

2008 No. 1718

FOOD, ENGLAND

The Eggs and Chicks (England) Regulations 2008

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SCHEDULE 1 — COMMUNITY PROVISIONS RELATING TO EGGS FOR HATCHING AND CHICKS CONTRAVENTION OF WHICH IS AN OFFENCE

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SCHEDULE 2 — COMMUNITY PROVISIONS RELATING TO EGGS IN SHELL FOR CONSUMPTION CONTRAVENTION OF WHICH IS AN OFFENCE

PART 1 — PROVISIONS OF THE SINGLE CMO REGULATION

PART 2 — PROVISIONS OF COMMISSION REGULATION (EC) NO 589/2008

The Secretary of State^(a) is a Minister designated^(b) for the purposes of section 2(2) of the European Communities Act 1972^(c) in relation to the common agricultural policy of the European Community.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Secretary of State that it is expedient for any reference to the following Regulations to be construed as a reference to those Regulations as amended from time to time:

- (a) Council Regulation (EC) No 1234/2007^(d) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation); and
- (b) Commission Regulation (EC) No 617/2008^(e) laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks.

Insofar as these Regulations are made in exercise of powers under the Food Safety Act 1990^(f), the Secretary of State has had regard to relevant advice given by the Food Standards Agency as required by section 48(4A)^(g) of that Act.

(a) The functions of the Minister of Agriculture, Fisheries and Food were transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).
(b) S.I. 1972/1811.
(c) 1972 c. 68.
(d) OJ No L 299, 16.11.2007, p1, last amended by Council Regulation (EC) No 510/2008 (OJ No L 149, 7.6.2008, p 61).
(e) OJ No L 168, 28.6.2008, p 5.
(f) 1990 c.16.
(g) Section 48(4A) was inserted by paragraphs 7 and 21 of Schedule 5 to the Food Standards Act 1999 (c. 28).

There has been open and transparent public consultation during the preparation of the following Regulations as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council^(a) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

Accordingly, the Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A^(b) of Schedule 2 to, the European Communities Act 1972; and sections 6(4)^(c), 16(1)^(d), 17^(e), 26(2) and (3)^(f) and 48(1)^(g) of the Food Safety Act 1990 and now vested in the Secretary of State^(h).

PART 1

General

Title, commencement and application

- 1.—(1) These Regulations may be cited as the Eggs and Chicks (England) Regulations 2008.
- (2) These Regulations come into force on 2nd July 2008.
- (3) These Regulations apply in England only.
- (4) These Regulations apply—
 - (a) to eggs for hatching and chicks to which point I(1) of Part C of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 617/2008 apply; and
 - (b) to eggs to which point I(1) of Part A of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 589/2008 apply (eggs in shell for consumption produced by hens of the species *Gallus gallus*).
- (5) But they do not apply—
 - (a) to establishments and hatcheries of the type mentioned in point I(2) of Part C of Annex XIV to the Single CMO Regulation;
 - (b) to the sale of eggs to which point I(1) of Part A of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 589/2008 apply, where the eggs are sold, without any quality or weight grading, directly to the final consumer by the producer—
 - (i) on the production site; or
 - (ii) by door-to-door selling in the region of production; or

(a) OJ No L 31, 1.2.2002, p 1, last amended by Commission Regulation (EC) No 202/2008 (OJ No L 60, 5.3.2008, p 17).
(b) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).
(c) Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40), paragraphs 7, 10(1) and (3) of Schedule 5, and Schedule 6, to the Food Standards Act 1999, and Schedule 2 to S.I. 2002/794.
(d) Section 16(1) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.
(e) Section 17 was amended by paragraphs 7, 8 and 12 of Schedule 5 to the Food Standards Act 1999.
(f) Section 26 was amended by Schedule 6 to the Food Standards Act 1999.
(g) Section 48(1) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.
(h) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999. By virtue of section 26(1) of the 1999 Act, functions of the Minister of Agriculture, Fisheries and Food under the Food Safety Act 1990 ceased to be exercisable by that Minister. Functions of “the Ministers”, so far as exercisable in relation to Wales, are now exercisable by the Welsh Ministers, having been transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as read with section 40(3) of the 1999 Act, and then transferred to the Welsh Ministers by paragraph 30(2)(a) of Schedule 11 to the Government of Wales Act 2006 (c. 32). The functions of “the Ministers”, so far as exercisable in relation to Scotland, are now exercisable by the Scottish Ministers. These functions were transferred to them, so far as within devolved competence, by section 53 of the Scotland Act 1998 (1998 c. 46), as read with section 40(2) of the 1999 Act, and, so far as not transferred to them by those provisions, by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).

(c) except insofar as they relate to the requirement imposed by point III(3) of Part A of Annex XIV to the Single CMO Regulation, to the sale of eggs to which point I(1) of Part A of Annex XIV to that Regulation and Commission Regulation (EC) No 589/2008 apply, where the eggs are sold, without any quality or weight grading, directly to the final consumer by the producer in a local public market in the region of production.

(6) In paragraph (5)(b)(ii) “door-to-door selling” means a sale which is made during an unsolicited visit by a producer to the final consumer’s home, or to the home of another person, or to the final consumer’s place of work.

Revocation

2. The Eggs and Chicks (England) Regulations 2007(a) Regulations are revoked.

Interpretation

3.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“authorised officer” means any person who has written authority from an enforcement authority to act in matters arising under or in relation to the Act or these Regulations;

“breeding establishment” has the meaning given by Article 1(3)(b) of Commission Regulation (EC) No 617/2008;

“chicks” has the meaning given by Article 1(2) of Commission Regulation (EC) No 617/2008;

“Commission Regulation (EC) No 617/2008” means Commission Regulation (EC) No 617/2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks, as amended from time to time;

“Commission Regulation (EC) No 589/2008” means Commission Regulation (EC) No 589/2008(b) laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs, as adopted by the Commission on 23rd June 2008;

“Council Directive 1999/74/EC” means Council Directive 1999/74/EC(c) laying down minimum standards for the protection of laying hens;

“Directive 2000/13/EC” means Directive 2000/13/EC(d) of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs;

“eggs” has the meaning given by sub-paragraph (k) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008;

“eggs for hatching” has the meaning given by Article 1(1) of Commission Regulation (EC) No 617/2008;

“enforcement authority” means an authority exercising a function conferred on it by regulation 16;

“final consumer” has the meaning given by sub-paragraph (r) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008;

“food authority” means—

(a) a county council;

(b) a metropolitan district council;

(c) a non-metropolitan district council for an area for which there is no county council;

(a) S.I. 2007/2245.

