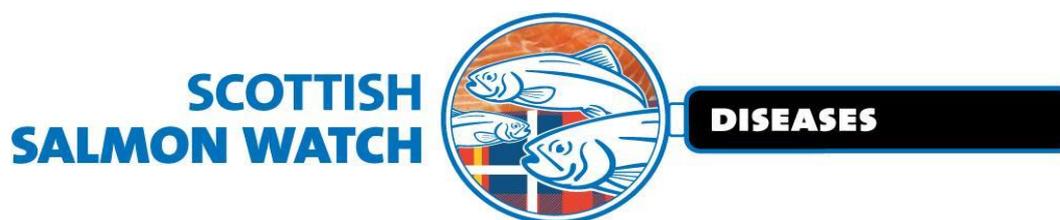


FOI Dossier: Norwegian Salmon Egg Exports Banned Due to Disease Risks



(February 2020)

FOI Disclosure by the Scottish Government to Scottish Salmon Watch: [FOI-19-02663](#) (14 February 2020 - [published online on 17 February 2020](#))

marinescotland



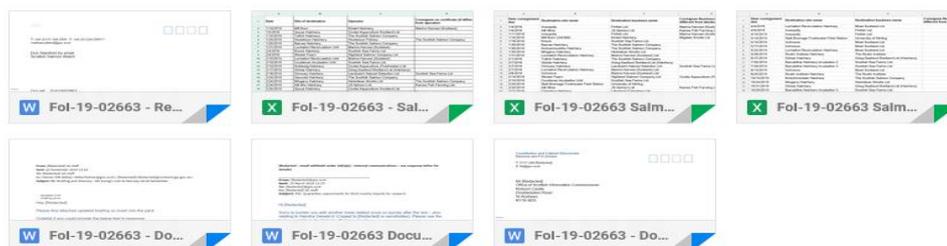
T: +44 (0)131 244 2500 F: +44 (0)1224 295511
marinescotland@gov.scot

Don Staniford by email
Scottish Salmon Watch

Our ref: FoI/19/02663

14 February 2020

7 Attachments



[FoI-19-02663 - Response letter from Scottish Government dated 14 February 2020](#)

[FoI-19-02663 - Documents for release \(1\)](#)

[FoI-19-02663 Documents for release \(2\)](#)

[FoI-19-02663 - Documents for release \(3\)](#)

[Copy of FoI-19-02663 - Salmon ova imports 2016](#)

[Copy of FoI-19-02663 Salmon ova imports 2018 to April 2019](#)

[Copy of FoI-19-02663 Salmon ova imports April 2019 to December 2019](#)

Read more via:

[Press Release: Norwegian Salmon Egg Exports Banned Due to Disease Risks](#) (24 February 2020)

Chronology (newest to oldest):

From: [Redacted]@gov.scot>
Sent: 23 November 2019 13:56
To: [Redacted] SG staff
Subject: Marine Aquaculture Policy - 2019 - Norwegian presentation - ScoPAFF 21 November - OVA update - Follow-up EFTA report Norway aquaculture (A26403162)

Hi All

For information.

Attached is a link to a presentation given at ScoPAFF re the EFTA audit of Norway's fish health surveillance regime. It provides an outline of the process they are going through to re-establish the list of ISA free compartments, but no details on when they expect to complete this task (the last suggested deadline being 1 November). Mr Ewing will be in Norway on Monday and Tuesday and will raise with the Fisheries Minister. Once the list is submitted, there will be a process of scrutiny by EFTA.

Best regards

[Redacted]

Attachment – Presentation is publicly available at:
https://ec.europa.eu/food/sites/food/files/animals/docs/reg-com_ahw_20191221_efta-report.pdf



Statens tilsyn for planter, fisk, dyr og næringsmidler

Follow-up concerning the "Final report of the EFTA's Surveillance Authority's mission to Norway from 20 to 29 May 2019 in order to evaluate animal health controls in relation to aquaculture"

Standing Committee on Plants, Animals, Food and Feed, SCoPAFF
Section Animal Health and Welfare, AHW
22.11.2019

Kristina Landsverk
Chief Veterinary Officer

The EEA agreement

The Agreement on the European Economic Area extends the principles of the European Union internal market to three out of the four EFTA countries: Iceland, Liechtenstein and Norway. As a result, the four fundamental freedoms of the internal market - free movement of goods, services, capital and persons - apply in the EEA in the same way as they do in the European Union.

- As a result of the agreement, EC law on the four freedoms is incorporated into the domestic law of the participating EFTA States
- All new relevant EU legislation is introduced through the EEA Agreement so that it applies throughout the EEA, ensuring uniform application of laws relating to the internal market
- The EFTA Surveillance Authority (ESA) monitors compliance with the EEA Agreement
- EU Member States are supervised by the European Commission; while the participating EFTA States are supervised by the ESA
- ESA regularly perform on-the-spot inspections to ensure that the EFTA Countries apply EEA legislation correctly within the field of food and feed safety, animal health and welfare. Findings are published in reports by ESA
- Since 2006 over 60 inspections has been carried out in Norway
- Observers from Directorate F/National experts from the EU often participate in the inspections

ESAs recommendations

- The Norwegian Food Safety Authority will continue with the self-imposed voluntary suspension of the certification of live aquaculture animals, until the recommendations of the report from ESA are satisfactorily addressed.

Self imposed voluntary suspension

All compartments and zones listed as Category I health status for ISA are at the moment subject to a voluntary self imposed suspension.

- During the suspension period all zones and compartments have been subject to a comprehensive scrutiny and evaluation based on the following criteria:
- The requirements set out in Decision (EU) 1554/2015 with regard to:
 - The number of health inspections (Annex 1, Part 3, Table 3b)
 - The number and quality of samples and laboratory examinations (Annex 1, Part 3, Table 3b and Annex 1, Part 3, Points II.1 and II.)
- The requirements laid down in Directive (EC) 2006/88 with regard to:
 - The quality of official controls (Article 7)
 - The need for additional measures to prevent introduction of ISA into the compartment (Annex V, Part II, Point 2.4)

Determination of the need for additional measures

The requirements of Directive (EU) 2006/88 foresees a risk based approach. i.e. Evaluation of the compartment risk of being exposed to ISAV HPR-deleted.

The most important criteria:

- Distance to other farms keeping species susceptible to ISA
- Distance to slaughtering or processing plants processing species susceptible to ISA
- Distance to a known outbreak and an established containment area for ISA
- Distance to frequently used sailing routes for well boats
- The need for transport through an unknown or infected area of live fish for the purpose of restocking of the Category I compartment or zone.

Determination of the need for additional measures

The most relevant actions:

- The establishing of a buffer zone including one or more of the following measures:
 - Increased number of health inspections
 - Increased surveillance for ISAV HPR-deleted
 - Restrictions with regard to restocking of fish (only Category I material is allowed)
 - Specific requirements with regard to the use of transport vehicles, equipment etc.
- Similar increased biosecurity requirements within the ISA-free compartment or zones

Criteria for further listing as ISA-free compartments or zones

- All farms keeping susceptible species for ISA must have fulfilled the previous mentioned requirements set out in Decision (EU) 2015/1554 with regard to health inspections, sampling and laboratory examinations for the years 2017, 2018 and 2019.
- The requirements concerning official control laid down in Directive (EC) 2006/88 must have been fulfilled for each of the units/farms of concern.
- The need for additional measures, including the need for establishing a buffer zone has been evaluated and addressed. Only farms where this need has been considered to be unnecessary or such measures has been imposed for an appropriate period, will be kept on the list.

Internal email "[RE: Briefing and Itinerary - Mr Ewing's visit to Norway 24-26 November](#)" dated 22 November 2019 from Scottish Government staff to other Scottish Government staff:

From: [Redacted] SG staff

Sent: 22 November 2019 13:19

To: [Redacted] SG staff

Cc: Palmer MR (Mike) <Mike.Palmer@gov.scot>; [Redacted]<[Redacted]@scotland.gsi.gov.uk>

Subject: RE: Briefing and Itinerary - Mr Ewing's visit to Norway 24-26 November

In very short summary, there were some serious short falls found with regard to Norway's ability to provide assurance that the compartments they are trading from are free from infectious salmon anaemia. The suspension was recommended until Norway could put forward a justifiable list of ISA free compartments. That process has been delayed on two occasions. The NFSA was due to submit their suggest list to EFTA on 1 November. They did not meet this deadline and we have just had feedback from the Commission that they are still working to bring together documentation. We should press that this list is finalised urgently and shared with us when it is submitted. The suspension will not be lifted until the list is provided to EFTA and they are satisfied Norway can assure that they are free from ISA.

We cannot accept exports from Norway until authorities are able to attest to ISA disease freedom. That process is for Norway and EFTA. For our part, we must apply the pressure that we can to ensure that the situation is resolved as quickly as is possible, whilst respecting that trade can only take place on the basis of assurance of ISA freedom.

The industry accepts that regulatory short comings in Norway have been exposed and that the ban is in place in order to protect the interests of trading partners and Scotland's ISA free disease status. For minimal impact, the industry would like to see the ban lifted by January at the latest. If the Norwegian Minister suggests that this date will not be met, we will engage in further contingency planning discussions with industry in order to reopen previously used broodstock sites, which would allow the stripping of fish in Scotland and create an alternative ova supply.

[Redacted]

[Redacted]

Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe

[Redacted]@gov.scot

Web: <http://www.scotland.gov.uk/marinescotland>

Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ



From: Cabinet Secretary for the Rural Economy <CabSecRE@gov.scot>

Date: Friday, 22 Nov 2019, 11:40 am

To: [Redacted]@gov.scot

Cc: [Redacted]@gov.scot, Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>, [Redacted] Mike.Palmer@gov.scot, [Redacted], Cabinet Secretary for the Rural Economy <CabSecRE@gov.scot>

Subject: RE: Briefing and Itinerary - Mr Ewing's visit to Norway 24-26 November

[Redacted],

Mr Ewing has had sight of the briefing and is keen to understand issues surrounding OVA and the reasons why Norwegian authorities have not lifted the suspension.

Furthermore, the Cab Sec is eager to ensure our lines and approach is aligned with industry and that we fully understand problems and have a plan on how to arrive at solutions, noting that we have to be able to argue that our representations have actually assisted the industry in this case.

Grateful if briefing could reflect the above.

Thanks,
[Redacted]

[Redacted]
Cabinet Secretary for the Rural Economy
CabSecRE@gov.scot
0131 24 [Redacted]

From: [Redacted]@gov.scot
Sent: 06 November 2019 22:28
To: [Redacted]@scottishsalmon.co.uk; [Redacted]@scottishsalmon.co.uk
Subject: OVA - for producers

Hi [Redacted]

We discussed the current suspension of ova exports at the Framework meeting yesterday. Obviously SSF, Mowi and SSC are up to date from Framework meetings, but could you please circulate to all so everyone is clear on the current picture?

Message from Scottish Government Aquaculture Policy Unit;

A meeting of the EU's Standing Committee on Plants, Animals, Food and Feed took place on 24 October. One of the agenda items was the temporary suspension of ova exports from Norway in relation to ISA certification;

- Norway confirmed that it is still working towards a deadline of 1 November to provide documents to EFTA for review and to re-establish a list of ISA free compartments. They have confirmed that they will not resume exports without positive feedback from EFTA.
- EFTA confirmed that it will review documents submitted in cooperation with Commission services. EFTA have planned a follow up mission in 2020 to ensure that guarantees have been fulfilled by Norway.
- The suggested ISA disease free compartment list will be shared with the Commission when documents are submitted to EFTA.
- Member States wish to discuss the topic at the next ScoPAFF meeting scheduled for 21-22 November.
- The Commission requested that Norway keeps it updated with any plans to resume trade and to confirm that it will not resume certification before the next committee meeting.

This means that **certification will not resume until 21/22 November at the earliest**, pending acceptance of each ISA free area put forward and its related documentation. There is the potential for further delay.

Please get in touch with either myself or [Redacted] to discuss any concerns. As of today, we have not yet been sighted on the list to be put forward by the NFSA. I will provide any further updates that I can.

From: [Redacted]@gov.scot
Sent: 28 October 2019 18:36
To: [Redacted]@defra.gov.uk>; [Redacted]@gov.scot>
Cc: [Redacted]@gov.scot>
Subject: RE: Salmon egg trade query

Hi [Redacted]

[Redacted – out of scope]

We've already supplied some information on this to Defra, but I not you are not on the copy list, so off the hook!

[Redacted – out of scope]

Imports are essential for the functioning of our salmon industry in particular.

Best regards

[REDACTED]

[Redacted]

Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe

Tel: +44 (0)131 244 [Redacted]

E-mail: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

Web: <http://www.scotland.gov.uk/marinescotland>

Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ



gov.scot

From: [Redacted]@gov.scot>
Sent: 28 October 2019 17:53
To: [Redacted] SG staff
Subject: FW: ScoPAFF

Hi

Please see attached read out from the ScoPaFF meeting on 24 October. I will provide an update to Ministers tomorrow.

I think from this we can expect that there will be a delay until the end of November (although I note that neither EFTA nor Norway agreed at the end of the meeting to keep the suspension in place until the next ScoPAFF meeting).

We will get the back to office report soon, but I'm not sure this will give any further info than that which is in the word document.

Although we haven't had much in the way of correspondence from industry on this, they are concerned and we can raise at the meeting on 5 November. [Redacted – out of scope]

Best regards

[REDACTED]

[Redacted]

Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe

Tel: +44 (0)131 244 [Redacted]

E-mail: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

Web: <http://www.scotland.gov.uk/marinescotland>

From: [Redacted] **On Behalf Of** Cabinet Secretary for the Rural Economy

Sent: 22 October 2019 11:32

To: [Redacted]@gov.scot; Cabinet Secretary for the Rural Economy
<CabSecRE@gov.scot>; Minister for Trade, Investment and Innovation
<MinisterTI@gov.scot>

Cc: Cabinet Secretary for the Environment, Climate Change and Land Reform
<CabSecECCLR@gov.scot>; Minister for Rural Affairs and the Natural Environment
<MinisterRANE@gov.scot>; Higgins K (Kate) <Kate.Higgins@gov.scot>; Dobson L
(Leanne) <Leanne.Dobson@gov.scot>; Palmer MR (Mike)
<Mike.Palmer@gov.scot>; [Redacted]@gov.scot; Voas S (Sheila)
<Sheila.Voas@gov.scot>; [Redacted]@gov.scot; [Redacted]@gov.scot;
[Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot;
[Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot;
[Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot;
[Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot;
<CommunicationsRuralEconomy&Environment@gov.scot>; [Redacted]@gov.scot;
[Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot;
[Redacted]@gov.scot; Black G (Graham) <Graham.Black@gov.scot>; Director of
Marine Scotland Mailbox <Directormarinescotland@gov.scot>;
[Redacted]@scotland.gsi.gov.uk; [Redacted]@gov.scot
Subject: RE: Update - To note - TEMPORARY SUSPENSION OF EXPORTS OF
SALMON AND RAINBOW TROUT OVA TO SCOTLAND FROM NORWAY -
Aquaculture

[Redacted]

Mr Ewing has noted and has asked if he can get a read out from the meeting due to
take place on 24/10. Mr Ewing is keen to be kept closely advised on this.

