

Medlemmerne af Folketingets Europaudvalg
og deres stedfortrædere

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Til underretning for Folketingets Europaudvalg vedlægges Fødevareministeriets notat om forslag til Kommissionsforordning om ændring af forordning (EØF) nr. 1274/91 om gennemførelsesbestemmelser til Rådets forordning (EØF) nr. 1907/90 om visse handelsnormer for æg, dokument AGRI/ 7546/01.

Forslaget forventes sat til afstemning i Forvaltningskomiteen for æg og fjerkrækød den 17. juli 2001.

Ministeriet for Fødevarer, Landbrug og Fiskeri

om forslag til Kommissionsforordning om ændring af forordning (EØF) nr. 1274/91 om gennemførelsesbestemmelser til Rådets forordning (EØF) nr. 1907/90 om visse handelsnormer for æg

Dokument AGRI/7546/01

Forslaget forventes sat til afstemning på mødet i Forvaltningskomiteen for æg og fjerkrækød den 17. juli 2001.

Forslaget behandles i en II a- procedure. Kommissionen kan udstede forordningen, medmindre komitéen udtaler sig imod forslaget med kvalificeret flertal. I så fald forelægger Kommissionen forslaget for Rådet. Kommissionen kan samtidig beslutte at udsætte gennemførelsen af reglerne i en måned. Træffer Rådet ikke inden en måned med kvalificeret flertal en anden afgørelse, kan Kommissionen udstede forordningen.

Forslaget vedrører ændring omkring mærkning af æg, sammensætning af foder samt produktionsmetoder med ikrafttrædelse fra 1. januar 2002 bortset fra reglerne om mærkning af sporbarhed af produktionsmetoder og produktionssted, som først skal gælde fra 1. januar 2004.

Forslaget indebærer, at æggenes holdbarhedsperiode hos forbrugeren afkortes i forhold til de nuværende 7 dage, samt at handelsnormerne i forhold til belægningsgraden i fjerkræstaldene for skrabe-høns forringes.

Regeringen agter på den baggrund at stemme imod forslaget.

AKTUELT NOTAT TIL FOLKETINGETS EUROPAUDVALG

om forslag til Kommissionsforordning om ændring af forordning (EØF) nr. 1274/91 om gennemførelsesbestemmelser til forordning (EØF) nr. 1907/90 om visse handelsnormer for æg.

Dokument AGRI/7546/01

Resumé

Kommissionens forslag vedrører ændring omkring mærkning af æg, sammensætning af foder samt produktionsmetoder med ikrafttrædelse fra 1. januar 2002 bortset fra reglerne om mærkning af sporbarhed af produktionsmetoder og produktionssted, som først skal gælde fra 1. januar 2004.

Baggrund

Kommissionen har ved AGRI 7546 den 8. juni 2001 fremsendt forslag til Kommissionsforordning om ændring af forordning (EØF) nr. 1274/91 om gennemførelsesbestemmelser til forordning (EØF) nr. 1907/90 om visse handelsnormer for æg.

Forslaget er fremsat med hjemmel i Rådets forordning (EØF) nr. 1907/90 af 26. juni 1990 om visse handelsnormer for æg, ændret ved forordning (EF) nr. 818/96 og især artikel 10(3) heraf samt Rådets forordning (EF) Nr. 5/2001 af 19. december 2000.

Forslaget behandles i en II a-procedure i Forvaltningskomitéen for fjerkrækød og æg. Kommissionen kan udstede forordningen, medmindre komitéen udtaler sig mod forslaget med kvalificeret flertal. I så fald forelægger Kommissionen sagen for Rådet. Kommissionen kan samtidig beslutte at udsætte gennemførelsen af reglerne i en måned. Træffer Rådet ikke inden en frist på en måned med kvalificeret flertal en anden afgørelse, kan Kommissionen udstede forordningen.

Nærheds- og proportionalitetsprincippet

Der redegøres ikke for nærheds- og proportionalitetsprincippet, da der er tale om gennemførelsesbestemmelser til en allerede vedtaget retsakt.

Formål og indhold

Forslaget indeholder ændringer omkring mærkning, produktionsmetoder og sammensætning af foder.

Forslaget indebærer en ændring af art. 16 (2) i forordning 1274/91 om gennemførelsesbestemmelser til forordning (EØF) nr. 1907/90 om visse handelsnormer for æg. Artikel 16 (2) i forordning 1274/91 fastslår, at den anbefalede sidste salgsdato er den sidste dato, hvor æggene bør sælges til forbrugerne, og hvorefter de kan opbevares i en rimelig periode på mindst 7 dage i husholdningerne. "Mindst holdbar til" –dat datoen for udløbet af denne opbevaringsperiode.