(b) OJ No L 163, 24.6.2008, p 6.

(c) OJ No L 203, 3.8.1999, p 53, last amended by Council Regulation (EC) No 806/2003 (OJ No L 122, 16.5.2003, p 1).

(d) OJ No L 109, 6.5.2000, p 29, last amended by Commission Directive 2007/68/EC (OJ No L 310, 28.11.2007, p 11).

- (d) a London borough council;
 - (e) the Common Council of the City of London (in their capacity as a local authority); and
 - (f) the Council of the Isles of Scilly;
- “hatchery” has the meaning given by Article 1(3)(c) of Commission Regulation (EC) No 617/2008;
- “packing centre” has the meaning given by sub-paragraph (q) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008;
- “pedigree breeding establishment” has the meaning given by Article 1(3)(a) of Commission Regulation (EC) No 617/2008;
- “production site” has the meaning given by sub-paragraph (p) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008; and
- “Single CMO Regulation” means Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation), as amended from time to time.

(2) Any expression which is not defined in paragraph (1), but is used in Part 2 of, or Schedule 1 to, these Regulations, and in Part C of Annex XIV to the Single CMO Regulation has the same meaning in those provisions of these Regulations as it does in the Single CMO Regulation.

(3) Any expression which is not defined in paragraph (1), but is used in regulation 1(5) or Part 3 of, or Schedule 2 to, these Regulations and in Part A of Annex XIV to the Single CMO Regulation or Commission Regulation (EC) No 589/2008, has the same meaning in those provisions of these Regulations as it does in the EC Regulation in which it is used.

(4) Any reference to a contravention of, or failure to comply with, any provision mentioned in Schedule 1 means a contravention of or failure to comply with—

- (a) any provision of the Single CMO Regulation mentioned in column 1 of Part 1 of Schedule 1, as read with any provision mentioned in any corresponding entry in column 2 of that Part; or
- (b) any provision of Commission Regulation (EC) No 617/2008 mentioned in column 1 of Part 2 of Schedule 1, as read with any provision mentioned in any corresponding entry in column 2 of that Part.

(5) Any reference to a contravention of, or failure to comply with, any provision mentioned in Schedule 2 means a contravention of or failure to comply with—

- (a) any provision of the Single CMO Regulation mentioned in column 1 of Part 1 of Schedule 2, as read with any provision mentioned in any corresponding entry in column 2 of that Part; or
- (b) any provision of Commission Regulation (EC) No 589/2008 mentioned in column 1 of Part 2 of Schedule 2, as read with any provision mentioned in any corresponding entry in column 2 of that Part.

PART 2

Eggs for hatching and chicks

Compliance with Community provisions

4. A person is guilty of an offence if they contravene, or fail to comply with, any provision mentioned in Schedule 1.

Registration of pedigree breeding establishments, breeding establishments and hatcheries

5.—(1) The Secretary of State is designated as the competent authority for the purpose of Article 2(1) of Commission Regulation (EC) No 617/2008 (registration of pedigree breeding establishments, other breeding establishments and hatcheries).

(2) Where an application is made to the Secretary of State pursuant to Article 2(1) of Commission Regulation (EC) No 617/2008, the Secretary of State must notify the applicant of the matters specified in paragraph (3) within 28 days.

(3) The matters are—

- (a) the Secretary of State's decision on the application;
- (b) the reasons for any refusal to grant the application; and
- (c) in the case of any refusal to grant the application, the right of appeal conferred by regulation 18 of these Regulations.

(4) Where the Secretary of State is not satisfied that an application should be granted, the Secretary of State may (instead of refusing the application) notify the applicant of the reason for this, and—

- (a) where the Secretary of State is not satisfied with the sufficiency of the data provided in support of the application, the Secretary of State may ask the applicant to provide further data;
- (b) where the Secretary of State is not satisfied that all of the provisions mentioned in Schedule 1 that are relevant to the type of establishment to be registered will be complied with following the registration of that establishment, the Secretary of State may ask the applicant to take steps to ensure that those provisions will be complied with; and
- (c) the Secretary of State may give the applicant an opportunity to provide oral or written explanations to the Secretary of State in respect of the application.

(5) Where the Secretary of State decides to withdraw a registration of a pedigree breeding establishment, other breeding establishment or hatchery because of a contravention of, or failure to comply with, any provision mentioned in Schedule 1, the Secretary of State must notify the person carrying on business at the establishment concerned ("the operator") of the matters mentioned in paragraph (6) within 28 days.

(6) The matters are—

- (a) the Secretary of State's decision to withdraw the registration;
- (b) the date on which the withdrawal of the registration is to take effect;
- (c) the reasons for the withdrawal; and
- (d) the right of appeal conferred by regulation 18 of these Regulations.

(7) Where the Secretary of State is minded to withdraw a registration of a pedigree breeding establishment, other breeding establishment or hatchery because of a contravention of, or failure to comply with, any provision mentioned in Schedule 1, the Secretary of State may (instead of withdrawing the registration) notify the operator that the Secretary of State is minded to withdraw the registration, and the reasons for this, and—

- (a) where the contravention of, or failure to comply with, any provision mentioned in Schedule 1 is continuing, the Secretary of State may ask the operator to take steps to ensure that that provision is complied with; and
- (b) the Secretary of State may give the operator an opportunity to provide oral or written explanations to the Secretary of State in respect of the matter.

(8) Where the Secretary of State gives a notice to an applicant under paragraph (4), or to an operator under paragraph (7), the Secretary of State must specify a deadline in the notice by which any action specified in the notice must be taken.

(9) Any deadline given by the Secretary of State under this regulation may be extended on one or more occasions.

(10) Any notice given by the Secretary of State under this regulation must be in writing.

(11) For the purposes of calculating the 28-day time limit specified in paragraph (2), time does not run during any period that the Secretary of State gives to an applicant to take any action specified in a notice under paragraph (4).

