

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/2406**  
**of 8 December 2022**  
**on exceptional market support measures for the eggs and poultrymeat sectors in Poland**

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 <sup>(1)</sup>, and in particular Article 220(1), first subparagraph, point (a), thereof,

Whereas:

- (1) Between 29 December 2019 and 13 May 2020 and between 24 November 2020 and 28 July 2021, 392 outbreaks of highly pathogenic avian influenza of subtype H5 were confirmed and notified by Poland. The species affected are ducks, geese, turkeys, Guinea fowls, *Gallus domesticus* chickens and laying hens.
- (2) Poland immediately and efficiently took all the necessary animal health and veterinary measures required in accordance with Council Directive 2005/94/EC <sup>(2)</sup> and, as from 21 April 2021, with Regulation (EU) 2016/429 of the European Parliament and of the Council <sup>(3)</sup>, which repealed and replaced that Directive.
- (3) In particular, Poland took control, monitoring and preventive measures and established protection and surveillance zones ('the regulated zones') pursuant to Commission Implementing Decisions (EU) 2020/10 <sup>(4)</sup>, (EU) 2020/47 <sup>(5)</sup>, (EU) 2020/114 <sup>(6)</sup>, (EU) 2020/134 <sup>(7)</sup>, (EU) 2020/175 <sup>(8)</sup>, (EU) 2020/210 <sup>(9)</sup>, (EU)

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> 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).

<sup>(3)</sup> 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).

<sup>(4)</sup> Commission Implementing Decision (EU) 2020/10 of 7 January 2020 concerning certain interim protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in Poland (OJ L 5, 9.01.2020, p. 1).

<sup>(5)</sup> Commission Implementing Decision (EU) 2020/47 of 20 January 2020 on protective measures in relation to outbreaks of highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 16, 21.1.2020, p. 31).

<sup>(6)</sup> Commission Implementing Decision (EU) 2020/114 of 24 January 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 21, 27.1.2020, p. 20).

<sup>(7)</sup> Commission Implementing Decision (EU) 2020/134 of 30 January 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 27, 31.1.2020, p. 27).

<sup>(8)</sup> Commission Implementing Decision (EU) 2020/175 of 6 February 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 35, 7.2.2020, p. 23).

<sup>(9)</sup> Commission Implementing Decision (EU) 2020/210 of 14 February 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 43, 17.2.2020, p. 77).

2020/240 <sup>(10)</sup>, (EU) 2020/281 <sup>(11)</sup>, (EU) 2020/384 <sup>(12)</sup>, (EU) 2020/504 <sup>(13)</sup>, (EU) 2020/529 <sup>(14)</sup>, (EU) 2020/549 <sup>(15)</sup>, (EU) 2020/574 <sup>(16)</sup>, (EU) 2020/604 <sup>(17)</sup>, (EU) 2020/1809 <sup>(18)</sup>, (EU) 2020/2010 <sup>(19)</sup>, (EU) 2021/18 <sup>(20)</sup>, (EU) 2021/68 <sup>(21)</sup>, (EU) 2021/122 <sup>(22)</sup>, (EU) 2021/151 <sup>(23)</sup>, (EU) 2021/239 <sup>(24)</sup>, (EU) 2021/335 <sup>(25)</sup>, (EU) 2021/396 <sup>(26)</sup>, (EU) 2021/450 <sup>(27)</sup>,

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- <sup>(10)</sup> Commission Implementing Decision (EU) 2020/240 of 20 February 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 48, 21.2.2020, p. 12).
- <sup>(11)</sup> Commission Implementing Decision (EU) 2020/281 of 27 February 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 59, 28.2.2020, p. 13).
- <sup>(12)</sup> Commission Implementing Decision (EU) 2020/384 of 6 March 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 72, 9.3.2020, p. 5).
- <sup>(13)</sup> Commission Implementing Decision (EU) 2020/504 of 6 April 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 109, 7.4.2020, p. 17).
- <sup>(14)</sup> Commission Implementing Decision (EU) 2020/529 of 15 April 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 118, 16.4.2020, p. 29).
- <sup>(15)</sup> Commission Implementing Decision (EU) 2020/549 of 20 April 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 123, 21.4.2020, p. 1).
- <sup>(16)</sup> Commission Implementing Decision (EU) 2020/574 of 24 April 2020 amending Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 132, 27.4.2020, p. 23).
- <sup>(17)</sup> Commission Implementing Decision (EU) 2020/604 of 30 April 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 139, 4.5.2020, p. 67).
- <sup>(18)</sup> Commission Implementing Decision (EU) 2020/1809 of 30 November 2020 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 402, 1.12.2020, p. 144).
- <sup>(19)</sup> Commission Implementing Decision (EU) 2020/2010 of 8 December 2020 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 414, 9.12.2020, p. 79).
- <sup>(20)</sup> Commission Implementing Decision (EU) 2021/18 of 8 January 2021 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 8, 11.1.2021, p. 1).
- <sup>(21)</sup> Commission Implementing Decision (EU) 2021/68 of 25 January 2021 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 26, 26.1.2021, p. 56).
- <sup>(22)</sup> Commission Implementing Decision (EU) 2021/122 of 2 February 2021 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 38, 3.2.2021, p. 1).
- <sup>(23)</sup> Commission Implementing Decision (EU) 2021/151 of 8 February 2021 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 45, 9.2.2021, p. 7).
- <sup>(24)</sup> Commission Implementing Decision (EU) 2021/239 of 16 February 2021 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 56 I, 17.2.2021, p. 1).
- <sup>(25)</sup> Commission Implementing Decision (EU) 2021/335 of 23 February 2021 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 66, 25.2.2021, p. 5).
- <sup>(26)</sup> Commission Implementing Decision (EU) 2021/396 of 3 March 2021 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 78, 5.3.2021, p. 1).
- <sup>(27)</sup> Commission Implementing Decision (EU) 2021/450 of 10 March 2021 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 88, 15.3.2021, p. 1).