Thanks,
[Redacted]

[Redacted]
Cabinet Secretary for Rural Economy
CabsecRE@gov.scot
0131 244 [Redacted]
[Redacted]

We have been informed that the EFTA audit and Norwegian export suspension will be discussed at the EU's Standing Committee on Plants, Animals, Food and Feed meeting on 24th October. Defra officials have confirmed attendance and will provide feedback following the meeting, including any actions or decisions taken.

Risks and Stakeholder Views

Scottish salmon production is heavily reliant upon the import of Norwegian ova ~ 90% of ova imports come from Norway. We have been in discussion with industry contacts in Norway and with the Scottish Salmon Producers' Organisation to discuss potential impacts. Relatively few queries have been received by Scottish Government and the SSPO regarding the suspension. This suggests that commercial discussions between producers and suppliers have been positive or reassuring. The Fish Health Inspectorate has noted an increase in imports from Iceland and some resilience may also exist within Scottish supplies – for example the new AquaGEN facility which has been established in Dumfries and Galloway. The SSPO has been asked to inform us if any of its members report concerns.

Rigorous application of European aquatic animal health law is essential in order to evidence and maintain disease free status and support trade. The surveillance programme implemented by Scottish Government's Fish Health Inspectorate protects Scotland's high health status. The Marine Scotland aquatic animal health programme will continue to be vital if the UK leaves the European Union.

I will provide a further update following feedback from the meeting on 24th October.

From: [Redacted]@gov.scot>

Sent: 14 October 2019 10:15

To: [Redacted] <[Redacted]@gov.scot; [Redacted]@gov.scot;

[Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot;

[Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@scotland.gsi.gov.uk

Subject: RE: NSFA - ISA free - ova suspension



Norwegian imports
2018 2019.xlsx

Hi [Redacted]

I've attached a summary of the 2018 and 2019 imports from Norway to date.

In 2018 we imported 48 million salmon ova (41 consignments) from Norway and nearly 24 million this year (21 consignments). The number each year has varied, but I would expect a further 15-20 million to be imported during the remainder of this year as we come into ova season. Since the hold was put in place on exports from Norway this summer, the Scottish industry has been supplied with salmon ova from Stofnfiskur in Iceland (over 5.6 million).

We receive ova from a few different sources and the suppliers are Mowi Norway (Tveitavag), Aquagen (Rimstad), Salmobreed, Grieg Seafood Rogaland (Erfjord Stamfisk) and AS Bolaks (Eikelandsosen and Nordveitgrend). I think there have been some changes in who owns sites as exports from Erfjord Stamfisk now have Grieg as consignor rather than Salmobreed. As there is no definitive list of ISA compartments in Norway it is hard to keep track of operator and site names.

I haven't had any discussions with industry about the situation in Norway apart from a general chat with [Redacted] at Benchmark. Benchmark own Stofnfiskur and Salmobreed so I expect that they have a contingency plan in place to import ova from Stofnfiskur instead of Salmobreed if required. I'm surprised, but I think industry are being told that this will be resolved in time for ova season.

From: [Redacted]@gov.scot

Sent: 11 October 2019 14:50

To: [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot;
[Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot;
[Redacted]@gov.scot

Subject: RE: NSFA - ISA free - ova suspension

Hi All

Yet another nightmare scenario and example of why we are rigorous in our implementation of the regulations and adherence to surveillance and control requirements to evidence and maintain disease status. Well done to policy and science colleagues.

[Redacted – out of scope]

Regards

[Redacted]

From: [Redacted]@gov.scot
Sent: 11 October 2019 11:08
To: nina.santi@aquagen.no
Subject: RE: NSFA - ISA free - ova suspension

Dear Nina

Thank you for this detailed and comprehensive reply. This is more information that we have had previously. The latest information I have from the Norwegian Food Safety Authority is that they have completed the review of all existing ISA free compartments, including surveillance, biosecurity and fish movements, as well as the need of extra measures to safeguard category I for ISA and will soon conclude on the list of sites which they will put forward to open for trade. This suggests to me that this will not be a like for like list, and your email confirms this. This will obviously then be for discussion with EFTA/ ESA and we can't assume what that outcome will be. However the current expectation is that the plan put in place by NFSA will allow the lifting of restrictions on 1 November.

The member state of the UK is usually represented by the Department for Environment, Food and Rural Affairs (DEFRA) at ScoPAFF meetings. I will query whether representation will be sent to this month's aquatics meeting and request feedback [DEFRA have pulled out of some EU commitments due to the potential departure of the UK from the European Union at the end of the month].

Would it be possible to share your email with the Scottish Salmon Producers' Organisation? I understand that you only have certain customers/ contracts in Scotland, so you may not wish me to do this, however it is a very useful summary of current state of play.

From: nina.santi@aquagen.no
Sent: 10 October 2019 13:15
To: [Redacted]@gov.scot
Subject: SV: NSFA - ISA free - ova suspension

Dear [Redacted]

Sorry for the late reply – I was hoping to gather more information and preferentially with a more optimistic content.

A brief summary of the situation:

In the days of the 20-29th May 2019 there was an EFSA audit in Norway, to evaluate animal health control. The EFSA had some serious findings during this audit related to the ISA-free compartments and recommended a temporary stop in the export of eggs from Norway. I have attached the final report from the 23rd September 2019 to this mail. It should be noted, when reading this report, that despite of some of the critics and comments, this does not translate into any direct risk of transferring ISA.

The most serious issue in the report was that the Food Safety Authority (NFSA) in Norway could not show a reliable and definite list of ISA-free compartments and zones publicly available for Norway. This is of course unacceptable and have to be corrected immediately.

One of the other issues addressed is how the NFSA have organized the sampling routines. NFSA have emphasized a risk based sampling of mortalities performed by a combination of the site's own staff, qualified fish health services and NFSA employees. In EFSA's opinion the use of own staff compromise the reliability of the targeted surveillance due to conflict of interest. As a veterinarian I would argue that the chance of detecting disease is much higher if you sample from mortalities over an extended period, but the EFSA would rather have samplings from alive fish over a short period with the NFSA present at the sampling. This reflects that the interpretation of the regulations are different between the two bodies. Neither the NFSA or the industry will object to change this, and the change is already implemented (by September 2019).

Another issue was the declaration of dependent compartments – this is compartments that have a higher risk of infection from surrounding waters; like sea sites. In the existing regulation and on the time of the establishment of some of the existing compartments (2008-2009) there were no clear requirements of additional measures other than this paragraph: *Point 2.4 of Part II Annex V to Directive 2006/88/EC - Each farm or mollusc farming area in a compartment shall be subject to additional measures imposed by the competent authority, when considered*

necessary to prevent the introduction of diseases. Such measures may include the establishment of a buffer zone around the compartment in which a monitoring programme is carried out, and the establishment of additional protection against the intrusion of possible pathogen carriers or vectors. In the drafts of the new regulations dependent compartments are an important topic and much more specified than the existing regulations – and it is our impression that the EFSA audit and report is performed with the new and not the existing regulation in mind.

There are other issues as well in the report – for instance the use of both kidney and heart samples in the surveillance. There was a delay in the implementation of kidney samples (as specified in 2015/1554) by the NFSA. In order to comply the industry have been asked to reanalyze previously sampled material for BKD analysis. This was however also commented on by the EFSA report.

It is of course the interest of and the intention of both the NFSA and the industry to comply fully with the directions from Brussels. Unfortunately, in the past, the instructions from the NFSA to the industry was not fully reliable in terms of compliance with the regulations.

This is the information we have on the situation of reopening the compartments:

EFSA: We would appreciate if Norway submit supportive documentation for ISA free compartments/zones in good time before lifting restrictions, allowing us to review the documents and provide any comments before the deadline 1 November. It may be useful for Norway to have this assessment in place before a potential discussion in ScoPAFF meeting about 24 October.

The NFSA is trying their best to compile all the necessary details from all the existing compartments and give EFSA an updated list and detailed specifications of all the surveillance of the past two years. However, given the discrepancies between the NFSA and EFSA in the interpretation of the regulations in the past, we believe that without a transitory phase many of the existing compartments may fail to be reopened:

- For sea sites (dependent compartments). No additional measures have been implemented other than those described when declaring the compartments. Difficult to back-date such measures - minimum distance to other sites, boat traffic, sampling at neighboring sites? From this we believe that some of the compartments including sea sites may be difficult to reopen.
- Samplings and use of own staff. Updated instructions on the use of kidney samples was delayed by the NFSA, and for some of the surveillance over the last two years only heart samples were analyzed for ISA. AS ISA and BKD surveillance, at least for some compartments, is organized together the kidneys were most often sampled alongside the hearts required for ISA analysis. Consequently; there are examples of compartments where only heart was analyzed initially, and kidney samples were later analyzed from kidney tissue sampled for BKD analysis. The EFSA have required full traceability and documentation that all samples of heart and kidney belong to the same fish. It is likely that some sites can demonstrate full compliance and but some will not. In additions to specifications on sampling material the

EFSA also have requested a review of all sampling dates and the presence of the NFSA at the different sampling dates for the last two years. It is not clear what would be the final consequence of missing kidney samples or samplings performed without the presence of the NFSA on sites.

It is my understanding that AquaGen's own compartments should be in a relatively good situation after such a review, but since we fear that many of the existing compartments in Norway may fail to comply and will potentially be lost, we have been in dialogue with the Ministry and urged them to work politically to negotiate a transitory period for the compartments to be opened even if they were not fully compliant in the past (for instance some kidney samples may be missing from some of the early samplings). A transitory period could for instance include individual testing of all broodfish used for production of eggs for export.

So far our impression is that the Ministry is relying on the NFSA to handle this. We fear that this is not enough and the consequence will be that very few compartments are reopened in the end.

Best regards

Nina Santi

CEO

Mobile: [Redacted]

nina.santi@aquagen.no

www.aquagen.no/en



From: [Redacted]@gov.scot
Sent: 03 October 2019 18:37
To: [Redacted]@mattilsynet.no
Cc: [Redacted]@gov.scot; [Redacted]@mattilsynet.no; [Redacted]@mattilsynet.no>; [Redacted]@mattilsynet.no
Subject: RE: temporary suspension update

Hi [Redacted]

Thank you very much for this update.

Would it be possible for you to share the list of sites which will be suggested for opening for trade once you have concluded your considerations, noting that this would not be a confirmed final list and that there would still be discussions with ESA and details to be considered before any suspension can be lifted?

The reason I ask is that I am trying to get a grasp of whether there might still be an issue with supply to Scottish customers if the temporary ban is lifted, and a number of hatcheries which have historically supplied Scotland are in compartments which cannot achieve ISA free status yet.

It goes without saying that protection of Scotland's fish health status is essential and we fully support the scrutiny and large volume of work being undertaken by you to ensure that the requirements for ISA freedom are met. My considerations are purely in a policy sense for potential knock on impacts.

You might not be able to share the suggested list, in which case I would be grateful for an indication if you think there might still be a supply issue for Scotland post 1 November if you can.

Finally, I recognise the risk remains that the temporary suspension could still be in place post 1 November, pending further discussions. Thank you for the further offer to keep us updated.

From: [Redacted]@mattilsynet.no>
Sent: 03 October 2019 16:34
To: [Redacted]@gov.scot
Cc: [Redacted]@gov.scot; [Redacted]@mattilsynet.no; [Redacted]@mattilsynet.no;
[Redacted]@mattilsynet.no
Subject: SV: temporary suspension update

Dear [Redacted],

We have reviewed all existing ISA-free segments, including surveillance, biosecurity and relocation of fish, as well as the need of extra measures to safeguard category I for ISA.
We are about to conclude on a list of sites we think would be justifiable to open for trade.

However, NFSA will seek consultations with ESA on practical details before we consider lifting the suspension.

I will keep you updated on any movement.

Best regards,

[Redacted]

From: [Redacted]
Sent: 17 August 2019 13:43
To: <[Redacted]@gov.scot>; Cabinet Secretary for the Rural Economy <CabSecRE@gov.scot>
Cc: Cabinet Secretary for Culture, Tourism and External Affairs <CabSecCTEA@gov.scot>; Cabinet Secretary for Justice <CabSecJustice@gov.scot>; Cabinet Secretary for the Environment, Climate Change and Land Reform <CabSecECCLR@gov.scot>; Minister for Rural Affairs and the Natural Environment <MinisterRANE@gov.scot>; Minister for Trade, Investment and Innovation <MinisterTII@gov.scot>; Higgins K (Kate) <Kate.Higgins@gov.scot>; Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>; [Redacted] SG staff; Communications Rural Economy & Environment <CommunicationsRuralEconomy&Environment@gov.scot>; [Redacted] SG staff
Subject: Additional Information; Ova suspension. RE: Aquaculture - Briefing - Fergus Ewing - Aqua Nor - 15 August 2019

PS Cabinet Secretary for Rural Economy

I previously advised Ministers of a temporary suspension of ova exports from Norway. Please find attached an FMQ style brief on the temporary suspension which Mr Ewing should be aware of whilst attending AquaNOR.

The suspension is temporary and has been in place since June as a result of an audit by the European surveillance authority as EFTA. The Norwegian Food Safety Authority (NSFA) has implemented the suspension on export certification as a precaution whilst it address issues raised by EFTA before its final findings are published. This process is taking longer than expected, with initial advice suggesting that the suspension would likely be lifted by the start of August.

Due to the delay, officials have consulted with the Scottish Salmon Producers' Organisation with regard to potential production concerns (90% of Scottish production relies on imports from Norway) and contingency planning. Initial feedback is that operators are confident that outstanding issues will be resolved soon, and before the start of the main egg exporting season from Norway in November.

We continue to keep the situation under review and are in regular contact with the NSFA on the matter.

This issue was originally brought to our attention through the Department of International Trade who received correspondence from Nina Santi, CEO of Aquagen. Earlier this year AquaGen signed a deal to buy Scottish Sea Farms' freshwater hatchery at Holywood near Dumfries which will provide a new supply of eggs in Scotland and contribute to ova security.

