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COMMISSION IMPLEMENTING DECISION

of 12.6.2015

on the adoption of a financing decision regarding the Union contribution to emergency measures to combat avian influenza in Germany, Italy, the Netherlands and the United Kingdom in 2014

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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 material¹, and in particular Articles 6 and 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 1605/2002², and in particular Articles 84(2), 121(1) and 133(2) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease of poultry and other captive birds with a severe impact on the profitability of poultry farming causing disturbance to trade within the Union and export to third countries.
- (2) In the event of an occurrence of avian influenza in a Member State, there is a risk that the disease agent spreads to other poultry holdings within that Member State, but also to other Member States and to third countries through trade in live animals or their products.
- (3) Council Directive 2005/94/EC³ introducing Union measures for the control of avian influenza sets out measures which in the event of an occurrence of the disease have to be immediately implemented by Member States as a matter of urgency to prevent 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 setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution. Article 94 of Commission Delegated Regulation (EU) No 1268/2012⁴ establishes detailed rules on financing decisions.

¹ OJ L 189, 27.6.2014, p. 1.

² OJ L 298, 26.10.2012, 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).

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).

- (5) Pursuant to Article 6 of Regulation (EU) No 652/2014, grants may be awarded to Member States 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. Article 3(2) of that Regulation lays down that when grants are awarded to the competent authorities of the Member States, these competent authorities shall be 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.
- (6) Article 8(2) of Regulation (EU) No 652/2014 provides that, as referred to in Article 130(1) of Regulation (EU, Euratom) No 966/2012, 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) Outbreaks of low pathogenic avian influenza occurred in Germany, Italy and the Netherlands in 2014 and were respectively notified on 11 March 2014, 24 June 2014 and 27 February 2014.
- (8) Outbreaks of high pathogenic avian influenza occurred in Germany, Italy, the Netherlands and the United Kingdom in 2014 and were notified on 5 November 2014 by Germany, 15 December 2014 by Italy, 16 November 2014 by the Netherlands and the United Kingdom.
- (9) Taking into account the presence of the disease in Germany, Italy, the Netherlands and the United Kingdom, eradication measures according to Article 6 of Regulation (EU) No 652/2014 have been taken by those Member States, who took measures in accordance with Directive 2005/94/EC to combat the disease.
- (10) The authorities of Germany, Italy, the Netherlands and the United Kingdom informed the Commission and the other Member States in the framework of the Standing Committee on Plants, Animals, Food and Feed of the measures applied, in accordance with Union legislation on notification and eradication of the disease and the results thereof.
- (11) The Authorities of Germany, Italy, the Netherlands and the United Kingdom have therefore fulfilled their obligations with regard to the measures provided for in Article 6 of Regulation (EU) No 652/2014.
- (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 objectives of the actions implemented by Germany, Italy, the Netherlands and the United Kingdom are to contain the spread of avian influenza by application of surveillance and early response measures by the competent authorities in the perspective of the eradication of the disease.
2. The results expected by the Commission are to support the proper implementation of the control measures against avian influenza in the referred Member States.

Article 2
Financial contribution by the Union

1. A maximum financial contribution by the Union of EUR 2 624 000,00 for emergency measures to combat avian influenza in:
 - Germany (EUR 817 000,00 indicatively);
 - Italy (EUR 568 000,00 indicatively);
 - the Netherlands (EUR 841 000,00 indicatively); and
 - the United Kingdom (EUR 398 000,00 indicatively)

shall be granted to these Member States for the costs listed in paragraph 3 for the period from 27 February 2014 to 31 December 2014.

It 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.

2. This Decision constitutes a financing decision in the meaning of Article 84 of Regulation (EU, Euratom) No 966/2012.
3. The financial contribution by the Union shall be at the rate of 50% of the following eligible costs incurred:
 - (a) Costs of compensation, to owners for the value of their animals slaughtered or culled;
 - (b) Costs of slaughtering and culling the animals and related transport;
 - (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. The final amount of the financial contribution of the Union, shall be fixed after assessment by the Commission of the payment applications submitted by Germany, Italy, the Netherlands and the United Kingdom.

Article 3
Award criteria

The award criteria are:

- compliance with the requirements of Union veterinary legislation,
- relevance of the planned activities in view of eradication of the disease.

Article 4
Flexibility Clause

Cumulated changes not exceeding 20% of the maximum contribution set in Article 2 of this Decision shall not be considered to be substantial within the meaning of Article 94(4) of Commission Delegated Regulation (EU, Euratom) No 1268/2012, where those changes do not significantly affect the nature and the objective of the action. The increase of the maximum contribution set in Article 2 of this Decision shall not exceed 20%.

The authorising officer responsible may adopt the changes referred to in the first paragraph in accordance with the principles of sound financial management and proportionality.

Done at Brussels, 12.6.2015

For the Commission
Vytėnis ANDRIUKAITIS
Member of the Commission