(EU) 2021/489 <sup>(28)</sup>, (EU) 2021/562 <sup>(29)</sup>, (EU) 2021/640 <sup>(30)</sup>, (EU) 2021/641 <sup>(31)</sup>, (EU) 2021/688 <sup>(32)</sup>, (EU) 2021/766 <sup>(33)</sup>, (EU) 2021/846 <sup>(34)</sup>, (EU) 2021/906 <sup>(35)</sup>, (EU) 2021/989 <sup>(36)</sup>, (EU) 2021/1084 <sup>(37)</sup>, (EU) 2021/1146 <sup>(38)</sup>, and (EU) 2021/1186 <sup>(39)</sup>.

- (4) Poland 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) No 652/2014 of the European Parliament and of the Council <sup>(40)</sup>, which was repealed and replaced as of 1 January 2021 by Regulation (EU) 2021/690 <sup>(41)</sup>.
- (5) On 21 March 2022, the Commission received a formal request from Poland for part-financing of certain exceptional measures pursuant to Article 220(3) of Regulation (EU) No 1308/2013 for outbreaks confirmed between 29 December 2019 and 13 May 2020, and between 24 November 2020 and 28 July 2021. On 11 May 2022, 24 June 2022, 3 August 2022, 5 October 2022 and 9 November 2022, Polish authorities clarified and documented their request.

<sup>(28)</sup> Commission Implementing Decision (EU) 2021/489 of 19 March 2021 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 101, 23.3.2021, p. 2).

<sup>(29)</sup> Commission Implementing Decision (EU) 2021/562 of 30 March 2021 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 119, 7.4.2021, p. 3).

<sup>(30)</sup> Commission Implementing Decision (EU) 2021/640 of 13 April 2021 amending the Annex to Implementing Decision (EU) 2020/1809 concerning certain protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 134, 20.4.2021, p. 1).

<sup>(31)</sup> Commission Implementing Decision (EU) 2021/641 of 16 April 2021 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 134, 20.4.2021, p. 166).

<sup>(32)</sup> Commission Implementing Decision (EU) 2021/688 of 23 April 2021 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 143, 27.4.2021, p. 44).

<sup>(33)</sup> Commission Implementing Decision (EU) 2021/766 of 7 May 2021 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 165 I, 11.5.2021, p. 1).

<sup>(34)</sup> Commission Implementing Decision (EU) 2021/846 of 25 May 2021 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 187, 27.5.2021, p. 2).

<sup>(35)</sup> Commission Implementing Decision (EU) 2021/906 of 3 June 2021 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 199 I, 7.6.2021, p. 1).

<sup>(36)</sup> Commission Implementing Decision (EU) 2021/989 of 17 June 2021 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 218, 18.6.2021, p. 41).

<sup>(37)</sup> Commission Implementing Decision (EU) 2021/1084 of 30 June 2021 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 235, 2.7.2021, p. 14).

<sup>(38)</sup> Commission Implementing Decision (EU) 2021/1146 of 12 July 2021 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 247 I, 13.7.2021, p. 1).

<sup>(39)</sup> Commission Implementing Decision (EU) 2021/1186 of 16 July 2021 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 257, 19.7.2021, p. 5).

<sup>(40)</sup> 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 material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (OJ L 189, 27.6.2014, p. 1).

<sup>(41)</sup> 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).

