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Final report

EFTA Surveillance Authority's audit to Norway

from 31 October 2022 to 9 November 2022

on protection of laying hens and chickens kept for meat production

In response to information provided by Norway the draft report has been amended and a clarification appears in the form of a footnote. Comments from Norway to the draft report are included in Annex 3 and information on the corrective actions already taken and planned are included in Annex 4 to the report.

Executive Summary

This report describes the outcome of an audit carried out by the EFTA Surveillance Authority (ESA) in Norway from 31 October to 9 November 2022.

The objective of the audit was to assess the effectiveness of official controls to ensure the welfare of laying hens and chickens kept for production of meat (broilers).

The audit team found that relevant EEA legislation has in general been correctly transposed and implemented. Relevant national law goes beyond EEA requirements in certain regards, including a complete ban of beak trimming and more generous stocking densities for birds. However, the lack of an adequate system for official controls of animal welfare on poultry farms results in certain animal welfare non-compliances (particularly as regards laying hen holdings) going undetected.

ESA performed audits in Norway in 2009 and 2012 covering the welfare of laying hens. Recommendations issued during these audits are still not satisfactorily addressed. Lack of commitment of all levels of the competent authority (CA) to address the recommendations from 2009 and 2012 mission reports has resulted in a situation where official controls to ensure compliance with the provisions of the EEA legislation relevant for laying hens had not been adequately performed in the majority of cases and the register of laying hens still does not contain all necessary information required by EEA legislation, including indication of a distinguishing number indicating the farming method and lack of any, or accurate, information on the maximum capacity of the establishment.

Insufficient training and guidance have been provided to official veterinarians (OVs) on how to adequately perform official controls on laying hen holdings in the two decades since EEA legislation on protection of laying hens was implemented in Norway. This has resulted in official control methods which do not reliably detect non-compliances. Risk assessment of animal welfare on poultry holdings based on such official controls (in particular regarding laying hen holdings) has failed to identify all potential welfare risks, leading to the CA's misinformed decision that no animal welfare checks need to be performed on laying hen holdings from 2019 onwards.

The lack of an adequate system of official controls of animal welfare on laying hen farms has resulted in an ongoing prolonged period during which a vast number of laying hens are being kept in conditions inferior to the minimal requirements of the EEA legislation.

Norway has in its legislation stricter stocking density requirements for broilers compared to the EEA requirements. These requirements are generally effectively enforced and satisfactory corrective actions were taken by CAs to address related shortcomings reported by their staff from slaughterhouses. However, OVs do not measure the usable area in order to be able to evaluate the stocking density of animals on a holding, notwithstanding that this is required by the CA's guidance document. Rather, OVs rely on the information provided by the industry which is not necessarily correct.

The strict implementation of biosecurity measures on poultry holdings noted by the audit team increases the likelihood that contagious poultry diseases will be kept out of susceptible domestic poultry populations as far as possible.

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1 Introduction

The audit took place in Norway from 31 October 2022 to 9 November 2022. The audit team comprised two auditors from the EFTA Surveillance Authority ('ESA'). The audit team was also accompanied by an observer from the Health and Food Audits and Analysis Directorate (Directorate F) of DG Health and Food Safety (DG SANTE) of the European Commission ('Commission').

ESA sent a pre-audit questionnaire to the Ministry of Agriculture and Food ('the Ministry') on 20 July 2022. ESA received the reply ('the pre-audit document') on 10 October 2022.

An opening meeting was held with representatives of the Ministry and the Norwegian Food Safety Authority ('NFSA') on 31 October 2022 at the NFSA's Head Office in Oslo. At the meeting, the audit team confirmed the objective, scope and itinerary of the audit and the Norwegian representatives provided additional information to that set out in the pre-audit document.

Throughout the audit, representatives of the NFSA accompanied the audit team.

A final meeting was held at the NFSA's Head Office in Oslo on 9 November 2022, at which the audit team presented its main findings and preliminary conclusions from the audit.

Abbreviations used in the report are listed in Annex 1.

2 Objectives and scope of the audit

The main objective of the audit was to assess the effectiveness of official controls undertaken to ensure the welfare of laying hens and chicken kept for production of meat (broilers).

The scope of the audit included:

- Laying hens;
- Broilers;
- Commercial farms of all sizes, stages and production systems;
- All levels of competent authorities and, where applicable, delegated bodies.

In addition, the audit team gathered information and identify areas of good practice in relation to alternative uses of day-old male chicks and laying hens at the end of their production lives, the use of animal-based welfare indicators for laying hens and aspects of the biosecurity of holdings of laying hens with open-air runs which affect the welfare of those hens.

The audit focused on official controls and other official activities performed in 2019, 2020 and 2021.

The findings and conclusions of the audit are based on the information provided in the reply to this pre-audit questionnaire and documents provided by the competent authorities during the audit, complemented by, where relevant, interviews with

competent authority staff, review of operators' documentation, interviews with operator's staff and on-the-spot visits at the operators' sites.

Meetings with competent authorities and visits to holdings keeping poultry for egg production or broilers during the audit are listed in Table 1.

Table 1: Competent authorities and holdings visited during the audit

Competent authority or holding	Number of visits	Comments
Central competent authority	2	Opening and closing meetings
Regional competent authority	3	Three departments in two regions
Egg producing holdings	1	Laying hens in enriched cages
Egg producing holdings	1	Laying hens in alternative system (barn)
Egg producing holdings	2	Laying hens in alternative system (free-range)
Broiler holdings	2	One holding in each region visited

3 Legal basis for the audit

The audit was carried out under the general provisions of the EEA Agreement and relevant legislation, in particular Articles 116, 117 and 119 of Regulation (EU) No 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, as amended and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I thereto ('Regulation (EU) 2017/625').

EEA legislation relevant to this audit is listed in Annex 2.

4 Background - Previous audits

4.1 Background information

Since 2012, EEA legislation has prohibited the use of conventional cages for laying hens. Laying systems currently authorised under EEA legislation provide those hens with more space, a nest, perches and litter permitting satisfaction of their behavioural needs. Commercial laying hens are kept in enriched cages or in non-cage systems. Directive 1999/74/EC establishes the minimum standards for those laying systems.

Directive 2002/4 establishes requirements for the registration of establishments keeping laying hens, covered by Directive 1999/74/EC.

Directive 2007/43/EC establishes minimum standards for chickens kept for meat production (broilers).

Directive 98/58/EC covers the protection of chicks, pullets or breeders.

Animal health restrictions (for example, due to seasonal avian influenza risk) may affect accessibility to open-air runs used in free-range holdings and potentially compromise certain other welfare aspects whilst biosecurity measures (for example, prevention of contact of hens with migrating wild birds) present specific challenges in some non-cage systems.

In 2021, Norway reported a total of 730 broiler holdings and 632 laying hen holdings in which 83% of laying hens were kept in cage-free conditions.

The NFSA (*Mattilsynet*) is the central competent authority ('CCA') responsible for coordination of official controls of the welfare rules for laying hens at all relevant stages of production, processing and distribution along the agri-food chain in Norway. The regional competent authorities ('Regional CAs') of the five regions undertake official controls at farms and other establishments.