I henhold til artikel 3 (1) i Rådets beslutning 94/371/EF om særlige hygiejnebetingelser for afsætning af visse ægtyper skal æggene leveres til forbrugerne senest 21 dage efter æglægningen, og ifølge art. 3 (2) skal forbrugeren have 7 dage til opbevaring. Dette fører til en minimumsholdbarhedsdato på ikke over 28 dage (21 + 7 dage).

Forslaget lægger op til en ændring af art. 16 (2) i forordning 1274/91, således at der gives medlemslandene bemyndigelse til at reducere opbevaringsperioden for æg (7 dage). Medlemslande kan altså vælge at anvende den øgede fleksibilitet, som forslaget giver, hvis de ønsker det, men bibeholde de 21 dage fra æglægning til sidste salgsdato. Kommissionens Juridiske Tjeneste er enig med Kommissionen i, at forslaget ikke er i modstrid med Rådets beslutning 94/371/EF.

Forslaget indebærer en indskrænkning af produktionsmetoderne fra 5 til 3 produktionsmetoder. Reglerne for produktion af "Æg fra fritgående høns" under den ekstensive og intensive produktionsform sammenlægges. Reglerne for voliere produktion ophører og slås sammen med reglerne for skrabeæg produktionsmetode.

Ændring af minimumsbetingelserne som skal være opfyldt af bedrifter, der producerer æg omhandlet i bilag II i forordning 1274/91 medfører sammenlægning af reglerne for en intensiv produktion og en ekstensiv produktion for æg produceret i kategorien "Æg fra fritgående høns" og "Æg fra fritgående høns – intensivt system". Forslaget indebærer en reduktion i udendørsarealet pr. høns fra ekstensive produktion med 6 m² (fra 10 til 4 m²) og en forøgelse af udendørsarealet for den intensive produktion med 1½ m² (fra 2½ til 4 m²).

I Danmark findes kun den ekstensive produktionsform af æg produceret som "Æg fra fritgående høns". Med forslaget vil det være muligt at øge intensiteten fra 1.000 høns pr. ha til 2.500 høns pr. ha.

Kommissionen har fremsat forslaget om 4 m², idet Rådets forordning (EØF) nr. 2092/91 af 24. juni 1991 om økologisk produktionsmetode for landbrugsprodukter og om angivelse heraf på landbrugsprodukter og levnedsmidler, senest ændret ved Kommissionens forordning nr. 436/2001 af 2. marts 2001, i bilag VIII anfører, at udendørsarealet for æglæggere skal være 4 m². Efter forslaget er arealkravet således ens for æglæggere, der producerer "økologiske æg" og æglæggere, der producerer "æg fra fritgående høns".

Kommissionen har i forlængelse af forslaget om 4 m² anført, at hønsene skal have adgang til et udendørsareal fra det nærmeste udgangshul i en radius af 350 m. Kravet hertil findes overflødigt, idet adgangen til udendørsarealet som sådan skal opfylde betingelserne i artikel 4, stk. 3, litra b, i Rådets Direktiv 1999/74/EF af 19. juli 1999 om mindstekrav til beskyttelse af æglæggende høner.

Kommissionen fremsætter forslaget omkring ændringen for skrabehøns vedkommende med hensyn til belægningstætheden i fjerkræstalden, som forøges fra de nuværende "7 høner pr. m² gulvareal" til "9 høner pr. m² nytteareal" med henblik på at bringe reglerne i overensstemmelse med art. 4, stk. 1 i Rådets direktiv 1999/74/EF af 19. juli 1999 om mindstekrav til beskyttelse af æglæggende høner.

Af betydning kan nævnes, at det på baggrund af dansk anmodning nu bliver muligt, at anvende kvalitetsklasse B og C æg til fremstilling af ægprodukter, der kan markedsføres som fremstillet af den pågældende kategori metodeæg. Der er ingen levnesmiddelhygiejniske betænkeligheder herved, idet konventionelle ægprodukter må fremstilles af kvalitetsklasse B og C æg.

Endvidere er den danske benævnelse for "Æg fra fritgående høns" blevet ændret til "Æg fra frilandshøns". Ændringen af benævnelsen er sket på baggrund af anmodning fra Det Danske Fjerkræraad og i fuld overensstemmelse med Forbrugerrådet.