- (6) As a result of the animal health and veterinary measures referred to in recital 3, following 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 Poland for the 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 Poland related to outbreaks confirmed between 29 December 2019 and 13 May 2020, and between 24 November 2020 and 28 July 2021.
- (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) No 652/2014, which was repealed and replaced as of 1 January 2021 by 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 Polish legislation relevant to the 392 outbreaks of highly pathogenic avian influenza confirmed between 29 December 2019 and 13 May 2020, and between 24 November 2020 and 28 July 2021.
- (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 the sake of a sound budgetary management of these exceptional market support measures, only those payments made by Poland to beneficiaries by 30 September 2023 at the latest should be eligible for Union part-financing. Article 5(2) of Commission Delegated Regulation (EU) No 907/2014 <sup>(42)</sup>, replaced as of 1 January 2023 by Article 5(2) of Commission Delegated Regulation (EU) 2022/127 <sup>(43)</sup>, should not be applicable.
- (13) In order to ensure the eligibility and the correctness of the payments, Poland should carry out *ex ante* checks.
- (14) To allow the Union to perform its financial control, Poland should communicate to the Commission the clearance of payments.
- (15) Since the restrictions related to the outbreaks of avian influenza came into force at different dates in the regulated zones referred to in the Union legislation listed in the Annex to this Regulation, and since this Regulation does not provide for a deadline for the submission of the applications for aid, it is appropriate to consider, for the purposes of Article 29(4) of Delegated Regulation (EU) No 907/2014, replaced as of 1 January 2023 by Article 30(3) of Delegated Regulation (EU) 2022/127, the date of entry into force of this Regulation as the operative event for the exchange rate regarding the amounts set out in this Regulation.

<sup>(42)</sup> 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).

<sup>(43)</sup> 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).

- (16) 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 Poland to support the market of eggs and poultrymeat seriously affected by the 392 outbreaks of highly pathogenic avian influenza of subtype H5 which were detected and notified by Poland between 29 December 2019 and 13 May 2020, and between 24 November 2020 and 28 July 2021.

#### *Article 2*

1. Expenditure borne by Poland 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 Poland to the beneficiaries by 30 September 2023 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 Regulation (EU) No 652/2014, which was repealed and replaced as of 1 January 2021 by Regulation (EU) 2021/690.
2. None of the expenditure paid by Poland after 30 September 2023 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 17 043 057, detailed as follows:
  - (a) for the loss of production of eggs and poultry located in the regulated zone, the following flat rates shall apply:
    - (i) for producers of hatching eggs:
      - EUR 0,745 per geese hatching egg falling within the CN code 0407 19 11, destructed, up to a maximum of 3 778 eggs;
      - EUR 0,138 per duck hatching egg falling within the CN code 0407 19 19, destructed, up to a maximum of 1 200 eggs;
      - EUR 0,075 per geese hatching egg falling within the CN code 0407 19 11, downgraded, up to a maximum of 2 703 eggs;
      - EUR 0,080 per laying hen hatching egg falling within the CN code 0407 11 00, downgraded, up to a maximum of 2 782 641 eggs;
    - (ii) for producers of table eggs:
      - EUR 0,026 per egg falling within the CN code 0407 11 00, destructed, up to a maximum of 750 960 eggs;
      - EUR 0,015 per egg falling within the CN code 0407 11 00, downgraded, up to a maximum of 52 355 320 eggs;

(iii) for producers of animals for not producing during prolonged following periods:

- EUR 0,009 per laying hen per day falling within the CN code 0105 94 00 up to a maximum of 5 669 560 animals;
- EUR 0,002 per broiler per day falling within the CN code 0105 94 00 up to a maximum of 37 526 825 animals;
- EUR 0,021 per geese per day falling within the CN code 0105 99 20 up to a maximum of 462 698 animals;
- EUR 0,005 per duck per day falling within the CN code 0105 99 10 up to a maximum of 1 615 850 animals;
- EUR 0,008 per turkey per day falling within the CN code 0105 99 30 up to a maximum of 2 423 042 animals;
- EUR 0,002 per guinea fowl per day falling within the CN code 0105 99 50 up to a maximum of 12 822 animals;
- EUR 0,007 per rearing laying hen per day falling within the CN code 0105 94 00, up to a maximum of 1 981 450 animals;
- EUR 0,002 per rearing turkey per day falling within the CN code 0105 99 30 up to a maximum of 20 791 animals;
- EUR 0,002 per rearing duck per day falling within the CN code 0105 99 10 up to a maximum of 63 282 animals;
- EUR 0,001 per rearing guinea fowl per day falling within the CN code 0105 94 50 up to a maximum of 10 000 animals;
- EUR 0,006 per breeder laying hen per day falling within the CN code 0105 94 00 up to a maximum of 1 812 885 animals;
- EUR 0,034 per breeder geese per day falling within the CN code 0105 99 20 up to a maximum of 25 616 animals;
- EUR 0,001 per breeder duck per day falling within the CN code 0105 99 10 up to a maximum of 340 737 animals;
- EUR 0,010 per breeder turkey per day falling within the CN code 0105 99 30 up to a maximum of 23 171 animals;

