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**COMMISSION IMPLEMENTING DECISION**

**of 29.7.2016**

**on the adoption of a financing decision regarding a financial contribution by the Union  
to emergency measures to combat certain animal diseases and plant pests in 2016 and  
2017**

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**on the adoption of a financing decision regarding a financial contribution by the Union to emergency measures to combat certain animal diseases and plant pests in 2016 and 2017**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002<sup>1</sup>, and in particular Article 84(2) thereof,

Having regard to Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC<sup>2</sup>, and in particular Article 36(4) thereof,

Whereas:

- (1) Article 6 of Regulation (EU) No 652/2014 provides that grants may be awarded to Member States up to the maximum rates set in Article 5(1) to (3) of that Regulation in respect of the measures taken as a result of the confirmation that one of the animal diseases listed pursuant to Article 7 of that Regulation has occurred, provided that the measures have been applied immediately and the applicable provisions laid down in the relevant Union law have been complied with. Grants may also be awarded to Member States, third countries or international organisations in respect of protection measures taken in the case of a direct threat to the health status of the Union as a result of the occurrence or development, in the territory of a third country or a Member State, of one of the animal diseases and zoonoses listed pursuant to Articles 7 or 10 of that Regulation.
- (2) Article 16 of Regulation (EU) No 652/2014 provides that grants may be awarded to Member States or international organisations up to the maximum rates set in Article 5(1) to (3) of that Regulation for measures to eradicate, contain and protect against the spread of a plant pest, subject to the conditions laid down in Article 17 of that Regulation.
- (3) Article 3(2) of Regulation (EU) No 652/2014 lays down that when grants are awarded to the competent authorities of the Member States, these competent authorities shall be

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<sup>1</sup> OJ L 298, 26.10.2012, p. 1.

<sup>2</sup> OJ L 189, 27.6.2014, p. 1.

considered to be identified beneficiaries within the meaning of Article 128(1) of Regulation (EU, Euratom) No 966/2012. Such grants may be awarded without a call for proposals.

- (4) It is necessary to allow for the payment of interest due for late payment on the basis of Article 92 of Regulation (EU, Euratom) No 966/2012 and Article 111(4) of Delegated Regulation (EU) No 1268/2012.
- (5) In order to allow for flexibility in the implementation of the financing decision, it is appropriate to define the term 'substantial change' within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012.
- (6) In accordance with Article 84 of Regulation (EU, Euratom) No 966/2012, the commitment of expenditure from the Union budget is to be preceded by a financing decision. In addition, Article 94 of Commission Delegated Regulation (EU) No 1268/2012<sup>3</sup> establishes detailed rules on financing decisions.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### *Objectives and expected results of the actions*

1. The objectives of the actions are to prevent or eradicate the occurrence of animal diseases or plant pests.
2. The results expected by the Commission of the action referred to in paragraph 1 are the avoidance of further spread of the animal diseases and plant pests and, when they appear on the Union territory, their fast eradication.

#### *Article 2*

##### *Financial contribution by the Union*

1. A maximum financial contribution by the Union up to the appropriation available on budget line 17.04.04 shall be granted to the beneficiaries or for actions directly implemented by the Commission for emergency measures for the period from 1 January 2016 to 31 December 2017, to cover the costs listed in paragraph 4 and 5 to combat the respective animal diseases and plant pests.
2. The financial contribution by the Union shall be financed from the following line of the general budget of the European Union for 2016: budget line 17.0404 EUR 19 000 000. For 2017: budget line 17.0404 EUR 20 000 000<sup>4</sup>.
3. The financial contribution by the Union shall be at a rate of 50 %, 75 %, or 100 %, individually set for each beneficiary, in accordance with Article 5 of Regulation (EU) No 652/2014.

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<sup>3</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

<sup>4</sup> The budget amounts for 2017 are subject to the availability of the appropriations provided for in the draft budget for 2017 after the adoption by the budgetary authority or if the budget is not adopted as provided for in the system of provisional twelfths.

4.

4.1. The financial contribution by the Union shall cover the following eligible costs incurred to combat animal diseases, in accordance with Article 8 of Regulation (EU) No 652/2014:

- (a) costs of compensation, to owners for the value of their animals slaughtered or culled;
- (b) costs of slaughtering or culling the animals and related transport costs;
- (c) costs of compensation to owners for the value of their destroyed products of animal origin, limited to the market value of those products immediately before any suspicion of the disease arose or was confirmed;
- (d) costs of cleaning, desinsectisation and disinfection of holdings and equipment, based on the epidemiology and characteristics of the pathogen;
- (e) costs for the transport and the destruction of the contaminated feeding stuffs and, where it cannot be disinfected, contaminated equipment;
- (f) costs of purchase, storage, administration or distribution of vaccines and baits as well as costs of inoculation itself, if the Commission decides or authorises such actions;
- (g) costs of transport and disposal of carcasses;
- (h) in exceptional and duly justified cases:
  - (i) the costs of sampling,
  - (ii) the costs of testing,
  - (iii) the costs of awareness campaigns,
  - (iv) other costs essential for the eradication of the disease, depending on the epidemiology and the characteristics of the pathogen.

4.2. The financial contribution by the Union shall cover the following eligible costs incurred to combat plant pests in accordance with Article 18 of Regulation (EU) No 652/2014:

- (a) costs of personnel, regardless of their status, directly involved in the measures, as well as costs of renting equipment, of consumables and of any other necessary materials, of treatment products, of sampling and of laboratory tests;
- (b) costs of service contracts with third parties to execute part of the measures;
- (c) costs of compensating the operators or owners concerned for the treatment, the destruction and subsequent removal of plants, of plant products and of other objects, and for the cleaning and disinfection of premises, land, water, soil, growing media, facilities, machinery and equipment;
- (d) as of 1 January 2017, costs of compensating the owners concerned for the value of the destroyed plants, plant products or other objects subject to the measures referred to in Article 16 of Directive 2000/29/EC, limited to the market value of such plants, plant products and other objects as if they had not been affected by those measures; the salvage value, if any, shall be deducted from the compensation;

- (e) in exceptional and duly justified cases:
  - (i) the costs of awareness campaigns,
  - (ii) other costs essential for the eradication or the containment of the pest, or related to additional protective measures taken against the spread of the pest, depending on the epidemiology and the characteristics of the pathogen.
- 5. In accordance with Article 6(5) of Regulation (EU) No 652/2014 the Commission may award a Union financial contribution for the establishment of stocks of biological products or the acquisition of vaccine doses if the occurrence or the development in a third country or Member State of one of the animal diseases and zoonoses listed pursuant to Article 7 or 10 of that Regulation might constitute a threat to the Union.
- 6. This Decision constitutes a financing decision in the meaning of Article 84 of Regulation (EU, Euratom) No 966/2012.

*Article 3*  
*Award criteria*

The award criteria for the financial contribution by the Union are:

- (a) compliance with the requirements of the relevant Union law;
- (b) relevance of the planned activities in view of the prevention or eradication of the animal diseases and plant pests.

*Article 4*  
*Flexibility Clause*

- 1. An increase of less than 20% of the maximum financial contribution by the Union referred to in Article 2(1) of this Decision shall not be considered to be substantial within the meaning of Article 94(4) of Delegated Regulation (EU, Euratom) No 1268/2012, where those changes do not significantly affect the nature and the objective of the action.
- 2. The authorising officer responsible may adopt the changes referred to in paragraph 1 in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 29.7.2016

*For the Commission*  
*Vytis ANDRIUKAITIS*  
*Member of the Commission*