I will print a copy of the attached for private office and supply a copy on Monday.

Best regards

[REDACTED]

[Redacted]

Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe

Tel: +44 (0)131 244 [Redacted]

E-mail: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

Web: <http://www.scotland.gov.uk/marinescotland>

Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ



gov.scot

From: [Redacted]
Sent: 16 August 2019 10:24
To: [Redacted]@hient.co.uk; [Redacted]@scotent.co.uk
Cc: [Redacted]@hient.co.uk; [Redacted]@gov.scot
Subject: RE: meetings Aqua Nor

Hi [Redacted]

I can confirm that we have been in regular contact with the Norwegian Food Safety Authority regarding the temporary suspension of export certification of ova from Norway. Ministers are aware of the suspension although I have not provided a recent update (we last thought the temporary suspension might be lifted mid-July)

Thanks for sharing this communication with me. We had some communications with DIT last month.

[REDACTED]

[Redacted]

Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe
Tel: +44 (0)131 244 [Redacted]
E-mail: [Redacted]@gov.scot
Web: <http://www.scotland.gov.uk/marinescotland>
Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ



From: [Redacted]@hient.co.uk
Sent: 15 August 2019 18:51
To: [Redacted]@scotent.co.uk
Cc: [Redacted]@hient.co.uk
Subject: RE: meetings Aqua Nor

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [Redacted]

Thanks for sharing this information. Both Aquagen and [Redacted] of Grieg Seafood are expected to attend the seminar. The issue of salmon ova importation noted for Aquagen is a matter that comes under Marine Scotland's jurisdiction. Do you know if they are aware of [Redacted] planned meeting? It seems to me that [Redacted] should be aware of the fish health regulations (if she isn't familiar with the legislation) and we should be sure that Mr Ewing is prepared for any conversation Aquagen might have with him at the seminar.

[Redacted – out of scope]

Many thanks

[Redacted]

From: Nina Santi <Nina.Santi@aquagen.no>
Sent: 13 August 2019 22:24
To: [Redacted]@mobile.trade.gov.uk
Cc: [Redacted]@trade.gov.uk
Subject: SV: AquaGen - Scotland

Dear [Redacted],

Thank you for your e-mail.

I have already an understanding that contacts between Scottish authorities and Norwegian authorities have contributed in moving this issue higher on the agenda with the Norwegian Authorities.

The temporary suspension is still in force, and according to our information the Food Safety Authority in Norway have asked the ESA for a delay until September 1st before they submit a final response to the audit, partly because of the holiday season. I know that several deliveries were held back from this earlier this summer, but this issue is hopefully resolved by November when the next egg delivery season normally starts.

It is also my information that the issues are mainly of administrative nature and probably an effect of too little resources being allocated to follow up on this over time. Salmonid egg exports are a very tiny issue for the authorities but of major importance to the producers, so a little push from outside Norway can be essential to resolve this.

From: [Redacted]@gov.scot>
Sent: 13 August 2019 09:17
To: [Redacted]@gov.scot
Cc: [Redacted]@gov.scot>
Subject: RE: ISA article-kyst.no

Thanks [Redacted]. "He points out that the delay in question is a minimum of one month, six weeks or more."

This rings with original advice. Interesting to read the other headlines which are submerged in the article too.

CC. [Redacted]

[REDACTED]

[Redacted]

Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe

Tel: +44 (0)131 244 [Redacted]

E-mail: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

Web: <http://www.scotland.gov.uk/marinescotland>

Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ



gov.scot

From: [Redacted]@gov.scot

Sent: 13 August 2019 08:56

To: [Redacted]@gov.scot

Subject: RE: Submission to note - TEMPORARY SUSPENSION OF EXPORTS OF SALMON AND RAINBOW TROUT OVA TO SCOTLAND FROM NORWAY

Hi [Redacted]

Nothing yet, but I was speaking with [Redacted] at Benchmark yesterday and he had heard that there was a possibility this wouldn't be resolved until the end of the year. He sent me the attached article (English translation isn't great and I can't access the original as it is from a subscription website) and had heard the issue was delays in responding to/controlling ISA.

Cheers

[Redacted]

From: [Redacted]@bmkgenetics.com>

Sent: 12 August 2019 13:53

To: [Redacted]@gov.scot>

Subject: ISA article-kyst.no

1. Important to get started quickly when fighting ILA

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Senior Advisor in the Food Safety Authority, Knut Rønningen says that ESA pointed out the response time when they were on inspection in May. Photo: Harrieth Lundberg

According to senior adviser Knut Rønningen of the Norwegian Food Safety Authority, the Norwegian Food Safety Authority drops hearings when a fight zone is to be established.

By Harrieth Lundberg

The Norwegian Food Safety Authority has announced that they are dropping hearings on the establishment of combat zones for diseases such as ILA and PD.

Senior adviser Knut Rønningen at the Norwegian Food Safety Authority explains that this is partly due to an ESA inspection in May where they pointed out a number of shortcomings in the way Norway has handled ILA cases, according to their interpretations of the Fish Witch Directive.

Read also: [The industry must bear the costs of a new ILA plan](#)

- We do not agree with all the comments that ESA has made, but we do agree. Much of what ESA has pointed out we have looked at in connection with the work of a new fight plan for ILA, says Rønningen.

2. Guilty

He adds that they have been aware that there have been some weaknesses. According to Rønningen, ESA criticism can be summarized in two areas, and one is what the Norwegian Food Safety Authority has done to secure areas with ILA-free status.

- There are some ILA-free segments along the coast that have been approved ILA-free. It is their assurance and the guarantee that they are actually ILA-free has probably been too bad, which ESA has pointed out, he elaborates.

The other area that ESA has pointed out is the importance of Rønningen.



Norway has been criticized for low response time with implementation of anti-bribery measures for ILA outbreaks. Illustration photo: Elvis Chikwati

- It is the response time and how quickly we are getting started with anti-ILA measures. This is something that we can say we have a poor conscience for, and something that we would have done regardless of the new combat plan, ”explains the senior adviser.

3. Faster with implementation

At the same time, Rønningen says that it is important after the criticism to show ESA that the Norwegian authorities follow what they themselves think is technically correct. He reiterates that getting started on combat measures faster is something they would most likely have done at a later date with a view to the new ILA fight plan.

- We are now starting to see what is being done in the Faroe Islands and in Chile. And one of the things that makes them different from us is that they are quicker to implement countermeasures, he points out.

Also read: [New EU rules entail new combat plan for HPR0 and ILA](#)

4. Been on hearing

In addition, according to the senior adviser, they have a legal basis for not having the control area regulations on hearing.

- We have a regulatory template in which all the relevant measures that may be implemented in connection with an ILA outbreak are laid down, explains Rønningen.

The regulations have been consulted, and Rønningen explains that it is possible that it will make some minor changes.

- It has taken a very long time to get the measures implemented because we have had the draft regulations consulted, and many of the fish farming companies have engaged lawyers, he says.

He goes on to say that there have been lengthy processes, including complaints, which in turn have delayed the opportunity to get started with an active fight against the ILA. He points out that the delay in question is a minimum of one month, six weeks or more.

- It is an important step to get measures implemented within the control regulations fairly quickly, says Rønningen.

In conclusion, he adds that establishing a control area is quite important for controlling all the movement of fish within a certain risk area, in addition to having control over all other traffic that may be of importance in spreading any ILA infection to other areas.

From: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

Sent: 10 August 2019 10:49

To: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

Subject: RE: Submission to note - TEMPORARY SUSPENSION OF EXPORTS OF SALMON AND RAINBOW TROUT OVA TO SCOTLAND FROM NORWAY

Hi [Redacted]

I have had no information that is has been lifted and no further information to suggest that it will be lifted soon. [Redacted] has put feelers out to the industry in terms of contingency planning. I assume that you haven't had any import notifications through?

Best regards

[REDACTED]

[Redacted]

Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe

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Web: <http://www.scotland.gov.uk/marinescotland>

Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ



gov.scot



T: 0131-244 [Redacted]
E: foi@gov.scot

Mr [Redacted]
Office of Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
KY16 9DS

Your ref: 201900504
Our ref: FOI/18/01553
16 July 2019

Dear [Redacted]

Application for Decision by the Scottish Information Commissioner
Applicant: Scottish Salmon Watch
Department/Agency: MARINE SCOTLAND

Thank you for your letter dated 1 July 2019 relating to Scottish Salmon Watch's request dated 4 June 2019 for information on salmon ova imports since 1 January 2017.

Regulation 10(5)(e) – Confidentiality of commercial or industrial information

I can confirm that we wish to maintain reliance on regulation 10(5)(e) to withhold information containing data on the imports of salmon ova to Scotland relating to Scottish Sea Farms (SSF).

When dealing with the initial request, Marine Scotland contacted all companies that had imported ova into Scotland since 1 January 2017, asking for their views on whether the information we held relating to them should be disclosed. In response, SSF set out their views against disclosing the specific information as they considered that it was excepted under regulation 10(5)(e) of the EIRs (although they incorrectly cited regulation 12(5)(e), which is the equivalent regulation under the EIRs in England). In support of this, SSF gave their reasonings and provided extracts of specific confidentiality clauses within contractual agreements that they have in place with their suppliers and contract growers. A copy of that correspondence is attached below:

[ATTACHMENT PROVIDED ELSEWHERE IN THIS RESPONSE]

We consider that there is a clear commercial nature to this information as it contains details of third party operators and source companies that have imported salmon ova into Scotland and, as detailed above, Scottish Seas Farms have entered into a mutual confidentiality

agreement with Aqua Gen AS, and Landcatch Natural Selection Limited. We believe that this shows that the information concerned is commercially confidential in nature, as it is covered by the terms of this agreement, and thus falls within the scope for assessment under Regulation 10(5)(e).

We believe that disclosure of this information would breach the terms of the confidentiality agreement in place, and cause substantial harm to the interests of SSF. If the information were released it would disclose company or commercial strategy in the production of salmon in freshwater, which would substantially prejudice future production strategies. In their email of 12 June 2018, attached above, SSF stated *"Specifically, the information categories relating to third party 'Operator' and 'Site of Destination' (Ormsary Hatchery, Landcatch Natural selection Ltd.), 'Source Country' for entries Republic of Ireland as Marine Harvest Ireland are the only supplier in that country and all entries under category 'Number' and 'Source Company', as this information is subject to confidentiality clauses within contractual agreements provided by law between Scottish Sea Farms Ltd., and third party producer or egg supplier respectively and as such the disclosure of the information would invalidate our contractual obligations. This confidentiality is protecting a legitimate economic interest as disclosure this information would reveal company or industrial commercial strategy for production of salmon in freshwater and intellectual property knowhow on commercial strategy of genetic selection programme which is based on an extensive research and development by Scottish Sea Farms Ltd."*

In our review response dated 19 September 2018 we provided a further release, which disclosed the number of salmon ova imported, although we continued to withhold the information highlighted within our schedule of information provided to you on 20 May 2019.

We accept that SSF do not have a veto on disclosure, and the final decision on whether information should be released sits with Marine Scotland/Scottish Ministers. However, having taken account of the views expressed by SSF we believe the above shows that the information concerned is confidential, as it is covered by the terms of this agreement.

We recognise that similar information relating to other companies has been released, however this is because those other companies did not object to the release of that information. SSF were the only company to provide evidence of a confidentiality agreement that they had in place with their suppliers and contract growers.

Consideration of the public interest test

We recognise that there is some public interest in release in order to promote openness and transparency, and to inform public debate, as the information relates to aquaculture, which is an industry of some importance to the Scottish economy and therefore may be of interest to some people.

However, we feel that there is a stronger public interest in avoiding significant harm to the commercial interests of Scottish Sea Farms by breaching its confidentiality agreement made between Aqua Gen AS, and Landcatch Natural Selection Limited. The public interest in protecting the confidentiality of companies that deal with the Scottish Government is high. Commercial companies should be able to trust that the Scottish Government can protect confidential information, and not release information that will cause substantial prejudice to their interests. We feel that maintaining this trust, and not damaging the commercial interests of companies that deal with the Scottish Government outweighs the public interest in the release of the information in this case.

Additional release of information

As requested in your further email dated 10 July 2019, attached below is a copy of the information sent to [Redacted] on 17 May 2019:

[ATTACHMENT PASTED AT THE END OF THIS DOCUMENT]

I would be grateful if all the comments provided in italics above, and the contents of the email received from [Redacted] of SSF, dated 12 June 2018 (attached to this submission), were not included in the Commissioner's decision notice, nor shared with the requester or anyone else.

I hope this is sufficient to allow you to conclude your investigations. However, if you require any further information, please do not hesitate to contact me.

Yours sincerely

[Redacted]
FOI Adviser

Attachment

From: [Redacted]@gov.scot

Sent: 09 July 2019 13:48

To: [Redacted]@gov.scot; [Redacted]@defra.gov.uk

Cc: [Redacted]@gov.scot; [Redacted]@gov.scot>; [Redacted] <[Redacted]@gov.scot>;

[Redacted]n@gov.scot>; [Redacted]@defra.gov.uk; [Redacted]@defra.gov.uk;

[Redacted]defra.gsi.gov.uk; [Redacted]@gov.scot; [Redacted]@defra.gov.uk; [Redacted]@gov.scot;

[Redacted]@gov.scot; [Redacted]@gov.scot

Subject: RE: Seedstock imports for UK aquaculture exports

Hi [Redacted]

I would also add that so far this year the Scottish Aquaculture industry has imported almost 10 million salmon ova from the Republic of Ireland along with 300,000 smolts.

The Scottish industry is continuing to import mussels from the Republic of Ireland with 354 tonnes imported last year and trade ongoing this year.

Thanks

[Redacted]

From: [Redacted]@defra.gov.uk

Sent: 05 July 2019 16:06

To: [Redacted]@trade.gov.uk; [Redacted]@cefas.co.uk

Cc: [Redacted]@fco.gov.uk; [Redacted]@defra.gov.uk; [Redacted]@gov.scot;

[Redacted]@cefas.co.uk; [Redacted]@trade.gov.uk; [Redacted]@mobile.trade.gov.uk

Subject: RE: Norwegian - EU Trade Barrier

Dear [Redacted]

Apologies for the slow response.

I discussed with [Redacted] (Scottish govt), who had more detailed information on the issue:

She confirmed that there is a temporary suspension on the movement of fish and ova from Norway to countries free from Infectious Salmon Anaemia (including the GB health zone). It is her understanding that this temporary suspension has been in place since June. The suspension has been put in place voluntarily following a meeting between the Norwegian Food Safety Authority and the EFTA surveillance authority on 29 May, where issues were raised with the Norwegian documentation system which lists ISA free compartments.

