COMMISSION DECISION

of 14 December 2009

amending Decision 2009/177/EC as regards eradication programmes and disease-free status of certain Member States, zones and compartments for certain aquatic animal diseases

(notified under document C(2009) 9888)

(Text with EEA relevance)

(2009/975/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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], and in particular the first subparagraph of Article 44(2) and Article 49(1) thereof,

Whereas:

(1) Commission Decision 2009/177/EC of 31 October 2008 implementing Council Directive 2006/88/EC as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments [2] lays down model forms for submission by Member States for approval of eradication programmes pursuant to Directive 2006/88/EC and for submission of documentation for approval of disease-free status pursuant to that Directive.

(2) Part B of Annex I to Decision 2009/177/EC sets out lists of Member States, zones and compartments subject to eradication programmes approved in accordance with Directive 2006/88/EC. Part C of that Annex sets out lists of Member States, zones and compartments declared disease-free in accordance with that Directive.

(3) Denmark submitted to the Commission a multi-annual programme for the eradication of viral haemorrhagic septicaemia (VHS) pursuant to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field [3] for the period from 1 January 2009 to 31 December 2013. That programme was approved by Commission Decision 2008/897/EC of 28 November 2008 approving annual and multi-annual programmes and the financial contribution from the Community for the eradication, control and monitoring of certain animal diseases and zoonoses presented by the Member States for 2009 and following years [4]. That programme complies with the requirements for approval laid down in Decision 2009/177/EC and should therefore be approved according to Article 44(2) of Directive 2006/88/EC. Accordingly, the zones covered by that programme should be inserted in Part B of the list set out in Annex I to that Decision.

(4) Article 12 of Decision 2009/177/EC provides for a derogation from Directive 2006/88/EC whereby Member States are not required to submit for approval eradication programmes that were approved for the purposes of obtaining approved zone status with regard to VHS by Commission Decision 2003/634/EC of 28 August 2003 approving programmes for the purpose of obtaining the status of approved zones and of approved farms in non-approved zones with regard to viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN) in fish [5], subject to certain conditions.

(5) Decision 2003/634/EC approved a programme submitted by Finland for the purpose of obtaining approved zone status with regard to VHS. Finland has now submitted a report on that programme in accordance with the requirements laid down in Decision 2009/177/EC. Accordingly, the zones covered by that programme should therefore be inserted in the list in Part B of Annex I to that Decision.

(6) Germany submitted to the Commission a multi-annual programme for the eradication of koi herpes virus (KHV) disease pursuant to Decision 90/424/EEC. That programme was approved by Decision 2008/897/EC for the period from 1 January 2009 to 31 December 2013. That programme complies with the requirements for approval laid down in Decision 2009/177/EC and should therefore be approved according to Article 44(2) of Directive 2006/88/EC. Accordingly, the zones covered by that programme should be inserted in Part B of the list set out in Annex I to that Decision.

[1] OJ L 328, 24.11.2006, p. 14.
[2] OJ L 63, 7.3.2009, p. 15.
[3] OJ L 224, 18.8.1990, p. 19.
[4] OJ L 322, 2.12.2008, p. 39.
[5] OJ L 220, 3.9.2003, p. 8.

(7) The whole territory of the United Kingdom is currently listed in Part C of Annex I to Decision 2009/177/EC as declared disease-free in accordance with Directive 2006/88/EC as regards infectious salmon anaemia (ISA). The United Kingdom has notified the presence of ISA in a compartment previously declared free of that disease. Accordingly, the entry for that Member State as regards ISA should be amended in the list set out in Part C of Annex I to Decision 2009/177/EC.

(8) The United Kingdom has now submitted for approval an eradication programme with regard to ISA to be applied in the South West Shetland Islands. That programme complies with the requirements of Decision 2009/177/EC. Accordingly, it should be approved and the South West Shetland Islands should be inserted in Part B of the list set out in Annex I to that Decision.

(9) Decision 2003/634/EC approved a programme submitted by the United Kingdom for the purpose of obtaining approved zone status with regard to VHS. The United Kingdom has now submitted a report on that programme in accordance with the requirements laid down in Decision 2009/177/EC in order to obtain a declaration of disease-free status for those zones. That report complies with the requirements of Decision 2009/177/EC. Accordingly, those zones should therefore be inserted in the list of Part C of Annex I to that Decision.

(10) In addition, the whole coastline of Northern Ireland, except for Lough Foyle, is currently listed in Part C of Annex I to Decision 2009/177/EC as being declared disease-free as regards infection with *Bonamia ostreae*. The United Kingdom has now notified the presence of infection with *Bonamia ostreae* in Strangforth Lough on that coastline. Strangforth Lough should therefore be excluded from the territory declared disease-free in the list set out in Part C of Annex I to that Decision.

(11) Decision 2009/177/EC should therefore be amended accordingly.

