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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 98**

**The Eggs and Chicks Regulations (Northern Ireland) 2008**

**PART 3**

**Eggs in shell for consumption**

**Compliance with Community provisions**

6. A person is guilty of an offence if he contravenes, or fails to comply with, any provision mentioned in Schedule 3.

**Authorisation of packing centres to grade eggs**

7.—(1) The Department is designated as the competent authority for the purpose of Article 5(2) of Council Regulation (EC) No. 1028/2006 (authorisation of undertakings as packing centres to grade eggs) as read with Article 5 of Commission Regulation (EC) No. 557/2007.

(2) Where an application is made to the Department under Article 5(2) of Council Regulation (EC) No. 1028/2006 to authorise an undertaking as a packing centre to grade eggs<sup>(1)</sup>, the Department must notify the applicant of the matters specified in paragraph (3) within 28 days.

(3) The matters are—

- (a) the Department'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 17.

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

- (a) where the Department is not satisfied with the sufficiency of the data provided in support of the application, it may ask the applicant to provide further data;
- (b) where the Department is not satisfied that all of the requirements laid down in Article 5(2) of Council Regulation (EC) No. 1028/2006 and Article 5(3) of Commission Regulation (EC) No. 557/2007 that are relevant to the type of packing centre to be authorised have been met, it may ask the applicant to comply with any outstanding requirement; and
- (c) it may also give the applicant an opportunity to provide oral or written explanations to it in respect of the application.

(5) Where the Department decides to withdraw an authorisation of a packing centre to grade eggs because of a failure to comply with any of the requirements laid down in Article 5(2) of Council Regulation (EC) No. 1028/2006 or Article 5(3) of Commission Regulation (EC) No. 557/2007, it must notify the person carrying on business at the packing centre ("the operator") of the matters specified in paragraph (6) within 28 days.

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(1) See also Article 5 of Commission Regulation (EC) No. 557/2007

(6) The matters are—

- (a) the Department’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 17.

(7) Where the Department is minded to withdraw the authorisation of a packing centre to grade eggs because of a failure to comply with any of the requirements laid down in Article 5(2) of Council Regulation (EC) No. 1028/2006 or Article 5(3) of Commission Regulation (EC) No. 557/2007, it may (instead of withdrawing the authorisation) notify the operator that it is minded to withdraw the authorisation, and the reasons for this, and—

- (a) where the failure to comply with any of the requirements laid down in Article 5(2) of Council Regulation (EC) No. 1028/2006 or Article 5(3) of Commission Regulation (EC) No. 557/2007 is continuing, it may ask the operator to take steps to ensure that those requirements are met; and
- (b) it may give the operator an opportunity to provide oral or written explanations to it in respect of the matter.

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

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

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

(11) For the purposes of calculating the 28-day time limit specified in paragraph (2), the clock is stopped during any period that the Department gives to an applicant to take any action specified in a notice under paragraph (4).

### **Derogations relating to the marking of eggs**

**8.—**(1) The provisions in the second sub-paragraph of Article 4(1) of Council Regulation (EC) No. 1028/2006 (requiring class B eggs to be marked) shall not apply where class B eggs are to be marketed exclusively in the United Kingdom.

(2) The provisions in the first sub-paragraph of Article 4(3) of Council Regulation (EC) No. 1028/2006 (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 Article 4(1) of the Council Regulation) shall not apply where the producer has fewer than 50 laying hens if the name and address of the producer are indicated at the point of sale.

### **Livestock grazing on open-air runs**

**9.** For the purpose of point 1 of Annex II to Commission Regulation (EC) No. 557/2007 (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**

**10.—**(1) By way of derogation from the provisions of point 1 of Annex II to Commission Regulation (EC) No. 557/2007, 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**

**11.**—(1) By way of derogation from the provisions of point 2 of Annex II to [Commission Regulation \(EC\) No. 557/2007](#), 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).