Commission Implementing Regulation (EU) No 926/2011 of 12 September 2011 for the purposes of Council Decision 2009/470/EC as regards Union financial aid to the EU reference laboratories for feed and food and the animal health sector

COMMISSION IMPLEMENTING REGULATION (EU) No 926/2011

of 12 September 2011

for the purposes of Council Decision 2009/470/EC as regards Union financial aid to the EU reference laboratories for feed and food and the animal health sector

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field[(1)], and in particular Article 31(2) thereof,

Whereas:

(1) Decision 2009/470/EC lays down the procedures governing the Union's financial contribution towards inspection measures in the veterinary field. Pursuant to that Decision, the Union is to contribute towards improving the efficiency of veterinary inspections by granting financial aid to EU liaison and EU reference laboratories. It provides that any EU liaison or EU reference laboratory designated as such in accordance with Union veterinary legislation and fulfilling the duties and requirements laid down therein, may receive Union aid.

(2) Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules[(2)] lays down the general tasks, duties and requirements for EU reference laboratories for food and feed and for animal health and live animals. EU reference laboratories for food and feed are listed in Part I while EU reference laboratories for animal health and live animals are listed in Part II of Annex VII to that Regulation.

(3) Commission Regulation (EC) No 1754/2006 of 28 November 2006 laying down detailed rules for the granting of Community financial assistance to Community reference laboratories for feed and food and the animal health sector[(3)] lays down the detailed rules for the granting of Union financial aid for the operation of EU reference laboratories, as provided for in Article 31 of Decision 2009/470/EC and Article 32 of Regulation (EC) No 882/2004, and for the organisation of workshops.

(4) Under Regulation (EC) No 1754/2006, the relationship between the Commission and individual EU reference laboratories is to be laid down in partnership agreements. Partnership agreements are to run for 5 years and be supported by a multiannual work programme.

(5) EU reference laboratories are listed in Annex VII to Regulation (EC) No 882/2004. The Joint Research Centre was designated for some of them. As it is a directorate-general of

the Commission, this Regulation does not apply. Rules governing the Union financial aid for the Joint Research Centre are laid down in an annual administrative arrangement.

(6) The level of the annual Union financial aid for the activity of certain EU reference laboratories is decided on a yearly basis by annual financing decisions relating to feed and food safety and animal health and live animals.

(7) In 2008, the Commission's Internal Audit Service (IAS) performed an audit on grant management in food safety, animal health and welfare and plant health activity. The IAS concluded that the detailed rules for the granting of Union financial aid to EU reference laboratories for feed and food and the animal health sector should be simplified. To simplify the rules, the IAS suggested that the Commission continue adopting annual financing decisions on a yearly basis but without the need for partnership agreements between the Commission and each individual EU reference laboratory.

(8) Meetings and training activities held by EU reference laboratories need to be regularly organised. Therefore, meetings and training activities should be added to the list of eligible expenditure of this Regulation.

(9) For financial control purposes, Articles 9, 36 and 37 of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy[(4)] are applicable.

(10) Since a number of changes are to be made to Regulation (EC) No 1754/2006, that Regulation should be repealed and replaced by this Regulation in the interests of clarity, while taking into account Regulation (EC) No 882/2004.

(11) This Regulation is to apply to all EU reference laboratories whose framework partnership agreements come to an end in 2011 and for EU reference laboratories whose framework partnership agreements are terminated by mutual agreement. For EU reference laboratories whose framework partnership agreements are not terminated, Regulation (EC) No 1754/2006 remains applicable.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down rules for the implementation of Regulation (EC) No 882/2004 and Decision 2009/470/EC as regards the arrangements for the granting of Union financial aid provided for in Article 32(7) of Regulation (EC) No 882/2004 and Article 31(1) of Decision 2009/470/EC for the activities of EU reference laboratories

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 926/2011. (See end of Document for details)*

('laboratories') other than the Joint Research Centre, including for the organisation of workshops, and the conditions according to which that aid is granted.

This Regulation shall apply to all EU reference laboratories whose framework partnership agreements come to an end in 2011 and for EU reference laboratories whose framework partnership agreements are terminated by mutual agreement. For EU laboratories whose framework partnership agreements are not terminated, Regulation (EC) No 1754/2006 remains applicable.

Article 2

Work programme and estimated budget

1 The laboratories shall, by 1 September of each calendar year 'n':

a set out the Union activities planned during calendar year 'n + 1', including the organisation of workshops, ('the work programme') in collaboration with the Commission's services;

b submit to the Commission:

(i) the work programme;

(ii) the estimated budget per activity concerning the work programme's expenditure ('the estimated budget').

2 Laboratories shall provide the estimated budget in computerised form in accordance with Annexes I(a) and I(b).

Article 3

Exchange rate

For estimated budgets in a currency other than the euro, the Commission shall apply the first exchange rate fixed in September of year 'n', as published in the C series of the *Official Journal of the European Union*.

Article 4

Approval

The Commission shall adopt an annual financing decision ('the annual financing decision') approving the work programmes and the corresponding budgets for all laboratories.

Any amendment to work programmes shall be subject to the Commission's prior written agreement.

Article 5

Pre-financing

Following the adoption by the Commission of the annual financing decision, laboratories may request pre-financing amounting to 70 % of the total aid for their work programme.

[F1 Article 6

Payment of the aid

The balance of Union financial aid for work programmes shall be paid to laboratories following their submission of the financial and technical reports referred to in Article 11(1) and the approval of those reports by the Commission.**]**

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) No 135/2013 of 18 February 2013 amending Implementing Regulation (EU) No 926/2011 for the purposes of Council Decision 2009/470/EC as regards Union financial aid to the EU reference laboratories for feed and food and the animal health sector.

Article 7

Supporting documents

1 Laboratories shall record the work programme's expenditure in their cost accounting system and keep all original documents or certified copies for 7 years for financial control purposes.

2 Laboratories shall keep all original supporting documents or certified copies of the supporting documents relating to the work programme receiving Union financial aid.

3 The supporting documents, evidencing all the expenditure referred to in the application for reimbursement, shall be sent to the Commission on request.

Article 8

Checks

For financial control purposes, Articles 9, 36 and 37 of Regulation (EC) No 1290/2005 shall apply.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 926/2011. (See end of Document for details)*

[F1CHAPTER II

ACTIVITIES OF THE LABORATORIES]

[F1Article 9]

Definitions

The activities of the laboratories are defined as being the tasks deriving from their responsibilities laid down in Article 32 of Regulation (EC) No 882/2004.

[F2A workshop is defined as an annual date for information and coordination to which all National Reference Laboratories are invited by the laboratories.**]**

Textual Amendments

F2 Inserted by Commission Implementing Regulation (EU) No 135/2013 of 18 February 2013 amending Implementing Regulation (EU) No 926/2011 for the purposes of Council Decision 2009/470/EC as regards Union financial aid to the EU reference laboratories for feed and food and the animal health sector.

[F1Article 10

Eligibility

1 Expenditure relating to the following items shall be eligible under the laboratories' work programme:

a staff dedicated to the activities of the laboratories;
b subcontracting;
c capital equipment;
d consumables;
e the shipment of samples for comparative tests;
f missions;
g workshops to which at least one participant per Member State has been invited;
h training activities;
i meetings;
j overheads.

2 The expenditure referred to in paragraph 1 shall be eligible within the limits set out in the annual financing decision and in accordance with the eligibility rules set out in Annexes II and IV.

3 Laboratories shall submit a written request to the Commission for its prior approval to increase the budget of one of the items referred to in Paragraph 1 by more than 10 % without exceeding the total eligible costs stipulated in the annual financing decision.