

EFTA SURVEILLANCE AUTHORITY

DELEGATED DECISION

of 3 July 2020

regarding a request for public access to documents in Case 83033

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Rules on Access to Documents set out in College Decision No 300/12/COL (Document No 639933), and in particular Article 7(6) thereof;

Whereas on 5 May 2020, a confirmatory access request (Doc No 1131572) was received for all unpublished documents in Case 83033;

Having applied the rules set out in the Authority's Rules on Access to Documents, and in particular having regard to the exceptions set out in Article 3(2), Article 4(2)(c), Article 4(3)(b), Article 4(4) first indent, Article 4(4) third indent and Article 4(6) thereof, the Authority must refuse access to the requested documents;

HAS ADOPTED THIS DECISION:

For the reasons set out in the Annex to the present decision:

- The Authority grants full public access to Doc No 1088471
- The Authority grants partial public access to the following documents:
 - o Doc No 1085461;
 - o Doc No 1084306, and
 - o Doc No 1077567
- The Authority confirms its refusal of the public access request for the remaining unpublished documents in Case 83033.

Done at Brussels,

For the EFTA Surveillance Authority, acting under the power set out in Article 7(6) of College Decision No 300/12/COL,

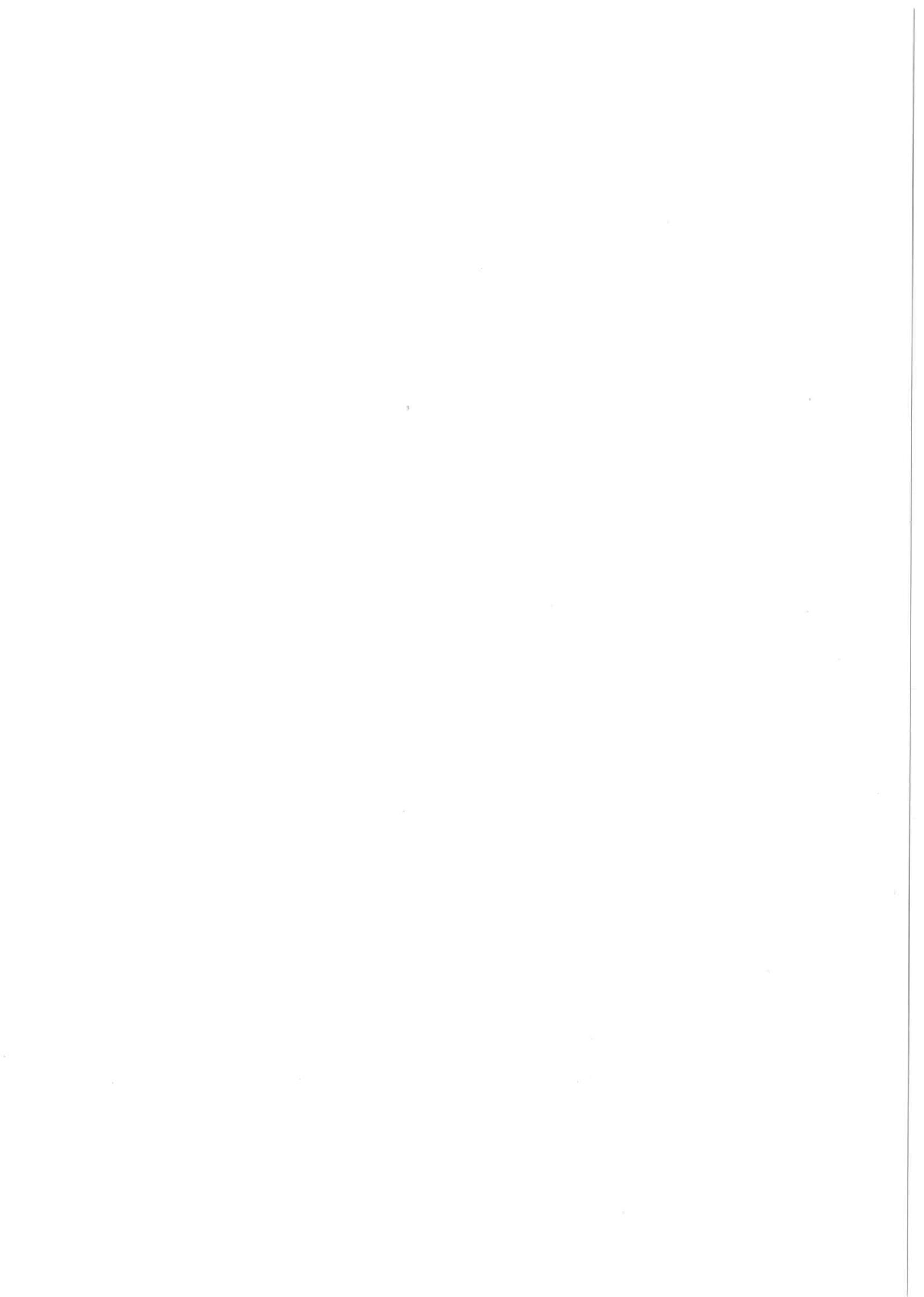


Bente Angell-Hansen
President
Responsible College Member



Carsten Zatschler
Countersigning as Director,
Legal and Executive Affairs

Annex: Reply to confirmatory application - Request for all documents in Case 83033 (Doc No 1104837, with Annexed list of documents (Doc No 1141423))



Reply to Confirmatory Application: Request for Public Access to all documents in Case 83033 concerning an inspection in Norway

1. Public access to documents held by the EFTA Surveillance Authority (“the Authority”) is governed by College Decision No 300/12/COL.¹ That decision sets out the Authority’s Rules on Access to Documents (“RAD”).
2. On 5 May 2020, a confirmatory application was made seeking access to all documents in Case 83033 concerning an inspection carried out by the Food Safety Unit² of the Internal Market Directorate of the EFTA Surveillance Authority (“the Authority”) in Norway from 20 to 29 May 2019. The inspection mission was made in order to evaluate the animal health controls in relation to aquaculture animals.
3. In line with Article 7(6) RAD, the Authority has now re-assessed the requester’s application for public access to the documents in Case No 83033, taking into consideration the reasons set out in the correspondence between ESA and the requester, the RAD, and the applicable case-law of the European courts.
4. For the reasons outlined below in its assessment, the Authority maintains its position that it cannot grant public access to the documents requested.

1 PROCEDURE

5. On 26 February 2020, the Authority received an email (Doc No 1117104) requesting access to “*copies of emails, letters and any other documents in relation to ESA’s mission to Norway in May 2019; the meeting with the Norwegian Food Safety Authority (Mattilsynet) on 29 May 2019 which led to the ban and any other meetings and discussions*”. This email was received by the Registry and passed to the Authority’s Access to Documents team on the same day.
6. On 10 March 2020, having conducted an initial search for documents matching the requester’s criteria, the Authority wrote to the requester (Doc No 1120528) indicating that the request covered a large number of documents and that the time limit for the Authority’s assessment would be extended by 30 working days, in accordance with Article 7(3) RAD. The basis for this decision was that the request required the Authority to examine and assess over 300 documents, being the entirety of the case-file in Case No 83033.
7. When a request covers the entirety of a case file, the normal practice of the Access to Documents Team is to send the requester a list of documents in that case-file, so as to identify the exact documents that the requester would be

¹ EFTA Surveillance Authority Decision No 300/12/COL of 5 September 2012 to adopt revised Rules on public access to documents, and repealing Decision 407/08/COL, Doc No 639933, available on the Authority’s website at: <http://www.eftasurv.int/press--publications/rules-on-access-to-documents/>.

² Now known as the Food and Veterinary Unit.

interested in seeing. This list also gives a preliminary indication as to whether the documents in the case file might be subject to any exceptions under the RAD from the obligation to disclose, and if so, which ones may be applicable.

8. The list of documents in Case 83033 (Doc No 1129728) was sent to the requester on 24 April 2020, together with an email (Doc No 1129735) setting out a brief overview of the reasons why public access might be denied. The requester was invited to clarify which of the documents in Case 83033 they were interested in.
9. The requester replied to the Access to Documents team by email (Doc No 1129819) on the same day, indicating that they would like access to all the documents in Case 83033.
10. On 28 April 2020, the Authority's Access to Document team finalised its assessment of the requested documents and communicated its findings to the requester by way of email (Doc No 1130298). The findings of the assessment indicated that each document in the case, except for the three documents previously published (see section 2 below), was covered by one or more exceptions from the obligation to grant public access.
11. Subsequent to this email, there was a brief exchange of correspondence between the requester and the Authority (Docs No 1130658; 1130659; 1130651 and 1130652).
12. On 5 May 2020, the requester sent a confirmatory application to the Authority by way of email (Doc No 1131572).³
13. Although in the view of the Authority it was clear that the requested documents should not be disclosed, a courtesy contact with the Norwegian authorities was made on 5 June 2020. For the sake of transparency, this was communicated to the requester the same day (Doc No 1139264). However, as a short discussion with the Ministry the following week served only to confirm the position taken by the Authority, this consultation did not lead to any delay in the deadline for delivery of the present Decision of the Authority.