4.2 Previous audits

An audit on animal welfare of laying hens was carried out in 2012 in combination with an audit on protection of animals during transport. Three recommendations specific to laying hens were issued in the report from that audit ('2012 mission report'). An audit on welfare of farm animals was also carried out in 2009 which report ("2009 mission report") included three recommendation related to laying hens.

An audit on animal welfare of broilers on farms has not yet been carried out. An audit on the protection of animals at the time of slaughter in 2021 (which included welfare of broilers at slaughter) was undertaken in 2021 and no recommendations were issued.

The present audit allowed ESA to follow-up on the actions taken by the relevant competent authorities to address the recommendations concerning laying hens from these earlier audits. The final reports from those audits can be found on ESA's website (www.eftasurv.int).

5 Findings and conclusions

Legal Requirements

Article 7 of the EEA Agreement requires acts referred to or contained in the Annexes to that Agreement to be made part of the Norwegian internal legal order.

Directives 98/58/EC, 1999/74/EC, 2002/4/EC and 2007/43/EC

Regulation (EC) No 1099/2009

Findings

1. The Regulation relating to the keeping of hens and turkeys (*FOR-2001-12-12-1494 om hold av høns og kalkun*) transposes Directives 1999/74/EC, 2002/4/EC and 2007/43/EC.
2. Directive 98/58/EC is transposed by the Regulation on welfare for production animals (*FOR-2006-07-03-885 om velferd for produksjonsdyr*) and by the Regulation relating to the keeping of hens and turkeys (*FOR-2001-12-12-1494 om hold av høns og kalkun*).
3. The CCA stated that Norwegian legislation in relation to animal welfare of poultry is currently undergoing revision.

4. Norway has put in place certain additional requirements which are more stringent than those under EEA legislation, including the following:
 - prohibition of beak trimming since 1974;
 - prohibition of carrying poultry by one leg only;
 - the requirement for a higher cage area and usable area in enriched cages, i.e. 850cm²/hen of cage area and 675cm²/hen of usable area;
 - a general maximum stocking density for broilers is defined at 25kg/m² and higher stocking densities to 33kg/m² and up to a maximum of 36kg/m² are allowed subject to certain conditions being met, including participating in an animal welfare programme recognised by the NFSA and a satisfactory foot pad dermatitis ('FPD') score;
 - the requirement that poultry houses built from 2013 onwards be fitted with a gas pipe inlet to facilitate killing of poultry with CO₂ on the farm and that this gas pipe should be mounted so that the gas flow is not directed at the animals; and
 - a minimum ventilation capacity of at least 4m³ of air to be changed per kilogram of live weight per hour for broiler chickens kept at a stocking density up to and including 33 kg/m².
5. Although a comprehensive check of the relevant national legislation was not carried out during the course of the evaluation of controls, the audit team noted the following omissions in the transposition of the relevant EEA legislation into Norwegian legislation:
 - The Regulation relating to the keeping of hens and turkeys (*FOR-2001-12-12-1494 om hold av høns og kalkun*), which transposes Directive 2002/4/EC, does not include the requirement for allocation of a distinguishing number to each registered laying hen establishment, pursuant to Article 1(1)(a) of, and Point 2. of the Annex to, Directive 2002/4/EC. The requirement to ensure that the distinguishing number is composed of a digit indicating the farming method in accordance with Point 2.1 of the Annex to Directive 2002/4/EC followed by the code of the Member State according to Point 2.2 of the same Annex was already the subject of a recommendation in the 2012 mission report;
 - The definition of "usable area" does not include the requirement to be littered and accessible to broilers at any time, contrary to Article 2(1)(h) of Directive 2007/43/EC;
 - Lack of provision for a twilight period for laying hens, as required by Point 3. of the Annex to Directive 1999/74/EC.
6. Laying hens flocks are culled when the birds are 75 - 80 weeks old. A vast majority of spent laying hens in Norway (approximately 95%) are killed by CO₂ gassing on the holdings. For killing of other animals (including sick or injured laying hens), the NFSA has a link on its website which contains information concerning the killing of animals outside a slaughterhouse and follows the requirements of the EEA legislation (Regulation (EC) No 1099/2009). In addition, Animalia, the Norwegian meat and poultry research centre, has issued specific guidelines for killing of poultry outside slaughterhouses which is available to poultry producers.
7. Day-old male chicks are killed by maceration, pursuant to Article 4(1) of, and Annex I to, Regulation (EC) No 1099/2009. No official controls of the maceration process of

day-old male chicks of breeds of laying hens have so far been undertaken in Norway. However, official controls on maceration of chickens of broiler breeds have previously been carried out. The audit team examined the reports of the relevant inspections performed by NFSA staff in one hatchery in 2017, 2018 and 2021 and all had a favourable outcome without any non-compliances having been identified.

8. Requirements and guidance related to biosecurity of poultry holdings are available on the NFSA website. The guidance includes information for producers on items such as keeping an updated biosecurity plan, requiring that visitors must change clothing and shoes, washing hands, using hand sanitiser, protecting food and water from contact with wild birds, avoiding cross contamination between clean and unclean zones and avoiding contact with wild birds. The producer is also required to immediately report to the NFSA any suspicion of animal disease. The audit team noted that biosecurity requirements had been strictly followed at all poultry holdings visited.

Conclusions

9. Relevant EEA legislation has in general been correctly transposed and implemented. However, omissions in transposition include the requirement that every registered production site be allocated a distinguishing number, notwithstanding a related recommendation in the 2012 mission report. Norwegian national requirements are stricter than EEA requirements in certain regards. These, and in particular the prohibition of beak trimming and more generous stocking densities, when correctly implemented, provide for a better welfare of animals. Provisions for careful carrying of birds and the requirement to have gas inlets on the holdings to facilitate killing ensure that the birds endure less pain and distress during depopulation of the holding and are considered good practices.
10. Strictly implemented biosecurity measures on poultry holdings increase the likelihood that contagious poultry diseases will be kept out of susceptible domestic poultry populations as far as possible.

5.1 Competent authorities

Legal Requirements

Articles 4(1) of Regulation (EU) 2017/625

Findings

11. According to information provided by the NFSA in its reply to the pre-audit document, the NFSA is the competent authority for the purpose of the legislative acts falling within the scope of this audit.
12. The NFSA have two administrative levels. The Head Office, i.e. the Central Competent Authority (CCA) which carries out directorate and governance tasks, and the five regional competent authorities ('regional CAs'). Within the five regions are approximately 100 locations (for the purpose of this report the term "*department*" will be used to describe a specific location within one region). The regional CAs are responsible for supervision and taking initial decisions. Complaints are processed by the Head Office.
13. There are several Interregional fora ('IRFs') with representatives from the CCA and each of the five regional CAs. The IRFs are for the purpose of internal discussions on how to interpret relevant legislation and conduct inspections. Welfare of poultry is under the remit of the IRF for animal welfare which has regular on-line meetings and an annual physical meeting.

14. According to information provided in the reply to the pre-audit document the Quality System in Agriculture (*Kvalitetssystem i landbruket*) ('KSL') in Norway is a private quality assurance scheme within the meaning of Article 9(1)(d) of Regulation (EU) 2017/625. It serves as an internal control tool enabling Norwegian farmers to verify compliance of their operations with Norwegian laws and industry requirements. KSL propose industry standards and how legal requirements should be interpreted and implemented. KSL first sends such proposals to the NFSA for their prior assessment. NFSA inspectors have access to the KSL database and may refer to it in planning inspections and follow up inspections of holdings. However, in the reply to the pre-audit document, the NFSA stated that this was rarely done in practice.
15. The competent authority was not able to identify any current legislative provisions concerning animal-based welfare indicators for laying hens. However, the CCA stated that plumage is considered as an animal-based welfare indicator in the proposed amendment of the regulation on poultry and turkeys.