Derogation relating to the marking of eggs for hatching

6. Eggs for hatching may be marked in a different manner from that specified in Article 3(2) of Commission Regulation (EC) No 617/2008 if the marking of the eggs—

- (a) is in black, indelible, clearly visible and at least 10 mm² in area: and
- (b) is carried out prior to insertion into the incubator, either at the producer establishment or at a hatchery.

PART 3

Eggs in shell for consumption

Compliance with Community provisions

7. A person is guilty of an offence if they contravene, or fail to comply with, any provision mentioned in Schedule 2.

Authorisation of packing centres to grade eggs

8.—(1) The Secretary of State is designated as the competent authority for the purpose of the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008 (authorisation of undertakings as packing centres to grade eggs).

(2) Where an application is made to the Secretary of State under the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008 to authorise an undertaking as a packing centre to grade eggs, the Secretary of State must notify the applicant of the matters specified in paragraph (3) within 28 days.

(3) The matters are—

- (a) the Secretary of State's decision on the application;
- (b) the reasons for any refusal to grant an authorisation; and
- (c) in the case of any refusal to grant an authorisation, the right of appeal conferred by regulation 18 of these Regulations.

(4) Where the Secretary of State is not satisfied that an application should be granted, the Secretary of State may (instead of refusing the application) notify the applicant of the reason for this and—

- (a) where the Secretary of State is not satisfied with the sufficiency of the data provided in support of the application, the Secretary of State may ask the applicant to provide further data;
- (b) where the Secretary of State is not satisfied that the requirements mentioned in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008 that are relevant to the type of packing centre to be authorised have been met, the Secretary of State may ask the applicant to comply with any outstanding requirement; and
- (c) the Secretary of State may give the applicant an opportunity to provide oral or written explanations to the Secretary of State in respect of the application.

(5) Where the Secretary of State decides to withdraw an authorisation of a packing centre to grade eggs because of a failure to comply with any of the requirements mentioned in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008, the Secretary of State must notify the person carrying on business at the packing centre (“the operator”) of the matters specified in paragraph (6) within 28 days.

(6) The matters are—

- (a) the Secretary of State's decision to withdraw the authorisation;
- (b) the date on which the withdrawal of the authorisation is to take effect;
- (c) the reasons for the withdrawal; and
- (d) the right of appeal conferred by regulation 18 of these Regulations.

(7) Where the Secretary of State is minded to withdraw the authorisation of a packing centre to grade eggs because of a failure to comply with any of the requirements mentioned in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008, the Secretary of State may (instead of withdrawing the authorisation) notify the operator that the Secretary of State is minded to withdraw the authorisation, and the reasons for this, and—

- (a) where the failure to comply with any of the requirements mentioned in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008 is continuing, the Secretary of State may ask the operator to take steps to ensure that those requirements are met; and
- (b) the Secretary of State may give the operator an opportunity to provide oral or written explanations to the Secretary of State in respect of the matter.

(8) Where the Secretary of State gives a notice to an applicant under paragraph (4), or to an operator under paragraph (7), the Secretary of State must specify a deadline in the notice by which any action specified in the notice must be taken.

(9) Any deadline given by the Secretary of State under this regulation may be extended on one or more occasions.

(10) Any notice given by the Secretary of State under this regulation must be in writing.

(11) For the purposes of calculating the 28-day time limit specified in paragraph (2), time does not run during any period that the Secretary of State gives to an applicant to take any action specified in a notice under paragraph (4).

Derogations relating to the marking of eggs

9.—(1) The provision in the second sub-paragraph of point III(1) of Part A of Annex XIV to the Single CMO Regulation (requiring class B eggs to be marked) does not apply where class B eggs are to be marketed exclusively in the United Kingdom.

(2) The provision in the first sub-paragraph of point III(3) of Part A of Annex XIV to the Single CMO Regulation (requiring eggs sold by a producer to a final consumer in a local public market in the region of production to be marked in accordance with point III (1) of Part A of Annex XIV to the Council Regulation) does not apply in the case of a producer with up to 50 laying hens if the name and address of the producer are indicated at the point of sale.

Livestock grazing on open-air runs

10. For the purpose of point 1 of Annex II to Commission Regulation (EC) No 589/2008 (setting down the minimum requirements that need to be met in order for eggs to be marketed as free-range eggs), livestock grazing is authorised on open-air runs to which laying hens have access.

Derogation relating to free-range eggs

11.—(1) By way of derogation from the provisions of point 1 of Annex II to Commission Regulation (EC) No 589/2008, eggs to which paragraph (2) applies may be marketed as free-range eggs although they have been produced in a system of production that does not comply with any one or more of the conditions specified in paragraph (3).

(2) This paragraph applies to eggs produced in an establishment with fewer than 350 laying hens or rearing breeding laying hens at the time the eggs are produced.

(3) The following conditions of Article 4(1) of Council Directive 1999/74/EC are specified for the purpose of paragraph (1)—

- (a) the second sentence of point 1(d);
- (b) point 1(e);
- (c) point 2;
- (d) point 3(a)(i); and
- (e) point 3(b)(i).

Derogation relating to barn eggs

12.—(1) By way of derogation from the provisions of point 2 of Annex II to Commission Regulation (EC) No 589/2008, eggs to which paragraph (2) applies may be marketed as barn eggs although they have been produced in a system of production that does not comply with any one or more of the conditions specified in paragraph (3).

(2) This paragraph applies to eggs produced in an establishment with fewer than 350 laying hens or rearing breeding laying hens at the time the eggs are produced.

(3) The following conditions of Article 4(1) of Council Directive 1999/74/EC are specified for the purpose of paragraph (1)—

- (a) the second sentence of point 1(d);
- (b) point 1(e);
- (c) point 2;
- (d) point 3(a)(i); and
- (e) point 3(b)(i).

PART 4

Miscellaneous provisions

Powers of authorised officers

13.—(1) An authorised officer may direct any person to leave undisturbed, for so long as reasonably necessary for the purpose of any examination or investigation—

- (a) eggs;
- (b) eggs for hatching;
- (c) packs or other containers for eggs, eggs for hatching or chicks;
- (d) labels or documents relating to eggs, eggs for hatching or chicks; and
- (e) any premises on or in which any eggs, eggs for hatching or chicks, any packs or other containers for eggs, eggs for hatching or chicks, and any labels or documents relating to such eggs or chicks are found.