2 PRIOR PUBLICATION OF SOME DOCUMENTS

14. Before the confirmatory application was made, the Authority had published the following documents in the case:
 - ESA's final report of the inspection carried out on its Mission to Norway from 20 to 29 May 2019 (Doc No [1085525](#))
 - ESA's press release on the key findings of the inspection (EN: Doc No [1085800](#) and NO: Doc No [1085801](#))
15. These documents are available on the Authority's website in the public documents database and the confirmatory application has consequently become without object in so far as it relates to these documents.

³ The request was couched in the language of the UK Freedom of Information Act, but the Authority decided that the clear intention of the requester was to make a confirmatory application under Article 7(6) RAD (see email of 5 May 2020, Doc No 1131610).

3 REFUSAL OF ACCESS TO THE REMAINING DOCUMENTS

16. In its email of 28 April 2020, the Authority identified six separate provisions of the Rules on Public Access to Documents into which it took the preliminary view that some or all of the documents requested fall.
17. The provisions identified were Article 3(a) RAD, Article 4(2)(c) RAD, Article 4(3)(b) RAD, the first and third indents of Article 4(4) RAD and Article 4(6) RAD.
18. The Authority has now assessed these grounds again separately, to determine whether any of the reasons for restriction set out therein apply to the documents identified in the request.
19. Notwithstanding that the access request was to over 300 documents,⁴ the Authority has carried out an individual assessment of each document's type and contents.
20. For completeness' sake, the Authority notes the following:
21. Under established case-law, the Authority is permitted to group documents when setting out the reasons for refusal in a confirmatory decision. As will be seen below, some provisions of the RAD apply to all the documents in the file, whereas certain provisions cover only some documents. However, the obligations set out in the RAD permit the Authority to group documents where the characteristics of those documents are common to all documents in the group, and the same reasons apply to all.
22. Likewise under established case-law, the Authority is permitted under the RAD to draw a presumption that the exceptions from the obligation to grant public access apply to particular categories of documents, instead of carrying out an individual analysis of each document, once it has been established that a document falls within the relevant category.
23. The Authority further notes that the RAD is a set of rules governing which documents the Authority is required to disclose upon receiving a request for public access, and conversely which documents the Authority is prevented from disclosing. From that framework, two conclusions may be drawn: first, the possibility that another party holding the same documents could reach a different decision under their own access rules is irrelevant to the Authority's obligations in this regard, and second, the Authority enjoys no element of discretion in carrying out its analysis. The fact that the second step of the analysis consists of a balancing test to be applied when considering whether an identified protected interest is outweighed by an identified overriding public interest does not constitute any form of discretion in the exercise of the Authority's powers.
24. Finally, the Authority further notes that in setting out the document details, it is permitted to redact information about the document (including title) where its disclosure would cause the very harm that the obligation not grant public access is seeking to prevent. Accordingly, in the present decision reference has only been made to document number (that information being sufficient to identify the document), but in order to give the requester sufficient information about the documents, a list setting out more details of each document has been annexed to the present decision.

⁴ 318 documents in total.

25. Turning now to the reasons for refusal:

3.1 Refusal on the basis that the document is an unfinished draft (Article 3(a) RAD)

26. Article 3(a) RAD provides that:

“document’ shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the Authority’s sphere of responsibility, except unfinished documents or drafts of documents”

27. The effect of Article 3(a) RAD is that drafts fall outwith the scope of the obligation to grant public access set out in Article 2(3) RAD.

28. The Authority has adopted a strict definition of the term “draft”. Only documents that are unfinished in the case file, or where work is still in progress, are considered to meet this definition.⁵

29. The following document has been identified as a draft, on the basis that it is an early version of the final report on the food safety inspection that the case concerns:

Doc No 1069014 - Draft Report - Mission to Norway from 20 to 29 May 2019 in order to evaluate the animal health controls in relation to aquaculture animals

30. Access is accordingly refused to Doc No 1069014, on the basis that it does not constitute a “document” within the meaning of Article 3(a) RAD, and as such does not fall within the scope *ratione materiae* of the obligation set out in Article 2(3) RAD.

31. Even if it were not a draft, it would be exempt by way of Article 4.4 third indent RAD.

32. Doc No 1069014 does not fall under the scope of the RAD’s obligation to disclose, and access is therefore refused.

3.2 Process for establishing whether a grant of public access by ESA to the documents in Case 83033 should be made

33. With the exception of Doc No 1069014, the remaining documents in the case stand to be analysed in the following manner:

34. First, under Article 4 RAD, the Authority must identify *prima facie* grounds for refusing public access to each document, by reference to one or more of the reasons set out in the various sub-paragraphs of that article.

⁵ Documents related to drafts (such as comments on drafts or comments on works-in-progress) are not considered to be caught by this exclusion, as the Authority takes a narrow interpretation of Article 3(a) RAD, in line with the overall purpose of the RAD being to ensure openness and transparency, while still showing due concern for the necessary limitations due to protection of professional secrecy, legal proceedings and internal deliberations, where this is deemed necessary in order to safeguard the Authority’s ability to carry out its tasks.

35. Once a reason for refusing public access has been made out, the Authority is then to consider whether this reason (or reasons) are outweighed by an overriding public interest identified by the requester.

3.3 Refusal on the basis that a grant of public access would undermine the protection of the purpose of inspections, investigations and audits (Article 4(4) third indent RAD)

36. Article 4.4 third indent RAD reads as follows:

“The Authority shall refuse access to a document where disclosure would undermine the protection of the purpose of inspections, investigations and audits, unless there is an overriding public interest in disclosure”

37. As the report (Doc No 1085525) states, the legal basis for the Authority’s mission to Norway was as follows:

- a. Point 4 of the Introductory Part of Chapter I of Annex I to the EEA Agreement;
- b. Article 1(e) of Protocol 1 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice;
- c. 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,⁶ as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement;
- d. Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules,⁷ as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement, and
- e. Article 58 of Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals.⁸

38. The Authority takes the view that its mission to Norway therefore constitutes an “inspection” within the meaning of the third indent of Article 4(4) RAD.⁹

39. The documents in Case 83033 are the written part of the Authority’s activities as a surveillance body monitoring compliance of food and veterinary standards in Norway. The documents in Case 83033 are documents which relate to an inspection carried out by the Authority, in that they cover the preparatory stages, the inspection mission itself, the report drafting stage and further follow-up actions. The documents relating to the inspection, together with the published report, form the basis for the Authority’s ongoing compliance activities, including further follow-up actions if instances of non-compliance identified in the report

⁶ OJ L 38, 12.2.1998, p. 10.

⁷ OJ L 165, 30.4.2004, p. 1. This is now no longer in force in the EU or EEA EFTA States, having been replaced by Regulation No 625/2017 as of 1 January 2020 in the EU and 7 March 2020.

⁸ OJ L 328, 24.11.2006, p. 14.

⁹ Occasionally this type of inspection is also referred to as an “audit”, depending on the structure of the inspection activities undertaken by the Authority.

are not rectified. Such follow-up actions may include infringement procedures under Article 31 of the Agreement on the establishment of a Surveillance Authority and a Court of Justice.

40. The question then arises as to whether disclosure of the unpublished documents in Case 83033 would “undermine the protection of ... the purpose of inspections, investigations and audits”, as specified in Article 4(4), third indent RAD.