Conclusions

16. Norway has designated competent authorities responsible for official controls falling within the scope of this audit, pursuant to Article 4(1) of Regulation (EU) 2017/625.

5.2 Organisation of official controls

Legal Requirements

Articles 1, 4, 5(1), 9, 10, 12, 13, 14, 21(1), 137 and 138 of Regulation (EU) 2017/625

Findings

17. The NFSA staff carrying out official controls of laying hens and broiler holdings are generally official veterinarians ('OVs'). They use NFSA's electronic database MATS to register the official controls performed, including findings, conclusions and follow-up actions. A report from MATS is sent electronically to the keeper of the poultry, summarising the NFSA's findings and possible actions to be taken by the keeper.
18. The multi-annual control plan is prepared by the CCA and is based on risk assessments. This is used as a basis for a regional control plan which also takes into account resources available in the regions.
19. For 2019, 2020 and 2021, official controls of laying hen and broiler holdings was not regarded as a priority. These holdings were assessed and classified as low risk and no official controls were planned on these holdings during this period.
20. The audit team noted that three out of four laying hen holdings visited during the audit were overstocked. This suggests that the NFSA's risk assessment of laying hen and broiler holdings did not adequately assess the risk of these holdings as a potential cause of poor animal welfare. The inadequacy of the risk assessment may have been due to the absence of relevant official controls having been undertaken and therefore of relevant available risk related information. These holdings were hardly ever adequately assessed for their maximum capacity and as a result overstocking was not detected, contrary to the findings of the audit team which found three out of four laying hen holdings overstocked (see Chapter 5.4).
21. In its reply to the pre-audit document, the NFSA stated that official controls of compliance with biosecurity requirements of a selection of poultry holdings with

access to outdoor areas will be undertaken during 2022. These inspections will be carried out at the same time as the sampling for the national salmonella control and avian influenza programmes. The NFSA stated its opinion that, in this way and even though laying hen holdings are not prioritised for animal welfare inspections, serious breaches concerning animal welfare would nevertheless be detected. The NFSA did not define what it considered to be a serious breach of animal welfare legislation. However, the opinion of the audit team is that official controls must ensure compliance with all provisions of EEA animal welfare legislation for laying hens and broilers (not only more serious breaches), pursuant to Article 10(1) of Regulation (EU) 2017/625.

Training of NFSA staff

22. OV's met by the audit team in three departments had received different levels of training on animal welfare of laying hens and broilers, varying from self-training to shadowing a more experienced auditor. A few OV's have attended relevant BTSF trainings. A NFSA's system for online training ("RANSEL") does not include any module relevant for animal welfare. The audit team noted that none of OV's had received specific animal welfare training enabling them to adequately assess laying hen or broiler farms or otherwise kept up-to-date in this area of their competence, as required by Article 5(4)(a) and (b) of Regulation (EU) 2017/625. During visits to holdings by the audit team, the OV's were asked to perform comprehensive animal welfare checks of the holdings using a check list which included taking necessary measurements and calculations of stocking densities. Several shortcomings were observed by the audit team regarding the OV's performance of these checks and measurements (see Chapters 5.4 and 5.5).

Documented procedures

23. Checklists for performing official controls on laying hens and broiler holdings are available in the NFSA electronic database MATS and used by OV's. Checkpoints which the CCA considers most important are pre-defined in the check list as mandatory checks required during every inspection.
24. For laying hens there are specific check lists for each type of production system. One mandatory check is the assessment of stocking densities. Checkpoints in enriched cages include measurement of cage area, usable area and perches, whilst for alternative systems it requires only the measurement of perches. OV's met by the audit team were not aware of these specific requirements, indicating a lack of sufficient communication from the CCA level. Apart from check lists there were no guidelines for staff on how to perform official controls on laying hen farms.
25. Furthermore, none of the checklists or other procedures require a comprehensive assessment of stocking densities, omitting the requirement to check the so called "limiting factors" established under the EEA legislation for defining maximum stocking density. These factors, which include measurement of perches, feeders, drinkers, nests, and so on, had not been adequately assessed in any of the checks performed by the OV's on laying hen holdings reviewed by the audit team. OV's in both regional CAs specifically indicated that they were never asked to perform such assessments.
26. The NFSA has established comprehensive procedures for its staff for controls of broiler chicken holdings (*Slaktekyllingproduksjon - tilsyn med dyrevelferd - ePhorte 2014/145148 v5 last amended 29/12/16*) ('the broiler guidance'), as required by Articles 5(1)(a) and 12 of Regulation (EU) 2017/625. No such procedures are available for checks of laying hen holdings.

27. Part 1 of the broiler guidance concerns how to establish the usable area and states that this shall be done for every broiler house not already registered in MATS (after June 2014). The usable area shall be registered along with the registration date and the stocking density should then be calculated.
28. Part 2 of the broiler guidance addresses official controls of the animal welfare programme and highlights that the NFSA will focus on density and the usable area.
29. The broiler guidance also includes requirements which need to be addressed by NFSA staff in broiler slaughterhouses. It underlines that OV's performing checks on farms need not wait until slaughter and obtaining of the FPD score before taking necessary measures where non-compliance is identified.
30. Despite this requirement, the audit team noted that OV's did not check the usable area themselves and that they rely on the information provided by the producer or by the slaughterhouse to which the producer delivers the animals for slaughter (see also point 59).

Conclusions

31. The risk assessment of animal welfare on poultry holdings, and concerning laying hen holdings in particular, failed to identify all potential animal welfare risks. This was because the data relied upon was unreliable, resulting in the NFSA's decision that no animal welfare checks need be performed on laying hen holdings since 2019 onwards.
32. Insufficient training and guidance have been provided to the OV's on how to adequately perform official controls on laying hen holdings since Directive 1999/74/EC was implemented in Norway. This has resulted in a prolonged and ongoing period during which a vast number of laying hens in Norway are potentially being kept in conditions inferior to the minimum required under EEA legislation, possibly causing them unnecessary stress and suffering. The same lack of training and guidance has also contributed to delays in implementation of the minimum welfare requirements introduced in the 2001 national Regulation relating to the keeping of hens and turkeys and in addressing non-compliances highlighted in the relevant ESA 2009 and 2012 mission reports on animal welfare. The situation was further aggravated by insufficient communication from the CCA level concerning the mandatory points in the checklist and the requirement to check all limiting factors defining stocking density.

5.3 Register of laying hen holdings

Legal Requirements

Article 1 and the Annex to Commission Directive 2002/4/EC

Findings

33. During ESA's audit on animal welfare in 2012, recommendations were issued requesting that the competent authorities ensure that inspections to monitor compliance with the provisions of Directive 1999/74/EC are carried out in accordance with Article 8 of the same Directive and that information on the establishment concerning maximum capacity pursuant to Point 1 of the Annex to Directive 2002/4/EC is registered and that the distinguishing number allocated to each registered laying hen establishment, pursuant to Point 2. of that Annex, be composed of a digit indicating the farming method, in accordance with Point 2.1 of

the Annex to Directive 2002/4/EC, followed by the code of the Member State according to Point 2.2 of the same Annex.

