

Event No: 382007
Case No: 59645
Dec. No: 394/06/COL

EFTA SURVEILLANCE AUTHORITY DECISION

of 13 December 2006

approving the up-dated scheme submitted by Norway for the withdrawal of all fish in Norwegian farms infected with infectious salmon anaemia (ISA)

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD to the Agreement on the European Economic Area (hereinafter referred to as the EEA Agreement), in particular Article 109 and Protocol 1 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, in particular Article 5(2)(d) and Protocol 1 thereof,

HAVING REGARD to the Act referred to at Point 3.1.7 of Chapter I of Annex I to the EEA Agreement,

Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases, as amended,

as adapted by way of Protocol 1 to the EEA Agreement, in particular the first indent of Article 6(a) of that Act,

HAVING REGARD to the EFTA Surveillance Authority Decision No 196/04/COL of 14 July 2004 empowering the Member with special responsibility for the free movement of goods to take certain decisions and measures, and in particular Point 1 thereof,

WHEREAS the first indent of Article 6(a) of the Act lays down that, in order to control an outbreak of infectious salmon anaemia (ISA), all fish in an infected farm shall be withdrawn in accordance with a scheme established by the official service and approved by the EFTA Surveillance Authority (hereinafter referred to as the Authority),

WHEREAS the Act referred to at Point 3.2.29 of Chapter I of Annex I to the EEA Agreement, *Commission Decision 2003/466/EC of 13 June 2003 establishing criteria for zoning and official surveillance following suspicion or confirmation of the presence of infectious salmon anaemia (ISA)* lays down the sampling plans and diagnostic methods for the detection and confirmation of ISA, as well as criteria for zoning and official surveillance following suspicion or confirmation of ISA,

WHEREAS the Authority, by its Decision No 226/04/COL of 9 September 2004 approved the scheme submitted by Norway for the withdrawal of all fish in Norwegian farms infected with ISA,

WHEREAS Norway, by its letter of 21 March 2006, requested the Authority's approval of certain amendments to its scheme for withdrawal of all fish in Norwegian farms infected with infectious salmon anaemia, as approved by the Authority's Decision No 226/04/COL of 9 September 2004,

WHEREAS the EFTA Surveillance Authority, in close co-operation with the Commission of the European Communities, has examined the proposed amendments to the scheme submitted by Norway in the light of the current state of scientific and technical evidence,

WHEREAS the withdrawal of fish shall be carried out in a way in which the aim is to prevent further spread of the disease to other farms and to the wild population susceptible to this infection,

WHEREAS the withdrawal of fish must be based on a case-by-case analysis of the risks for further spread of the disease, including the seriousness of the outbreak and other circumstances influencing the risks, and must take into account current practical experience and scientific evidence,

WHEREAS the examination shows that the proposed amendments to the Norwegian scheme fulfils the requirements for such a scheme and therefore is to be approved,

WHEREAS the EFTA Surveillance Authority by its Decision 314/06/COL referred the matter to the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

WHEREAS as proposed by the EFTA Veterinary Committee assisting the EFTA Surveillance Authority and in order to ensure legal certainty, a new point should be included in this decision indicating that the Authority's Decision No 226/04/COL of 9 September 2004 is repealed,

WHEREAS the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. The up-dated scheme submitted by Norway for the withdrawal of all fish in Norwegian farms infected with infectious salmon anaemia (ISA) is hereby approved.
2. The EFTA Surveillance Authority Decision 226/04/COL of 9 September 2004 approving the scheme submitted by Norway for the withdrawal of all fish in Norwegian farms infected with infectious salmon anaemia (ISA) is hereby repealed.

3. This Decision shall enter into force on 13 December 2006.
4. This Decision is addressed to Norway.
5. This Decision shall be authentic in the English language.

Done at Brussels, 13 December 2006

For the EFTA Surveillance Authority



Kristján Andri Stefánsson
College Member



Niels Fenger
Director