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**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of **XXX****

**laying down rules for the application of Regulation (EU) No 1308/2013 of the European  
Parliament and of the Council as regards marketing standards for eggs**

# COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

## laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for eggs

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007<sup>1</sup>, and in particular Article 90a(6), point (c), and Article 91, first subparagraph, points (b), (f) and (g), thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007<sup>2</sup>. Regulation (EU) No 1308/2013 lays down rules on marketing standards for eggs and empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the eggs market in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace the provisions of Commission Regulation (EC) No 589/2008<sup>3</sup>, which is repealed by Commission Delegated Regulation (EU) .../... [PLAN/2022/1875 – to be completed by OP]<sup>4</sup>. References to the repealed Regulation should be read in accordance with Annex IV to that Delegated Regulation, which provides for a correlation table.
- (2) In order to ensure the smooth functioning of the eggs market, some rules should be laid down on the implementation of the marketing standards concerning the packing of eggs and their traceability, as well as the checks that Member States should carry out to verify the respect of eggs marketing standards.
- (3) Only packing centres have the premises and technical equipment suitable for repacking eggs. Any repacking activities should therefore be restricted to packing centres.

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<sup>1</sup> OJ L 347, 20.12.2013, p. 671.

<sup>2</sup> Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

<sup>3</sup> Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs (OJ L 163, 24.6.2008, p. 6).

<sup>4</sup> Commission Delegated Regulation (EU) .../... [PLAN/2022/1875 – to be completed by OP] of [...] [...] supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for eggs, and repealing Commission Regulation (EC) No 589/2013 (OJ L [...], [...], p. [...]).

- (4) Food business operators are obliged to establish traceability in accordance with Regulation (EC) No 178/2002 of the European Parliament and of the Council<sup>5</sup>. Producers, collectors of eggs and packing centres should be obliged to keep specific additional records in order to allow inspection services to check compliance with the marketing standards.
- (5) The composition of the producer code provided for in Part VI, Point III(1), of Annex VII to Regulation (EU) No 1308/2013 should be fixed. Moreover, it should be clarified that an exception to the marking requirement with the producer code may be made if the technical equipment for egg marking does not allow for marking cracked or soiled eggs.
- (6) In order to ensure compliance with eggs marketing standards, Member States should carry out conformity checks aimed to verify whether eggs of hens of the *Gallus gallus* species conform to the rules laid down in Delegated Regulation (EU) .../... [PLAN/2022/1875 – to be completed by OP]. It is important that these conformity checks and their results are comparable throughout the Union. Therefore, the methods and criteria for conducting checks should be laid down.
- (7) It is appropriate to check compliance with the marketing standards for a batch as a whole, and the marketing of a batch found not to be compliant should be prohibited unless compliance can be proven.
- (8) Member States should communicate any significant infringement of the marketing standards so that other Member States that may be affected can be alerted in an appropriate manner.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

##### **Subject matter**

This Regulation lays down rules for the implementation of marketing standards for eggs of hens of the *Gallus gallus* species, except eggs for hatching, in particular as regards:

- (a) identification of producers and packing centres;
- (b) the records to be kept by producers, collectors and packing centres;
- (c) the checks of conformity;
- (d) notifications.

#### *Article 2*

##### **Definitions**

For the purpose of this Regulation, the definitions provided for in Article 2 of Delegated Regulation (EU) .../... [PLAN/2022/1875 – to be completed by OP] shall apply.

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<sup>5</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

### *Article 3*

#### **Packing centres**

1. Only packing centres shall grade, pack and repack eggs and label their packs.  
Only undertakings satisfying the conditions laid down in this Article shall be authorised as packing centres.
2. The competent authority shall authorise packing centres to grade eggs and shall allot a packing centre code to any operator whose premises and technical equipment are suitable for grading eggs by quality and weight. No suitable technical equipment for grading eggs by weight shall be required for packing centres working exclusively for the food and non-food industry.  
  