(2) If an examination or investigation will not be carried out immediately after a direction has been given under paragraph (1), an authorised officer may apply tape to the packs or other containers for eggs or eggs for hatching that are subject to that direction, or otherwise secure them pending the examination or investigation.

(3) An authorised officer may direct any person to ensure that any—

- (a) eggs;
- (b) eggs for hatching;
- (c) packs or other containers for eggs, eggs for hatching or chicks; or
- (d) labels or documents relating to eggs, eggs for hatching or chicks,

which do not comply in any one or more respects with the requirements of any one or more of the provisions mentioned in Schedule 1 (as regards eggs for hatching and chicks) or 2 (as regards

other eggs), comply with those requirements before being removed from any land, vehicle or trailer, except as may be otherwise directed in writing by an authorised officer.

(4) An authorised officer may seize any computer and associated equipment for the purpose of copying documents provided that they are returned as soon as practicable and, in any event, within 28 days.

(5) Where an authorised officer exercises the power under paragraph (4), the officer must notify the person in charge of the premises from which the equipment is seized of the right of appeal conferred by regulation 18.

(6) Except as stated in paragraph (3), any direction given by an authorised officer under paragraph (1) or (3) can be given orally or in writing but any direction given orally must be confirmed in writing as soon as practicable and, in any event, within 24 hours.

(7) An authorised officer must not exercise the powers under paragraphs (1) to (4) except on the production, if so required, of a duly authenticated document showing the officer's authority.

(8) A person is guilty of an offence if—

- (a) without reasonable excuse, the person fails to comply with any requirement imposed on them by a direction given by an authorised officer under paragraph (1);
- (b) unless authorised to do so, in writing, by an authorised officer, the person interferes with any packs or containers that have been secured by an authorised officer under paragraph (2); or
- (c) without reasonable excuse, the person fails to comply with any requirement imposed on them by a direction given by an authorised officer under paragraph (3).

(9) In this regulation "premises" includes any place and any vehicle, trailer, stall or moveable structure.

Record-keeping requirements

14.—(1) The Secretary of State may direct any person carrying on any activity regulated by a provision mentioned in Schedule 1 or 2 to comply with any of the requirements specified in paragraph (2).

(2) The requirements are—

- (a) to keep, or cause to be kept, such records as the Secretary of State may reasonably require for the purposes of enforcing any such provision;
- (b) to provide the Secretary of State with such information derived from such records as the Secretary of State may require by the times specified in the notice; and
- (c) to retain such records for such period as the Secretary of State may reasonably require.

(3) But the Secretary of State must not give a direction under paragraph (1) unless the records to which the direction relates are of a type that are normally kept in the course of a business by persons carrying on any activity regulated by a provision mentioned in Schedule 1 or 2 and—

- (a) the direction will be given on or before 1st January 2009 and the Secretary of State reasonably suspects that the person to whom the direction will be given has contravened, or failed to comply with any provision mentioned in Schedule 1 or 2 since the coming into force of these Regulations;
- (b) the direction will be given on or before 1st January 2009, the person to whom the direction will be given has been convicted of an offence under regulation 4 or 7 of these Regulations and the Secretary of State reasonably suspects that, since the conviction, that person—
 - (i) has continued to contravene, or fail to comply with, the provision mentioned in Schedule 1 or 2 to which that person's conviction relates; or
 - (ii) has contravened, or failed to comply with, some other provision mentioned in Schedule 1 or 2;

- (c) the direction will be given on or after 2nd January 2009 and the Secretary of State reasonably suspects that the person to whom the direction will be given has contravened, or failed to comply with, any provision mentioned in Schedule 1 or 2 within the six month period immediately before the direction is given; or
 - (d) the direction will be given on or after 2nd January 2009, the person to whom the direction will be given has been convicted of an offence under regulation 4 or 7 of these Regulations within the six month period immediately before the giving of the direction, and the Secretary of State reasonably suspects that, since the conviction, that person —
 - (i) has continued to contravene, or fail to comply with, the provision mentioned in Schedule 1 or 2 to which that person's conviction relates; or
 - (ii) has contravened, or failed to comply with, some other provision mentioned in Schedule 1 or 2.
- (4) Any direction given by the Secretary of State under paragraph (1) must be in writing.
- (5) A person is guilty of an offence if, without reasonable excuse, they fail to comply with any requirement imposed on them by a direction given by the Secretary of State under paragraph (1).

Obstruction

- 15.—**(1) A person is guilty of an offence if —
- (a) they intentionally obstruct an authorised officer acting in the execution of these Regulations;
 - (b) without reasonable excuse, they fail to give an authorised officer acting in the execution of these Regulations any assistance or information which that person may reasonably require of them for the performance of the authorised officer's functions under these Regulations;
 - (c) they give to an authorised officer acting in the execution of these Regulations any information which they know, or ought reasonably to know, to be false or misleading; or
 - (d) without reasonable excuse, they fail to produce a record when required to do so by an authorised officer acting in the execution of these Regulations.
- (2) Nothing in paragraph (1)(b) is to be construed as requiring any person to answer any question or give any information if to do so might incriminate them.

Enforcement

- 16.—**(1) Each food authority must—
- (a) enforce the provisions mentioned in Schedule 2, as read with regulation 7, insofar as they apply to—
 - (i) the retail sale of eggs within their area; and
 - (ii) the sale of eggs to a mass caterer in their area;
 - (b) enforce the provisions of regulation 13(8)—
 - (i) in the case of a direction given by an authorised officer who is authorised by the food authority; and
 - (ii) in the case of a pack or container secured by an authorised officer who is authorised by the food authority; and
 - (c) enforce the provisions of regulation 15(1)(a) to (d) in the case of an obstruction of an authorised officer who is authorised by the food authority.
- (2) The Secretary of State may enforce the provisions mentioned in Schedule 2, as read with regulation 7, insofar as they apply to the retail sale of eggs or the sale of eggs to a mass caterer.
- (3) The Secretary of State must—
- (a) enforce the provisions mentioned in Schedule 1, as read with regulation 4;

- (b) enforce the provisions mentioned in Schedule 2, as read with regulation 7, insofar as they do not apply to the retail sale of eggs or the sale of eggs to a mass caterer;
 - (c) enforce the provisions of regulation 13(8)—
 - (i) in the case of a direction given by an authorised officer who is authorised by the Secretary of State; and
 - (ii) in the case of a pack or container secured by an authorised officer who is authorised by the Secretary of State;
 - (d) enforce the provisions of regulation 14(5); and
 - (e) enforce the provisions of regulation 15(1)(a) to (d) in the case of an obstruction of an authorised officer who is authorised by the Secretary of State.
- (4) In this regulation—
- “retail sale” means any sale other than a sale for use or resale in the course of a trade or business; and
- “sale” includes possession for sale and offer, exposure and advertising for sale.

