

III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DELEGATED DECISION

No 18/18/COL

of 9 February 2018

concerning the disease-free status of Norway regarding *Marteilia refringens* and *Bonamia ostreae* [2018/1196]

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 8a of Part 3.1 of Chapter I of Annex I of 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⁾ ('Directive 2006/88/EC'), as amended and adapted by Protocol 1 to the EEA Agreement, in particular Article 53 of that Act;

Whereas:

By its Decision No 291/10/COL of 7 July 2010, the Authority recognised the entire coastline of Norway as a disease-free zone with regard to both *Marteilia refringens* and *Bonamia ostreae*, with the exception of the county of Aust-Agder in Southern Norway in relation to *Bonamia ostreae*.

On 23 February 2017, the Norwegian Food Safety Authority notified through the Early Warning System of OIE (The World Organisation for Animal Health) ⁽²⁾ a suspicion of an infection with *Marteilia refringens* of blue mussels (*Mytilus edulis*) found growing wild in a flat oyster (*Ostrea edulis*) aquaculture farm in the location of Bømlo municipality in the County of Hordaland in southern Norway.

By an email dated 28 February 2017 (Doc No 844246), the Norwegian Food Safety Authority informed the Authority of the same suspicion and that restrictions on movement of blue mussels or flat oysters out of or into the aquaculture farm had been imposed.

The Norwegian Food Safety Authority informed the Authority by email dated 16 March 2017 (Doc No 847935), following notification through the European Animal Disease Notification System (ADNS) on the same day, that the European Union Reference Laboratory for Mollusc Diseases had confirmed the disease and that a containment area would be established around the aquaculture farm.

Article 53(3) of Directive 2006/88/EC provides that where an epizootic investigation confirms a significant likelihood that infection has occurred, the disease-free status of the relevant Member State, zone or compartment shall be withdrawn, in accordance with the procedure under which that status was declared.

⁽¹⁾ OJ L 328, 24.11.2006, p. 14.

⁽²⁾ NOR 24-02-17 OIE Alert.

The Norwegian Ministry of Trade, Industry and Fisheries wrote to the Authority on 28 September (Doc No 875660) enclosing a notification letter of the Norwegian Food Safety Authority dated 22 September 2017 (Doc No 875658) stating that a regulation establishing a containment area for *Marteilia refringens* in the municipality of Bømlo in Norway ⁽¹⁾ had now been adopted and confirming that, in accordance with the relevant national legislation ⁽²⁾, 'the whole of Norway's coastal area is in category I for *Marteilia refringens*, with the exception of the containment area in the municipality of Bømlo in Norway'.

The Authority considers that the conditions of the provision for withdrawing the disease-free status of the affected geographical area of Bømlo municipality in Norway are fulfilled.

Accordingly, and in the interest of simplification, Decision No 291/10/COL of 7 July 2010 should be repealed and replaced by a new decision.

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 disease-free status of Norway regarding *Marteilia refringens* and *Bonamia ostreae* is described in the Annex.

Article 2

Decision No 291/10/COL is hereby repealed.

Article 3

This Decision shall enter into force on 8 February 2018.

Article 4

This Decision is addressed to Norway.

Article 5

Only the English text version of this Decision is authentic.

Done at Brussels, 9 February 2018.

For the EFTA Surveillance Authority, acting under Delegation Decision No 494/13/COL,

Högni S. KRISTJÁNSSON
Responsible College Member

Carsten ZATSCHLER
Countersigning as Director, Legal and Executive
Affairs

⁽¹⁾ Forskrift om kontrollområde for å bekjempe sykdommen Marteiliose hos bløtdyr, Bømlo kommune, Hordaland, FOR-2017-09-08-1377 (Regulations on control area to fight the disease Marteiliose in molluscs, Bømlo municipality, Hordaland).

⁽²⁾ Forskrift om omsetning av akvakulturdyr og produkter av akvakulturdyr, forebygging og bekjempelse av smittsomme sykdommer hos akvatiske dyr, FOR-2008-06-17-819 (Regulations on the sale of aquaculture animals and products of aquaculture animals, prevention and control of infectious diseases in aquatic animals).