3.3.1 *Duty of professional secrecy*

41. In carrying out its role as a surveillance authority, the Authority is subject, under Article 122 EEA, to an obligation of professional secrecy. This obligation (which mirrors what is now Article 339 TFEU, and what was – under the Maastricht Treaty numbering system – Article 214 EC).
42. Examining the legal basis for the inspection mission, the following elements are of key relevance to the Authority’s assessment of how to apply the rules set out in the RAD.
43. Starting with the general framework for the Authority’s inspection activities, the third paragraph of Article 58 of Council Directive 2006/88/EC, as adapted, states that “*the [Authority] shall inform the competent authority [in the State inspected] of the results of any such inspections and audits*”.
44. The wording of Article 58 of the Council Directive underlines that the activities of the Authority under this Directive are aimed at ensuring ongoing compliance in the EEA EFTA States. In particular, the Authority’s underlying “obligation to inform” is an obligation that is specifically targeted at informing the States, not the general public.
45. The omission of a duty in the underlying Council Directive to more broadly inform the public is a factor that must be taken into account in the Authority’s analysis of how to appropriately balance its duty of transparency as established by the RAD (on the one hand) and its duties as a surveillance authority in carrying out inspections and audits (on the other).
46. Regulation (EC) No 882/2004, as adapted, sets out more specific requirements as regards EEA-level controls on the activities of the EEA States in this field – including setting out the requirements governing the Authority’s surveillance and control activities.
47. Article 45 of that regulation, as adapted, states that:
- The [Authority] shall report on the findings of each control carried out. Its report shall, if appropriate, contain recommendations for [EEA EFTA] States on the improvement of compliance with feed and food law and animal health and animal welfare rules. The [Authority] shall make its reports publicly available. In the case of reports on controls carried out in a[n EEA EFTA] State, the [Authority] shall provide the relevant competent authority with a draft report for comments, take those comments into consideration in preparing the final report and publish the competent authority’s comments together with the final report.*
48. This provision is clearly a provision aimed at establishing the appropriate level of transparency in the field of food and veterinary checks. It obliges the European-level controlling body (here, the Authority) to publish its inspection report, along

with certain elements of the pre-report correspondence (ie the comments of the competent authority on the draft report).

49. It should be noted there that the Authority has complied with these requirements; publishing the report itself and (at Annex 4) the comments of the Norwegian authorities on the draft report.
50. Moreover, the report's annexes disclose to the general public a number of other pieces of information, giving a level of transparency going beyond the Authority's findings in carrying out the inspection – in particular, setting out Norway's action plan (Annex 5), measures implemented within a month of the inspection (Annex 6) and actions proposed in reply to a request by the Authority for urgent action (Annex 7).
51. Finally, in order to ensure homogeneity across the two pillars of the EEA, the Authority abides by Commission Decision 98/193/EC when it carries out its inspections in the food and veterinary field.
52. Commission Decision 98/139/EC states in its ninth recital, as adapted:
- Whereas, in the interests of transparency, the European Parliament, the consumer and the producer should be kept informed, within the limits of the Treaty and in particular the need to respect the obligation of professional secrecy laid down by [Article 122 EEA], of the findings of, and recommendations for action following from, the on-the-spot checks*
53. Article 5(2) of Commission Decision 98/193/EC, as adapted, states:
- Information acquired or conclusions reached by the Member State expert or experts during the course of checks may on no account be used for personal purposes or divulged to persons who are not part of the competent departments of the Commission or the Member States.*
54. Article 8 of Commission Decision 98/193/EC, as adapted, states:
- 1. The [Authority] shall regularly notify by written reports all [EEA EFTA] States, in the Standing Veterinary Committee, of the findings of, and recommendations for action following from, the on-the-spot checks carried out in each [EEA EFTA] State.*
- ...
- The Commission shall also make those findings and recommendations publicly available on a regular basis.*
- 2. In undertaking the actions provided for in this Article, the [Authority] and the [EEA EFTA] States shall in particular comply with the requirements laid down in Article 214 of the Treaty.*
55. The Authority takes the view that these provisions, taken together – and in particular the wording in Article 8 of Commission Decision 98/193/EC, as adapted – create a framework for the handling of information found in the case-file for an inspection in the food and veterinary field. The Authority is obliged to publish the report; but any documents other than the report itself should be considered to be covered by the duty of professional secrecy.
56. The exception from granting of public access that is set out in the third indent of Article 4(4) RAD is based upon the consideration that disclosure would undermine the protection of the purpose of inspections, investigations and audits.

The Authority must understand the term “protection” in the light of the legal framework established by Council Decision 2006/88, Regulation No 882/2004 and Commission Decision 98/193, as adapted to the EEA Agreement.

57. In the light of the applicable regulations governing the inspection mission, the Authority takes the view that the provisions of the regulations on food and veterinary inspections by the EU and EEA EFTA supervisory institutions provide a basis for establishing the need to protect the Authority's case-file and in effect give rise to a presumption that all the documents contained in the case-file relating to an inspection mission in the food and veterinary field such as the one in issue here are covered by the third indent of Article 4(4) RAD to the extent that they are covered by the obligation of professional secrecy.
58. If the remaining documents in Case 83033 were to be published, the Authority considers that the (specifically applicable) duty of professional secrecy established by the regulations governing food and veterinary inspection missions would be breached. Accordingly, by disclosing to the public at large documents which should remain secret, the Authority would undermine the purpose of the protection of inspections, investigations and audits.
59. Accordingly, the Authority takes the view that the conditions for finding an exception from the duty to grant public access under the third indent of Article 4(4) RAD have been made out for the unpublished documents in Case 83033.
60. The following documents were disclosed to the Authority by, or shared by the Authority with, the State Ministries.

1053728	1074574	1074596	1079270	1084300
1056322	1074576	1074598	1080490	1084302
1069547	1074578	1074600	1080518	1084304
1074559	1074580	1074604	1080526	1084306
1074561	1074582	1074606	1081546	1084308
1074568	1074584	1074608	1081547	1085461
1063149	1074586	1074610	1081548	1085463
1063206	1074589	1074612	1081554	1085465
1074553	1074591	1077835	1082813	1085544
1074556	1074593	1079269	1084298	1086589
1088469	1092037	1105068	1105088	1110741
1088471	1092041	1105070	1105090	1120853
1088473	1097185	1105072	1105098	1120855
1088475	1097477	1105074	1105122	1120857
1088477	1097479	1105076	1105126	1120859
1092028	1097481	1105078	1105135	1120861
1092031	1105000	1105080	1105149	1121664
1092032	1105002	1105082	1105156	1105092
1092035	1105064	1105084	1105236	1105094
1092036	1105066	1105086	1074566	1105096
1105101	1105131	1074555	1080524	
1105103	1105133	1074572	1080525	
1105105	1105140	1074587	1081545	
1105107	1105142	1074594	1081553	
1105109	1105147	1074602	1086590	
1105111	1105154	1080488	1092040	
1105113	1105158	1080489	1096631	
1105115	1063161	1080521	1097184	
1105117	1063205	1080522	1111527	

1105124	1074552	1080523	1074570	
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61. The following documents were disclosed to the Authority by the Commission, or shared by the Authority with the Commission:

1056167	1074565	1080532	1080543	1092034	1121186
1062104	1079271	1080533	1080544	1097186	1121187
1063217	1079272	1080534	1080545	1097373	1121188
1063218	1080479	1080535	1080546	1105254	1121190
1063219	1080480	1080536	1080547	1111519	1121191
1063220	1080492	1080537	1080548	1115741	1121665
1064248	1080498	1080538	1080549	1121180	1080493
1074563	1080529	1080539	1080552	1121183	1080494
1074564	1080530	1080540	1074613	1121184	1080495
1074609	1080531	1080542	1074614	1121668	1080497
1074560	1074575	1074585	1074599	1074611	
1074562	1074577	1074588	1074601		
1074567	1074579	1074590	1074603		
1074569	1074581	1074592	1074605		
1074571	1074583	1074597	1074607		

62. For this group of documents, the Authority further notes that under Article 109(2) of the EEA Agreement, the Authority and the Commission are obligated to cooperate, exchange information and consult each other on surveillance policy issues and individual cases falling within the scope of the EEA Agreement. In inspection cases in the food and veterinary field, Article 4(A)(2)(f) of Part I of Annex I to the EEA Agreement provides for information sharing between ESA and the Commission.

63. This includes cooperation in carrying out a harmonized control approach to the EEA States' application of the regulations covering the food and veterinary field. The Commission needs to be able to discuss inspection missions freely with the Authority, in the knowledge that the Authority will not disclose to the general public documents forming part of this discussion. To do so would also compromise the Commission's own duties of professional secrecy for documents of this type.

64. The Authority notes that the exception from disclosure identified in Article 4(2)(c) RAD *also* applies specifically to these documents.¹⁰

65. The following documents constitute internal communications (such as emails between staff members at the Authority).

1063148	1079274	1080503	1092033	1121189
1063162	1079275	1080504	1092038	1121669
1063163	1079276	1080519	1092039	1121671
1063204	1079277	1080520	1092042	1121672
1069727	1079278	1080527	1096632	1121673
1069754	1079279	1080528	1115737	1121674
1074554	1080481	1081428	1115738	1121675
1074557	1080484	1082759	1115739	1121676
1074558	1080501	1092029	1115740	1074573
1079273	1080502	1092030	1121185	1074595

¹⁰ See below, section 3.4.