34. The domestic animal database (*'Husdyrregisteret'*) contains a register of all production animals including poultry. That database, which is part of MATS, is operational and can hold all the fields listed in Directive 2002/4/EC. However, the distinguishing number is still not included, contrary to Point 2 of the Annex to Directive 2002/4/EC.
35. All laying hen holdings must be registered in MATS, including the name and address of the keeper, the address of the holding, type of holding and maximum capacity of the establishment. The audit team noted that the maximum capacity of different holdings was not always registered in MATS. When the maximum capacity was registered in the database, this was in many cases presented as the maximum permitted number of birds according to the Norwegian Regulation on production restrictions (7,500 birds), rather than established on the basis of an evaluation of the limiting factors for laying hens.
36. Changes in the registered information concerning the establishment must be reported to the NFSA. In the reply to the pre-audit document, the CCA mentioned that they are aware of deficiencies in the register due to reporting failures by keepers. In that connection, the audit team noted that the keeper at one of the holdings visited by the audit team had closed half the house but had not notified the CA through MATS. The OV during that visit did not remind the keeper about the obligation that any changes of the production system, design, equipment, etc. should be notified to the competent authority in order that it be reflected in the register. This is contrary to Article 1(4) of Directive 2002/4/EC which requires EEA States to ensure that changes concerning registered data are notified to the CA without delay and that the register is updated immediately when such information is received.
37. The maximum number of hens registered in MATS for the relevant holding is not verified by the OVs during official controls. Even though certain limiting factors (i.e. total and usable area, perches) are included as mandatory checkpoints, neither had been measured and calculated to establish the maximum capacity in the regions visited. The OVs explained that they were never requested to calculate the maximum capacity of the holding and seemed to be unaware of this provision in the checklist (see also points 24 and 25 and Chapter 5.4). The actual maximum capacity of three out of four holdings visited during the audit was, based on the limiting factors defined by the legislation, lower than the capacity indicated in the register.
38. OVs explained that in previous years they checked the maximum capacity in the majority of holdings visually. If deemed necessary, they would only assess the total floor area but not the other limiting factors specified in the legislation, such as perches, nests, feeders and drinkers. They also stated that in general they rely on information provided by the manufacturer of the production system as regards all elements relevant to calculation of maximum capacity (enriched cages, aviary systems, and so on).

Conclusions

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| <p>39. Lack of commitment by the NFSA to address a related recommendation from the 2012 mission report has resulted in a situation where the register of laying hens still does not always contain all necessary information prescribed under EEA legislation. Information on maximum capacity of the establishment and the</p> |
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distinguishing number indicating the farming method is often omitted. Where information is registered, its correctness is not verified by the OV's and such incorrect information could be misleading when assessing the stocking densities of relevant holdings. This is further enhanced the failure of OV's to enforce the requirement that changes on holdings be reported by the keeper to the competent authority without delay in order that the register may be updated immediately.

5.4 Official controls of laying hen holdings

Legal Requirements

Articles 1(2)(f), 9, 21(1) and 138 of Regulation (EU) 2017/625

Article 3, 4 and 6 of Directive 1999/74/EC

Findings

40. According to information provided by the NFSA in its reply to the pre-audit document, Norway houses approximately 4.2 million laying hens each year. There are 19 rearing holdings and 515 egg producing holdings with flocks of at least 1 000 hens. The maximum permitted flock size is 7,500 hens (see point 35). The vast majority (85%) of hens are housed in barn/aviary systems. 7.7% are housed in organic systems, 1.1% in free-range systems, and 6.2% in enriched cages.
41. The audit team visited three NFSA offices (departments) in two regions. The regions in question have the second and third highest number of laying hen establishments in Norway. The audit team had planned to visit the region with the highest number of poultry holdings in Norway, but this was cancelled due to recent outbreaks of Newcastle disease and Avian influenza in domestic poultry.
42. According to the reply to the pre-audit document in 2021 there were 158 laying hen holdings in the first region visited by the audit team. 72 official controls (not always complete checks) were reported in laying hens in this region from 2019 to the end of 2021. No non-compliances were detected.
43. During ESA's audit on animal welfare in 2012, a recommendation was issued requesting that the competent authorities ensure that inspections to monitor compliance with the provisions of Directive 1999/74/EC are carried out in accordance with Article 8 of the same Directive.
44. In one department visited in this region, official controls of animal welfare in each of 2019, 2020 and 2021 were performed in conjunction with sampling for *Salmonella* by a technician. Such controls covered general welfare assessment but mostly did not extend to not comprehensive animal welfare checks. The OV for this department explained that these checks were still performed on the basis of the official control plans that were in place before 2019 which required that an animal welfare checks be undertaken during *Salmonella* sampling.
45. In the other department in the same region, no such general welfare assessments were performed. The OV explained that they were required to be more efficient and that such checks should not be performed during sampling for *Salmonella* anymore.
46. The audit team visited two laying hen holdings in this region: a holding with an enriched cages production system with two houses and a holding with a free-range production system. In both holdings, the OV's were asked by the audit team

to perform a thorough animal welfare check following the checklist, including the assessment of the maximum capacity of the holding.

47. On one holding visited, the enriched cages were declared by the manufacturer as having capacity to each house eight hens. The keeper indicated that in fact only seven hens were housed in each cage because Norwegian legislation imposes a stricter requirement than required under EEA legislation concerning the cage area and usable area available for hens, i.e. 850cm²/hen of cage area and 675cm²/hen of usable area. The relevant OVs explained that they did not verify the maximum capacity of such cages but rather relied on the manufacturer's assurance concerning the number of hens for which the cages were suitable, despite such verification being mandatory according to the checklist. After measuring the cage in this case, the OVs considered it suitable to host seven hens, i.e., not overstocked. However, the OVs did not take into account that the perches in the cage were in the shape of a cross and that in the cross junction only one laying hen could perch at the same time. When deducting the length of one hen (estimated to 20 to 30 cm) from the cross junction, the length of the remaining perching space only allowed for six hens to perch. Taking into account the limiting factor under Article 6(1)(d) of Directive 1999/74/EC that perches allow at least 15 cm per hen, the true maximum capacity of the cage was six hens per cage and the maximum capacity of the holding was therefore 1,512 laying hens. From the documents checked by the audit team, it was clear that 1,800 pullets were delivered to the holding which means that the holding was 19% overstocked beyond its maximum capacity.
48. Concerning the holding with the free-range production system visited, the maximum capacity declared in MATS was 2,300 hens. The keeper had closed half the house but had not notified the CAs about this change. The pullets' delivery documents were not available at the holding, but the keeper stated that 850 pullets had been delivered to the holding. OVs performed the necessary measurements and reported that the holding complied with the stocking density requirement. However, measurements taken and calculations performed by the audit team revealed that the cumulative length of the circular feeders was 2.90 metres. This suffices for 725 hens according to Article 4(1)(a) of Directive 1999/74/EC which requires circular feeders to provide at least 4 cm per laying hen. Taking into account this limiting factor, the holding was 17.2% overstocked.
49. The representatives of the NFSA explained that they did not take the length of the feeders into account as the Norwegian legislation does not require this to be done where feed is available to birds at all times. The OVs did not detect that feed was not in fact available at all times but rather delivered to the birds eight times during the day at 1.5 hours intervals, providing a total of 12 hours' access to feed.
50. According to the information provided in the pre-audit document there were 157 laying hen holdings in the second region visited in 2021. Six checks on laying hen holdings in that region were performed in 2019, four in 2020 and none in 2021. No non-compliances were detected during those checks. The OV explained that an assessment of animal welfare is performed on poultry holdings with access to outdoor runs when taking blood samples for avian influenza surveillance purposes. However, such assessments are often not recorded due to the excessive paperwork which follows such additional unplanned checks.
51. Two laying hen holdings were visited by the audit team in this region.
52. The first holding had an aviary production system. During the audit team visit, the OV performed a thorough animal welfare check of the holding, including

calculating the maximum capacity of the holding. The OV confirmed that the maximum capacity of the holding declared in MATS of 7,500 birds, i.e., production restriction capacity, was correct. The OVs performed a satisfactory inspection and did not detect any non-compliances.