ANNEX

1. The entire coastline of Norway is a disease-free zone with regard to *Marteilia refringens*, with the exception of the containment area in the municipality of Bømlo in the County of Hordaland in southern Norway, specifically described in § 2 of the Norwegian Regulations on the control area to fight the disease Marteiliose in molluscs, Bømlo municipality, Hordaland (FOR-2017-09-08-1377) ('the Regulation')⁽¹⁾ as being defined by a straight line from:

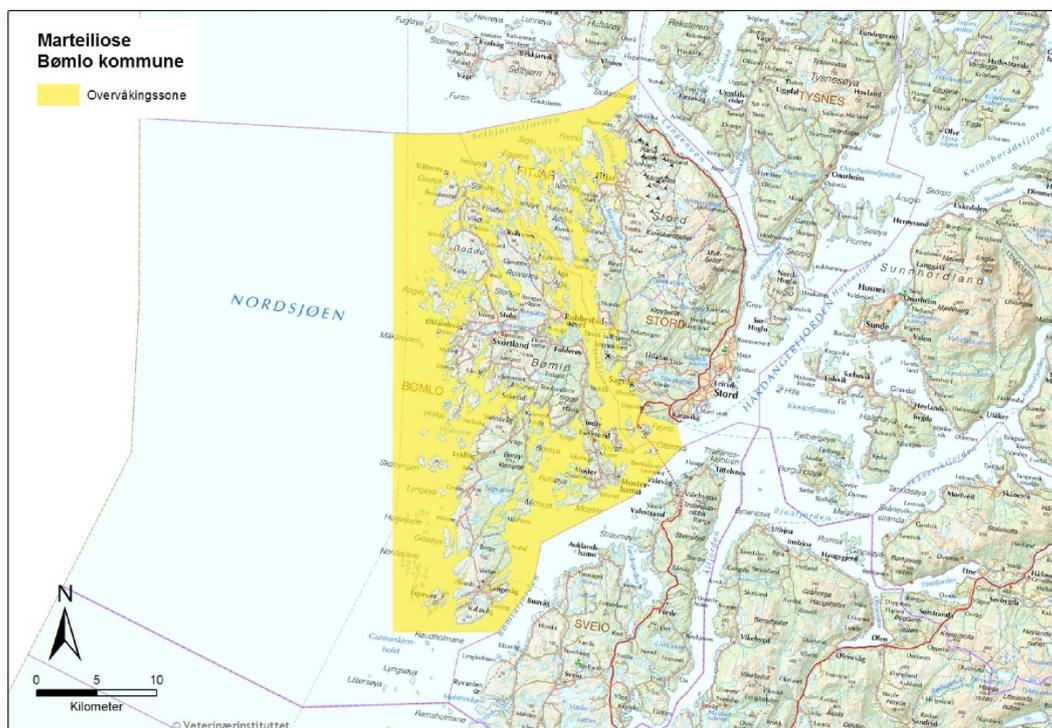
- a point (59° 44,805' N; 5° 27,560' E) on the southern tip of Stord, in the direction south to
- the municipal boundary between Bømlo and Sveio and then in the direction south-west along the municipal boundary to
- a point (59° 34,420' N; 5° 14,623' E) in the sea and further in the direction west to a point (59° 33,72' N; 5° 05,46' E) in the sea. Then in the direction north to the municipal boundary between Austevoll and Bømlo and then west along the municipal border to
- a point (59° 59,948' N; 5° 19,629' E) in the sea and then in the direction south-south-west to
- a point (59° 58,917' N; 5° 19,114' E) in the northern tip of Stord.

The map of the control area attached to the Regulation is reproduced in the Appendix to this Decision.

2. The entire coastline of Norway is a disease-free zone with regard to *Bonamia ostreae* with the exception of:

- the county of Aust-Agder in southern Norway.

Appendix



⁽¹⁾ Forskrift om kontrollområde for å bekjempe sykdommen Marteiliose hos bløtdyr, Bømlo kommune, Hordaland, FOR-2017-09-08-1377