

EXPLANATORY MEMORANDUM TO
THE EGGS (MARKETING STANDARDS) (AMENDMENT) (ENGLAND AND
WALES) REGULATIONS 2006

2006 No. 1540

1.

1.1 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.

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

2. Description

2.1 The SI updates references to European Council and Commission Regulations and references to UK legislation, all of which have been re-made since 2000.

2.2 These amendments ensure that the duties on keepers of laying hens, can be properly enforced.

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

3.1 These Regulations amend the Eggs (Marketing Standards) Regulations 1995 with immediate effect to remove any doubt that they effectively enforce Community measures on egg marketing. Consequently the Department has felt obliged to break the 21-day rule.

4. Legislative Background

4.1 The Eggs (Marketing Standards) Regulations 1995 implement Commission Regulation (EEC) No. 1274/91, which was repealed and replaced on 23 December 2003 by Commission Regulation (EC) No. 2295/2003; Council Regulation (EEC) No. 2782/75; Council Regulation (EEC) No. 1907/90 and Commission Regulation (EEC) No. 1868/77. They concern the enforcement and execution of certain EC provisions relating to marketing standards for eggs.

Commission Regulation (EEC) No. 2295/2003 contains an updating provision, article 38, which says that references to Regulation 1274/91 should be construed as references to Regulation 2295/2003.

4.2 Defra has taken the view that, whilst the updating of references in individual SIs was preferable, there was no gap in domestic law. For eggs, this view was taken because in the case of Regulation 2295/2003, Article 38, as a directly applicable provision of Community law, automatically updated references in domestic law, and in the case of Regulations 2782/75, 1868/77 and 1907/90 there is a principle of interpreting domestic law consistently with Community obligations. For the avoidance of doubt the Department has decided to clarify the law in these Regulations.

5. Extent

5.1 The Regulations extend to England and Wales only.

6. European Convention on Human Rights

6.1 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 (Marketing Standards) Regulations 1995 ensure the consumer is provided with good quality eggs, of a common standard by quality and weight, and accurately labelled, by implementing the egg marketing standards as created by EC Regulations.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it will have no new impact on business, charities or voluntary bodies.

9. Contacts

9.1 Either:

Duncan Prior Livestock Products Division – Pigs, Eggs and Poultry
Tel:: 020 7238 3100
E-mail: Duncan.Prior@defra.gsi.gov.uk
Fax: 020 7238 3115

Or:

Paul Bullen
Livestock Products Division – Pigs, Eggs and Poultry branch
Tel:: 020 7238 3105
E-mail: Paul.j.bullen@defra.gsi.gov.uk
Fax: 020 7238 3115

can assist in any queries regarding these instruments.