Commission Regulation (EC) No 1010/2006 of 3 July 2006 on certain exceptional market support measures in the eggs and poultry sector in certain Member States

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs[(1)], and in particular point (b) of the first subparagraph of Article 14(1) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat[(2)], and in particular point (b) of the first subparagraph of Article 14(1) thereof,

Whereas:

(1) Because of occurrences of highly pathogenic avian influenza (H5N1) in areas near the Community since the autumn of 2005 and in several Member States since February 2006, the consumption of poultrymeat and, to a lesser extent, of eggs, has fallen appreciably in some Member States.

(2) The sharp and significant fall in the consumption of poultrymeat has led to a fall in prices. The poultrymeat market has suffered serious disruption as a result.

(3) Since this serious market disruption is directly linked to a loss of consumer confidence arising from risks to animal health, it is justified, at the request of the Member States concerned, to adopt exceptional market support measures as referred to in Article 14 of Regulation (EEC) No 2771/75 and Article 14 of Regulation (EEC) No 2777/75 and to grant aid to offset part of the financial losses resulting from the destruction of eggs for hatching or chicks, the early partial slaughter of breeding flocks, the temporary fall in production, or the slaughter of ready-to-lay pullets, given the preventive biosafety measures imposed by some Member States.

(4) The compensation paid for eggs for hatching that are processed into egg products must be less than that for eggs for hatching that are destroyed.

(5) The maximum quantities eligible for financial compensation in respect of each exceptional market support measure should be fixed by the Commission after scrutinising the applications received from Member States.

(6) The measures adopted pursuant to Article 14 of Regulation (EEC) No 2771/75 and Article 14 of Regulation (EEC) No 2777/75 have been in force since 11 May 2006. This Regulation should therefore also be applicable from that date.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1010/2006. (See end of Document for details)*

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

1 The destruction of eggs for hatching falling within CN codes 0407 00 11 and 0407 00 19 shall be regarded as an exceptional market support measure pursuant to Article 14 of Regulation (EEC) No 2771/75.

2 Compensation shall be payable, in respect of each Member State concerned, for the destruction referred to in paragraph 1, subject to both the maximum number of pieces laid down in Annex I and the time limits specified therein.

The maximum level of compensation shall be set at a flat rate of:

a EUR 0,15 per 'standard chicken' egg for hatching falling within CN code 0407 00 19;
b EUR 0,23 per 'free range chicken' egg for hatching falling within CN code 0407 00 19;
c EUR 0,23 per guinea fowl egg for hatching falling within CN code 0407 00 19;
d EUR 0,35 per duck egg for hatching falling within CN code 0407 00 19;
e EUR 0,66 per turkey egg for hatching falling within CN code 0407 00 11;
f EUR 1,20 per goose egg for hatching falling within CN code 0407 00 11.

Article 2

1 The processing of eggs for hatching falling within CN code 0407 00 19 shall be regarded as an exceptional market support measure under Article 14 of Regulation (EEC) No 2771/75.

2 Compensation shall be payable, in respect of each Member State concerned, for the processing referred to in paragraph 1, subject to both the maximum number of pieces laid down in Annex II and the time limits specified therein.

The maximum level of compensation shall be that provided for in Article 1(2), in each case less EUR 0,03 per egg for hatching, or less the selling price if the latter exceeds EUR 0,03.

Article 3

1 The destruction of chicks falling within CN codes 0105 11, 0105 12 and 0105 19 shall be regarded as an exceptional market support measure under Article 14 of Regulation (EEC) No 2777/75.

2 Compensation shall be payable, in respect of each Member State concerned, for the destruction referred to in paragraph 1, subject to both the maximum number of pieces laid down in Annex III and the time limits specified therein.

The maximum level of compensation shall be set at a flat rate of:

a EUR 0,24 per 'chicken' chick;
b EUR 0,40 per 'guinea fowl' chick;
c EUR 0,54 per 'duck' chick;
d EUR 0,85 per 'turkey' chick;
e EUR 1,50 per 'goose' chick.

