, the district offices of NFSA and the animal welfare committees are responsible for controls related to animal welfare. Both have the authority to carry out controls and impose measures. The staff of the district offices dealing with animal health and welfare issues are veterinarians whilst the members of the animal welfare committees are laymen. The idea behind this is that the opinion of the laymen should be emphasized when controlling animal welfare issues on farms and the keeping of pet animals. The animal welfare committees are administered at the district offices. The remuneration of the members of the animal welfare committees is included in the budget of the NFSA and amounted to 4,3 million Norwegian crowns in 2008.

Guidelines on the functioning of the animal welfare committees were available on-the-spot and were checked by the mission team. In principle, the guidelines ensure a rational distribution of responsibilities between the district offices of the NFSA and the animal welfare committees. The guidelines specify that in areas regulated in details the district offices are responsible, whilst the animal welfare committees take care of areas which are not regulated in detail. As an example, the animal welfare committees do not have authority to intervene in slaughterhouses but have the same legal powers as the district offices towards the owners or keepers of animals. The district offices and the animal welfare committees may also assist each other in inspections when considered appropriate.

According to information provided by the NFSA in the reply to the pre-mission questionnaire of the Authority, the regional office of the NFSA appoints and instructs the animal welfare committees. In addition, it instructs the district offices. Decisions made by animal welfare committees and the district offices can be appealed to the regional offices which may also grant exemptions from regulations in certain cases. Decisions made by the regional offices of the NFSA can be appealed to the NFSA's head office. The department of legislation of the NFSA is responsible for developing regulations whilst the department of supervision ensures a correct, uniform application of the legislation throughout the NFSA. This involves advising and instructing the regional offices, as well as monitoring and influencing the activity in the field.

According to information provided by the NFSA in the reply to the pre-mission questionnaire of the Authority, the regional offices are the court of appeal for decisions taken by the animal welfare committees and by the district offices; they may also grant exceptions from regulations in certain cases and provide some general guidance to the district offices.

The mission team met the representatives of two animal welfare committees during the visits carried out in two district offices and noted that a first good level of surveillance could be assured by the activities and inspections carried out by the animal welfare committees personnel. Reports containing data on the inspections carried out by the animal welfare committees are sent every year through the district office to the regional office and included in the report sent to the NFSA's head office. However, the non-compliances found by the animal welfare committees do neither appear in the official national statistics nor in the report provided for in Article 8 of Commission Decision 2006/778/EC (see point 5.6).²

In one district an official clearly explained to the mission team that the animal welfare committee should have a total independence from the district office following the principle that the implementation of laymen philosophy should not be influenced by the

² In their comments to the draft report, the Norwegian competent authorities stated that although their national statistics do not contain total numbers of infringements discovered or what kind of infringements discovered by the inspections made by the animal welfare committees, it does include the total number of formal actions taken by the committees (imposing measures to improve the conditions). It also includes the number of cases solved by giving advice to the farmer, without the need of more formal actions. The Norwegian competent authorities also stated that the working methods of the animal welfare committees differ from the NFSA, and are not suitable to report in a way that fulfil the Commission Decision 2006/778/EC. This is due to the fact that the animal welfare committees are supposed to represent the laymen, and is not instructed by the NFSA to perform the inspections in a specific way. As one example, there is not given any instruction regarding how many of the categories that have to be checked during an inspection, and the inspections therefore may not fulfil the obligations laid down in the Commission Decision 2006/778/EC.

district office in relation to animal welfare issues. In another district, the activities were presented as being more closely integrated into the work of the district officers.

The animal welfare committees, at present, do not have access to MATS. At the final meeting though, the representative of the Minister of Agriculture and Food informed the mission team that when the implementation of the new Animal Welfare Act takes place, this will change and the animal welfare committees will be fully integrated in the NFSA's structure.³

5.2.3 Guidance

According to information provided by the NFSA in the reply to the pre-mission questionnaire of the Authority, the NFSA's head office organizes regularly meetings with all regional offices (three to four times per year). The agenda for these meetings depends on the situation and the relevant problems encountered at country level. The regional offices contribute to the setting of the agenda by sending suggestions to the head office, which will prioritize and decide the final agenda. Experience that indicates opinions not harmonized and/or practice between the different regions, or different approaches to the requirements in the legislation are both typical examples of subject at these meetings. As a result of the meetings and the discussions, the head office will instruct the regions how to handle the problems. The regional offices are responsible of instructing and informing the district offices. Short minutes from the meetings were available.

