

Commission Decision of 22 April 2002 establishing lists of approved zones and approved farms with regard to one or more of the fish diseases viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN) (notified under document number C(2002) 1500) (Text with EEA relevance) (2002/308/EC) (repealed)

COMMISSION DECISION

of 22 April 2002

establishing lists of approved zones and approved farms with regard to one or more of the fish diseases viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN)

(notified under document number C(2002) 1500)

(Text with EEA relevance)

(2002/308/EC) (repealed)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products<sup>(1)</sup>, as last amended by Directive 98/45/EC<sup>(2)</sup>, and in particular Articles 5 and 6 thereof,

Whereas:

- (1) In order to obtain, for one or more of the fish diseases viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN), the status of approved zone and of approved fish farm situated in a non-approved zone, Member States shall submit the appropriate justifications and the national rules ensuring compliance with the conditions laid down in Directive 91/67/EEC.
- (2) The list of approved fish farms with regard to VHS and IHN in Belgium was established by Commission Decision 95/470/EC<sup>(3)</sup>.
- (3) Commission Decision 93/74/EEC<sup>(4)</sup>, as last amended by Decision 2001/139/EC<sup>(5)</sup>, recognises the entire territory of Denmark as an approved zone with regard to IHN as well as certain areas with regard to VHS. Furthermore, the list of approved fish farms in Denmark as regards VHS was established by Commission Decision 96/233/EC<sup>(6)</sup>, as last amended by Decision 2001/185/EC<sup>(7)</sup>.
- (4) The lists of zones and of fish farms in Germany, approved with regard to VHS and IHN, were respectively established by Commission Decision 1999/496/EC<sup>(8)</sup> and Commission Decision 95/124/EC<sup>(9)</sup>, the latter as last amended by Decision 2001/541/EC<sup>(10)</sup>.

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**Status:** Point in time view as at 08/07/2005.

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- (5) The list of fish farms, as well as of certain zones, approved with regard to VHS and IHN in Spain, was established by Commission Decision 98/361/EC<sup>(11)</sup>, as last amended by Decision 2001/294/EC<sup>(12)</sup>. Commission Decision 94/862/EC<sup>(13)</sup> approved the Spanish programme concerning VHS and IHN that was applied in Asturias before this area achieved approved status.
- (6) The status of France with regard to VHS and IHN was established by Commission Decision 95/125/EC<sup>(14)</sup>, as last amended by Decision 2001/553/EC<sup>(15)</sup>. The list of approved fish farms with regards to VHS and IHN in France was established by Commission Decision 95/473/EC<sup>(16)</sup>, as last amended by Decision 2001/159/EC<sup>(17)</sup>.
- (7) The status of Ireland with regard to VHS and IHN was established by Commission Decision 93/73/EEC<sup>(18)</sup>, as last amended by Decision 97/804/EC<sup>(19)</sup>.
- (8) The list of zones in Italy, approved with regard to VHS and IHN, was established by Commission Decision 98/395/EC<sup>(20)</sup>. The list of approved fish farms in Italy as regards VHS and IHN was established by Commission Decision 98/357/EC<sup>(21)</sup>, as last amended by Decision 2001/552/EC<sup>(22)</sup>.
- (9) The list of approved fish farms with regard to VHS and IHN in Austria was established by Commission Decision 2000/171/EC<sup>(23)</sup>.
- (10) Sweden was recognised as approved continental and coastal zone for fish with regard to VHS and IHN by EFTA Surveillance Authority Decision No 70/94/COL<sup>(24)</sup>.
- (11) Since accession to the European Community, Sweden has provided information concerning the VHS and IHN situation in its territory. Sweden should be considered as an approved continental and coastal zone with regard to VHS and IHN, except for one coastal area as regards VHS.
- (12) Council Regulation (EEC) No 706/73 of 12 March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products<sup>(25)</sup>, as last amended by Regulation (EEC) No 1174/86<sup>(26)</sup>, lays down that the veterinary legislation shall apply to these islands under the same conditions as in the United Kingdom for the products imported to the islands or exported from the islands to the Community.
- (13) The status of the United Kingdom, the Channel Islands and the Isle of Man, with regard to VHS and IHN, was established by Commission Decisions 2000/188/EC<sup>(27)</sup>, 93/39/EEC<sup>(28)</sup> and 93/40/EEC<sup>(29)</sup> respectively.
- (14) France has notified an outbreak of VHS in the approved zone ‘the upstream part of the Vienne basin to the Noutre dam, department of Indre’, situated in Loire-Bretagne. Therefore, the affected catchment area — as a whole — no longer meets the requirements of Article 5 of Directive 91/67/EEC with regard to VHS. However, based on the geographical and epidemiological data received from France, certain catchment areas of the zone still fulfil the requirements and their approved status should therefore not be withdrawn.

