

SCHEDULE 1 **E+W**

Regulation 5

**[^{F1}EU] PROVISIONS RELATING TO EGGS FOR HATCHING
AND CHICKS CONTRAVENTION OF WHICH IS AN OFFENCE****Textual Amendments**

- F1** Word in Sch. 1 heading substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), **arts. 2, 3-6**

PART 1 **E+W****PROVISIONS OF THE SINGLE CMO REGULATION [^{F2}or Regulation (EU) 2013]****Textual Amendments**

- F2** Words in Sch. 1 Pt. 1 heading inserted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) \(Wales\) Regulations 2013 \(S.I. 2013/3270\)](#), regs. 1(c), **5(7)(a)**

Column 1	Column 2	Column 3
Relevant provision of the Single CMO Regulation [^{F3}or Regulation (EU) 2013]	Provisions to be read with the provisions of the Single CMO Regulation [^{F3}or Regulation (EU) 2013] mentioned in column 1	Subject matter
^{F4} Article 116 of the Single CMO Regulation insofar as it relates to the marketing of eggs for hatching and chicks]	^{F5} ... Part C of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 617/2008	Prohibition on the marketing of eggs for hatching and of chicks except in accordance with the marketing standards laid down in Part C of Annex XIV to the Single CMO Regulation and Commission Regulation (EC) No 617/2008.
Point II(1) of Part C of Annex XIV [^{F6} to the Single CMO Regulation]	Article 3(1) of Commission Regulation (EC) No 617/2008	Marking of eggs for hatching.
Point II(2) of Part C of Annex XIV [^{F6} to the Single CMO Regulation]	Article 3(4) and (5) of Commission Regulation (EC) No 617/2008	Transportation and packing of eggs for hatching.
Point II(3) of Part C of Annex XIV [^{F6} to the Single CMO Regulation]	Article 3(8) of Commission Regulation (EC) No 617/2008	Importation of packages of eggs for hatching from a third country.
Point III(1) of Part C of Annex XIV [^{F6} to the Single CMO Regulation]	Article 4(1) of Commission Regulation (EC) No 617/2008	Packing of chicks by species, type and category of poultry.

Changes to legislation: There are currently no known outstanding effects for the *The Eggs and Chicks (Wales) Regulations 2010*. (See end of Document for details)

Point III(2) of Part C of Annex XIV [^{F6} to the Single CMO Regulation]	Article 4(2) of Commission Regulation (EC) No 617/2008	Content and marking of boxes of chicks.
Point III(3) of Part C of Annex XIV [^{F6} to the Single CMO Regulation]	Point III(1) of Part C of Annex XIV to the Single CMO Regulation and Article 4(1) and (3) of Commission Regulation (EC) No 617/2008	Importation of chicks from a third country.

Textual Amendments	
F3	Words in Sch. 1 Pt. 1 headings inserted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), 5(7)(b)
F4	Words in Sch. 1 Pt. 1 substituted (20.11.2019) by The Rural Affairs and Environment (Miscellaneous Amendments) (Wales) Regulations 2019 (S.I. 2019/1408), regs. 1(2), 3(3)(a)
F5	Words in Sch. 1 Pt. 1 omitted (20.11.2019) by virtue of The Rural Affairs and Environment (Miscellaneous Amendments) (Wales) Regulations 2019 (S.I. 2019/1408), regs. 1(2), 3(3)(b)
F6	Words in Sch. 1 Pt. 1 inserted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), 5(7)(d)

