

# REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2023/834

of 18 April 2023

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

Whereas:

- (1) Between 23 October 2021 and 31 December 2021, 294 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 <sup>(2)</sup>, supplemented by Commission Delegated Regulation (EU) 2020/687 <sup>(3)</sup>.
- (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) 2021/1872 <sup>(4)</sup>, (EU) 2021/1908 <sup>(5)</sup>, (EU) 2021/1982 <sup>(6)</sup>, (EU) 2021/2100 <sup>(7)</sup>, (EU) 2021/2186 <sup>(8)</sup> and (EU) 2021/2310 <sup>(9)</sup>.

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

<sup>(2)</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>(3)</sup> 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).

<sup>(4)</sup> Commission Implementing Decision (EU) 2021/1872 of 25 October 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 379, 26.10.2021, p. 53).

<sup>(5)</sup> Commission Implementing Decision (EU) 2021/1908 of 3 November 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 390, 4.11.2021, p. 39).

<sup>(6)</sup> Commission Implementing Decision (EU) 2021/1982 of 12 November 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 403, 15.11.2021, p. 1).

<sup>(7)</sup> Commission Implementing Decision (EU) 2021/2100 of 29 November 2021 amending Implementing Decision (EU) 2021/641 concerning emergency measures in relation to outbreaks of highly pathogenic avian influenza in certain Member (OJ L 428, 30.11.2021, p. 3).

<sup>(8)</sup> Commission Implementing Decision (EU) 2021/2186 of 9 December 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 444, 10.12.2021, p. 110).

<sup>(9)</sup> Commission Implementing Decision (EU) 2021/2310 of 21 December 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 461I, 27.12.2021, p. 1).

- (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 <sup>(10)</sup>.
- (5) On 2 May 2022, 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 23 October 2021 and 31 December 2021. On 14 September 2022, 27 February 2023 and 14 March 2023, Italian authorities clarified and documented their request.
- (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 Italy 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 Italy related to outbreaks confirmed between 23 October 2021 and 31 December 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) 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 294 outbreaks of highly pathogenic avian influenza confirmed between 23 October 2021 and 31 December 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 Italy 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>(11)</sup>, replaced as of 1 January 2023 by Article 5(2) of Commission Delegated Regulation (EU) 2022/127 <sup>(12)</sup>, should not be applicable.

<sup>(10)</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).

<sup>(11)</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>(12)</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).

- (13) In order to ensure the eligibility and the correctness of the payments, Italy should carry out *ex ante* checks.
- (14) To allow the Union to perform its financial control, Italy should communicate to the Commission the clearance of payments.
- (15) 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*.
- (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 Italy to support the market of eggs and poultrymeat seriously affected by the 294 outbreaks of highly pathogenic avian influenza of subtype H5 which were detected and notified by Italy between 23 October 2021 and 31 December 2021.

#### 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 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) 2021/690.
2. None of the expenditure paid by Italy 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 27 229 572, detailed as follows:
  - (a) for the loss of production of hatching eggs and table eggs in the regulated zones, the following flat rates shall apply:
    - (i) EUR 0,133 per laying hen hatching egg falling within the CN code 0407 11 00, destructured, up to a maximum of 338 972 eggs;
    - (ii) EUR 0,525 per turkey hatching egg falling within the CN code 0407 19 11, destructured, up to a maximum of 560 652 eggs;
    - (iii) EUR 0,108 per laying hen hatching egg falling within the CN code 0407 11 00, processed into egg products, up to a maximum of 3 998 046 eggs;
    - (iv) EUR 0,022 per cage egg falling within the CN code 0407 21 00, processed into egg products, up to a maximum of 9 401 020 eggs;
    - (v) EUR 0,030 per barn egg falling within the CN code 0407 21 00, processed into egg products, up to a maximum of 3 233 520 eggs;

- (vi) EUR 0,038 per free range egg falling within the CN code 0407 21 00, processed into egg products, up to a maximum of 248 940 eggs;
  - (vii) EUR 0,032 per organic egg falling within the CN code 0407 21 00, processed into egg products, up to a maximum of 2 139 060 eggs;
- (b) for losses related to the prolonged following periods in the regulated zones, the following flat rates shall apply:
- (i) EUR 0,038 per cage pullet per week falling within the CN code 0105 11 11 up to a maximum of 1 417 836 animals;
  - (ii) EUR 0,068 per cage laying hen per week falling within the CN code 0105 94 00 up to a maximum of 3 445 316 animals;
  - (iii) EUR 0,089 per barn laying hen per week falling within the CN code 0105 94 00 up to a maximum of 4 228 925 animals;
  - (iv) EUR 0,051 per standard broiler per week falling within the CN code 0105 94 00 up to a maximum of 36 690 461 animals;
  - (v) EUR 0,884 per chick of broiler strains per week falling within the CN code 0105 94 00 up to a maximum of 144 500 animals;
  - (vi) EUR 0,087 per capon per week falling within the CN code 0105 94 00 up to a maximum of 104 124 animals;
  - (vii) EUR 0,136 per organic broiler per week falling within the CN code 0105 94 00 up to a maximum of 210 184 animals;
  - (viii) EUR 0,153 per golden chicken per week falling within the CN code 0105 94 00 up to a maximum of 34 944 animals;
  - (ix) EUR 0,123 per female turkey per week falling within the CN code 0105 99 30 up to a maximum of 5 065 698 animals;
  - (x) EUR 0,204 per male turkey per week falling within the CN code 0105 99 30 up to a maximum of 3 228 342 animals;
  - (xi) EUR 0,164 per mixed turkey per week falling within the CN code 0105 99 30 up to a maximum of 171 362 animals;
  - (xii) EUR 0,300 per organic turkey per week falling within the CN code 0105 99 30 up to a maximum of 47 780 animals;
  - (xiii) EUR 0,205 per duck per week falling within the CN code 0105 99 10 up to a maximum of 383 592 animals;
  - (xiv) EUR 0,089 per guinea fowl per week falling within the CN code 0105 99 50 up to a maximum of 901 456 animals;
- (c) 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 0,540 per breeder laying hen per week falling within the CN code 0105 94 00 up to a maximum of 95 009 animals;
  - (ii) EUR 0,162 per breeder broiler per week falling within the CN code 0105 94 00 up to a maximum of 373 747 animals;
  - (iii) EUR 1,007 per breeder turkey per week falling within the CN code 0105 99 30 up to a maximum of 40 255 animals.
  - (iv) EUR 0,123 per broiler per week falling within the CN code 0105 94 00, downgraded, up to a maximum of 4 214 895 animals;
  - (v) EUR 0,183 per female turkey per week falling within the CN code 0105 99 30, downgraded, up to a maximum of 203 545 animals;
  - (vi) EUR 0,306 per male turkey per week falling within the CN code 0105 99 30, downgraded, up to a maximum of 638 293 animals;