The Norwegian Food Safety Authority (NSFA) has written to all exporters in Norway to state that no export licenses will be issued until resolved, and that they expect that to take 3 – 4 weeks. [Redacted] will check on progress with Norwegian colleagues in the coming days, who are confident that they will be able to resolve the situation and keep disruption to a minimum. [Redacted] is correct in that Scottish govt is not privy to the exact cause of the suspension, as the NSFA are working to address issues raised before the final findings are published. We are led to believe that they are largely administrative in nature, but we cannot verify this. The Scottish fish farming industry is of course heavily reliant on the import of Norwegian ova and we are monitoring the situation very closely.

More widely, the systems in place in Europe to protect aquatic animal health have not changed and the processes to enforce current fish health legislation (EC 2006/88) remain. Member states may submit disease freedom declarations to SCOPAFF and each member state has the opportunity to comment on these. This is a long standing process which is unaffected by upcoming changes to animal health law (which will largely regulates aquatics in the same way once on force).

[Redacted] will update you on the outcome of discussions with the Norwegian authorities as soon as she has more information.

Kind regards,

[Redacted] | DrMedVet MRCVS Habilitation | [Redacted] | Future Animal & Public Health, Endemics & Traceability (FAPHET) | Animal & Plant Health | Department for Environment, Food and Rural Affairs | Area 2B, Nobel House, 17 Smith Square, London SW1P 3JR | [Redacted] | Email: [Redacted]@defra.gov.uk | For those in Defra: [find me on people finder](#); [FAPHET Organogram](#)

[Email redacted – out of scope]

From: [Redacted]@gov.scot>
Sent: 26 June 2019 12:10
To: [Redacted] SG staff; Higgins K (Kate) <Kate.Higgins@gov.scot>; [Redacted]@gov.scot>; Dobson L (Leanne) <Leanne.Dobson@gov.scot>
Cc: Communications Rural Economy & Environment <CommunicationsRuralEconomy&Environment@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>
Subject: RE: SpAd view - lines to take - suspension of salmon ovia from Norway

Fair point. As follows. Thanks

SG spokesperson said:

“Following discussions between the EFTA surveillance authority and Norwegian Food Safety Authority, a temporary suspension has been placed on exports of live fish and ova from Norway.

“Protecting the health of our marine species and environment is paramount, so these precautions are being taken – in accordance with international standards – to minimise the risk of contamination and disease.

“We are working closely with our UK counterparts and Norwegian colleagues to monitor the situation and we expect that certification will resume in the next 3-4 weeks.”

From: [Redacted]@gov.scot>
Sent: 26 June 2019 10:15
To: Dobson L (Leanne) <Leanne.Dobson@gov.scot>
Cc: Communications Rural Economy & Environment <CommunicationsRuralEconomy&Environment@gov.scot>; [Redacted] SG staff
Subject: SpAd view - lines to take - suspension of salmon ovia from Norway

Hi Leanne.

As you will be aware, there is a temporary suspension of exports of salmon ova from Norway. Given the recent interests in salmon farm health and danger of this being conflated with that issue, thought it would be prudent to clear some media lines. Grateful for feedback on the following pls.

SG spokesperson said:

“Following discussions between the EFTA surveillance authority and Norwegian Food Safety Authority, a temporary suspension has been placed on exports of fish and ova to Scotland and other Infectious Salmon Anaemia disease-free areas, as a precaution, whilst investigations are ongoing.

“All imports of ova to Scotland are carried out in accordance with well-established rules laid out in EU and Scottish legislation, as well as internationally agreed standards, to minimise the risk of cross contamination and disease.

“We are working closely with our UK counterparts and Norwegian colleagues to monitor the situation and we expect that certification will resume in the next 3-4 weeks.”

From: [Redacted]

Sent: 25 June 2019 12:27

To: Cabinet Secretary for the Rural Economy <CabSecRE@gov.scot>; Minister for Trade, Investment and Innovation <MinisterTII@gov.scot>

Cc: Cabinet Secretary for the Environment, Climate Change and Land Reform <CabSecECCLR@gov.scot>; Minister for Rural Affairs and the Natural Environment <MinisterRANE@gov.scot>; Higgins K (Kate) <Kate.Higgins@gov.scot>; Dobson L (Leanne) <Leanne.Dobson@gov.scot>; Palmer MR (Mike) <Mike.Palmer@gov.scot>; Mitchell A (Alastair) <[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>; Voas S (Sheila) <Sheila.Voas@gov.scot>; [Redacted] SG staff <CommunicationsRuralEconomy&Environment@gov.scot>; [Redacted] SG staff

Subject: Submission to note - TEMPORARY SUSPENSION OF EXPORTS OF SALMON AND RAINBOW TROUT OVA TO SCOTLAND FROM NORWAY

PS Cabinet Secretary for the Rural Economy
PS Minister for Trade, Investment and Innovation

Please find attached a submission regarding a temporary suspension of exports of salmon and rainbow trout ova from Scotland to Norway. Officials are closely monitoring the situation and will keep Ministers updated.

PS Cabinet Secretary for the Rural Economy – please note that I will be sending a submission on the Farmed Fish Health Framework later this afternoon, as agreed yesterday.

Thank you

[REDACTED]

[Redacted]

Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe
Tel: +44 (0)131 244 [Redacted]

From: [Redacted]@cefas.co.uk
Date: Friday, 21 June 2019 at 11:59
To: [Redacted]@trade.gov.uk
Cc: [Redacted]@fco.gov.uk, [Redacted]@defra.gov.uk, [Redacted]@defra.gov.uk,
[Redacted]@gov.scot, [Redacted]@cefas.co.uk
Subject: FW: Norwegian - EU Trade Barrier

Dear [Redacted]

Your email enquiry about the statements made by the Norwegian company AquaGen about the EU mechanisms by which applications for approved compartment status for aquaculture farms are administered has made its way to be by a rather circuitous route.

[Redacted – out of scope]

As far as the statement from AquaGen about an ESA audit is concerned we are not aware of this taking place (I am presuming that the correspondent is referring to an ETFA Surveillance Authority audit). However as this is an internal ETFA process then there is no reason why we should be aware until any findings are published.

I am seeking further advice from colleagues in Scottish Government and contacts in the Norwegian Competent Authority.

[Redacted – out of scope]

Please do not hesitate to get back to me should you require anything in the interim.

Regards

[Redacted]

[Redacted]

Cefas, Barrack Road, Weymouth, Dorset, DT4 8UB, UK

Tel: +44 (0)1305 [Redacted]

Fax: +44 (0)1305 206602

www.gov.uk/cefas/fhi

www.cefas.defra.gov.uk/



From: [Redacted]
Sent: 20 June 2019 16:48
To: [Redacted]@mattilsynet.no; [Redacted]@mattilsynet.no
Cc: [Redacted]@gov.scot; [Redacted]@gov.scot
Subject: Ova export advice - exports to Scotland
Importance: High

Dear [Redacted],

I hope you are both well.

I am contacting you today as we have had two queries today regarding the status of exports of salmon ova from Norway to the UK (or Scottish salmon industry).

It has been suggested to us by a Norwegian ova supplier (AquaGen) that there may be a temporary stop on all egg exports to the EU from Norway. Separately, we have been contacted by Scottish producers who are concerned that supply will be affected this year.

However, we are also aware that a submitted declaration HALL 2 – Sørfjorden stamfiskanlegg has been withdrawn as of this morning.

What is not clear is if the correspondance we are seeing is in relation to a company who had planned to supply Scotland from compartments which had not yet regained disease freedom (but they were relying on that process to do so and increase supply this year) OR if there has indeed been advice issued which might be suggestive that exports to Scotland are at risk?

I would be very grateful if you or one of your colleagues could give me a call to discuss this.

0044131244[Redacted].

Best regards

[REDACTED]

[Redacted]

Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe

Tel: +44 (0)131 244 [Redacted]

E-mail: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

Web: <http://www.scotland.gov.uk/marinescotland>

Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ

From: [Redacted]@gov.scot
Sent: 21 June 2019 12:30
To: [Redacted]@nfd.dep.no; [Redacted]@mattilsynet.no
Subject: Exports of Salmon Ova to Scotland

Dear [Redacted]

[Redacted] - thank you for our discussion on the phone this afternoon. I have tried to summarise below.

- The EFTA surveillance authority is responsible for assessing controls systems related to food and feed safety.
- A meeting took place between EFTA and Norwegian authorities on 29 May (?) in relation ISA free compartments.
- Issues were raised with the Norwegian documentation system for ISA free compartments.
- As a result of the meeting, the Norwegian Food Safety Authority suspended the certification of salmon ova from 'ISA free compartments' (i.e health certificates to countries which are ISA free, such as Scotland, are not being permitted).
- The NSFA is working to resolve the issue, to ensure that their list of ISA free compartments is reliable, before authorising any exports.
- It is now known how long the suspension will be required.

Is there anything else to add? I am not aware that any official notification has gone out? Also that you are working to resolve as quickly as possible.

[Redacted], is it possible for you to give me a call?

[REDACTED]

[Redacted]

Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe

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E-mail: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

Web: <http://www.scotland.gov.uk/marinescotland>

Mail: Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ



gov.scot

From: [Redacted] <[Redacted]@gov.scot>
Sent: 20 June 2019 17:26
To: [Redacted]@gov.scot; [Redacted]@gov.scot>
Cc: [Redacted]@gov.scot>; [Redacted]gov.scot>; [Redacted]@gov.scot>;
[Redacted]@gov.scot>; [Redacted]@gov.scot>
Subject: RE: AquaGen - Scotland

Hi [Redacted]

We discussed.

It might be the case that (like with Rimstaad) Aquagen expected the declarations to be in place in time for their ova requirements. However – definitely need to confirm what is what, and also gauge of how of a deficit there might be.

I was at Inchmore on Monday and they said they were getting their first batch of Icelandic eggs ever in. Perhaps that was to do with supply – or perhaps they just meant the first batch to the new Mowi hatchery.

I have contacted [Redacted] and I'll let you know if/when I hear something back. I have the other contact

[REDACTED]

[Redacted]

Marine Scotland – Aquaculture, Crown Estate, Recreational Fisheries, EMFF and Europe

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E-mail: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)

Web: <http://www.scotland.gov.uk/marinescotland>

Mail: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot), Scottish Government, 1B North, Victoria Quay, Edinburgh EH6 6QQ

From: [Redacted][@gov.scot](mailto:[Redacted]@gov.scot)
Sent: 20 June 2019 16:20
To: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot); [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)
Cc: [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot); [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot); [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot);
[\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot); [\[Redacted\]@gov.scot](mailto:[Redacted]@gov.scot)>
Subject: RE: AquaGen - Scotland

[Redacted]

It would appear to be a decision internal to Norway – have you connections that you could explore the issue with, or we can try and generate some information here – what do you think? It would be a reasonable question, given the MoU between Scotland and Norway on the subject of aquaculture.

It certainly will have a significant impact if there is an impasse into the autumn, around 90% of our salmon ova are foreign sourced, the vast majority from Norway.

[Redacted]

Marine Scotland|Marine Laboratory|375 Victoria Road|Aberdeen|AB11 9DB

Tel: +44 (0)131 244 [Redacted]

Mobile: [Redacted]

www.gov.scot/marinescotland

From: [Redacted][@mattilsynet.no](mailto:[Redacted]@mattilsynet.no)

Sent: 20 June 2019 09:02

To: [\[Redacted\]@ec.europa.eu](mailto:[Redacted]@ec.europa.eu); [\[Redacted\]@ec.europa.eu](mailto:[Redacted]@ec.europa.eu);
[\[Redacted\]@ec.europa.eu](mailto:[Redacted]@ec.europa.eu); [\[Redacted\]@ec.europa.eu](mailto:[Redacted]@ec.europa.eu); [\[Redacted\]@ec.europa.eu](mailto:[Redacted]@ec.europa.eu);
[\[Redacted\]@eftasurv.int](mailto:[Redacted]@eftasurv.int); [\[Redacted\]@eftasurv.int](mailto:[Redacted]@eftasurv.int); [\[Redacted\]@eftasurv.int](mailto:[Redacted]@eftasurv.int);
[\[Redacted\]@eftasurv.int](mailto:[Redacted]@eftasurv.int)

Cc: [\[Redacted\]@defra.gov.uk](mailto:[Redacted]@defra.gov.uk); [\[Redacted\]@nfd.dep.no](mailto:[Redacted]@nfd.dep.no); [\[Redacted\]@nfd.dep.no](mailto:[Redacted]@nfd.dep.no);
[\[Redacted\]@defra.gov.uk](mailto:[Redacted]@defra.gov.uk); [\[Redacted\]@cefas.co.uk](mailto:[Redacted]@cefas.co.uk); [\[Redacted\]@cefas.co.uk](mailto:[Redacted]@cefas.co.uk);
[\[Redacted\]@mattilsynet.no](mailto:[Redacted]@mattilsynet.no); [\[Redacted\]@mattilsynet.no](mailto:[Redacted]@mattilsynet.no)

Subject: Norway withdraws the declaration for HALL 2 - Sørfjorden stamfiskanlegg

Importance: High

Dear Colleagues,

NFSA withdraws the submitted declaration for HALL 2 – Sørfjorden stamfiskanlegg, as an ISA-free compartment.

We would like to thank our colleagues from UK for the review and suggestions on the matter.

Best regards,

[Redacted],
Veterinary, Senior Adviser

NFSA – Head Office – Fish Health and Welfare Section

From: [Redacted]trade.gov.uk
Sent: 14 June 2019 03:12
To: [Redacted]@cefas.co.uk
Subject: Norwegian - EU Trade Barrier

Hi [Redacted]

Do you have any insight on the following info? Below is a summarized email from a Norwegian broodstock and egg producer. Matter has been escalated within DIT and DEFRA but appreciate if can keep information provided internal (if not already public knowledge).

Import of salmon eggs to UK (from Norway and Iceland) regulated by European Fish Health Directive. One condition for trade is that eggs come from Infectious Salmon Anemia (ISA) free compartments. The ISA-free compartments are declared by the Norwegian Food Safety Authority, however, the Fish Health Directive is under revision and changes to legislation is making these declarations increasingly difficult to obtain. The matter has escalated further. Norwegian broodfish- and egg producers may face a temporary stop in all egg exports to EU from Norway after an ESA inspection earlier this year. The background is partly a different understanding of the regulations between countries and most concerns had come from the UK. Concern over how this would impact UK Salmon Industry.