1121666	1080550			
1121667	1080551			
1121670	1080553			
1064249	1105237			
1121182				

66. The following documents constitute internal memoranda of the Authority.

1055696	1068078	1068190	1081505
1068069	1068079	1068191	1085553
1068070	1068080	1068192	1088362
1068071	1068081	1068193	1109833
1068072	1068082	1068194	
1068073	1068185	1068195	
1068074	1068186	1068196	
1068075	1068187	1068197	
1068076	1068188	1068198	
1068077	1068189	1073250	

67. As regards these groups of documents, the Authority additionally notes that Article 108 of the EEA Agreement and Article 4 of the Surveillance and Court Agreement states that the Authority is to be independent. In a public access context, this means that the Authority has to be able to make up its own mind freely. This entails internal communication to freely discuss drafts, the ability to share memos concerning a case, and to have an internal dialogue which leads to a decision being made.

68. The Authority notes that the exception from disclosure identified in 4(6) RAD also applies to these documents.¹¹

Conclusion on Article 4(4) third indent RAD

69. Accordingly, for all remaining documents in Case 83303, in the light of the foregoing, the Authority therefore considers that the exception from the obligation to grant public access, and a concomitant obligation to refuse access, is established for these documents on the basis of Article 4(4) third indent RAD, subject to the existence of an overriding public interest, which will be examined in section 3.8 below.

70. In accordance with Article 4(9) RAD, the Authority has examined whether partial access could be granted to the above documents, and has concluded that in the majority of documents, it could not do so without making redactions that were so extensive as to render the remaining information useless.

71. However, the following documents have been identified as containing information that has already been included in whole or in part in the report itself.

Doc No 1085461

Doc No 1088471

Doc No 1084306

Doc No 1077567

¹¹ See below, section 3.5.

72. For these documents, the Authority considers the presumption arising from the duty of professional secrecy (as set out above) to have been rebutted for the parts of those documents which are reproduced in the report. Accordingly, the Authority will publish on its website the entirety of Doc No 1088471. In line with the reasoning set out above, the Authority will also publish those parts of Documents No 1085461, No 1084306 and No 1077567 which are reproduced in the report itself.

3.4 Additional basis for refusal: Documents constituting correspondence with the European Commission (Art 4(2)(c) RAD)

73. In addition to being exempt by way of Article 4(4) third indent RAD, the Authority takes the view that a number of the requested documents are exempted from public access also on the basis of Article 4(2)(c) RAD.

74. Article 4(2)(c) RAD provides that

“The Authority shall refuse access to a document sent to or received from the European Commission within the framework of cooperation laid down in the EEA Agreement, unless there is an overriding public interest in disclosure”

75. The following documents are correspondence with the European Commission in relation to the mission:

1056167	1074565	1080532	1080543	1092034	1121186
1062104	1079271	1080533	1080544	1097186	1121187
1063217	1079272	1080534	1080545	1097373	1121188
1063218	1080479	1080535	1080546	1105254	1121190
1063219	1080480	1080536	1080547	1111519	1121191
1063220	1080492	1080537	1080548	1115741	1121665
1064248	1080498	1080538	1080549	1121180	1080493
1074563	1080529	1080539	1080552	1121183	1080494
1074564	1080530	1080540	1074613	1121184	1080495
1074609	1080531	1080542	1074614	1121668	1080497
1074560	1074575	1074585	1074599	1074611	
1074562	1074577	1074588	1074601		
1074567	1074579	1074590	1074603		
1074569	1074581	1074592	1074605		
1074571	1074583	1074597	1074607		

76. This correspondence has taken place within the framework of cooperation as laid down in the EEA Agreement, and is part of the necessary cooperation between the two organisations in order to ensure that internal market legislation is interpreted similarly across the EEA and that the inspections and audits undertaken by the Authority and the EU Commission in the field of food safety are conducted in a similar manner.

77. The test laid down in Article 4(2)(c) of the RAD is a strict test, with a duty to refuse disclosure for all documents sent to or received from the Commission within this framework of cooperation, regardless of content.

78. For the sake of completeness, the Authority further notes that there was no need to contact the Commission on this point under the process outlined in Article 4(8) RAD, as it was clear the documents should not be disclosed.
79. In the light of the foregoing, the Authority therefore considers that the exception from the obligation to grant public access is established for these documents on the basis of Article 4(2)(c)RAD, subject to the existence of an overriding public interest, which will be examined in section 3.8 below.
80. In accordance with Article 4(9) RAD, the Authority has examined whether partial access could be granted to the above documents. It has concluded that even if the documents were not covered in their entirety by the exception set out in Article 4(4) third indent RAD, partial access could not be granted without undermining the basis for the protection set out in Article 4(2)(c) RAD.

3.5 Additional basis for refusal: Documents constituting internal correspondence and memoranda (Art 4(6) RAD)

81. In addition to being exempt by way of Article 4(4) third indent RAD, a number of documents are also exempted from public access by application of Article 4(6) RAD.

82. Article 4(6) RAD provides that:

“The Authority shall refuse access to Authority internal memos or notes and Authority internal communication, except if such memos, notes or communication set out a final decision unavailable in any other form, or if there is an overriding public interest in disclosure.”

83. This exception is intended to ensure that staff working in ESA are able to discuss their thoughts with each other during the work process, before a final decision is reached.

84. The following documents are internal communication (such as emails between staff members at the Authority):

1063148	1079274	1080503	1092033	1121189
1063162	1079275	1080504	1092038	1121669
1063163	1079276	1080519	1092039	1121671
1063204	1079277	1080520	1092042	1121672
1069727	1079278	1080527	1096632	1121673
1069754	1079279	1080528	1115737	1121674
1074554	1080481	1081428	1115738	1121675
1074557	1080484	1082759	1115739	1121676
1074558	1080501	1092029	1115740	1074573
1079273	1080502	1092030	1121185	1074595
1121666	1080550			
1121667	1080551			
1121670	1080553			
1064249	1105237			
1121182				

85. The following documents are internal memoranda:

1055696	1068078	1068190	1081505
1068069	1068079	1068191	1085553
1068070	1068080	1068192	1088362
1068071	1068081	1068193	1109833
1068072	1068082	1068194	
1068073	1068185	1068195	
1068074	1068186	1068196	
1068075	1068187	1068197	
1068076	1068188	1068198	
1068077	1068189	1073250	

86. None of the internal communications or memoranda listed above set out a final decision of the Authority unavailable in any other form. Indeed in the present case there has been no decision of the Authority – the report is part of an ongoing cooperation in compliance monitoring and surveillance between the Authority and Norway.
87. In the light of the foregoing, the Authority therefore considers that an exception from the obligation to grant public access is established for these documents on the basis of Article 4(6) RAD, subject to the existence of an overriding public interest, which will be examined in section 3.8 below.
88. In accordance with Article 4(9) RAD, the Authority has examined whether partial access could be granted to the above documents. It has concluded that even if the documents were not covered in their entirety by the exception set out in Article 4(4) third indent RAD, partial access could not be granted without undermining the basis for the protection set out in Article 4(6) RAD.

3.6 Additional basis for refusal: Documents containing information affecting commercial interests (Art 4(4) first indent RAD)

89. In addition to being exempt from public access by way of Article 4(4) third indent RAD, one document is exempted from public access also on the basis of Article 4(4) first indent RAD.
90. Article 4(4) first indent RAD provides that
- “The Authority shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person, including intellectual property, unless there is an overriding public interest in disclosure”*
91. This exception applies in full to one document, Document No 1074566, which contains commercially sensitive information relating to a business operating in the fish farming industry in Norway. This finding is subject to the existence of an overriding public interest, which will be examined in section 3.8 below.
92. In line with the examination required by Article 4(9) RAD, the view of the Authority is that (even if the document were not covered in its entirety by the exception set out in Article 4(4) third indent RAD), this document cannot be partially redacted, as the redactions would be so extensive that they would render the remaining information useless.

3.7 Additional basis for refusal: Documents containing personal data (Article 4(3)(b) RAD)

93. In addition to being exempt by way of Article 4(4) third indent RAD, one document is exempted from public access also on the basis of Article 4(3)(b) RAD.

94. Article 4(3)(b) RAD provides that:

“The Authority shall refuse access to a document where disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with EEA legislation regarding the protection of personal data”

95. This exception applies in full to one document, Document No 1074570, which covers details of training received by individuals. This finding is subject to the existence of an overriding public interest, which will be examined in section 3.8 below.

96. In line with the examination required by Article 4(9) RAD, the view of the Authority is that (even if the document were not covered in its entirety by the exception set out in Article 4(4) third indent RAD), this document cannot be partially redacted, as the redactions would be so extensive that they would render the remaining information useless.

