

Consultation on amending Egg Marketing Standards legislation in Great Britain

Consultation document

July 2021

This document is also available in Welsh

 

We are the Department for Environment, Food and Rural Affairs. We’re responsible for improving and protecting the environment, growing the green economy, sustaining thriving rural communities, and supporting our world-class food, farming and fishing industries.

We work closely with 33 agencies and arm’s length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable.

Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.

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## How to respond

* Please submit your consultation response using the online survey provided on Citizen Space (Citizen Space is an online consultation tool). If you require a hard copy of this consultation email [Poultry.mailbox@defra.gov.uk](mailto:Poultry.mailbox@defra.gov.uk)
* To respond via post, please address your response to:

Consultation on amending egg marketing standards legislation in GB,

Consultation Coordinator, Defra, 2nd Floor,

Foss House,

Kings Pool,

1-2 Peasholme Green,

York,

YO1 7PX

To respond via email: [poultry.mailbox@defra.gov.uk](mailto:poultry.mailbox@defra.gov.uk)

Responses should be received by 16 August 2021. This is a 4-week consultation.

## 1 Introduction

* 1. Egg Marketing Standards in the UK are established by Regulation (EC) No 589/2008, and enforced in England by the Eggs and Chicks (England) Regulations 2009, in Wales by the Eggs and Chicks (Wales) Regulations 2010 and in Scotland by the Eggs and Chicks (Scotland) (No.2) Regulations 2008 (as amended).
  2. Regulation 589/2008 was retained within domestic law after 1 January 2021 when the EU Transition Period ended. It has also been amended by the Agriculture (Miscellaneous Amendments) (EU Exit) Regulations 2019, the Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019, the Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) Regulations 2020, Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (No. 2) Regulations 2020 and the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020.

## 2 How and why we are consulting with you

2.1. Defra, the Welsh Government, and the Scottish Government are undertaking this consultation in relation to a proposed amendment to their respective legislation to update the approach to the enforcement of egg marketing standards for imports of eggs to Great Britain.

2.2. Egg marketing standards are a devolved matter. Each of the three GB administrations is leading on the amendment to the legislation for its own jurisdiction. Defra is engaging with colleagues in both the Welsh and Scottish Governments to discuss possible GB-wide alignment on the proposed amendments. Northern Ireland is bound by the Northern Ireland Protocol, this includes Regulation 589/2008 has effect in NI as it does in the EU, and as a result Northern Ireland cannot amend its egg marketing standards regulation. We will work with Northern Ireland to ensure we have optimal alignment and egg movements between GB and NI continue as usual.

2.3 The purpose of this consultation is to seek the views of industry on our proposed amendment to retained Regulation (EC) 589/2008.

2.4 It is our priority to ensure we have a comprehensive understanding of industry’s views of these proposals. All responses to this consultation will therefore be carefully considered.

2.5 The amendment we are proposing to the legislation is designed to confirm the continuation of the existing enforcement regime for imports under egg marketing standards regulations. In doing so, we are looking to ensure that the enforcement of marketing standards continue to be maintained throughout the supply chain without causing undue burden to businesses.

## 3 Background

3.1. Egg Marketing Standards were introduced by Council Regulation 1907/1990, and implemented by Commission Regulation 1274/1991, to protect consumers from being misled in respect of the various marketing terms used and/or from being confused by differing presentations, marking, labelling, or grading of eggs.

3.2. Council Regulation 1906/1990 was later repealed and incorporated into Council Regulation 1028/2006, implemented by Commission Regulation No. 557/2007.

3.3. Council Regulation 1028/2006 was then repealed by Council Regulation 1234/2007. Although Regulation 1234/2007 was subsequently repealed by Council Regulation 1308/2013, some of its provisions relating to eggs continue to have effect and are implemented by Commission Regulation 589/2008 (the Egg Marketing Standards Regulation) which remains in force today.

## 4 Egg Marketing Standards Regulation

4.1. The Egg Marketing Standards Regulation (589/2008), regulates the following aspects of marketing of eggs in shell either produced in or imported into the country:

* quality
* weight
* grading
* labelling
* marking
* packaging
* use of special marketing terms (relating to farming methods)

4.2. The Egg Marketing Standards Regulation seeks to protect the consumer by setting uniform standards to ensure the quality of the product remains high and to protect the producer against unfair competition. It includes requirements for marketing standards checks, which are aimed at safeguarding quality and consumer confidence.

4.3. Food safety is not impacted by this Regulation: the egg marketing standards checks do not relate to sanitary and phytosanitary (SPS) requirements. Human health and hygiene rules are laid down in other regulations.

## Our approach

5.1 The proposal we are making is to amend existing legislation to enable the maintenance of the existing practice for the conduct of physical checks on imported Class A eggs and for these checks to apply to all third country imports of Class A eggs. Current practice of checks being conducted at the point of destination is not compliant with legislation. The proposed amendment would allow these checks to continue to be made on a random and risk-assessed basis as stipulated by existing legislation, at the point of destination before reaching the market.