Ikrafttrædelsesregler fremgår af art. 3 i forslaget. Artikel 1 indeholder regler for mærkning af æg, mærkning af fodersammensætning til æglæggere, samt produktionsmetoder. Reglerne for mærkning af æg og minimumsbetingelserne til produktionsmetoder (f.eks. skrabeæg) træder dog først i kraft fra den 1. januar 2002. Renoverede eller nybyggede systemer skal fra den 1. januar 2002 følge nye regler i overensstemmelse med velfærdsdirektivet. Artikel 2 (mærkning af sporbarhed af produktionsmetoder og produktionssted) skal først gælde fra 1. januar 2004.

Udtalelser

Europa-Parlamentet skal ikke udtale sig.

Gældende dansk ret

Bekendtgørelse nr. 595 af 16. juli 1999, om hønseæg til konsum ændret til bekendtgørelse nr. 852 af 11. september 2000, om hønseæg til konsum § 12.

Konsekvenser

Forslaget forventes ikke at have lovgivningsmæssige eller statsfinansielle konsekvenser.

Fødevarerdirektoratet oplyser, at en nedsættelse af perioden fra "sidste salgsdato" til "mindst holdbar til dato" ikke forekommer virkningsfuldt for fødevarerens sikkerhed, når dette ikke er ledsaget af et kølekrav i kæden fra "jord til bord".

Uanset at forslaget er i overensstemmelse med Rådets Direktiv 1999/94/EF er der tale om en væsentlig forøgelse af belægningstætheden i fjerkræstalden. Ændringen af belægningen angivet på grundlag af "gulvareal" til "nytteareal" bevirker, at der i fjerkræstalden kan opbygges repos hvorved belægningen i stalden kan øges langt mere end den angivne forøgelse fra 7 til 9 høner angiver.<>

Høring

§2-udvalget (landbrug) er blevet hørt.

Landbrugsraadet har meddelt, at forslaget ikke umiddelbart giver anledning til bemærkninger.

Danske Slagterier har heller ikke bemærkninger til forslaget og notatet.

FDB støtter synspunktet om, at en fordeling af holdbarhedsperioden bør ledsages af et kølekrav. FDB er desuden bekymret for indskrænkningen af de nuværende produktionsmetoder, der for danske forbrugere vil være en forringelse i forhold til æg, som i dag udbydes på det danske marked, idet hønsenes vilkår vil ændres markant, hvorfor det stigende antal forbrugere, som prioriterer dyrevelfærd højt, vil blive vildledt i forhold til den nuværende situation. Desuden fremgår det ikke, om der er mulighed for som supplement til varebetegnelsen at angive de specifikke og bedre arealkrav, der måtte være gældende således, at danske æg fra fritgående høns kan tilvælges på dette grundlag.

De Samvirkende Købmænd (DSK) har bemærket, at det ikke umiddelbart er i tidens ånd at reducere pladsen til æglæggende høner, men at det vil være mere overskueligt for forbrugerne, hvis der ikke er så mange forskellige produktionsmetoder. Desuden er DSK enig i, at der bør være mulighed for at angive produktionsmetoder ikke kun for æg, men også for ægprodukter og æg som ingrediens.

Forbrugerrådet kan ikke acceptere belægningstætheden i fjerkræstalde, som øges fra de nuværende 7 høner pr. m² gulvareal til 9 høner pr. m² nytteareal, som vil medføre forringet dyrevelfærd og vil svare til et volieresystem, som ifølge Det Dyreetiske Råds "udtalelse om æglæggende høner" må skønnes at medføre en velfærdsforringelse. Konsekvenserne for dyrevelfærd ved indførelse af volieresystemer må derfor nødvendigvis undersøges og ikke indføres, før det er påvist, at det har en neutral eller forbedrende indflydelse på hønsenes adfærd. Sammenlægningen af reglerne for intensiv og ekstensiv produktion for æg i kategorien "æg fra fritgående høns" og "æg fra fritgående høns- intensivt system" er ligeledes et væsentligt problem, fordi det tillader en formindskning af udendørsarealet pr. høne på 60%. Forbrugerrådet tager derfor afstand fra den forringelse af dyrevelfærd, som ændringerne i forordningen vil betyde og bemærker, at for mange forbrugere ligger der en væsentlig beslutning i at vælge æg fra fritgående høns eller økologiske høns fremfor konventionelle buranlæg. Der er en markering af, at forbrugerne er villige til at betale mere for æg, hvor man ved, at dyrevelfærd er højt prioriteret. En forringelse vil underminere forbrugertilliden til produktionsformerne og forbrugernes mulighed for at støtte høj dyrevelfærd og fødevarekvalitet gennem valget af æg fra fritgående høner.

