III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DELEGATED DECISION No 264/21/COL

of 23 November 2021

concerning emergency measures in Norway in relation to outbreaks of highly pathogenic avian influenza pursuant to Article 259(1)(c) of Regulation (EU) 2016/429 and Articles 21, 39 and 55 of Delegated Regulation (EU) 2020/687 [2022/40]

Corrected on 25 November 2021 by EFTA Surveillance Authority Delegated Decision No 266/21/COL

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(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 257(1), 258(1), (2) and (3) and 259(1)(c) thereof,

Having regard to the Act referred to at Point 13e. of Part 1.1 of Chapter I of Annex I to the EEA Agreement, Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council *as regards rules for the prevention and control of certain listed diseases* ('Delegated Regulation (EU) 2020/687'), ([2]) 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 21, 39 and 55 thereof,

Having regard to the Act referred to at Point 13a. of Part 1.1. of Chapter I of Annex I to the EEA Agreement, Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 *on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases* ('Implementing Regulation (EU) 2018/1882'), ([3]) 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 1 and 2 as well as the Annex thereof,

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

([1]) Incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 179/2020 of 11 December 2020.
([2]) Incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 3/2021 of 5 February 2021.
([3]) Incorporated into the EEA Agreement by Decision of the EEA Joint Committee No 179/2020 of 11 December 2020.

Whereas:

Highly pathogenic avian influenza ('HPAI') is an infectious viral disease in birds and may have a severe impact on the profitability of poultry farming causing disturbance to trade within the European Economic Area ('EEA'). HPAI viruses can infect migratory birds, which can then spread these viruses over long distances during their autumn and spring migrations. Therefore, the presence of HPAI viruses in wild birds poses a continuous threat for the direct and indirect introduction of these viruses into holdings where poultry or captive birds are kept. In the event of an outbreak of HPAI, there is a risk that the disease agent may spread to other holdings where poultry or captive birds are kept.

Regulation (EU) 2016/429, Delegated Regulation (EU) 2020/687 and Implementing Regulation (EU) 2018/1882 have been incorporated into the Annexes to the EEA Agreement and have applied from 21 April 2021.

Regulation (EU) 2016/429 establishes a new legislative framework for the prevention and control of diseases transmissible to animals or humans. HPAI is referred to in Article 9(1)(a)(i) of Regulation (EU) 2016/429 as a listed disease subject to the disease prevention and control rules laid down therein. The Annex to Implementing Regulation (EU) 2018/1882 lists HPAI as a category A, D and E disease as defined in Article 1 of that Regulation.

Article 259(1) of Regulation (EU) 2016/429 requires the EFTA Surveillance Authority ('the Authority') to review emergency measures taken by the Norwegian competent authorities pursuant to Article 257(1)(a) or 258 of the same Regulation in the event of an outbreak of a listed disease referred to in point (a) of Article 9(1), including HPAI ('Norwegian measures'). Article 259(1)(c) requires the Authority, where it considers it necessary to avoid unjustified disruptions in the movement of animals and products, to adopt emergency measures referred to in Article 257(1) approving Norwegian measures.

Delegated Regulation (EU) 2020/687 supplements the rules for the control of category A, B and C diseases laid down in Regulation (EU) 2016/429, including disease control measures for HPAI. Article 21 of that Regulation provides for the establishment of protection and surveillance zones in the event of an outbreak of a category A disease, including HPAI. This regionalisation is applied in particular to preserve the health status of birds in the remainder of the territory of Norway by preventing the introduction of the pathogenic agent and ensuring the early detection of the disease.

Norway notified an outbreak of HPAI in a flock of laying hens on its territory on 12 November 2021 ('the first outbreak'). ([4]) The Norwegian competent authorities have taken the necessary disease control measures required in accordance with Delegated Regulation (EU) 2020/687, including the establishment of protection and surveillance zones around this outbreak.

On 18 November 2021, Norway notified a second outbreak ([5]) of HPAI at a holding of laying hens situated within the zones already established around the first outbreak. The Norwegian competent authorities have taken the necessary disease control measures required in accordance with Delegated Regulation (EU) 2020/687, including adjustment of the protection and surveillance zones established around the first outbreak to include the minimum three kilometers protection zone and ten kilometers surveillance zone radius around the holding where the second outbreak occurred.

In order to prevent any unnecessary disturbance to trade within the EEA, it is necessary to rapidly describe the protection and surveillance zones established by Norway in relation to outbreaks of HPAI.