3.8 Assessment of whether there is an overriding public interest

97. According to their first and second recitals, the RAD aim at openness and transparency at ESA in order to enable citizens to participate more closely in the decision-making process and to guarantee that the administration enjoys greater legitimacy and is more effective and more accountable to the citizens in a system based on democracy and human rights.

98. Pursuant to Article 1 RAD, the purpose of the RAD is threefold: (a) to define the principles, conditions and limits on grounds of public or private interest governing the right of access to documents held by the Authority; (b) to establish rules ensuring the easiest possible exercise of this right, and (c) to promote good administrative practice relating to access to documents.

99. It follows that, having established the applicability of the exceptions set out in Articles 4(2)(c), Article 4(3)(b) and 4(4) first and third indents RAD, the Authority must now turn to examine whether there is an overriding public interest.

100. It is important at this juncture to note again that the exception set out in Article 4(4) third indent RAD, which covers all documents in the present case, has at its heart the consideration that the Food Safety legislation provides for the public to be informed through the publication of the Mission Report on the one hand, and on the other hand that the remainder of the documents in the case are covered by the obligation of professional secrecy under Article 122 of the EEA Agreement, which corresponds to Article 339 TFEU.¹² Accordingly, the Authority and its officials are obliged not to disclose such information.

101. Whereas these provisions cannot be read in isolation, it must follow that any public interest would have to be very strong in order to override this obligation,

¹² See above, Section 3.3.1.

and accordingly justify disclosure of the information to the public in general, with no restrictions on the use of the information.

102. The Authority notes that it is not for it to examine of its own motion whether an overriding public interest may justify disclosure of given documents. On the contrary, it is for the requester seeking public access for the documents to rely on specific circumstances to demonstrate that there is an overriding public interest that exceptionally justifies the disclosure of the documents which are covered by one or more of the exceptions to public access.
103. Moreover, in order for public access to be granted under the RAD, once a reason not to disclose a particular document has been identified, the requester must identify a public interest which outweighs (overrides) the reason not to disclose that document. In order to be an "overriding public interest", the interest identified by a requester must first be a "public interest".
104. The requester's email correspondence consists of repeated requests to simply make the documents available. However, at no point in the correspondence has the requester identified a public interest, or given any explanation as to why the documents in Case 83033 would need to be disclosed.
105. The requester's original email of 26 February 2020 indicated an interest in the outcome of the inspection mission in Norway, and contained a number of links to the requester's blog posts concerning an import ban on Norwegian salmon eggs in Scotland.
106. From the requesters' email address (the first part of which states a negative opinion on salmon farming), the information in the requester's email of 26 February 2020, and the requester's organisational affiliation, it is possible to infer that the requester was seeking information in the light of their concerns about farmed salmon in Norway (which was the greater focus of the inspection at issue in this case).
107. Moreover, the requester made some references in their original email of 26 February, and their email of 5 May, to "FOI", shorthand for the (UK) "Freedom of Information Act".
108. However, in the absence of further and more specific reasons, the interest that can be inferred from the above elements is one which is generalised to the issue of salmon farming in Norway, or transparency in general. The Authority takes the view that these reasons are not specific enough to justify the disclosure of the documents concerned, and accordingly they cannot be said to constitute an appropriate basis for establishing that an overriding public interest should prevail over the reasons justifying a refusal to disclose the documents concerned.
109. Accordingly, the Authority does not consider an overriding public interest, within the meaning of Article 4 RAD, to have been established.
110. Accordingly, the Authority does not consider an overriding public interest, within the meaning of Article 4 RAD, to have been established.

4 DECISION

On the basis of the above, the Authority takes the following decision:

- a) Doc No 1069014 is not to be considered a 'document' under the definition set out in Art 3(a) RAD, and there is thus no obligation to grant public access to it under the RAD;
- b) Access to Doc No 1088471 is granted in its entirety;
- c) Partial access is granted to those parts of Docs No 1085461, No 1084306 and No 1077567 which are reproduced in the Mission Report itself.
- d) Access to all other documents in Case 83033 is refused on the basis of Article 4(4) third indent RAD;
- e) Access to the documents referred to in paragraph 75 of the present decision is refused on the basis of Article 4(2)(c) RAD, in addition to Article 4(4) third indent RAD;
- f) Access to the documents referred to in paragraphs 84 and 85 of the present decision is additionally refused on the basis of Article 4(6) RAD, in addition to Article 4(4) third indent RAD;
- g) Access to Document No 1074566 is refused on the basis of Article 4(4) first indent RAD and Article 4(4) third indent RAD;
- h) Access to Document No 1074570 is refused on the basis of Article 4(3)(b) RAD, and Article 4(4) third indent RAD.

5 RIGHT TO SEEK JUDICIAL REVIEW

111. The Authority informs the requester that in accordance with Article 36 SCA, they may lodge an application for annulment with the EFTA Court insofar as the present decision confirms refusal of public access, or partial access to documents.

Annex: List of documents where refusal is maintained (Doc No 1141423)

Annex: List of documents in Case 83033 where refusal is maintained

Document number	Document name	Document type	Sent/received by the Authority or date created	Status	Explanation of content
1053728	Pre-mission questionnaire - Mission to Norway from 20 to 29 May 2019 in order to evaluate the animal health controls in relation to aquaculture animals	Correspondence Out	28/02/2019	Finalized	Pre-mission questionnaire sent to Norwegian Government.
1055696	[Internal memo]	Internal Memorandum	25/02/2019	Draft	Internal memo
1056167	[Correspondence with the European Commission]	Correspondence Out	27/02/2019	Finalized	Correspondence with the European Commission
1056322	Pre-mission questionnaire - Cover letter - Mission to Norway from 20 to 29 May 2019 in order to evaluate the animal health controls in relation to aquaculture animals	Correspondence Out	28/02/2019	Finalized	Cover letter to the Pre-mission questionnaire sent to Norwegian Government (Doc No 1053728)
1062104	[Correspondence with the European Commission]	Correspondence Out	02/04/2019	Finalized	Correspondence with the European Commission
1063148	[Internal correspondence]	Email	20/03/2019	Imported	Internal correspondence
1063149	RE: Regarding Mission to Norway from 20 to 29 May 2019 in order to evaluate the animal health controls in relation to aquaculture animals	Email	25/03/2019	Imported	Correspondence with Norway related to the preparation of mission
1063161	Regarding Mission to Norway from 20 to 29 May 2019 in order to evaluate the animal health controls in relation to aquaculture animals	Email	19/03/2019	Imported	Correspondence with Norway related to the preparation of mission
1063162	[Internal correspondence]	Email	19/03/2019	Imported	Internal correspondence
1063163	[Internal correspondence]	Email	19/03/2019	Imported	Internal correspondence
1063204	Re: Aquaculture animal health 20-29 May - mission PMQ	Email	14/03/2019	Imported	Email exchange with the Norwegian government + internal correspondence
1063205	Pre-mission document and cover letter - Mission to Norway from 20 to 29 May 2019 on aquaculture	Email	14/03/2019	Imported	Email exchange with the Norwegian government .
1063206	Fwd: SV: Pre-mission document and cover letter - Mission to Norway from 20 to 29 May 2019 on aquaculture	Email	14/03/2019	Imported	Email exchange with the Norwegian government + internal correspondence
1063217	[Correspondence with the European Commission]	Email	08/03/2019	Imported	Cover exchange with the European Commission
1063218	[Correspondence with the European Commission]	Email	02/04/2019	Imported	Correspondence with the European Commission
1063219	[Correspondence with the European Commission]	Email	02/04/2019	Imported	Correspondence with the European Commission
1063220	[Correspondence with the European Commission]	Email	02/04/2019	Imported	Correspondence with the European Commission
1064248	[Correspondence with the European Commission]	Email	11/04/2019	Imported	Correspondence with the European Commission
1064249	[Internal correspondence]	Email	11/04/2019	Imported	Internal correspondence
1068069	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068070	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068071	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068072	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068073	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068074	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068075	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068076	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068077	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068078	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068079	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068080	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068081	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068082	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068185	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068186	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068187	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068188	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068189	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068190	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068191	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068192	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068193	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068194	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068195	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068196	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068197	[Internal memo]	General	07/05/2019	Draft	Internal memo
1068198	[Internal memo]	General	07/05/2019	Draft	Internal memo
1069014	Draft Report - Mission to Norway from 20 to 29 May 2019 in order to evaluate the animal health controls in relation to aquaculture animals	Report	08/07/2019	Finalized	Draft report sent to Norwegian government for comments
1069547	FW: CA Response to PMQ - animal health controls in relation to aquaculture animal:	Email	29/04/2019	Imported	Answer to the pre-mission questionnaire from Norwegian government
1069727	[Internal correspondence]	Email	16/05/2019	Imported	Internal correspondence
1069754	[Internal correspondence]	Email	16/05/2019	Imported	Internal correspondence
1073250	[Internal memo]	Internal Memorandum	04/06/2019	Draft	Internal memo