5.2 Please note, we are consulting on the implementation of egg marketing standards physical checks for imported Class A eggs only. No documentary checks are required for marketing standards purposes on imported Class A eggs. We will only conduct documentary checks on Class B eggs at the border to ensure their final destination is the processing industry, as required by legislation.

5.3 **Proposal: to amend retained Regulation 589/2008, to ensure equivalent third-country Class A eggs can continue to undergo marketing standards checks at the point of destination rather than at the Border.**

5.4 The Egg Marketing Standards Regulation (589/2008) requires marketing standards checks on imported third country Class A eggs to take place at the point of customs clearance.Across GB, checks for imported Class A eggs are carried out by Egg Marketing Inspectors (EMIs). In England and Wales these checks are overseen by the Animal and Plant Health Agency (APHA). In Scotland, these checks are overseen by Scottish Government Poultry Officers. These physical checks are conducted at the point of destination, in temperature-controlled facilities at wholesalers and packing centres, on a random and risk basis.

5.5 Since the end of the Transition Period on 31st December 2020, EU member states are classed as third countries. Therefore, the retained regulation now requires all imported Class A eggs – including those from the EU – to be checked before customs clearance, which means in effect that they must be checked at the border. While there will be a phased introduction of import controls until 31 December 2021, the current practice for the conduct of checks on imported Class A eggs will no longer be compliant with UK law from 1 January 2022. This is, because they do not currently take place before the eggs are released from customs into free circulation, but at the point of destination.

5.6 We propose to amend the retained Regulation so that it does not require Class A eggs imported from third countries to be checked before they are released from customs: enabling marketing standards checks to continue to be carried out after release from customs at the point of destination, before the eggs are put on the market.

5.7 All imported Class A eggs entering the UK require marketing standards checks. The UK presently only imports Class A eggs from the EU. We recognise eggs from the EU as having equivalent marketing standards. Any future decision on equivalence for non-EU third country imported eggs will continue to be subject to Secretary of State’s approval in line with retained Regulation 589/2008. If non-EU imported eggs are deemed not to be equivalent to current UK standards, packs containing these eggs must be clearly labelled ‘non-UK standard’ along with the country of origin.

## 6 Timeline

6.1. Our ambition is to deliver this legislative amendment by the end of 2021 with the updated enforcement approach for imported Class A eggs going live in January 2022. Import checks on Class B eggs will commence from 1 October 2021. An indicative, high-level timeline for the introduction of the new regime for Class A eggs only can be given at this point.

We will update industry when delivery times become clearer.

6.2. On this basis, the following high-level timeline will be followed:

* 16 August 2021 – closure of this consultation and consideration of responses
* late 2021 – updated eggs compliance guide to be published
* 1 January 2022 – updated enforcement approach goes live at the end of the phased introduction of import controls

## 7 Consultation

The questions to which we would value your responses in relation to this consultation are as follows:

7.1 Would you like your response to be kept confidential?[[1]](#endnote-2)

Yes

No

7.2. What is the name of your organisation?

Click or tap here to enter text.

7.3. What is your name?

Click or tap here to enter text.

7.4. What is your email address?

Click or tap here to enter text.

7.5. If responding on behalf of a trade organisation or other body, where are your members located? (please select all that apply)

England

Wales

Scotland

If so, please give a brief description of who your organisation represents.

Click or tap here to enter text.

7.6. Do you understand the proposed change in legislation?

Yes

No

7.7. Do you have any comments on the proposed legislative change?

Click or tap here to enter text.

7.8 Are there any further amendments you would like to be considered in future reviews of the Egg Marketing Standards Regulation.

Click or tap here to enter text.

7.9 Would you be interested in attending a roundtable to further discuss the proposed legislative change?

Yes

No

1. If you click on ‘Yes’ in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality.

   The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in line with the access to information law (these are the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)).

   We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances.

   In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality.

   If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

   If you click on ‘No’ in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won’t make your personal name and private contact details publicly available.

   There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data with external analysts.

   This is for the purposes of consultation response analysis and provision of a report of the summary of responses only.

   This consultation is being conducted in line with the [Cabinet Office ‘Consultation Principles’](https://www.gov.uk/government/publications/consultation-principles-guidance).

   Please find our latest privacy notice uploaded as a related document alongside our consultation document.

   If you have any comments or complaints about the consultation process, address them to:

   Consultation on amending egg marketing standards legislation in GB

   Consultation Coordinator, Defra

   2nd Floor, Foss House, Kings Pool,

   1 to 2 Peasholme Green

   York

   YO1 7PX

   Or email: [consultation.coordinator@defra.gov.uk](mailto:consultation.coordinator@defra.gov.uk)  [↑](#endnote-ref-2)