The NFSA's head office is responsible for making the necessary guidelines and to inform and instruct the regions and districts. For the time being, only one guideline on keeping cattle including calves has been issued by the NFSA's head office (this guideline was under revision at the time of this inspection).

In the reply to the pre-mission questionnaire of the Authority, the NFSA informed the mission team that the new MATS will be a tool for the NFSA to ensure a harmonized system. A training programme for the staff carrying out the inspections will be made available in MATS. The training programme includes information about the different operations connected to an inspection (planning the inspection, carrying out the inspection, writing the inspection report etc). In addition, the quality system within the NFSA will provide steering documents to the staff. Both MATS and the quality system are still being developed..

According to information provided by the NFSA in the reply to the pre-mission questionnaire of the Authority, developing both MATS and the quality system are considered high priority tasks within the NFSA. MATS guides the inspectors through all the necessary steps connected to an inspection. The system will also include checklists, specially made for the different species and based on the legal requirements. The inspector can choose some of the checkpoints, depending on the scope, aim or special focus of the inspection. However, the central level of the NFSA can make some of the checkpoints obligatory to ensure control with certain requirements. This can be done for a shorter or longer period. In this case, it is not possible for the inspector to exclude these special checkpoints. This will be an effective way for the head office to instruct and provide

³ *In their comments to the draft report, the Norwegian competent authorities stated that it is not yet decided how the organisational and technical details will be when the animal welfare committees are integrated according to the new Animal Welfare Act. A draft with details suggested will within a week or two be sent out on a public hearing. The NFSA will take the comments received in the inquiry into consideration when working out the final instructions to ensure compliance with the new Animal Welfare Act.*

guidance to the regional and district offices, to ensure focus at the prioritized areas or subjects. Also, in the case of control-campaigns being carried out, it is possible to make special checklists adapted to the scope and focus of the campaign.

The mission team received a presentation of MATS during the initial meeting and also discussed the topic together with the district officers met at local level. MATS is a new system not yet completed, the development of the checklists not finished, and an evaluating process is ongoing in this matter. Examples of checklists from MATS as they were at the time of the mission regard cattle (including calves) and pigs but none of the checklists were available or in use in the districts visited. Because the development of MATS is not yet completed, the regions and districts use checklists prepared by their own staff. The mission team noted that MATS doesn't adequately differentiate production systems which need to be checked e.g. free range, barn, unenriched cages, and enriched cages, for laying hens, does not codify these systems and maximum capacity is not recorded. The possibility to register the owner of the establishment, if different from the keeper, was also observed as not being included in the system.

The mission team observed that MATS does not take into account the categories of non compliance (three for laying hens, four for pigs and five for calves) as listed in Decision 2006/778/EC.

The mission team noted that it was not possible to print out the list of registered farms available in MATS. The district offices of the NFSA are relying on the NFSA's head office to have the MATS system in place in order to produce relevant conclusive reports as requested by Decision 2006/778/EC.⁴

5.2.4 Training

According to information provided by the NFSA in the reply to the pre-mission questionnaire of the Authority, several training courses have been organised at national level. However, no detailed information was available on dates and contents for all the courses.

On the spot, the mission team had the possibility to verify that relevant training material prepared by the NFSA in relation to a cattle campaign on animal welfare was available. For other issues, the inspection team received insufficient details and evidence that the training provided and received by the district officers and regional officers was enough to cover the tasks related to animal welfare.

Representatives of one of the district offices visited informed the mission team that no course on animal welfare had been organised in that region despite the importance of laying hens production. However, the representatives stated that new inspectors receive training on-the-spot by experienced inspectors. They further informed that methodologies and experiences have been discussed at meetings organised twice a year. As an example, an inspectors in that district office recruited in 2005 had only participated in a course of three days organised by the Norwegian Veterinary Federation on all species (including cats and dogs) on several issues, *inter alia*, animal welfare of sheep kept outside and broiler breeders, how to pick up the worst cases (mismanagement) and identification of risks. The inspector had also followed training on case handling and how to impose sanctions.