1074552	no subject	Email	13/06/2019	Imported	Email sending a letter from ESA to the Norwegian government
1074553	Fw: Mission to Norway on aquaculture - Request for urgent actor	Email	11/06/2019	Imported	Email sending a letter from ESA to the Norwegian government
1074554	[Internal correspondence]	Email	11/06/2019	Imported	Internal correspondence
1074555	Re: Mission to Norway on aquaculture - Confirmation of action taken following the final meeting	Email	03/06/2019	Imported	Email exchange between ESA and Norwegian government
1074556	Re: Mission to Norway on aquaculture - Confirmation of action taken following the final meeting	Email	03/06/2019	Imported	Email exchange between ESA and Norwegian government
1074557	[Internal correspondence]	Email	03/06/2019	Imported	Internal correspondence
1074558	[Internal correspondence]	Email	03/06/2019	Imported	Internal correspondence
1074559	Additional info 22 - [redacted]	Email	28/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074560	[Correspondence with the European Commission]	Email	28/05/2019	Imported	Correspondence with the European Commission
1074561	Additional info 21 - [redacted]	Email	28/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074562	[Correspondence with the European Commission]	Email	28/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074563	[Correspondence with the European Commission]	Email	28/05/2019	Imported	Correspondence with the European Commission
1074564	[Correspondence with the European Commission]	Email	28/05/2019	Imported	Correspondence with the European Commission
1074565	[Correspondence with the European Commission]	Email	28/05/2019	Imported	Correspondence with the European Commission
1074566	Additional info 20 - [redacted]	Email	28/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074567	[Correspondence with the European Commission]	Email	28/05/2019	Imported	Correspondence with the European Commission
1074568	Additional info 19 - [redacted]	Email	27/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074569	[Correspondence with the European Commission]	Email	27/05/2019	Imported	Correspondence with the European Commission
1074570	Additional info 18 - [redacted]	Email	27/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074571	[Correspondence with the European Commission]	Email	27/05/2019	Imported	Correspondence with the European Commission
1074572	SV: Additional info 9 - [redacted]	Email	24/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074573	[Internal correspondence]	Email	24/05/2019	Imported	Internal correspondence
1074574	Additional info 17 - [redacted]	Email	24/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074575	[Correspondence with the European Commission]	Email	24/05/2019	Imported	Correspondence with the European Commission
1074576	Additional info 1 - [redacted]	Email	20/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074577	[Correspondence with the European Commission]	Email	20/05/2019	Imported	Correspondence with the European Commission
1074578	Additional info 2 - [redacted]	Email	20/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074579	[Correspondence with the European Commission]	Email	20/05/2019	Imported	Correspondence with the European Commission
1074580	Additional info 4 - [redacted]	Email	20/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074581	[Correspondence with the European Commission]	Email	20/05/2019	Imported	Correspondence with the European Commission
1074582	Additional info 5 and 6 - [redacted]	Email	20/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074583	[Correspondence with the European Commission]	Email	20/05/2019	Imported	Correspondence with the European Commission
1074584	Additional info 3 - [redacted]	Email	20/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074585	[Correspondence with the European Commission]	Email	20/05/2019	Imported	Correspondence with the European Commission
1074586	Additional info 7 - [redacted]	Email	21/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074587	Additional info 1 - [redacted]	Email	21/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074588	[Correspondence with the European Commission]	Email	21/05/2019	Imported	Correspondence with the European Commission
1074589	Additional info 8 - [redacted]	Email	21/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074590	[Correspondence with the European Commission]	Email	21/05/2019	Imported	Correspondence with the European Commission
1074591	Additional info 9 - [redacted]	Email	21/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074592	[Correspondence with the European Commission]	Email	21/05/2019	Imported	Correspondence with the European Commission
1074593	Re: Additional info 9 - [redacted]	Email	24/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074594	SV: Additional info 9 - [redacted]	Email	24/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074595	[Internal correspondence]	Internal Correspondence	24/05/2019	Imported	Internal correspondence
1074596	Additional info 7 - [redacted]	Email	22/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074597	[Correspondence with the European Commission]	Email	22/05/2019	Imported	Correspondence with the European Commission

1074598	Additional info 10 - [redacted]	Email			Information provided by Norwegian Government in the context of mission
1074599	(Correspondance with the European Commission)	Email	22/05/2019	Imported	Correspondance with the European Commission
1074600	Additional info 11 - [redacted]		22/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074601	(Correspondance with the European Commission)	Email	22/05/2019	Imported	Correspondance with the European Commission
1074602	Additional info 10 - [redacted]		22/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074603	(Correspondance with the European Commission)	Email	22/05/2019	Imported	Correspondance with the European Commission
1074604	Additional info 12 - [redacted]		22/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074605	(Correspondance with the European Commission)	Email	22/05/2019	Imported	Correspondance with the European Commission
1074606	Additional info 13 - [redacted]		23/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074607	(Correspondance with the European Commission)	Email	23/05/2019	Imported	Correspondance with the European Commission
1074608	Additional info 14 - [redacted]		24/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074609	(Correspondance with the European Commission)	Email	24/05/2019	Imported	Correspondance with the European Commission
1074610	Additional info 15 - [redacted]		24/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074611	(Correspondance with the European Commission)	Email	24/05/2019	Imported	Correspondance with the European Commission
1074612	Additional info 16 - [redacted]		24/05/2019	Imported	Information provided by Norwegian Government in the context of mission
1074613	(Correspondance with the European Commission)	Email	24/05/2019	Imported	Correspondance with the European Commission
1074614	Draft Report Cover letter - Mission to Norway from 20 to 29 May 2019 in order to evaluate the animal health controls in relation to aquaculture animals		24/05/2019	Imported	Correspondance with the European Commission
1077835		Correspondance Out			
1079269	Mission to Norway on aquaculture - Confirmation of action taken following the final meeting	Email	08/07/2019	Finalized	Cover letter for the draft report (Doc No 1069014)
1079270	RE: Mission to Norway on aquaculture - Confirmation of action taken following the final meeting	Email	07/06/2019	Imported	Letter from Norwegian government
1079271	(Correspondance with the European Commission)	Email	07/06/2019	Imported	Email from ESA acknowledging the receipt of Doc No 1079266
1079272	(Correspondance with the European Commission)	Email	07/06/2019	Imported	Correspondance with the European Commission
1079273	(Internal correspondance)	Email	11/06/2019	Imported	Correspondance with the European Commission
1079274	(Internal correspondance)	Email	11/06/2019	Imported	Internal correspondance
1079275	(Internal correspondance)	Email	11/06/2019	Imported	Internal correspondance
1079276	(Internal correspondance)	Email	11/06/2019	Imported	Internal correspondance
1079277	(Internal correspondance)	Email	11/06/2019	Imported	Internal correspondance
1079278	(Internal correspondance)	Email	11/06/2019	Imported	Internal correspondance
1079279	(Internal correspondance)	Email	11/06/2019	Imported	Internal correspondance
1080479	(Correspondance with the European Commission)	Email	05/07/2019	Imported	Correspondance with the European Commission
1080480	(Correspondance with the European Commission)	Email	05/07/2019	Imported	Email exchange with the European Commission
1080481	(Internal correspondance)	Email	05/07/2019	Imported	Internal correspondance
1080484	(Internal correspondance)	Email	05/07/2019	Imported	Internal correspondance
1080488	SV: Answer from the NFSA		26/06/2019	Imported	Correspondance between ESA and Norwegian government regarding a reference to a document
1080489	RE: Answer from the NFSA		26/06/2019	Imported	Correspondance between ESA and Norwegian government regarding a reference to a document
1080490	FW: Answer from the NFSA		26/06/2019	Imported	Correspondance between ESA and Norwegian government regarding a reference to a document
1080492	(Correspondance with the European Commission)	Email	26/06/2019	Imported	Correspondance with the European Commission
1080493	(Correspondance with the European Commission)	Email	26/06/2019	Imported	Correspondance with the European Commission
1080494	(Correspondance with the European Commission)	Email	26/06/2019	Imported	Correspondance with the European Commission
1080495	(Correspondance with the European Commission)	Email	26/06/2019	Imported	Correspondance with the European Commission
1080497	(Correspondance with the European Commission)	Email	26/06/2019	Imported	Correspondance with the European Commission
1080498	(Correspondance with the European Commission)	Email	26/06/2019	Imported	Correspondance with the European Commission
1080501	(Internal correspondance)	Email	07/06/2019	Imported	Internal correspondance
1080502	(Internal correspondance)	Email	11/06/2019	Imported	Internal correspondance
1080503	(Internal correspondance)	Email	11/06/2019	Imported	Internal correspondance
1080504	(Internal correspondance)	Email	11/06/2019	Imported	Internal correspondance
1080518	SV: Draft itinerary- need for clarification		14/05/2019	Imported	Correspondance with Norway concerning preparation of mission
1080519	FW: Draft itinerary- need for clarification		14/05/2019	Imported	Email exchange with the Norwegian government regarding the itinerary + Internal correspondance
1080520	(Internal correspondance)	Email	14/05/2019	Imported	Internal correspondance
1080521	SV: Draft itinerary- need for clarification		15/05/2019	Imported	Email exchange with the Norwegian government regarding the itinerary
1080522	RE: Draft itinerary- need for clarification		15/05/2019	Imported	Email exchange with the Norwegian government regarding the itinerary
1080523	SV: Draft itinerary- need for clarification		16/05/2019	Imported	Email exchange with the Norwegian government regarding the itinerary
1080524	RE: Draft itinerary- need for clarification		16/05/2019	Imported	Email exchange with the Norwegian government regarding the itinerary

