

SCHEDULE 1

Regulation 4

COMMUNITY PROVISIONS RELATING TO EGGS FOR HATCHING
AND CHICKS CONTRAVENTION OF WHICH IS AN OFFENCE

PART 1

PROVISIONS OF THE SINGLE CMO REGULATION

Column 1	Column 2	Column 3
Relevant provision of the Single CMO Regulation	Provisions to be read with the provisions of the Single CMO Regulation mentioned in column 1	Subject matter
Article 113(3) insofar as it relates to the marketing of eggs for hatching and chicks	Part C of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No. 617/2008	Prohibition on the marketing of eggs for hatching and of chicks except in accordance with the marketing standards laid down in Part C of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No. 617/2008.
Point II(1) of Part C of Annex XIV	Article 3(1) of Commission Regulation (EC) No. 617/2008	Marking of eggs for hatching.
Point II(2) of Part C of Annex XIV	Article 3(4) and (5) of Commission Regulation (EC) No. 617/2008	Transportation and packing of eggs for hatching.
Point II(3) of Part C of Annex XIV	Article 3(8) of Commission Regulation (EC) No. 617/2008	Packages of eggs for hatching imported from a third country.
Point III(1) of Part C of Annex XIV	Article 4(1) of Commission Regulation (EC) No. 617/2008	Packing of chicks by species, type and category of poultry.
Point III(2) of Part C of Annex XIV	Article 4(2) of Commission Regulation (EC) No. 617/2008	Content and marking of boxes of chicks.
Point III(3) of Part C of Annex XIV	Article 4(1) and (3) of Commission Regulation (EC) No. 617/2008	Importation of chicks from a third country.

PART 2

PROVISIONS OF COMMISSION REGULATION (EC) NO. 617/2008

Column 1	Column 2	Column 3
Relevant provision of Commission Regulation (EC) No. 617/2008	Provisions to be read with the provisions of Commission Regulation (EC) No. 617/2008 mentioned in column 1	Subject matter

Status: This is the original version (as it was originally made).

Column 1	Column 2	Column 3
Article 2(1)		Registration of pedigree breeding establishments, breeding establishments and hatcheries.
Article 3(1)	Article 3(2) and (3) of Commission Regulation (EC) No. 617/2008	Individual marking of eggs for hatching.
Article 3(2)	Article 3(3) and (5) of Commission Regulation (EC) No. 617/2008 and regulation 6	Marking of eggs for hatching at producer establishment.
Article 3(4)	Article 3(5) and (6) of, and Annex II to, Commission Regulation (EC) No. 617/2008	Packing of eggs for hatching.
Article 3(6)	Article 3(4) and (5) of Commission Regulation (EC) No. 617/2008	Distinguishing number of producer establishment on packs and containers in which eggs for hatching are transported.
Article 3(7)	Article 3(1), (2) and (3) of Commission Regulation (EC) No. 617/2008 and regulation 6	Prohibition on transporting or trading eggs for hatching between Member States unless properly marked.
Article 3(8)		Importation of eggs for hatching.
Article 4(1)	Point III(1) of Part C of Annex XIV to the Single CMO Regulation and Article 4(2) of Commission Regulation (EC) No. 617/2008	Packing of chicks by species, type and category of poultry.
Article 4(2)	Point III(2) of Part C of Annex XIV to the Single CMO Regulation and Article 4(1) of Commission Regulation (EC) No. 617/2008	Content and minimum marking requirement for packs containing chicks.
Article 4(3)	Point III(3) of Part C of Annex XIV to the Single CMO Regulation and Article 4(1) of Commission Regulation (EC) No. 617/2008	Importation of chicks from third countries, including content and minimum marking requirement for packs containing such chicks.
Article 5(1)		Documentation that must accompany batches of eggs for hatching and chicks.
Article 5(2)	Article 5(1) of Commission Regulation (EC) No. 617/2008	Name of country of origin to be provided in the documentation that must accompany batches of eggs for

Column 1	Column 2	Column 3
Article 6		hatching and chicks imported from a third country.
Article 7		Keeping of records by hatcheries.
Article 8(1)		Restriction on the use of eggs withdrawn from an incubator.
		Obligation on hatcheries to provide monthly reports.

