
WELSH STATUTORY INSTRUMENTS

2010 No. 1671

The Eggs and Chicks (Wales) Regulations 2010

PART 3

Eggs in shell for consumption: general requirements

Authorisation of packing centres to grade eggs

10.—(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, 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 they receive the application.

(3) The matters are—

- (a) the Welsh Ministers' decision 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 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, they may ask the applicant to provide further data;
- (b) where the Welsh Ministers are not satisfied that the requirements mentioned in the first sub-paragraph of Article 5(2) of Commission 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 a failure to comply with any of the requirements mentioned in the first sub-paragraph of Article 5(2) of Commission Regulation (EC) No 589/2008, the Welsh Ministers must give a notice to the person carrying on business at the packing centre (“P”) notifying them of the matters mentioned in paragraph (6) within 28 days, beginning with the day on which the decision is made.

(6) The matters are—

- (a) the Welsh Ministers' decision 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 23 of these Regulations.

(7) Where the Welsh Ministers are minded to withdraw the authorisation of a packing centre to grade eggs because of a failure to comply with any of the requirements mentioned in the first subparagraph of Article 5(2) of Commission Regulation (EC) No 589/2008, they may (before making a final decision about whether or not to withdraw the authorisation) give a notice to P notifying them 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 mentioned in the first subparagraph of Article 5(2) of Commission Regulation (EC) No 589/2008 is continuing, the Welsh Ministers may ask P to take specified steps to ensure that those requirements are met; and
- (b) the Welsh Ministers may give P 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 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).

Changes to legislation:

There are currently no known outstanding effects for the The Eggs and Chicks (Wales) Regulations 2010, Section 10.