Best wishes

[Redacted] BVM&S MRCVS

Specialist for Animal Sciences & Aquaculture | Agri-Tech | Bioeconomy | Department for International Trade | 55 Whitehall | London SW1A 2EY | Mobile [Redacted] | Telephone +44 (0) 20 7215 [Redacted] | [\[Redacted\]@trade.gov.uk](mailto:[Redacted]@trade.gov.uk) | gov.uk/dit | Export Opportunities | DIT Twitter | Business is GREAT Facebook

From: [Redacted]@fco.gov.uk
Sent: 11 June 2019 13:01
To: [Redacted]@defra.gov.uk; [Redacted]@defra.gov.uk
Cc: [Redacted]@trade.gov.uk; [Redacted]@mobile.trade.gov.uk>; [Redacted]fco.gov.uk>; [Redacted]@fco.gov.uk>
Subject: FW: AquaGen - Scotland

Hi both,

I just wanted to flag the email below which has been sent to [Redacted] (sector specialist in DIT) and us. We wanted to check if you are aware of the question raised below? I imagine [Redacted] will also be following up through DIT channels. The main question seems to be whether we have been putting pressure on Norway through the EU (however indirectly) on ISA free compartments? From a quick bit of desk research I haven't found anything specific on the ESA inspection or a temporary stop in exports. I can contact the ministry about this if it would be helpful?

Best wishes,
[Redacted]

From: Nina Santi <Nina.Santi@aquagen.no>
Sent: 10 June 2019 23:41
To: [Redacted]@trade.gov.uk>
Cc: [Redacted]@mobile.trade.gov.uk>
Subject: SV: AquaGen - Scotland

Dear [Redacted],

Thank you for your kind e-mail. We appreciate that our initiatives in Scotland have been welcomed by both local and central authorities. [Redacted] and I had a good meeting in Oslo, and we briefly discussed one issue that I would like to come back to both of you on.

Currently, the salmon production in Scotland and the trout production in UK are fully relying on egg imports. This makes the production vulnerable, and is one of the reasons we are establishing egg production in Scotland. The planned production this year is however not sufficient to support all the salmon producers in Scotland.

4.1 Salmon egg imports to Scotland come mainly from Norway and Iceland, and the import is regulated by the European Fish Health Directive (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). One of the conditions for export of eggs from Norway to Scotland are that the eggs come from an ISA-free compartment. The ISA-free compartments are declared by the Norwegian Food Safety Authority in the meetings of the Standing Committee on Plants, Animals, Food and Feed (SCOPAFF) after a two year period of surveillance for the disease. Other member states can ask questions or make comments to the declarations before they become valid and the export can commence. The Fish Health Directive is under revision and the new legislation will be implemented in April 2021. The revision of the legislation seem to influence the current work of the commission, as questions arise in connection with new declarations that we previously did not experience.

4.2 During the last year, the declaration of ISA free compartments from Norway has become increasingly difficult, and last week this situation seemed to escalate to another level. We do not have all the information yet, but from our understanding we face a temporary stop in all egg exports to EU from Norway after an ESA inspection earlier this year. The background for this is

likely that parts of the regulations are understood differently in the member states. From what I understand some of the concerns leading up to this situation have come from UK. With this in mind, and from the understanding that a stop in egg exports could damage the Scottish salmon production severely, I wanted to raise your attention to this issue.

4.3 As a producer we follow the instructions given by the national authorities, and trust them to give us the right advise. The producers have no voice in the dialogue between the member states, and no direct influence over the current process. So we have to rely on the work of the authorities and politicians to resolve the situation.

4.4 Are there any ways you can assist in this situation? For AquaGen we need to get new genetic material into Scotland to continue the breeding program locally, but this is of less concern. The main issue is that if the salmon farmers in Scotland are short of eggs, the salmon production just stops, nothing less.

4.5 I have the contact information to the persons working with these regulations within the Norwegian Ministry of Trade, Industry and Fisheries if this could be of relevance.

4.6 For further information, you should be aware that there are some important issues related to the aquaculture regulations that are different from other animal health regulations in EU. For most other farmed animals, the trade of genetic material in the form of frozen sperm or embryos are regulated separately from the trade and transport of live animals. In fish the same regulation applies if you send frozen milt or embryos (eyed eggs) as if you send a live fish or even a broodfish. The risk is very much higher with the latter, but this is not considered in the regulations. This can be some of the background for extra concerns raised by the fish health authorities.

4.7 I would like to apologize for contacting you regarding this rather complex matter but I feel we have to do something on behalf of our Scottish customers. They are not fully aware of the situation since last week, and I would rather not alarm them before we have more information.

Best regards

Nina Santi
CEO
Mobile: +47 411 48 138
nina.santi@aquagen.no
www.aquagen.no/en



From: [Redacted]@mattilsynet.no
Sent: 09 May 2019 11:06
To: [Redacted]@defra.gov.uk; [Redacted]@cefasc.co.uk>; [Redacted]@cefasc.co.uk;
[Redacted]@ec.europa.eu; [Redacted]@ec.europa.eu
Cc: [Redacted]@defra.gov.uk; [Redacted]@mattilsynet.no; [Redacted]@mattilsynet.no
Subject: SV: Norwegian Approved Compartment Declarations - Barstadvik and Hall 2

Dear Colleagues,

Please find attached the response from NFSA to UK on the comments and requests regarding the declaration for 10183 Barstadvik.

Please note: due to the fact that some of the samples are selected and handled by the company's own veterinarians, NFSA does not regard the sampling to comply with (EU) 2017/625, Article 29 and 30.

(EU) 2017/625 is currently not implemented in Norway. Still, NFSA recognizes the concerns regarding independence and impartial handling of samples.

Consequently, NFSA withdraws the declaration for 10183 Barstadvik.

[Redacted]
Veterinary, Senior Adviser

NFSA – Head Office – Fish Health and Welfare Section

From: [Redacted]@scottishseafarms.com>
Sent: 01 May 2019 18:06
To: [Redacted]@gov.scot>
Cc: [Redacted]@gov.scot>
Subject: RE: Freedom of information request - SSF import of ova

Dear [Redacted],

Sorry for my late reply to your email today, I only just received it. I confirm as previously described we consider the release of information relating to SSF with ova (including imports) involving Mowi / Marine Harvest would cause substantial prejudice to confidentiality of commercial information and as such we request this information is exempt from release to the public under 10(5)e of the EIRs.

Best regards,

[Redacted].

From: [Redacted]@gov.scot>
Sent: 20 March 2019 17:58
To: [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot;
[Redacted]@gov.scot>
Cc: [Redacted]@gov.scot>; [Redacted]@gov.scot>
Subject: FW: Norwegian Declarations

Please see attached from [Redacted]. If we have any comments we can collate and I am happy to do that then forward on.

The declarations are available here:

https://www.mattilsynet.no/language/english/fish_and_aquaculture/fish_health/declaration_of_areas_free_of_infectious_salmon_anaemia_isa_in_norway.8674

Thanks,
[Redacted]

Online via

https://www.mattilsynet.no/language/english/fish_and_aquaculture/fish_health/declaration_of_areas_free_of_infectious_salmon_anaemia_isa_in_norway.8674

From: [Redacted]@gov.scot
Sent: 13 March 2019 11:55
To: [Redacted]@scottishseafarms.com
Cc: [Redacted]@gov.scot
Subject: RE: Freedom of information request - SSF import of ova

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Dear [Redacted],

Thanks for getting back to me so quickly.

There must be a telephone number missed in one of the communications so I will look into that before releasing the information.

We have redacted the published case material as requested. It would be beneficial if you could confirm exactly the information which relates to commercial confidentiality – I presume that this is just the supplier site and company of any ova imported or provided by a 3rd party – does this relate to fish as well as ova where supplied from out with the company? Also, I think we were withholding information about sites operating on behalf of SSF on a contract growing relationship – but is this just in relation to the import of ova?

Going forwards, we will look to redact this type of information from cases as they are completed and published, but we need to be clear exactly what should be withheld.

Many thanks,
[Redacted]

From: [Redacted]@gov.scot
Sent: 12 March 2019 16:05
To: [Redacted]@scottishseafarms.com
Subject: FW: Freedom of information request - SSF import of ova

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Dear [Redacted],

Further to this email communication and my telephone call with you last week, the attached information relating to SSF concerning the request for information on Scottish Sea Farms in relation to the import of ova from Norway and disease concerns since 1 January 2016, is proposed for release.

The sections highlighted in pink are areas to be redacted on the basis of being either personal information or relating to the confidentiality of commercial information. In relation to the later, please confirm with me that you wish to maintain this position in this case.

I should also highlight that case information relating to site inspections at Barcaldine Hatchery Incubation 1 (case 2018-0646) and Barcladine Hatchery Incubation 3 (case 2018-0645) stipulates: *Site fully stocked with one input 27/11/18 from Aquagen, Norway* and that this information has been published on the Marine Scotland web site. If you feel that this information falls under the confidentiality of commercial information then please let me know.

In addition I attach a background note on the ISA status history of Rimstad – the intention was to release this as part of the context to the request and as a follow up to previous suggestions made about the importation of ISA infected ova.

Grateful for your reply concerning the above.

We are due to reply to the request tomorrow – apologies for the short notice.

Kind regards,
[Redacted]

From: [Redacted][@hendrix-genetics.com](mailto:[Redacted]@hendrix-genetics.com)
Sent: 15 February 2019 14:04
To: [Redacted][@gov.scot](mailto:[Redacted]@gov.scot);
Cc: [Redacted][@hendrix-genetics.com](mailto:[Redacted]@hendrix-genetics.com); [Redacted][@organicseaharvest.co.uk](mailto:[Redacted]@organicseaharvest.co.uk);
[Redacted][@hendrix-genetics.com](mailto:[Redacted]@hendrix-genetics.com)
Subject: Import Notification

Good Afternoon [Redacted]

Please find attached import notification of 584,000 Fanad eggs arrived from Ireland yesterday.

In the Intra trade certificate that came along with the shipment Consignee details were printed incorrect. Instead of Organic sea Harvest it was printed Scottish Sea Farms Ltd.

Consignor have advised us that it has been amended both with their Irish authorities and with Marine Scotland Science, Scotland. It's just for your information that the document that I hold has to be amended.

I am aware that there is an inspection in our fish farm on 25th of this month from Marine Scotland and can be amended by that time by our authorities.

Many Thanks
[Redacted]

[Redacted]
Atlantic Salmon

T [Redacted]

E [\[Redacted\]@hendrix-genetics.com](mailto:[Redacted]@hendrix-genetics.com)
W www.landcatch.com

From: [Redacted][@gov.scot](mailto:[Redacted]@gov.scot)
Sent: 14 February 2019 09:44
To: [Redacted][@scottishseafarms.com](mailto:[Redacted]@scottishseafarms.com)
Subject: Freedom of information request - SSF import of ova

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Dear [Redacted],

For your information I'm drawing your attention to the attached publication made by Scottish Salmon Watch [Game Ova for Scottish Salmon - Deadly disease delays egg imports from AquaGen in Norway](#). An FoI request was received and dealt with covering the subject area of on bio-security and disease risk in relation to the import of salmon ova and lumpsucker ova into Scotland for the use on salmon farms. The detailed

request and response is available here: <https://www.gov.scot/publications/foi-18-03773/>

As part of the release of information, documentation covering the detection of ISA in Rimstad (Norway) along with the declaration made by the Norwegian officials to regain disease free status was released. Caught up in this information, which involved discussion between Scottish and central UK governments, was information relating to the potential import of eggs to Barcaldine from Aquagen back in November and with reference to the ability for the Norwegian site to trade in terms of disease status.

The subsequent article was produced by Scottish Salmon Watch.

Following this, a further request for information has been received covering information on Scottish Sea Farms in relation to the import of ova from Norway and disease concerns since 1 January 2016. Whilst some of this request will have been covered by responses to previous requests (from last year), we are still to undertake search activity to capture any additional information which we hold which may be relevant. We will consult with you on the same once this activity has been conducted.

One area which will fall under this new request is the information associated with ova imports into Barcaldine (and any other additional sites which have imported ova). Given the previous discussions around the release of this information I am seeking your opinion over this in relation to any existing confidentiality agreements. Amongst other things, the information would include site and company of origin and destination, the number of ova shipped and the date that the shipment was made. I would be grateful for a written opinion on this from SSF. As I have explained previously, this consultation is a courtesy, not a statutory obligation, and you do not have a veto on disclosure of the information. Under the terms of the EIRs, the decision on whether or not to release the information is for the Scottish Government alone. However, we will take account of your views.

From: [Redacted]@cefas.co.uk
Date: 25 January 2019 at 12:31:15 GMT
To: "[Redacted]@gov.scot"
Subject: FW: Freedom of Information Request Fol/18/03773 - ova imports, biosecurity and disease risk

Dear [Redacted]

Thank you for consulting us on this request and if you need more information or clarification I am in the office tomorrow, but on a training course so if you ring my mobile [Redacted] I will get back to you as soon as I can.

[Redacted – out of scope]

With regard to the other two documents which relate to the Rimstad approved compartment declaration I am not aware of the Commission policy on the publishing of any of the comments from the Commission itself or Member States with regard to declarations presented at SCoPAFF. As far as we know they do not appear anywhere in public and we would be interested if you have had feedback from the Commission on this point. Obviously the actual declaration is still available on the Commission and Norwegian websites and having reviewed the attached documents in the short time available this evening I cannot see anything that I would not be prepared to see released.

I would ask the current relevance of including the Rimstad information at this stage because the last correspondence we had on the 19th November 2018 stated that the deceleration was on hold pending a resolution between the Commission, Germany and Norway. Therefore I presume you are

not yet trading with the Rimstad site so it is not bio-security or disease risk in relation to the import of salmon ova.

From: [Redacted] (MARLAB)
Sent: 10 January 2019 13:52
To: [Redacted]@aquagen.no>
Subject: RE: Import/Export Stats 2018

Hi [Redacted]

Luckily I put the stats together last week so it's an easy cut and paste job!

Imports of salmon

Stage & origin	2018
Ova	
Iceland	10,119,000
Norway	48,345,000
Republic of Ireland	7,250,000

From: [Redacted]@cefas.co.uk>
Sent: 15 November 2018 11:50
To: [Redacted]@defra.gov.uk>
Cc: [Redacted]@defra.gov.uk>; [Redacted]@cefas.co.uk>; [Redacted]@gov.scot>
Subject: RE: Questions regarding declaration for 18000 Rimstad

Hi [Redacted]

The response from Norway clarifies why the 26 fish were not tested for ISA and, in relation to their assessment of surveillance needs before and after the re-interpretation of the Directive's needs, the explanation is reasonable.