53. The second holding visited in the same region was a holding with a free-range aviary system with access to open runs. The maximum capacity of the holding declared in MATS was 7,500 birds. The OVs checked the delivery records of the holding which showed that 7,500 birds had been delivered to the holding and were satisfied with this information. However, the audit team found in the holding's egg production records that the egg production was, at the time of visit when birds were 47 weeks old, approximately 7,800 eggs per day, this being inconsistent with the OVs' finding. The audit team received confirmation from the keeper that approximately 7,900 birds had been delivered to the holding, notwithstanding the maximum capacity of 7,500 birds permitted by national legislation. This situation was not detected by the OVs and therefore not raised with the keeper at the debriefing at the end of the visit.
54. The OVs performed an inspection of the holding, including taking necessary measurements. These revealed that the total length of pop-holes at the holding was seven metres. Article 4(3)(b)(i) of Directive 1999/74/EC requires that a total opening of two metres must be available per group of 1,000 hens for free range production systems, meaning that the available length of pop-holes in this case (seven metres) was sufficient for only 3,500 birds. Considering that 7,900 hens were delivered to the holding, this means that the holding was overstocked by 4,400 birds (overstocking by 125%) according to EEA legislation.

Actions in case of non-compliance concerning laying hen holdings

55. No animal welfare checks on laying hen farms were planned in 2019, 2020, 2021 and 2022, contrary to Articles 10(1) and 21(1) of Regulation (EU) 2017/625. The audit team was not able to assess enforcement actions taken by the OVs because no official controls had been performed during this period. The CCA confirmed that there are no specific instructions for staff performing official controls on how to deal with non-compliances detected regarding animal welfare of laying hens, only guidance on enforcement in general.

Conclusions

56. Lack of commitment at all levels of the CAs to address recommendations from the 2012 mission report has resulted in severe animal welfare non-compliances concerning laying hen holdings going undetected, including overstocking ranging from 17% up to 125% in three out of four holdings visited by the audit team. This brings into question the national requirements for stocking densities which on paper go beyond the EEA requirements, but which are in practice diluted by the fact that even basic requirements are not subject to official controls. Furthermore, the consumers cannot rely on information indicating egg production systems.¹

¹ In the reply to the draft report the NFSA stated that regarding the report conclusion about the lack of commitment at all levels of the competent authority to address recommendations from the 2012 audit, the NFSA Head Office had sent a document to the regions in response to the 2012 audit report's recommendations. ESA was informed of this follow up in an e-mail sent on 19 December 2017. However, NFSA agree that this has not resulted in compliance with the provisions of the EEA legislation, and that further action is required from all levels of the NFSA.

57. In light of absence of official controls and enforcement measures in the area of animal welfare of laying hens, the audit team has not been able to assess how the NFSA addresses and enforces these issues when detected. The CCA confirmed that there are no specific procedures on how to deal with enforcement of animal welfare non-compliances on laying hen farms. This could cause that even where enforcement actions would be taken, they may not be harmonised between regions or uniformly applied.

5.5 Official controls on broiler farms

Legal Requirements

Articles 1(2)(f), 9,21(1) and 138 of Regulation (EU) 2017/625

Article 3 of Directive 2007/43/EC

Findings

58. Norway has stricter requirements for stocking densities of broilers compared to EEA requirements as described in paragraph 4 of Section 5. The system for monitoring the welfare of broilers is defined in the Regulation on keeping chickens and turkeys, FOR-2001-12-12-1494.
59. The NFSA has established procedures for its staff on how to perform official controls on animal welfare in broiler farms. Amongst other matters, these describe how the usable area in a broiler house should be measured to calculate the maximum stocking density and requires that this be done by the OVs and recorded in the holding register. The audit team noted that OVs did not in practice check the usable area themselves (see point 30) and that they rely on the information provided by the keeper or by the slaughterhouse to which the keeper delivers the animals for slaughter. This is contrary to Article 21(1) of Regulation (EU) 2017/625 which requires that official controls verify compliance with animal welfare requirements shall be performed at all relevant stages of production. Without defining the usable area, it is not possible to verify the maximum stocking density of a holding. During the visit of the audit team to one farm, the OVs measured the usable area after being requested by the audit team to do so. On the basis of such measurements, the OVs expressed doubt that their calculated usable area corresponded to that stated by the keeper. The OVs committed to return to the farm once empty and perform more detailed measurements because the measurements taken at the time of the visit were not completely reliable due to the presence of the birds at the farm.
60. The Norwegian meat and egg industry's animal welfare programme for broilers ("*Den norske kjøtt- og eggbransjes retningslinje for dyrevelferdsprogram slaktekylling*") have been prepared by Animalia and is recognised by the NFSA. The purpose of this programme is to ensure the welfare of Norwegian chickens in accordance with the requirements of Directive 2007/43/EC.
61. The animal welfare programme for broilers includes obligations for both producers and slaughterhouses. Tasks and duties for slaughterhouses include undertaking FPD controls which define the stocking density of holdings. These controls are
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based on an assessment of at least 100 feet from each flock at the time of slaughter, with subsequent classification into three classes (Class A – satisfactory, Class B - not satisfactory and Class C – unacceptable), based on the number of feet found to have lesions and their severity. If the result of the FPD control is Class B, the stocking density of the next flock placed on the farm of origin is reduced by 3 kg/m². If the result is Class C, the stocking density is reduced by a further 2 kg/m².