PART 2 E+W

PROVISIONS OF COMMISSION REGULATION (EC) NO 617/2008

<i>Column 1</i> Relevant provision of Commission Regulation (EC) No 617/2008	<i>Column 2</i> Provisions to be read with the provisions of Commission Regulation (EC) No 617/2008 mentioned in column 1	<i>Column 3</i> Subject matter
Article 2(1)		Registration of pedigree breeding establishments, breeding establishments and hatcheries.
Article 3(1)	Article 3(2) and (3) of Commission Regulation (EC) No 617/2008	Individual marking of eggs for hatching.
Article 3(2)	Article 3(3) and (5) of Commission Regulation (EC) No 617/2008 and regulation 7	Marking of eggs for hatching at producer establishment.
Article 3(4)	Article 3(5) and (6) of, and Annex II to, Commission Regulation (EC) No 617/2008	Transport of eggs for hatching: packing requirements.
Article 3(6)	Article 3(4) and (5) of Commission Regulation (EC) No 617/2008	Distinguishing number of producer establishment on packs and containers in

		which eggs for hatching are transported.
F7	F7	F7
...
Article 3(8)		Marking and packages of imported eggs for hatching.
Article 4(1)	Point III(1) of Part C of Annex XIV to the Single CMO Regulation and Article 4(2) of Commission Regulation (EC) No 617/2008	Packing of chicks by species, type and category of poultry.
Article 4(2)	Point III(2) of Part C of Annex XIV to the Single CMO Regulation and Article 4(1) of Commission Regulation (EC) No 617/2008	Content and minimum marking requirement for packs containing chicks.
Article 4(3)	Point III(3) of Part C of Annex XIV to the Single CMO Regulation and Article 4(1) of Commission Regulation (EC) No 617/2008	Importation of chicks from third countries, including content and minimum marking requirement for packs containing such chicks.
Article 5(1)		Documentation that must accompany batches of eggs for hatching and chicks.
Article 5(2)	Article 5(1) of Commission Regulation (EC) No 617/2008	Special requirements as to information to be provided in the documentation that must accompany batches of eggs for hatching and chicks imported from a third country.
Article 6		Keeping of registers by hatcheries.
Article 7	Sub-paragraph (h) of the second paragraph of Article 1 of Commission Regulation (EC) No 589/2008	Restriction on the use of eggs withdrawn from an incubator.
Article 8(1)		Obligation on hatcheries to provide monthly reports.

Textual Amendments

F7 Words in Sch. 1 Pt. 2 table omitted (31.12.2020) by virtue of [The Rural Affairs \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 3\) Regulations 2019 \(S.I. 2019/1376\)](#), regs. 1(2), 3(3); 2020 c. 1, Sch. 5 para. 1(1)

SCHEDULE 2 **E+W**

Regulation 9

GENERAL ^[F8]EU] PROVISIONS RELATING TO EGGS IN SHELL FOR
CONSUMPTION CONTRAVENTION OF WHICH IS AN OFFENCE**Textual Amendments**

- F8** Word in Sch. 2 heading substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), **arts. 2, 3-6**

^[F9]^[F10]**PART 1** **E+W**PROVISIONS OF THE SINGLE CMO
REGULATION OR REGULATION (EU) 2013]**Textual Amendments**

- F9** Sch. 2 Pt. 1 substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) \(Wales\) Regulations 2013 \(S.I. 2013/3270\)](#), regs. 1(c), **5(8)(a)**
- F10** Sch. 2 Pt. 1 heading substituted (20.11.2019) by [The Rural Affairs and Environment \(Miscellaneous Amendments\) \(Wales\) Regulations 2019 \(S.I. 2019/1408\)](#), regs. 1(2), **3(4)(a)**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
[^{F11}Relevant provision of Regulation (EU) 2013 or where stipulated, the Single CMO Regulation]	Provisions to be read with the provisions ^{F12} ... mentioned in column 1	Subject matter
[^{F13} Article 116 of the Single CMO Regulation, insofar as it relates to the marketing of eggs]	Part VI of Annex VII to Regulation (EU) 2013 and Commission Regulation (EC) No. 589/2008	Prohibition on the marketing of eggs except in accordance with the marketing standards laid down in Part VI of Annex VII to Regulation (EU) 2013 and Commission Regulation (EC) No. 589/2008 .
Point II(1) of Part VI of Annex VII	Article 2(1) and (4) of Commission Regulation (EC) No. 589/2008	Quality grading of eggs as Class A (or fresh) or Class B eggs.
Point II(2) of Part VI of Annex VII	Article 4(1) of Commission Regulation (EC) No. 589/2008	Weight grading of Class A eggs.
Point II(3) of Part VI of Annex VII		Prohibition on the delivery of Class B eggs except to the food and non-food industry.
Point III(1) of Part VI of Annex VII, first sub-paragraph	Articles 9(1) and 11 of Commission Regulation (EC) No. 589/2008	Marking of Class A eggs.

