DECISIONS

COMMISSION DECISION

of 14 December 2010

on a Union financial contribution for 2010 to cover expenditure incurred by Germany, Spain, France, Italy, Cyprus and Portugal for the purpose of combating organisms harmful to plants or plant products

(notified under document C(2010) 8933)

(Only the French, German, Greek, Italian, Portuguese and Spanish texts are authentic)

(2010/772/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community [1], and in particular Article 23(5) thereof,

Whereas:

(1) Pursuant to Article 22 of Directive 2000/29/EC, Member States may receive a 'plant health control' financial contribution from the Union to cover expenditure relating directly to the necessary measures which have been taken or are planned to be taken for the purpose of combating harmful organisms introduced from third countries or from other areas in the Union, in order to eradicate or, if that is not possible, to contain them.

(2) Germany introduced three requests for financial contribution. The first one was introduced on 22 December 2009 and relates to the control measures of *Anoplophora glabripennis* in Baden-Württemberg, for measures executed in 2008 and 2009 to control an outbreak of the harmful organism detected at the border between France and Germany and notified by France in 2008. The second request, introduced on 22 December 2009, relates to the control measures of *Saperda candida* in Schleswig-Holstein for measures executed in 2008 and 2009 to control an outbreak detected in 2008. The third request, introduced on 28 April 2010, relates to the control measures of *Diabrotica virgifera* in Baden-Württemberg, for measures executed in 2009 to control outbreaks of the harmful organism detected in 2007 and 2009, the outbreaks in 2007 having already been the subject of a co-financing in 2008 and 2009.

(3) France introduced a request for financial contribution on 30 April 2010 relating to the control measures of *Rhynchophorus ferrugineus* for measures executed in 2009, executed or planned in 2010, and planned for 2011 to control outbreaks detected in 2009 and 2010. The request has been revised on 15 October 2010 on the basis of the comments received during its evaluation by the *ad hoc* Working Group of the Commission. Based on the technical information provided by France, there is no indication that the presence of *Rhynchophorus ferrugineus* in the areas proposed for a co-financing is due to natural spread from other infested areas in the region Provence-Alpes-Côte d'Azur.

(4) Italy introduced two requests for financial contribution on 30 April 2010. The first request relates to the control measures of *Anoplophora chinensis* in Lazio, in the commune of Rome, for measures executed in 2009 and 2010 to control an outbreak detected in 2008. Measures executed in 2008 and 2009 have already been the subject of co-financing in 2009. The second request relates to the control measures of *Anoplophora glabripennis* in Lombardia, in the commune of Corbetta, for measures executed from 1 May until 31 December 2009 and in 2010 to control an outbreak detected in 2007. The measures executed in 2007, 2008 and until April 2009 have already been the subject of co-financing in 2009.

(5) Moreover, Italy introduced two other requests for financial contribution on 30 April 2010. The first one relates to the control measures of *Anoplophora chinensis* in Lombardia in the province of Brescia, commune of Gussago, for measures executed from 1 May until 31 December 2009 to control an outbreak detected in 2008. The second one relates to the control measures of *Anoplophora glabripennis* in Veneto in the province of Treviso, commune of Cornuda, for measures executed in 2009 and 2010 to control an outbreak detected in 2009. Both sets of measures consist of a variety of plant health actions, in the sense of Article 23(2)(a) and (b) of Directive 2000/29/EC. They also consist of prohibitions or restrictions in the sense of Article 23(2)(c) of that

[1] OJ L 169, 10.7.2000, p. 1.

Directive, namely the replacement in 2009 and 2010 of destroyed deciduous trees by tree species which are not susceptible to the abovementioned harmful organisms.

(6) Cyprus introduced a request for financial contribution on 29 April 2010 relating to the control measures of *Rhynchophorus ferrugineus* for measures executed or planned in 2010 to control outbreaks detected in 2009 and 2010. The request has been revised on 15 October 2010 after the comments received during its evaluation by the *ad hoc* Working Group of the Commission. Based on the technical information provided by Cyprus, there is no indication that the presence of *Rhynchophorus ferrugineus* in the areas proposed for a co-financing is due to natural spread from other infested areas in Cyprus.

(7) Portugal introduced a request for financial contribution on 30 April 2010 relating to the control measures of *Bursaphelenchus xylophilus* for measures planned in 2010 to control outbreaks detected in 2008. The measures executed in 2008 and 2009 have already been the subject of co-financing in 2009.