62. No animal welfare checks on broiler farms were planned in 2019, 2020, 2021 and 2022. However, OV's in the regions react to reports from slaughterhouses of excessive stocking densities of the holdings supplying them or of elevated FPD scores. The audit team noted that requirements for when a NFSA staff in the slaughterhouse is obliged to report FPD scores to regional CAs are not harmonised within the NFSA. The relevant IRF in 2016 failed to reach an agreement on this issue between NFSA staff working in slaughterhouses belonging to different business operators. Therefore, NFSA staff from one business operator currently send reports to the regional level when the FPD score is 80 or higher, while the NFSA staff from the other business operator send reports only if the score is higher than 120.
63. When such slaughterhouse reports were received by the OV in the first region visited, the OV only performed desk top checks and did not visit the holding in question. In the second region, the audit team saw examples of holdings being visited by OV's following receipt of non-favourable FPD reports from the slaughterhouses.
64. The regional co-ordinator in the first region informed the audit team that exceeded stocking densities have previously been an issue and that the regional CA had prepared a guidance on how to enforce this issue, tackling first the most severely overstocked farms. The guidance provides for several enforcement steps to be taken where stocking densities are exceeded:
 - If the stocking density is between 36kg/m² and 37 kg/m², a comment note is made.
 - If the stocking density is above 38kg/m² in two consecutive batches, a fine should be issued.
 - If the stocking density is above 38kg/m² and FPD scores are Category B or C, a fine should be issued.
 - If the stocking density exceeds 39kg/m², a fine should be issued.
65. The audit team was informed that in 2016 the IRF discussed this approach and considered its use more widely in all regions. However, it appears, as explained by the CCA, that this was never agreed and adopted by the IRF or communicated to other regions.
66. The audit team is of the opinion that the guidance is a useful tool for dealing with cases of overstocking, including prioritising the most severe cases. However, insufficient enforcement actions foreseen in the case of stocking densities from 36kg/ m² to 37kg/m² mean that compliance with legal requirements is not ensured because, even if the stocking density in this category is exceeded in several consecutive batches, no additional enforcement actions are foreseen.
67. To address the recurrent problems with overstocking, the regional CA carried out in 2020 a desk-based exercise to evaluate stocking densities on broiler farms.

Fines of 20,000 Norwegian Kroner (NOK) (approx. 2,000 euro) were issued in March 2021 in six cases due to exceeded stocking densities.

68. Following complaints from two producers in March 2021, the relevant regional CA halted enforcement using fines pending a decision of the appeal department of the head office of the NFSA. At the time of the audit, the appeal department had still not issued a decision in the case. The regional CA informed the audit team that appellants had been informed that the case will be addressed by the NFSA appeal department no later than the end of August 2023.
69. The regional CA played an active role in discussing the issue of recurrent overstocking with the business operator owning a slaughterhouse which repeatedly delivered day old chicks to farms belonging to this business operator, causing repeated overstocking at these farms. Excessive stocking in that area also received media attention in November 2021. The business operator finally decided to reduce the number of day-old chicks delivered to their producers.
70. The stocking densities of batches from the broiler farm belonging to this business operator which were slaughtered in 2022 were checked by the audit team during a visit and found to be below the maximum permitted level of 36kg/m². The keeper explained that the reason for compliance is that fewer day-old chicks are now delivered to the farm for fattening by the business operator. The animal welfare checks performed on this farm by the OVs at the time of the visit of the audit team were adequate.

Actions in case of non-compliance concerning broiler farms

71. In the first region visited, there were 218 broiler farms in 2021. 63 farms were checked from 2019 to the end of 2021. 11 non-compliances were detected (five in 2019, six in 2020 and none in 2021)
72. One case where high temperature caused 15% mortality in August 2019 was examined by the audit team to assess enforcement actions taken by the OVs.
73. The OV had visited the farm and issued an emergency decision to address the poor ventilation in the holding and ordered the keeper to lower the stocking density to 25kg/m² until ventilation problems were resolved. In the decision, the OV specified the parameters for the required ventilation capacity and requested a feedback report from the keeper of corrective actions taken. After informing the OV that new ventilation equipment fulfilling the required parameters had been installed, the keeper was allowed to increase the stocking density from 25 kg/m² back to 36kg/m².
74. In the second region visited, there were 194 broiler farms in 2021. 26 checks were performed on broilers in 2019, none in 2020 and one in 2021. Two non-compliances were detected in 2019 and one in 2021.
75. On the farm visited in the second region by the audit team, the OVs adequately assessed the animal welfare requirements and detected that the keeper did not perform required checks of environmental parameters to ensure that the concentration of ammonia (NH₃) does not exceed 20 ppm and the concentration of carbon dioxide (CO₂) does not exceed 3,000 ppm. This was pointed out by the OV to the keeper who was requested to take corrective measures.
76. One case from 2019 when an elevated FPD score (FPD 116 – Category B) was reported from a slaughterhouse to the regional CA was examined by the audit team to assess enforcement actions by the regional CA. The audit team noted that the OV first examined slaughter data in the office to assess possible

overstocking on the farm and found that the stocking density was in line with requirements. The OV then decided to visit the farm and found that the cause of the elevated FPD score was wet litter. A decision was issued by the OV stipulating a deadline for rectification of the litter problems. The keeper addressed the issue by adding sawdust in problematic areas and sent a reply with photographs confirming the actions taken to the OV who subsequently closed the case. The audit team checked reports from the relevant slaughterhouse concerning batches slaughtered after the case was closed and found that the FPD score of these flocks were within satisfactory limits (Category A).

77. A case where a non-compliance was detected on a farm in 2021 was assessed by the audit team on the basis of documents made available by the regional CA. A check of the farm in June 2021 had revealed problems with wet litter and with the removal of dead, sick and injured animals and a letter had been sent to the keeper requiring it to rectify the litter conditions and to remove sick, injured and dead birds on a daily basis. In September 2021, the OV followed up the case and found that the non-compliances had not been corrected. A decision was issued to the keeper to rectify the non-compliances with a deadline of one month. A slaughterhouse report in September 2021 showed a favourable satisfactory FPD score in relation to birds from the farm in question. In October 2021, the keeper informed the regional CA of the measures taken to address the non-compliances and these actions were considered satisfactory by the NFSA which then closed the case. However, a flock from the same farm slaughtered in January 2022 again had an elevated FPD score (FPD 88 – Category B) but no actions were taken by the OV.

Conclusions

78. Norway has stricter stocking density requirements for broilers in its legislation compared to the EEA requirements and, in the majority of cases seen by the audit team, these are effectively enforced resulting in overall better animal welfare for broilers.
79. The animal welfare checks on broilers are driven by checks in slaughterhouses adhering to the broiler animal welfare programme. In the majority of cases seen, satisfactory corrective actions were taken by CAs to address shortcomings reported by NFSA staff from the slaughterhouses. However, OVs do not check the usable area of holdings for the purpose of verifying stocking densities but rather rely on information provided by the industry. This may result in overstocking being undetected if, as seen in one of the broiler-houses visited, the usable area is smaller than reported.
80. In one of the regions visited where persistent overstocking problems had been identified in recent years, the regional CA managed to satisfactorily address the problem by providing specific regional guidance on enforcement for measures to be taken in case of overstocking. However, no such guidance is available for OVs in other regions. This may, in conjunction with differences in the reporting of FPD scores by slaughterhouses, result in a situation where non-harmonised and insufficient enforcement actions fail to ensure compliance with EEA legal requirements

6 CONTROL VERIFICATION PROCEDURES AND INTERNAL AUDITS

Legal Requirements

Articles 6 and 12(2) of Regulation (EU) 2017/625

Findings

81. In its reply to the pre-audit document, the CCA stated that every fourth months the regions report to the NFSA Head Office on a number of official controls parameters, including the number of inspections carried out and whether they have conducted the required inspections according to plan. The CCA stated that it is implementing initiatives to enhance the effectiveness of official controls and to establish control verification procedures which should take effect from 2024.
82. The CCA further stated that, based on an analysis of the results from inspections of poultry holdings in 2019, 2020 and 2021, the number of detected non-compliances was low. When non-compliances were detected, they mostly concerned ventilation systems and their alarms and litter quality.
83. The CCA stated that they did not see any need for particular action related to laying hen and broiler farms given the low incidence of findings. The audit team informed the CCA that this approach severely underestimated the actual situation on the poultry farms, in particular on laying hen farms. During the audit, it was found that several requirements listed in the CCA checklists, including mandatory ones introduced after the audit in 2012 requiring measuring and calculation, were not adequately assessed by staff performing official controls (see Section 5.4). This was not detected at any level of the CA, indicating a lack of control verification procedures to ensure that official controls are consistent and effective, contrary to Article 12(2) of Regulation (EU) 2017/625.
84. No internal audits have been carried out on the welfare of laying hens and broiler chickens.