Point III(1) of Part VI of Annex VII, second sub-paragraph	Articles 9, 10 and 11 of Commission Regulation (EC) No. 589/2008 , paragraphs (a) and (b) of the second sub-paragraph of point 2 of Part D of Annex II to Regulation (EC) No. 2160/2003 and regulation 11(1)	Marking of Class B eggs.
Point III(2) of Part VI of Annex VII	Point III(1) of Part VI of Annex VII to Regulation (EU) 2013	Place at which eggs are marked.
Point III(3) of Part VI of Annex VII, first sub-paragraph	Point III(1) of Part VI of Annex VII and the second sub-paragraph of point III(3) of Part VI of Annex VII to Regulation (EU) 2013 and regulation 11(2)	Marking of eggs sold by a producer to the final consumer at a local public market.
F14	F14	F14
...
F14	F14	F14
...]

Textual Amendments

- F11** Words in Sch. 2 Pt. 1 table substituted (20.11.2019) by [The Rural Affairs and Environment \(Miscellaneous Amendments\) \(Wales\) Regulations 2019 \(S.I. 2019/1408\)](#), regs. 1(2), **3(4)(b)(i)**
- F12** Words in Sch. 2 Pt. 1 table omitted (20.11.2019) by virtue of [The Rural Affairs and Environment \(Miscellaneous Amendments\) \(Wales\) Regulations 2019 \(S.I. 2019/1408\)](#), regs. 1(2), **3(4)(b)(ii)**
- F13** Words in Sch. 2 Pt. 1 table substituted (20.11.2019) by [The Rural Affairs and Environment \(Miscellaneous Amendments\) \(Wales\) Regulations 2019 \(S.I. 2019/1408\)](#), regs. 1(2), **3(4)(b)(iii)**
- F14** Words in Sch. 2 Pt. 1 table omitted (14.12.2022) by virtue of [The Common Organisation of the Markets in Agricultural Products \(Amendment\) \(Wales\) Regulations 2022 \(S.I. 2022/1215\)](#), regs. 1(2), **10(2)**

PART 2 E+W

PROVISIONS OF COMMISSION REGULATION (EC) NO 589/2008

<i>Column 1</i> Relevant provision of Commission Regulation (EC) No 589/2008	<i>Column 2</i> Provisions to be read with the provisions of Commission Regulation (EC) No 589/2008 mentioned in column 1	<i>Column 3</i> Subject matter
Article 2(1)	The first indent of [^{F15} point II(1) of Part VI of Annex VII to Regulation (EU) 2013], paragraph (a) of the second	Quality characteristics of Class A eggs and cases in which eggs meeting those

Changes to legislation: There are currently no known outstanding effects for the *The Eggs and Chicks (Wales) Regulations 2010*. (See end of Document for details)