(8) Spain introduced a request for financial contribution on 30 April 2010 relating to the control measures of *Bursaphelenchus xylophilus* for measures planned in 2010 for an outbreak detected in 2008. The measures executed in 2008 and 2009 have already been the subject of co-financing in 2009.

(9) Germany, Spain, France, Italy, Cyprus and Portugal have each established a programme of actions to eradicate or contain organisms harmful to plants introduced in their territories. These programmes specify the objectives to be achieved, the measures carried out, their duration and their cost.

(10) All the above measures consist of a variety of plant health measures, including destruction of contaminated trees or crops, application of plant protection products, sanitation techniques, inspections and testings carried out officially or upon official request to monitor the presence or extent of contamination by the respective harmful organisms, and replacement of destroyed trees, in the sense of Article 23(2)(a), (b) and (c) of Directive 2000/29/EC.

(11) Germany, Spain, France, Italy, Cyprus and Portugal have applied for the allocation of a Union financial contribution to these programmes in accordance with the requirements laid down in Article 23 of Directive 2000/29/EC, in particular paragraphs 1 and 4 thereof, and in accordance with Commission Regulation (EC) No 1040/2002 of 14 June 2002 establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Union for plant-health control and repealing Regulation (EC) No 2051/97 ([1]).

(12) The technical information provided by Germany, Spain, France, Italy, Cyprus and Portugal has enabled the Commission to analyse the situation accurately and comprehensively. The Commission has concluded that the conditions for the granting of a Union financial contribution, as laid down in particular in Article 23 of Directive 2000/29/EC, have been met. Accordingly, it is appropriate to provide a Union financial contribution to cover the expenditure on those programmes.

(13) In accordance with the second subparagraph of Article 23(5) of Directive 2000/29/EC, the Union financial contribution may cover up to 50 % of eligible expenditure for measures that have been taken within a period of not more than 2 years after the date of detection of the appearance or that are planned for that period. However, in accordance with the third subparagraph of that Article, that period may be extended if it has been established that the objective of the measures will be achieved within a reasonable additional period, in which case the rate of the Union financial contribution shall be digressive over the years concerned. Having regard to the conclusions of the Working Group on evaluation of solidarity dossiers, it is appropriate to extend the 2-year period for the programmes concerned, while reducing the rate of the Union financial contributions for these measures to 45 % of eligible expenditure for the third year and to 40 % for the fourth year of these programmes.

(14) The Union financial contribution up to 45 % of eligible expenditure should therefore apply to the following programmes: Italy, Lombardia, *Anoplophora chinensis* (2010); Italy, Lazio, *Anoplophora chinensis* (2010); Italy, Lombardia, *Anoplophora glabripennis* (2009); Portugal, *Bursaphelenchus xylophilus* (2010); and Spain, *Bursaphelenchus xylophilus* (2010), as the measures concerned have already been the subject of a Union financial contribution under Commission Decision 2009/996/EU ([2]) for the first 2 years of their implementation. The same level of contribution should apply to the third year (2009) of the programme presented by Germany in Baden-Württemberg for *Diabrotica virgifera* in the rural districts of Ortenaukreis and Bodenseekreis, which measures have been the subject of a Union financial contribution under Commission Decision 2009/147/EC ([3]) and Decision 2009/996/EU.

(15) Moreover, a Union contribution *up to* 40 % should therefore apply to the fourth year (2010) of the programme presented by Italy for Lombardia for *Anoplophora glabripennis*, which measures have been the subject of a Union financial contribution under Decision 2009/996/EU for the first 3 years of their implementation.

([1]) OJ L 157, 15.6.2002, p. 38.

([2]) OJ L 339, 22.12.2009, p. 49.

([3]) OJ L 49, 20.2.2009, p. 43.

(16) In accordance with Article 24 of Directive 2000/29/EC the Commission should determine whether the introduction of the relevant harmful organism has been caused by inadequate examinations, inspections or controls, with a view to possibly adopting the measures required by the findings from its verification.

(17) In accordance with Article 3(2)(a) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy [1], plant-health measures are financed from the European Agricultural Guarantee Fund. For the purpose of financial control of these measures, Articles 9, 36 and 37 of the above Regulation should apply.