I was somewhat concerned by their statements that the operator was making decisions about which fish were to be sampled, rather than an independent veterinarian or competent authority veterinary inspector but, given that they have now conducted testing on a very large number of broodstock, we think these concerns can be ignored.

I have just spoken with [Redacted] and he has confirmed that the Scots are equally happy with the information supplied and believe that the declaration is acceptable.

We could perhaps note that with plans to introduce rainbow trout to the farm at some future point, it would be necessary to ensure that these and any further salmon introductions were from ISA-free sources.

Regards -[Redacted]

From: [Redacted]@defra.gov.uk
Sent: 15 November 2018 15:07
To: [Redacted]@ec.europa.eu; [Redacted]@ec.europa.eu>; [Redacted]@ec.europa.eu; [Redacted]@defra.gov.uk>
Cc: [Redacted]@defra.gov.uk>; [Redacted]@cefas.co.uk>; [Redacted]@gov.scot>; [Redacted]@gov.scot>; [Redacted]@gov.scot>
Subject: Compartment Declaration Rimstad Norway

Dear all

We thank our colleagues from Norway for the additional information that was provided. Following clarification from Norway from the questions regarding the Rimstad declaration we have sought further advice and are now content with the information supplied and support the declaration.

Yours sincerely,

[Redacted]

From: [Redacted]@mattilsynet.no
Sent: 15 November 2018 10:30
To: [Redacted]@defra.gsi.gov.uk; [Redacted]@gov.scot; '[Redacted]gov.scot
Cc: [Redacted]@ec.europa.eu>; [Redacted]@ec.europa.eu; [Redacted]ec.europa.eu;
[Redacted]@ec.europa.eu>; [Redacted]@defra.gsi.gov.uk; [Redacted]@cefas.co.uk;
[Redacted]@gov.scot; [Redacted]@mattilsynet.no; [Redacted]@mattilsynet.no
Subject: Questions regarding declaration for 18000 Rimstad

Dear Colleagues,

Please find attached note.

Kind regards,

[Redacted]



Norway Approved



Questions

Compartment Checkregarding declaratic

Further attached documents FoI-18-03773 Defra - Cefas.docx; FoI-18-03773 Defra - Cefas 2.docx; and FoI-18-03773 Defra - Cefas 3.docx; all released previously and available at <https://www.gov.scot/publications/foi-18-03773/>.

From: [Redacted]@scottishseafarms.com
Sent: 15 November 2018 13:35
To: [Redacted]@gov.scot>
Cc: [Redacted]@scottishseafarms.com>
Subject: RE: Salmon ova from AquaGen Rimstad

Hi [Redacted]

Thanks very much for letting us know. The eggs should be arriving in Aberdeen on Wednesday 21/11 at 08.05 Barcaldine around 3-4 pm. We will put them in the comphatches the next day.

Let me know what suits you best for paperwork inspection.

Best regards

[Redacted] | [Redacted] | **Scottish Sea Farms Limited**
Barcaldine Hatchery, Barcaldine, Argyll & Bute, UK, PA37 1SE
Tel (+44) [Redacted] Mob (+44) [Redacted]

From: [Redacted]@gov.scot
Sent: 15 November 2018 11:51
To: [Redacted]@scottishseafarms.com
Cc: [Redacted]@scottishseafarms.com>
Subject: RE: Salmon ova from AquaGen Rimstad

Hi [Redacted]

Just a quick follow up on my email from yesterday.

We've received some supplementary information from the Norwegian competent authority that have answered the UKs queries on the application to reinstate the ISA free status of Rimstad. Cefas and ourselves have informed Defra that we are content so Rimstad's ISA free approval will come into effect on 19th November in time for the ova coming into Barcaldine.

Could you let me know the estimated time of arrival of the ova at Barcaldine and I will arrange to inspect the ova and the health certificate. Will you be unpacking and laying down the ova on Wednesday?

Cheers

[Redacted]

From: [Redacted] (MARLAB)
Sent: 14 November 2018 10:02

To: [Redacted]@scottishseafarms.com'
Cc: [Redacted]@scottishseafarms.com
Subject: Salmon ova from AquaGen Rimstad

Hi [Redacted]

I have received the notifications from [Redacted] for the eggs coming in from AquaGen next Wednesday for Barcaldine.

As you will be aware an application has been submitted to SCoPAFF to reinstate the ISA free status of Rimstad following the detection of ISA last year at the site. There is a 60 day period for Member States to raise any issues with an application and for these to be resolved. Issues have been raised about the application for Rimstad, but not that these have been addressed yet to my knowledge.

The 60 day period for the application ends on 19th November with ova arriving on 21st November. Obviously this is a tight turnaround so I wanted to make sure Scottish Seafarms were aware of the situation in case there are any delays in reinstating the ISA free status of Rimstad. If the ISA free status of the site is not confirmed then the import cannot proceed.

Give me a call or email me if you have any questions. We will probably inspect the consignments on arrival to ensure the health certificates have been correctly completed. Is the consignment arriving at Aberdeen or Glasgow airport? I think I will be in Oban next Wednesday so if the ova are arriving at Glasgow I could inspect them on arrival at Barcaldine.

From: [Redacted]@gov.scot
Sent: 29 June 2018 08:38
To: [Redacted]@scottishseafarms.com
Cc: [Redacted]@gov.scot
Subject: FW: Request for information under the Environmental Information (Scotland) Regulations 2004

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Dear [Redacted]

Thank you for your communications regarding Fol/18/01553 concerning information on salmon ova imports since 1 January 2017.

As you will be aware, as a public authority Marine Scotland is legally bound to comply with the requirements of the freedom of information regulations, in this case the Environmental Information (Scotland) Regulations 2004 (EIRs) apply. Under the regulations there is a general presumption in favour of the release of information and whilst exemptions exist which can permit information to be withheld, this approach is to be applied in a restrictive manner. We must be requester-blind, which means we must treat everyone equally and we can't consider why they are requesting the information.

We can withhold information only if an exception under the regulation applies to that information and the public interest in disclosure is not outweighed by the public interest in upholding the exception. The decision on release remains solely for the public authority holding the information, taking account of any third party views received in so far as they help inform that decision. That said, a third party does not have a veto on disclosure of the information.

Within the EIRs regulation 10(5)(e) exists and this covers the confidentiality of commercial or industrial information where such confidentiality is provided for by law to protect a legitimate economic interest.

On this occasion we will be withholding the information requested which relates to your business interest as we accept the arguments you have put forward in relation to confidentiality of commercial or industrial information.

Thank you for your communications and assistance in dealing with this request.

Regards,
[Redacted]

From: [Redacted]@gov.scot>
Sent: 22 June 2018 12:56
To: [Redacted]@gov.scot>; [Redacted]@gov.scot>
Subject: FW: Request for information under the Environmental Information (Scotland) Regulations 2004

Hi

I have received a further email from Finfish following my request for supporting evidence regarding their concerns about the release of data to [Redacted] on imports. I'm not sure if this is sufficient evidence, but I will leave this with you to consider.

Thanks

[Redacted]

From: [Redacted]@aol.com

Sent: 22 June 2018 12:46

To: [Redacted] (MARLAB)

Subject: Re: Request for information under the Environmental Information (Scotland) Regulations 2004

Dear [Redacted],

Thank you for wishing to learn more of our concerns. We are a small/medium sized privately owned, independent, Scottish company. We have been in operation since 1991 and currently have a staff of seven full time employees. Our salmon hatchery is located in a remote part of the West Highlands in a former National Nature Reserve area and we are vulnerable to anyone intent upon interfering with our water supply.

We comply with the requirements of Government agencies and have regular and frequent audits to ensure that we conform to the quality standards of large retail chains, including full traceability of our stock back to the egg source. We also conform to the standards of Freedom Foods where the main concern is the welfare of the fish in our care. There is a wild salmon fishery on the river supplying our hatchery and the riparian owner visits our farm regularly and is aware of the origins of our fish stocks and our farm practices and is on the board of the North West Sutherland Fishery Trust. We are concerned to know who else requires information about our commercial farming business and why they want the information.

We have not suffered outside interference to date but we did have an unannounced visit in April 2014 from a [Redacted] who is known to object in principle to salmon farming. [Redacted] held up and photographed a FOI reply letter against name signage on our entrance gate. The letter apparently related to a recorded SEPA discharge water quality failure by our farm and presumably, if taken out of context, could have been used to create adverse publicity about our farm. He later held a public meeting in nearby Ullapool where militant members of the audience were heard by our staff to express extreme views against fish farming.

Modern salmon farming is a tightly controlled, predictable process of fish production and it is relatively straightforward to extrapolate from the number and origin of salmon eggs the likely fish survival percentage and growth rate which will be achieved by the hatchery producer. Knowledge of the number and size of fish transferred from a hatchery to a sea farm customer allows the future fish growth to market size and likely timing of harvests to be determined. Due to the relatively long farm growth cycle for salmon this is commercially sensitive data which can be used by both competitor farms and by customers for the final fish products. The collation and use of this hatchery data, coupled with data from other sources, will be of market value to our farm competitors and eventually adversely impact the financial returns to the Scottish salmon industry from both export and internal UK markets.

We can see the potential commercial risks to our private limited company of your acceding to this EIR request but have difficulty understanding why our company data is not protected under the law and where the public interest lies in divulging the source hatchery of the imported certified eggs we are rearing, the identity of our farm and the number of salmon eggs in our care.

Kind regards,

[Redacted]

Finfish Limited.
Registered in Scotland No. 130308
Registered Office:
Inverpol
Ullapool,

From: [Redacted]@scottishseafarms.com

Sent: 12 June 2018 10:02

To: [Redacted] (MARLAB)

Subject: RE: Request for information under the Environmental Information (Scotland) Regulations 2004

Importance: High

Dear [Redacted],

Thank you for informing us of the request under the Environmental Information (Scotland) Regulations 2004 (EIRs) for information on imports of Atlantic salmon ova into Scotland during 2017 and 2018. Whilst we understand that this consultation is a courtesy, not a statutory obligation, we wish to raise our objection to the release of specific categories of information under 12.—(5) For the purposes of paragraph (1)(a), a public authority may refuse to disclose information to the extent that its disclosure would adversely affect - (e) the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest. Specifically the information categories relating to third party 'Operator' and 'Site of Destination' (Ormsary Hatchery, Landcatch Natural selection Ltd.), 'Source Country' for entries Republic of Ireland as Marine Harvest Ireland are the only supplier in that country and all entries under category 'Number' and 'Source Company', as this information is subject to confidentiality clauses within contractual agreements provided by law between Scottish Sea Farms Ltd., and third party producer or egg supplier respectively and as such the disclosure of the information would invalidate our contractual obligations. This confidentiality is protecting a legitimate economic interest as disclosure this information would reveal company or industrial commercial strategy for production of salmon in freshwater and intellectual property knowhow on commercial strategy of genetic selection programme which is based on an extensive research and development by Scottish Sea Farms Ltd. As such, disclosure would adversely affect the confidentiality and therefore the public interest in disclosure is not outweighed by the public interest in upholding the exception.

We are unable to provide copies of the full contractual agreements based on the same confidentiality restrictions, however extracts of the specific confidentiality clauses are provided below as requested to help with your decision. As you will read, public disclosure of the content of the supply agreement is restricted by contract Law, i.e. 'source company', 'destination site', 'operator' and 'number of eggs' supplied due to the economic value of this Evaluation material of business strategy and as such we further request that this information not be released into the public domain. Should you decide to proceed to publish the information I would gratefully ask for prior notice so that we can honour our contractual obligation to inform our suppliers specifically under clause 7 of the 2) mutual confidentiality agreement in order to make any legal challenge.

Should you require clarification on any of the above please don't hesitate to contact me, and I would appreciate to be informed as to the outcome of your decision.

Scans of the agreements themselves, as follows:

1. Extract from contractual supply agreement between egg suppliers and SSF:

7. Confidentiality

Both parties agree to treat the agreement and the content as confidential.

2. Text of contractual agreement between Aquagen, Landcatch and SSF:

MUTUAL CONFIDENTIALITY AGREEMENT

THIS AGREEMENT is made and entered into on 30th November 2016 by and between:

Aqua Gen AS having its principle place of business at P.O.Box 1240, Pirsenteret, 7462 Trondheim, Norway, (hereinafter referred to as "Aqua Gen"); and

Landcatch Natural Selection Limited having its principle place of business at Ormsary Fish Farm, Lochgilphead, Argyll PA31 8PE, United Kingdom (hereinafter referred to as "Landcatch")

WHEREAS, Aqua Gen and Landcatch are entering an egg supply arrangement for smolt production on behalf of Scottish Sea Farms (the "Business"); and

WHEREAS, the parties recognize and agree that all information obtained during the course of the Business must be kept in the strictest of confidence, and used solely for the purposes of the Business in order to protect both parties, their respective businesses and the good faith conduct of the negotiations themselves.

NOW, THEREFORE, the parties hereto agree as follows:

1. The parties agree to conduct the Business in good faith and to keep all Business or negotiations confidential.
2. All information, together with analyses, compilations, studies or other documents or records prepared by either party or their representatives which contain or reflect or are generated from such information, whether furnished before, on or after the date of this Agreement, and whether printed, written or oral, or provided in response to a specific inquiry or voluntarily by either party or any of their representatives ("Evaluation Material"), shall be (i.) held in the strictest confidence by the other party for a period of (5) five years after disclosure; and (ii.) used solely for the purposes of the negotiations between the parties. Notwithstanding the above, each party may disclose Evaluation Material to each party's directors, officers, selected employees, accountants and attorneys and other representatives ("Representatives") who, in such party's reasonable judgment, need to know such information for the purpose described above and who have been informed of the terms of this Agreement and of the confidential nature of the Evaluation Material. Representatives shall only be provided with such information as is reasonably necessary to enable them to perform their assigned tasks.
3. Each party agrees not to use any of the Evaluation Material obtained from or about the other party's business for their own advantage or the advantage of any other person or entity. Upon termination of the Business, all of the Evaluation Material and all copies thereof, shall, upon the request and at the option of the other party, either be (i) returned promptly to the party providing such information or documents; or (ii) promptly destroyed, and such destruction shall be certified in writing to by one of the undersigned's officers supervising such destruction.
4. The term "Evaluation Material" shall not include information which the other party can prove by documentary evidence (i) is in the public domain at the time of disclosure; (ii.) became generally available to the public other than as a result of a disclosure by the other party or the Representatives in

violation of this Confidentiality Agreement, or (iii) became available to the other party or its Representatives from a third party who doesn't owe the disclosing party an obligation of confidentiality in relation thereto.