	sub-paragraph of point 2 of Part D of Annex II to Regulation (EC) No 2160/2003 and regulation 16 as read with the Schedule 3 entry relating to paragraph (a) of the second sub-paragraph of point 2 of Part D of Annex II to Regulation (EC) No 2160/2003	quality characteristics must be categorised as Class B eggs.
Article 2(2)	^{F16} ...	Prohibition on the washing and cleaning of Class A eggs before or after grading.
Article 2(3)		Prohibition on the treatment of Class A eggs for preservation, and the chilling of eggs, in premises or plants where the temperature is artificially maintained at less than 5°C.
Article 2(4)	The second indent of [^{F15} point II(1) of Part VI of Annex VII to Regulation (EU) 2013], paragraph (a) of the second sub-paragraph of point 2 of Part D of Annex II to Regulation (EC) No 2160/2003 and regulation 16 as read with the Schedule 3 entry relating to paragraph (a) of the second sub-paragraph of point 2 of Part D of Annex II to Regulation (EC) No 2160/2003	Quality characteristics of Class B eggs and cases in which eggs meeting the quality characteristics for Class A eggs must be categorised as Class B eggs.
Article 4(1)	[^{F17} Point II(2) of Part VI of Annex VII to Regulation (EU) 2013] and Article 4(3) of Commission Regulation (EC) No 589/2008	Grading of Class A eggs by weight.
Article 4(2)	Article 4(1) of Commission Regulation (EC) No 589/2008 and [^{F18} Regulation (EU) No 1169/2011]	Weight grading indications.
Article 4(3)	Article 4(1) of Commission Regulation (EC) No 589/2008	Minimum net weight in grams and the indication “eggs of different sizes” or equivalent terms to be given on the outer surface of a pack of Class A eggs of different sizes.
Article 5(1), first sub-paragraph		Grading and packing of eggs and the labelling of packs by packing centres.

Article 5(3)		Packing centres to have the technical equipment necessary to ensure that eggs are handled properly.
Article 6(1)		Eggs to be graded, marked and packed within 10 days of laying.
Article 6(2)	Article 14 of Commission Regulation (EC) No 589/2008	Class A eggs marketed as “extra” or “extra fresh” eggs to be graded, marked and packed within four days of laying.
Article 6(3)	Articles 12(1)(d) and 13 of Commission Regulation (EC) No 589/2008 and [F19]point 1(a) of Annex X to Regulation (EU) No 1169/2011]	Packs to be marked with date of minimum durability at the time of packing.
Article 7(1), first sub-paragraph	The second sub-paragraph of Article 7(1) of Commission Regulation (EC) No 589/2008	Producers to identify each transport packaging containing eggs with certain information.
Article 7(2), first sub-paragraph, first sentence	Article 7(1) and second sub-paragraph of Article 7(2) of Commission Regulation (EC) No 589/2008	Application of the information specified in Article 7(1) of Commission Regulation (EC) No 589/2008 to each transport packaging containing eggs and the inclusion of that information in accompanying documents.
Article 7(2), first sub-paragraph, second sentence	The first sentence of the first sub-paragraph and the second sub-paragraph of Article 7(2) of Commission Regulation (EC) No 589/2008	Intervening operators to keep a copy of the documents specified in the first sentence of the first sub-paragraph of Article 7(2) of Commission Regulation (EC) No 589/2008.
Article 7(2), first sub-paragraph, third sentence	The first sentence of the first sub-paragraph and second sub-paragraph of Article 7(2) of Commission Regulation (EC) No 589/2008	Original documents referred to in the first sentence of the first sub-paragraph of Article 7(2) of Commission Regulation (EC) No 589/2008 to be kept by the packing centre that grades the eggs to which the documents relate.
Article 7(3)	Article 7(1) of Commission Regulation (EC) No 589/2008	Prohibition on the modification or removal of the information referred to in Article 7(1) of Commission Regulation (EC) No 589/2008 on the transport packaging of eggs until the removal of the eggs for

Changes to legislation: There are currently no known outstanding effects for the *The Eggs and Chicks (Wales) Regulations 2010*. (See end of Document for details)

