

13 June Act No. 54

## **Act relating to Measures to Counteract Diseases in Fish and Other Aquatic Animals (the Fish Diseases Act)**

Proposition No. 52 to the Odelsting, Recommendation No. 75 to the Odelsting, Decision No. 88 by the Odelsting (1996-97), Passed by the Odelsting and Lagting 20 and 29 May 1997. Introduced by the Ministry of Agriculture.

### *Chapter 1 Object, scope and definitions*

#### *§ 1. Object*

The object of this Act is to prevent, control and eradicate infectious diseases in fish and other aquatic animals.

#### *§ 2. The substantive and geographic scope of the Act*

This Act applies to fish and other aquatic animals, and to products and objects which can act as carriers of disease. The Ministry may issue regulations stipulating that the Act shall also apply to other organisms.

Unless otherwise determined by the Ministry, this Act applies to diseases which are or are suspected of being infectious. The provisions in §§ 23-26 apply nonetheless only to the infectious diseases which the Ministry has established in regulations these provisions shall apply to.

This Act applies to Norwegian land and sea territories, in Norway's economic zone, and to the extent Norway has jurisdiction under international law. The King shall decide to what extent this Act is to apply to the Svalbard Islands and Jan Mayen.

#### *§ 3. Definitions*

For the purpose of this Act

- a) aquatic animals shall mean animals which live in water, including sea mammals, as well as sexual products (eggs, semen etc.), resting and reproductive stages of animals which live in water
- b) aquaculture establishment shall mean a limited area where aquatic animals are kept for farming or cultivation
- c) other enclosure shall mean ponds and aquariums etc., where aquatic animals are kept for purposes other than farming or cultivation
- d) water course shall mean lake, tarn, river, arm of a river, brook or canal.

### *Chapter 2 General obligations*

#### *§ 4. Duty of care*

Everyone must exercise the necessary care to ensure that there is no danger of infectious diseases developing or spreading between aquatic animals.

#### *§ 5. Obligation to report and inform*

When there is reason to believe that aquatic animals have been or are in danger of being attacked by an infectious disease, the public authorities shall be notified immediately. The

obligation to give notification rests with everyone who is responsible for aquatic animals. Other persons also have an obligation to give notification unless this is obviously unnecessary.

When so requested by a public authority, everyone shall provide information which has significance for the prevention and counteraction of disease. The Ministry may issue regulations concerning the implementation of the provisions in this section.

§ 6. *Access to location, activity, etc.*

Public servants shall be given access to locations or activities governed by this Act and shall be given the necessary assistance in carrying out supervision of the provisions or decisions in or pursuant to the Act. The same applies when this is required as part of a special programme to document the state of health or as part of the fulfilment of an international agreement.

The supervisory authorities shall be able free of charge to take the samples and undertake the examinations that are deemed necessary.

*Chapter 3 Measures to prevent disease, localisation of systems etc.*

§ 7. *Establishment etc. of aquaculture establishments*

No-one may establish, expand or move aquaculture establishments without the approval of the Ministry.

The Ministry may issue regulations stipulating that approval must also be obtained for the establishment, expansion or moving of other enclosures.

Conditions may be laid down relating to the activity when approval is granted under the first and second paragraphs.

§ 8. *Amendment or reversal*

The Ministry may amend or withdraw its approval as mentioned under § 7 if:

- a) there has been a breach of the conditions in the approval or provisions laid down in or in pursuance of this Act
- b) it transpires that a disease or knowledge of disease-related matters has changed in relation to the situation when approval was granted
- c) a different location for the system can improve the health situation considerably  
or
- d) this is necessary on the establishment of zones in accordance with § 26.

The King may withdraw approval when this is necessary on the establishment of regions in accordance with § 9.

§ 9. *Establishment of regions, inter-regional measures, etc.*

In order to prevent infectious disease, the King may establish epidemiologically separate regions, for which regulations are issued regulating and prohibiting:

- a) the transport of live or dead aquatic animals, animal waste, by-products and objects which can transmit infection, into or out of the regions
- b) use of means of transport between the regions.

§ 10. *Internal control*

Any person who has permission to operate an aquaculture establishment shall ensure through internal control that requirements laid down in or in pursuance of this Act are complied with. The Ministry may issue more detailed regulations concerning the implementation of internal control.

The Ministry may determine that other activities regulated by this Act applies shall introduce such internal control.