5. Each party agrees to indemnify, defend, and hold the other and its respective Representatives harmless from and against any losses, claims, damages or liabilities arising out of breach of this Agreement by the respective party or its Representatives and will reimburse the other and its Representatives for all expenses (including legal fees and experts' fees) incurred in connection therewith. The obligations set forth in this paragraph shall survive the termination of this Agreement.

6. Each party acknowledges and agrees that the other party would not have an adequate remedy at law and could be irreparably harmed in the event that any of the provisions of this Agreement were not performed in accordance with their specific terms or were otherwise breached. It is accordingly agreed that the parties shall be entitled to injunctive relief (without bond and without the necessity of actually showing monetary damages) to prevent breaches of this Agreement and to specifically enforce the terms and provisions hereof, in addition to any other remedy to which the parties may be entitled at law or in equity. If either party shall enforce this Agreement through legal action, then the prevailing party shall be entitled to reasonable legal fees and costs.

7. If either party is legally compelled to disclose Evaluation Material, such party shall provide the other party with prompt notice so that the other party may seek a protective order or other appropriate remedy and/or waive compliance with this Agreement. In the event that such protective order or other remedy is not obtained, or if the other party waives compliance, then the compelled party may furnish only such information as is legally required and will exercise best efforts to obtain assurance that Evaluation Material will be accorded confidential treatment.

8. Neither party shall publicize this Agreement or the Business contemplated herein, except with the prior written consent of the other party. Any confidential obligations entered into between the parties which represent a stricter obligation of confidence shall prevail this Agreement.

From: [Redacted][@hendrix-genetics.com](mailto:[Redacted]@hendrix-genetics.com)

Sent: 08 June 2018 09:52

To: [Redacted] (MARLAB)

Subject: RE: Request for information under the Environmental Information (Scotland) Regulations 2004

Dear [Redacted],

I am sure you are aware of the recent press release which was in the National newspaper, basically highlighting the failures in Scottish Government to enforce an import ban on Norwegian eggs. The paper had requested details under FOI from Scottish Government in relation to our own set of circumstances being denied access to the Norwegian market.

Anyway, I am not sure if the below request is linked in anyway to that but if at all possible can we restrict the information you release? Ideally we would not share Site of destination, Operator and Consignee on certificate. The reason we ask for this is we do not want to be used nor seen as the bad guys, we fully support the Scottish industry and indeed respect the Scottish governments decision around Norway. After all we have moved on and no longer have our own broodstock in Scotland.

Let me know what you think?

Regards

[Redacted]

[Redacted]

