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WELSH STATUTORY INSTRUMENTS

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**2010 No. 1671**

**The Eggs and Chicks (Wales) Regulations 2010**

**PART 2**

Eggs for hatching and chicks

**Application of this Part**

4.—(1) This Part applies 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.

(2) But it does not apply to establishments and hatcheries of the type mentioned in point I(2) of Part C of Annex XIV to the Single CMO Regulation.

**Compliance with Community provisions**

5. A person is guilty of an offence if they contravene, or fail to comply with, any provision mentioned in Schedule 1.

**Registration of pedigree breeding establishments, breeding establishments and hatcheries**

6.—(1) The Welsh Ministers are designated as the competent agency for the purpose of Article 2(1) of Commission Regulation (EC) No 617/2008 (registration of pedigree breeding establishments, other breeding establishments and hatcheries).

(2) Where an application is made to the Welsh Ministers pursuant to Article 2(1) of Commission Regulation (EC) No 617/2008, the Welsh Ministers must give a notice to the applicant notifying them of the matters mentioned in paragraph (3) within a period of 28 days, beginning with the day after the day on which the Welsh Ministers receive the application.

(3) The matters are—

- (a) the Welsh Ministers' decision on the application;
- (b) the reasons for any refusal to grant the application; and
- (c) in the case of any refusal to grant the application, the right of appeal conferred by regulation 23 of these Regulations.

(4) Where the Welsh Ministers are not satisfied that an application should be granted, they may (before making a final decision about whether or not to refuse the application) give a notice to the applicant notifying them 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, the Welsh Ministers may ask the applicant to provide further data;
- (b) where the Welsh Ministers are not satisfied that all of the provisions mentioned in Schedule 1 that are relevant to the type of establishment to be registered will be complied with following the registration of that establishment, the Welsh Ministers may ask the applicant to take specified steps to ensure that those provisions will be complied with; 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 a registration of a pedigree breeding establishment, other breeding establishment or hatchery because of a contravention of, or failure to comply with, any provision mentioned in Schedule 1, they must give a notice to the person carrying on business at the establishment concerned (“P”) notifying them of the matters mentioned in paragraph (6).
- (6) The matters are—
- (a) the Welsh Ministers' decision to withdraw the registration;
  - (b) the date on which the withdrawal of the registration is to take effect;
  - (c) the reasons for the withdrawal; and
  - (d) the right of appeal conferred by regulation 23 of these Regulations.
- (7) Where the Welsh Ministers are minded to withdraw a registration of a pedigree breeding establishment, other breeding establishment or hatchery because of a contravention of, or failure to comply with, any provision mentioned in Schedule 1, the Welsh Ministers may (before making a final decision about whether or not to withdraw the registration) give a notice to P notifying them that the Welsh Ministers are minded to withdraw the registration, and the reasons for this, and—
- (a) where the contravention of, or failure to comply with, any provision mentioned in Schedule 1 is continuing, the Welsh Ministers may ask P to take specified steps to ensure that that provision is complied with; and
  - (b) the Welsh Ministers may give P an opportunity to provide oral or written explanations to the Welsh Ministers in respect of the matter.
- (8) Where the Welsh Ministers give a notice to an applicant under paragraph (4), or to P under paragraph (7), they must specify a deadline in the notice by which any action mentioned 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) For the purposes of calculating the 28-day time limit mentioned in paragraph (2), time does not run during any period that the Welsh Ministers give to an applicant to take any action mentioned in a notice under paragraph (4).

#### **Derogation relating to the marking of eggs for hatching**

7.—(1) Eggs for hatching may be marked with any abstract black mark, except for a spot, instead of being marked with the distinguishing number of the producer establishment (as otherwise required by Article 3(2) of Commission Regulation (EC) No 617/2008) if the conditions mentioned in paragraph (2) are complied with.

- (2) The conditions are that—
- (a) the mark is indelible, clearly visible and at least 10 mm<sup>2</sup> in area: and
  - (b) the marking of the eggs is carried out prior to insertion into the incubator, either at the producer establishment or at a hatchery.