⁴ *In their comments to the draft report, the Norwegian competent authorities stated that this problem has now been solved, and it is possible to print out these lists.*

In another district, the mission team followed a district officer checking laying hens in unenriched cages and noted that compliance with adequate capacity and claw shortening devices was not taken into account; no remarks were made by the district officer on these two requirements. In the calves farm visited, the same district officer was aware that new pens were inadequate but provided not quite convincing reference on the requirements listed in the EEA legislation.

5.2.5 *Supervision and audits*

According to information provided by the NFSA in the reply to the pre-mission questionnaire of the Authority, the NFSA uses, on a general basis, a Target Figures System to verify the effectiveness of its inspections on animal welfare. The target figures provide data on the quantity of inspections to be carried out and number of requirements to be inspected. These data can be correlated to the inspectors and then provide information on how many requirements are checked per inspector. The target figures were used by the head office in the steering meeting with each region in 2008. Some regions had many inspections per inspector, others had few. However, the comparisons seemed not to fulfil the required data to verify how effective NFSA manages its obligations. Therefore, the NFSA decided that the Target Figures System will be used carefully and just as a part together with other steering parameters as internal audits and the measure tools that will be available in MATS.

The NFSA also informed in the reply to the pre-mission questionnaire of the Authority that there is an on-going work to develop a system for the head office to carry out internal audits in different regions. No animal welfare audits have yet been carried out. At regional level, some regional offices have carried out animal welfare specific audits of the district offices (e.g. animal welfare at slaughterhouses, use of policy instruments and planning animal welfare activities, etc.) while other regional offices have not.

The representatives of the NFSA informed the mission team that no joint inspections are carried out by inspectors of the district offices, regional offices or the head office.

5.3 Information to the professional sectors and training of pig stockpersons

According to information provided by the NFSA in the reply to the pre-mission questionnaire of the Authority, the NFSA does not organise training courses for stakeholders. The responsibility to organise training courses is delegated to the industry. However, the courses are evaluated and controlled by the NFSA to secure their quality. On some occasions, representatives of the NFSA participate as tutors, mainly on the legislation in force.

The NFSA's head office has issued guidelines on the content of the training courses. Everybody is entitled to organise training courses and request an evaluation by the NFSA. In practice however, the available courses related to swine were at the time of the mission produced and organised by a trade organisation. The courses are available all over Norway. The courses are produced by a group consisting of representatives of several trade organisations dealing with different species (swine, poultry, cattle, sheep, goats and fur animals). The courses are divided into a general part, identical for all the species, and two other parts specifically made for the relevant species.

5.4 Inspection programme and selection of farms

According to information provided by the NFSA in the reply to the pre-mission questionnaire of the Authority, routine inspections are carried out in most farms which are chosen for sampling in the different animal health surveillance programs. The farms are chosen by the National Veterinary Institute as statistically representative. All commercial poultry establishments are inspected annually because of the requirements in the *Salmonella* surveillance programme. The mission team noted that no national or regional guidelines exist on how many and which farms should be inspected, except when audit campaigns are running.

The district offices can in addition, use local knowledge on deciding which farms should be visited. Certain criteria are used such as messages on welfare problems from different sources, farm history, changes in production methods (e.g. transition from dairy herd to meat production), out-door keeping, suckling cows, organic production, time passed since last visit from the NFSA, information from the animal welfare committees or from veterinarians in private practice and deviations in the national computerised database. Some districts also consider other approaches e.g. screening campaigns or all new buildings for farm animals.

The representatives of the NFSA informed the mission team that projects have been carried out in 2008 in order to better evaluate risk factors related to animal welfare, however the NFSA has not yet concluded on a model for a risk based approach.

During the visit to a district office, the representatives of the NFSA informed the mission team that the regional office requests the district office to make a plan of inspections for the incoming year and for different premises, including holdings with animals. This plan should also indicate the quantity of inspections planned. Only terrestrial/aquatic animals are mentioned in the plan, without specifying the number of inspections on animal welfare planned for pigs, hens and calves. The target established for 2009 was increased from the previous year by 1%. The total number of inspections rose consequently to 16% of holdings though some may be visited more than once (this also not specified). The mission team noted that the number of inspections were not covering a statistically representative sample of the different farming/rearing systems used in the district.

