

EFTA SURVEILLANCE AUTHORITY DECISION

of 3 March 2016

to approve national measures by Norway limiting the impact of *Gyrodactylus salaris* and to repeal Decisions No 298/08/COL and 299/08/COL

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Act referred to at point 5a of Part 4.1 of Chapter I of Annex I to the EEA Agreement,

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 (“Directive 2006/88/EC”),

as adapted to the EEA Agreement by point 4(d) of Protocol 1 to the EEA Agreement and Articles 1(2) and 3 of Protocol 1 to the Surveillance and Court Agreement.

Having regard to Decision No 494/13/COL of the EFTA Surveillance Authority (“the Authority”) of 11 December 2013 empowering the College Member with special responsibility for veterinary and phytosanitary matters to take certain decisions and measures (Document No 683826).

Whereas:

- (1) EFTA Surveillance Authority Decision No 298/08/COL established disease-free zones and additional guarantees for *Gyrodactylus salaris* for Norway pursuant to Article 13 of *Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products* and Article 5 of *Commission Decision 2004/453/EC implementing Council Directive 91/67/EEC as regards measures against certain fish diseases in aquaculture animals*.
- (2) Pursuant to Decision No 298/08/COL, Norway may require additional guarantees for consignments of live aquaculture fish of susceptible species intended for farming, which are to be introduced to the zones affected by the Decision. Those additional guarantees consist of the requirement that those consignments must originate from an area with equivalent health status as the place of destination.

- (3) Directive 2006/88/EC repealed and replaced Council Directive 91/67/EEC. Directive 2006/88/EC also provided that Decision 2004/453/EC was to continue to apply pending the adoption of the necessary provisions in accordance with that Directive. Such provisions were adopted by Commission Decision 2010/221/EC which also definitely repealed Decision 2004/453/EC.¹ It is therefore appropriate to repeal and replace Decision No 298/08/COL.
- (4) Article 43 of Directive 2006/88/EC provides that an EEA State may take measures to prevent the introduction of, or to control diseases not listed in Part II of Annex IV thereto which constitute a significant risk for the animal health situation of aquaculture animals or wild aquatic animals in that State. Those measures are not to exceed the limits of what is appropriate and necessary to prevent the introduction of or control of, such diseases.
- (5) Norway was granted the right to require additional guarantees pursuant to Decision No 298/08/COL and have provided the Authority with information on the disease situation as regards *Gyrodactylus salaris*. By letter of 6 October 2015 (Document No 775798, NO ref. 2015/193600), Norway provided updated information about the national measures for *Gyrodactylus salaris*. The information provided demonstrates the appropriateness and necessity of continuing requiring national measures in the form of placing on the market, import and transit requirements, in accordance with Article 43 of Directive 2006/88/EC.
- (6) Consequently, as Norway was granted the right to require additional guarantees in accordance with Decision No 298/08/COL for the introduction of aquaculture animals of susceptible species into approved disease-free areas or areas with approved control or eradication programmes, Norway should be allowed to continue to apply these measures as national measures approved in accordance with Article 43 of Directive 2006/88/EC.
- (7) The national measures approved by this Decision should only be applied as long as they are appropriate and necessary. Therefore, Norway should send a yearly report to the Authority on the functioning of the national measures.
- (8) Any suspicion of the presence of *Gyrodactylus salaris* in Norway, with the exception of the areas listed in the Annex to this Decision, should be investigated and during the investigation movement restrictions should be applied to protect other EEA States with approved national measures as regards *Gyrodactylus salaris*. In addition, to facilitate the necessary re-assessment of the approved national measures, any subsequent disease confirmation should be notified to the EFTA Surveillance Authority and to the other EEA States.
- (9) In the interest of clarity, Decision No 298/08/EC should be expressly repealed.
- (10) Moreover, EFTA Surveillance Authority Decision No 299/08/COL approved the Norwegian control and eradication programme for Bacterial Kidney Disease (BKD). By letter of 6 October 2015 (Document No 775798), Norway informed the Authority that the control and eradication programme for BKD had been discontinued. It is therefore appropriate to repeal Decision No 299/08/COL.

