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EFTA SURVEILLANCE  
AUTHORITY

**FINAL REPORT FROM A MISSION TO NORWAY  
FROM 2 TO 6 FEBRUARY 2004 FOR THE PURPOSE OF ASSESSING THE  
APPLICATION OF COUNCIL REGULATION (EC) NO 820/97 AND OTHER ACTS  
RELATED TO THE TRACEABILITY OF BOVINE ANIMALS, BEEF AND BEEF  
PRODUCTS**

Please note that comments from the Norwegian Competent Authority to factual errors have been included in underlined italic print in the body of the report.  
Comments providing additional information or expressing the view of the Competent Authority on particular issues are included as footnotes in underlined italic print.

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## 1 Introduction

The mission to Norway took place from 2 to 6 February 2003 and was carried out by two inspectors from the EFTA Surveillance Authority<sup>1</sup> accompanied by an observer from the European Commission's Food and Veterinary Office. A representative from the Norwegian central competent authority, the Norwegian Food Safety Authority (*Mattilsynet*), accompanied the inspection team throughout the mission. Furthermore, representatives from the local and regional level of the competent authority were present during the mission.

An opening meeting was held on 2 February, where the objectives and itinerary of the mission were confirmed by the inspection team. Additional information for the satisfactory completion of the mission was also requested at this meeting.

After each inspection, a summary of observations was presented. Representatives from the competent authority, as well as the establishments inspected had an opportunity to comment on them.

A final meeting was held on 6 February, at the central competent authority in Oslo, where the Authority's inspectors presented the main findings and conclusions of the mission. Representatives from the Ministry of Agriculture were also present.

## 2 Objectives of the mission

The objective of the mission was to evaluate the application and implementation of the legislation concerning the traceability of bovine fresh meat and bovine products, as laid down in the Agreement on the European Economic Area<sup>2</sup>. In pursuit of this objective, the following sites were visited:

Competent authority (CA)	Number	Comments
Central	1	Opening and closing meeting
Regional	3	The CA was present during the inspection of the establishments
Local	4	
A meeting was held with the national coordinators of the cattle database		

Live animal control sites	Number	Comments
Farms	2	One holding of dairy cows and one with suckling cows
Animal traders	2	The slaughterhouses also act as animal traders

Food establishments	Number	Comments
Slaughterhouses	2	None
Cutting plants	3	One independent cutting plant and two annexed to the slaughterhouses visited
Temperature controlled stores	3	Integrated in the above-mentioned establishments
Retail shops	3	None
Whole saler	1	The independent cutting plant also acted as a whole saler

<sup>1</sup> Hereinafter called the Authority.

<sup>2</sup> Hereinafter called the EEA Agreement.

### 3 Legal basis for the mission

The legal basis for the mission is laid down in the Act referred to in part 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*).

In addition, an assessment was made on the application of the requirements laid down in the Acts referred to at :

- Point 1.1.7a of Chapter I of Annex I to the EEA Agreement (*Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding labelling of beef and beef products*), as amended.
- Point 1.2.71 of Chapter I of Annex I to the EEA Agreement (*Commission Regulation (EC) No 2629/97 of 29 December 1997 laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards eartags, holding registers and passports in the framework of the system for the identification and registration of bovine animals*).
- Point 1.2.72 of Chapter I of Annex I to the EEA Agreement (*Commission Regulation (EC) No 2630/97 of 29 December 1997 laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals*).
- Point 1.2.76 of Chapter I of Annex I to the EEA Agreement (*Commission Regulation (EC) No 494/98 of 27 February 1998 laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards the minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals*).
- Point 6.1.1 of Chapter I of Annex I to the EEA Agreement (*Council Directive 64/433/EEC of 26 June 1964 laying down the health conditions for the production and marketing of fresh meat*), as amended.
- Point 6.1.4 of Chapter I of Annex I to the EEA Agreement (*Council Directive 77/99/EEC of 21 December 1976 on health problems affecting intra-Community trade in meat products*), as amended.
- Point 6.1.6 of Chapter I of Annex I to the EEA Agreement (*Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations*), as amended.

### 4 Background

This was the first mission carried out by the Authority exclusively with regard to the traceability of bovine animals, beef and beef products. However, in the course of previous fresh meat missions, account has been taken of traceability. The reports of previous missions are to be found on the Authority's webpage (<http://www.eftasurv.int>).

### 5 Legislation

Council Regulation (EC) No 820/97 has been applicable in Norway since June 1999 and was notified as implemented on 31 March 2001. Council Directives 64/433/EEC and 77/99/EEC are applicable in Norway since 1994 and Council Directive 94/65/EC since January 1999. In the reply to the pre-mission questionnaire, the Authority was informed that the relevant legislation has been transposed into Norwegian law as follows:

The main act relating to fresh meat and meat products is the new Food law (*Lov om matproduksjon og mattrygghet mv (Matloven)*), LOV 2003-12-19 nr. 124. It replaces 13 different acts, including the Meat Control Act, the Act on the Co-ordination of Food Control, the Food Law, the Quality Control Act on Fish and Fishery Products, the Act on Quality Control of Agricultural Products and the Act on domestic animals.