		immediate grading, marking, packing or further processing.
F20	F20	F20
...
F20		F20
...		...
F20	F20	F20
...
Article 9(1)	[^{F21} Regulation 4 of the Registration of Establishments (Laying Hens) (Wales) Regulations 2004]	Producer code.
Article 10	The second sub-paragraph of [^{F22} point III(2) of Part VI of Annex VII to Regulation (EU) 2013]	Indications on Class B eggs.
Article 12(1)		Marking of packs of Class A eggs.
Article 12(2), first and second sub-paragraphs	Article 12(1) of, and Part A of Annex I, and Annex II, to Commission Regulation (EC) No 589/2008, [^{F23} Article 23(1) of Regulation (EU) 834/2007 on organic production and labelling of organic products], and regulations 12, 13 and 14	Farming method to be shown on the outer surface of packs containing Class A eggs.
Article 12(2), third sub-paragraph	Article 9(1) of Commission Regulation (EC) No 589/2008	Producer code to be explained on or inside packs.
Article 12(2), fourth sub-paragraph	Part B of Annex I to Commission Regulation (EC) No 589/2008 and [^{F24} Schedule 4 to the animal welfare regulations]	Use of an indication listed in Part B of Annex I to Commission Regulation (EC) No 589/2008 (enriched cages).
Article 12(4)		Marking of packs of Class B eggs.
Article 13	[^{F25} Article 9(1)(f) of Regulation (EU) No 1169/2011]	Date of minimum durability.
Article 14(1)		Use of the words “extra” and “extra fresh” as an additional quality indication on packs containing Class A eggs.
Article 14(2)	Article 14(1) of Commission Regulation (EC) No 589/2008	Laying date and the nine-day time limit specified in Article 14(1) of Commission

		Regulation (EC) No 589/2008 to be shown where the words “extra” or “extra fresh” are used as an additional quality indication on packs containing Class A eggs.
Article 15		Reference to a cereal as a feed ingredient where an indication is given of how laying hens are fed.
Article 16		Information to be given for loose egg sales.
Article 17		Quality of packs.
Article 18		Packaging containers in which industrial eggs are marketed.
Article 19		Repacking of Class A eggs.
Article 20(1)	Article 20(4) of Commission Regulation (EC) No 589/2008	Producer records on farming methods.
Article 20(2)	Articles 15 and 20(4) of Commission Regulation (EC) No 589/2008	Producer records on feeding method.
Article 20(3)	Article 20(1) and (2) of Commission Regulation (EC) No 589/2008	Information recorded by producers under Article 20(1) and (2) of Commission Regulation (EC) No 589/2008 to be broken down by hen house where a producer uses different farming methods on a single production site.
Article 21(1)	Article 21(2) of Commission Regulation (EC) No 589/2008	Collector records on eggs collected and delivered by them.
Article 22(1), first sub-paragraph	Article 22(3) of Commission Regulation (EC) No 589/2008	Packing centre records.
Article 22(1), second sub-paragraph		Updating of packing centres physical stock records each week.
Article 22(2)	Articles 15 and 22(1) of Commission Regulation (EC) No 589/2008	Packing centres to keep separate records where Class A eggs and their packs bear an indication of how laying hens are fed.
Article 23	Articles 7(2), 20, 21 and 22 of Commission Regulation (EC) No 589/2008	Records and files referred to in Articles 7(2), 20, 21 and 22 of Commission Regulation (EC) No 589/2008 to be kept for at

Changes to legislation: There are currently no known outstanding effects for the *The Eggs and Chicks (Wales) Regulations 2010*. (See end of Document for details)

Article 24(5)	Articles 20, 21 and 22 of Commission Regulation (EC) No 589/2008	least 12 months from their date of creation. Records referred to in Articles 20, 21 and 22 of Commission Regulation (EC) No 589/2008 to be made available to the inspection services on first request.
Article 30(2)		Eggs imported from third countries to have been clearly and legibly marked in the country of origin in accordance with the ISO 3166 country code.
Article 30(3)	F26 ... to the Single CMO Regulation	Marking of packs containing eggs imported from a third country where sufficient guarantees of equivalence of the rules relating to those eggs with [F27EU] legislation have not been provided.

