



2024/1001

27.3.2024

EFTA SURVEILLANCE AUTHORITY DELEGATED DECISION No 029/24/COL

of 23 February 2024

concerning emergency measures in Norway in relation to outbreaks of highly pathogenic avian influenza pursuant to Article 259(1) of Regulation (EU) 2016/429 and Articles 21, 39 and 55 of Delegated Regulation (EU) 2020/687 [2024/1001]

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 in Part 1.1 of Chapter I of Annex I to 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 ('Animal Health Law') ⁽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 in Part 1.1 of Chapter I of Annex I to EEA Agreement,

Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 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 in 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.

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.

⁽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.

Regulation (EU) 2016/429 establishes a 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 Article 9(1)(a), 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 the 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 on 19 February 2024 a confirmed outbreak of HPAI in a commercial establishment with 8 000 poultry in Lund municipality in Rogaland county. ⁽⁴⁾ On 20 February 2024, Norway updated the notification to reflect that the effected establishment had two houses with breeding poultry bringing the total number of susceptible birds to 18 000. ⁽⁵⁾ The Norwegian competent authorities have taken the necessary disease control measures required in accordance with Regulation (EU) 2016/429 and Delegated Regulation (EU) 2020/687, including the establishment of protection and surveillance zones around this outbreak.

In order to prevent any unnecessary disturbance to trade within the EEA, it is necessary to rapidly describe the protection and surveillance zones duly established by Norway in accordance with Delegated Regulation (EU) 2020/687.

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.

Therefore, the protection and surveillance zones relating to HPAI in Norway should be approved by the Authority in accordance with Article 259(1)(c) of Regulation (EU) 2016/429 and listed in an Annex to this Decision and the duration of the measures applicable therein according to Articles 39 and 55 of Delegated Regulation (EU) 2020/687.

Given the urgency of the epidemiological situation in the EEA as regards the spread of HPAI, it is important that this Decision takes effect as soon as possible.

On 21 February 2024, the Authority, by its Delegated Decision No 028/24/COL (Document No 1437521), duly submitted the draft Decision to the EFTA Veterinary and Phytosanitary Committee in accordance with Articles 259(1) and 266(2) of Regulation (EU) 2016/429. On 22 February 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.

⁽⁴⁾ Document No 1437515.

⁽⁵⁾ Document No 1437727.

HAS ADOPTED THIS DECISION:

Article 1

The protection and surveillance zones established by Norway pursuant to Article 21 of Delegated Regulation (EU) 2020/687 following an outbreak of highly pathogenic avian influenza in poultry or captive birds, and the duration of the measures to be applied in the protection zones pursuant to Article 39 and in the surveillance zones pursuant to Article 55 of that Delegated Regulation, are approved 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 February 2024.

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

Árni Páll ÁRNASON
Responsible College Member

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

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 in Lund and Egersund in the county of Rogaland that are contained within a circle of 3 kilometres radius, centred on GPS coordinates: latitude 58.54871; longitude 6.3041	15.3.2024

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 in Lund and Egersund in the county of Rogaland that are contained within a circle of 10 kilometres radius, centred on GPS coordinates: latitude 58.54871; longitude 6.3041	24.3.2024