Conclusions

85. The analysis of the CCA, based on results from relevant official controls, did not find further official controls to address animal welfare in poultry holdings to be a priority. However, this analysis was not supported by realistic data arising from comprehensive official controls on the holdings, but rather by general welfare assessments of these farms that failed to identify non-compliances (see Chapter 5.4), in particular regarding maximum permitted stocking densities in laying hen farms. Overstocking was not detected by any level of the CCA due to a lack of adequate control verification procedures to ensure that official controls are consistent and effective.

7 Overall conclusion

The objective of the audit was to assess the effectiveness of official controls to ensure the welfare of laying hens and chickens kept for production of meat (broilers).

The audit team found that relevant EEA legislation has in general been correctly transposed and implemented. Relevant national law goes beyond EEA requirements in certain regards, including a complete ban of beak trimming and more generous stocking densities for birds. However, the lack of an adequate system for official controls of animal welfare on poultry farms results in certain animal welfare non-compliances (particularly as regards laying hen holdings) going undetected.

ESA performed audits in Norway in 2009 and 2012 covering the welfare of laying hens. Recommendations issued during these audits are still not satisfactorily addressed. Lack of commitment of all levels of the CA to address the recommendations from 2009 and 2012 mission reports has resulted in a situation where official controls to ensure compliance with the provisions of the EEA legislation relevant for laying hens had not been adequately performed in the majority of cases and the register of laying hens still does not contain all necessary information required by EEA legislation, including indication of a distinguishing number indicating the farming method and lack of any, or accurate, information on the maximum capacity of the establishment.

Insufficient training and guidance have been provided to OV on how to adequately perform official controls on laying hen holdings in the two decades since EEA legislation on protection of laying hens was implemented in Norway. This has resulted in official control methods which do not reliably detect non-compliances. Risk assessment of animal welfare on poultry holdings based on such official controls (in particular regarding laying hen holdings) has failed to identify all potential welfare risks, leading to the CA's misinformed decision that no animal welfare checks need to be performed on laying hen holdings from 2019 onwards.

The lack of an adequate system of official controls of animal welfare on laying hen farms has resulted in an ongoing prolonged period during which a vast number of laying hens are being kept in conditions inferior to the minimal requirements of the EEA legislation.

Norway has in its legislation stricter stocking density requirements for broilers compared to the EEA requirements. These requirements are generally effectively enforced and satisfactory corrective actions were taken by CAs to address related shortcomings reported by their staff from slaughterhouses. However, OVs do not measure the usable area in order to be able to evaluate the stocking density of animals on a holding, notwithstanding that this is required by the CA's guidance document. Rather, OVs rely on the information provided by the industry which is not necessarily correct.

The strict implementation of biosecurity measures on poultry holdings noted by the audit team increases the likelihood that contagious poultry diseases will be kept out of susceptible domestic poultry populations as far as possible.

8 Final meeting

A final meeting was held at the NFSA's Head Office in Oslo on 9 November 2022, with representatives from the Ministry and the NFSA.

At this meeting, the audit team presented its main findings and preliminary conclusions of the audit. The CAs did not express disagreement with these.

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

9 Recommendations

In order to facilitate the follow-up of the recommendations hereunder, Norway should notify ESA no later than **30 March 2023**, by way of written evidence, of additional corrective actions planned or taken other than those already indicated in the reply to the draft report. In case no additional corrective actions have been planned, ESA should be advised. ESA should be kept continuously informed of changes made to the already notified corrective actions and measures, including changes of deadlines for completion, and completion of the measures included in the timetable.

No	Recommendation
1	<p>Ensure that the distinguishing number and the maximum capacity of holdings are included in the laying hen register, as required by Points 1 and 2 of the Annex to Directive 2002/4/EC, that information concerning maximum capacity on the establishment is calculated in accordance with the methodology set down in EEA legislation, that changes concerning the registered data are notified to the CA without delay and that the register is updated immediately when such information is received by the CA pursuant to Article 1(4) of Directive 2002/4/EC.</p> <p>Recommendation based on conclusion: 9, 39</p> <p>Associated findings: 5, 34, 35, 36, 37, 38</p>
2	<p>Ensure that staff performing official controls on animal welfare of poultry receive appropriate training and are kept up to date in their area of competence, as required by Article 5(4)(a) and (b) of Regulation (EU) 2017/625, and that procedures are in place to ensure effectiveness and appropriateness of official controls on laying hen farms, as required by Articles 5(1)(a) and 12 of Regulation (EU) 2017/625.</p> <p>Recommendation based on conclusion: 32, 57, 80 and 85</p> <p>Associated findings: 22, 25, 26, 65, 66, 81 and 83</p>
3	<p>Ensure that the keepers of laying hens apply all relevant provisions of Articles 4 and 6 of Directive 1997/74/EC, depending on the production system on the establishments, and that official controls are performed in line with Article 10(1) of Regulation (EU) 2017/625 and that compliance with these welfare requirements is verified during official controls, pursuant to Article 21(1) of Regulation (EU) 2017/625.</p> <p>Recommendation based on conclusion: 57</p> <p>Associated findings: 44, 45, 47, 48, 49, 53, 54 and 55</p>
4	<p>Ensure that official controls verifying compliance with the requirements for measurement of the usable area on broiler farms are undertaken, pursuant to Article 21(1) of Regulation (EU) 2017/625.</p> <p>Recommendation based on conclusion: 79</p> <p>Associated findings: 30, 59</p>
5	<p>Ensure that adequate control verification procedures are in place to ensure that official controls are consistent and effective, as required by Article 12(2) of</p>

	Regulation (EU) 2017/625. Recommendation based on conclusion: 85 Associated finding: 83
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Annex 1 - List of abbreviations and terms used in the report

(C)CA	(Central) Competent Authority
Regional CA	Regional Competent Authority
ESA	EFTA Surveillance Authority
EEA	European Economic Area
EEA Agreement	Agreement on the European Economic Area
EU	European Union
FPD	Foot pad dermatitis
IRF	Inter-Regional Forum
KSL	Quality System in Agriculture (<i>Kvalitetssystem i landbruket</i>)
MANCP	Single integrated multi annual national control plan
MATS	NFSA's electronic database for registration of official controls
NFSA	Norwegian Food Safety Authority
OV	Official Veterinarian

Annex 2 - Relevant legislation

The following EEA legislation was taken into account in the context of the audit:

- a) The Act referred to at Point 11b of Part 1.1. of Chapter I of Annex I to the EEA Agreement, Regulation (EU) No 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC, as amended and as adapted to the EEA Agreement by the sectoral and the specific adaptations referred to in Annex I to that Agreement;
- b) The Act referred to at Point 6 of Part 9.1. 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, as amended and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- c) The Act referred to at Point 8 of Part 9.1. 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, as amended and as adapted to the EEA Agreement by the sectoral and the specific adaptations referred to in Annex I to that Agreement;
- d) The Act referred to at Point 2 of Part 9.2. 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 and as adapted to the EEA Agreement by the sectoral and the specific adaptations referred to in Annex I to that Agreement;
- e) The Act referred to at Point 13 of Part 9.1. of Chapter I of Annex I to the EEA Agreement, Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production, as amended and as adapted to the EEA Agreement by the sectoral adaptations to that Agreement; and
- f) The Act referred to at Point 2a of Part 9.1. of Chapter I of Annex I to the EEA Agreement, Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing, as amended and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement.