§ 11. *Import and export*

The Ministry may issue regulations concerning the import and export of live aquatic animals, plants, fish feed and other products and objects which can act as carriers of infection.

The expenses of controlling import and export as mentioned in the first paragraph may be claimed from the importer and exporter respectively.

The Ministry may order the destruction or return at the importer's or exporter's expense of any aquatic animals, goods and objects which are or are attempted to be imported or exported in contravention of provisions issued pursuant to the first paragraph.

Expenses as mentioned in the second and third paragraphs are grounds for enforcement by attachment.

§ 12. *Disinfection*

The Ministry may issue regulations concerning the approval and use of technical disinfectants.

§ 13. *Vaccination etc.*

The Ministry may issue regulations concerning the use of vaccines and other medicinal treatment. Certain qualifications may also be required of the person carrying out the vaccination.

§ 14. *Parent fish control, deletion and reproduction, etc.*

The Ministry may issue regulations concerning control of parent fish and regarding deletion and reproduction of aquatic animals.

§ 15. *Health control, certificates of health and origin, etc.*

The Ministry may issue regulations concerning certificates of health and origin and health control, including national and regional control programmes.

§ 16. *Operation of aquaculture establishments etc.*

The Ministry may issue regulations concerning disease prevention measures in the operation of aquaculture establishments and other enclosures.

§ 17. *Moving, sale and release of live aquatic animals*

The Ministry may issue regulations concerning the moving, sale and release of live aquatic animals in aquaculture establishments and free natural surroundings.

§ 18. *Moving, sale and use of dead aquatic animals and objects*

The Ministry may issue regulations concerning the moving, sale and use of dead aquatic animals, plants, fish feed, objects and other material which can transmit infection. The Ministry may also issue provisions for the treatment or destruction of such objects and products.

§ 19 *Transport and temporary storage. Use of net pens*

The Ministry may issue regulations concerning the design and equipping of the transport unit, implementation of transport and other temporary storage of live and dead aquatic animals, animal waste and by-products, plants, fish feed, objects and other material which can transmit disease.

The Ministry may issue regulations concerning the use of net pens to hold aquatic animals.

§ 20. *Slaughtering, processing, waste treatment, etc.*

The Ministry may issue regulations concerning the design and operation of fish slaughterhouses, processing facilities, facilities for by-products, animal waste and net washing.

The Ministry can issue regulations concerning slaughtering and processing of aquatic animals and concerning treatment, storage and use of by-products and waste.

§ 21. *Location of fish slaughterhouses, processing facilities, waste treatment plant, etc.*

The Ministry may issue regulations stipulating that fish slaughterhouses, processing facilities and facilities for treatment and storage of by-products and animal waste must not be located where this entails an unacceptable risk of infection for wild stock or surrounding activities.

*Chapter 4 Special measures to control and eradicate disease*

§ 22. *Sale and moving of sick and infected aquatic animals*

It is forbidden to offer for sale, sell, give away, purchase, receive, move or release live aquatic animals when they are or may be suffering from an infectious disease or show visible signs of illness. It is also forbidden to bring aquatic animals into facilities where infectious disease has been found or is suspected.

The Ministry may make exceptions from the prohibitions in the first paragraph. The Ministry may issue more detailed regulations concerning the implementation of the first paragraph.

§ 23. *Measures in the event of infectious disease in aquaculture establishments etc.*

When infectious disease has been found or is suspected in aquaculture establishments, other enclosures or means of transport, the Ministry may in order to prevent the spreading of the disease issue orders to implement necessary measures, including killing and destruction.

No compensation will be given from public funds for any financial losses resulting from measures that are required to be implemented pursuant to this Act.

§ 24. *Measures in the event of infectious disease in free-living stocks*

When infectious disease has been found or is suspected in free-living aquatic animals, the Ministry may within the limits following from the second paragraph issue orders to implement measures that are deemed necessary to prevent the disease from spreading.

The Ministry may decide that free-living aquatic animals are to be treated or killed when there is reason to believe that such measures will play a significant part in controlling or eradicating infectious disease in an area. The Ministry may issue more detailed rules in regulations on how such treatment or killing is to be carried out, including rules for the destruction of aquatic animals.

Measures of this kind may be initiated without regard to the individual property owner or rightholder.

§ 25. *Decontamination of facilities and equipment*

The Ministry may order the decontamination of facilities, transport units and equipment when infectious disease is suspected or found in aquatic animals.