In another district visited the number of inspections related to animal welfare were targeted on the 5 % of farms and prioritised on the background of slaughterhouse data, if they are mixed farms (cattle) or on complaints. The rest was chosen on random basis.

In a third district office a representative of the office informed the mission team that no animal welfare checks on laying hens were carried out in 2008 but that special checks on air quality in parent flocks had been performed. Previously, in 2006 and 2007, problems with alarms and claw shortening devices were encountered but these were successfully closed.

The mission team noted that different rearing systems were not taken into account in the planning of inspections in the districts visited and that pre-established targets were not always achieved; in one district limited human resources were considered as the main reason for not achieving the pre-established target. The district officers in charge of inspections are not yet implementing a systematic plan of inspections choosing at least the targeted number of categories of infringements to be checked as required in Decision 2006/778/EC; they rather rely on future implementation of MATS.

5.4.1 *Material and equipment*

Equipment for measuring light and gas concentrations were available in two out of four district offices visited.

5.5 **Farm inspections**

5.5.1 *Laying hens*

Norway has stricter rules than required by the EEA legislation on registration of poultry farms. Hence, farms with over 200 laying hens are considered as commercial farms and smaller farms can also be registered if they want to sell eggs. Both types of farms take part in the *Salmonella* surveillance programme.

The system in place is based on the registered data available in MATS. Nevertheless, as already mentioned in point 5.2.3, no farming method except for organic farming is reported and maximum capacity is not recorded. The use of codes for production system and the possibility to register the owner of the establishment, if different from the keeper, are not considered.

The mission team noted that the categories of non-compliance for laying hens as required in the EEA legislation are not taken into consideration in the procedures related to inspections.

The mission team observed two district officers during inspection of laying hen farms. In one of the districts, the goal to check 100% of laying hens in 2008 was achieved. However the mission team noted that procedures to verify the requirements were not fully met and, as a result of it, adequate capacity was not verified and no remarks were made either in relation to claw shortening devices.

In another district where a barn was visited, the mission team noted that own-made procedures were prepared by the district officer. However, sufficient drinkers had not been calculated. In relation to the lack of perches identified in 2007, the district officer asked the opinion of the NFSA's head office, who clarified in 2008 that no exceptions were allowed. However, it was only during the Authority's visit, that the point was addressed again, revealing that some perches were introduced but only sufficient for a little over half the number of birds. The mission team noted that the problem can only be corrected when the next flock will be introduced in June 2010.

5.5.2 *Pigs*

The mission team observed that inspections are not carried out on a statistically representative sample of the different rearing systems and that the categories of non-compliance for pigs as required in the EEA legislation are not taken into consideration in the procedures related to inspections.

During a visit on a pig holding the inspection team noted that the district officer succeeded in getting better facilities for pigs installed. However, because of the poor management, certain problems persisted such as overstocking (15 instead of eleven-twelve pigs) and dirty animals because of whey feeding.⁵

⁵ *In their comments to the draft report, the Norwegian competent authorities stated that at this farms, the animals were supposed to be slaughtered the week after the inspection. The slaughtering was hastened, and the animals were taken to the slaughterhouse within a couple of days after the inspection.*

In another district the inspection team observed a good management of the pig holding visited and a district officer able to reply to the questions asked by the mission team.

A representative of a district office visited stated that decisions are issued on the basis of their gravity, and that what is considered a minor problem can be solved by verbal advice: e.g. advice is not enough for buildings with serious construction problems, however cleanliness of animals or water and feed can sometimes be solved by verbal advice. Instructions are sometimes preferred instead of decisions because of limited resources. If decisions are taken, a follow-up is obligatory. In the same district, the mission team observed that four cases of confinement of sows were not followed-up. A representative of the district office informed the mission team that sometimes the lack of a follow-up is due to prioritisation and limited budget. In the same district the mission team checked a file related to overcrowding in the weaning pens and beginning tail biting. On 16 April 2009, the animal welfare committee asked the district office to go out to the farm but that had not been done. However, the owner of the animals had at some point informed the animal welfare committee by telephone that some animals had been slaughtered.

The mission team checked the files of four cases of confinement of sows and noted that for three of them dated 2008 follow-up had not been reported.