Duty to give assistance and provide information

17. Each enforcement authority must give such assistance and information to any other enforcement authority as that other authority may reasonably require for the purpose of their duties under these Regulations.

Appeals

18.—(1) Any person who is aggrieved by a decision specified in paragraph (2) may appeal against that decision to a magistrates’ court.

- (2) A specified decision for the purpose of paragraph (1) is—
- (a) a decision by the Secretary of State to refuse to register an establishment as a pedigree breeding establishment, other breeding establishment or hatchery under Article 2(1) of Commission Regulation (EC) No 617/2008, or to withdraw such a registration;
 - (b) a decision by the Secretary of State to refuse to authorise an undertaking as a packing centre to grade eggs under the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008, or to withdraw such an authorisation; and
 - (c) a decision by an authorised officer to seize any computer or associated equipment under regulation 13(4).

(3) Section 37(3), (5) and (6) of the Act has effect in relation to an appeal under this regulation as it has effect in relation to an appeal under that section, but with the omission—

- (a) in subsection (3), of the words “, or an appeal to such a court for which provision is made by regulations under Part II of this Act,”;
- (b) of subsection 5(b), and the word “or” immediately preceding it; and
- (c) in subsection (6)(a), of the words “or to the sheriff”.

(4) The withdrawal of an authorisation or registration referred to in paragraph (2) does not take effect until the time for appealing against it has expired, and, if an appeal is lodged, until the appeal is finally disposed of, withdrawn or struck out for want of prosecution.

Penalty

19. A person guilty of an offence specified in regulation 4, 7, 13(8), 14(5) or 15(1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Extended period for bringing prosecutions

20.—(1) Proceedings for an offence under these Regulations may be commenced within the period of one year from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor’s knowledge.

(2) But no such proceedings shall be commenced by virtue of paragraph (1) more than three years after the commission of the offence.

(3) For the purposes of this regulation—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in the prosecutor’s opinion to warrant the proceedings came to the prosecutor’s knowledge is conclusive evidence of that fact; and
- (b) a certificate stating that matter and purporting to be so signed is deemed to be so signed unless the contrary is proved.

Application of various provisions of the Act

21.—(1) The following provisions of the Act apply for the purposes of these Regulations with the modifications specified in paragraph (2)—

section 3 (presumptions that food intended for human consumption);

section 20 (offences due to fault of another person);

section 21(a) (defence of due diligence);

section 29 (procurement of samples);

section 30(8) (documentary evidence);

section 32(1) to (8) (b) (powers of entry);

section 36 (offences by bodies corporate);

section 36A(c) (offences by Scottish partnerships);

section 44 (protection of officers acting in good faith);

section 46(1) (expenses of authorised officers); and

section 50(d) (service of documents).

(2) The modifications are—

- (a) construe any reference in the provisions specified in paragraph (1) to the Act (or a Part of the Act) as a reference to these Regulations, and also, in relation to section 32(1)(a), construe the reference to “the provisions of this Act” as a reference to the provisions mentioned in Schedules 1 and 2;
- (b) construe any reference in the provisions specified in paragraph (1) to an authorised officer, or an officer of an enforcement authority or food authority, as a reference to an authorised officer as defined in regulation 3(1) of these Regulations;
- (c) in relation to section 20, construe the reference to the section as including a reference to that section as applied to these Regulations by paragraph (1);
- (d) in relation to section 21(2), replace the words “section 14 or 15 above” with the words “these Regulations”;
- (e) in relation to section 29—

(a) Section 21(2) was amended by S.I. 2004/3279.

(b) Section 32 was amended by paragraph 18 of Schedule 2 to the Criminal Justice and Police Act 2001 (c. 16).

(c) Section 36A was inserted by paragraphs 7 and 16 of Schedule 5 to the Food Standards Act 1999.

(d) Section 50 was amended by paragraph 18 of Schedule 16 to the Deregulation and Contracting Out Act 1994.

- (i) in paragraph (b)(ii), construe the reference to section 32 as including a reference to section 32 as applied to these Regulations by paragraph (1); and
- (ii) in paragraph (d), omit the words “or of regulations or order made under it”;
- (f) in relation to section 30(8)(a), omit the words “under subsection(6) above”;
- (g) in relation to section 32—
 - (i) in subsection(1)(a), omit the words “, or of regulations or orders made under it”;
 - (ii) in subsection (4), construe the reference to the section as including a reference to that section as applied to these Regulations by paragraph (1);
 - (iii) in subsection (5), construe the reference to the section as including a reference to that section as applied to these Regulations by paragraph (1) and construe the reference to “a food business” as including a hatchery;
 - (iv) in subsection (6)(a), omit the words “or of regulations or orders made under it”; and
 - (v) in subsection (7), construe the reference to the section as including a reference to that section as applied to these Regulations by paragraph (1); and
- (h) in relation to section 44, construe any reference to a food authority as a reference to an enforcement authority.

Transitional provision

22. Any written authority granted to any person to act in matters arising under or in relation to the Eggs (Marketing Standards) Regulations 1995(a) or the Eggs and Chicks (England) Regulations 2007 has effect as if it referred to these Regulations.

30th June 2008

Jeff Rooker
Minister of State
Department for Environment, Food and Rural Affairs

SCHEDULE 1

Regulation 4

COMMUNITY PROVISIONS RELATING TO EGGS FOR
HATCHING AND CHICKS CONTRAVENTION OF WHICH IS AN
OFFENCE

PART 1

PROVISIONS OF THE SINGLE CMO REGULATION

Column 1	Column 2	Column 3
Relevant provision of the Single CMO Regulation	Provisions to be read with the provisions of the Single CMO Regulation mentioned in column 1	Subject matter
Article 113(3) insofar as it relates to the marketing of eggs for hatching and chicks	Part C of Annex XIV to the Single CMO Regulation and Commission Regulation (EC)	Prohibition on the marketing of eggs for hatching and of chicks except in accordance

(a) S.I. 1995/1544, repealed by S.I. 2007/2245.

