
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Eggs and Chicks (Wales) Regulations 2009 (S.I.2009/793).

As in the 2009 Regulations, they make provision for the enforcement and execution of directly applicable EU marketing standards relating to eggs for hatching and farmyard poultry chicks and directly applicable EU marketing standards relating to eggs in shell for consumption. They also make new provision for the enforcement of directly applicable EU controls for Salmonella serotypes with public health significance in relation to the marketing and use of eggs in shell for human consumption.

As regards the EU marketing standards relating to eggs for hatching and chicks, these Regulations—

- (a) make the failure to comply with the provisions of Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ No L 299, 16.11.2007, p. 1) and Commission Regulation (EC) No 617/2008 (OJ No L 168, 28.6.2008, p. 5) mentioned in Schedule 1 an offence (regulation 5);
- (b) include provisions relating to the registration of pedigree breeding establishments, other breeding establishments and hatcheries (regulation 6); and
- (c) 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 mentioned in that provision (regulation 7).

As regards the directly applicable EU marketing standards relating to eggs in shell for consumption, these Regulations—

- (a) make the failure to comply with the provisions of the Single CMO Regulation and Commission Regulation (EC) No 589/2008 (OJ No L 163, 24.6.2008, p 6) mentioned in Schedule 2 an offence (regulation 9);
- (b) include provisions relating to the authorisation of packing centres to grade eggs (regulation 10);
- (c) provide an exception from the provisions of points III(1) and (3) of Part A of Annex XIV to the Single CMO Regulation, as regards the marking of eggs for consumption (regulation 11);
- (d) 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 (regulation 12);
- (e) provide an exception from the provisions of Commission Regulation (EC) No 589/2008, 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 13); and
- (f) provide an exception from the provisions of Commission Regulation (EC) No 589/2008, 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 14).

As regards the new Salmonella related controls, the Regulations include a provision making the failure to comply with the provisions of Regulation (EC) No 2160/2003 (OJ No L 325, 12.12.2003,

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

p. 1) of the European Parliament and of the Council on the control of Salmonella and other specified food-borne zoonotic agents mentioned in Schedule 3 an offence (regulation 16).

These Regulations also provide for food authorities and the Welsh Ministers to enforce the Regulations (regulation 17) and impose a duty on enforcement authorities to give assistance and information to each other (regulation 18). They confer powers of entry (regulation 19) and other powers (regulation 20), including seizure and destruction powers. They require certain procedures to be followed in the event of any exercise of the seizure powers (regulation 21). They provide for the issue of compliance notices (regulation 22) and provide for appeals against certain decisions of the Welsh Ministers and enforcement authorities (regulation 23). They enable the Welsh Ministers to impose additional record-keeping requirements (regulation 24). They provide for the publication of cases where seized items have been destroyed and cases in which Compliance notices have been given (regulation 25).

They make obstruction an offence (regulation 26) and provide for the punishment of criminal offences (regulation 27). They contain provisions extending the period during which a prosecution may be brought (regulation 28) and relating to offences committed by a body corporate, unincorporated body or partnership (regulation 29).

They also create a scheme for the issuing and payment of penalty notices for an offence under regulation 16, more particularly provisions relating to the giving of a penalty notice (regulation 30); the content of such a notice (regulation 31); the amount of a penalty payable under a penalty notice (regulation 32 and Schedule 4); the period in which a penalty must be paid and the effect of paying a penalty (regulation 33); the method of paying a penalty (regulation 34); the issue of a certificate relating to the payment or non-payment of a penalty (regulation 35); the payment of penalties into the Welsh Consolidated Fund (regulation 36); and the withdrawal of a penalty notice (regulation 37).

They also contain provisions relating to the giving of notices under the Regulations (regulation 38). They apply various provisions of the Food Safety Act 1990 ([1990 c. 16](#)) to the Regulations (regulation 39) and make a transitional provision (regulation 40).

A full regulatory impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is available at www.wales.gov.uk or from Office of the Chief Veterinary Officer, Welsh Assembly Government, Government Buildings, Cathays Park, Cardiff, CF10 3NQ.