5.5.3 *Holdings with calves*

The mission team observed that inspections are not carried out on a statistically representative sample of the different farming systems and that the categories of non-compliance for calves as required in the EEA legislation are not taken into consideration in the procedures related to inspections.

In all the visits the mission team noted that the requirement for perforated walls, which allow the calves to have direct visual and tactile contact, was systematically not implemented.

The mission team visited a farm considered problematic by the representatives of a district office. A fine for the amount of 300.000 Norwegian crowns was issued in 2007 because cows were not put on pasture during summer but the sum had not been paid at the time of the mission (would have been reduced if the farm had been in compliance in 2009). The NFSA representatives explained to the mission team that cases like that will be more easily managed when the new Act on animal welfare will be implemented, allowing the competent authorities to withdraw animals from a farm when severe animal welfare infringements were detected. Problems of dirty animals and tethering of calves were reported by the district officer and found partially solved at the time of the mission, however dirty animals and single boxes without perforated walls were still present. The mission team observed that consistent checks of requirements were carried out by the district officer who previously picked up the on-going problems of dirty animals and tethering of calves. However, on the same farm, a sick calf with joint and tendon problems needed immediate attention but neither the district officer nor the farmer did anything to alleviate the situation.⁶

⁶ *In their comments to the draft report, the Norwegian competent authorities stated that one of their district officers did instruct the farmer to ensure soft bedding for the calf, to alleviate the situation and ensure the best comfort possible at the moment. Although the NFSA has not been taking any other specific actions regarding the health condition of this calf, the follow up on this farm is ongoing. Also after the inspection, the NFSA has sent formal notice to the farmer about phasing out this holding unless the conditions are improved.*

In another farm the mission team noted exposed nails in individual boxes where calves were kept.

In another district a documentary review confirmed that MATS does not differentiate farming systems. Different farming systems were not taken into account in this and other districts. The regional officers present in the district office confirmed to the mission team that the same approach is applied all over the region. The mission team confirmed by reviewing the documents that targets established were not always met. In this district, a special attention was paid by the mission team to follow-up of previous infringements and three farms with decisions addressed from the district officer were checked: one farm with pigs where also no creep area for calves, feeding trough too low and not insulated barn were reported, a second farm where milk hygiene problems, overcrowdings animals, leaking roof and poor general management were pointed out and a third case where in 2008 and again in December 2009 poor general management was the main problem. Follow-up was not performed by the district office inspector considering the above not serious but chronic cases.

5.6 Reporting of results of farm inspections

According to information provided by the NFSA in the reply to the pre-mission questionnaire of the Authority and in relation to the reporting obligations provided for in Decision 2006/778/EC, the NFSA explained that it is aware of the new requirements set up by the mentioned Decision. However, the NFSA admitted that the obligations have not yet been fulfilled. Despite the requirements of Article 8 of Decision 2006/778, the report addressed to the Authority has been produced in accordance to Commission Decision 2000/50/EC (repealed by Article 9 of Decision 2006/778/EC).

According to the reply to the pre-mission questionnaire of the Authority the NFSA has started preparing new routines to make sure that the report for the year 2009 will be in accordance with the provisions of Decision 2006/778/EC. Consequently, the head office has informed the regional offices about the new requirements, and has given instructions about new routines on this matter. In the instructions all species are now included and it is stated that surveillance must be carried out in a certain way to be considered as an inspection. The regional offices were responsible for informing the district level: an instruction was therefore sent on 21 April 2009 from the regional offices to the district offices. The mission team noted however, in all the districts visited, that the reporting obligations as detailed in Decision 2006/778/EC are not fulfilled. In one district visited Decision 2006/778/EC has not even been discussed despite meetings were organised every week.

The mission team verified that the above-mentioned instruction is detailed and addresses the information to be reported in an adequate way. The tables in annex IV of Commission Decision 2006/778/EC were included in this instruction, to make sure that all the information was collected and recorded appropriately during 2009. However, the NFSA also confirmed in the reply to the pre-mission questionnaire that there had not yet been made any new inspection-schemes for use in these inspections by the central level. And so, at this moment, it is up to the regional offices/district offices to make their own schemes or other tools for use in the daily routine, and to ensure that all information needed for reporting is collected. The NFSA's head office emphasized that it will put down effort to secure a uniform routine all over the country in this matter as soon as possible.