- (d) for losses related to the prolonged rearing and fattening periods in the regulated zones, the following flat rates shall apply:
- (i) EUR 0,13 per standard pullet per week falling within the CN code 0105 11 11 up to a maximum of 584 829 animals;
  - (ii) EUR 0,15 per free range pullet per week falling within the CN code 0105 94 00 up to a maximum of 31 000 animals;
  - (iii) EUR 0,143 per broiler per week falling within the CN code 0105 94 00 up to a maximum of 550 454 animals;
  - (iv) EUR 0,143 per rural chicken per week falling within the CN code 0105 94 00 up to a maximum of 4 750 animals;
  - (v) EUR 0,102 per capon per week falling within the CN code 0105 94 00 up to a maximum of 143 066 animals;
  - (vi) EUR 0,178 per golden chicken per week falling within the CN code 0105 94 00 up to a maximum of 13 500 animals;
  - (vii) EUR 0,318 per organic broiler per week falling within the CN code 0105 94 00 up to a maximum of 95 942 animals;
  - (viii) EUR 0,331 per female turkey per week falling within the CN code 0105 99 30 up to a maximum of 161 489 animals;
  - (ix) EUR 0,528 per male turkey per week falling within the CN code 0105 99 30 up to a maximum of 282 596 animals;
  - (x) EUR 0,497 per organic female turkey per week falling within the CN code 0105 99 30 up to a maximum of 10 307 animals;
  - (xi) EUR 0,103 per guinea fowl per week falling within the CN code 0105 99 50 up to a maximum of 16 550 animals;
- (e) for culling of poultry in the regulated zones, the following flat rates shall apply:
- (i) EUR 0,367 per chick of laying hen strains falling within the CN code 0105 94 00 up to a maximum of 241 430 animals;
  - (ii) EUR 0,228 per chick of broiler strains falling within the CN code 0105 94 00 up to a maximum of 6 099 470 animals;
  - (iii) EUR 0,344 per chick of rural chicken strains falling within the CN code 0105 94 00 up to a maximum of 79 250 animals;
  - (iv) EUR 0,550 per chick of female turkey falling within the CN code 0105 99 30 up to a maximum of 982 552 animals;
  - (v) EUR 1,00 per chick of male turkey falling within the CN code 0105 99 30 up to a maximum of 881 265 animals;
- (f) for selling animals at reduced price from the regulated zones, the following rates shall apply:
- (i) EUR 0,076 per laying hen chick falling within the CN code 0105 11 11, downgraded, up to a maximum of 82 900 animals;
  - (ii) EUR 0,50 per red laying hen falling within the CN code 0105 94 00, downgraded, up to a maximum of 350 animals;
  - (iii) EUR 0,035 per kilogram (live weight) of broiler falling within the CN code 0105 94 00, downgraded, up to maximum of 292 880 animals;
  - (iv) EUR 2,50 per capon falling within the CN code 0105 94 00, downgraded, up to a maximum of 300 animals;
  - (v) EUR 1,25 per kilogram of broiler meat falling within the CN code 0105 94 00, sold frozen instead of fresh, up to a maximum 3 000 kilograms.

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 10 % of the maximum amount of expenditure part-financed by the Union referred to in paragraph 1.

#### Article 4

Italy shall carry out administrative and physical checks in accordance with Articles 59 and 60 of Regulation (EU) 2021/2116 of the European Parliament and of the Council <sup>(13)</sup>.

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.

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

Italy shall communicate to the Commission the clearance of payments.

#### Article 6

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, 18 April 2023.

For the Commission  
The President  
Ursula VON DER LEYEN

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<sup>(13)</sup> 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).

## 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, supplemented by Delegated Regulation (EU) 2020/687, and defined in:

- Implementing Decision (EU) 2021/1872;
  - Implementing Decision (EU) 2021/1908;
  - Implementing Decision (EU) 2021/1982;
  - Implementing Decision (EU) 2021/2100;
  - Implementing Decision (EU) 2021/2186;
  - Implementing Decision (EU) 2021/2310.
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