Tidligere forelæggelse for Folketingets Europaudvalg

Sagen har ikke tidligere været forelagt Folketingets Europaudvalg.

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8 June 2001

DRAFT

COMMISSION REGULATION (EC) No .../..

of

amending Regulation (EEC) No 1274/91 introducing detailed rules for implementing Council Regulation (EEC) No 1907/90 on certain marketing standards for eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1907/90 of 26 June 1990 on certain marketing standards for eggs, as last amended by Regulation (EC) No 5/2001, and in particular Articles 10(3) and 20(1) and (4) thereof,

Whereas:

1. Commission Regulation (EEC) No 1274/91, as last amended by Regulation (EC) No 505/98, lays down the necessary provisions for the implementation of marketing standards in the egg sector;
2. In order to improve the traceability of eggs and the accuracy of date indications by packing centres, provisions to identify deliveries of eggs from producers to packing centres should be reinforced in particular regarding the indication of the laying date or laying period on the container at the production site as well as for the dispatch of ungraded eggs between packing stations.
3. In the case of automated egg candling systems, it is appropriate to authorise Member States to dispense with continuous manning of the machine.
4. In order to ensure adherence to the existing weight grades comprising weight ranges of 10 g rules should be reinforced to prevent splitting weight grades into two bands using different pack colours or symbols with different price structure, thus undermining orderly marketing and clear information of consumers.
5. Experience has shown that it is not necessary to link the derogation permitting the delivery of non-packed eggs in small quantities directly from packer to retailer to the distance of delivery. The obligation to indicate the grading date must be replaced by the indication of the best-before date which is the compulsory date to be shown.
6. The definitions of the date of minimum durability and of the recommended sell-by date should be clarified and be linked to the maximum time limit of 21 days after laying for the delivery of eggs to the consumer laid down in Council Decision 94/371/EC of 20 June 1994 laying down specific public health conditions for the putting of the market of certain types of eggs, which implies a maximum of not more than 28 days after laying for the date of minimum durability.
7. Based on the experience gained and following the adoption of Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens, the detailed provisions regarding the optional indication of the various farming methods should be adapted with a view to reduce the number of such methods and to redefine the terms which may be used in the different Community languages in particular for the keeping of hens in battery cages. Furthermore the minimum requirements to be met by poultry establishments for the various farming methods should be brought in line with the provisions of Council Directive 1999/74/EC although certain additional criteria should be laid down for free range eggs in order to prevent abuse of open air runs. It is also necessary to provide for more detailed rules regarding record keeping by operators in order to improve monitoring of product flow. Finally optional indication of farming methods should be extended to cover eggs for processing in order to promote the marketing of egg products manufactured from eggs of different types and their control.
8. For the optional indication of eggs and their packs of how laying hens are fed detailed rules must be laid down including in particular provisions which allow to monitor the flow of eggs produced from hens which are fed on a specific type of feed. These rules should provide for minimum rates for the incorporation of cereals when reference is made to their use in the feed of laying hens for which Member States may fix stricter requirements applicable only to producers of the Member State concerned and not impeding exchange of eggs in the Community.
9. As from 1.1.2004 a code designating the producers distinguishing number and permitting the farming method to be identified shall be marked on grade A eggs as well as the farming method on packs. It is advisable to lay down the detailed rules for such compulsory marking at an early stage so that operators can take the necessary preparatory measures in good time. These detailed rules should comprise provisions for the monitoring of the flow of eggs which are similar to those applicable at present for the optional indications.
10. In order to assure a smooth transition to the new rules provision should be made to allow for continued use during a transitional period until 31.12.2001 of indications relating to farming methods and how hens are fed applicable before the entry into force of this Regulation, and until 31.12.2001 of minimum requirements regarding newly built or rebuilt non-cage production systems and until 31.12.2003 for other non-cage systems.
11. The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1274/91 is amended as follows:

1. Article 1(5) is replaced by the following:

"5. Each **container** shall be identified by the name and address **or registered number** of the producer **establishment, the day or period of laying** and the date of dispatch **before leaving the production site.**

In the case of packing centres supplied from their own production units situated at the same site with eggs which are not in containers, identification shall take place at the packing centre.

