



COMMISSION IMPLEMENTING REGULATION (EU) 2024/453
of 5 February 2024
on exceptional market support measures for the eggs and poultrymeat sectors in Italy

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 220(1), first subparagraph, point (a), thereof,

Whereas:

- (1) Between 1 January 2022 and 30 April 2022, 23 outbreaks of highly pathogenic avian influenza of subtype H5 were confirmed and notified by Italy. The species affected are *Gallus domesticus* chickens, laying hens, turkeys, ducks and guinea fowls.
- (2) Italy immediately and efficiently took all the necessary animal health and veterinary measures required in accordance with Regulation (EU) 2016/429 of the European Parliament and of the Council ⁽²⁾ and Commission Delegated Regulation (EU) 2020/687 ⁽³⁾.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>.

⁽²⁾ Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ L 84, 31.3.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/429/oj>).

⁽³⁾ Commission Delegated Regulation (EU) 2020/687 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and the Council, as regards rules for the prevention and control of certain listed diseases (OJ L 174, 3.6.2020, p. 64, ELI: http://data.europa.eu/eli/reg_del/2020/687/oj).

- (3) In particular, Italy took control, monitoring and preventive measures and established protection and surveillance zones ('the regulated zones') pursuant to Commission Implementing Decisions (EU) 2022/53 ⁽⁴⁾, (EU) 2022/106 ⁽⁵⁾, (EU) 2022/145 ⁽⁶⁾, (EU) 2022/198 ⁽⁷⁾, (EU) 2022/257 ⁽⁸⁾, (EU) 2022/349 ⁽⁹⁾, (EU) 2022/417 ⁽¹⁰⁾, (EU) 2022/454 ⁽¹¹⁾, (EU) 2022/522 ⁽¹²⁾, (EU) 2022/623 ⁽¹³⁾ and (EU) 2022/690 ⁽¹⁴⁾.
- (4) Italy informed the Commission that the necessary health and veterinary measures, which had been applied to contain and eradicate the spread of the disease, had affected a very large number of operators and that those operators suffered income losses not eligible for Union financial contribution under Regulation (EU) 2021/690 of the European Parliament and of the Council ⁽¹⁵⁾.
- (5) On 27 February 2023, the Commission received a formal request from Italy for part-financing of certain exceptional measures pursuant to Article 220(3) of Regulation (EU) No 1308/2013 for outbreaks confirmed between 1 January 2022 and 30 April 2022. On 14 March 2023, 17 May 2023, 6 December 2023 and 12 January 2024, Italian authorities clarified and documented their request.

⁽⁴⁾ Commission Implementing Decision (EU) 2022/53 of 11 January 2022 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 9, 14.1.2022, p. 44, ELI: http://data.europa.eu/eli/dec_impl/2022/53/oj).

⁽⁵⁾ Commission Implementing Decision (EU) 2022/106 of 21 January 2022 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 18, 27.1.2022, p. 11, ELI: http://data.europa.eu/eli/dec_impl/2022/106/oj).

⁽⁶⁾ Commission Implementing Decision (EU) 2022/145 of 31 January 2022 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 24, 3.2.2022, p. 6, ELI: http://data.europa.eu/eli/dec_impl/2022/145/oj).

⁽⁷⁾ Commission Implementing Decision (EU) 2022/198 of 9 February 2022 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 31, 14.2.2022, p. 56, ELI: http://data.europa.eu/eli/dec_impl/2022/198/oj).

⁽⁸⁾ Commission Implementing Decision (EU) 2022/257 of 21 February 2022 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 42, 23.2.2022, p. 9, ELI: http://data.europa.eu/eli/dec_impl/2022/257/oj).

⁽⁹⁾ Commission Implementing Decision (EU) 2022/349 of 28 February 2022 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 64, 2.3.2022, p. 60, ELI: http://data.europa.eu/eli/dec_impl/2022/349/oj).

⁽¹⁰⁾ Commission Implementing Decision (EU) 2022/417 of 8 March 2022 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 85, 14.3.2022, p. 42, ELI: http://data.europa.eu/eli/dec_impl/2022/417/oj).

⁽¹¹⁾ Commission Implementing Decision (EU) 2022/454 of 16 March 2022 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 92, 21.3.2022, p. 12, ELI: http://data.europa.eu/eli/dec_impl/2022/454/oj).

