

EXPLANATORY MEMORANDUM TO
THE EGGS AND CHICKS (ENGLAND) REGULATIONS 2008

2008 No. 1718

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

The Instrument enables the continued enforcement in England of Community legislation relating to marketing of eggs for consumption and hatching and farmyard poultry chicks, and will apply from 2nd July 2008.

These Regulations will make no substantive change to the enforcement regime as their provisions correspond to those of the existing Eggs and Chicks Regulations 2007. It is necessary to revoke and remake those Regulations as a consequence of the EU's Single CMO Regulation simplification exercise. From 1 July the current EU regulations, including two Commission regulations, relating to this regime will be replaced by new, corresponding regulations, and our domestic enforcement legislation must thereafter make references to these new regulations in place of the old ones.

3. Matters of special interest to the Joint Committee on Statutory Instruments

The Committee will wish to note that ongoing delays in the adoption and publication of the Commission regulations have made it necessary to lay this Statutory Instrument to come into effect on 2nd July 2008, and in breach of the 21 day rule. This has been unavoidable. Some difficulty in meeting the EC 1st July deadline was anticipated because of late timetabling at EU level of the EU regulations. Defra officials have regularly contacted their Commission counterparts to encourage expedition. Formal consultation on these domestic Regulations took place over a two week period because of their nature (no substantive change), and with the aim of completing legal and Parliamentary procedures, including compliance with the 21 day rule, by 1 July 2008. However the ongoing delay at the EU end has necessitated this contracted laying time, to enable us to ensure a continuity of domestic enforcement powers. These enforcement powers are employed on a very regular basis by the Egg Marketing Inspectorate as well as for dealing with specific non-compliance instances and ongoing investigations. It would be undesirable for any of the Inspectorate operations to be undermined by a lack of legal powers enabling them to take enforcement action. There is a considerable public interest in the continued efficient operation of the egg marketing enforcement regime in England.

4. Legislative Background

Intra-Community trade in eggs is governed by EC Regulations to ensure consistency within the common market. From 1 July 2008 the current EU regulations will, as a result of the Single CMO Regulation simplification exercise, be replaced by corresponding provisions contained in Council Regulation (EC) No.1234/2007 and in Commission Regulations 589/2008 and

617/2008. It is necessary to revoke and replace the domestic Regulations so that they will refer to the correct EU Regulations and their provisions.

It will be noted that the reference in the Regulations to Commission Regulation 589/2008 is in time to the date of the latter's adoption. This is because of a later amendment to 589/2008 which will require a consequential amendment to the Regulations, which will be considered and taken forward in the remake of the Regulations likely to happen later this year. This will allow for stakeholder consultation as appropriate.

5. Extent

The instrument applies to England. Equivalent regulations will be applied in Scotland, Wales and Northern Ireland.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 The Eggs and Chicks (England) Regulations 2007 superseded the Eggs (Marketing Standards) Regulations 1995 (as amended), following the simplification over 2006-7 of several EU Regulations which laid down the technical rules for the marketing of eggs. The current regulatory changes however spring solely from the Single CMO Regulation simplification exercise. The provisions of the enforcement regime are not materially changed.

7.2 The EU legislation is directly applicable and Member States have no option but to introduce enforcement Regulations. They include enforcement powers and create offences and also exercise certain derogations provided for in the EC legislation, which relieves some of the burden of compliance.

7.3 Widespread consultation was carried out on the Single CMO Regulation 1234/2007. Stakeholder consultation was also carried out in 2006 and 2007 when the EU Regulations were last substantially revised.

7.4 Guidance for the industry was provided in 2007 by the Animal Health Inspectorate which is responsible for enforcing the Regulations. This is being updated.

8. Impact

8.1 No Regulatory Impact Assessment has been carried out as there are no substantive changes and no additional burden on the business, charities or the voluntary sector.

9. Contact

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