The following Regulations and Instructions were adopted under the Food Law regarding bovine fresh meat and bovine products:

- Regulation on official meat control (*Forskrift om offentlig kjøttkontroll og frambud mv. av ferskt kjøtt*), FOR 1978-07-14 nr. 9629 and last amended 2004-01-15.
- Regulation on the hygiene etc. in abattoirs, cutting plants and cold and freezer stores for fresh meat (*Forskrift om hygiene mv i slakterier, nedskjæringsvirksomheter og kjøle- og fryselager for ferskt kjøtt*), FOR 1994-02-18 nr. 137 and last amended 2004-01-15.
- Regulation on the hygienic production and placing on the market etc. of meat products and some other products of animal origin (*Forskrift om hygiene ved produksjon og frambud mv. av kjøttprodukter og enkelte andre produkter av animalsk opprinnelse*), FOR 1995-04-06 nr. 353 and last amended 2004-01-15.
- Regulation laying down the requirements for the production etc. of minced meat and meat preparations (*Forskrift om krav til kvernet kjøtt og tilberedt kjøtt og hygiene ved produksjon mv.*), FOR 1998-12-23 nr. 1470 and amended 2004-01-15.
- Regulation on origin labelling of fresh meat from bovine animals (*Forskrift om opprinnelsesmerking av ferskt storfekjøtt mv.*), FOR 2001-03-28 nr. 315 and amended 2004-01-15.
- Instruction for meat control (*Instruks for kjøttkontroll*), adopted 1994-05-25 nr. 369.

Furthermore, the following regulations and instructions have been adopted under the Food Law related to certification of live animals and animal products:

- Regulation on identification and registration of animals (*Forskrift om merking, registrering og rapportering av dyr*), FOR 2002-09-03 nr. 970 and amended 2004-01-15. The Authority was informed that this regulation is based on the following EEA acts: 820/97/EC, 2628/97/EC, 2629/97/EC, 2630/97/EC, 494/98/EC, 92/102/EC, 64/432/EEC, 2000/15/EC and 2000/678/EC.
- Instruction to the official veterinarian on supervision and control regarding identification, registration and reporting of animals (*Instruks til Statens dyrehelsetilsyn – distriktsveterinæren om tilsyn og kontroll med merking, registrering og rapportering av storfe*), adopted 2001-08-15. These instructions were communicated to be based on the Directives 97/2630/EC, 98/494/EC and 2000/1898/EC.
- Instruction on the issuing of certificates for live animals and animal products (*Instruks om utstedelse av sertifikater for levende dyr og animalske næringsmidler mv.*), adopted 29.03.2001 nr. 423.
- The Norwegian cattle database was recognised as fully operational by the EFTA Surveillance Authority Decision No 17/03/COL of 5 February 2003.

Council Regulation (EC) No 1760/2000 of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products, repealing Council Regulation (EC) No 820/97, is not yet part of the EEA Agreement. The same applies to Commission Regulation (EC) No 1825/2000 of 25 August 2000, laying down detailed rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and the Council as regards the labelling of beef and beef products. Therefore, Council Regulation (EC) 820/97 is still applicable in Norway. However, the Authority received information that Regulations (EC) No 1760/2000 and 1825/2000 were implemented by

Norway on 1 April 2001 (see 6.8). Voluntary labelling according to these Acts is regulated in Norway by *Forskrift om merking mv av næringsmidler* (Regulation of 21 December 1993 No 1385 on the labelling etc. of foodstuffs), FOR 1993-12-21 nr. 1385.<sup>3</sup>

## 6 Main findings

### 6.1 The competent authority

On 1 January 2004, the Norwegian Animal Health Authority, the Norwegian Food Control Authority, the Norwegian Agricultural Inspection Service and the seafood inspectorate of the Directorate of Fisheries were merged into the Norwegian Food Safety Authority (NFSA). The NFSA is a governmental body under the Ministry of Agriculture, the Ministry of Health and the Ministry of Fisheries, as the main act on food law falls under the responsibility of these Ministries. However, NFSA mainly reports to the Ministry of Agriculture which is responsible for the coordination and the budget. In § 23 in the Food Law of 12 December 2003 No 124, administrative powers are delegated from the three Ministries to the NFSA.

The tasks of the NFSA are:

- To prepare draft legislation.
- To provide information on legislation.
- To perform risk based inspections.
- To monitor food safety as well as plant, fish and animal health.
- The responsibility for emergency planning with regard to the above mentioned areas.

The NFSA has organised with three administrative levels with a head office in Oslo, eight regional and 64 districts offices. Altogether 1.300 employees work for NFSA. The practical tasks of supervision, inspection and control of fresh meat and meat products are delegated from NFSA to its regional and local level.

#### 6.1.1 Recruitment and training

The official veterinarians (OVs) in Norway are employed as civil servants by NFSA. However, it is still possible for an OV, who carries out meat control in a slaughterhouse, to run private practise in the same area.