According to information provided by representatives of the NFSA in the reply to the pre-mission questionnaire of the Authority, not all districts submit reports to the head office. The mission team was informed by representatives of all district offices visited how data related to the number of inspections and infringements were filled in. The mission team noted inconsistencies in the understanding on how the data should be reported from the persons in charge of the reporting. Therefore, data from the first level of reporting (district level) was not reliable, having influence on the consistency and reliability of the data reported from the head office in the context of the requirements of the repealed Decision 2000/50/EC for the year 2008. The head office admitted that no cross check on the validity of data submitted from the district offices was carried out by the regional and/or central level. Furthermore, at the time of the mission, data were still collected following the principles of the repealed Decision 2000/50/EC without taking into account the system for recording and reporting results of farm inspections as required by Commission Decision 2006/778/EC.

The mission team observed and pointed out that MATS doesn't adequately differentiate production systems which need to be checked. As already mentioned in point 5.2.3, Decision 2006/778/EC does not seem to have been taken into account in the design of MATS and the categories of non-compliance for laying hens (three), for pigs (four) and for calves (five) are not, for the time being, taken into consideration when performing inspections on animal welfare in different types of holdings.

The mission team noted that a case of non compliance reported as "calf mismanagement" which could have been considered in several of the categories of non-compliance as indicated in Annex II to Decision 2006/778/EC was missed in the relevant report submitted. The district officer was not aware of the instruction issued by the head office in relation to reporting obligation in the context of Decision 2006/778/EC.

The representatives of the NFSA provided the mission team with a report on a campaign on fur animals. 70 % of fur farms were inspected in the autumn of 2008. A national database for this category of farms is not available at central level and the NFSA estimates the number of farms in Norway between 700-800. The farms had to be followed-up. In spring 2009, 85% of farms were inspected and the competent authorities made a campaign with training and inspections with an exhaustive checklist where categories of non-compliance were established in conformity with the requirements of Decision 2006/778/EC.

In relation to farmed game animals, at the initial meeting the NFSA informed the mission team that game animals farms are not registered centrally but animals (deer mainly) have ear tags and those are registered. Reindeer are only marked for the owner by cutting ears and a campaign for ear tagging of reindeer has not been considered. There are inspectors working on the problems of animal welfare in reindeer herds mostly related to feeding in the spring (starvation) and the condition of reindeer at the time of slaughter in the autumn. One of the regional offices, Region North had developed some checklists but the head office was not directly involved.⁷

⁷ *In their comments to the draft report, the Norwegian competent authorities stated that the region of Troms and Finnmark is given a special responsibility to work with development of inspection-methods etc regarding reindeer. This is a national task delegated to this region from the head office of the NFSA. The regional office work independently with these tasks, but the results are presented to the head office to settle routines for the whole country.*

6 Final meeting

A final meeting was held on 11 September 2009 at the NFSA's head office in Oslo with representatives from the Ministry of Food and Agriculture and the NFSA. Representatives of the head office in Sandnes had also the possibility to participate by video teleconference. At this meeting, the mission team presented its main findings and some preliminary conclusions of the mission. The representatives of the NFSA and the Ministry did not have any objections to the observations made and the preliminary conclusions presented.

7 Conclusions⁸

7.1 Overall conclusion

Animal welfare is given a high priority in Norway and this is reflected in the national legislation which is sometimes stricter than the EEA legislation. The activities carried out by the animal welfare committees, can be a useful tool to support the NFSA in their tasks related to animal welfare. However, a certain number of shortcomings was identified by the mission team in relation to registration of data of establishments keeping laying hens, the inspection programme and selection of farms keeping pigs and calves and the reporting of results of farm inspections.

7.2 Transposition and application of relevant legislation

Compliance with Chapter II(A) of the Annex to Directive 91/630/EEC could not be fully ensured since the obligation to make available an unobstructed floor area of at least 6 m² for an adult boar has a transitional period in Norwegian legislation until 1 January 2013.

7.3 Competent Authorities

Compliance with Article 1(4) of Directive 2002/4/EC could not be ensured since changes concerning registered data of establishments keeping laying hens were not notified to the competent authority without delay and the register available was not updated immediately.

