

## ANNEX II

**[<sup>F1</sup>Minimum requirements for systems of production for the various egg farming methods**

**Textual Amendments**

- F1** Substituted by [Commission Delegated Regulation \(EU\) 2017/2168 of 20 September 2017 amending Regulation \(EC\) No 589/2008 as regards marketing standards for free range eggs where hens' access to open air runs is restricted.](#)

1. [<sup>F2</sup>'Free-range eggs' must be produced in systems of production which satisfy at least the conditions specified in:

**Textual Amendments**

- F2** Words in [Annex 2 para. 1](#) substituted (31.12.2020) by [The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy \(Miscellaneous Amendments etc.\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/1422\), regs. 1, 4\(21\)\(a\)\(i\)](#) (as amended by [S.I. 2020/1453, regs. 1\(2\)\(b\), 14\(11\)\(a\)](#)); 2020 c. 1, Sch. 5 para. 1(1)

- (i) in England, Schedule 2 to the English welfare regulations;
- (iii) in Scotland, Part 5 of Schedule 3 to the Scottish welfare regulations;
- (iv) in Wales, Schedule 2 to the Welsh welfare regulations.]

In particular, the following conditions must be satisfied:

- (a) hens must have continuous daytime access to open-air runs. However, this requirement does not prevent a producer from restricting access for a limited period of time in the morning hours in accordance with usual good farming practice, including good animal husbandry practice.

Should measures adopted under [<sup>F3</sup>retained direct EU legislation] require access of hens to open-air runs to be restricted in order to protect public or animal health, eggs may be marketed as 'free-range' notwithstanding that restriction, provided that the laying hens have not had their access to open air runs restricted for a continuous period of more than 16 weeks. That maximum period shall start from the date on which the group of hens in question, put in place at the same time, actually had their access to open air runs restricted.

- (b) open-air runs to which hens have access must be mainly covered with vegetation and not be used for other purposes except for orchards, woodland and livestock grazing if the latter is authorised by the competent authorities;
- (c) the maximum stocking density of open-air runs must not be greater than 2 500 hens per hectare of ground available to the hens or one hen per 4 m<sup>2</sup> at all times. However, where at least 10 m<sup>2</sup> per hen is available and where rotation is practised and hens are given even access to the whole area over the flock's life, each paddock used must at any time assure at least 2,5 m<sup>2</sup> per hen;

*Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 589/2008, ANNEX II. (See end of Document for details)*

- (d) open-air runs must not extend beyond a radius of 150 m from the nearest pophole of the building. However, an extension of up to 350 m from the nearest pophole of the building is permissible provided that a sufficient number of shelters as referred to <sup>F4</sup>in:
  - (i) paragraph 7(b)(ii) of Schedule 2 to the English welfare regulations;
  - (iii) paragraph 19(b)(ii) of Schedule 3 to the Scottish welfare regulations;
  - (iv) paragraph 7(b)(ii) of Schedule 2 to the Welsh welfare regulations
 are evenly distributed throughout the whole open-air run with at least four shelters per hectare.]

**Textual Amendments**

**F3** Words in Annex 2 para. 1(a) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1422), regs. 1, **4(21)(a)(ii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)

**F4** Words in Annex 2 para. 1(d) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1422), regs. 1, **4(21)(a)(ii)(bb)** (as amended by S.I. 2020/1453, regs. 1(2)(b), **14(11)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

- 2. ‘Barn eggs’ must be produced in systems of production which satisfy at least the conditions specified <sup>F5</sup>in:
  - (a) in England, Schedule 2 to the English welfare regulations;
  - (c) in Scotland, Part 5 of Schedule 3 to the Scottish welfare regulations;
  - (d) in Wales, Schedule 2 to the Welsh welfare regulations.]

**Textual Amendments**

**F5** Words in Annex 2 para. 2 substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1422), regs. 1, **4(21)(b)** (as amended by S.I. 2020/1453, regs. 1(2)(b), **14(11)(c)**); 2020 c. 1, Sch. 5 para. 1(1)

- 3. ‘Eggs from caged hens’ must be produced in systems of production which satisfy at least:
  - (a) <sup>F6</sup>.....
  - (b) <sup>F7</sup>the conditions specified in—
    - (i) in England, Schedule 4 to the English welfare regulations;
    - (iii) in Scotland, Schedule 3 to the Scottish welfare regulations;
    - (iv) in Wales, Schedule 4 to the Welsh welfare regulations.]

---

**Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 589/2008, ANNEX II. (See end of Document for details)

---

**Textual Amendments**

- F6** Annex 2 para. 3(a) omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1422), regs. 1, **4(21)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Annex 2 para. 3(b) substituted (31.12.2020) by The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1422), regs. 1, **4(21)(c)(ii)** (as amended by S.I. 2020/1453, regs. 1(2)(b), **14(11)(d)**); 2020 c. 1, Sch. 5 para. 1(1)

4. **F8** .....]

**Textual Amendments**

- F8** Annex 2 para. 4 omitted (31.12.2020) by virtue of The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1422), regs. 1, **4(21)(d)**; 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Regulation (EC) No 589/2008, ANNEX II.