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**COMMISSION IMPLEMENTING DECISION**

**of 13.11.2015**

**on the adoption of a financing decision regarding the Union financial contribution to  
emergency measures to combat avian influenza in Bulgaria in 2015**

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### on the adoption of a financing decision regarding the Union financial contribution to emergency measures to combat avian influenza in Bulgaria in 2015

THE EUROPEAN COMMISSION,

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

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>1</sup>, and in particular Article 36(4) thereof,

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>2</sup>, and in particular Article 84(2) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease of poultry and other captive birds which can have a severe impact on the profitability of poultry farming causing disturbance to trade within the Union and exports to third countries.
- (2) In the event of the occurrence of avian influenza in a Member State, there is a risk that the disease agent may spread to other poultry holdings within that Member State, and also to other Member States and to third countries through trade in live animals or their products.
- (3) Council Directive 2005/94/EC<sup>3</sup> lays down minimum Union measures for the control of avian influenza that are to be taken by Member States in the event of the occurrence of that disease, as a matter of urgency, in order to prevent the further spread of the virus.
- (4) In accordance with Article 84 of Regulation (EU, Euratom) No 966/2012, the commitment of expenditure from the Union budget shall be preceded by a financing decision specifying the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by

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

<sup>2</sup> OJ L 298, 26.10.2012, p. 1.

<sup>3</sup> Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

the institution. Article 94 of Commission Delegated Regulation (EU) No 1268/2012<sup>4</sup> establishes detailed rules on financing decisions.

- (5) Article 6 of Regulation (EU) No 652/2014 provides that grants may be awarded to Member States up to defined maximum rates 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.
- (6) Article 8(2) of Regulation (EU) No 652/2014 provides that costs shall be eligible from the date of notification of the occurrence of the disease by the Member States to the Commission. Such costs may also include costs incurred as a result of a suspected occurrence of such a disease, provided that that occurrence is subsequently confirmed.
- (7) An outbreak of high pathogenic avian influenza occurred in Bulgaria in 2015 and it was notified by the Bulgarian authorities on 26 January 2015.
- (8) In accordance with Article 6 of Regulation (EU) No 652/2014 Bulgaria has undertaken the necessary eradication measures in accordance with Directive 2005/94/EC.
- (9) The authorities of Bulgaria have informed the Commission and the other Member States in the framework of the Standing Committee on Plants, Animals, Food and Feed of the eradication measures applied in accordance with the Union legislation and the results thereof.
- (10) The Authorities of Bulgaria have therefore fulfilled their obligations with regard to the measures provided for in Article 6 of Regulation (EU) No 652/2014.
- (11) 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*

1. The objective of the action implemented by Bulgaria is the proper implementation of the emergency eradication measures.
2. The results expected by the Commission is the eradication of avian influenza in Bulgaria and the avoidance of further spread of the disease.

#### *Article 2*

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

1. A maximum financial contribution by the Union of EUR 10 000 shall be granted to Bulgaria for emergency eradication measures for the period from 26 January 2015 to 31 December 2015, to cover the costs listed in paragraph 3 to combat avian influenza.

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<sup>4</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).

2. The financial contribution by the Union shall be financed from the following line of the general budget of the European Union for 2015: budget line 17.04.04: EUR 27 113 181,75.
3. The financial contribution by the Union for the period from 26 January 2015 to 31 December 2015 shall be at the rate of 75% of the following eligible costs incurred 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;
  - (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: none;
  - (g) costs of transport and disposal of carcasses;
  - (h) any other costs essential for the eradication of the disease in accordance with Article 8(1)(h) of Regulation (EU) No 652/2014: none.
4. 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 are:

- (a) compliance with the requirements of Directive 2005/94/EC;
- (b) relevance of the planned activities in view of eradication of the disease.

*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, 13.11.2015

*For the Commission*  
*Vytėnis ANDRIUKAITIS*  
*Member of the Commission*