Compliance with the Annex (1) to Directive 2002/4/EC could not be ensured since data required for registration did not consider the possibility to record the owner of the establishment, if different from the keeper, the farming method(s) according to the definitions referred to under point 2.1 of the same Directive, and the maximum capacity of the establishment in number of birds present at one time.

7.4 Inspection programme and selection of farms

Compliance with Article 7(1) of Directive 91/630/EEC and with Article 7 of Directive 91/629/EEC could not be ensured since inspections carried out under the responsibility of the competent authority in order to check that the provisions of this Directive and its Annex are being complied with did not cover each year a statistically representative sample of the different rearing systems used in Norway.

⁸ *Norwegian's thorough information on the corrective actions related to the conclusions in this chapter is given in Annex 3 to this report.*

7.5 Farm inspections

Compliance with Article 4.1 (1)(d) of Directive 1999/74/EC could not be fully ensured since adequate perches were not available in the barn with laying hens visited by the mission team.

Compliance with Article 3(1)(a) of Directive 91/630/EEC could not be fully ensured since overstocking of pigs was observed in one of the holding visited by the mission team.

Compliance with Article 3(1) of Directive 91/629/EEC could not be fully ensured because where calves were housed in individual boxes, these boxes did not have perforated walls.

Compliance with Point 9 of the Annex to Directive 98/58/EC and Point 1 of the Annex to Directive 629/EEC could not be fully ensured since an individual box for calves had protruding nails which could cause injury to the animals.

Compliance with Article 3 of Directive 98/58/EC could not be fully ensured since the injured calf observed by the mission team did not receive proper attention by the official veterinarian and/or the owner/keeper to ensure that it was not caused any unnecessary pain or suffering.

7.6 Reporting of results of farm inspections

Compliance with Article 3, 4, 5, 6, 7, 8, Annex I, Annex II, Annex III and Annex IV of Decision 2006/778/EC could not be ensured since Norway has not taken into account the rules for the harmonisation of the collection of information during inspections carried out by the competent authority in accordance with Directives 91/629/EEC, 91/630/EEC, 98/58/EC and 1999/74/EC and the reporting of such information to the Authority.

8 Recommendations to the Norwegian competent authority

Norway should inform the Authority in its reply to the draft report, by way of written evidence, of the corrective action taken and a plan for corrective measures and actions, including a timetable for completion of measures still outstanding, relevant to all the conclusions under Chapter 8 of this report. 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.

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

Authority	EFTA Surveillance Authority
EEA	European Economic Area
MATS	New electronic operational quality management system for case handling in the NFSA
NFSA	Norwegian Food Safety Authority

Annex 2 - EEA legislation transposed into national legislation

Relevant legislation	National legislation
The Act referred to at Point 9.1.4 of Chapter I of Annex I to the EEA Agreement, <i>Council Directive 91/629/EEC of 19 November 1991 laying down minimum standards for the protection of calves</i> , as amended.	Regulation of 22 April 2004 no. 665 on the keeping of cattle (§ 27).
The Act referred to at Point 9.1.5 of Chapter I of Annex I to the EEA Agreement, <i>Council Directive 91/630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs</i> , as amended.	Regulation of 18 February 2003 no. 175 on the keeping of pigs (§ 29).
The Act referred to at Point 9.1.6 of Chapter I of Annex I to the EEA Agreement, <i>Council Directive 98/58/EC of 20 July 1998 concerning protection of animals kept for farming purposes</i> .	Regulation of 3 July 2007 no. 885 on welfare for animals kept for farming purposes (§ 13) (and species-specific regulations accordingly).
The Act referred to at Point 9.1.8 of Chapter I of Annex I to the EEA Agreement, <i>Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens</i> .	Regulation of 12 December 2001 no. 1494 on the keeping of poultry (§ 36).
The Act referred to at Point 9.2.2 of Chapter I of Annex I to the EEA Agreement, <i>Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC</i> , as amended and as adapted.	Regulation of 12 December 2001 no. 1494 on the keeping of poultry.
The Act referred to at Point 9.2.4 of Chapter I of Annex I to the EEA Agreement, <i>Commission Decision 2006/778/EC of 14 November 2006 concerning minimum requirements for the collection of information during the inspections of production sites on which certain animals are kept for farming purposes</i> .	The Head Office has issued instructions to the Regional Offices implementing this decision. Please refer to attachment “Instructions to the ROs CD2006778EC”.