(b) for producers of animals for selling animals at reduced price due to movement restrictions in the regulated zones, the following flat rates shall apply:

- (i) EUR 0,072 per kilogram (live weight) of broiler falling within the CN code 0105 94 00, downgraded, up to a maximum of 15 286 496 animals;
- (ii) EUR 0,224 per kilogram (live weight) of duck falling within the CN code 0105 99 10, downgraded, up to a maximum of 76 488 animals;
- (iii) EUR 0,114 per kilogram (live weight) of turkey falling within the CN code 0105 99 30, downgraded, up to a maximum of 4 340 804 animals;

(c) for losses related to the prolonged fattening periods due to movement restrictions in the regulated zones, the following flat rates shall apply per animal:

- (i) EUR 0,041 per broiler per day falling within the CN code 0105 94 00 up to a maximum of 1 142 044 animals;
- (ii) EUR 0,064 per geese per day falling within the CN code 0105 99 20 up to a maximum of 14 598 animals;
- (iii) EUR 0,007 per duck per day falling within the CN code 0105 99 10 up to a maximum of 59 334 animals;
- (iv) EUR 0,101 per turkey per day falling within the CN code 0105 99 30 up to a maximum of 95 361 animals.

2. Where the number of eggs or animals eligible for compensation exceeds the maximum number of eggs or animals 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 10 % of the maximum amount of expenditure part-financed by the Union referred to in paragraph 1.

#### *Article 4*

Poland shall carry out administrative and physical checks in accordance with Articles 58 and 59 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council <sup>(44)</sup>.

In particular, Poland 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.

In cases where the eligibility of an applicant was not confirmed, the aid shall be recovered and sanctions applied in accordance with Article 58(1) of Regulation (EU) No 1306/2013.

#### *Article 5*

For the purposes of Article 29(4) of Delegated Regulation (EU) No 907/2014, replaced as of 1 January 2023 by Article 30(3) of Delegated Regulation (EU) 2022/127, the operative event for the exchange rate as regards the amounts set out in Article 3 of this Regulation shall be the entry into force of this Regulation.

#### *Article 6*

Poland shall communicate to the Commission the clearance of payments.

#### *Article 7*

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, 8 December 2022.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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<sup>(44)</sup> Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

## ANNEX

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

Parts of Poland and periods established in accordance with Directive 2005/94/EC, repealed and replaced as from 21 April 2021 by Regulation (EU) 2016/429, and defined in:

- Implementing Decision (EU) 2020/10;
  - Implementing Decision (EU) 2020/47;
  - Implementing Decision (EU) 2020/114;
  - Implementing Decision (EU) 2020/134;
  - Implementing Decision (EU) 2020/175;
  - Implementing Decision (EU) 2020/210;
  - Implementing Decision (EU) 2020/240;
  - Implementing Decision (EU) 2020/281;
  - Implementing Decision (EU) 2020/384;
  - Implementing Decision (EU) 2020/504;
  - Implementing Decision (EU) 2020/529;
  - Implementing Decision (EU) 2020/549;
  - Implementing Decision (EU) 2020/574;
  - Implementing Decision (EU) 2020/604;
  - Implementing Decision (EU) 2020/1809;
  - Implementing Decision (EU) 2020/2010;
  - Implementing Decision (EU) 2021/18;
  - Implementing Decision (EU) 2021/68;
  - Implementing Decision (EU) 2021/122;
  - Implementing Decision (EU) 2021/151;
  - Implementing Decision (EU) 2021/239;
  - Implementing Decision (EU) 2021/335;
  - Implementing Decision (EU) 2021/396;
  - Implementing Decision (EU) 2021/450;
  - Implementing Decision (EU) 2021/489;
  - Implementing Decision (EU) 2021/562;
  - Implementing Decision (EU) 2021/640;
  - Implementing Decision (EU) 2021/641;
  - Implementing Decision (EU) 2021/688;
  - Implementing Decision (EU) 2021/766;
  - Implementing Decision (EU) 2021/846;
  - Implementing Decision (EU) 2021/906;
  - Implementing Decision (EU) 2021/989;
  - Implementing Decision (EU) 2021/1084;
  - Implementing Decision (EU) 2021/1146;
  - Implementing Decision (EU) 2021/1186.
-