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- (15) Italy has submitted the justifications for obtaining the status of approved zones for two zones — in the regions of Lombardia and Umbria respectively — with regard to IHN and VHS, as well as the national rules ensuring compliance with the requirements for maintenance of the approved status.
- (16) The documentation provided by Italy for the zones concerned shows that those zones meet the requirements of Article 5 of Directive 91/67/EEC. They therefore qualify for the status of approved zone and should be added to the list of approved zones.
- (17) Germany has submitted the justifications for obtaining the status of approved farm in a non-approved zone in respect of VHS and IHN for one fish farm situated in Baden-Württemberg, as well as the national rules ensuring compliance with the requirements for maintenance of the approved status.
- (18) France has submitted the justifications for obtaining the status of approved farm in a non-approved zone in respect of VHS and IHN, as well as the national rules ensuring compliance with the requirements for maintenance of the approved status, for three fish farms. One farm is situated in the region of Aquitaine, one in Haute-Normandie and one in Drôme. A programme applied to the farm in Drôme was approved by Commission Decision 2000/174/EC<sup>(30)</sup>.
- (19) Italy has submitted the justifications for obtaining the status of approved farm in a non-approved zone in respect of IHN and VHS for three fish farms: one in Friuli Venezia Giulia, one in Veneto and one in Umbria, as well as the national rules ensuring compliance with the requirements for maintenance of the approved status.
- (20) The documentation provided by Germany, France and Italy for the farms concerned shows that those farms meet the requirements of Article 6 of Directive 91/67/EEC. They therefore qualify for the status of approved farm in a non-approved zone and should be added to the list of approved farms.
- (21) For the sake of clarity and simplification, it is appropriate to draw up a single list of approved zones and a single list of approved fish farms in non-approved zones with regard to VHS and/or IHN and to repeal Decisions approving programmes earlier applied to zones and farms that subsequently have achieved approved status.
- (22) Decisions 93/39/EEC, 93/40/EEC, 93/73/EEC, 93/74/EEC, 94/862/EC, 95/124/EC, 95/125/EC, 95/470/EC, 95/473/EC, 96/233/EC, 98/357/EC, 98/361/EC, 98/395/EC, 1999/496/EC, 2000/171/EC, 2000/174/EC and 2000/188/EC should therefore be repealed and replaced by this Decision.
- (23) Article 172(7) of the Act of Accession of Austria, Finland and Sweden foresees that, without prejudice to paragraphs 4 and 5 of the same Article, the decisions taken by the EFTA Surveillance Authority remain valid after accession unless the Commission takes a duly motivated decision to the contrary in accordance with the basic principles of Community law.
- (24) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

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HAS ADOPTED THIS DECISION:

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- (1) OJ L 46, 19.2.1991, p. 1.
- (2) OJ L 189, 3.7.1998, p. 12.
- (3) OJ L 269, 11.11.1995, p. 28.
- (4) OJ L 27, 4.2.1993, p. 35.
- (5) OJ L 50, 21.2.2001, p. 20.
- (6) OJ L 77, 27.3.1996, p. 33.
- (7) OJ L 67, 9.3.2001, p. 78.
- (8) OJ L 192, 24.7.1999, p. 57.
- (9) OJ L 84, 14.4.1995, p. 6.
- (10) OJ L 194, 18.7.2001, p. 51.
- (11) OJ L 163, 6.6.1998, p. 46.
- (12) OJ L 100, 11.4.2001, p. 32.
- (13) OJ L 352, 31.12.1994, p. 72.
- (14) OJ L 84, 14.4.1995, p. 8.
- (15) OJ L 199, 24.7.2001, p. 26.
- (16) OJ L 269, 11.11.1995, p. 31.
- (17) OJ L 57, 27.2.2001, p. 54.
- (18) OJ L 27, 4.2.1993, p. 34.
- (19) OJ L 329, 29.11.1997, p. 70.
- (20) OJ L 176, 20.6.1998, p. 30.
- (21) OJ L 162, 5.6.1998, p. 42.
- (22) OJ L 199, 24.7.2001, p. 23.
- (23) OJ L 55, 29.2.2000, p. 70.
- (24) OJ L 247, 22.9.1994, p. 44.
- (25) OJ L 68, 15.3.1973, p. 1.
- (26) OJ L 107, 24.4.1986, p. 1.
- (27) OJ L 59, 4.3.2000, p. 17.
- (28) OJ L 16, 25.1.1993, p. 46.
- (29) OJ L 16, 25.1.1993, p. 47.
- (30) OJ L 55, 29.2.2000, p. 77.

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