

Commission Implementing Decision of 17 December 2012 on a third Union financial contribution pursuant to Council Directive 2000/29/EC for 2006 and 2007 to cover expenditure incurred by Portugal for the purpose of combating *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (pinewood nematode) (notified under document C(2012) 9356) (Only the Portuguese text is authentic) (2012/796/EU)

COMMISSION IMPLEMENTING DECISION

of 17 December 2012

on a third Union financial contribution pursuant to Council Directive 2000/29/EC for 2006 and 2007 to cover expenditure incurred by Portugal for the purpose of combating *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle *et al.* (pinewood nematode)

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(2012/796/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(6) thereof,

Whereas:

- (1) Commission Decision 2006/923/EC⁽²⁾ approved a financial contribution from the Union for a programme of measures introduced by Portugal aiming in 2006 and 2007 at controlling the spread of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle *et al.* (pinewood nematode) to other Member States. The measures included the creation of a barrier free from all host trees of the pinewood nematode vector, hereinafter the ‘clear cut belt’.
- (2) The financial contribution granted by Decision 2006/923/EC was based on the programme for further actions for pinewood nematode (hereinafter: PWN) and the budget estimation referring to this programme as submitted by Portugal to the Commission on 28 July 2006.
- (3) The final payments to Portugal connected to the actions laid down in Decision 2006/923/EC occurred in June 2008.
- (4) By Commission Implementing Decision 2011/851/EU⁽³⁾, an additional Union co-financing of EUR 3 986 138,36 was granted to Portugal to cover eligible expenditure in excess to the initial estimate of July 2006.

Changes to legislation: This version of this Decision was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

- (5) At the time of that additional Union co-financing, the claim submitted by Portugal did not include all the bills related to the creation of the clear cut belt.
- (6) By letter of 5 December 2011, the Portuguese authorities introduced a revised claim of EUR 15 000 932,08. That claim included EUR 4 915 405,87 that had not been paid at the time of the previous audit of July 2010 (audit SANCO/10/2010) and could not be declared eligible for co-financing at that time. The rest of that new claim is composed of costs for felling an increased number of large coniferous trees and of a separate expenditure for the elimination of small coniferous trees.
- (7) In March 2012, the Commission carried out an audit on the information communicated by Portugal on 5 December 2011. After examination of all supporting documents for the additional claim, and based on the report of that audit, the Commission concluded that an eligible amount of only EUR 5 044 839,72 of paid invoices (including coordination costs) could be taken into consideration. The rest of the claimed expenditure has not been found eligible for co-financing because it concerns expenditure already co-financed by Implementing Decision 2011/851/EU (EUR 2 024 128,16) and expenditure of EUR 7 931 964,2 related to small trees, the necessity of which has not been sufficiently justified by Portugal.
- (8) As the measures included in that additional claim are of the same nature, and target the same purpose as the measures of Decision 2006/923/EC, it is appropriate to allocate the same Union financial contribution rate as in that decision, namely a rate of 75 %.
- (9) 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⁽⁴⁾, 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.
- (10) 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⁽⁵⁾ 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⁽⁶⁾, the commitment of expenditure from the Union budget shall be preceded by a financing decision adopted by the institution or the authorities to which powers have been delegated, setting out the essential elements of the action involving the expenditure.
- (11) The present decision constitutes a financing decision for the expenditure provided in the co-financing request presented by Portugal.
- (12) The measures provided in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

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Article 1

Principle

The allocation of a third Union financial contribution to cover expenditure incurred by Portugal in 2006 and 2007 relating to the creation of a clear cut belt and taken for the purpose of combating pinewood nematode, is hereby approved.

Article 2

Amount of Union financial contribution

The maximum Union financial contribution referred to in Article 1 is EUR 3 783 629,79.

Article 3

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 17 December 2012.

For the Commission

Tonio BORG

Member of the Commission

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- (1) OJ L 169, 10.7.2000, p. 1.
- (2) OJ L 354, 14.12.2006, p. 42.
- (3) OJ L 335, 17.12.2011, p. 107.
- (4) OJ L 209, 11.8.2005, p. 1.
- (5) OJ L 248, 16.9.2002, p. 1.
- (6) OJ L 357, 31.12.2002, p. 1.

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