Where ungraded eggs are passed from the first packing centre to other packing centres in different containers, each container must be identified with this information before leaving the packing centre.

Where the period of laying is indicated, the determination of the date of minimum durability and of the recommended sell-by date in accordance with Articles 14(1a) and 16(2) respectively shall be made starting from the first date of that period."

1. Article 3(3)a) is replaced by the following:

3. The technical equipment of packing centres must ensure proper handling of the eggs and include in particular:

(a) suitable candling equipment continuously manned throughout and allowing the quality of each egg to be examined separately. Where use is made of an automatic machine for candling, sorting and grading, the equipment must include an independent candling lamp. **In the case of automated systems, the competent authority may dispense with continuous manning of the machine."**

1. Article 8(2) is replaced by the following:

"2. On packs the weight-grading shall be indicated by the respective letters or by the respective terms as defined in paragraph 1 or by a combination of both, which may be supplemented by the corresponding weight ranges. **No subdivision of the weight ranges referred to in paragraph 1 shall be made using different pack colours, symbols, trademarks or other indications."**

1. Article 12(4), is replaced by the following:

"4. The derogation referred to in Article 11 (2) of Regulation (EEC) No 1907/90 applies in the case of daily quantities of less than 3 600 eggs per delivery and of less than 360 eggs per buyer. The name, address and number of the packing centre as well as the number of eggs, quality and weight grades and date of **minimum durability** shall be indicated on accompanying documents."

1. The following paragraph 1a) is inserted in Article 14:

"1a) **The date of minimum durability shall be the date until which grade "A" eggs will retain the characteristics described in Article 5(1) when properly stored. It shall be fixed at not more than 28 days after laying."**

1. Article 16(2) is replaced by the following text:

"2. The recommended sell-by date **shall not exceed the maximum time limit for the delivery of eggs to the consumer of 21 days after laying as laid down in Article 3(1) of Council Decision 94/371/EC.**

The indication must be worded in such a way that the meaning of the recommended sell-by date is clear."

1. In Article 18

a) paragraph 1 is replaced by the following:

"1. In order to indicate **the farming method** as referred to in Articles 7 and 10(3) of Regulation (EEC) No 1907/90 **with the exception of organic or biological farming as referred to in Council Regulation (EEC) No 2092/91, on eggs** and on packs containing eggs, no other terms except those set out hereunder **and the corresponding terms in the other Community languages listed in Annex II** may be used and in any case only if the relevant conditions laid down in Annex III are fulfilled:

on packs on eggs

a) Free range eggs Free range

b) Barn eggs Barn

c) Eggs from caged hens Cage

These terms may be supplemented by indications referring to the particular characteristics of the respective farming **method**.

The terms on eggs may be replaced by a code designating the producer's distinguishing number permitting to identify the farming method provided that the meaning of the code is explained on the pack.

In the case of loose sales, the indications of the farming method may be used only if individual eggs are marked **at the farm or packing centre** with the respective term **or the producer code**, if the latter permits to identify the farming method, provided that its meaning is explained on a separate sign."

b) In paragraph 2, the introductory phrase of the 1st subparagraph is replaced by the following:

"2. Packing centres authorised to use the terms referred to in paragraph 1 shall keep a separate record by farming method **for at least six months after the producer ceases to supply eggs or after the flock is disposed of:**"

c) Paragraph 4 is replaced by the following:

"4. Eggs as referred to in paragraph 1 shall be delivered to packing centres **and to food industry undertakings approved in accordance with Council Directive 89/437/EEC** in containers bearing one of the terms referred to in paragraph 1 in one or more Community languages. Containers shall be identified by name and address **or registered number of producer**, type of **eggs**, their number or weight and date of dispatch **before leaving the production site. The date of delivery and records of all information on containers, and of physical stocks** on a weekly basis shall be kept at the packing centre **and food industry establishment for a period of at least six months.**"

d) Paragraph 6 is replaced by the following:

"6. Packing centres as referred to in paragraph 2 shall keep separate records of daily quality and weight grading and of sales of eggs and small packs marked in accordance with paragraph 1 including the name and address of buyer, number of packs, the number and/or weight of eggs sold by grade of weight and date of delivery **as well as of physical stocks on a weekly basis.** Instead of keeping sales records, they may, however, keep files of invoices or delivery notes marked as indicated in paragraph 1. **Such records and files shall be kept for at least six months.**"

e) In paragraph 6a), the introductory phrase of the 1st subparagraph is replaced by the following:

"6a. Collectors and wholesalers are required to maintain records on purchases and sales transactions and physical stock records for eggs referred to in paragraph 1 (a) **and (b), for a period of at least six months.**"

f) Paragraph 7a is replaced by the following:

'7a. The provisions of paragraphs 2 to 6a do not apply when the term referred to in paragraph 1(c) is used';

g) The following paragraph 7b. is inserted:

"7b. Packs containing eggs destined for food industry undertakings approved in accordance with Council Directive 89/437/EEC may be marked with the indications referred to in paragraph 1 provided that the eggs are produced in poultry establishments meeting the respective requirements set out in Annex III and that the monitoring measures referred to in paragraphs 2 to 6 are applied."