In 2001, the former Norwegian Food Control Authority (*Statens Næringsmiddeltilsyn*, SNT) arranged seminars for its local level with traceability and compulsory labelling of beef and beef products as one topic. In order to ensure a harmonised control and supervisory system, NFSA plans to arrange annual seminars, where the local, regional and central level is present. Focus will be on calibration according to practical supervision and veterinary control. NFSA has developed instructions, administrative provisions as circular letters and guidelines (*Tilsynsveilederen*) to specify how tasks related to control activities are expected to be performed by supervisory personnel. These are, so far, mainly based on the provisions issued by SNT.

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<sup>3</sup> *In their comments to the draft report, Norway submitted information that “the Norwegian legislation concerning beef is based on partial implementation of Council Regulation 1760/2000 [...]. The implementation of the clauses for voluntary labelling has not taken place”.* See under 1. Legislation in the addendum.

### 6.1.2 Prioritisation of controls / Reporting procedures (flow of information)

In the reply to the pre-mission questionnaire, Norway informed that the regional offices will regularly audit the local offices. The activities of the regional and local level will also be guided and standardised through an annual letter of allotment. Furthermore, based on a risk evaluation, the local level is to decide on the inspection frequency in establishments and the control of live animals. The local level will be obliged to send an annual report to NFSA over its activities based on individual reports after each inspection. Due to the recent re-organisation of the Norwegian services (see 6.1) this could not be evaluated during this mission.

## 6.2 Veterinary surveillance

The following observations were made:

- The criteria for the selection of farms to be inspected, as laid down in Article 2 of Council Regulation (EC) No 2630/97 were not applied. The farms were selected by the local level based on its own criteria.
- The sanctions, as laid down in Council Regulation (EC) No 494/98 concerning deficient animal identification and notification to the cattle database were not applied.
- According to Article 4(5) of Council Regulation (EC) No 820/97 no eartag may be replaced or removed without permission from the competent authority. During the mission, no supervision of these provisions was observed.
- The information provided for by the cattle database was not used for movement controls and risk assessment, as stated in point 4 of the EFTA Surveillance Authority Decision No 17/03/COL.
- There were no measures taken to ensure that all movements to and from holdings were entered into the cattle database, including animals moved to and from markets. This is not in line with point 2 of the Authority's Decision No 17/03/COL. Additionally, it was observed that not all holdings were registered.
- There were no measures established to correct errors on the farm, revealed during inspections performed by the competent authority, in line with point 6 of the Authority's Decision No 17/03/COL.
- There were no official checks on the animal's identity in the slaughterhouse, as required in Chapter VI of Annex I to Council Directive 64/433/EEC.
- The post-mortem inspection was not in line with Chapter VIII of Annex I to Council Directive 64/433/EEC, as the *Lnn. gastrici, mesenterici craniales et caudales*, were not always inspected visually and not palpated, due to deficient installations.
- The supervision of health marks in the slaughterhouses was not in line, in particular, with point 49(b) and 55 of Chapter XI of Annex I to Council Directive 64/433/EEC. The OV's did not control health marks printed on plastic tape, the health marks were not applied to a label fixed to the packaging, or printed on the packaging, in such a way that it is destroyed when the packaging is opened. It was observed that labels bearing health marks did not glue in the freezer and they were not resistant enough to ensure that the health mark and the lot identification did not disappear.
- The veterinary supervision of the cutting plant, approved in accordance with Article 4(E) of Council Directive 64/433/EEC, could not ensure that the establishment only produced within the limits granted by that Article. There was partly no record about incoming carcasses (from January to March 2003), no complete record of incoming cut meat which could not always be related to the commercial documents and no register of meat leaving the establishment. Thus the veterinary supervision could not be carried out as required in point 48 of Chapter X of Annex I to Council Directive 64/433/EEC, in particular, as the

establishment comprised storage facilities at different locations (not included in the visit).

- Information was received that the cutting plant, approved in accordance with Article 4(E) of Council Directive 64/433/EEC, would not sell directly to consumers. Thus, the traceability of products was not evaluated under that perspective. However, a door sign was observed indicating that there was no direct sale today (on the day of the inspection).

### 6.3 Registration of animal holdings

Farms are identified with an eight digit unique number containing a code for the county, the commune, the farm and a number for the responsible person on the farm. The number is granted and registered by the *Landbruksregisteret*, which is an official body under the Ministry of Agriculture.

According to the reply to the pre-mission questionnaire registration of holdings is done in the cattle database (*Husdyrregisteret*). Furthermore, farmers may register directly on Internet or on a paper form sent to the local office of NFSA. Animal traders are registered by the local competent authority.

The following observations were made:

- All farms visited were registered.
- Not all animal holdings, as defined in Article 2 of Council Regulation (EC) No 820/97, were registered. However, this is required by Article 13 and 14 of Council Directive 97/12/EC referred to in Council Regulation (EC) No 820/97. It was observed that slaughterhouses, trading animals and possessing external lairages for those animals, had no holding number. As a result, animal movements to those locations were not reflected in the cattle database. Furthermore, it could not be verified whether these lairages were approved by the competent authority.

### 6.4 Animal identification

For the legislation applicable for the identification and registration of live domestic animals in Norway see Chapter 5.