1080525	SV: Draft itinerary- need for clarifier	Email		16/05/2019	Imported	Email exchange with the Norwegian government regarding the itinerary
1080526	RE: Draft itinerary- need for clarifier	Email		16/05/2019	Imported	Email exchange with the Norwegian government regarding the itinerary
1080527	[Internal correspondence]	Email		16/05/2019	Imported	Internal correspondence
1080528	[Internal correspondence]	Email		16/05/2019	Imported	Internal correspondence
1080529	[Correspondence with the European Commission]	Email		14/05/2019	Imported	Correspondence with the European Commission
1080530	[Correspondence with the European Commission]	Email		14/05/2019	Imported	Correspondence with the European Commission
1080531	[Correspondence with the European Commission]	Email		14/05/2019	Imported	Correspondence with the European Commission
1080532	[Correspondence with the European Commission]	Email		14/05/2019	Imported	Correspondence with the European Commission
1080533	[Correspondence with the European Commission]	Email		14/05/2019	Imported	Correspondence with the European Commission
1080534	[Correspondence with the European Commission]	Email		14/05/2019	Imported	Correspondence with the European Commission
1080535	[Correspondence with the European Commission]	Email		14/05/2019	Imported	Correspondence with the European Commission
1080536	[Correspondence with the European Commission]	Email		15/05/2019	Imported	Correspondence with the European Commission
1080537	[Correspondence with the European Commission]	Email		15/05/2019	Imported	Correspondence with the European Commission
1080538	[Correspondence with the European Commission]	Email		15/05/2019	Imported	Correspondence with the European Commission
1080539	[Correspondence with the European Commission]	Email		15/05/2019	Imported	Correspondence with the European Commission
1080540	[Correspondence with the European Commission]	Email		15/05/2019	Imported	Correspondence with the European Commission
1080542	[Correspondence with the European Commission]	Email		15/05/2019	Imported	Correspondence with the European Commission
1080543	[Correspondence with the European Commission]	Email		15/05/2019	Imported	Correspondence with the European Commission
1080544	[Correspondence with the European Commission]	Email		15/05/2019	Imported	Correspondence with the European Commission
1080545	[Correspondence with the European Commission]	Email		15/05/2019	Imported	Correspondence with the European Commission
1080546	[Correspondence with the European Commission]	Email	Correspondence out	16/05/2019	Imported	Correspondence with the European Commission
1080547	[Correspondence with the European Commission]	Email		16/05/2019	Imported	Correspondence with the European Commission
1080548	[Correspondence with the European Commission]	Email		16/05/2019	Imported	Correspondence with the European Commission
1080549	[Correspondence with the European Commission]	Email		16/05/2019	Imported	Correspondence with the European Commission
1080550	[Internal correspondence]	Email		16/05/2019	Imported	Internal correspondence
1080551	[Internal correspondence]	Email		16/05/2019	Imported	Internal correspondence
1080552	[Correspondence with the European Commission]	Email	Correspondence out	16/05/2019	Imported	Correspondence with the European Commission
1080553	[Internal correspondence]	Email		16/05/2019	Imported	Internal correspondence
1081428	[Internal correspondence]	Email		18/07/2019	Imported	Internal correspondence
1081505	[Internal memo]	General		18/07/2019	Draft	Internal memo
1081545	Letter to EFTA Surveillance Authority - [redacted]	Email		18/07/2019	Imported	Email correspondence with Norwegian Government
1081546	RE: Letter to EFTA Surveillance Authority - [redacted]	Email		19/07/2019	Imported	Email correspondence with Norwegian Government
1081547	Letter to EFTA Surveillance Authority - [redacted]	Correspondence In		19/07/2019	Imported	Email correspondence with Norwegian Government
1081548	FSU - [redacted] - 803918	Correspondence Out		22/07/2019	Finalized	Letter from ESA to the Norwegian Government
1081553	[redacted]	Email		15/07/2019	Imported	Email exchange between ESA and Norwegian government
1081554	[redacted]	Email		16/07/2019	Imported	Email exchange between ESA and Norwegian government
1082759	[Internal correspondence]	Email		30/07/2019	Imported	Internal correspondence
1082813	ESA mission to Norway- Measures implemented by the NFSA 15 July 2019	Email		02/08/2019	Imported	Email from Norwegian government sending Docs No 1084298, 1084300, 1084302, 1084304 and 1084306)
1084298	Measures implemented in Norway by the NFSA in regards to Mission to Norway from 20 to 29 May 2019 - Annex II Letter to the NFSa inspectors	Correspondence In		21/08/2019	Finalized	Information from Norwegian government on measures implemented after mission
1084300	Measures implemented in Norway by the NFSa in regards to Mission to Norway from 20 to 29 May 2019 - Annex III Letter to the wall boat owners	Correspondence In		21/08/2019	Finalized	Information from Norwegian government on measures implemented after mission
1084302	Measures implemented in Norway by the NFSa in regards to Mission to Norway from 20 to 29 May 2019 - Annex I OK-fiskehelte	Correspondence In		21/08/2019	Finalized	Information from Norwegian government on measures implemented after mission
1084304	Measures implemented in Norway by the NFSa in regards to Mission to Norway from 20 to 29 May 2019 - Annex IV Letter to the industry	Correspondence In		21/08/2019	Finalized	Information from Norwegian government on measures implemented after mission
1084308	EFTA Surveillance Authority's Mission to Norway from 20 to 29 May 2019- Norway's comments to the draft rapport	Correspondence In		21/08/2019	Finalized	Information from Norwegian government on measures implemented after mission
1085463	EFTA Surveillance Authority's Mission to Norway from 20 to 29 May 2019- Norway's comments to the draft rapport - Actions to the recommendations	Correspondence In		30/08/2019	Finalized	Cover letter for the Comment on the draft report from Norwegian government
1085465	Final Report Cover letter - Mission to Norway from 20 to 29 May 2019 in order to evaluate the animal health controls in relation to aquaculture animals	Correspondence In		30/08/2019	Finalized	Comments on the draft report (action recommendations) from Norwegian government
1085544	[Internal memo]	Internal Memorandum		02/09/2019	Draft	Cover letter for the Final report sent to Norway
1086589	[redacted]	Email		09/09/2019	Imported	Internal memo
1086590	[redacted]	Email		09/09/2019	Imported	Email from ESA to Norwegian government on their comments to the report
1088362	EFTA Surveillance Authority Mission to Norway from 20 to 29 May 2019 - Submission of new documents - New version of the actions	Internal Memorandum		20/09/2019	Draft	Email from ESA to Norwegian government on their comments to the report
1088469	EFTA Surveillance Authority Mission to Norway from 20 to 29 May 2019 - Submission of new documents - Attachment 2 Criteria	Correspondence In		20/09/2019	Finalized	Internal memo
1088473		Correspondence In		20/09/2019	Finalized	Cover letter for Doc No 1088471
						Letter from Norwegian government