	No 617/2008	with the marketing standards laid down in Part C of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 617/2008.
Point II(1) of Part C of Annex XIV	Article 3(1) of Commission Regulation (EC) No 617/2008	Marking of eggs for hatching.
Point II(2) of Part C of Annex XIV	Article 3(4) and (5) of Commission Regulation (EC) No 617/2008	Transportation and packing of eggs for hatching.
Point II(3) of Part C of Annex XIV	Article 3(8) of Commission Regulation (EC) No 617/2008	Importation of packages of eggs for hatching from a third country.
Point III(1) of Part C of Annex XIV	Article 4(1) of Commission Regulation (EC) No 617/2008	Packing of chicks by species, type and category of poultry.
Point III(2) of Part C of Annex XIV	Article 4(2) of Commission Regulation (EC) No 617/2008	Content and marking of boxes of chicks.
Point III(3) of Part C of Annex XIV	Article 4(1) and (3) of Commission Regulation (EC) No 617/2008	Importation of chicks from a third country.

PART 2

PROVISIONS OF COMMISSION REGULATION (EC) NO 617/2008

Column 1	Column 2	Column 3
Relevant provision of Commission Regulation (EC) No 617/2008	Provisions to be read with the provisions of Commission Regulation (EC) No 617/2008 mentioned in column 1	Subject matter
Article 2(1)		Registration of pedigree breeding establishments, breeding establishments and hatcheries.
Article 3(1)	Article 3(2) and (3) of Commission Regulation (EC) No 617/2008	Individual marking of eggs for hatching.
Article 3(2)	Article 3(3) and (5) of Commission Regulation (EC) No 617/2008 and regulation 6	Marking of eggs for hatching at producer establishment.
Article 3(4)	Article 3(5) and (6) of, and Annex II to, Commission Regulation (EC) No 617/2008	Packing of eggs for hatching.
Article 3(6)	Article 3(4) and (5) of Commission Regulation (EC) No 617/2008	Distinguishing number of producer establishment on packs and containers in which eggs for hatching are transported.
Article 3(7)	Article 3(1), (2) and (3) of Commission Regulation (EC) No 617/2008 and regulation 6	Prohibition on transporting or trading eggs for hatching between Member States unless properly marked.
Article 3(8)		Importation of eggs for hatching.
Article 4(1)	Point III(1) of Part C of Annex	Packing of chicks by species,

	XIV to the Single CMO Regulation and Article 4(2) of Commission Regulation (EC) No 617/2008	type and category of poultry.
Article 4(2)	Point III(2) of Part C of Annex XIV to the Single CMO Regulation and Article 4(1) of Commission Regulation (EC) No 617/2008	Content and minimum marking requirement for packs containing chicks.
Article 4(3)	Point III(3) of Part C of Annex XIV to the Single CMO Regulation and Article 4(1) of Commission Regulation (EC) No 617/2008	Importation of chicks from third countries, including content and minimum marking requirement for packs containing such chicks.
Article 5(1)		Documentation that must accompany batches of eggs for hatching and chicks.
Article 5(2)	Article 5(1) of Commission Regulation (EC) No 617/2008	Special requirements as to information to be provided in the documentation that must accompany batches of eggs for hatching and chicks imported from a third country.
Article 6		Keeping of registers by hatcheries.
Article 7		Restriction on the use of eggs withdrawn from an incubator.
Article 8(1)		Obligation on hatcheries to provide monthly reports.

SCHEDULE 2

Regulation 7

COMMUNITY PROVISIONS RELATING TO EGGS IN SHELL FOR CONSUMPTION CONTRAVENTION OF WHICH IS AN OFFENCE

PART 1

PROVISIONS OF THE SINGLE CMO REGULATION

Column 1	Column 2	Column 3
Relevant provision of the Single CMO Regulation	Provisions to be read with the provisions of the Single CMO Regulation mentioned in column 1	Subject matter
Article 113(3) insofar as it relates to the marketing of eggs	Part A of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 589/2008	Prohibition on the marketing of eggs except in accordance with the marketing standards laid down in Part A of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 589/2008.
Point II(1) of Part A of Annex XIV	Article 2(1) and (4) of Commission Regulation (EC) No 589/2008	Quality grading.

Point II(2) of Part A of Annex XIV	Article 4(1) of Commission Regulation (EC) No 589/2008	Weight grading of class A eggs.
Point II(3) of Part A of Annex XIV		Prohibition on the delivery of class B eggs except to the food and non-food industry.
Point III(1) of Part A of Annex XIV, first sub-paragraph	Point III(3) of Part A of Annex XIV to the Single CMO Regulation and Articles 9(1) and 11 of Commission Regulation (EC) No 589/2008	Marking of class A eggs.
Point III(1) of Part A of Annex XIV, second sub-paragraph	Articles 9, 10 and 11 of Commission Regulation (EC) No 589/2008 and regulation 9(1)	Marking of class B eggs.
Point III(2) of Part A of Annex XIV	Point III(1) of Part A of Annex XIV to the Single CMO Regulation	Place at which eggs are marked.
Point III(3) of Part A of Annex XIV, first sub-paragraph	Point III(1) of Part A of Annex XIV and the second sub-paragraph of point III(3) of Part A of Annex XIV to the Single CMO Regulation and regulation 9(2)	Marking of eggs sold by a producer to the final consumer at a local public market.
Point IV(1) of Part A of Annex XIV, third sentence	Article 30(2) of Commission Regulation (EC) No 589/2008	Marking of eggs imported from a third country where the rules applied in relation to those eggs in the third country concerned have been found to offer sufficient guarantees as to equivalence with Community legislation.
Point IV(3) of Part A of Annex XIV	Article 30(2) of Commission Regulation (EC) No 589/2008	Marking of eggs imported from a third country where sufficient guarantees of equivalence of the rules relating to those eggs with Community legislation have not been provided.