1. Article 18a is renumbered 19a and its paragraph 1 is replaced by the following:

"1. The Member States shall take all measures necessary to ensure the confidential character of information supplied pursuant to Articles 17, 18(2), **18a(1)** and **19(2)** insofar as natural persons are concerned."

1. The following Article 18 a is inserted:

"Article 18a

Where grade A eggs and packs bear an indication of how laying hens are fed the following conditions and those laid down in Annex IV shall apply :

1. Packing centres which make use of such indications shall keep a detailed record of deliveries, showing the name and address or registered number of the producer, the number or weight of eggs and the date of delivery. The producer shall keep current record of quantity and type of feed supplied and mixed on-site, date of supply and name of feed manufacturer or supplier, the number and age of laying hens, showing also the number of eggs produced and delivered, the date of dispatch, and the names of the purchaser.

These records shall be kept for at least six months after the producer ceases to supply eggs or after the flock is disposed of.

1. Packing centres as referred to in paragraph 1 shall keep separate records of the daily quality and weight grading and sales of small packs and of eggs marked with the terms and/or symbols referred to in paragraph 1, including name and address of the buyer, the number or weight of eggs sold and the date of delivery, as well as of physical stocks on a weekly basis for a period of at least six months.

Instead of keeping records, they may however keep files of invoices or delivery notes bearing indications of how laying hens are fed.

1. Large packs containing eggs or small packs marked with the indication of how laying hens are fed shall bear the same indications. In the case of loose egg sales the indications may be used only if individual eggs are marked with the respective terms.
1. Inspections regarding compliance with the statements made shall be carried out at the farm and feed mill at least once a year,
1. The provisions of paragraphs 1 to 4 shall apply without prejudice to national technical measures going beyond the minimum requirements set out in Annex IV, which are applicable only to producers of the Member State concerned, provided that they are compatible with Community law and are in conformity with the common marketing standards for eggs.
1. The national measures referred to in paragraph 5 shall be communicated to the Commission.
1. At any time and at the request of the Commission, Member States shall provide all the information necessary for assessing the compatibility of the measures referred to in this Article with Community law and their conformity with the common marketing standards for eggs."
1. Article 18 b is replaced by the following:

"Article 18b

Supervision of the indications of the farming method used as referred to in Article 18(1), including indications regarding the particular characteristics of the respective farming method and of indications how laying hens are fed as referred to in Article 18(a), may be delegated to bodies designated by the Member States which provide the necessary independence *vis-à-vis* the producers concerned and which shall comply with the criteria set out in European Norm No En/45011 in force.

These bodies shall be licensed and supervised by the competent authorities of the Member State concerned."

1. Article 19(2) is replaced by the following:

"2. . Packing centres which make use of the terms and/or symbols referred to in paragraph 1 shall keep a detailed record of deliveries by origin, showing the name and address or registered number of the producer, the number or weight of eggs and the date of delivery. The producer shall keep current records of the number and age of laying hens, showing also the number of eggs produced and delivered, the date of dispatch, and the names of the purchaser. **Such records shall be kept for at least six months after the producer ceases to supply eggs or after the flock has been disposed of.'**

1. Article 19(3) is replaced by the following:

'3. Packing centres as referred to in paragraph 2 shall keep separate records of the daily quality and weight grading and sales of small packs and of eggs marked with the terms and/or symbols referred to in paragraph 1, including name and address of the buyer, the number or weight of eggs sold and the date of delivery, as well as of physical stocks on a weekly basis **for at least six months**. Instead of keeping records, they may however keep files of invoices or delivery records as indicated in paragraph 1."

1. Article 20(1) second indent is replaced by the following:

"- annually, before 1 April, the average number of laying hens present ⁽¹⁾, the number or weight of eggs delivered as recorded in accordance with Article 18 (2) and (7) b) as well as the number or weight of eggs sold as recorded in accordance with Article 18 (6), in the previous calendar year."