1088475	EFTA Surveillance Authority Mission to Norway from 20 to 29 May 2019 - Submission of new documents	Correspondence in	20/09/2019	Finalized	Cover letter for new documents from Norwegian government (Docs No 1088477 and 1088473)
1088477	EFTA Surveillance Authority Mission to Norway from 20 to 29 May 2019 - Submission of new documents - Attachment 1 OK-instruks 2	Correspondence in	20/09/2019	Finalized	Letter from Norwegian government
1092028	[redacted]	Email	01/10/2019	Imported	Email from Norwegian Government in the context of follow-up of report
1092029	[Internal correspondence]	Email	01/10/2019	Imported	Internal correspondence
1092030	[Internal correspondence]	Internal correspondence	01/10/2019	Imported	Internal correspondence
1092031	RE: [redacted]	Email	01/10/2019	Imported	Email from Norwegian Government in the context of follow-up of report
1092032	[redacted]	Email	06/10/2019	Imported	Email from Norwegian Government in the context of follow-up of report
1092033	[Internal correspondence]	Email	06/10/2019	Imported	Internal correspondence
1092034	[Correspondence with the European Commission]	Email	07/10/2019	Imported	Correspondence with the European Commission
1092035	RE: [redacted]	Email	07/10/2019	Imported	Email from ESA in the context of follow-up of report
1092036	RE: [redacted]	Email	07/10/2019	Imported	Email from ESA in the context of follow-up of report
1092037	SV: [redacted]	Email	09/10/2019	Imported	Email from Norwegian Government in the context of follow-up of report
1092038	[Internal correspondence]	Email	09/10/2019	Imported	Internal correspondence
1092039	[Internal correspondence]	Email	11/10/2019	Imported	Internal correspondence
1092040	SV: [redacted]	Email	11/10/2019	Imported	Email from ESA in the context of follow-up of report
1092041	RE: [redacted]	Email	11/10/2019	Imported	Email from ESA in the context of follow-up of report
1092042	[Internal correspondence]	Email	08/10/2019	Imported	Internal correspondence
1096631	SV: Norway's action plan for corrective actions: [redacted]	Email	08/11/2019	Imported	Internal correspondence
1096632	[Internal correspondence]	Email	08/11/2019	Imported	Internal correspondence
1097184	SV: Norway's action plan for corrective actions: [redacted]	Email	14/11/2019	Imported	Email exchange with the Norwegian government
1097185	RE: Norway's action plan for corrective actions: [redacted]	Email	14/11/2019	Imported	Email exchange with the Norwegian government
1097186	[Correspondence with the European Commission]	Email	14/11/2019	Imported	Correspondence with the European Commission
1097373	[Correspondence with the European Commission]	Email	14/11/2019	Imported	Correspondence with the European Commission
1097477	Follow-up of ESA inspection on fish health May 20-29 2019 - Actions to the recommendations in the draft report	Correspondence in	15/11/2019	Finalized	Letter from Norwegian Government concerning the corrective actions plan
1097479	Follow-up of ESA inspection on fish health May 20-29 2019	Correspondence in	15/11/2019	Finalized	Cover letter for Docs No 1097481 and 1097477
1097481	Follow-up of ESA inspection on fish health May 20-29 2019 - [redacted]	Correspondence in	15/11/2019	Finalized	Letter from Norwegian government concerning the corrective actions plan
1105000	Follow-up of ESA inspection on fish health May 20-29 2019 - cover letter	Correspondence in	18/12/2019	Finalized	Cover letter for Doc No 1105002
1105002	Follow-up of ESA inspection on fish health May 20-29 2019 - NFSA letter- [redacted]	Correspondence in	18/12/2019	Finalized	Letter from Norwegian government in the context of follow-up to the report
1105064	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 9 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105066	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 1 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105068	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 2 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105070	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 2.1 - [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105074	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 3.1 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105076	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 3.2 - [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105078	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 4 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105080	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 4.1 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105082	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 4.2 - [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105084	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 5 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105086	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 5.1 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105088	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 5.2 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105090	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 6 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105092	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 7 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105094	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 7.1 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105096	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 8 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105098	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 6.1 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105101	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 10 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105103	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 11 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105105	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 12 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105107	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 12 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105109	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 15 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105113	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 14 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105115	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 14 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105117	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 18 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105122	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 17 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105124	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 18.4, [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105126	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 19 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105131	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 18.3, [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105133	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 18.1, [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002

1105135	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 20 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105140	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 22 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105142	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 21 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105147	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 22.1 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105149	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 22.1 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105154	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex 22.2 [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105156	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105158	Follow-up of ESA inspection on fish health May 20-29 2019 - Annex [redacted]	Correspondence in	18/12/2019	Finalized	Annex to Doc No 1105002
1105236	[redacted]	Correspondence in	19/12/2019	Imported	Letter from Norwegian Government
1105237	[redacted]	Email	18/12/2019	Imported	Email from Norwegian Government and Internal correspondence
1105254	[Correspondence with the European Commission]	Email	19/12/2019	Imported	Correspondence with the European Commission
1109833	[Internal memo]	Internal Memorandum	23/01/2020	Draft	Internal memo
1110741	[redacted]	Correspondence Out	03/02/2020	Finalized	Letter from ESA to Norwegian government in the context of follow-up to the report
1111519	[Correspondence with the European Commission]	Email	31/01/2020	Imported	Correspondence with the European Commission
1111527	Copy of letter sent from the EFTA Surveillance Authority	Email	03/02/2020	Imported	Email sending Doc No 1110741
1115737	[Internal correspondence]	Email	13/02/2020	Imported	Internal correspondence
1115738	[Internal correspondence]	Email	13/02/2020	Imported	Internal correspondence
1115739	[Internal correspondence]	Email	19/02/2020	Imported	Internal correspondence
1115740	[Internal correspondence]	Email	19/02/2020	Imported	Internal correspondence
1115741	[Correspondence with the European Commission]	Email	12/02/2020	Imported	Correspondence with the European Commission
1120853	[redacted]	Correspondence in	11/03/2020	Finalized	Appendix to the Norwegian government's reply (Doc No 1120861) to ESA's letter (Doc No 1110741)
1120855	[redacted]	Correspondence in	11/03/2020	Finalized	Cover letter for the Norwegian government's reply (Doc No 1120861) to ESA's letter (Doc No 1110741)
1120857	[redacted]	Correspondence in	11/03/2020	Finalized	Appendix to the Norwegian government's reply (Doc No 1120861) to ESA's letter (Doc No 1110741)
1120859	[redacted]	Correspondence in	11/03/2020	Finalized	Appendix to the Norwegian government's reply (Doc No 1120861) to ESA's letter (Doc No 1110741)
1120861	[redacted]	Correspondence in	11/03/2020	Finalized	Letter from ESA to Norwegian government in the context of follow-up to the report
1121180	[Correspondence with the European Commission]	Email	12/03/2020	Imported	Correspondence with the European Commission
1121182	[Internal correspondence]	Email	12/03/2020	Imported	Internal correspondence
1121183	[Correspondence with the European Commission]	Email	12/03/2020	Imported	Correspondence with the European Commission
1121184	[Internal correspondence]	Email	12/03/2020	Imported	Internal correspondence
1121185	[Internal correspondence]	Email	12/03/2020	Imported	Internal correspondence
1121186	[Correspondence with the European Commission]	Email	12/03/2020	Imported	Correspondence with the European Commission
1121187	[Correspondence with the European Commission]	Email	12/03/2020	Imported	Correspondence with the European Commission
1121188	[Correspondence with the European Commission]	Email	12/03/2020	Imported	Correspondence with the European Commission
1121189	[Internal correspondence]	Email	12/03/2020	Imported	Internal correspondence
1121190	[Correspondence with the European Commission]	Email	12/03/2020	Imported	Correspondence with the European Commission
1121191	[Correspondence with the European Commission]	Email	12/03/2020	Imported	Correspondence with the European Commission
1121664	[redacted]	Email	16/03/2020	Imported	Email exchange with the Norwegian government
1121665	[Correspondence with the European Commission]	Email	17/03/2020	Imported	Correspondence with the European Commission
1121666	[Internal correspondence]	Email	17/03/2020	Imported	Internal correspondence
1121668	[Correspondence with the European Commission]	Email	16/03/2020	Imported	Correspondence with the European Commission
1121669	[Internal correspondence]	Email	16/03/2020	Imported	Internal correspondence
1121670	[Internal correspondence]	Email	16/03/2020	Imported	Internal correspondence
1121671	[Internal correspondence]	Email	16/03/2020	Imported	Internal correspondence
1121672	[Internal correspondence]	Email	16/03/2020	Imported	Internal correspondence
1121673	[Internal correspondence]	Email	16/03/2020	Imported	Internal correspondence
1121674	[Internal correspondence]	Email	16/03/2020	Imported	Internal correspondence
1121675	[Internal correspondence]	Internal Correspondence	16/03/2020	Imported	Internal correspondence
1121676	[Internal correspondence]	Email	16/03/2020	Imported	Internal correspondence