⁽¹²⁾ Commission Implementing Decision (EU) 2022/522 of 29 March 2022 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 104, 1.4.2022, p. 74, ELI: http://data.europa.eu/eli/dec_impl/2022/522/oj).

⁽¹³⁾ Commission Implementing Decision (EU) 2022/623 of 11 April 2022 amending Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 115, 13.4.2022, p. 90, ELI: http://data.europa.eu/eli/dec_impl/2022/623/oj).

⁽¹⁴⁾ Commission Implementing Decision (EU) 2022/690 of 26 April 2022 amending the Annex to Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 128, 2.5.2022, p. 3, ELI: http://data.europa.eu/eli/dec_impl/2022/690/oj).

⁽¹⁵⁾ Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021 establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014 (OJ L 153, 3.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/690/oj>).

- (6) As a result of the animal health and veterinary measures referred to in recital 3, fallowing periods were prolonged, the placing of birds was prohibited and movements were restricted on holdings of all types of poultry in the regulated zones. This led to a loss of production of hatching eggs, consumption eggs, live animals and poultry meat in these holdings, but also to losses due to destroyed and downgraded eggs and meat.
- (7) In accordance with Article 220(5) of Regulation (EU) No 1308/2013, the Union part-financing has to be equivalent to 50 % of the expenditure borne by Italy for the relevant exceptional market support measures. The maximum quantities eligible for financing in respect of each exceptional market support measure should be fixed by the Commission after scrutinising the request received from Italy related to outbreaks confirmed between 1 January 2022 and 30 April 2022.
- (8) To avoid any risk of overcompensation, the flat rate amount of part-financing should be based on technical and economic studies or accounting documents and fixed at an appropriate level for each animal and product according to categories.
- (9) To avoid any risk of double funding, losses suffered should not have been compensated by State aid or insurance, and the Union part-financing under this Regulation should be limited to eligible animals and products for which no Union financial contribution has been received under Regulation (EU) 2021/690.
- (10) The extent and duration of the exceptional market support measures provided for in this Regulation should be limited to what is strictly necessary to support the market. In particular, the exceptional market support measures should apply only to the production of eggs and poultry in the holdings located in the regulated zones and for the duration of the animal health and veterinary measures laid down in the Union and Italian legislation relevant to the 23 outbreaks of highly pathogenic avian influenza confirmed between 1 January 2022 and 30 April 2022.
- (11) To ensure flexibility in case the numbers of eggs or animals eligible for compensation differ from the maximum numbers set in this Regulation, which are based on estimates, compensation may be adjusted within certain limits, as long as the maximum amount of expenditure part-financed by the Union is respected.
- (12) For budgetary reasons, only those payments made by Italy to beneficiaries by 30 September 2024 at the latest should be eligible for Union part-financing. Article 5(2) of Commission Delegated Regulation (EU) No 907/2014 ⁽¹⁶⁾, replaced as of 1 January 2023 by Article 5(2) of Commission Delegated Regulation (EU) 2022/127 ⁽¹⁷⁾, should not be applicable.
- (13) In order to ensure the eligibility and the correctness of the payments, Italy should carry out *ex ante* checks.
- (14) In order to ensure an immediate implementation of the measures laid down in this Regulation by Italy, this Regulation should enter into force on the third day following that of its publication in the *Official Journal of the European Union*.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The Union shall provide part-financing equivalent to 50 % of the expenditure borne by Italy to support the market of eggs and poultrymeat seriously affected by the 23 outbreaks of highly pathogenic avian influenza of subtype H5 which were detected and notified by Italy between 1 January 2022 and 30 April 2022.

⁽¹⁶⁾ Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18, ELI: http://data.europa.eu/eli/reg_del/2014/907/oj).

⁽¹⁷⁾ Commission Delegated Regulation (EU) 2022/127 of 7 December 2021 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 20, 31.1.2022, p. 95, ELI: http://data.europa.eu/eli/reg_del/2022/127/oj).

Article 2

1. Expenditure borne by Italy shall be eligible for Union part-financing only:
 - (a) for the duration of the application of animal health and veterinary measures referred to in the Union legislation listed in the Annex and related to the period laid down in Article 1; and
 - (b) for those poultry holdings that have been subject to the animal health and veterinary measures and located in the zones referred to in the Union legislation listed in the Annex ('the regulated zones'); and
 - (c) if it has been paid by Italy to the beneficiaries by 30 September 2024 at the latest; and
 - (d) if the animal or product, for the period referred to in point (a), has not benefitted from any compensation by means of State aid or insurance and for which no Union financial contribution has been received under Delegated Regulation (EU) 2021/690.
2. None of the expenditure paid by Italy after 30 September 2024 shall be eligible for Union financing, irrespective of the share of the expenditure it represents.