Annex 3 Comments from Norway on the draft report

EFTA Surveillance Authority
Rue Belliard 35
B 1040 Brussels

Case no: 66483
Your ref: Event no: 532552
Our ref: 2009/78049
Date: 25.11.2009
Org.nr: 985 399 077

Statens tilsyn for planter, fisk, dyr og næringsmidler



Mattilsynet

EFTA SURVEILLANCE AUTHORITY - MISSION TO NORWAY 7 TO 11 SEPTEMBER 2009 REGARDING ANIMAL WELFARE ON FARMS – DRAFT REPORT

We have received the draft report from the mission to Norway 7 to 11 September regarding the application of EEA legislation related to animal welfare on farms.

Comments on the draft report

Norway has a few comments on the factual content of the draft report. We also have some comments about immediate actions taken regarding some of the findings at the farms. The comments follow below.

5.1

- Sixth section, regarding unobstructed floor area available to adult boars.

We would like to add that our regulation requires at least six square meters for adult boars stalled in buildings built in 2003 or later. The transitional period only apply to buildings already existing when the regulation came into force.

5.2.2

- Fifth section, regarding annual reports from the animal welfare committees.

We would like to stress that although our national statistics do not contain total numbers of infringements discovered or what kind of infringements discovered by the inspections made by the animal welfare committees, it does include the total number of formal actions taken by the committees (imposing measures to improve the conditions). It also includes the number of cases solved by giving advice to the farmer, without the need of more formal actions.

Norwegian Food Safety Authority
Head Office

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We would also like to add that the working methods of the animal welfare committees differ from the NFSA, and are not suitable to report in a way that fulfil the Commission Decision 2006/778/EC. This is due to the fact that the animal welfare committees are supposed to represent the laymen, and is not instructed by the NFSA to perform the inspections in a specific way. As one example, there is not given any instruction regarding how many of the categories that have to be checked during an inspection, and the inspections therefore may not fulfil the obligations laid down in the Commission Decision 2006/778/EC.

- Last section, regarding animal welfare committees access to MATS and implementation of the committees into the NFSA.

It is not yet decided how the organisational and technical details will be when the animal welfare committees are integrated according to the new Animal Welfare Act. A draft with details suggested will within a week or two be sent out on a public hearing. The NFSA will take the comments received in the inquiry into consideration when working out the final instructions to ensure compliance with the new Animal Welfare Act.

5.2.3

- Last section, regarding the possibility to print out the list of registered farms available in MATS

This problem has now been solved, and it is possible to print out these lists.

5.5.2

- Second section, about overstocking

At the farms with too many pigs in the pens, the animals were supposed to be slaughtered the week after the inspection. The slaughtering was hastened, and the animals were taken to the slaughterhouse within a couple of days after the inspection.

5.5.3

- Third section, about a sick calf with joint and tendon problems.

One of our district officers did instruct the farmer to ensure soft bedding for the calf, to alleviate the situation and ensure the best comfort possible at the moment. Although the NFSA has not been taking any other specific actions regarding the health condition of this calf, the follow up on this farm is ongoing. Also after the inspection, the NFSA has sent formal notice to the farmer about phasing out this holding unless the conditions are improved.

5.6

- Last section, regarding checklists and reindeer.

The region of Troms and Finnmark is given a special responsibility to work with development of inspection-methods etc regarding reindeer. This is a national task delegated to this region from the head office of the NFSA. The regional office work independently with these tasks, but the results are presented to the head office to settle routines for the whole country.

Plan for corrective measures and actions to be taken

Because of an unexpected situation regarding the work pressure this autumn, the NFSA has not yet been able to finish a plan for corrective measures and actions to be taken as a result of the recommendations from the Authority. This plan will also be of importance in our planning of the activity in 2010, which is in progress at the moment. However, a plan with timetable for completion of measures will be sent to the Authority after we have received the final report from this inspection. This plan will include a principal approach to the findings and recommendations from the Authority to ensure focus at the detected problem-areas all over the country.

Yours sincerely,

Kristina Landsverk
Director
Dep. of Control