

**EXECUTIVE NOTE**  
**THE EGGS AND CHICKS (SCOTLAND) (NO.2) REGULATIONS 2008**  
**(S.S.I. 2008/395)**

The above instrument was made in exercise of powers conferred by **section 2(2) of and paragraph 1A of Schedule 2 to, the European Communities Act 1972** and also under powers conferred by **sections 6(4), 16(1), 17, 26(2) and 3 and 48(1) of the Food Safety Act 1990**. The instrument is subject to negative resolution procedure.

**Policy Objectives**

This instrument revokes and remakes, with modifications, the Eggs and Chicks (Scotland) Regulations 2008 (S.S.I. 2008/129). It will amend references to European legislation, remove obsolete references and relax rules affecting the marketing standards of eggs.

**Background**

Intra-Community trade in eggs is governed by EC Regulations to ensure consistency within the common market. The Eggs and Chicks (Scotland) Regulations 2008 made provision for the enforcement of certain provisions of Regulations simplified and updated by a new EU Council Regulation (1028/2006) on the marketing standards for eggs for consumption. As well as updating references to EU legislation, the new regulations will introduce a derogation from the requirement to mark eggs going directly from farm to the food industry for processing following the introduction of Commission Regulation No. 598/2008. This can be done where the farm is situated within the same Member State as the food processor, where the farm is located in another Member State, or where a farm is situated in a Third Country.

The Eggs and Chicks (Scotland) Regulations 2008 refer to Council Regulation (EC) No. 2782/75 on the production and marketing of eggs for hatching and of farmyard poultry chicks, and to Council Regulation (EC) No. 1028/06 on certain marketing standards for eggs, both of which were repealed on 1 July 2008 by Council Regulation (EC) No. 1234/2007. This Regulation was the result of a programme of work during 2007 to consolidate 21 EU Regulations which set out the framework for the Common Market Organisation (CMO) into a single Regulation. The objective of the creation of the “Single CMO Regulation” was to streamline and simplify the legal framework, and increase transparency for stakeholders, without changing the underlying policies.

The Eggs and Chicks (Scotland) Regulations also refer to Commission Regulations (EC) No. 1868/1977, which has been replaced by Commission Regulation 617/2008, and No. 557/2007, which lay down detailed rules for the implementation of the Council Regulations which have been repealed and replaced with effect from 1 July 2008. The repealed EC Regulations have also been replaced by Commission Regulation (EC) No. 589/2008.

### **The Regulations include provisions which:-**

- Make failure to comply with the provisions of the Single CMO Regulation and Commission Regulation (EC) No. 617/2008 mentioned in Schedule 1 an offence;
- Relate to the registration of pedigree breeding establishments, other breeding establishments and hatcheries;
- Provide 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;
- Make 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;
- Relate to the authorisation of packing centres to grade eggs;
- Provide an exception from the provisions as regards the marking of eggs for consumption;
- Vary 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.

### **Regulations – Derogations**

The introduction of Commission Regulation No. 598/2008 allows the competent authority to grant derogations from the marking requirements for eggs going directly from a production site to the food industry for processing.

### **Ambulatory References**

Any future changes to the EU Regulations would be notified by way of update letters to individual stakeholders and other interested industry bodies.

### **Consultation**

The bodies listed in Annex A have been consulted during the preparation of the instrument.

### **Financial Effects**

The changes to the Eggs and Chicks Regulations should have no cost implications for the egg industry. For this reason a Regulatory Impact Assessment has not been prepared.

Scottish Government Rural Directorate  
November 2008

## ANNEX A

Advocates for Animal  
Aviagen  
British Egg Industry Council  
Convention of Scottish Local Authorities  
Crofters' Commission  
Glenrath Farms  
Independent Farming Group  
Noble Foods Ltd.  
NFU Scotland  
Royal Environmental Health Institute of Scotland  
Scottish Retail Consortium  
Scottish Consumer Council  
Scottish Crofting Foundation  
Scottish Egg Producers & Retailers Association  
Scottish Grocers' Federation  
Scottish Rural Property & Business Association  
Scottish Society for the Prevention of Cruelty to Animals  
2 Sisters (Letham)  
Vion

Scottish Conservative & Unionist Party  
Scottish National Party  
Scottish Labour Party  
Scottish Liberal Democrats