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**COMMISSION IMPLEMENTING DECISION**

**of 18.3.2016**

**on the adoption of a financing decision regarding the Union contribution to emergency measures to control pests in Germany, Spain, Croatia, Italy, Cyprus and Austria in 2014 and 2015**

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**on the adoption of a financing decision regarding the Union contribution to emergency measures to control pests in Germany, Spain, Croatia, Italy, Cyprus and Austria in 2014 and 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) Article 16(1) of Regulation (EU) No 652/2014 provides that grants may be awarded to Member States up to defined maximum rates for measures taken to eradicate, contain and protect against the spread of a pest, subject to the conditions laid down in Article 17 of that Regulation.
- (2) In order to commit that expenditure from the Union budget, a financing Decision should be adopted.
- (3) Germany submitted two applications for Union funding in relation to the measures implemented in 2014 and 2015 to eradicate or contain *Anoplophora glabripennis* in the area of Weil am Rhein, region of Baden-Württemberg and in the area Magdeburg – Rothensee, region of Saxony-Anhalt. Baden-Württemberg has introduced an application on 7 April 2015 while Saxony-Anhalt introduced its application on 20 May 2015.
- (4) Spain submitted three applications for Union funding on 24 April 2015 in relation to the measures implemented in 2014 and 2015 to eradicate or contain *Bursaphelenchus xylophilus* in Spain, in the area bordering Portugal in the regions of Andalucía, Castilla y León, Extremadura and Galicia, in the area of Valverde del Fresno in the region of Extremadura and in the area of Sancti-Spiritus in the region of Castilla y León. The first application relates to intensified inspections implemented in 2014 in the area

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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.

bordering Portugal. Those inspections took place in order to avoid further spread of the pests in the neighbouring areas of Portugal. The second application concerns measures implemented or planned for 2015 in the area of Valverde del Fresno, region of Extremadura. The third application relates to measures implemented in the area of Sancti-Spiritus, region of Castilla y León in 2014.

- (5) Croatia submitted an application for Union funding on 30 September 2014 in relation to the measures implemented in 2014 to eradicate or contain *Anoplophora chinensis* in Zadar area.
- (6) Italy submitted two applications for Union funding in relation to the measures implemented in 2014 and 2015 to eradicate or contain *Anoplophora glabripennis* and *Anoplophora chinensis* respectively in the Marche and Tuscany regions. The application concerning the Marche region was submitted on 24 April 2015, while the application concerning the Tuscany region was submitted on 29 April 2015.
- (7) Cyprus submitted an application for Union funding on 18 September 2014 in relation to the measures implemented in 2014 to eradicate or contain *Aceria kuko* in Nicosia area.
- (8) Austria submitted two applications for Union funding on 13 April 2015 in relation to the measures implemented in 2014 to eradicate or contain *Anoplophora glabripennis* in Gallspach and St. Georgen areas.
- (9) Measures against pests of the types *Aceria kuko*, *Anoplophora chinensis*, *Anoplophora glabripennis*, and *Bursaphelenchus xylophilus* may qualify for grants pursuant to Article 17 of Regulation (EU) No 652/2014. The conditions laid down in that Article have been met. Therefore it is appropriate to provide a Union grant to cover eligible costs in relation to those requests.
- (10) Article 18(2) of Regulation (EU) No 652/2014 provides that costs shall be eligible from the date of notification of the presence of the pest by the Member States to the Commission. Such costs may also include costs incurred as a result of the suspected presence of that pest, provided that the presence is subsequently confirmed.
- (11) Article 5(1) of Regulation (EU) No 652/2014 provides that, when in the form of a grant, the Union financial contribution shall not exceed 50% of the eligible costs. In accordance with Article 5(2) of that Regulation that maximum rate may be increased to 75% of the eligible costs in respect of Member States whose gross national income per inhabitant based on the latest Eurostat data is less than 90% of the Union average. Therefore, for Croatia and Cyprus the maximum rate of 50% shall be increased up to 75% of the eligible costs.
- (12) 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 actions implemented by Germany, Spain, Croatia, Italy, Cyprus and Austria is to eradicate or contain the following pests: *Anoplophora glabripennis*, *Bursaphelenchus xylophilus*, *Anoplophora chinensis* and *Aceria kuko*, through the proper implementation of emergency measures.

2. The result expected by the Commission is the eradication or containment of the pests referred to in paragraph 1.

## *Article 2*

### *Financial contribution by the Union*

1. A maximum financial contribution by the Union of EUR 3 263 268 shall be granted to Germany, Spain, Croatia, Italy, Cyprus and Austria, for emergency measures to control respectively *Anoplophora glabripennis*, *Bursaphelenchus xylophilus*, *Anoplophora chinensis* and *Aceria kuko*, to cover costs listed in paragraph 3 for the period:
  - (a) from 1 January 2014 to 31 December 2014 and from 1 January 2015 to 31 December 2015 for Germany to control *Anoplophora glabripennis*,
  - (b) from 1 January 2014 to 31 December 2014 and from 1 January 2015 to 31 December 2015 for Spain to control *Bursaphelenchus xylophilus*,
  - (c) from 1 June 2014 to 31 December 2014 and from 1 March to 31 March 2015 for Croatia to control *Anoplophora chinensis*,
  - (d) from 1 January 2015 to 31 December 2015 for Italy to control *Anoplophora glabripennis* and from 1 June 2014 to 31 December 2015 for Italy to control *Anoplophora chinensis*,
  - (e) from 1 January 2014 to 31 December 2014 for Cyprus to control *Aceria kuko*,
  - (f) from 1 January 2014 to 31 December 2014 for Austria to control *Anoplophora glabripennis*.
2. The financial contribution for each country shall be the following:
  - (a) EUR 1 671 077 indicatively for Germany, in the area of Weil am Rhein, region of Baden-Württemberg and in the area Magdeburg – Rothensee, region of Saxony-Anhalt for measures implemented against *Anoplophora glabripennis*,
  - (b) EUR 855 424 indicatively for Spain, in the area bordering Portugal, regions of Andalucía, Castilla y León, Extremadura and Galicia for measures implemented against *Bursaphelenchus xylophilus*,
  - (c) EUR 37 962 indicatively for Croatia, in the area of Zadar for measures implemented against *Anoplophora chinensis*,
  - (d) EUR 332 667 indicatively for Italy, in the Tuscany and Marche regions for measures implemented against *Anoplophora chinensis* and *Anoplophora glabripennis*,
  - (e) EUR 32 983 indicatively for Cyprus, in the area of Nicosia for measures implemented against *Aceria kuko*,
  - (f) EUR 333 155 indicatively for Austria, in the areas of Gallpach and St. Georgen for measures implemented against *Anoplophora glabripennis*.

It 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.
3. The financial contribution by the Union shall cover the following eligible costs incurred in accordance with Article 18 of Regulation (EU) No 652/2014, at the rate

of 50% for Germany, Spain, Italy and Austria and at the rate of 75% for Croatia and Cyprus:

- (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.
4. This Decision constitutes a financing decision in the meaning of Article 84 of Regulation (EU, Euratom) No 966/2012.
5. The final amount of the financial contribution of the Union, which will not exceed the amount established in paragraph 1, shall be fixed after assessment by the Commission of the payment applications submitted by Germany, Spain, Croatia, Italy, Cyprus and Austria.

*Article 3*  
*Award criteria*

The award criteria are:

- (a) compliance with the requirements of Union plant health legislation,
- (b) relevance of the planned activities in view of the eradication of the pests.

Done at Brussels, 18.3.2016

*For the Commission*  
*Vytenis ANDRIUKAITIS*  
*Member of the Commission*