
WELSH STATUTORY INSTRUMENTS

2009 No. 793

The Eggs and Chicks (Wales) Regulations 2009

PART 3

Eggs in shell for consumption

Compliance with Community provisions

7. A person is guilty of an offence if that person contravenes, or fails to comply with, any provision mentioned in Schedule 3.

Authorisation of packing centres to grade eggs

8.—(1) The Welsh Ministers are designated as the competent authority for the purpose of the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No. 589/2008 (authorisation of undertakings as packing centres to grade eggs).

(2) Where an application is made to the Welsh Ministers under the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No. 589/2008 to authorise an undertaking as a packing centre to grade eggs they must notify the applicant of the matters specified in paragraph (3) within 28 days.

(3) The matters are—

- (a) the decision of the Welsh Ministers on the application;
- (b) the reasons for any refusal to grant an authorisation; and
- (c) in the case of any refusal to grant an authorisation, the right of appeal conferred by regulation 18.

(4) Where the Welsh Ministers are not satisfied that an authorisation should be granted, they may (instead of refusing the application) notify the applicant of the reason for this and—

- (a) where the Welsh Ministers are not satisfied with the sufficiency of the data provided in support of the application, they may ask the applicant to provide further data;
- (b) where the Welsh Ministers are not satisfied that all of the requirements laid down in the first sub-paragraph of Article 5(2) of Council Regulation (EC) No. 589/2008 that are relevant to the type of packing centre to be authorised have been met, they may ask the applicant to comply with any outstanding requirement; and
- (c) the Welsh Ministers may give the applicant an opportunity to provide oral or written explanations to them in respect of the application.

(5) Where the Welsh Ministers decide to withdraw an authorisation of a packing centre to grade eggs because of the centre's failure to comply with any of the requirements laid down in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No. 589/2008 they must notify the person carrying on business at the packing centre ("the operator") of the matters specified in paragraph (6) within 28 days.

(6) The matters are—

- (a) the decision of the Welsh Ministers to withdraw the authorisation;

- (b) the date on which the withdrawal of the authorisation is to take effect;
- (c) the reasons for the withdrawal; and
- (d) the right of appeal conferred by regulation 18.

(7) Where the Welsh Ministers are minded to withdraw the authorisation of a packing centre to grade eggs because of the centre's failure to comply with any of the requirements laid down in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No. 589/2008, they may (instead of withdrawing the authorisation) notify the operator that they are minded to withdraw the authorisation, and the reasons for this, and—

- (a) where the failure to comply with any of the requirements laid down in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No. 589/2008 is continuing, they may ask the operator to take steps to ensure that those requirements are met; and
- (b) the Welsh Ministers may give the operator an opportunity to provide oral or written explanations to them in respect of the matter.

(8) Where the Welsh Ministers give a notice to an applicant under paragraph (4), or to an operator under paragraph (7), the Welsh Ministers must specify a deadline in the notice by which any action specified in the notice must be taken.

(9) Any deadline given by the Welsh Ministers under this regulation may be extended on one or more occasions.

(10) Any notice given by the Welsh Ministers under this regulation must be in writing.

(11) For the purposes of calculating the 28-day time limit specified in paragraph (2), the clock is stopped during any period that the Welsh Ministers give to an applicant to take any action specified in a notice under paragraph (4).

Derogations relating to the marking of eggs

9.—(1) The provisions in the second sub-paragraph of point III (1) of Part A of Annex XIV to the Single CMO Regulation (requiring class B eggs to be marked) do not apply where class B eggs are to be marketed exclusively in the United Kingdom.

(2) The provisions in the first sub-paragraph of point III(3) of Part A of Annex XIV to the Single CMO Regulation (requiring eggs sold by a producer to a final consumer in a local public market in the region of production to be marked in accordance with point III (1) of Part A of Annex XIV to the Council Regulation) do not apply in the case of a producer keeping up to 50 laying hens if the name and address of the producer are indicated at the point of sale.

Livestock grazing on open-air runs

10. For the purpose of point 1 of Annex II to Commission Regulation (EC) No. 589/2008 (setting down the minimum requirements that need to be met in order for eggs to be marketed as free-range eggs), livestock grazing is authorised on open-air runs to which laying hens have access.

Derogation relating to free-range eggs

11.—(1) By way of derogation from the provisions of point 1 of Annex II to Commission Regulation (EC) No. 589/2008, eggs to which paragraph (2) applies may be marketed as free-range eggs although they have been produced in a system of production that does not comply with any one or more of the conditions specified in paragraph (3).

(2) This paragraph applies to eggs produced in an establishment with fewer than 350 laying hens or rearing breeding laying hens at the time the eggs are produced.

(3) The following conditions of Article 4(1) of Council Directive [1999/74/EC](#) are specified for the purpose of paragraph (1)—

- (a) the second sentence of point 1(d);
- (b) point 1(e);
- (c) point 2;
- (d) point 3(a)(i); and
- (e) point 3(b)(i).

Derogation relating to barn eggs

12.—(1) By way of derogation from the provisions of point 2 of Annex II to Commission Regulation [\(EC\) No. 589/2008](#), eggs to which paragraph (2) applies may be marketed as barn eggs although they have been produced in a system of production that does not comply with any one or more of the conditions specified in paragraph (3).

(2) This paragraph applies to eggs produced in an establishment with fewer than 350 laying hens or rearing breeding laying hens at the time the eggs are produced.

(3) The following conditions of Article 4(1) of Council Directive [1999/74/EC](#) are specified for the purpose of paragraph (1)—

- (a) the second sentence of point 1(d);
- (b) point 1(e);
- (c) point 2;
- (d) point 3(a)(i); and
- (e) point 3(b)(i).