

Commission Regulation (EC) No 589/2008 of 23 June 2008
laying down detailed rules for implementing Council Regulation
(EC) No 1234/2007 as regards marketing standards for eggs

Article 1

Definitions

The definitions in Article 2(1) of Regulation (EC) No 852/2004 and points 5 and 7.3 of Annex I to Regulation (EC) No 853/2004 shall apply as appropriate.

In addition, the following definitions shall apply for the purpose of this Regulation:

- (a) ‘pack’ means a wrapping containing Class A or B eggs, excluding transport packaging and containers of industrial eggs;
- (b) ‘loose sales’ means the offer for retail sale of eggs to the final consumer, other than in packs;
- (c) ‘collector’ means any establishment registered in accordance with Article 6 of Regulation (EC) No 852/2004 to collect eggs from a producer for delivery to a packing centre, to a market selling exclusively to wholesalers whose undertakings are approved as packing centres, or to the food or non-food industry;
- (d) ‘sell-by date’ means the maximum time limit for delivery of the egg to the final consumer according to point 3 of Chapter I of Section X of Annex III to Regulation (EC) No 853/2004;
- (e) ‘food industry’ means any establishment producing egg products intended for human consumption, excluding mass caterers;
- (f) ‘non-food industry’ means any business producing products containing eggs not intended for human consumption;
- (g) ‘mass caterers’ means the entities referred to in [F1 Article 2(2)(d) of Regulation (EU) No 1169/2011];
- (h) ‘industrial eggs’ means eggs not intended for human consumption;
- (i) [F2 ‘batch’ means the eggs in packs or loose from one and the same production site or packing centre, situated in one place, with one and the same laying date or date of minimum durability or packing date, the same farming method and, in case of graded eggs, the same quality and weight grading;]
- (j) ‘repacking’ means the physical transfer of eggs to another pack or the re-marking of a pack containing eggs;
- (k) ‘eggs’ means eggs in shell — other than broken, incubated or cooked eggs — that are produced by hens of the species *Gallus gallus* and are fit for direct human consumption or for the preparation of egg products;
- (l) ‘broken eggs’ means eggs showing breaks of both the shell and the membranes, resulting in the exposure of their contents;
- (m) ‘incubated eggs’ means eggs from the time of insertion in the incubator onwards;

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 589/2008, Article 1. (See end of Document for details)

- (n) 'marketing' means holding eggs for the purpose of sale, including offering for sale, storage, packing, labelling, delivery, or any other form of transfer, whether free of charge or not;
- (o) 'operator' means a producer and any other natural or legal person involved in the marketing of eggs;
- (p) [^{F3}'production site' means an establishment keeping laying hens, registered in accordance with:
 - (i) in England, the Registration of Establishments (Laying Hens) (England) Regulations 2003
 - (iii) in Scotland, the Registration of Establishments Keeping Laying Hens (Scotland) Regulations 2003,
 - (iv) in Wales, the Registration of Establishments (Laying Hens) (Wales) Regulations 2004;]
- (q) 'packing centre' means a packing centre within the meaning of Regulation (EC) No 853/2004 that is authorised according to Article 5(2) of this Regulation and where eggs are graded by quality and weight;
- (r) 'final consumer' means the ultimate consumer of a foodstuff who will not use the food as part of any food business operation or activity;
- (s) [^{F4}'producer code' means the distinguishing number allocated to the production site in accordance with the legislation applying in the relevant constituent nation.]
- (t) [^{F5}'third country' means any country or territory other than—
 - (i) the United Kingdom,
 - (ii) the Bailiwick of Guernsey,
 - (iii) the Bailiwick of Jersey, or
 - (iv) the Isle of Man.]
- (u) [^{F6}'relevant authority' means:
 - (i) in relation to England, the Secretary of State;
 - (iii) in relation to Scotland, the Scottish Ministers;
 - (iv) in relation to Wales, the Welsh Ministers;
- (v) 'the English welfare regulations' means the Welfare of Farmed Animals (England) Regulations 2007
- (x) 'the Scottish welfare regulations' means the Welfare of Farmed Animals (Scotland) Regulations 2010
- (y) 'the Welsh welfare regulations' means the Welfare of Farmed Animals (Wales) Regulations 2007
- (z) 'constituent nation' means England, Wales, or Scotland, as the case may be.]

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Textual Amendments

- F1** Words in Art. 1(g) 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(2)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Substituted by Commission Implementing Regulation (EU) No 458/2013 of 16 May 2013 correcting Regulation (EC) No 589/2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs.
- F3** Art. 1(p) 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(2)(a)(ii)** (as amended by S.I. 2020/1453, regs. 1(2)(b), **14(6)(a)**); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 1(s) 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(2)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 1(t) inserted (31.12.2020) by The Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/1402), regs. 1(3), **3(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Arts. 1(u)-(z) inserted (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(2)(a)(iv)** (as amended by S.I. 2020/1453, regs. 1(2)(b), **14(6)(b)**); 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, Article 1.