

III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DECISION

No 291/10/COL

of 7 July 2010

concerning the recognition of approved zones in Norway with regard to *Bonamia ostreae* and *Marteilia refringens*

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, 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 4.1.5a 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⁽¹⁾, as adapted by Protocol 1 to the EEA Agreement, in particular Article 53 of that Act,

Whereas:

By its Decision No 225/04/COL of 9 September 2004, the EFTA Surveillance Authority recognised the entire coastline of Norway as an approved zone with regard to *Bonamia ostreae* and *Marteilia refringens*.

Norway informed the EFTA Surveillance Authority by e-mail of 3 June 2009 that an infection with *Bonamia ostreae* had been detected in wild oysters from the county of Aust-Agder in the south of Norway and that a control zone and a surveillance zone around the area affected had been established.

By letter dated 23 April 2010 (event No 554681), Norway has confirmed to the EFTA Surveillance Authority that the presence of *Bonamia ostreae* in the wild oysters from the county of Aust-Agder in the south of Norway could not be excluded and, hence, that no conclusive evidence could justify the lifting of a control and surveillance zone around the relevant area.

Article 53(3) of Directive 2006/88/EC provides that where the epizootic investigation confirms a significant likelihood that infection has occurred, the disease-free status of the Member State, zone or compartment shall be withdrawn, in accordance with the procedure under which that status was declared. According to the results of the epidemiological investigation carried out by Norway and the outcome of the discussions between the Norwegian National Veterinary Institute and the Community Reference Laboratory, the EFTA Surveillance Authority considers that the conditions of the provision for withdrawing the disease-free status of the affected area of Aust-Agder in the south of Norway are fulfilled.

Accordingly, Decision No 225/04/COL should be repealed.

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:

Article 1

The approved zones with regard to *Bonamia ostreae* and *Marteilia refringens* for Norway are listed in the Annex.

⁽¹⁾ OJ L 328, 24.11.2006, p. 14, and the EEA Supplement No 32, 17.6.2010, p. 1. This Directive is not yet published in Norwegian.

Article 2

Decision No 225/04/COL is hereby repealed.

Article 5

Only the English text version of this Decision is authentic.

Article 3

This Decision shall enter into force on 7 July 2010.

Done at Brussels, 7 July 2010.

Article 4

This Decision is addressed to Norway.

For the EFTA Surveillance Authority

Per SANDERUD
President

Sverrir Haukur GUNNLAUGSSON
College Member

ANNEX

1. The entire coastline of Norway is an approved zone with regard to *Marteilia refringens*.
 2. The entire coastline of Norway is an approved zone with regard to *Bonamia ostreae* with the exception of:
 - the county of Aust-Agder in southern Norway.
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