1. In Annex I, point 3 the term "or display until" is added after sell by.

1. Annex II is replaced by the Annex I to this Regulation.

16. Annexes II and III to this Regulation are added as Annexes III and IV.

Article 2

Article 18 is replaced by the following text:

"Article 18

1. All eggs shall be marked with a code designating the producer establishment as determined according to Article 7 of Council Directive 1999/74/EC and permitting to identify the farming method as defined in Annex III.

2. Eggs from establishments not covered by Council Directive 1999/74/EC shall be marked with a code defined by the Member State or the packing station and containing the same information permitting to identify the type of farming as used for the code referred to in paragraph 1.

3. Eggs shall be marked at the farm or packing station.

4. Eggs destined for the food and non-food industry may not be stamped provided that the destination is clearly shown on the pack.

5. Large and small packs containing eggs shall bear one or more of the corresponding terms referred to in Annex II.

6. Packing centres shall keep separate records, by farming method for at least six months after the producer ceases to supply eggs or after the flock is disposed of:

- Of the names, addresses and registered numbers of the producers supplying eggs,
- Of the number of laying hens kept by each producer.

The said producers shall subsequently be inspected regularly. They shall keep records of the date of placing the age at placing and the number of laying hens by farming method showing also the number of eggs produced and delivered per day, the date of dispatch and the names of the purchasers.

Such records shall be kept on farm for at least six months after the flock has been disposed of.

Each Member State shall provide the other Member States and the Commission, before 1 January 2004 with the list of the registered producers in its territory, for each type of farming showing the name and address of each of them and the distinguishing number allotted to them. Any alteration of that list shall be communicated at the beginning of each calendar year to the other Member States and to the Commission.

1. Eggs shall be delivered to packing centres **and to food industry undertakings approved in accordance with Council Directive 89/437/EEC** in containers bearing one of the terms referred to in **Annex II** in one or more Community languages. Containers shall be identified by name and address **or registered number of producer, type of eggs, their number or weight and date of dispatch before leaving the production site. The date of delivery and records of all information on containers, and of physical stocks** on a weekly basis shall be kept at the packing centre **and food industry establishment for a period of at least six months."**

8) During storage, grading and packing eggs shall be clearly separated **according to farming method.**

9) Packing centres shall keep separate records of daily quality and weight grading and of sales of eggs and small packs **by farming method** including the name and address of buyer, number of packs, the number and/or weight of eggs sold by grade of weight and date of delivery. Instead of keeping sales records, they may, however, keep files of invoices or delivery notes. **Such records and files shall be kept for at least six months."**

10) Collectors and wholesalers are required to maintain records on purchases and sales transactions and **physical** stock records for eggs **according to farming method, for a period of at least six months.**

Collectors shall be able to show for these eggs :

- (a) dates and quantities of collections
- (b) the names, addresses and registered number of the producers
- (c) dates and quantities of deliveries to the relevant packing stations.

Wholesalers (including dealers who do not physically handle eggs) shall be able to show for these eggs :

- (a) dates and quantities of both purchases and sales
- (b) names and addresses of the suppliers/purchasers

In addition, those wholesalers who physically handle these eggs shall keep a weekly record of physical stock.

Instead of keeping specific records on purchases and sales transactions, collectors and wholesalers may keep files of invoices or delivery notes.

11) The provisions of **Annex III** shall apply without prejudice to national technical measures going beyond its minimum requirements, which are applicable only to producers of the Member States concerned, provided that they are compatible with Community law and are in conformity with the common marketing standards for eggs.

12) The national measures referred to in paragraph 11 shall be communicated to the Commission.

13) At any time and at the request of the Commission, Member States shall provide all the information necessary for assessing the compatibility of the measures referred to in this Article with Community law and their conformity with the common marketing standards for eggs.

Article 3

This Regulation shall enter into force on the **third** day following that of its publication in the *Official Journal of the European Communities*.

Article 1 shall apply with effect from [1 October 2001], except its paragraph 9, which shall apply from 1 July 2001.

However, indications regarding the farming method and how hens are fed which were used in accordance with Articles 18, 18a) and 18b) of Regulation (EEC) No 1274/91 and Article 10(2)c) of Regulation (EEC) No 1907/90 respectively before the entry into force of this Regulation, may be used until [31 December 2001]. Furthermore, minimum requirements for farming methods referred to in Annex II a), b), c) and d) of Regulation (EEC) No 1274/91 applicable before the entry into force of this Regulation may continue to apply until 31.12.2001 for newly built or rebuilt production systems and until 31.12.2003 for other production systems.