(18) In accordance with Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities [2] and Article 90(1) of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities [3], the commitment of expenditure from the Union budget shall be preceded by a financing decision adopted by the institution to which powers have been delegated, setting out the essential elements of the action involving the expenditure.

(19) The present decision constitutes a financing decision for the expenditure provided in the co-financing requests presented by Member States.

(20) The measures provided in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

The allocation of a Union financial contribution for 2010 to cover expenditure incurred by Germany, Spain, France, Italy, Cyprus and Portugal relating to necessary measures as specified in Article 23(2)(a), (b) and (c) of Directive 2000/29/EC and taken for the purpose of combating the organisms concerned by the eradication programmes listed in the Annex, is hereby approved.

Article 2

The total amount of the Union financial contribution referred to in Article 1 is EUR 7 342 161. The maximum amounts of the Union financial contribution for each of the programmes shall be as indicated in the Annex.

Article 3

The Union financial contribution as set out in the Annex shall be paid on the following conditions:

(a) evidence of the measures taken has been submitted by the Member State concerned in accordance with the provisions laid down in Regulation (EC) No 1040/2002;

(b) a request for payment has been submitted by the Member State concerned to the Commission, in accordance with Article 5 of Regulation (EC) No 1040/2002.

The payment of the financial contribution is without prejudice to the verifications by the Commission under Article 24 of Directive 2000/29/EC.

Article 4

This Decision is addressed to the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus and the Portuguese Republic.

Done at Brussels, 14 December 2010.

For the Commission

John DALLI

Member of the Commission

[1] OJ L 209, 11.8.2005, p. 1.
[2] OJ L 248, 16.9.2002, p. 1.
[3] OJ L 357, 31.12.2002, p. 1.

ANNEX

ERADICATION PROGRAMMES

Section I

Programmes whose Union financial contribution corresponds to 50 % of eligible expenditure

(EUR)

Member State	Harmful organisms combated	Affected plants	Year	a	Eligible expenditure	Maximum Union contribution per programme
Germany, Baden-Württemberg	*Anoplophora glabripennis*	Various tree species	2008 and 2009	1	44 590	22 295
Germany, Baden-Württemberg, rural districts of Emmendingen, Lörrach, Konstanz (year 1 of the measures) and Ravensburg (year 2 of the measures)	*Diabrotica virgifera*	*Zea mays*	2009	1 or 2	94 067	47 033
Germany, Schleswig-Holstein	*Saperda candida*	Various tree species	2008 and 2009	1 and 2	28 026	14 013
France, Provence-Alpes-Côte d'Azur	*Rhynchophorus ferrugineus*	*Palmaceae*	2009 (September) until 2011 (August)	1 and 2	373 860	186 930
Italy, Lombardia (Gussago area)	*Anoplophora chinensis*	Various tree species	2009 (May to December)	2	226 083	113 041
Italy, Veneto (Cornuda area)	*Anoplophora glabripennis*	Various tree species	2009 and 2010	1 and 2	556 817	278 408
Cyprus	*Rhynchophorus ferrugineus*	*Palmaceae*	2010	1	49 306	24 653

Section II

Programmes whose Union financial contribution rates differ, in application of degressivity

(EUR)

Member State	Harmful organisms combated	Affected plants	Year	a	Eligible expenditure	Rate (%)	Maximum Union contribution
Germany, Baden-Württemberg, rural districts of Ortenaukreis and Bodenseekreis	*Diabrotica virgifera*	*Zea mays*	2009	3	228 653	45	102 893
Italy, Lombardia (Gussago area)	*Anoplophora chinensis*	Various tree species	2010	3	882 726	45	397 226
Italy, Lazio (Roma area)	*Anoplophora chinensis*	Various tree species	2010	3	461 555	45	207 699

(EUR)

Member State	Harmful organisms combated	Affected plants	Year	a	Eligible expenditure	Rate (%)	Maximum Union contribution
Italy, Lombardia (Corbetta area)	*Anoplophora glabripennis*	Various tree species	2009 (May to December)	3	36 531	45	16 438
			2010	4	75 331	40	30 132
Portugal	*Bursaphelenchus xylophilus*	Coniferous trees	2010	3	12 471 595	45	5 612 217
Spain	*Bursaphelenchus xylophilus*	Coniferous trees	2010	3	642 629	45	289 183

Total Union contribution (EUR): 7 342 161

Legend:

a = Year of implementation of the eradication programme.