¹ Act referred to at point 94 of Part 4.2 of Chapter I of Annex I to the EEA Agreement.

- (11) The measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary and Phytosanitary Committee.

HAS ADOPTED THIS DECISION:

Article 1

Approval of certain national measures for limiting the impact of certain diseases not listed in Part II of Annex IV to Directive 2006/88/EC

1. Norway, with the exceptions of areas listed in the Annex to this Decision, shall be regarded as free of *Gyrodactylus salaris*.

2. Norway may require that the following consignments introduced into a disease-free area comply with the requirements set out in points (a) and (b) with respect to those areas regarded free of *Gyrodactylus salaris*:

- (a) aquaculture animals intended for farming, relaying areas, put and take fisheries, open ornamental facilities and restocking must comply with:
 - (i) the placing on the market requirements laid down in Article 8a of Regulation (EC) No 1251/2008;
 - (ii) the import requirements laid down in Article 10 of Regulation (EC) No 1251/2008;
 - (iii) the transit and storage requirements laid down in Article 16 of Regulation (EC) No 1251/2008;
- (b) ornamental aquatic animals intended for closed ornamental facilities must comply with:
 - (i) the import requirements laid down in Article 11 of Regulation (EC) No 1251/2008;
 - (ii) the transit and storage requirements laid down in Article 16 of Regulation (EC) No 1251/2008.

Article 2

Reporting

1. By 30 April each year at the latest, Norway shall submit a report to the EFTA Surveillance Authority on the approved national measures referred to in Article 1.

2. The reports provided for in paragraph 1 shall conform to the requirements of Article 4 of Commission Decision 2010/221/EC.

Article 3

Suspicion and detection of diseases in disease-free areas

1. Where Norway suspects the presence of a disease in an area which is listed as a disease-free area for *Gyrodactylus salaris*, Norway shall take measures at least equivalent to those laid down in Article 28, Article 29(2), (3) and (4) and Article 30 of Directive 2006/88/EC.
2. Where the epizootic investigation confirms the detection of the disease referred to in paragraph 1, Norway shall inform the EFTA Surveillance Authority and the other EEA States thereof, and of any measures taken to contain and control that disease.

Article 4

Repeal

EFTA Surveillance Authority Decisions No 298/08/COL and 299/08/COL are repealed.

Article 5

Addressees

This Decision is addressed to the Kingdom of Norway.

Done at Brussels, 3 March 2016

For the EFTA Surveillance Authority

Helga Jónsdóttir
College Member

For Carsten Zatschler
Director

This document has been electronically signed by Helga Jonsdottir, Carsten Zatschler on 03/03/2016

ANNEX

Infected water catchment areas	County
Skibotnelva	Troms
Signaldalselva	Troms
Kitdalselva	Troms
Ranaelva	Nordland
Leirelva	Nordland
Ranelva	Nordland
Drevja	Nordland
Fusta	Nordland
Vefsna	Nordland
Hundåla	Nordland
Halsanelva	Nordland
Hestdalselva	Nordland
Dagsvikelva	Nordland
Nylandselva	Nordland
Batnfjordselva	Møre og Romsdal
Driva	Møre og Romsdal
Litledalselva	Møre og Romsdal
Usma (Øksendalselva)	Møre og Romsdal
Henselva	Møre og Romsdal
Rauma	Møre og Romsdal
Innfjordelva	Møre og Romsdal
Skorga	Møre og Romsdal
Måna (Måndalselva)	Møre og Romsdal
Breidvikelva	Møre og Romsdal
Lærdalselva	Sogn og Fjordane
Drammenselva	Buskerud
Lierelva	Buskerud
Vesleelva (Sandeelva)	Vestfold