The identification system is based on ear tagging, farm registers and the database for domestic animals (*Husdyrregisteret*). In its Decision No 17/03/COL, the Authority recognised the Norwegian database for bovine animals as fully operational.

Within 20 days after birth, bovines have to be marked with two yellow plastic ear tags containing a unique identification number (ID) of the animal (four digits), the abbreviation NO for Norway, followed by the farm number (of the place of birth) and, so far, the abbreviation SDT for the former Animal Health Authority (*Statens Dyrehelsetilsyn*). It is forbidden to removed the ear tags, as long as the animal is alive.

According to Norwegian legislation, white ear tags are additionally applied when an animal moves within Norway. This has to be applied within seven days after arrival in the new holding and after each move. This is not foreseen in the EEA legislation.

Animals imported from EEA countries shall receive one “salmon red” (*lakserødt*) coloured ear tag in addition to their ear tags of origin. Where else animals imported from third countries shall be marked with two “salmon red” ear tags. According to Council Regulation (EC) No

820/97, only animals imported from third countries shall receive a new ear tag from the holding of destination. Animals from EEA countries shall retain their original ear tag.

If an animal loses its earmark or the earmark gets unreadable, the animal shall be marked with a new earmark in the same colour. This mark shall bear the same information as the lost one plus the abbreviation E in front of the individual's number in order to make clear that this is a replacement earmark (*erstatningsmerke*). Until it is possible to apply such a replacement earmark, a reserve mark (*reservemerke*) in the same colour as the original one shall be applied. On the reserve mark, the abbreviation R to indicate that this is a replacement earmark, the abbreviation NO followed by the farm number (of the place of birth) and, so far, the abbreviation SDT was pre-printed. The farmer shall note with a water resistant pen, behind the abbreviation R, the individual's number. As soon as possible this mark shall be replaced by the printed replacement earmark.

NFSA issues a passport, based on the information in the database, to accompany bovines intended for export.

The following observations were made:

- The Norwegian traceability system throughout the food chain is based on the identification of the animals *via* their eartags. The cattle database is not used on a routine basis.
- It could not be clarified during the mission, whether farmers are prevented from ordering identical eartags (especially replacement eartags) from different suppliers.
- It was observed that it is possible to order replacement eartags for a dead animal. This was possible with a false address, which was not the address under which the farm was registered.
- It was observed that farmers do not always mark newborn animals with two eartags, as required in Article 4(1) of Council Regulation (EC) No 820/97. On one farm this was done systematically with permission from the local official veterinary service.
- Council Regulation (EC) No 820/97 lays down in its Article 4(5) that eartags may only be removed or replaced with permission of the competent authority. It was observed that the farmers and the local veterinary service were not familiar with those requirements. Thus, animals were not marked, as required in the legislation.
- The Norwegian legislation requires that animals, which change owner, must be additionally marked with a white eartag. This is not foreseen in the EEA legislation. It was observed that the white tags turn yellow, which made them no longer distinguishable from the yellow ones. In cases where one yellow eartag got lost and was not replaced, animals were observed with two different ID numbers, which is not in line with Council Regulation (EC) No 820/97.
- Council Regulation (EC) No 2629/97 requires in its Article 2 that eartags have to be tamper-proof and easy to read throughout the lifetime of the animal. It was observed that eartags became unreadable and that they changed their colours (white to yellow) within approximately a year.
- The same Regulation states in its Article 5 that Member States shall communicate to the Commission and the other Member States any derogation from the model of its eartag. According to the reply to the pre-mission questionnaire yellow, white and salmon red eartags are approved in Norway. However, other colours were observed (e.g. green), which turned unreadable after approximately one year (see comment above).

## 6.5 Tracing of bovine animal movements

The Norwegian competent authority submitted information in the reply to the pre-mission questionnaire that “*registration of animals is done in Husdyrregisteret. For a movement to be accepted in that cattle database, it has to be reported by both the supplier and the receiver of the animal*”. It was further stated that “*the slaughterhouse checks the identity and origin of the individual cattle before slaughter. The information on the eartag is controlled against the transport documentation and/or the establishment’s records/database*”. [...] “*the OV controls that each cattle is bearing earmarks and the checks performed by the slaughterhouse*”.

The following observations were made:

- Norway no longer uses bovine passports but only the cattle database to trace animals. However, sufficient access to the cattle database enabling the OVs to control the identity of cattle arriving in the slaughterhouse was not given. Furthermore, the slaughterhouse personal checking the eartags, positioned at the end of the slaughterline, did not have access to the cattle database.
- The documents accompanying animals to the slaughterhouse did not identify the animals at all or mentioned only parts of the ID number. The official veterinarian in the slaughterhouse did not check the identity of arriving animals *via* the cattle database. Thus, animals were not identified before they were slaughtered, which is not in accordance with Council Directive 64/433/EEC. Furthermore, animals could only be identified *via* their eartags, which were often deficient (see 6.4).
- It was observed on the transport documents and in the slaughterhouses that information on the yellow and white eartags were mixed (owner number from the yellow eartag registered with the animals’ ID number from the white earmark), thus the animals could not be traced back in the cattle database.
- Movements of animals, due to trade by slaughterhouses, could not be reflected in the cattle database (see 6.3). Thus, not all animal movements were entered in the cattle database. This is not in line with Article 7 of Council Regulation (EC) No 820/97 and point 2 of the Authority’s Decision No 17/03/COL.
- The destination rendering plant is not reflected in the database, which is of particular importance for the supervision of fallen stock.