Accordingly, the protection and surveillance zones relating to HPAI in Norway, where the disease control measures as laid down in Delegated Regulation (EU) 2020/687 are applied, are listed in the Annex to this Decision approving the Norwegian measures pursuant to Article 259(1)(c) of Regulation (EU) 2016/429 and the duration of that regionalisation specified in that Annex.

([4]) Document No 1248890.
([5]) Document No 1249847.

The Authority has examined the disease control measures in collaboration with Norway, and it is satisfied that the boundaries of the protection and surveillance zones, established by the competent authorities of Norway, are at a sufficient distance to any holding where an outbreak of HPAI has been confirmed.

On 17 November 2021, the Authority, by its Delegated Decision No 262/21/COL (Document No 1249845), duly submitted the draft Decision to the EFTA Veterinary and Phytosanitary Committee ('the EFTA Committee') in accordance with Articles 259(1) and 266(2) of Regulation (EU) 2016/429. On 23 November 2021, the EFTA 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

The protection and surveillance zones established by Norway pursuant to Article 21 of Delegated Regulation (EU) 2020/687, and the duration of the measures to be applied in such protection zones pursuant to Article 39 and in such surveillance zones pursuant to Article 55 of that Delegated Regulation, following outbreaks of highly pathogenic avian influenza in poultry or captive birds are established and approved at EEA EFTA State level and listed in the Annex to this Decision.

Article 2

Norway shall ensure that:

a) the protection zones established by its competent authorities, in accordance with Article 21(1)(a) of Delegated Regulation (EU) 2020/687, comprise at least the areas listed as protection zones in Part A of the Annex to this Decision;

b) the measures to be applied in the protection zones, as provided for in Article 39 of Delegated Regulation (EU) 2020/687, are maintained until at least the dates for the protection zones set out in Part A of the Annex to this Decision.

Article 3

Norway shall ensure that:

a) the surveillance zones established by its competent authorities, in accordance with Article 21(1)(b) of Delegated Regulation (EU) 2020/687, comprise at least the areas listed as surveillance zones in Part B of the Annex to this Decision;

b) the measures to be applied in the surveillance zones, as provided for in Article 55 of Delegated Regulation (EU) 2020/687, are maintained until at least the dates for the surveillance zones set out in Part B of the Annex to this Decision.

Article 4

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

Article 5

This Decision shall apply until the latest date mentioned in the Annex to this Decision on which disease control measures in any of the protection or surveillance zones cease to be applicable in accordance with Articles 39 or 55 of Delegated Regulation (EU) 2020/687, as relevant.

Article 6

This Decision is addressed to Norway.

Article 7

This Decision shall be authentic in the English language.

Done at Brussels, 23 November 2021.

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

Högni S. KRISTJÁNSSON
Responsible College Member

Melpo-Menie JOSÉPHIDÈS
Countersigning as Director, Legal and Executive Affairs

ANNEX

Part A

Protection zones in Norway as referred to in Articles 1 and 2

Area comprising:	Date until applicable in accordance with Article 39 of Delegated Regulation (EU) 2020/687
The parts of the municipalities Klepp, Sandnes and Sola in the county of Rogaland that are contained within a circle of 3 kilometres radius, centred on GPS coordinates N: 58.79985 E: 5.60616	7.12.2021
The parts of the municipalities Klepp, Sandnes and Sola in the county of Rogaland that are contained within a circle of 3 kilometres radius, centred on GPS coordinates N: 58.79980 E: 5.61022	14.12.2021

Part B

Surveillance zones in Norway as referred to in Articles 1 and 3

Area comprising:	Date until applicable in accordance with Article 55 of Delegated Regulation (EU) 2020/687
The parts of the municipalities Klepp, Sandnes, Sola and Time in the County of Rogaland, beyond the area described in the protection zone and within the circle of 10 kilometres radius, centred on GPS coordinates N: 58.79985 E: 5.60616	16.12.2021
The parts of the municipalities Klepp, Sandnes and Sola in the county of Rogaland that are contained within a circle of 3 kilometres radius, centred on GPS coordinates N: 58.79985 E: 5.60616	From 8.12.2021 until 16.12.2021
The parts of the municipalities Klepp, Sandnes, Sola and Time in the County of Rogaland, beyond the area described in the protection zone and within the circle of 10 kilometres radius, centred on GPS coordinates N: 58.79980 E: 5.61022	23.12.2021
The parts of the municipalities Klepp, Sandnes and Sola in the county of Rogaland that are contained within a circle of 3 kilometres radius, centred on GPS coordinates N: 58.79980 E: 5.61022	From 15.12.2021 until 23.12.2021