Article 2 shall apply from [1 January 2004]

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission

Member of the Commission

A N N E X I

"ANNEX II

Suggested terms for the indication of the types of egg farming (a): on packs; (b) on eggs

| Code | | 1 | 2 | 3 |
|------|----|--------------------------------------|--------------------------------|---------------------------------|
| EN | a) | Free range eggs | Barn eggs | Eggs from caged hens |
| | b) | Free range | Barn | Cage |
| FR | a) | Oeufs de poules élevées en plein air | Oeufs de poules élevées au sol | Oeufs de poules élevées en cage |
| | b) | Plein air | Poules au sol | cage |
| DE | a) | Eier aus Freilandhaltung | Eier aus Bodenhaltung | Eier aus Käfighaltung |
| | b) | Freiland | Bodenhaltung | Käfig |
| IT | a) | Uova da allevamento all'aperto | Uova da allevamento a terra | Uova da allevamento in gabbie |
| | b) | Aperto | a terra | Gabbia |

| | | | | |
|------|----|--------------------------------------|--|--------------------------------------|
| NL | a) | Vrijland eieren | Scharrel eieren | Kooi eieren |
| | b) | Vrijland | Scharrel | Kooi |
| DK | a) | Æg fra frilandshøns | Skrabeæg | Æg fra burhøns |
| | b) | Frilandsæg | Skrabeæg | Buræg |
| ESP | a) | Huevos de gallinas camperas | Huevos de gallinas criadas en el suelo | Huevos de gallinas criadas en jaulas |
| | b) | Camperas | Suelo | Jaulas |
| PORT | a) | Ovos de galinhas criadas ao ar livre | Ovos de galinhas criadas no solo | Ovos de galinhas criadas em jaulas |
| | b) | Ar livre | Solo | Jaulas |
| FIN | a) | Ulkokanojen munia | Lattiakanojen munia | Häkkikanalassa tuotettu munia |
| | b) | Ulkokanalasta | Lattiakanalasta | Häkkikanalasta |
| SV | a) | Ägg från utehöns | Ägg från frigående höns inomhus | Ägg från burhöns |
| | b) | Frigående (alt. Frig.) ute | Frigående (alt. Frig.) inne | Burägg |
| GR | α) | Αυγά Ε λε ύθ ε ρ ης οοκής | Αυγά δαπέδου με στρωμένη | Αυγά κλωβοστοιχίας |
| | β) | Ε λε ύθ ε ρ ης βοοκής | Δαπέδου-στρωμένη | Κλωβοστοιχία" |

ANNEX II

"ANNEX III

Minimum **requirements** to be met by poultry establishments **for the various egg farming methods**

(a) 'Free range eggs' must be produced in poultry establishments **which satisfy at least the conditions specified in Art. 4 of Council Directive 1999/74/EC and** in which :

- hens have continuous daytime access to open-air runs, **except in the case of temporary restrictions imposed by veterinary authorities;**
- the **open-air runs to** which hens have access is mainly covered with vegetation **and not used for other purposes except for orchards and livestock grazing if the latter is authorized by the competent authorities;**
- **the open-air runs must at least satisfy the conditions specified in Article 4(3)b)(ii) of Council Directive 1999/74/EC whereby the maximum stocking density is not greater than 2500 hens per hectare of ground available to the hens or one hen per 4 m² and the runs are not extending beyond a radius of [350 m] from the nearest pophole of the building;**

(b) 'Barn eggs' must be produced in poultry establishments which satisfy at least the conditions specified in Art. 4 of Council Directive 1999/74/EC .

(c) 'Eggs from caged hens' must be produced in poultry establishments which satisfy at least:

- the conditions specified in Council Directive 88/166/EC until 31.12.2002;
 - the conditions specified in Art. 5 of Council Directive 1999/74/EC as from 1.1.2003 until 31.12.2011
- or
- the conditions specified in Article 6 of Council Directive 1999/74/EC as from 1.1.2002."

ANNEX III

"ANNEX IV

Reference to the following particular feed ingredients may only be made where

- **in the case of cereals, they account for at least [60%] in weight of the feed formula given which may include not more than [15%] of cereal by-products; however, where reference is made to specific cereals, each shall account for at least [30%] of the feed formula used in the case of one cereal mentioned and for at least [5%] of several cereals mentioned."**

