
WELSH STATUTORY INSTRUMENTS

2009 No. 793

The Eggs and Chicks (Wales) Regulations 2009

PART 1

General

Title, commencement and application

- 1.—(1) The title of these Regulations is the Eggs and Chicks (Wales) Regulations 2009.
- (2) These Regulations come into force on 17 April 2009.
- (3) These Regulations apply in relation to Wales.
- (4) These Regulations apply—
- (a) to eggs for hatching and chicks to which point I(1) of Part C of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No. 617/2008 apply; and
 - (b) to eggs to which point I(1) of Part A of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No. 589/2008 apply (eggs in shell produced for consumption by hens of the species *Gallus gallus*).
- (5) These Regulations do not apply—
- (a) to establishments and hatcheries of the type mentioned in point I(2) of Part C of Annex XIV to the Single CMO Regulation.
 - (b) to the sale of eggs to which point I(1) of Part A to the Single CMO Regulation and Commission Regulation (EC) No. 589/2008 apply, where the eggs are sold, without any quality or weight grading, directly to the final consumer by the producer —
 - (i) on the production site;
 - (ii) by door-to-door selling in the region of production; or
 - (c) except insofar as they relate to the requirement imposed by point III(3) of Part A of Annex XIV to the Single CMO Regulation, to the sale of eggs to which point I(1) of Part A of Annex XIV to that Regulation and Commission Regulation (EC) No. 589/2008 apply, where the eggs are sold, without any quality or weight grading, directly to the final consumer by the producer in a local public market in the region of production.
- (6) In paragraph (5) (b) (ii) “door-to-door selling” (“*gwerthu o dŷ i dŷ*”) means a sale which is made during an unsolicited visit by a producer to the final consumer’s home, or to the home of another person, or to the final consumer’s place of work.

Revocation

2. The Regulations specified in Schedule 1 are revoked in so far as they apply to Wales.

Interpretation

- 3.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“authorised officer” (“*swyddog awdurdodedig*”) means any person who has written authority from an enforcement authority to act in matters arising under or in relation to the Act or these Regulations;

“breeding establishment” (“*sefydliad bridio*”) has the meaning given by Article 1(3)(b) of Commission Regulation (EC) No. 617/2008;

“chicks” (“*cywion*”) has the meaning given by Article 1(2) of Commission Regulation (EC) No. 618/2008;

“Commission Regulation (EC) No. 589/2008” (“*Rheoliad y Comisiwn (EC) Rhif 589/2008*”) means Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Regulation (EC) No. 1234/2007 as regards marketing standards for eggs, as adopted by the Commission on 23 June 2008;

“Commission Regulation (EC) No. 617/2008” (“*Rheoliad y Comisiwn (EC) Rhif 617/2008*”) means Commission Regulation (EC) No. 617/2008 laying down detailed rules for implementing Regulation (EC) No. 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks, as amended from time to time;

“Council Directive 1999/74/EC” (“*Cyfarwyddeb y Cyngor 1999/74/EC*”) means Council Directive 1999/74/EC(1) laying down minimum standards for the protection of laying hens;

“Directive 2000/13/EC” (“*Cyfarwyddeb 2000/13/EC*”) means Directive 2000/13/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs;

“eggs” (“*wyau*”) has the meaning given by sub-paragraph (k) of the second paragraph of Article 1 of Commission Regulation (EC) No. 589/2008;

“eggs for hatching” (“*wyau deor*”) has the meaning given by Article 1(1) of Council Regulation (EC) No. 617/2008;

“enforcement authority” (“*awdurdod gorfodi*”) means an authority exercising a function conferred on it by regulation 16;

“final consumer” (“*defnyddiwr terfynol*”) has the meaning given by sub-paragraph (r) of the second paragraph of Article 1 of Commission Regulation (EC) No. 589/2008;

“food authority” (“*awdurdod bwyd*”) means a county council or a county borough council;

“hatchery” (“*deorfa*”) has the meaning given by Article 1(3)(c) of Commission Regulation (EC) No. 617/2008;

“packing centre” (“*canolfan becynnu*”) has the meaning given by sub-paragraph (q) of the second paragraph of Article 1 of Commission Regulation (EC) No. 589/2008;

“pedigree breeding establishment” (“*sefydliad bridio pedigri*”) has the meaning given by Article 1(3)(a) of Commission Regulation (EC) No. 617/2008;

“production site” (“*safle cynhyrchu*”) has the meaning given by sub-paragraph (p) of the second paragraph of Article 1 of Commission Regulation (EC) No. 589/2008; and

“Single CMO Regulation” (“*y Rheoliad Sengl CMO*”) means Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation), as amended from time to time.

(2) Any expression which is not defined in paragraph (1), but is used in Part 2 of, or Schedule 2 to, these Regulations, and in Part C of Annex XIV to the Single CMO Regulation has the same meaning in those provisions of these Regulations as it does in the Single CMO Regulation.

(1) OJ No. L203, 3.8.1999, p.53, last amended by Council Regulation (EC) No. 806/2003 (OJ No. L122, 16.5.2003, p.1).

(3) Any expression which is not defined in paragraph (1), but is used in regulation 1(5) or Part 3 of, or Schedule 3 to, these Regulations and in Part A of Annex XIV to the Single CMO Regulation or Commission Regulation (EC) No. 589/2008, has the same meaning in those provisions of these Regulations as it does in the EC Regulation in which it is used.

(4) Any reference to a contravention of, or failure to comply with, any provision mentioned in Schedule 2 means a contravention of or failure to comply with—

- (a) any provision of the Single CMO Regulation mentioned in column 1 of Part 1 of Schedule 2, as read with any provision mentioned in any corresponding entry in column 2 of that Part; or
- (b) any provision of Commission Regulation (EC) No. 617/2007 mentioned in column 1 of Part 2 of Schedule 2, as read with any provision mentioned in any corresponding entry in column 2 of that Part.

(5) Any reference to a contravention of or failure to comply with any provision mentioned in Schedule 3 means a contravention of or failure to comply with—

- (a) any provision of the Single CMO Regulation mentioned in column 1 of Part 1 of Schedule 3, as read with any provision mentioned in any corresponding entry in column 2 of that Part; or
- (b) any provision of Commission Regulation (EC) No. 589/2008 mentioned in column 1 of Part 2 of Schedule 3, as read with any provision mentioned in any corresponding entry in column 2 of that Part.