The competent authority shall allot the packing centre a packing centre code with an initial code for the Member State concerned referred to in point 2.2 of the Annex to Commission Directive 2002/4/EC<sup>6</sup>.
3. Packing centres shall have the technical equipment necessary to ensure that eggs are handled properly. This shall include as appropriate:
  - (a) suitable candling equipment, automatic or continuously staffed throughout, allowing the quality of each egg to be examined separately, or other appropriate equipment;
  - (b) devices for measuring the height of the air space;
  - (c) equipment for grading eggs by weight;
  - (d) one or more approved balances for weighing eggs;
  - (e) equipment for marking eggs.
4. The authorisation referred to in paragraphs 1 and 2 may be withdrawn at any time if the conditions provided for in this Article are no longer fulfilled.

### *Article 4*

#### **Marking of eggs with a producer code**

The producer code shall consist of the distinguishing number provided for in point 2 of the Annex to Directive 2002/4/EC. It shall be easily visible and clearly legible and be at least 2 mm high.

Without prejudice to Part VI, Point III(1), of Annex VII to Regulation (EU) No 1308/2013, where it is not possible for technical reasons to mark cracked or soiled eggs, marking with the producer code shall not be compulsory.

### *Article 5*

#### **Records to be kept by producers**

1. Producers shall record information on the farming methods, specifying for each farming method used:
  - (a) the date of placing, age at placing and number of laying hens;

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<sup>6</sup> Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC (OJ L 30, 31.1.2002, p. 44).

- (b) the date of culling and the number of hens culled;
  - (c) daily egg production;
  - (d) the number and/or weight of eggs sold per day or delivered daily by other means;
  - (e) the names and addresses of commercial purchasers.
2. Where the feeding method is indicated in accordance with Article 13 of Delegated Regulation (EU) .../... [PLAN/2022/1875 – to be completed by OP], producers shall, without prejudice to the requirements laid down in Part A, Point III, of Annex I to Regulation (EC) No 852/2004 of the European Parliament and of the Council<sup>7</sup>, record the following information, specifying for each feeding method used:
- (a) the quantity and type of feed supplied or mixed on-site;
  - (b) the date of delivery of feed.
3. Where a producer uses different farming methods on a single production site, the information referred to in paragraphs 1 and 2 shall be broken down by hen house.
4. For the purposes of this Article, instead of keeping records of sales and deliveries, producers may keep files of invoices and delivery notes providing the information referred to in paragraphs 1 and 2.

#### *Article 6*

##### **Records to be kept by collectors**

1. Collectors shall record separately, by farming method and by day:
- (a) the quantity of eggs collected, broken down by producer, giving the name, address and producer code, and the laying date or period;
  - (b) the quantity of eggs delivered to the relevant packing centres, broken down by producer, giving the name, address, packing centre code and the laying date or period.
2. For the purposes of this Article, instead of keeping records of sales and deliveries, collectors may keep files of invoices and delivery notes providing the information referred to in paragraph 1.

#### *Article 7*

##### **Records to be kept by packing centres**

1. Packing centres shall record separately, by farming method and by day:
- (a) the quantities of ungraded eggs they receive, broken down by producer, giving the name, address and producer code and the laying date or period;
  - (b) after the eggs are graded, the quantities by quality and weight grade;
  - (c) the quantities of graded eggs received coming from other packing centres, including the code of those packing centres and the date of minimum durability;
  - (d) the quantities of ungraded eggs delivered to other packing centres, broken down by producer, including the code of those packing centres and the laying date or period;

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<sup>7</sup> Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

- (e) the number and/or weight of eggs delivered, by quality and weight grade, packing date in the case of Class B eggs or the date of minimum durability in the case of Class A eggs, and by purchaser, with the name and address of the latter.

Packing centres shall update their physical stock records each week.

- 2. Where Class A eggs and their packs bear an indication of how laying hens are fed in accordance with Article 13 of Delegated Regulation (EU) .../... [PLAN/2022/1875 – to be completed by OP], packing centres using such indications shall keep separate records in accordance with paragraph 1 of this Article.
- 3. For the purposes of this Article, instead of keeping records of sales and deliveries, packing centres may keep files of invoices and delivery notes providing the information referred to in paragraphs 1 and 2.

