

Case No: 90544
Document No: 1441519
Decision No: 074/24/COL

**EFTA SURVEILLANCE AUTHORITY
DELEGATED DECISION**

of 6 May 2024

to amend Annex II to Decision No 203/21/COL regarding the approval of national measures of Norway and Iceland designed to limit the impact of certain diseases of aquatic animals in accordance with Article 226(3) of Regulation (EU) 2016/429

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, in particular Articles 1(1)(e), 1(2) and 3 of Protocol 1 thereof,

Having regard to the Act referred to at Point 13 of Part 1.1 of Chapter I of Annex I to the Agreement on the European Economic Area ('EEA Agreement'),

Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Regulation (EU) 2016/429')¹, as amended and as adapted to the EEA Agreement by the specific and the sectoral adaptations referred to in Annex I to that Agreement, and in particular Articles 226, 266(2) and 270(2) thereof,

as adapted to the EEA Agreement by point 4(d) of Protocol 1 to the EEA Agreement.

Whereas:

- (1) Regulation (EU) 2016/429 establishes the legislative framework for the prevention and control of diseases transmissible to animals or humans. Article 226(1) of that Regulation provides that Norway and Iceland may adopt national measures to prevent the introduction, or control the spread, of a disease other than a listed disease referred to in Article 9(1)(d) of that Regulation where that disease constitutes a significant risk for the health of aquatic animals in that EEA State. Diseases other than a listed disease referred to in Article 9(1)(d) of Regulation (EU) 2016/429 include aquatic animal diseases not included in any of the categories of listed diseases under Article 9(1) ('non-listed diseases').
- (2) Article 226(2), (3) and (4) of the same Regulation requires Norway and Iceland to notify the EFTA Surveillance Authority ('the Authority') in advance of any proposed national measures and provides that the Authority shall approve such national measures where the establishment of movement restrictions between Norway or

¹ Incorporated into the EEA Agreement by Joint Committee Decision No 179/2020 dated 17 December 2020.

Iceland and other EEA States is necessary in order to prevent the introduction, or control the spread, of the relevant disease, taking into account the overall impact on the EEA of the disease in question and of the measures taken.

- (3) Norwegian or Icelandic national measures approved pursuant to Article 226(3) of Regulation (EU) 2016/429 should apply only for as long as they continue to be appropriate and necessary in order to prevent the introduction, or control the spread, of the relevant disease in the relevant country.
- (4) Eradication programmes approved in accordance with Article 226(3) of Regulation (EU) 2016/429 should lead to an improvement in the disease situation within a reasonable period of time. The period of application of an eradication programme approved in accordance with Article 226(3) of Regulation (EU) 2016/429 should, therefore, not exceed six years from the date of its initial approval by the Authority. This maximum period of application is laid down in order to give an adequate period of time within which an eradication programme may be completed, whilst at the same time preventing the disproportionate and long-lasting disruption of movements of aquatic animals within the EEA.
- (5) The Authority's Decision No 203/21/COL of 16 July 2021 ('Decision No 203/21/COL') establishes, in Annexes I and II thereto, lists of areas of Norway and Iceland regarded as being free from certain non-listed diseases affecting aquatic animals, or which are subject to an eradication programme for those diseases.
- (6) Norway has informed the Authority that the water catchment areas Skibotnelva, Signdalselva and Kitdalselva in the Troms region and Leirelva, Ranelva, Drevja, Fusta, Vefsna, Hundåla, Halsanelva, Hestdalselva, Dagsvikelva and Nylandselva in the Nordland region, which have approved eradication programmes for *Gyrodactylus salaris* and which are listed in Annex II to Decision No 203/21/COL, have successfully completed the eradication programme and been declared disease free. The Authority has, in accordance with Article 226(3) of Regulation (EU) 2016/429, assessed the information provided by Norway and is satisfied that the relevant areas can be considered free from *Gyrodactylus salaris*.
- (7) Norway has informed the Authority that in 2023 *Gyrodactylus salaris* was confirmed in salmon juveniles in the river Gylelva in the Møre and Romsdal region and in salmon fry in Ebbestadelva in the Buskerud region. Norway has consequently updated the eradication programme to include these water catchment areas. The Authority has, in accordance with Article 226(3) of Regulation (EU) 2016/429, assessed the information provided by Norway and is satisfied that the measures taken are necessary and appropriate to control the spread of the disease.
- (8) The national measures taken by Norway are therefore approved by the Authority in accordance with Article 226(3) of Regulation (EU) 2016/429. Annex II to Delegated Decision No 203/21/COL listing the areas of Norway and Iceland with eradication programmes for certain diseases affecting aquatic animals and for which national measures are approved in accordance with Article 226(3) of Regulation (EU) 2016/429 should, therefore, be amended accordingly.
- (9) On 24 April 2024, the Authority, by its Delegated Decision No 065/24/COL (Document No 1414369), duly submitted the draft Decision to the EFTA Veterinary and Phytosanitary Committee in accordance with Articles 226(3) and 266(2) of Regulation (EU) 2016/429. On 29 April 2024, the EFTA Veterinary and Phytosanitary Committee delivered a positive opinion on the draft Decision. Accordingly, the draft Decision is in accordance with the opinion of the Committee.

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision No 203/21/COL shall be replaced by the text set out in the Annex to this Decision.

A consolidated version of Decision No 203/21/COL shall be published on the Authority's website.

Article 2

This Decision shall enter into force on the day of its signature.

Article 3

This Decision is addressed to Iceland and Norway.

Done at Brussels,

For the EFTA Surveillance Authority, acting under Delegation Decision No 130/20/COL,

Árni Páll Arnason
Responsible College Member

For Melpo-Menie Joséphidès
Countersigning as Director,
Legal and Executive Affairs

This document has been electronically authenticated by Arni Pall Arnason, Sigrun Ingibjorg Gisladdottir.

Annex

Areas of Norway and Iceland with eradication programmes for certain diseases affecting aquatic animals and for which national measures are approved in accordance with Article 226(3) of Regulation (EU) 2016/429

| Disease | EEA EFTA State | Code | Geographical demarcation of the area for which the national measures are approved | No of EFTA Surveillance Authority Decision approving national measure |
|---|----------------------|------|---|---|
| Infection with <i>Gyrodactylus salaris</i> (GS) | Norway | NO | <p>- <i>The following water catchment areas in Møre and Romsdal:</i> Batnfjordselva, Driva, Litledalselva, Usma (Øksendalselva) and Gylelva.</p> <p>- <i>The following water catchment areas in Buskerud:</i> Drammenselva, Lierelva and Ebbestadelva</p> <p>- <i>The following water catchment areas in Vestfold:</i> Vesleelva (Sandeelva) and Selvikvassdraget.</p> | 203/21/COL as amended by Decision No 074/24/COL |