PART 2

PROVISIONS OF COMMISSION REGULATION (EC) NO 589/2008

Column 1	Column 2	Column 3
Relevant provision of Commission Regulation (EC) No 589/2008	Provisions to be read with the provisions of Commission Regulation (EC) No 589/2008 mentioned in column 1	Subject matter
Article 2(1)	Point II(1) of Part A of Annex XIV, first indent, to the Single CMO Regulation	Quality characteristics of class A eggs.
Article 2(2)	Article 3 of Commission Regulation (EC) No 589/2008	Prohibition on the washing and cleaning of class A eggs before or after grading.
Article 2(3)		Prohibition on the treatment of

Article 2(4)	Point II(1) of Part A of Annex XIV, second indent, to the Single CMO Regulation	class A eggs for preservation, and the chilling of eggs, in premises or plants where the temperature is artificially maintained at less than 5°C. Quality characteristics of class B eggs.
Article 4(1)	Point II(2) of Part A of Annex XIV to the Single CMO Regulation and Article 4(3) of Commission Regulation (EC) No 589/2008	Grading of class A eggs by weight.
Article 4(2)	Article 4(1) of Commission Regulation (EC) No 589/2008 and Directive 2000/13/EC	Weight grading indications.
Article 4(3)	Article 4(1) of Commission Regulation (EC) No 589/2008	Minimum net weight in grams and the indication 'eggs of different sizes' or equivalent terms to be given on the outer surface of a pack of class A eggs of different sizes.
Article 5(1), first sub-paragraph		Grading and packing of eggs and the labelling of packs by packing centres.
Article 5(3)		Packing centres to have the technical equipment necessary to ensure that eggs are handled properly.
Article 6(1)		Eggs to be graded, marked and packed within 10 days of laying.
Article 6(2)	Article 14 of Commission Regulation (EC) No 589/2008	Class A eggs marketed as 'extra' or 'extra fresh' eggs to be graded, marked and packed within four days of laying.
Article 6(3)	Articles 12(1)(d) and 13 of Commission Regulation (EC) No 589/2008 and Article 9(2) of Directive 2000/13/EC	Packs to be marked with date of minimum durability at the time of packing.
Article 7(1), first sub-paragraph	Article 7(1), second sub-paragraph, of Commission Regulation (EC) No 589/2008	Producers to identify each transport packaging containing eggs with certain information.
Article 7(2), first sub-paragraph, first sentence	Article 7(1), and Article 7(2), second sub-paragraph, of Commission Regulation (EC) No 589/2008	Application of the information specified in Article 7(1) of Commission Regulation (EC) No 589/2008 to each transport packaging containing eggs, and the inclusion of that information in accompanying documents.
Article 7(2), first sub-paragraph, second sentence	Article 7(2), first sub-paragraph, first sentence, and second sub-paragraph, of Commission Regulation (EC) No 589/2008	Intervening operators to keep a copy of the documents specified in the first sentence of the first sub-paragraph of Article 7(2) of Commission

Article 7(2), first sub-paragraph, third sentence	Article 7(2), first sub-paragraph, first sentence, and second sub-paragraph, of Commission Regulation (EC) No 589/2008	Regulation (EC) No 589/2008. Original documents referred to in the first sentence of the first sub-paragraph of Article 7(2) of Commission Regulation (EC) No 589/2008 to be kept by the packing centre that grades the eggs to which the documents relate.
Article 7(3)	Article 7(1) of Commission Regulation (EC) No 589/2008	Prohibition on the modification or removal of the information referred to in Article 7(1) of Commission Regulation (EC) No 589/2008 on the transport packaging of eggs until the removal of the eggs for immediate grading, marking and packing.
Article 8(1)	Article 8(2) of Commission Regulation (EC) No 589/2008	Eggs delivered from a production site to a collector, packing centre or non-food industry in another Member State to be marked with the producer code before leaving the production site, except where an exemption has been granted under Article 8(2) of Commission Regulation (EC) No 589/2008.
Article 8(2), last sentence		A copy of the delivery contract to accompany a consignment of eggs for which an exemption has been granted under Article 8(2) of Commission Regulation (EC) No 589/2008.
Article 8(5)	Point III(1) of Part A of Annex XIV second sub-paragraph, of the Single CMO Regulation, and Article 10 of Commission Regulation (EC) No 589/2008	Marking of class B eggs for marketing in another Member State.
Article 9(1)	Point 2 of the Annex to Commission Directive 2002/4/EC(a) on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC	Producer code.
Article 10	Point III(1) of Part A of Annex XIV, second sub-paragraph, to the Single CMO Regulation	Indications on class B eggs.
Article 12(1)		Marking of packs of class A

(a) OJ No L 30, 31.1.2002, p 44, last amended by Commission Directive 2006/83/EC (OJ No L 362, 20.12.2006, p 97).

Article 12(2), first and second sub-paragraphs	Article 12(1) of, and Part A of Annex I, and Annex II, to Commission Regulation (EC) No 589/2008, Article 2 of Council Regulation (EEC) No 2092/91(a) on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs, and regulations 10, 11 and 12	eggs. Farming method to be shown on the outer surface of packs containing class A eggs.
Article 12(2), third sub-paragraph Article 12(2), fourth sub-paragraph	Article 9(1) of Commission Regulation (EC) No 589/2008 Part B of Annex I to Commission Regulation (EC) No 589/2008 and Chapter III of Council Directive 1999/74/EC	Producer code to be explained on or inside packs. Use of an indication listed in Part B of Annex I to Commission Regulation (EC) No 589/2008 (enriched cages).
Article 12(4)		Marking of packs of class B eggs.
Article 13	Article 3(1)(5) of Directive 2000/13/EC	Date of minimum durability.
Article 14(1)		Use of the words ‘extra’ and ‘extra fresh’ as an additional quality indication on packs containing class A eggs.
Article 14(2)	Article 14(1) of Commission Regulation (EC) No 589/2008	Laying date and the nine-day time limit specified in Article 14(1) of Commission Regulation (EC) No 589/2008 to be shown where the words ‘extra’ or ‘extra fresh’ are used as an additional quality indication on packs containing class A eggs.
Article 15		Reference to a cereal as a feed ingredient where an indication is given of how laying hens are fed.
Article 16		Information to be given for loose egg sales.
Article 17		Quality of packs.
Article 18		Packaging containers in which industrial eggs are marketed.
Article 19		Repacking of class A eggs.
Article 20(1)	Article 20(4) of Commission Regulation (EC) No 589/2008	Producer records on farming methods.
Article 20(2)	Articles 15 and 20(4) of Commission Regulation (EC) No 589/2008	Producer records on feed.