#### *Article 8*

### **Time limits for keeping records**

Records and files referred to in Article 7(2) of Delegated Regulation (EU) .../... [PLAN/2022/1875 – to be completed by OP] and Articles 4, 5 and 6 of this Regulation shall be kept for at least 12 months from the date of their creation.

#### *Article 9*

### **Checks**

- 1. Each Member State shall appoint an inspection service to ensure compliance with this Regulation and Delegated Regulation (EU) .../... [PLAN/2022/1875 – to be completed by OP].
- 2. The inspection services referred to in paragraph 1 shall check the products covered by Delegated Regulation (EU) .../... [PLAN/2022/1875 – to be completed by OP] at the different stages of marketing, as appropriate. Apart from random sampling, checks shall be carried out on the basis of a risk analysis, taking into account the type and throughput of the establishment concerned, as well as the operator's past records as regards compliance with the marketing standards for eggs.
- 3. For Class A eggs imported from third countries, the checks provided for in paragraph 2 shall be made at the time of customs clearance and prior to the release for free circulation.

Class B eggs imported from third countries shall be released for free circulation only after checking at the time of customs clearance that their final destination is the processing industry.

- 4. Apart from random sampling, operators shall be inspected at a frequency to be determined by the inspection services on the basis of a risk analysis as referred to in paragraph 2, taking account, at least, of:
  - (a) the results of previous checks;
  - (b) the complexity of the marketing channels followed by the eggs;
  - (c) the degree of segmentation in the production or packing establishment;
  - (d) the quantity of eggs produced or packed;

- (e) any substantial changes from previous years in the type of eggs produced or processed or in the marketing method.
- 5. Inspections shall be conducted regularly and be unannounced. Records referred to in Articles 4, 5 and 6 shall be made available on first request to the inspection services.

#### *Article 10*

##### **Decisions on non-compliance**

1. Decisions by inspection services following inspections provided for in Article 9 indicating non-compliance with this Regulation or Part VI of Annex VII to Regulation (EU) No 1308/2013 or with Delegated Regulation (EU) .../... [PLAN/2022/1875 – to be completed by OP] may only be taken for the whole of the batch which has been checked.
2. Where the checked batch is deemed not to comply with this Regulation or Part VI of Annex VII to Regulation (EU) No 1308/2013 or with Delegated Regulation (EU) .../... [PLAN/2022/1875 – to be completed by OP], the inspection service shall prohibit its marketing or importation if the batch comes from a third country, unless and until proof is forthcoming that it has been made to comply with this Regulation.
3. The inspection service which made the check shall verify whether the rejected batch has been or is being made to comply with this Regulation or Delegated Regulation (EU) .../... [PLAN/2022/1875 – to be completed by OP].

#### *Article 11*

##### **Notification of infringements**

Member States shall notify the Commission within 5 working days by electronic means of any infringements found by inspection services, or any serious suspicion thereof, which are liable to affect intra-Union trade in eggs. Intra-Union trade is deemed to be affected in particular in the event of serious infringements by operators that produce or market eggs for sale in another Member State.

#### *Article 12*

##### **Notifications**

1. At the request of the Commission, the Member States shall notify the Commission and the other Member States of the information necessary for the application of this Regulation.
2. The notifications to the Commission referred to in this Regulation shall be made in accordance with Commission Delegated Regulation (EU) 2017/1183<sup>8</sup> and Commission Implementing Regulation (EU) 2017/1185<sup>9</sup>.

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<sup>8</sup> Commission Delegated Regulation (EU) 2017/1183 of 20 April 2017 on supplementing Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council with regard to the notifications to the Commission of information and documents (OJ L 171, 4.7.2017, p. 100).

<sup>9</sup> Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (OJ L 171, 4.7.2017, p. 113).

*Article 13*

**Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*Ursula VON DER LEYEN*