Article 3

1. The maximum amount of Union part-financing shall be EUR 46 670 790, detailed as follows:
 - (a) for losses related to prolonged following periods in the regulated zones, the following flat rates shall apply:
 - (i) EUR 0,020 per pullet per week falling within the CN code 0105 11 11 up to a maximum of 1 712 326 animals;
 - (ii) EUR 0,062 per cage laying hen per week falling within the CN code 0105 94 00 up to a maximum of 2 640 927 animals;
 - (iii) EUR 0,070 per barn laying hen per week falling within the CN code 0105 94 00 up to a maximum of 2 403 234 animals;
 - (iv) EUR 0,062 per free range laying hen per week falling within the CN code 0105 94 00 up to a maximum of 61 052 animals;
 - (v) EUR 0,092 per organic laying hen per week falling within the CN code 0105 94 00 up to a maximum of 96 222 animals;
 - (vi) EUR 0,046 per broiler per week falling within the CN code 0105 94 00 up to a maximum of 51 416 397 animals;
 - (vii) EUR 0,054 per capon per week falling within the CN code 0105 94 00 up to a maximum of 149 980 animals;
 - (viii) EUR 0,077 per golden chicken per week falling within the CN code 0105 94 00 up to a maximum of 63 948 animals;
 - (ix) EUR 0,092 per female turkey per week falling within the CN code 0105 99 30 up to a maximum of 3 747 578 animals;
 - (x) EUR 0,152 per male turkey per week falling within the CN code 0105 99 30 up to a maximum of 5 025 869 animals;
 - (xi) EUR 0,122 per female and male turkey mixed per week falling within the CN code 0105 99 30 up to a maximum of 11 280 animals;
 - (xii) EUR 0,473 per turkey breeder per week falling within the CN code 0105 99 30 up to a maximum of 20 263 animals;
 - (xiii) EUR 0,111 per duck per week falling within the CN code 0105 99 10 up to a maximum of 89 600 animals;
 - (xiv) EUR 0,055 per guinea fowl per week falling within the CN code 0105 99 50 up to a maximum of 307 904 animals;
 - (xv) EUR 0,299 per guinea fowl breeder per week falling within the CN code 0105 99 50 up to a maximum of 118 000 animals;

- (b) for losses related to the shortening of the production cycle (early slaughter of animals) in the regulated zones, the following flat rates shall apply:
- (i) EUR 0,059 per broiler breeder per week falling within the CN code 0105 94 00 up to a maximum of 97 480 animals;
 - (ii) EUR 0,473 per turkey breeder per week falling within the CN code 0105 99 30 up to a maximum of 42 066 animals;
 - (iii) EUR 0,037 per pullet or rural chicken per week falling within the CN code 0105 11 11, downgraded, up to a maximum of 12 198 animals;
 - (iv) EUR 0,103 per broiler or capon per week falling within the CN code 0105 94 00, downgraded, up to a maximum of 16 451 130 animals;
 - (v) EUR 0,132 per female turkey per week falling within the CN code 0105 99 30, downgraded, up to a maximum of 374 957 animals;
 - (vi) EUR 0,224 per male turkey per week falling within the CN code 0105 99 30, downgraded, up to a maximum of 730 944 animals;
- (c) for losses related to the prolonged rearing and fattening periods in the regulated zones, the following flat rates shall apply:
- (i) EUR 0,066 per standard pullet per week falling within the CN code 0105 11 11 up to a maximum of 872 739 animals;
 - (ii) EUR 0,070 per barn pullet per week falling within the CN code 0105 11 11 up to a maximum of 666 082 animals;
 - (iii) EUR 0,139 per organic pullet per week falling within the CN code 0105 11 11 up to a maximum of 36 596 animals;
 - (iv) EUR 0,081 per broiler per week falling within the CN code 0105 94 00 up to a maximum of 24 140 animals;
 - (v) EUR 0,066 per rural chicken per week falling within the CN code 0105 94 00 up to a maximum of 1 716 animals;
 - (vi) EUR 0,189 per female turkey per week falling within the CN code 0105 99 30 up to a maximum of 513 948 animals;
 - (vii) EUR 0,302 per male turkey per week falling within the CN code 0105 99 30 up to a maximum of 378 384 animals;
- (d) for the loss of value of animals and products in the regulated zones, the following flat rates shall apply:
- (i) EUR 0,132 per chicken hatching egg falling within the CN code 0407 11 00, destructured, up to a maximum of 1 164 942 eggs;
 - (ii) EUR 0,525 per turkey hatching egg falling within the CN code 0407 19 11, destructured, up to a maximum of 552 137 eggs;
 - (iii) EUR 0,132 per guinea fowl hatching egg falling within the CN code 0407 19 11, destructured, up to a maximum of 416 986 eggs;
 - (iv) EUR 0,228 per chick of broiler strains falling within the CN code 0105 94 00, culled, up to a maximum of 8 733 309 animals;
 - (v) EUR 0,340 per chick of rural chicken strains falling within the CN code 0105 94 00, culled, up to a maximum of 87 750 animals;
 - (vi) EUR 0,550 per chick of female turkey strains falling within the CN code 0105 99 30, culled, up to a maximum of 271 790 animals;
 - (vii) EUR 1,000 per chick of male turkey strains falling within the CN code 0105 99 30, culled, up to a maximum of 396 850 animals;
 - (viii) EUR 0,225 per chick of guinea fowl strains falling within the CN code 0105 94 00, culled, up to a maximum of 44 193 animals;
 - (ix) EUR 0,096 per hatching egg falling within the CN code 0407 11 00, processed into egg products, up to a maximum of 10 294 920 eggs;
 - (x) EUR 0,022 per cage egg falling within the CN code 0407 21 00, processed into egg products, up to a maximum of 8 414 970 eggs;

