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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which only extend to Scotland, revoke and replace, with modifications, the Eggs (Marketing Standards) (Enforcement) (Scotland) Regulations 2005 (“the 2005 Regulations”).

The 2005 Regulations made provision for the enforcement of certain provisions of Regulation (EEC) No. 2782/75 of the Council on the production and marketing of eggs for hatching and of farmyard poultry chicks and Commission Regulation (EEC) No 1868/77 laying down detailed rules of application for Regulation (EEC) No. 2782/75.

The 2005 Regulations also made provision for the enforcement of certain provisions of Council Regulation (EEC) No. 1907/90 (O.J. No. L 173, 6.7.1990, p.5) on certain marketing standards for eggs and Commission Regulation (EC) No. 2295/2003 introducing detailed rules for implementing Council Regulation (EEC) No. 1907/90 (O.J. No. L 340, 24.12.2003, p.16).

Council Regulation (EEC) No. 1907/90 and Commission Regulation (EC) No. 2295/2003 have been revoked and replaced by Council Regulation (EC) No. 1028/2006 and Commission Regulation (EC) No. 557/2007.

These Regulations therefore make provision for the enforcement or continued enforcement of certain provisions of Council Regulation (EEC) No. 2782/75, Commission Regulation (EEC) No. 1868/77 as from time to time amended, Council Regulation (EC) No. 1028/2006 as from time to time amended, and Commission Regulation (EC) No. 557/2007 as from time to time amended.

These Regulations include provisions—

- (a) making the failure to comply with the provisions of Council Regulation (EEC) No. 2782/75 and Commission Regulation (EEC) No. 1868/77 mentioned in Schedule 1 an offence (regulation 4);
- (b) relating to the registration of pedigree breeding establishments, breeding establishments and hatcheries (regulation 5);
- (c) derogating from Article 2(1) of Commission Regulation (EEC) No. 1868/77 by allowing eggs for hatching to be marked in a different manner from that specified in that provision (regulation 6);
- (d) making the failure to comply with the provisions of Council Regulation (EC) No. 1028/2006 and Commission Regulation (EC) No. 557/2007 mentioned in Schedule 2 an offence (regulation 7);
- (e) relating to the authorisation of packing centres to grade eggs (regulation 8);
- (f) derogating from the provisions of Council Regulation (EC) No. 1028/2006, as regards the marking of eggs for consumption (regulation 9);
- (g) varying 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 (regulation 10);
- (h) derogating from the provisions of Commission Regulation (EC) No. 557/2007, by allowing eggs to be marketed as free range eggs although not all of the requirements laid down in that Regulation for free range eggs are met (regulation 11);

**Status:** This is the original version (as it was originally made).

- (i) derogating from the provisions of Commission Regulation (EC) No. 557/2007, by allowing eggs to be marketed as barn eggs although not all of the requirements laid down in that Regulation for barn eggs are met (regulation 12);
- (j) providing a right of appeal against certain decisions of the Scottish Ministers (regulation 17); and
- (k) creating a penalty for offences under the Regulations (regulation 18).

A Regulatory Impact Assessment has been prepared for these Regulations. A copy has been placed in the Scottish Parliament Reference Centre. Copies can be obtained from the offices of the Scottish Government Environment and Rural Affairs Department at Pentland House, 47 Robb's Loan, Edinburgh, EH14 1TY.