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COMMISSION IMPLEMENTING DECISION

of 1.7.2016

on the adoption of a financing decision regarding a financial contribution by the Union to emergency measures to combat avian influenza in Germany, France, Italy, Hungary, the Netherlands and the United Kingdom in 2015

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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 1605/2002¹, 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/EC², and in particular Article 36(4) 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 an outbreak 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/EC³ lays down the minimum control measures to be applied by the Member States in the event of the occurrence of an outbreak of avian influenza, to control the virus and to prevent its further spread.
- (4) 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 specifying the objective pursued, the expected results, the method of implementation and its total amount, as well as a description of the actions to be financed. In addition, Article 94 of Commission Delegated Regulation (EU)

¹ OJ L 298, 26.10.2012, p. 1.

² OJ L 189, 27.6.2014, p. 1.

³ 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).

No 1268/2012⁴ provides that the financing decision is to set out the essential elements of an action involving expenditure from the budget.

- (5) Article 6 of Regulation (EU) No 652/2014 provides that grants may be awarded to Member States up to specified maximum rates in respect of the measures taken as a result of the confirmation of the occurrence of one of the animal diseases listed pursuant to Article 7 of that Regulation, provided that the measures have been applied immediately and the applicable provisions laid down in the relevant Union law have been complied with.
- (6) In accordance with Article 5(2) of Regulation (EU) No 652/2014, the maximum rate for Hungary may be increased to 75% of the eligible costs, as it is a Member State whose gross national income per inhabitant, based on the latest Eurostat data, is less than 90% of the Union average.
- (7) Article 8(2) of Regulation (EU) No 652/2014 provides that costs are 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 the occurrence of the disease is subsequently confirmed.
- (8) Outbreaks of high pathogenic avian influenza occurred in Germany, France, Hungary and the United Kingdom in 2015 and were respectively notified to the Commission on 9 January 2015 by Germany, on 25 November 2015 by France, on 25 February 2015 by Hungary and on 14 July 2015 by the United Kingdom.
- (9) Outbreaks of low pathogenic avian influenza occurred in Germany, France, Italy, the Netherlands and the United Kingdom in 2015 and were respectively notified to the Commission on 4 March 2015 by Germany, on 9 December 2015 by France, on 28 January 2015 by Italy, on 13 March 2015 by the Netherlands and on 5 February 2015 by the United Kingdom.
- (10) In accordance with Article 6 of Regulation (EU) No 652/2014, Germany, France, Italy, Hungary, the Netherlands and the United Kingdom have undertaken the necessary control measures in accordance with Directive 2005/94/EC.
- (11) Germany, France, Italy, Hungary, the Netherlands and the United Kingdom have informed the Commission and the other Member States in the framework of the Standing Committee on Plants, Animals, Food and Feed of the control measures that they applied in accordance with Directive 2005/94/EC and the results thereof. Those Member States have therefore fulfilled their obligations in accordance with Article 6 of Regulation (EU) No 652/2014. 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 objective of the actions implemented by Germany, France, Italy, Hungary, the Netherlands and the United Kingdom are to contain the spread of avian influenza by

⁴ 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).

the application of surveillance and early response measures by the competent authorities for the purposes of the control of that disease.

2. The expected results by the Commission of the actions referred to in paragraph 1 are to support the proper implementation of the control measures against avian influenza in Member States referred to in that paragraph.
3. This Decision constitutes a financing decision within the meaning of Article 84 of Regulation (EU, Euratom) No 966/2012.

Article 2
Financial contribution by the Union

1. A maximum financial contribution by the Union of EUR 5 410 000,00 shall be granted to Germany, France, Italy, Hungary, the Netherlands and the United Kingdom, for emergency measures to combat avian influenza, to cover the eligible costs listed in paragraph 4 for the following periods:
 - (a) Germany for the period from 7 January 2015 to 31 December 2015;
 - (b) France for the period from 24 November 2015 to 31 December 2015;
 - (c) Italy for the period from 24 January to 31 December 2015;
 - (d) Hungary for the period from 24 February 2015 to 31 December 2015;
 - (e) the Netherlands for the period from 12 March 2015 to 31 December 2015;
 - (f) the United Kingdom for the period from 02 February 2015 to 31 December 2015.
2. The financial contribution by the Union for each Member State shall be the following:
 - (a) Germany: EUR 550 000,00 indicatively,
 - (b) France: EUR 3 260 000,00 indicatively,
 - (c) Italy: EUR 290 000,00 indicatively,
 - (d) Hungary: EUR 405 000,00 indicatively,
 - (e) the Netherlands: EUR 170 000,00 indicatively,
 - (f) the United Kingdom: EUR 735 000,00 indicatively.
3. 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 17.04.04: EUR 19 000 000.
4. The financial contribution by the Union shall cover the following eligible costs incurred in accordance with Article 8 of Regulation (EU) No 652/2014, at the rate of 50% for Germany, France, Italy, the Netherlands and the United Kingdom and at the rate of 75% for Hungary:
 - (a) the costs of compensation to owners for the value of their animals slaughtered or culled, limited to the market value of such animals if they had not been affected by the disease;
 - (b) the costs of slaughtering or culling the animals and related transport costs;

- (c) the 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) the costs of cleaning, desinsectisation and disinfection of holdings and equipment, based on the epidemiology and characteristics of the pathogen;
 - (e) the costs for the transport and the destruction of the contaminated feeding stuffs and, where it cannot be disinfected, contaminated equipment;
 - (f) the costs of the 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) the costs of transport and disposal of carcasses;
 - (h) any other costs essential for the control of avian influenza in accordance with Article 8(1)(h) of Regulation (EU) No 652/2014:
 - (i) sampling and laboratory tests (France),
 - (ii) census and transport and destruction of slurry (Hungary),
 - (iii) transport of material (the Netherlands).
5. The final amount of the financial contribution of the Union, which shall not exceed the amount of EUR 5 410 000 as referred to in paragraph 1, shall be fixed after the assessment by the Commission of the payment applications submitted by Germany, France, Italy, Hungary, the Netherlands and the United Kingdom in accordance with Article 8, paragraph 3, of Regulation (EU) No 652/2014.

Article 3
Award criteria

The award criteria are:

- (a) compliance with the requirements of Directive 2005/94/EC;
- (b) relevance of the planned actions in view of the control of avian influenza.

Article 4
Flexibility Clause

1. An increase of less than 20% of the maximum financial contribution by the Union referred to individually for each Member State, in Article 2(2) 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 may authorise the changes referred to in the first paragraph in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 1.7.2016

For the Commission
Vytis ANDRIUKAITIS
Member of the Commission