Annex 3 – Norway’s comments to draft report

EFTA SURVEILLANCE AUTHORITY'S MISSION TO NORWAY ON THE PROTECTION OF LAYING HENS AND BROILER CHICKENS, FROM 31 OCTOBER TO 9 NOVEMBER 2022

The Norwegian Food Safety Authority has two comments on the content of the draft report.

A preliminary plan for corrective actions is attached.

As a general follow up, the Head Office has presented the main findings as described at the final meeting, in the regular meeting with the regions.

Comments to the draft report

5.4 Official controls on laying hen holdings

Finding 56

Regarding the stated lack of commitment at all levels of the competent authority following the recommendation after the audit in 2012, we would like to make a comment.

In response to the recommendation in the report following the audit in 2012, the Head Office did write a document to the regions. ESA was informed of this follow up in an e-mail sent December 19th 2017. However we agree that this has not resulted in compliance with the provisions in the EEA legislation, and that further action is required from all levels of the NFSA.

5.5 Official controls on broiler farms

Findings 62, 69 and 70

When referring to farms and slaughterhouses that belong to a certain group, we would prefer that you use the term "business operators" instead of "co-operatives". The term "co-operative" is in Norwegian language often associated with a specific business operator when it concerns meat production. "Business operator" is a more neutral term.

Annex 4 – Norway's action plan for corrective measures

Mission to Norway on the protection of laying hens and broiler chickens (31 October to 9 November 2022)

Preliminary Action plan

No	Recommendation from ESA	Action planned	Suggested time aspect
1	<p>Ensure that the distinguishing number and the maximum capacity of holdings are included in the laying hen register, as required by Points 1 and 2 of the Annex to Directive 2002/4/EC,</p> <p>that information concerning maximum capacity on the establishment is calculated in accordance with the methodology set down in EEA legislation,</p> <p>that changes concerning the registered data are notified to the CA without delay and</p> <p>that the register is updated immediately when such information is received by the CA pursuant to Article 1(4) of Directive 2002/4/EC.</p> <p>Recommendation based on conclusion: 9, 39</p> <p>Associated findings: 5, 34, 35, 36, 37, 38.</p>	<p>The Norwegian Food Safety Authority (NFSA) will <u>address</u> this recommendation with a <u>number of actions</u>:</p> <p>The requirement to have a distinguishing number, which is the medium for tracing eggs put on the market, is not part of the EEA agreement. However, we have in our current register a column to indicate the farming method for laying hens and the maximum capacity of the holdings.</p> <p>NFSA Head Office is currently establishing a new holding register in accordance with Animal Health Law. This register will include the maximum capacity of holdings for laying hens, as well as farming method. We will <u>develop</u> guidance on how to register the maximum capacity in our system to ensure that the information that is recorded is correct.</p> <p>See reply to recommendation no. 2 regarding guidance on how to calculate capacity</p>	December 2023
		<p>NFSA <u>will</u> inform farmers that changes in capacity must be reported to NFSA in order to update the register. If NFSA discovers that farmers have not fulfilled their reporting duties, we will respond in line with procedures for follow up described in response to recommendation no. 2.</p>	This has been communicated to the farmers organisations in a meeting with NFSA Head Office 13. <u>January</u> 2023.
2	<p>Ensure that staff performing official controls on animal welfare of poultry receive appropriate training and are kept up to date in their area of competence, as required by Article 5(4)(a) and (b) of Regulation (EU) 2017/625,</p> <p>and that procedures are in place to ensure effectiveness and appropriateness of official controls on laying hen farms, as required by Articles 5(1)(a) and 12 of Regulation (EU) 2017/625.</p> <p>Recommendation based on conclusion: 32, 57, 80 and 85.</p> <p>Associated <u>findings</u>: 22, 25, 26, 65, 66, 81 and 83.</p>	<p>NFSA will <u>address</u> this recommendation with a <u>number of actions</u>:</p> <p>As ESA is aware of, NFSA is reviewing the use of measures/sanctions in a broader perspective. This work has risen principal policy issues that we have to conclude on before we can draw up any detailed guidelines.</p> <p>Regarding official controls on animal welfare for laying hens, we will provide documented procedures to inspectors on the methods and techniques to be used, and expectations on follow up in the case of infringements. This will include how to calculate maximum capacity in accordance with methodology in EEA legislation. The procedures will include examples on how to use enforcement measures in case of infringements related to overstocking etc.</p>	<p>July 2023</p> <p>November 2023</p>

		We will do physical inspections, including necessary measurements of laying hen establishments, in line with NFSA's <u>total</u> control plan, to ensure that the capacity in laying hen holdings meets the requirements in the legislation.	Starting January 2024
3	<p>Ensure that the keepers of laying hens apply all relevant provisions of Articles 4 and 6 of Directive 1997/74/EC, depending on the production system on the establishments,</p> <p>and that official controls are performed in line with Article 10(1) of Regulation (EU) 2017/625</p> <p>and that compliance with these welfare requirements is verified during official controls, pursuant to Article 21(1) of Regulation (EU) 2017/625.</p> <p>Recommendation based on conclusion 57.</p> <p>Associated findings: 44, 45, 47, 48, 49, 53, 54 and 55.</p>	We consider this recommendation to be closely related to recommendations number 2 and 5. The actions described in response to these recommendations will also be relevant to <u>address</u> this recommendation.	
4	<p>Ensure that official controls verifying compliance with the requirements for measurement of the usable area on broiler farms are undertaken, pursuant to Article 21(1) of Regulation (EU) 2017/625.</p> <p>Recommendation based on conclusion: 79</p> <p>Associated findings: 30, 59.</p>	<p>NFSA will update the existing procedure for control with broiler chicken holdings, to specify even clearer that the usable area shall be measured when carrying out <u>official</u> controls on animal welfare in broiler chicken holdings.</p> <p>We will refer to the procedure in the relevant check point in <u>MATS</u>, and verify according to procedures referred to in the answer to recommendation number 5.</p>	June 2023

5	<p>Ensure that adequate control verification procedures are in place to ensure that official controls are consistent and effective, as required by Article 12(2) of Regulation (EU) 2017/625.</p> <p>Recommendation based on conclusion: 85.</p> <p>Associated finding: 83.</p>	<p>A working group in the NFSA Head office has proposed procedures for control verification. They have performed an internal consultation of the <u>procedures</u>, and are in the process of finalizing the document.</p> <p>The procedure will be applied as soon as it is finalized.</p>	<p>January 2023</p> <p>Autumn 2023</p>
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