(12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2009/177/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 December 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

In Annex I, Parts B and C are replaced by the following:

'**PART B**

Member States, zones and compartments subject to approved eradication programmes

Disease	Member State	ISO Code	Geographical demarcation of the area under an eradication programme (Member State, zones or compartments)
Viral haemorrhagic septicaemia (VHS)	Denmark	DK	The following water catchments: Tim Å, Hover Å, Heager Å, Velling Å, Skjern Å, Hemmet Mølle Bæk, Lydum Å, Kongeå, Kolding Å, Vejle Å and Holmsland Klit.
	Finland	FI	The Province of Åland; The municipalities of Uusikaupunki, Pyhäranta and Rauma.
Infectious haematopoietic necrosis (IHN)			
Koi herpes virus (KHV) disease	Germany	DE	*Land* Saxony
Infectious salmon anaemia (ISA)	United Kingdom	UK	South West Shetland Islands
Infection with *Marteilia refringens*			
Infection with *Bonamia ostreae*			
White spot disease			

PART C

Member States, zones and compartments declared disease-free

Disease	Member State	ISO Code	Geographical demarcation of the disease-free area (Member State, zones or compartments)
Viral haemorrhagic septicaemia (VHS)	Denmark	DK	The water catchment and the coastal areas of: — Hansted Å — Hovmølle Å — Grenå — Treå — Alling Å — Kastbjerg — Villestrup Å — Korup Å — Sæby Å — Elling Å — Uggerby Å — Lindenborg Å — Øster Å — Hasseris Å — Binderup Å — Vidkær Å — Dybvad Å — Bjørnsholm Å — Trend Å — Lerkenfeld Å — Vester Å — Lønnerup med tilløb — Fiskbæk Å — Slette Å — Bredkær Bæk — Vandløb til Kilen — Resenkær Å — Klostermølle Å — Hvidbjerg Å — Knidals Å — Spang Å — Simested Å — Skals Å — Jordbro Å — Fåremølle Å — Flynder Å — Damhus Å — Karup Å — Gudenåen — Halkær Å — Storåen — Århus Å — Bygholm Å — Grejs Å — Ørum Å

Disease	Member State	ISO Code	Geographical demarcation of the disease-free area (Member State, zones or compartments)
	Ireland	IE	All continental and coastal areas within its territory, except: 1. Cape Clear Island
	Cyprus	CY	All continental areas within its territory
	Finland	FI	All continental and coastal areas within its territory, except: 1. the Province of Åland; 2. the municipalities of Uusikaupunki, Pyhäranta and Rauma.
	Sweden	SE	Whole territory
	United Kingdom	UK	All continental and coastal areas within Great Britain, Northern Ireland, Guernsey, the Isle of Man and Jersey.
Infectious haematopoietic necrosis (IHN)	Denmark	DK	Whole territory
	Ireland	IE	Whole territory
	Cyprus	CY	All continental areas within its territory
	Finland	FI	Whole territory
	Sweden	SE	Whole territory
	United Kingdom	UK	All continental and coastal areas within Great Britain, Northern Ireland, Guernsey, the Isle of Man and Jersey.
Koi herpes virus (KHV) disease			
Infectious salmon anaemia (ISA)	Belgium	BE	Whole territory
	Bulgaria	BG	Whole territory
	Czech Republic	CZ	Whole territory
	Denmark	DK	Whole territory
	Germany	DE	Whole territory
	Estonia	EE	Whole territory
	Ireland	IE	Whole territory
	Greece	EL	Whole territory
	Spain	ES	Whole territory
	France	FR	Whole territory
	Italy	IT	Whole territory
	Cyprus	CY	Whole territory
	Latvia	LV	Whole territory
	Lithuania	LT	Whole territory
	Luxembourg	LU	Whole territory
	Hungary	HU	Whole territory
	Malta	MT	Whole territory
	Netherlands	NL	Whole territory
	Austria	AT	Whole territory
	Poland	PL	Whole territory
	Portugal	PT	Whole territory
	Romania	RO	Whole territory
	Slovenia	SI	Whole territory
	Slovakia	SK	Whole territory
	Finland	FI	Whole territory

Disease	Member State	ISO Code	Geographical demarcation of the disease-free area (Member State, zones or compartments)
	Sweden	SE	Whole territory
	United Kingdom	UK	All continental and coastal areas within Great Britain, Northern Ireland, Guernsey, the Isle of Man and Jersey except South West Shetland Islands.
Infection with *Marteilia refringens*	Ireland	IE	The whole territory
	United Kingdom	UK	The whole coastline of Great Britain. The whole coastline of Northern Ireland. The whole coastline of Guernsey and Herm. The coastal area of the States of Jersey: the area consists of the intertidal and immediate coastal area between the mean high-water mark on the Island of Jersey and an imaginary line drawn three nautical miles from the mean low-water mark of the Island of Jersey. The area is situated in the Normano-Breton Gulf, on the south side of the English Channel. The whole coastline of the Isle of Man.
Infection with *Bonamia ostreae*	Ireland	IE	The whole coastline of Ireland, except: 1. Cork Harbour; 2. Galway Bay; 3. Ballinakill Harbour; 4. Clew Bay; 5. Achill Sound; 6. Loughmore, Blacksod Bay; 7. Lough Foyle; 8. Lough Swilly.
	United Kingdom	UK	The whole coastline of Great Britain, except: 1. the south coast of Cornwall from the Lizard to Start Point; 2. the coast of Dorset, Hampshire and Sussex from Portland Bill to Selsey Bill; 3. the area along the coast of North Kent and Essex from North Foreland to Felixstowe; 4. the area along the coast in south-west Wales from Wooltack Point to St Govan's Head, including Milford Haven and the tidal waters of the East and West Cleddau river; 5. the area containing the waters of Loch Sunart east of a line drawn south-south-east from the northernmost tip of Maclean's Nose to Auliston Point; 6. the area containing West Loch Tarbert north east of a line drawn east south east at Ardpatrick Point NR 734 578 to North Dunskeig Bay at NR 752 568. The whole coastline of Northern Ireland, except: 1. Lough Foyle; 2. Strangford Lough. The whole coastline of Guernsey, Herm and the Isle of Man. The coastal area of the States of Jersey: the area consists of the intertidal and immediate coastal area between the mean high-water mark on the Island of Jersey and an imaginary line drawn three nautical miles from the mean low water mark of the Island of Jersey. The zone is situated in the Normano-Breton Gulf, on the south side of the English Channel.
White spot disease'			