Textual Amendments

- F15** Words in Sch. 2 Pt. 2 table substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) \(Wales\) Regulations 2013 \(S.I. 2013/3270\)](#), regs. 1(c), **5(8)(b)(i)**
- F16** Words in Sch. 2 Pt. 2 table omitted (31.12.2020) by virtue of [The Rural Affairs \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 3\) Regulations 2019 \(S.I. 2019/1376\)](#), regs. 1(2), **3(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Sch. 2 Pt. 2 table substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) \(Wales\) Regulations 2013 \(S.I. 2013/3270\)](#), regs. 1(c), **5(8)(b)(ii)**
- F18** Words in Sch. 2 Pt. 2 table substituted (13.12.2014) by [The Food Information \(Wales\) Regulations 2014 \(S.I. 2014/2303\)](#), reg. 1(3), **Sch. 7 para. 53(a)**
- F19** Words in Sch. 2 Pt. 2 table substituted (13.12.2014) by [The Food Information \(Wales\) Regulations 2014 \(S.I. 2014/2303\)](#), reg. 1(3), **Sch. 7 para. 53(b)**
- F20** Words in Sch. 2 Pt. 2 table omitted (31.12.2020) by virtue of [The Rural Affairs \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 3\) Regulations 2019 \(S.I. 2019/1376\)](#), regs. 1(2), **3(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Sch. 2 Pt. 2 table substituted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/732\)](#), regs. 1(2), **3(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Sch. 2 Pt. 2 table substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) \(Wales\) Regulations 2013 \(S.I. 2013/3270\)](#), regs. 1(c), **5(8)(b)(iii)**
- F23** Words in Sch. 2 Pt. 2 table substituted (28.3.2019) by [The Rural Affairs, Environment, Fisheries and Food \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2019 \(S.I. 2019/463\)](#), regs. 1(3), **24(3)(b)**
- F24** Words in Sch. 2 Pt. 2 table substituted (31.12.2020) by [The Food \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/732\)](#), regs. 1(2), **3(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Words in Sch. 2 Pt. 2 table substituted (13.12.2014) by [The Food Information \(Wales\) Regulations 2014 \(S.I. 2014/2303\)](#), reg. 1(3), **Sch. 7 para. 53(c)**

Changes to legislation: There are currently no known outstanding effects for the *The Eggs and Chicks (Wales) Regulations 2010*. (See end of Document for details)

- F26** Words in Sch. 2 Pt. 2 table omitted (1.1.2014) by virtue of [The Single Common Market Organisation \(Consequential Amendments\) \(Wales\) Regulations 2013](#) (S.I. 2013/3270), regs. 1(c), **5(8)(b)(iv)**
- F27** Word in Sch. 2 Pt. 2 table substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), **arts. 2, 3-6**

SCHEDULE 3 **E+W**

Regulation 16

[^{F28}EU] SALMONELLA RELATED CONTROLS ON EGGS IN SHELL
FOR CONSUMPTION CONTRAVENTION OF WHICH IS AN OFFENCE

Textual Amendments

- F28** Word in Sch. 3 heading substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), **arts. 2, 3-6**

E+W

<i>Column 1</i> Relevant provision of Regulation (EC) No 2160/2003	<i>Column 2</i> Provisions to be read with the provisions of Regulation (EC) No 2160/2003 mentioned in column 1	<i>Column 3</i> Subject matter
Point 1 of Part D of Annex II	Article 1(3) of Regulation (EC) No 2160/2003	Prohibition on the use of eggs for direct human consumption as table eggs unless they originate from a commercial flock of laying hens subject to a ^{F29} ... control programme and are not under official restriction.
Point 2, first sub-paragraph, of Part D of Annex II	Point 4 of Part D of Annex II to Regulation (EC) No 2160/2003	Prohibition on the use of certain zoonosis status eggs for human consumption unless treated, except where the restrictions in point 2 of Part D of Annex II to Regulation (EC) No 2160/2003 are lifted under point 4 of that Part.
Point 2, second sub-paragraph, paragraph (a), of Part D of Annex II	[^{F30} Article 1(3) of, and point 4 of Part D of Annex II to, Regulation (EC) No 2160/2003, Article 116 of the Single CMO Regulation, Part VI of Annex VII to Regulation (EU) 2013 and Commission	Treatment of certain zoonosis status eggs as Class B eggs, except where the restrictions in point 2 of Part D of Annex II to Regulation (EC) No 2160/2003 are lifted under point 4 of that Part.