## 6.6 Notification of animal movements to the cattle database

The Authority was informed in the reply to the pre-mission questionnaire that the local veterinary officers of the previous Norwegian Animal Health Authority supervised and controlled the farmers. This will now be done by the veterinary staff of the local NFSA offices. Each farmer was informed about the information registered in the cattle database on 31 July and 31 December 2002 and asked to verify and correct the data. Finally, information in the cattle database is currently compared with the herd recording system for dairy cows (*Kukontrollen*) and the beef cattle recording system (*Storfekjøttkontrollen*).

The following observations were made:

- Information was received that most dairy farmers do not notify the cattle database directly, but rather *via* a computerised voluntary system drawn-up by the dairy industry (*Kukontrollen*). This system only requires a monthly data input. Furthermore, it was observed that a holder of suckling cows only notified the cattle database via his Districts Veterinary Officer every six weeks. These observations were confirmed by a review of the cattle database. Thus, it must be concluded that the cattle database was systematically not notified about animal movements within seven days, as required in Article 7 of

Council Regulation (EC) No 820/97 and in line with point 3 of the Authority's Decision No 17/03/COL.

- There was no procedure to control the time spent from the event occurred until it was entered into the database, as laid down in point 14 of the Authority's Decision No 17/03/COL.
- There were no measures taken to verify that all required information on all holdings is registered in the cattle database, as the system mainly relies on data arriving from voluntary data systems (only 40–50% of the suckling herds are members of *Storfekjøttkontrollen*). This is not in line with point 9 of the Authority's Decision No 17/03/COL.
- It was observed that the sanctions foreseen in Commission Regulation (EC) No 494/98 in case of late notification to the cattle database and as mentioned in point 6 of the Authority's Decision No 17/03/COL were not applied by the competent authority.
- There was no procedure to inform the keeper on a regular basis about information recorded in the cattle database and if necessary to correct this information, as this was only done in 2002. This is not in line with point 12 and 14 of the Authority's Decision No 17/03/COL.

## **6.7 Tracing of beef and beef products throughout the food processing chain**

### **6.7.1 Slaughterhouse level**

The following observations were made:

- At the end of the slaughterline the information on the eartags is entered into a computerised system and an individual carcass number is allocated. All information is printed on a label attached to each half of the carcass. The identification is only based on the eartags (see 6.4) and is done after the slaughter. Thus, possible risk animals can not be separated before slaughter.
- The cattle database was not used by the OV's or the slaughterhouse personal entering the information. Thus, information on the eartags could not be verified. However, a number of animals with unreadable, only one earmark or earmarks with different numbers (yellow and formerly white ones, see 6.4) were observed.
- The carcasses were traceable within the slaughterhouse.

### **6.7.2 Link between slaughterhouse and cutting plant**

The following observations were made:

- It was possible to trace incoming meat in the two big cutting plants visited.
- In the cutting plant approved for limited capacity, it was not possible to trace incoming meat (see also 6.2), as there was no link between incoming products and commercial documents, some parts of the register was missing and there was no separate register of incoming and outgoing meat, but only a register of business' correspondence.

### **6.7.3 Cutting plant level**

The following observations were made:

- In the two big cutting plants visited it was possible to trace most products. However, cuts intended for further meat production were not identified in one establishment, while in another there was a risk that batches might extend one day's production.

- In the cutting plant approved for limited capacity, there was no traceability system in place. There were no records when the meat was cut, what comprised a batch and no link between a carcass number and a cutting date.
- In the cutting plant approved for limited capacity, the offal was not identified, which is not in accordance with point 2(d) in Chapter I of Annex I of Council Directive 64/433/EEC.

#### **6.7.4 Link between cutting plant and whole sale/retail level**

The following observations were made:

- There was no link between commercial documents and outgoing products, as the batch numbers were not mentioned, but only the article's number. However, it was traceable in the big cutting plants which products left the establishments.
- In the cutting plant approved for limited capacity it was not possible to trace outgoing products due to a missing register.

#### **6.7.5 Tracing of beef and beef products throughout wholesale and retail distribution (traceability exercise)**

The following observations were made:

- The cutting plant approved for limited capacity also acted as a wholesaler for meat of various origins (e.g. EEA States, Namibia, Botswana and Australia). There was no register of incoming and outgoing products and for a delivery of 1.3 tons from Botswana commercial documents could not be produced.
- On retail level, the shops tried to ensure traceability. However, as there was no link between the commercial documents and the batch number of the product, traceability could not be ensured.