SCHEDULE 2

Regulation 7

COMMUNITY PROVISIONS RELATING TO EGGS IN SHELL FOR
CONSUMPTION CONTRAVENTION OF WHICH IS AN OFFENCE

PART 1

PROVISIONS OF THE SINGLE CMO REGULATION

Column 1	Column 2	Column 3
Relevant provision of the Single CMO Regulation	Provisions to be read with the provisions of the Single CMO Regulation mentioned in column 1	Subject matter
Article 113(3) insofar as it relates to the marketing of eggs	Part A of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No. 589/2008	Prohibition on the marketing of eggs except in accordance with the marketing standards laid down in Part A of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No. 589/2008.
Point II(1) of Part A of Annex XIV	Article 2(1) and (4) of Commission Regulation (EC) No. 589/2008	Grading of eggs as class A ("fresh") or class B.
Point II(2) of Part A of Annex XIV	Article 4(1) of Commission Regulation (EC) No. 589/2008	Weight grading of class A eggs.
Point II(3) of Part A of Annex XIV		Prohibition on the delivery of class B eggs except to the food and non food industry.
Point III(1) of Part A of Annex XIV, first sub paragraph	Point III(3) of Part A of Annex XIV to the Single CMO Regulation and Articles 9(1) and 11 of Commission Regulation (EC) No. 589/2008	Marking of class A eggs.

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Column 1	Column 2	Column 3
Point III(1) of Part A of Annex XIV, second sub-paragraph	Articles 9, 10 and 11 of Commission Regulation (EC) No. 589/2008 and regulation 9(1)	Marking of class B eggs.
Point III(2) of Part A of Annex XIV	Point III(1) of Part A of Annex XIV to the Single CMO Regulation	Place at which eggs are marked.
Point III(3) of Part A of Annex XIV, first sub paragraph	Point III(1) of Part A of Annex XIV and the second sub-paragraph of point III(3) of Part A of Annex XIV to the Single CMO Regulation and regulation 9(2)	Marking of eggs sold by a producer to the final consumer at a local public market.
Point IV(1) of Part A of Annex XIV, third sentence	Article 30(2) of Commission Regulation (EC) No. 589/2008	Marking of eggs imported from a third country where the rules applied in relation to those eggs in that country have been found to offer sufficient guarantees as to equivalence with Community legislation.
Point IV(3) of Part A of Annex XIV	Articles 11, 30(2) and (3) of Commission Regulation (EC) No. 589/2008	Marking of eggs and packs imported from a third country where sufficient guarantees of equivalence of the rules relating to those eggs with Community legislation have not been provided.

PART 2

PROVISIONS OF COMMISSION REGULATION (EC) NO. 589/2008

Column 1	Column 2	Column 3
Relevant provision of Commission Regulation (EC) No. 589/2008	Provisions to be read with the provisions of Commission Regulation (EC) No. 589/2008 mentioned in column 1	Subject matter
Article 2(1)	Point II(1) of Part A of Annex XIV, first indent, to the Single CMO Regulation	Quality characteristics of class A eggs.
Article 2(2)	Article 3 of Commission Regulation (EC) No. 589/2008	Prohibition on the washing and cleaning of class A eggs before or after grading.
Article 2(3)		Prohibition on the treatment of class A eggs for preservation, and the chilling of eggs, in