(a) OJ No L 198, 22.7.1991, p 1, last amended by Commission Regulation 404/2008 (OJ No L 120, 7.5.2008, p 8).

Article 20(3)	Article 20(1) and (2) of Commission Regulation (EC) No 589/2008	Information recorded by producers under Article 20(1) and (2) of Commission Regulation (EC) No 589/2008 to be broken down by hen house where a producer uses different farming methods on a single production site.
Article 21(1)	Article 21(2) of Commission Regulation (EC) No 589/2008	Collector records on eggs collected and delivered by them.
Article 22(1), first subparagraph Article 22(1), second subparagraph	Article 22(3) of Commission Regulation (EC) No 589/2008	Packing centre records. Updating of packing centres physical stock records each week.
Article 22(2)	Articles 15 and 22(1) and (3) of Commission Regulation (EC) No 589/2008	Packing centres to keep separate records where class A eggs and their packs bear an indication of how laying hens are fed.
Article 23	Articles 7(2), 20, 21 and 22 of Commission Regulation (EC) No 589/2008	Records and files referred to in Articles 7(2), 20, 21 and 22 of Commission Regulation (EC) No 589/2008 to be kept for at least 12 months from their date of creation.
Article 24(5)	Articles 20, 21 and 22 of Commission Regulation (EC) No 589/2008	Records referred to in Articles 20, 21 and 22 of Commission Regulation (EC) No 589/2008 to be made available to the inspection services on first request.
Article 30(2)		Eggs imported from third countries to have been clearly and legibly marked in the country of origin in accordance with the ISO 3166 country code.
Article 30(3)	Point IV(3) of Part A of Annex XIV to the Single CMO Regulation	Marking of packs containing eggs imported from a third country where sufficient guarantees of equivalence of the rules relating to those eggs with Community legislation have not been provided.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and remake, with modifications, the Eggs and Chicks (England) Regulations 2007 (S.I. 2007/2245) following the adoption of Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ No L 299, 16.11.2007, p 1) and two Commission Regulations adopted under that Regulation, Commission Regulation (EC) No 617/2008 (OJ No L 168, 28.6.2008, p 5) and Commission Regulation (EC) No 589/2008 (OJ No L 163, 24.6.2008, p 6).

The 2007 Regulations made provision for the enforcement of certain provisions of Regulation (EEC) No 2782/75 of the Council on the production and marketing of eggs for hatching and of farmyard poultry chicks (OJ No L 282, 1.11.1975, p 100), Commission Regulation (EEC) No 1868/77 laying down detailed rules of application for Regulation (EEC) No 2782/75 (OJ No L 209, 17.8.1977, p 1), Council Regulation (EC) No 1028/2006 on marketing standards for eggs (OJ No L 186, 7.7.2006, p 1), and Commission Regulation (EC) No 557/2007 introducing detailed rules for implementing Council Regulation (EC) No 1028/2006 (OJ No L 132, 24.5.2007, p 5).

Regulation (EEC) No 2782/75 and Council Regulation (EC) No 1028/2006 have been repealed by the Single CMO Regulation. Commission Regulation (EEC) No 1868/77 has been repealed by Commission Regulation (EC) No 617/2008 and Commission Regulation (EC) No 557/2007 has been repealed by Commission Regulation (EC) No 589/2008. As regards eggs for hatching and chicks and other eggs, the repealed EC Regulations have been replaced by certain provisions of the Single CMO Regulation, including those in Parts A and C of Annex XIV to the Regulation, and by Commission Regulations (EC) No 617/2008 (eggs for hatching and chicks) and 589/2008 (other eggs).

These Regulations make provision for the enforcement of certain provisions of the Single CMO Regulation insofar as they relate to eggs for hatching and farmyard poultry chicks and other eggs, as from time to time amended, Commission Regulation (EC) No 617/2008, as from time to time amended, and Commission Regulation (EC) No 589/2008 as adopted on 23rd June 2008.

The Regulations include provisions —

- (a) making the failure to comply with the provisions of the Single CMO Regulation and Commission Regulation (EC) No 617/2008 mentioned in Schedule 1 an offence (regulation 4);
- (b) relating to the registration of pedigree breeding establishments, other breeding establishments and hatcheries (regulation 5);
- (c) providing an exception from Article 3(2) of Commission Regulation (EC) No 617/2008 by allowing eggs for hatching to be marked in a different manner from that specified in that provision (regulation 6);
- (d) making the failure to comply with the provisions of the Single CMO Regulation and Commission Regulation (EC) No 589/2008 mentioned in Schedule 3 an offence (regulation 7);
- (e) relating to the authorisation of packing centres to grade eggs (regulation 8);
- (f) providing an exception from the provisions of points III(1) and (3) of Part A of Annex XIV to the Single CMO Regulation, as regards the marking of eggs for consumption (regulation 9);
- (g) varying the minimum requirements for the marketing of eggs as free-range eggs by authorising livestock grazing on open-air runs for hens producing such eggs (regulation 10);
- (h) providing an exception from the provisions of Commission Regulation (EC) No 589/2008, by allowing eggs to be marketed as free-range eggs although not all of the requirements laid down in that Regulation for free-range eggs are met (regulation 11);

- (i) providing an exception from the provisions of Commission Regulation (EC) No 589/2008, by allowing eggs to be marketed as barn eggs although not all of the requirements laid down in that Regulation for barn eggs are met (regulation 12);
- (j) providing a right of appeal against certain decisions of the Secretary of State and authorised officers (regulation 18); and
- (k) imposing a penalty for offences under the Regulations (regulation 19).

Similar provisions were included in the 2007 Regulations by reference to the provisions in the now revoked EC Regulations and these Regulations contain updated references to the equivalent provisions of the Single CMO Regulation and the two new Commission Regulations.

An impact assessment has not been prepared as this instrument has no impact on business, charities or the voluntary sector.

STATUTORY INSTRUMENTS

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The Eggs and Chicks (England) Regulations 2008

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