On the first day of the mission, four beef products were chosen in a supermarket and the competent authority was asked to trace back these products to the slaughtered animal. For all products documentation was received in due time. However, the documents which originated from the different production stages could not be linked together and to the products. In particular the missing batch number on the commercial documents arriving at the retail level was an obstacle to the traceability of the products.

#### **6.8 Labelling of beef and beef products**

In the reply to the pre-mission questionnaire the Authority received information that *“Regulation (EC) No. 1760/2000 of the European Parliament and of the Council of 17 July 2000 part II and III and Commission Regulation (EC) No. 1825/2000 of 25 August 2000, with regard to the compulsory labelling system for the identification and registration of bovine animals and regarding the labelling of beef and beef products, was implemented by Norway 1 April 2001. With reference to this, the Regulations on the hygiene etc. in abattoirs, cutting plants and cold and freezer stores for fresh meat § 48 also was audited so that it would be in accordance with the regulations”*. At that time *“SNT sent the necessary amendment of the regulations implementing the voluntary labelling system for the identification and registration of bovine animals and regarding the labelling of beef and beef products to the Ministry of Agriculture in December 2002. By reasons unknown to NFSA, the regulations implementing the voluntary labelling system for the identification and registration of bovine animals and regarding the labelling of beef and beef products has yet not been adopted by the EEA Joint Committee. The Ministry of Agriculture is awaiting this adoption before fully implementing the regulations. Until these regulations are implemented, this type of voluntary labelling is*

*regulated by the conditions in Regulations of 21 December 1993 No. 1385 on the labelling etc. of foodstuffs (Forskrift om merking mv av næringsmidler §5)*”.

It was further stated that “*the label shall mainly contain:*

- a) *A reference number or reference code ensuring the link between the meat and the animal or animals*
- b) *The approval number of the slaughterhouse, which slaughtered the animal or the group of animals.*
- c) *The approval number of the cutting plant/ or plants, which performed the cutting operation on the carcass or the group of carcasses.*
- d) *The State of birth*
- e) *The State of fattening*
- f) *The State of slaughter*

*According to the regulation, the content of the label depends on the different beef products, e.g. minced meat products have exemption from indicating approval number of the slaughterhouse on the labelling. If the beef or beef products are derived from animals born, raised and slaughtered in the same State, the indication may be given as “opprinnelse” (origin) and then the name of the State in question”.*

Finally, NFSA informed that “*implementing of the regulation regarding voluntary labelling system has not taken place*”.

The following observations were made:

- The labelling and health marking of the carcasses was in line with the legal requirements, as laid down in Chapter XI of Council Directive 64/433/EEC and Article 16 of Council Regulation (EC) No 820/97.
- Some deficiencies were observed with regard to the labelling of beef cuts (see 6.7.3).
- Concerning minced meat, the labelling was not in accordance with Chapter VI of Annex I to Council Directive 94/65/EC, as in case of mixtures, the “percentage of each species” was not always indicated. Furthermore, the “percentage of fat under” and with regard to collagen the “meat protein ratio under” was almost always missing on the label.
- With regard to frozen products, the date of freezing was not always indicated, as required in point 66 of Chapter XIV of Annex I to Council Directive 64/433/EEC.
- It was observed that the article number of the cutting plant was used as the batch number of reference in the retail shops (see 6.7.4).
- In one shop similar packages of deep frozen meat originating from Brazil, packed on the same day, were observed. Of those packages, some showed the health mark of an EEA approved slaughterhouse and cutting plant, whilst others did not.
- Products with voluntary labelling were observed although information had been received that such labelling was not approved by the Norwegian competent authority.

## **7 Conclusions**

### **7.1 The competent authority**

The staff was very motivated. In the light of the overall re-organisation of the Norwegian food control system, the evaluation of the new system has to be subject of future missions of the Authority.

## 7.2 Veterinary surveillance

- 7.2.1 It could not be demonstrated that there is a homogeneous system for the selection of farms to be inspected, since the criteria laid down in Article 2 of Council Regulation (EC) No 2630/97 were not applied and the information provided by the cattle database was not used for movement controls and risk assessment.
- 7.2.2 Information to the cattle database was not submitted within the time limits laid down in Article 7 of Council Regulation (EC) No 820/97 (see 6.6). There were no measures established to correct wrong information to the cattle database on a regular basis. Not all holdings were registered. Furthermore, the sanctions as laid down in Council Regulation (EC) No 494/98 were not applied. Thus, it was not ensured that all animal movements were registered in the cattle database, as required by Article 7(1) of Council Regulation (EC) No 820/97.
- 7.2.3 Deficiencies were observed concerning the individual identification of bovine animals (see 6.4). Furthermore, it was observed that there was no official supervision of the replacement and removal of eartags, as required in Article 4(5) of Council Regulation (EC) No 820/97. Thus, it was not ensured that each animal could be identified by its eartag.
- 7.2.4 Although the animal's identification *via* eartag was not reliable (see 7.2.3) it was observed that the identification of animals in the slaughterhouse was only done after slaughter and solely based on the eartags. There was no official control based on the cattle database. Therefore, it was not ensured that the information used for further labelling was based on correct information on the individual slaughtered.
- 7.2.5 The OV's in the slaughterhouses did not have sufficient access to the cattle database to verify the animals' identity.
- 7.2.6 The post-mortem inspection has to be intensified in order to comply with Chapter VIII of Annex I to Council Directive 64/433/EEC. The same conclusion was already drawn in former inspection reports of the Authority.
- 7.2.7 The installations in the slaughterhouses must be laid out in a way to allow for post-mortem control performed in accordance with Chapter VIII of Annex I to Council Directive 64/433/EEC.
- 7.2.8 The supervision of health marks in the slaughterhouses needs improvement to comply, in particular, with point 49(b) and point 55 of Chapter X of Annex I to Council Directive 64/433/EEC. The same conclusion was already drawn in former inspection reports of the Authority
- 7.2.9 The supervision of the cutting plant approved for limited capacity could not ensure that the establishment only carried out activities covered by its approval (see 6.7.2, 6.7.3, 6.7.4 and 6.7.5). Therefore, the veterinary supervision of such establishments needs further improvement.