Article 4

[[F1]1 The slaughter or killing of part of a breeding flock shall, where it is brought forward by six weeks or more in order to reduce the production of eggs for hatching falling within CN codes 0105 92 00, 0105 93 00, 0105 99 10, 0105 99 20, 0105 99 30 and 0105 99 50, be regarded as an exceptional market support measure pursuant to Article 14 of Regulation (EEC) No 2777/75, provided no bird is then put into production at the location in question during that period.**]**

2 **[**[F1]Compensation shall be payable, in respect of each Member State concerned, for the early slaughter or killing referred to in paragraph 1, subject to both the maximum number of pieces laid down in Annex IV and the time limits specified therein.**]**

The maximum level of compensation shall be set at a flat rate of:

a EUR 3,2 per breeding hen falling within CN codes 0105 92 00 and 0105 93 00;

b EUR 3,2 per breeding duck falling within CN code 0105 99 10;

c EUR 30 per breeding goose falling within CN code 0105 99 20;

d EUR 15 per breeding turkey hen falling within CN code 0105 99 30;

e EUR 5 per breeding guinea hen falling within CN code 0105 99 50.

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 1629/2006 of 31 October 2006 amending Regulation (EC) No 1010/2006 on certain exceptional market support measures in the eggs and poultry sector in certain Member States.

Article 5

1 Voluntarily extending stamping out (depopulation) beyond a three-week period shall be regarded as an exceptional market support measure pursuant to Article 14 of Regulation (EEC) No 2777/75, provided no bird is then put into production during that period.

2 Compensation shall be payable, in respect of each Member State concerned, per m^2 and week of depopulation over and above three weeks for poultry farms, subject to both the maximum surface area laid down in Annex V and the time limits specified therein, for extending the period of depopulation as referred to in paragraph 1.

The maximum level of compensation shall be set at a flat rate of:

a EUR 0,46/m^2 per week in the case of broiler farms;

b EUR 0,41/m^2 per week in the case of turkey farms;

c EUR 0,62/m^2 per week in the case of duck farms;

d EUR 0,41/m^2 per week in the case of guinea fowl farms.

3 Member States which have already granted compensation for the surface areas concerned shall ensure that any amounts already paid at national level are deducted from the compensation provided for in paragraph 2.

Article 6

1 Voluntarily lowering production by placing fewer chicks in order to reduce density shall be regarded as an exceptional market support measure under Article 14 of Regulation (EEC) No 2777/75.

2 Compensation shall be payable, in respect of each Member State concerned, per bird by which the actual production falls below that of a normal production cycle on each specific

production site, subject to both the maximum number of birds laid down in Annex VI and the time limits specified therein.

The maximum level of compensation shall be set at a flat rate of:

a EUR 0,20 per bird in the case of broiler farms;

b EUR 1,24 per bird in the case of turkey farms;

c EUR 0,75 per bird in the case of duck farms;

d EUR 0,40 per bird in the case of guinea fowl farms.

[F1 Article 7

1 The early slaughter or killing of ready-to-lay pullets shall be regarded as an exceptional market support measure pursuant to Article 14 of Regulation (EEC) No 2777/75.

2 Compensation shall be payable, in respect of each Member State concerned, for slaughter or killing as referred to in paragraph 1, subject to both the maximum number of birds laid down in Annex VII and the time limits specified therein.

The maximum level of compensation shall be set at a flat rate of EUR 3,2 per ready-to-lay pullet.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EC) No 1629/2006 of 31 October 2006 amending Regulation (EC) No 1010/2006 on certain exceptional market support measures in the eggs and poultry sector in certain Member States.

Article 8

Member States which have communicated to the Commission amounts of partial compensation that are lower than those payable under Articles 1 to 7 must limit themselves to the amounts they have communicated.

Article 9

The operative event for the conversion rate for the aids referred to in this Regulation shall be the first working day in May 2006.

The conversion rate to be used shall be the rate most recently fixed by the European Central Bank prior to the operative event.

Article 10

Expenditure incurred by Member States in respect of the payments referred to in Articles 1 to 7 shall not be eligible for Community funding pursuant to Article 14 of Regulation (EEC) No 2771/75 and Article 14 of Regulation (EEC) No 2777/75, unless the payments are made to the recipients by the Member States before **[**F2 31 May 2007.**]**

Textual Amendments

F2 Substituted by Commission Regulation (EC) No 435/2007 of 20 April 2007 amending Regulation (EC) No 1010/2006 on certain exceptional market support measures in the eggs and poultry sector in certain Member States.

Article 11

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

It shall apply from 11 May 2006.

This Regulation shall be binding in its entirety and directly applicable in every Member State.