No compensation will be given from public funds for financial losses resulting from measures that are required to be implemented pursuant to this Act.

§ 26. *Establishment of zones*

When aquatic animals are or have been attacked by infectious disease, or when there is a suspicion of such a disease, the Ministry may establish zones and for each zone issue provisions:

- a) forbidding the catching or releasing of aquatic animals
- b) forbidding the transfer of live or dead aquatic animals, including animal waste and by-products, in to, out of or between such zones.
- c) stipulating that any measures that can be initiated to control and eradicate infectious disease for one or more aquaculture establishments or other enclosures, shall apply to the whole zone
- d) stipulating that measures that can be initiated to control or eradicate disease in wild stocks shall apply to the whole zone.
- e) initiating measures that are necessary in order to obtain or maintain free status or as a result of international agreement.

*Chapter 5 Other provisions*

§ 27. *Coercive measures*

Should anyone who is responsible for aquatic animals not comply with orders given in or in pursuance of this Act, the Ministry may take the necessary steps to have the orders carried out.

If it is necessary to implement the measures immediately, any person so empowered by this Act may ensure immediate implementation of the necessary measures, without being so instructed.

Orders and measures may be implemented at the expense of the party responsible. Amounts due according to the rule in this Section are grounds for enforcement by attachment.

§ 28. *Collection by the State Agency for the Recovery of Fines, Damages and Costs*

When the State Agency for the Recovery of Fines, Damages and Costs is directed to collect claims which are recoverable by attachment pursuant to this Act, the Agency may collect the claims by deduction in pay and similar remuneration in accordance with the rules in Section 2-7 in the Creditors Security Act. The Agency may also recover a claim by creating an execution lien on the claim if the lien can be given legal protection by registration in a register or by notification to a third person, ref. the Mortgages and Pledges Act, Chap. 5, and execution proceedings can be held at the Agency's office in accordance with Section 7-9, first paragraph, of the Enforcement Act.

§ 29. *Coercive fines*

To ensure that provisions laid down in or pursuant to this Act are complied with, any person so empowered by this Act may levy coercive fines payable to the State. The Ministry may issue regulations concerning the levying of coercive fines.

Coercive fines may be levied when contravention of this Act or decisions pursuant to this Act is discovered. The coercive fine becomes payable if the person responsible exceeds the time limit set by the authorities for rectifying the situation.

Coercive fines may also be levied in advance and then become payable from the commencement of any contravention. It may be stipulated that a coercive fine is effective for the duration of the illegal situation or that it falls due for each contravention.

A coercive fine is levied on the party responsible for the contravention. If the contravention has taken place on behalf of a company or enterprise, the coercive fine shall be levied on the activity as such.

Coercive fines are grounds for enforcement by attachment. Any person empowered in accordance with this section can waive accrued coercive fines.

§ 30. *Penalties*

Any person wilfully or inadvertently contravening provisions given in or pursuant to this Act will be punished by fines or imprisonment for up to one year. Complicity is also a punishable offence.

If especially aggravating circumstances exist, imprisonment for up to two years may be applied, unless a stricter penal provision is applicable.

§ 31. *Delegation*

The Ministry may delegate authority pursuant to this Act to subsidiary bodies in other ministries.

§ 32. *Handling fee*

The Ministry may issue regulations setting fees for the handling of applications and for other tasks imposed on public authorities in accordance with this Act.

§ 33. *Entering into force*

This Act enters into force from such date as shall be decided by the King. From the same date, provisional Act No. 44 of 22 June 1990 relating to Measures to Counteract Disease in Aquatic Organisms is repealed.

In so far as they do not conflict with this Act, regulations and decisions issued pursuant to Act No. 44 of 22 June 1990 relating to measures to counteract disease in aquatic organisms and Act No. 2 of 6 December 1968 relating to measures to counteract disease in freshwater fish remain in force until they are repealed or replaced by regulations or decisions issued in pursuance of the present Act.

13 June Act No. 578

**Entering into force of Act No. 54 of 13 June 1997 relating to measures to counteract diseases in fish and other aquatic animals (the Fish Diseases Act)**

**Laid down by Royal Decree on 13 June 1997. Introduced by the Ministry of Agriculture.**

Act No. 54 of 13 June 1997 relating to measures to counteract diseases in fish and other aquatic animals (the Fish Diseases Act) enters into force on 1 January 1998.