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**COMMISSION IMPLEMENTING DECISION**

**of 15.12.2016**

**on the adoption of a financing decision regarding the Union contribution to emergency measures to eradicate, contain and protect against the spread of pests in Denmark, Germany, Spain, France, Hungary, Netherlands, Austria, Portugal, Slovenia and Finland in 2013, 2014 and 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) 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) Following a concerning epidemiological development in relation to the spread of *Xylella fastidiosa*, Hungary, Austria, and Slovenia submitted applications, on 24 September 2015, 14 September 2015 and 14 September 2015 respectively, for Union funding to implement additional protective measures at national level, in 2015.
- (4) Denmark submitted one application for Union funding in relation to the measures implemented in 2014 and 2015 to eradicate or contain *Synchytrium endobioticum* in the area of Ikast-Brande. The application was introduced on 26 August 2016.
- (5) Germany submitted nine applications for Union funding in relation to the measures implemented in 2013, 2014 and 2015 to eradicate or contain *Anoplophora glabripennis* in the area of Bonn - region of North Rhine-Westfalia (two applications

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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.

introduced on 22 December 2015 and 26 August 2016); area of Feldkirchen - region of Bavaria (two applications introduced on 29 December 2015 and 25 August 2016); area of Grenzach - region of Baden-Württemberg (application introduced on 28 April 2016); area of Neubiberg – region of Bavaria (application introduced on 25 August 2016); area of Schonebach – region of Bavaria (application introduced on 26 August 2016); area of Weil am Rhein and Kehl - region of Baden-Württemberg (application introduced on 14 April 2016) and to eradicate *Thrips palmi* in the region of North Rhine-Westphalia (application introduced on 20 May 2016).

- (6) Spain submitted three applications for Union funding in relation to the measures implemented in 2015 to eradicate or contain *Bursaphelenchus xylophilus* in the area of As Neves – Galicia (application introduced on 23 March 2016), and measures implemented in 2015 to eradicate or contain *Pomacea* sp. in the area of Ebro Delta – Cataluña (application introduced on 4 April 2016) and in the area of Girona – Cataluña (application introduced on 9 December 2015).
- (7) France submitted four applications for Union funding in relation to the measures implemented in 2014 and 2015 to eradicate or contain *Anoplophora glabripennis* in Corsica (application introduced on 31 December 2015) and in 2015 in Alsace (application introduced on 4 January 2016) and to eradicate or contain *Xylella fastidiosa* in Corsica (application introduced on 16 October 2015) and in PACA region (application introduced on 26 August 2016).
- (8) Netherlands submitted three applications for Union funding in relation to the measures implemented in 2013 to eradicate *Thaumatotibia leucotreta* in the area of Honselersdijk (application introduced on 17 September 2015) and in 2015 to eradicate *Anoplophora glabripennis* in the area of Winterswijk (application introduced on 11 November 2016) and to eradicate or contain *Ralstonia solanacearum* in several areas in the Netherlands (application introduced on 11 November 2016).
- (9) Austria submitted two applications for Union funding in relation to the measures implemented in 2015 to eradicate or contain *Anoplophora glabripennis* in the areas of Gallspach and St. Georgen (applications introduced on 20 April 2016).
- (10) Portugal submitted an application for Union funding in relation to the measures implemented in 2015 to eradicate or contain *Bursaphelenchus xylophilus* in the buffer zone, complying with the rules established by the European Commission for the disease control in Portugal. The application was introduced on 13 October 2015.
- (11) Finland submitted an application for Union funding in relation to the measures implemented in 2015 to eradicate or contain *Anoplophora glabripennis* in the area of Vantaa. The application was introduced on 23 August 2016.
- (12) Measures against pests of the types *Anoplophora glabripennis*, *Xylella fastidiosa*, *Thrips palmi*, *Synchytrium endobioticum*, *Bursaphelenchus xylophilus*, *Pomacea* sp., *Ralstonia solanacearum* and *Thaumatotibia leucotreta* 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.
- (13) 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.

- (14) 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 point (b) of 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 Hungary, Portugal and Slovenia the maximum rate of 50% shall be increased up to 75% of the eligible costs.
- (15) 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 Denmark, Germany, Spain, France, Netherlands, Austria, Portugal, and Finland is to eradicate or contain, through the proper implementation of emergency measures, the following pests: *Anoplophora glabripennis*, *Xylella fastidiosa*, *Thrips palmi*, *Synchytrium endobioticum*, *Bursaphelenchus xylophilus*, *Pomacea* sp., *Ralstonia solanacearum* and *Thaumatotibia leucotreta*.
2. The objective of the actions implemented by Hungary, Austria, and Slovenia is to protect against the spread of *Xylella fastidiosa* within their national territory, through the proper implementation of emergency measures.
3. The result expected by the Commission is the eradication or containment of the pests referred to in paragraph 1 and the indication of a possible presence of the pest referred to in paragraph 2, within the national territory.