- (xi) EUR 0,029 per barn egg falling within the CN code 0407 21 00, processed into egg products, up to a maximum of 449 280 eggs;
- (xii) EUR 0,028 per organic egg falling within the CN code 0407 21 00, processed into egg products, up to a maximum of 1 188 000 eggs.

2. Where the number of eggs or animals or the amount of meat eligible for compensation exceeds the maximum number of eggs or animals or kilogram of meat per item set in paragraph 1, expenditure eligible for Union part-financing may be adjusted per item and go beyond the amounts resulting from the application of the maximum numbers per item, provided that the total of adjustments remains below 20 % of the maximum amount of expenditure part-financed by the Union referred to in paragraph 1.

Article 4

Italy shall carry out administrative and on-the-spot checks in accordance with Articles 59 and 60 of Regulation (EU) 2021/2116 of the European Parliament and of the Council ⁽¹⁸⁾.

In particular, Italy shall verify:

- (a) the eligibility of the applicant submitting the request for support;
- (b) for each eligible applicant: the eligibility, the quantity and the value of the actual loss of production;
- (c) that funding has not been received by any eligible applicant from any other sources to compensate the losses referred to in Article 2 of this Regulation.

For eligible applicants for which administrative checks are completed, aid can be paid without waiting for all checks being made, notably those on applicants selected for on-the-spot checks. Nevertheless, all the on-the-spot checks shall be made not later than 6 months after the payments.

In cases where the eligibility of an applicant was not confirmed, the aid shall be recovered and sanctions applied in accordance with Article 59(1) of Regulation (EU) 2021/2116.

Article 5

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 February 2024.

For the Commission
The President
Ursula VON DER LEYEN

⁽¹⁸⁾ Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187, ELI: <http://data.europa.eu/eli/reg/2021/2116/oj>).

ANNEX

List of the Union legislation listing the regulated zones and periods as referred to in Article 2

Parts of Italy and periods established in accordance with Regulation (EU) 2016/429 and Delegated Regulation (EU) 2020/687, and defined in:

- Implementing Decision (EU) 2022/53;
 - Implementing Decision (EU) 2022/106;
 - Implementing Decision (EU) 2022/145;
 - Implementing Decision (EU) 2022/198;
 - Implementing Decision (EU) 2022/257;
 - Implementing Decision (EU) 2022/349;
 - Implementing Decision (EU) 2022/417;
 - Implementing Decision (EU) 2022/454;
 - Implementing Decision (EU) 2022/522;
 - Implementing Decision (EU) 2022/623;
 - Implementing Decision (EU) 2022/690.
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