### **7.3 Registration of animal holdings**

With reference to Conclusion 7.2.2 it has to be ensured that all holdings are registered in the cattle database, as laid down in Article 13 and 14 of Council Directive 97/12/EC referred to in Council Regulation (EC) No 820/97.

### **7.4 Animal identification**

7.4.1 The system for the order of replacement eartags, the control of ear tagging of calves and retagging of adults could not ensure that animals were identified, as required in Council Regulation (EC) No 820/97. Furthermore, the additional national system using white eartags, as it was observed in the course of the inspection (see 6.4. and 6.5), was an obstacle to the functioning of the compulsory system laid down in the above mentioned Regulation.

7.4.2 The quality of the eartags needs to be improved to comply with requirements laid down in Council Regulation (EC) No 2629/97.

7.4.3 Eartags varying from those described in the reply to the pre-mission questionnaire were observed. Therefore, clarification is needed from the Norwegian Authorities concerning derogation from the model of the eartag in order to comply with Article 5 of Council Regulation (EC) No 2629/97.

### **7.5 Tracing of bovine animal movements**

7.5.1 With reference to conclusions 7.2.2 to 7.2.4 and 7.4.1, it could not be ensured that all animal movements were registered. Furthermore, the destination rendering plant was not mentioned, which is an obstacle to efficient epidemiological surveillance.

7.5.2 As already mentioned, identification of animals arriving in slaughterhouses was based on the eartag. It was not possible to compare the information to the accompanying documents, as the ID numbers were not or not fully mentioned. Therefore, the identity and consequently the history of the animals slaughtered was not transparent, which is an obstacle to efficient epidemiological surveillance and the traceability of future products.

### **7.6 Notification of animal movements to the cattle database**

7.6.1 It was observed that due to connection to voluntary databases, the time limits for notification to the cattle database were systematically not respected, which is not in accordance with Article 7 of Council Regulation (EC) No 820/97.

7.6.2 It was observed that the conditions mentioned in points 6, 9, 12 and 14 of the EFTA Surveillance Authority Decision No 17/03/COL were not fulfilled. Thus, an improvement is needed.

### **7.7 Tracing of beef and beef products**

7.7.1 On slaughterhouse level the traceability of carcasses was satisfactory. However, it was based on information that was not reliable (see 6.3, 6.4, 6.5 and 6.6).

7.7.2 An improvement is needed to ensure traceability of incoming meat in the cutting plant approved for limited capacity.

- 7.7.3 In the cutting plants approved in accordance with Article 10 of Council Directive 64/433/EEC the traceability was in general satisfactory but not comprehensive. In the cutting plant approved for limited capacity there was no traceability system in place, which is not in accordance with Council Regulation (EC) No 820/97.
- 7.7.4 The chain of traceability could not be maintained to whole sale or retail level, as the cutting plants approved in accordance with Article 10 of Council Directive 64/433/EEC did not provide their customers with the necessary information on the commercial documents (no batch number, see also 6.8). The cutting plant approved for limited capacity, which also acted as a whole saler, could not provide any information to its customers, as there was no functioning record system. This is not in accordance with Article 4(E) and point 48 of Chapter X of Annex I of Council Directive 64/433/EEC and Article 16 of Council Regulation (EC) No 820/97.

## **7.8 Labelling of beef and beef products**

- 7.8.1 The labelling was deficient with regard to beef cuts (see 6.7.3) and the information provided for by the cutting plant approved for limited capacity could not be backed-up due to missing registers, as already mentioned in conclusion 7.7.4.
- 7.8.2 The labelling of minced meat needs to be improved to fulfil the requirements of Chapter VI of Annex I Council Directive 94/65/EC.
- 7.8.3 The labelling of frozen products needs to be improved to fulfil the requirements of point 66 of Chapter XIV of Annex I to Council Directive 64/433/EEC.
- 7.8.4 The labelling of beef products on retail level needs to be improved to comply with Article 16(3) of Council Regulation (EC) No 820/97.
- 7.8.5 Further clarification is needed, as already requested during the inspection, concerning the observed frozen meat from Brazil in order to draw a conclusion.
- 7.8.6 The labelling sometimes contained more information, than those particulars listed in Article 16 of Council Regulation (EC) No 820/97. This is not in accordance with the same Article, since no system merely on an optional basis, as provided for in Article 19 of the same Regulation, has been introduced by Norway.