Column 1	Column 2	Column 3
		premises or plants where the temperature is artificially maintained at less than 5°C.
Article 2(4)	Point II(1) of Part A of Annex XIV, second indent, to the Single CMO Regulation	Quality characteristics of class B eggs.
Article 4(1)	Point II(2) of Part A of Annex XIV to the Single CMO Regulation and Article 4(3) of Commission Regulation (EC) No. 589/2008	Grading of class A eggs by weight.
Article 4(2)	Article 4(1) of Commission Regulation (EC) No. 589/2008 and Directive 2000/13/EC	Weight grading indications.
Article 4(3)	Article 4(1) of Commission Regulation (EC) No. 589/2008	Minimum net weight in grams and the indication ‘eggs of different sizes’ or equivalent terms to be given on the outer surface of a pack of class A eggs of different sizes.
Article 5(1), first sub paragraph		Grading and packing of eggs and the labelling of packs by packing centres.
Article 5(3)		Packing centres to have the technical equipment necessary to ensure that eggs are handled properly.
Article 6(1)		Eggs to be graded, marked and packed within 10 days of laying.
Article 6(2)	Article 14 of Commission Regulation (EC) No. 589/2008	Class A eggs marketed as ‘extra’ or ‘extra fresh’ eggs to be graded, marked and packed within four days of laying.
Article 6(3)	Articles 12(1)(d) and 13 of Commission Regulation (EC) No. 589/2008 and Article 9(2) of Directive 2000/13/EC	Packs to be marked with date of minimum durability at the time of packing.
Article 7(1), first sub paragraph	Article 7(1), second sub paragraph, of Commission Regulation (EC) No. 589/2008	Producers to identify each transport packaging containing eggs with information specified in paragraphs (a) to (e) of Article 7(1) of Commission Regulation (EC) No. 589/2008.

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Column 1	Column 2	Column 3
Article 7(2), first sub paragraph, first sentence	Article 7(1), and Article 7(2), second sub-paragraph, of Commission Regulation (EC) No. 589/2008	Application of the information specified in Article 7(1) of Commission Regulation (EC) No. 589/2008 to each transport packaging containing eggs, and the inclusion of that information in accompanying documents.
Article 7(2), first sub-paragraph, second sentence	Article 7(2), first sub paragraph, first sentence, and second sub-paragraph, of Commission Regulation (EC) No. 589/2008	Intervening operators to keep a copy of the documents specified in the first sentence of the first sub paragraph of Article 7(2) of Commission Regulation (EC) No. 589/2008.
Article 7(2), first sub paragraph, third sentence	Article 7(2), first sub paragraph, first sentence, and second sub-paragraph, of Commission Regulation (EC) No. 589/2008	Original documents referred to in the first sentence of the first sub-paragraph of Article 7(2) of Commission Regulation (EC) No. 589/2008 to be kept by the packing centre that grades the eggs to which the documents relate.
Article 7(3)	Article 7(1) of Commission Regulation (EC) No. 589/2008	Prohibition on the modification or removal of the information referred to in Article 7(1) of Commission Regulation (EC) No. 589/2008 on the transport packaging of eggs until the removal of the eggs for immediate grading, marking and packing.
Article 8(1)	Article 8(2) and (3) of Commission Regulation (EC) No. 589/2008	Eggs delivered from a production site to a collector, packing centre or non-food industry in another Member State to be marked with the producer code before leaving the production site, except where an exemption has been granted under Article 8(2) of Commission Regulation (EC) No. 589/2008.
Article 8(2), last sentence		A copy of the delivery contract to accompany a consignment of eggs for which an exemption has been granted under Article 8(2) of Commission Regulation (EC) No. 589/2008.