Changes to legislation: There are currently no known outstanding effects for the *The Eggs and Chicks (Wales) Regulations 2010*. (See end of Document for details)

	Regulation (EC) No 589/2008, insofar as they relate to Class B eggs]	
Point 2, second sub-paragraph, paragraph (b), of Part D of Annex II	Article 1(3) of, and point 4 of Part D of Annex II to, Regulation (EC) No 2160/2003 and Article 10 of Commission Regulation (EC) No 589/2008	Marking of certain zoonosis status eggs with the indication required by Article 10 of Commission Regulation (EC) No 589/2008, except where the restrictions in point 2 of Part D of Annex II to Regulation (EC) No 2160/2003 are lifted under point 4 of that Part.
Point 2, second sub-paragraph, paragraph (c), of Part D of Annex II	Point 4 of Part D of Annex II to Regulation (EC) No 2160/2003	Prohibited access to packing centres for certain zoonosis status eggs unless the competent authority is satisfied with measures to prevent possible cross-contamination, except where the restrictions in point 2 of Part D of Annex II to Regulation (EC) No 2160/2003 are lifted under point 4 of that Part.

Textual Amendments

- F29** Word in Sch. 3 table omitted (31.12.2020) by virtue of [The Rural Affairs \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 3\) Regulations 2019](#) (S.I. 2019/1376), regs. 1(2), **3(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Sch. 3 table substituted (20.11.2019) by [The Rural Affairs and Environment \(Miscellaneous Amendments\) \(Wales\) Regulations 2019](#) (S.I. 2019/1408), regs. 1(2), **3(5)**

Textual Amendments

- F29** Word in Sch. 3 table omitted (31.12.2020) by virtue of [The Rural Affairs \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 3\) Regulations 2019](#) (S.I. 2019/1376), regs. 1(2), **3(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Sch. 3 table substituted (20.11.2019) by [The Rural Affairs and Environment \(Miscellaneous Amendments\) \(Wales\) Regulations 2019](#) (S.I. 2019/1408), regs. 1(2), **3(5)**

SCHEDULE 4 **E+W**

Regulation 32(2)

FACTORS TO BE TAKEN INTO ACCOUNT IN
DETERMINING THE AMOUNT OF A PENALTY

PART 1 **E+W**

Aggravating factors

1. Seriousness of the non-compliance.
2. Harm or potential harm to human health.
3. Financial harm to consumers.
4. Financial harm to competitors.
5. Duration of non-compliance.
6. Evidence of intention behind the non-compliance.
7. History of non-compliance of the person (“P”) to whom the penalty notice is to be given.
8. Financial gain made by P as a result of non-compliance.
9. Financial resources of P.
10. Size of P's business.
11. Availability of non-compliant item, including the number of retail shops in which it has been marketed.
12. The conduct of P after the non-compliance is drawn to their attention by an enforcement authority.
13. Previous action taken by the enforcement authority to help P comply with the Regulations.

PART 2 **E+W**

Mitigating factors

1. Action taken to eliminate or reduce the risk of damage resulting from the non-compliance.
2. Action taken by P to repair the harm done by the non-compliance.
3. Any co-operation given to the enforcement authority by P in responding to the non-compliance.
4. Whether P reported the non-compliance to the enforcement authority.
5. Financial resources of P.
6. Size of P's business.
7. Availability of non-compliant item, including the number of retail shops in which it has been marketed.
8. The conduct of P after the non-compliance is drawn to their attention by an enforcement authority.
9. Where the non-compliance was committed by an employee of P, the extent to which the employee was acting outside of their authority.

Changes to legislation:

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