#### *Article 2*

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

1. A maximum financial contribution by the Union of EUR 5.131.000 shall be granted to Denmark, Germany, Spain, France, Netherlands, Austria, Portugal, and Finland, for emergency measures to eradicate or contain *Anoplophora glabripennis*, *Xylella fastidiosa*, *Thrips palmi*, *Synchytrium endobioticum*, *Bursaphelenchus xylophilus*, *Pomacea* sp., *Ralstonia solanacearum* and *Thaumatotibia leucotreta*, to cover costs listed in paragraph 4 for the period:
  - (a) From 1 September 2014 to 31 December 2015 to control *Synchytrium endobioticum* in the area of Ikast-Brande, for Denmark;
  - (b) From 1 August 2013 to 31 July 2014 and from 1 August 2014 to 31 December 2015 to control *Anoplophora glabripennis* in the area of Bonn – region of North Rhine-Westphalia; from 1 October 2013 to 31 December 2014 and from 1 January 2015 to 31 December 2015 to control *Anoplophora glabripennis* in the area of Feldkirchen – region of Bavaria; from 1 January 2015 to 31 December 2015 to control *Anoplophora glabripennis* in the area of Grenzach – region of Baden-Württemberg; from 15 September 2014 to 31 December 2015 to control *Anoplophora glabripennis* in the area of Neubiberg – region of Bavaria; from 29 October 2014 to 31 December 2015 to control *Anoplophora glabripennis* in the area of Schonebach – region of

- Bavaria; from 1 January 2015 to 31 December 2015 to control *Anoplophora glabripennis* in the area of Weil am Rhein and Kehl – region of Baden-Württemberg; from 1 January 2014 to 31 December 2015 to control *Thrips palmi* in the region of North Rhine-Westphalia, for Germany;
- (c) From 1 January 2015 to 31 December 2015 to control *Bursaphelenchus xylophilus* in the area of As Neves – Galicia; from 1 January 2015 to 31 December 2015 to control *Pomacea* sp. in the area of Ebro Delta – Cataluña; from 14 August 2015 to 31 December 2015 to control *Pomacea* sp. in the area of Girona – Cataluña, for Spain;
- (d) From 1 July 2014 to 31 December 2015 to control *Anoplophora glabripennis* in Corsica; from 1 January 2015 to 31 December 2015 to control *Anoplophora glabripennis* in Alsace; from 1 January 2015 to 31 December 2015 to control *Xylella fastidiosa* in Corsica and in PACA region, for France;
- (e) From 25 October 2013 to 31 December 2013 to control *Thaumatotibia leucotreta* in the municipality Honselersdijk, from 1 January 2015 to 31 December 2015 to control *Anoplophora glabripennis* in the municipality Winterswijk; from 24 August to 31 December 2015 to control *Ralstonia solanacearum* in several areas in the Netherlands, for Netherlands;
- (f) From 1 January 2015 to 31 December 2015 to control *Anoplophora glabripennis* in the areas of Gallspach and St. Georgen, for Austria;
- (g) From 1 January 2015 to 31 December 2015 to control *Bursaphelenchus xylophilus* in the buffer zone, for Portugal;
- (h) From 10 September 2015 to 31 December 2015 for to control *Anoplophora glabripennis* in the area of Vantaa, for Finland.
2. A maximum financial contribution by the Union of EUR 40.000 shall be granted to Hungary, Austria, and Slovenia, for emergency measures to protect against the spread of *Xylella fastidiosa* within their national territories, to cover costs listed in paragraph 4 for the period:
- (a) From 1 January 2015 to 31 December 2015 to control *Xylella fastidiosa* at national level, for Hungary;
- (b) From 1 January 2015 to 31 December 2015 to control *Xylella fastidiosa* at national level, for Austria;
- (c) From 1 January 2015 to 31 December 2015 to control *Xylella fastidiosa* at national level, for Slovenia.
3. The financial contribution for each Member State shall be the following:
- (a) EUR 148.000 indicatively for Denmark, for measures implemented against *Synchytrium endobioticum*,
- (b) EUR 2.002.000 indicatively for Germany, for measures implemented against *Anoplophora glabripennis* and for measures implemented against *Thrips palmi*,
- (c) EUR 766.000 indicatively for Spain, for measures implemented against *Bursaphelenchus xylophilus* and for measures implemented against *Pomacea* sp.,

- (d) EUR 712.000 indicatively for France, for measures implemented against *Anoplophora glabripennis* and for measures implemented against *Xylella fastidiosa*,
- (e) EUR 8.000 indicatively for Hungary, for measures implemented against *Xylella fastidiosa*,
- (f) EUR 338.000 indicatively for Netherlands, for measures implemented against *Thaumatotibia leucotreta*, for measures implemented against *Ralstonia solanacearum* and for measures implemented against *Anoplophora glabripennis*,
- (g) EUR 174.000 indicatively for Austria, for measures implemented against *Anoplophora glabripennis* and for measures implemented against *Xylella fastidiosa*,
- (h) EUR 961.000 indicatively for Portugal, for measures implemented against *Bursaphelenchus xylophilus*,
- (i) EUR 21.000 indicatively for Slovenia, for measures implemented against *Xylella fastidiosa*,
- (j) EUR 41.000 indicatively for Finland, for measures implemented against *Anoplophora glabripennis*.

It shall be financed from the following lines of the general budget of the European Union for 2016 and 2017:

2016 budget line 17.04 04 EUR 23.000.000

2017 budget line 17.04 04 EUR 20.000.000

- 4. 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 Denmark, Germany, Spain, France, Netherlands, Austria and Finland, and at the rate of 75% for Hungary, Portugal and Slovenia:
  - (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.
- 5. This Decision constitutes a financing decision in the meaning of Article 84 of Regulation (EU, Euratom) No 966/2012.
- 6. The final amount of the financial contribution of the Union, which will not exceed the amounts established in paragraphs 1 and 2, shall be fixed after assessment by the Commission of the payment applications submitted by Denmark, Germany, Spain, France, Hungary, Netherlands, Austria, Portugal, Slovenia and Finland.

*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, 15.12.2016

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