Column 1	Column 2	Column 3
Article 8(5)	Point III(1) of Part A of Annex XIV second sub-paragraph, of the Single CMO Regulation, and Article 10 of Commission Regulation (EC) No. 589/2008	Marking of class B eggs for marketing in another Member State.
Article 9(1)	Point 2 of the Annex to Commission Directive 2002/4/EC(1) on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC	Producer code.
Article 10	Point III(1) of Part A of Annex XIV, second sub-paragraph, to the Single CMO Regulation	Indications on class B eggs.
Article 12(1)		Marking of packs of class A eggs.
Article 12(2), first and second sub paragraphs	Article 12(1) of, and Part A of Annex I, and Annex II, to Commission Regulation (EC) No. 589/2008, Article 2 of Council Regulation (EEC) No. 2092/91(2) on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs, and regulations 10, 11 and 12	Farming method to be shown on the outer surface of packs containing class A eggs.
Article 12(2), third sub paragraph	Article 9(1) of Commission Regulation (EC) No. 589/2008	Producer code to be explained on or inside packs.
Article 12(2), fourth sub paragraph	Part B of Annex I to Commission Regulation (EC) No. 589/2008 and Chapter III of Council Directive 1999/74/EC	Use of an indication listed in Part B of Annex I to Commission Regulation (EC) No. 589/2008 (enriched cages).
Article 12(4)		Marking of packs of class B eggs.
Article 13	Article 3(1)(5) of Directive 2000/13/EC	Date of minimum durability to be no later than 28 days after laying.
Article 14(1)		Use of the words 'extra' and 'extra fresh' as an additional

(1) O.J. No. L 30, 31.1.2002, p.44. The Directive was amended by Commission Directive 2006/83/EC (O.J. No. L 362, 20.12.2006, p.97).

(2) O.J. No. L 198, 22.7.1991, p.1. The Regulation was last amended by Commission Regulation 404/2008 (O.J. No. L 120, 7.5.2008, p.8).

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Column 1	Column 2	Column 3
		quality indication on packs containing class A eggs.
Article 14(2)	Article 14(1) of Commission Regulation (EC) No. 589/2008	Laying date and the nine-day time limit specified in Article 14(1) of Commission Regulation (EC) No. 589/2008 to be shown where the words ‘extra’ or ‘extra fresh’ are used as an additional quality indication on packs containing class A eggs.
Article 15		Reference to a cereal as a feed ingredient where an indication is given of how laying hens are fed.
Article 16		Information to be given for loose egg sales.
Article 17	Chapter X of Annex 11 to Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs ⁽³⁾	Quality of packs.
Article 18		Packaging containers in which industrial eggs are marketed.
Article 19		Repacking of class A eggs.
Article 20(1)	Article 20(4) of Commission Regulation (EC) No. 589/2008	Producer records on farming methods.
Article 20(2)	Articles 15 and 20(4) of Commission Regulation (EC) No. 589/2008	Producer records on feed.
Article 20(3)	Article 20(1) and (2) of Commission Regulation (EC) No. 589/2008	Information recorded by producers under Article 20(1) and (2) of Commission Regulation (EC) No. 589/2008 to be broken down by hen house where a producer uses different farming methods on a single production site.
Article 21(1)	Article 21(2) of Commission Regulation (EC) No. 589/2008	Collector records on eggs collected and delivered by them.
Article 22(1), first sub paragraph	Article 22(3) of Commission Regulation (EC) No. 589/2008	Packing centre records.

⁽³⁾ O.J. L 139, 30.4.2004, p.1.

Column 1	Column 2	Column 3
Article 22(1), second sub paragraph		Updating of packing centres physical stock records each week.
Article 22(2)	Articles 15 and 22(1) and (3) of Commission Regulation (EC) No. 589/2008	Packing centres to keep separate records where class A eggs and their packs bear an indication of how laying hens are fed.
Article 23	Articles 7(2), 20, 21 and 22 of Commission Regulation (EC) No. 589/2008	Records and files referred to in Articles 7(2), 20, 21 and 22 of Commission Regulation (EC) No. 589/2008 to be kept for at least 12 months from their date of creation.
Article 24(5)	Articles 20, 21 and 22 of Commission Regulation (EC) No. 589/2008	Records referred to in Articles 20, 21 and 22 of Commission Regulation (EC) No. 589/2008 to be made available to the inspection services on first request.
Article 30(2)		Eggs imported from third countries to have been clearly and legibly marked in the country of origin in accordance with the ISO 3166 country code.
Article 30(3)	Point IV(3) of Part A of Annex XIV to the Single CMO Regulation and Article 11 of Commission Regulation (EC) No. 589/2008.	Marking of packs containing eggs imported from a third country where sufficient guarantees of equivalence of the rules relating to those eggs with Community legislation have not been provided.

