

EXECUTIVE NOTE

THE EGGS AND CHICKS (SCOTLAND) AMENDMENT REGULATIONS 2010 SSI 2010/450

Introduction

1. The Regulations are made in exercise of powers conferred upon Scottish Ministers by section 2(2) of the European Communities Act 1972 and sections 6(4), 16(1), 17, 26(3) and 48(1) of the Food Safety Act 1990. It is subject to negative resolution procedure.

2. Purpose of the instrument

2.1 The Instrument will:

- amend and expand the scope of the Eggs and Chicks (Scotland) (No 2) regulations 2008 (the principal Regulations).
- provide enforcement powers for the EU marketing obligations laid down in Regulation (EC) No 2160/2003 on the control of salmonella and other specified food-borne zoonotic agents. This EU Regulation lays down directly applicable requirements concerning the treatment and marketing of eggs from flocks of unknown health status i.e. flocks which are suspected or are infected with salmonella or which were identified as a source of infection in a specific human foodborne outbreak.
- make amendments relevant to the Food Labelling Regulations 1996 to ensure there is no ambiguity over s45 of those Regulations on enforcement.

3. Legislative Context

3.1 The Regulations are an amendment to the principal Regulations. The principal Regulations make provision for the enforcement of general EU requirements on eggs and chicks. The Regulations use the existing framework in the principal Regulations to enforce salmonella specific, treatment and marketing requirements on eggs from flocks of unknown health status.

3.2 The Regulations have been the subject of consultation with interested stakeholders as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Scottish Ministers have also had regard to relevant advice given by the Food Standards Agency.

4. Territory Extent and Application

4.1 This instrument applies to Scotland only.

4.2 Similar instruments have been laid in England, Wales and Northern Ireland.

5. Policy Background

5.1 The main objective of the Regulations is to amend and expand the scope of the principal Regulations to cover salmonella monitoring and controls on eggs intended for human consumption. The Regulations are complementary to the National Control Programme (NCP) for laying hens which is already in place and was required to be established by Regulation (EC)

No 2160/2003. The purpose of this amendment is to insert a schedule into the principal Regulations to provide Egg Marketing Inspectorate (EMI) enforcement powers to detain or order heat treatment for eggs originating from flocks with unknown health status that are suspected of being infected with salmonella or from infected flocks.

5.2 The Regulations will enforce Part D of Annex II of EC Regulation 2160/2003 on the control of salmonella and other specified food-borne zoonotic agents. Point 2 of Part D of Annex II of EC Regulation 2160/2003 states that the following eggs can only be used for human consumption if treated in a manner that guarantees the destruction of all salmonella serotypes with public health significance (i.e. pasteurization/heat treatment):

- (1) eggs originating from flocks with unknown health status that are suspected of being infected; or
- (2) eggs that are infected with salmonella serotypes for which a target for reduction has been set; or
- (3) eggs that have been identified as the source of infection in a specific foodborne outbreak.

5.3 The Regulations require that eggs from these three sources which are pasteurized or heat treated are considered as Class B eggs and marked with the appropriate indications in order to distinguish them from Class A eggs.

5.4 The NCP for laying flocks was implemented in the UK on the 1st February 2008. As part of the measures required to further reduce the risk to public health the NCP required that, from 1st January 2009, eggs in the three categories above that have been isolated cannot be sent for human consumption unless they are treated in a manner that will guarantee the elimination of Salmonella (i.e. pasteurisation/heat treatment).

5.5 The Regulations support the restrictions set out by the NCP and will allow eggs which have been restricted because of isolation of salmonella, but which can be used for human consumption following heat treatment, to be monitored as they are processed through the breaking plant and heat treatment processes. Breaking plants are premises for breaking eggs open and taking the content through a pasteurisation process.

6. Consultation outcome

6.1 The bodies listed in Annex A have been consulted during the preparation of the instrument. The consultation was also published on the SG website. We received no responses.

7. Financial Effects

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

8. Contact

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ANNEX A

Advocates for Animals
Aviagen
British Egg Industry Council
British Free Range Eggs Producer Association
Consumer Focus Scotland
Convention of Scottish Local Authorities
Crofters' Commission
Farmlay Eggs
Glenrath Farms
Independent Farming Group
NFU Scotland
Noble Foods Ltd
Royal Environmental Health Institute of Scotland
Scottish Crofting Federation
Scottish Egg Producers & Retailers Association
Scottish Grocers' Federation
Scottish Retail Consortium
Scottish Rural Property & Business Association
Scottish Society for the Prevention of Cruelty to Animals
Scottish Conservative & Unionist Party
Scottish Labour Party
Scottish Liberal Democrats
Scottish National Party