## **8 Recommendations to the Norwegian competent authority**

- 8.1 The Norwegian competent authority should notify the Authority of written detailed evidence of the corrective action relevant to the points mentioned in Chapter 7, except 7.2.5 and 7.2.7, within two months after receiving the final report.
- 8.2 The competent authority should notify the Authority of written detailed evidence of the corrective action relevant to point 7.2.5 and 7.2.7 within six months after receiving the final report.

The Authority underlines the importance of equal treatment of all establishments, including those not inspected by the Authority.

## 9 Addendum to the mission report (Comments from Norway)

Norway informed the Authority in a letter dated 7 May 2004 about the comments from its Competent Authority on the factual content of the draft report. The full text of the letter from the Competent Authority is annexed:

### **RESPONSE TO DRAFT REPORT – EFTA SURVEILLANCE AUTHORITY MISSION TO NORWAY FROM 2 TO 6 FEBRUARY 2004 CONCERNING TRACEABILITY.**

Referring to your letter dated 10 March 2004, with the draft report from the above mentioned mission enclosed, Norway would like to make the following comments.

An electronic version of the report amended according to the comments is enclosed.

Norway agrees to the main content of the observations and conclusions recorded in the report. However, for the sake of clarity of the understanding of the system in Norway concerning traceability and labelling of beef and a practical and realistic follow-up, we would like to focus on two issues in the draft report;

1. the legislation (chapter 5, involving also chapter 7) and
2. the recommendations (chapter 8).

#### 1. Legislation.

As informed in the pre-mission questionnaire, the Norwegian legislation concerning labelling of beef is based on a partial implementation of Council Regulation 1760/2000, although this is not yet part of the EEA-Agreement. As also stated in the pre-mission questionnaire the implementation of the clauses for voluntary labelling has not taken place. This does not mean that there is a legal gap in Norway in this field. This type of voluntary labelling is regulated by the provisions of regulation of 21 December 1993 No 1385 relating to labelling, presentation and advertising of foodstuffs § 5 (<http://www.lovddata.no/for/sf/hd/hd-19931221-1385.html>) that says in Norwegian:

#### **(Forskrift om merking mv. av næringsmidler, 1993-12-21 nr 1385)**

##### *§ 5. Prinsipper for merking, presentasjon og reklame*

Merkingen skal ikke villede kjøper med hensyn til næringsmidlets egenskaper, særlig med hensyn til dets art, identitet, kvalitet, sammensetning, mengde, holdbarhet, opprinnelse eller opphavssted, fremstillings- eller produksjonsmåte.

Det er ikke tillatt å:

1. tillegge næringsmidlet virkninger eller egenskaper det ikke har,
2. gi inntrykk av at næringsmidlet har spesielle egenskaper når alle lignende næringsmidler har de samme egenskapene,
3. påstå eller gi inntrykk av at et næringsmiddel forebygger, leger eller lindrer sykdom, sykdomssymptomer eller smerter, eller
4. bruke ordene «dietetisk», «til diett» eller lignende, enten alene eller i tilknytning til andre ord, med mindre dette er tillatt i henhold til forskrift om næringsmidler beregnet til bruk ved spesielle ernæringsmessige behov eller forskrift om utvinning og omsetning mv. av naturlig mineralvann.

Bestemmelser i denne paragraf gjelder også reklame og presentasjon av næringsmidler, næringsmidlenes eller emballasjens form eller utseende, det materiale som anvendes til emballasje og den måte næringsmidlene presenteres på. "

This Norwegian regulation is an implementation of Council Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000, which among other things in Article 2 says that the labelling and methods used must not be such that they are misleading or could mislead the purchaser to a material degree. This is, in particular, as to the characteristics of the foodstuff and, in particular, as to its nature, identity, properties, composition, quantity, durability, origin or provenance, method of manufacture or production.

The establishments have to document that the information on the label is correct and true whenever the NFSA demands it. For example, if the label says that it is beef from cattle of the breed Limousine, there is no need to get the NFSAs approval to put this information on the label. However it is necessary for the establishment to have a system in place to be able to verify the correctness of this information, for which there is a legal obligation in the Norwegian regulation for internal control of the food control area.

## 2. Recommendations.

The Authority recommends Norway to respond within a due date of two and six months depending on whether it is routines or physical constructions to be implemented. Written evidence of measures taken by the Authority may be presented within ESA's recommended dead-lines. As the routines in question to be amended are related to the whole of the farming community and also to the whole of the fresh meat industry, however, it will be difficult in certain fields to provide evidence of changed routines in the industry within two months of the receipt of the final report, although the work with the corrections has already started.

Many of the recommendations in this report will also have an impact on and must be seen in connection with the application of the TSE legislation, which have been scrutinised by the Authority during week 14 and is about to be reported on. Norway therefore ask that some of the measures should be reconsidered during this process.