SCHEDULE 3

Regulation 23

CONSEQUENTIAL AMENDMENTS

The Colours in Food Regulations 1995

1. In the Colours in Food Regulations 1995(4), for regulation 5(b) (use of colours on eggshells) substitute—

“(b) the marking (as provided for by Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions

(4) S.I.1995/3124, to which the last relevant amendment was made by S.S.I. 2008/129..

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for certain agricultural products⁽⁵⁾ and Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs⁽⁶⁾.”.

The Food Labelling Regulations 1996

2. In the Food Labelling Regulations 1996⁽⁷⁾–

(a) for regulation 4(2)(f) (disapplication of labelling requirements) substitute–

“(f) hen eggs, in so far as their labelling is regulated in Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products and Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs;” and

(b) in regulation 45 (enforcement)–

(i) for paragraph (2A) substitute–

“(2A) The Scottish Ministers–

(a) may in relation to hen eggs for retail sale or sale to a mass caterer and to which Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products and Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs, apply, enforce and execute the provisions of these Regulations which relate to the particulars listed at points (1), (4) and (7) of Article 3(1) of Directive 2000/13/EC⁽⁸⁾; and

(b) must in relation to hen eggs not for retail sale or sale to a mass caterer and to which Council Regulation (EC) No. 1234/2007 and Commission Regulation (EC) No. 589/2008 apply, enforce and execute the provisions of these Regulations which relate to the particulars listed at points (1), (4) and (7) of Article 3(1) of Directive 2000/13/EC.”.

The Food Hygiene (Scotland) Regulations 2006

3. In the Food Hygiene (Scotland) Regulations 2006⁽⁹⁾ for paragraph 2(2)(g) of Schedule 4 (chilled and hot holding requirements) to those Regulations substitute–

“(g) to which Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products and Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs applies.”.

(5) O.J. No. L 299, 16.11.2007, p.1. This Regulation was last amended by Council Regulation (EC) No. 510/2008 (O.J. No. L 149, 7.6.2008, p.61).

(6) O.J. No. L 163, 24.6.2008, p.6. This Regulation has been amended by Commission Regulation (EC) 598/2008 (O.J. No. L 164, 25.6.2008, p.14).

(7) S.I. 1996/1499, to which the last relevant amendment was made by S.S.I. 2008/129.

(8) O.J. No. L 109, 6.5.2000, p.29. The Directive has been amended by Commission Directive 2001/101/EC (O.J. No. L 310, 28.11.2001, p.19), Directive 2003/89/EC of the European Parliament and of the Council (O.J. No. L 308, 25.11.2003, p.15), Council Directive 2006/107/EC (O.J. No. L 363, 20.12.2006, p.411), Commission Directive 2006/142/EC (O.J. No. L 368, 23.12.2006, p.110) and Commission Directive 2007/68/EC (O.J. No. L 130, 28.11.2007, p.11).

(9) S.S.I. 2006/3, to which the last relevant amendment was made by S.S.I. 2008/129.

The Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006

4. In article 2 (interpretation) of the Avian Influenza and Influenza of Avian Origin in Mammals (Scotland) Order 2006(10) for the definition of “packing centre” substitute–

““packing centre” has the same meaning as in sub-paragraph (q) of the second paragraph of Article 1 of Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs;”.

The Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006

5. In regulation 2 (interpretation) of the Avian Influenza (Slaughter and Vaccination) (Scotland) Regulations 2006(11) for the definition of “packing centre” substitute–

““packing centre” has the same meaning as in sub-paragraph (q) of the second paragraph of Article 1 of Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Council Regulation (EC) No. 1234/2007 as regards marketing standards for eggs;”.

(10) S.S.I. 2006/336.

(11) S.S.I. 2006/337, to which the last relevant amendment was made by S.S.I. 2008/129.