Atlantic Salmon

~~~~~  
**T** +44 (0)1880 [Redacted]

**M** +44 (0) [Redacted]

**E** [\[Redacted\]@hendrix-genetics.com](mailto:[Redacted]@hendrix-genetics.com)

**W** [www.landcatch.co.uk](http://www.landcatch.co.uk)

---

**From:** [Redacted]@scottishsalmon.com

**Sent:** 08 June 2018 12:52

**To:** [Redacted] (MARLAB)

**Cc:** [Redacted]@scottishsalmon.com

**Subject:** FW: Request for information under the Environmental Information (Scotland) Regulations 2004

**Importance:** High

Dear [Redacted]

Thank you for notifying TSSC of the intended release of information on ova imports. We object in the strongest terms to confidential supplier information being available to the public, on the grounds of its extreme commercial sensitivity.

We request confirmation from Marine Scotland that no release of this information will take place.

Regards

[Redacted]

8 Melville Crescent, Edinburgh  
Scotland, EH3 7JA  
Tel: +44 (0)131 [Redacted]  
Mob: +44 (0) [Redacted]  
[www.scottishsalmon.com](http://www.scottishsalmon.com)



**From:** [Redacted]@griegseafood.com

**Sent:** 08 June 2018 16:29

**To:** [Redacted] (MARLAB)

**Subject:** RE: Request for information under the Environmental Information (Scotland) Regulations 2004

---

Hi [Redacted]

None of us here have a problem with the information being disclosed

All the best

[Redacted][Redacted]



Girista Hatchery  
Girista  
Shetland  
ZE2 9SQ

Office[Redacted]  
Mobile: [Redacted]

[\[Redacted\]@griegseafood.com](mailto:[Redacted]@griegseafood.com)  
[www.griegseafood.no](http://www.griegseafood.no)

**From:** [Redacted]@hendrix-genetics.com

**Sent:** 08 June 2018 09:52

**To:** [Redacted] (MARLAB)

**Subject:** RE: Request for information under the Environmental Information (Scotland) Regulations 2004

Dear [Redacted],

I am sure you are aware of the recent press release which was in the National newspaper, basically highlighting the failures in Scottish Government to enforce an import ban on Norwegian eggs. The paper had requested details under FOI from Scottish Government in relation to our own set of circumstances being denied access to the Norwegian market.

Anyway, I am not sure if the below request is linked in anyway to that but if at all possible can we restrict the information you release? Ideally we would not share Site of destination, Operator and Consignee on certificate. The reason we ask for this is we do not want to be used nor seen as the bad guys, we fully support the Scottish industry and indeed respect the Scottish governments decision around Norway. After all we have moved on and no longer have our own broodstock in Scotland.

Let me know what you think?

Regards

[Redacted]

*[Redacted]*

*Atlantic Salmon*

**T** +44 (0)1880 [Redacted]

**M** +44 (0) [Redacted]

**E** [Redacted]@hendrix-genetics.com

**W** [www.landcatch.co.uk](http://www.landcatch.co.uk)



Landcatch Natural Selection Ltd  
Ormsary Fish Farm, Lochgilphead  
Argyll, PA31 8PE, Scotland, UK-EU

**From:** [Redacted]@cookeaqua.com  
**Sent:** 07 June 2018 17:11  
**To:** [Redacted] (MARLAB)  
**Cc:** [Redacted] Cooke staff  
**Subject:** RE: Request for information under the Environmental Information (Scotland) Regulations 2004

Dear [Redacted],

Further to the request below under (Environmental Information (Scotland) Regulations 2004) regarding the release of information in relation to the Import of Atlantic Salmon Ova.

Cooke Aquaculture Scotland Limited strongly feel that the information should be withheld by the Scottish Government, on the grounds of commercial sensitivity. Please see the reasoning below.

The information that you intend to release directly relates to the production of Cooke Aquacultures S1 and S0 smolts for our future production, that will have gone to sea in late 2017 as S0s or will go to sea in 2018/2019 as S1s and S0s. The release of this information has the ability to give our competitors a distinctive market advantage, as it would give them the opportunity to calculate the number of fish that have been put to sea or we intend to put to sea and also know approximately when these fish will be subsequently harvested.

As such Cooke Aquaculture Scotland wish to reiterate our concerns with regards to the release of the said information contained below, due to commercial sensitivity reasons.

Please can you respond to our concerns asap.

Regards

[Redacted]  
[Redacted]  
Cooke Aquaculture Scotland  
Crowness Road, Hatston, Kirkwall, Orkney, KW15 1RG, United Kingdom.  
DD +44(0) [Redacted]  
T +44 (0)1856876101  
M +44 (0) [Redacted]



**From:** [Redacted]@aol.com  
**Sent:** 07 June 2018 16:29  
**To:** [Redacted] (MARLAB)  
**Subject:** Re: Request for information under the Environmental Information (Scotland) Regulations 2004

Happy for you to release the information, [Redacted]. The numbers and dates are correct. All Mhor should be Allt Mor. The consignee was Kames Fish Farming Ltd on all 4 occasions.

Regards

[Redacted]

**EFTA Report dated 23 September 2019:**

Brussels, 23 September 2019  
Case No: 83033  
Document No: 1085525



**Final report**  
**EFTA Surveillance Authority's mission to**  
**Norway from 20 to 29 May 2019**  
**in order to evaluate animal health controls**  
**in relation to aquaculture**

## **Executive Summary**

*This report describes the outcome of a mission carried out by the EFTA Surveillance Authority in Norway from 20 to 29 May 2019.*

*The objective of the mission was to verify that official controls related to animal health of aquaculture animals were carried out in compliance with European Economic Area (EEA) legislation.*

*It is not clear that Commission Implementing Decision (EU) 2015/1554 of 11 September 2015 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods has been fully or properly made part of the Norwegian legal order. Norway has not formally notified the Authority how this Decision is implemented and the relevant administrative procedures for surveillance of listed fish and molluscs diseases, which Norway claims implements the Decision, does not reflect all the provisions of the Decision.*

*At the time of the mission there was no reliable system in place in Norway enabling identification of farms which have been granted ISA-free status. Moreover, in the majority of cases, such status has been granted without or with very limited involvement of the NFSA staff prior to the stage when the formal application is forwarded to the NFSA. The lack of official verification by the NFSA of surveillance activity undertaken to prove freedom from ISA casts significant doubt on the reliability of the statements included in the declarations of free status for compartments submitted by the NFSA since it is not in a position to ascertain the accuracy of the information being certified or ensure that no conflict of interest compromises the process.*

*Norway has submitted several declarations for dependent Infectious Salmon Anaemia (ISA)-free compartments; i.e. sites which are dependent on the health status of the surrounding waters. However, in these cases Norway does not apply additional disease surveillance activities to confirm that the sea waters surrounding elements of the dependent compartment (e.g. neighbouring salmon farms or susceptible species of wild fish) can also be considered free of ISA. The mission team considers that due to the lack of surveillance in surrounding waters and the absence of any additional measures to prevent introduction of ISA to sea sites declared free of ISA, such dependent compartments should not be declared and certified for intra-EEA trade and export to third countries as ISA-free compartments.*

*Current certification arrangements attesting the free status of aquaculture production businesses from Bacterial Kidney Disease lack transparency regarding the disease surveillance programme and which entities are considered by the NFSA as compliant with the relevant requirements.*

*A network of diagnostic laboratories has been designated by the competent authority and independently accredited. The national reference laboratories for all listed diseases of aquatic animals participate in proficiency testing organised by the relevant EU reference laboratories and, in addition, organise periodic ring tests of diagnostic procedures at national level with the designated private laboratories to ensure standardisation. This ensures that the laboratory network can provide a reliable diagnostic service for listed aquaculture diseases.*

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

## Conclusions

82. Limited involvement by the NFSA in the process of declaring compartments/zones disease-free precludes the NFSA from being able to verify compliance with surveillance requirements throughout the process or ensure that no conflict of interest compromises the process.
83. The fact that the surveillance program establishes sampling throughout the year rather than during two 1-month test periods per year, combined with absence of official verification by the NFSA of surveillance undertaken to establish freedom of ISA, undermines the reliability of the statements included in the declarations of disease free status of compartments submitted by the NFSA. This, along with insufficient description of the disease control systems in place in such declarations, precludes a proper assessment of the underlying guarantees provided by the NFSA and weakens the overall procedure for granting ISA-free status.
84. The absence of additional measures in relation to dependent ISA-free compartments further reduces the reliability of the system in place. In particular, since such compartments are a potential source of fish to independent compartments, this potentially exposes all ISA free compartments in Norway to fish from Category III areas.

### 5.3.6.2 Withdrawal of ISA-free status

85. According to information provided by Norway in its reply to the Authority's pre-mission document, the criteria and administrative procedures for declaration, maintenance, suspension and restoration of a zone or a compartment within Norwegian territory free of a non-exotic disease are in accordance with Article 50, 52 and 53 of Directive 2006/88/EC.
86. ISA free status will be withdrawn in case of suspicion, or confirmation, of ISA in a zone or compartment or in case of breach of the conditions of maintenance of ISA-free zones or compartments – for example, insufficient number of samples, intake of biological material from areas of lower health status or inadequate biosecurity measures. The regional offices of the NFSA have legal competence to suspend disease free status upon suspicion of ISA, while the head office has the competence to withdraw disease free status following confirmation of the disease in a relevant compartment or zone.
87. The mission team noted that the OK 2019 states that, in case of withdrawal, ISA free status will be withdrawn for the entire compartment and all sites within. However, Point 6 of the "Instruction for suspension and withdrawal of ISA free status" (*ILA-fritt segment og ILA-fri sone – instruks om suspensjon og tilbaketrekking for tilsynet*) outlines an option of partial withdrawal.
88. Following a suspicion of ISA on a sea site, the NFSA suspended the ISA free status of a compartment close by. The disease free status of the compartment was suspended by a regional office of the NFSA in June 2018, two days after initial suspicion of ISA on the neighbouring farm. Nevertheless, the site number still appears on the list of ISA-free compartments in Annex 2 to Regulation NO of 17 June 2008 No 822.

## 7 Recommendations

In order to facilitate the follow-up of the recommendations hereunder, Norway should notify the Authority no later than 20 November 2019, by way of written evidence, of additional corrective actions planned or taken other than those already indicated in the reply to the draft report of the Authority. In case no additional corrective actions have been planned, the Authority should be advised. The Authority 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.

### Annex 5 - Norway's action plan for corrective actions

| № | Recommendation                                                                                                                                                     | Corrective actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Deadline                                                                                                                |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| 1 | <p>Ensure that Commission Implementing Decision (EU) 2015/1554 is made part of the Norwegian legal order.</p> <p>Conclusion: 3</p> <p>Associated finding: 1, 2</p> | <ol style="list-style-type: none"> <li>1. Implement the Commission Implementing Decision (EU) 2015/1554 in the Norwegian legal order.<sup>1</sup></li> <li>2. Notify the Authority of the implementation.</li> <li>3. Publish a guide for the industry about the requirements for declare and maintain disease-free status for non-exotic diseases.</li> <li>4. Publish internal guidelines for how to declare and maintain disease-free status for non-exotic diseases.</li> </ol> | <p>1 January 2020<sup>2</sup></p> <p>5 January 2020</p> <p>1 April 2020<sup>3</sup></p> <p>1 April 2020<sup>3</sup></p> |

<sup>1</sup> Commission Implementing Decision (EU) 2015/1554 of 13 September 2015 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods ("Decision (EU) 2015/1554") is implemented by administrative procedures for surveillance programmes; and chapter on Infectious salmon anaemia (ISA), Viral haemorrhagic septicaemia (VHS), Infectious haematopoietic necrosis (IHV) and Botulinum toxin (B. toxin) and *Moroneella saxatilis* (*M. saxatilis*) specified in the Norwegian Food Safety Authority's Instructions for CE programs 2019 ("OE, instruction 2019"). See attachment 1. Please note that the text of the "CE-instruktion" is not updated.

<sup>2</sup> In the previous version of the table, the NFEA stated that the deadline to implement the Commission Implementing Decision (EU) 2015/1554 was 1 July 2020.

<sup>3</sup> In the previous version of the table, the NFEA stated that the guidelines to the industry and the internal guidelines will be published 1 July 2020. Please also see recommendations # 3 and 7.

## **Annex 7 - Actions proposed by Norway in reply to the Authority's request for urgent action**

(Received on 25 June 2019)

### **Answer to the request for urgent action by Norway concerning animal health requirements for aquaculture animals**

Reference is made to the mission of the EFTA Surveillance Authority ("the Authority") to Norway from 20 to 29 May 2019 in order to evaluate official controls of animal health requirements for aquaculture animals.

The Norwegian government is required to provide the Authority with its comments on the principal findings - including proposing a comprehensive remedial action plan with specific details of how changes will be effected within a timetable reflecting the urgency of the situation.

The principal findings for the mission to Norway are:

- I. Management of Infectious Salmon Anemia ("ISA")
  - i. significant delay in official confirmation of an outbreak of ISA or of its absence following initial notification of suspicion of an ISA outbreak;
  - ii. insufficient control of surrounding areas from the time of initial notification of suspicion of an ISA outbreak until measures are taken to delimit the containment area (protection and surveillance zones) surrounding a compartment or zone in which an ISA outbreak has been officially confirmed, thereby failing to prevent continuation of activities in surrounding areas with potential to spread disease such as movement of well-boats bringing and taking animals to and from the relevant compartment or zone;
  - iii. failure to impose additional measures in ISA-free compartments dependent on the health status of surrounding waters in order to prevent introduction of ISA from surrounding Category III sea waters;
  - iv. limited and late involvement in the procedure for granting ISA-free status, precluding the possibility of effectively controlling compliance with surveillance and related sampling requirements prior to submission of a formal declaration of ISA-free status or of ensuring that such procedure is not compromised by conflicts of interest;

Download 50 page EFTA report [online here](#)

Cited in Norwegian Fish Farmer magazine article (30 September 2019):

Forside &gt; Fiskehelse &gt; ESA refser Norge: For dårlig kontroll med handel av levende oppdrettsfisk

## ESA refser Norge: For dårlig kontroll med handel av levende oppdrettsfisk



**Norge må forbedre kontrollen med handel av levende oppdrettsfisk og skjell. Det er hovedkonklusjonen i en rapport som EØS-tilsynet ESA offentliggjorde på septembers siste dag, etter å ha vært på inspeksjon i Norge i mai.**

Av [Pål Mugaas Jensen](#)

På sine hjemmesider gir ESA Norge kreditt for at de har et velutviklet kontrollsystem for helse til oppdrettsfisk og skjell, med særlig fokus på sykdommer som er prioritert nasjonalt. Men:

- ESA fant likevel at kontrollsystemet ikke gir tilstrekkelig garantier for sykdomsfrihet i anlegg som sender levende oppdrettsfisk og skjell til oppdrettere i andre EØS-land.

De mener Norge for tiden ikke kan garantere at utsendelser av oppdrettsfisk/skjell sendt fra Norge til andre EØS-land ikke vil påvirke helsen til oppdrettsfisk skjell i mottakerlandene.

Etter inspeksjonen har imidlertid Norge planlagt og gjennomført flere tiltak for å rette opp svakhetene og forbedre systemet som allerede er på plass, for å kunne opprettholde handel med oppdrettsfisk/skjell.

Tilsynet som rapporten baserer seg på ble utført av EFTAs overvåkningsorgan i Norge fra 20. til 29. mai 2019.

## Kan ikke garantere ILA-frihet

I selve rapporten skriver ESA at målet med oppdraget var å verifisere at offisiell kontroll knyttet til dyrehelse til akvakulturdyr ble utført i samsvar med lovgivningen til European Economic Area (EEA).

- Det fremstår ikke som klart at EU-kommisjonens gjennomføringsvedtak (EU) 2015/1554 fra 11. september 2015 om regler for anvendelse av direktiv 2006/88 / EF for krav til overvåkings- og diagnosemetoder har blitt fullstendig eller riktig gjort del av det norske lovverket, heter den byråkratiske formuleringen i rapportens oppsummering.

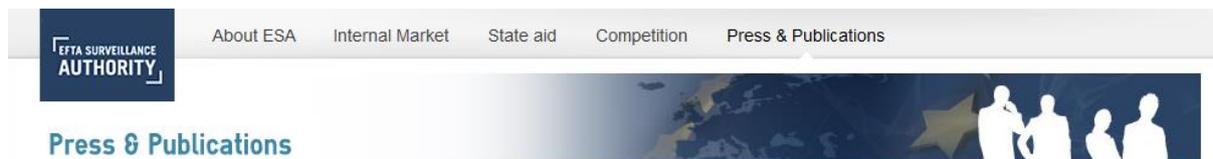
Da man utførte tilsynet var det ifølge ESA ikke noe pålitelig system i Norge som muliggjorde identifikasjon av anlegg som har fått ILA-fri-status.

Norge har avgitt flere erklæringer for betingete ILA-frie lokaliteter, dvs lokaliteter som er avhengig av helsetilstanden i det omkringliggende vannet. ESA påpeker at Norge i disse tilfellene ikke har satt i gang ekstra overvåkingsaktivitet for å bekrefte at havvannet som omgir lokalitetene også er fri for ILA.

- ESA mener på grunn av denne manglende overvåkningen i omliggende farvann og fravær av ytterligere tiltak for å forhindre innføring av ILA til sjøområder erklært fri for ISA, kan ikke slike områder deklarerer og sertifiseres for handel og eksport innen EØS eller til tredjeland som «ILA-fri».

- [Les hele rapporten her](#)

Sourced from [EFTA Surveillance Authority press release \(30 September 2019\)](#):



## Internal Market

### ESA: Norway needs to improve official controls of trade of live farmed fish/shellfish

30.9.2019

PR(19)27

EN | NO

This is the main conclusion in a report published by ESA (the EFTA Surveillance Authority) after an audit in Norway in May.

Norway has put in place a system of official controls of farmed fish/shellfish focusing mainly on diseases which are of national concern. However, ESA found that Norway must improve the controls of diseases in farmed fish/shellfish that will be traded in the EEA.

Currently, Norway cannot fully ensure that farmed fish/shellfish sent from Norway to other EEA-states does not affect the health of farmed fish/shellfish in the receiving countries.

After the audit, Norway has taken and planned a number of corrective measures, to allow for continuation of the EEA trade and export of farmed fish/shellfish.

Read the full report [here](#) .

For further information, please contact:

*Gunnar Hörður Garðarsson*  
Communications Officer  
mob. +32 490 57 63 38

See also via <http://www.eftasurv.int/da/DocumentDirectAction/outputDocument?docId=5064>

Package Meeting in Norway  
24 - 25 October 2019

**ESA** | EFTA  
Surveillance  
Authority

Proposal for discussion points

**Veterinary and Phytosanitary Matters  
(Annex I)**

4. *Incorrect implementation of Council Directive 2006/88/EC on animal health requirements for aquaculture animals and prevention and control of certain diseases in aquatic animals (Case 83734)/Follow up of mission to Norway from 20 to 29 May 2019 to evaluate official controls of animal health requirements for aquaculture animals (Case No 83033)*

By letter dated 30 August 2019 (Doc Nos 1085461, 1085463, 1085465), the NFSA informed the Authority of its proposed corrective actions ('action plan') in response to recommendations in the Authority's draft report of its recent mission to Norway concerning animal health requirements for aquaculture animals.

By email dated 9 September 2019 (Doc No 1086589), the Authority requested the Norwegian Government to submit a revised version of the action plan to the Authority by 18 September 2019 clarifying certain points which remained unclear.

The Authority would like to discuss at the package meeting the status of implementation of the action plan.

Page 3

**ESA** | EFTA Surveillance  
Authority

**Estimated time: 45 minutes**

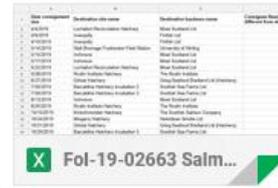
**Appendix: FOI documents disclosed by the Scottish Government on 14 February 2020**

From: <Neil.Purvis@gov.scot>  
Date: Fri, Feb 14, 2020 at 3:50 PM  
Subject: RE: FOI re. ova imports since 8 June 2018 and data for 2016 with SSF included  
To: <salmonfarmingkills@gmail.com>  
Cc: <Helen.McGregor@gov.scot>

Dear Don

In response to your request of 16 December 2019, please find the attached response.

## 7 Attachments



**Fol-19-02663 - Response letter.docx (105K)**

**Fol-19-02663 - Salmon ova imports 2016.xlsx (17K)**

**Fol-19-02663 Salmon ova imports 2018 to April ... (18K)**

**Fol-19-02663 Salmon ova imports April 2019 to ... (14K)**

**Fol-19-02663 - Documents for release (1).docx (900K)**

**Fol-19-02663 Documents for release (2).docx (6,183K)**

**Fol-19-02663 - Documents for release (3).docx (790K)**

Regards,

Neil

Neil Purvis

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB

Tel: +44 (0)131 244 3287

S/B: +44 (0)131 244 2500

Mob:+44 (0)777 5818 281

Fax: +44 (0)1224 295620

e: [neil.purvis@gov.scot](mailto:neil.purvis@gov.scot)

w: <http://www.scotland.gov.uk/marinescotland>

From: Don Staniford <[salmonfarmingkills@gmail.com](mailto:salmonfarmingkills@gmail.com)>  
Sent: 17 January 2020 15:00  
To: Purvis N (Neil) (MARLAB) <[Neil.Purvis@gov.scot](mailto:Neil.Purvis@gov.scot)>  
Cc: McGregor H (Helen) (MARLAB) <[Helen.McGregor@gov.scot](mailto:Helen.McGregor@gov.scot)>  
Subject: Re: FOI re. ova imports since 8 June 2018 and data for 2016 with SSF included

14 Feb is half-term and I'm off with the kids so you can have until 21 Feb if you need it!

On Fri, Jan 17, 2020 at 11:23 AM <[Neil.Purvis@gov.scot](mailto:Neil.Purvis@gov.scot)> wrote:

Dear Don

Thank you for your request dated 16 December 2019 under the Environmental Information (Scotland) Regulations 2004 (EIRs) for salmon ova import data, information in relation to discussions re. ova imports since 29 March 2018 and information on any disease risks and biosecurity concerns of ova imports.

Under regulation 7 of the EIRs a public authority may extend the 20 working day deadline for responding to a request by up to a further 20 working days, if the complexity and volume of the information makes it impractical for the authority to respond within the original deadline. Having completed an initial search for the information you have requested, we have established that it is complex and voluminous because of the number of documents identified for review and the complexity of the information contained within these documents. This means it will not be possible for us to respond to your request before the original deadline of 17 January 2020, and so we are extending the deadline by a further 20 working days to 14 February 2020.

Your right to request a review

If you are unhappy with our decision to extend the response deadline, you may ask us to carry out an internal review of the response, by writing to -

Graham Black, Director Marine Scotland, Scottish Government, Area 1B South, Victoria Quay, Edinburgh, EH6 6QQ

Email: [directormarinescotland@gov.scot](mailto:directormarinescotland@gov.scot)

Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:  
<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

Regards,  
Neil

Neil Purvis  
Marine Scotland – Science  
Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11  
9DB  
Tel: +44 (0)131 244 3287  
S/B: +44 (0)131 244 2500  
Mob:+44 (0)777 5818 281  
Fax: +44 (0)1224 295620  
e: [neil.purvis@gov.scot](mailto:neil.purvis@gov.scot)  
w: <http://www.scotland.gov.uk/marinescotland>

From: Don Staniford <[salmonfarmingkills@gmail.com](mailto:salmonfarmingkills@gmail.com)>  
Sent: 16 December 2019 13:03  
To: Purvis N (Neil) (MARLAB) <[Neil.Purvis@gov.scot](mailto:Neil.Purvis@gov.scot)>  
Cc: Central Enquiry Unit <[CEU@gov.scot](mailto:CEU@gov.scot)>; McGregor H (Helen) (MARLAB) <[Helen.McGregor@gov.scot](mailto:Helen.McGregor@gov.scot)>  
Subject: FOI re. ova imports since 8 June 2018 and data for 2016 with SSF included

Many thanks for the information finally disclosed via FOI/18/01553. It is a shame the Scottish Government needed to be forced into disclosing this information by the Scottish Information Commissioner.

Could you please now provide ova import data since the last import detailed in the information disclosed today via FOI/18/01553 (i.e. data since 8 June 2018) including data on Scottish Sea Farms?

This would include updating the data provided in May 2019 via FOI/19/00976 to include the data on Scottish Sea Farms: <https://www.gov.scot/publications/foi-19-00976/>

And bringing the data up to today (16 December 2019).

Could you please also provide full ova import data for 2016 (as previously requested and disclosed except for Scottish Sea Farms via FOI/18/02912: <https://www.gov.scot/publications/foi-18-02912/>)

Could you please provide information in relation to discussions re. ova imports since 29 March 2018?

This would include discussions with the Norwegian Government, egg companies, salmon farming companies and other parties (effectively an update of FOI/08/01043: <https://www.gov.scot/publications/foi-18-01043/>)

This would also include any emails, letters, Cabinet Briefings, press updates and other information on ova imports in relation to Scottish Sea Farms, Marine Harvest/Mowi Ireland, the Scottish Information Commissioner, Hendrix, Landcatch, Scottish Ministers and other parties (including any arguments set out by Scottish Sea Farms, lawyers, government officials or other parties in relation to the non-disclosure of ova import data).

This would also include information on any disease risks and biosecurity concerns of ova imports (i.e. an update of FOI-18'03772 filed on 18 December 2018: <https://www.gov.scot/publications/foi-18-03773/>).

Please consider this a new FOI request under the relevant FOI and Environmental Information Regulations.

Please provide this information electronically.

Please provide a receipt for this FOI request.

Thanks,

Don Staniford

Director, Scottish Salmon Watch

On Mon, Dec 16, 2019 at 11:31 AM <[Neil.Purvis@gov.scot](mailto:Neil.Purvis@gov.scot)> wrote:

Dear Don

Following the Scottish Information Commission's Decision 160/2019, please find the attached response.

Regards,

Neil

Neil Purvis

Marine Scotland – Science

Scottish Government | Marine Laboratory, PO Box 101| 375, Victoria Road | Aberdeen AB11 9DB

Tel: +44 (0)131 244 3287

S/B: +44 (0)131 244 2500

Mob:+44 (0)777 5818 281

Fax: +44 (0)1224 295620

e: [neil.purvis@gov.scot](mailto:neil.purvis@gov.scot)

w: <http://www.scotland.gov.uk/marinescotland>