



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EEC) No 1907/90  
on certain marketing standards for eggs**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

In its communication to the Council on the protection of laying hens, the Commission undertook to propose compulsory labelling of eggs to indicate the farming method.

Similarly, when Directive 1999/74/EC was adopted, the Council requested the Commission to submit to it, by 1 January 2002, a proposal to adapt the marketing standards for eggs laid down in Council Regulation (EEC) No 1907/90 to the new provisions of that Directive, taking account in particular of the possibility of introducing compulsory labelling.

This proposal meets that request.

The first proposed amendment of Regulation (EEC) No 1907/90 introduces compulsory indication of the farming method on eggs and packs to enable consumers to choose between the various classes of egg depending on their method of production. This obligation applies to all eggs marketed in the European Union including those from third countries, although in the latter case alternatives are available.

A second amendment is also proposed which would simplify standards by bringing together Class B (second quality or preserved eggs) and Class C (downgraded eggs intended for industry) in a new Class B, eggs intended for industry. Class B accounts for only a small proportion of eggs sold in the European Union and the vast majority of the sector wishes to supply consumers solely with top-quality eggs.

This proposal has no financial impact on the Community budget.

Proposal for a

## COUNCIL REGULATION

### **amending Regulation (EEC) No 1907/90 on certain marketing standards for eggs**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs<sup>1</sup>, and in particular Article 2(2) thereof,

Having regard to the proposal from the Commission<sup>2</sup>,

Whereas:

- (1) Regulation (EEC) No 1907/90<sup>3</sup> lays down certain marketing standards for eggs.
- (2) The method by which hens are farmed has become a major factor for consumers when purchasing eggs. The Commission has undertaken to propose an amendment of the marketing standards and to make it compulsory to indicate the farming method on eggs and packs so that consumers are not liable to be misled. To that end, only clear and unambiguous compulsory labelling can ensure that the consumer can make an informed choice between the various classes of egg on the basis of the farming method. Appropriate compulsory labelling is in line with the wishes expressed by consumers and consumer organisations.
- (3) Compulsory labelling must apply to all eggs sold in the European Union and purchased by consumers outside the place of production, whether they are produced in the European Union or in third countries. However, in the case of eggs produced in third countries, indication of the farming method may be replaced by the indication "farming method not specified" or by an indication of origin if third country procedures do not offer sufficient guarantees as to equivalence with the technical rules and standards applicable to Community procedures. This will ensure that such eggs can be distinguished from those labelled in accordance with production methods and will make subsequent labelling with misleading indications unfeasible.
- (4) Second quality or preserved eggs, Class B, account for only a minor part of the European Community market and most of the trade is geared to supplying consumers with top-quality, Class A, eggs. The classification of eggs should therefore be

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<sup>1</sup> OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 1516/96 (OJ L 189, 30.7.1996, p. 99).

<sup>2</sup> OJ C

<sup>3</sup> OJ L 173, 6.7.1990, p. 5. Regulation as last amended by Regulation (EC) No 818/96 (OJ L 111, 4.5.1996, p. 1).

simplified by amalgamating the current Classes B and C (eggs intended for industry) in a new Class B and the sale of such eggs should be exclusively for processing purposes,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1907/90 is amended as follows:

(1) In Article 6(1), the third indent is deleted and the second indent replaced by the following:

“- class B or “second quality or downgraded eggs intended for food industry undertakings approved in accordance with Directive 89/437/EEC and the non-food industry”.”

(2) Article 7 is replaced by the following:

*“Article 7*

1.
  - (a) A distinguishing mark indicating the farming method or a code designating the producer’s distinguishing number thus also permitting the farming method to be identified, shall be stamped on class A eggs.
  - (b) The Commission shall undertake an evaluation of the labelling methods in force in exporting third countries. If it finds that the procedures applied offer sufficient guarantees as to equivalence with the applicable technical rules and Community standards, eggs imported from the countries concerned may be given the distinguishing mark or code mentioned in (a) above. If that is not the case, imported eggs shall be given one of the following marks: “farming method not specified”, “origin: non-EC” or the country of origin.
  - (c) The Commission shall, where necessary, negotiate with those countries to arrive at appropriate ways of offering guarantees of compliance with labelling standards equivalent to Community procedures.
  - (d) Use of these indications shall be governed by conditions to be determined in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75.
2. One or more of the following distinguishing marks may be stamped on class A eggs:
  - (a) the date of minimum durability (“best before” date);
  - (b) one or more further dates aimed at providing the consumer with additional information;
  - (c) the quality grading;
  - (d) the weight grading;
  - (e) the packing centre number;

- (f) the name or business name of the packing centre;
- (g) trade name or trade mark;
- (h) an indication of the origin of the eggs;
- (i) a code identifying the producer establishment.

The indications provided for in (f) and (g) shall be used only in accordance with the relevant conditions laid down in the second clause of the sentence in Article 10(1)(a).

The indications provided for in (b) and (h) shall be used only in accordance with the relevant conditions laid down in Article 10(3).”

- (3) Article 8 is replaced by the following:

*“Article 8*

1. Class B eggs, except for cracked eggs, shall bear a distinguishing mark showing their quality grading. They may also bear one or more of the indications listed in Article 7.
2. Class A eggs which no longer have the characteristics fixed for that grade shall be downgraded to class B.

In such a case, they shall bear a distinguishing mark in accordance with paragraph 1. Any marks which may have been used in accordance either with Article 7 or with paragraph 1 of this Article may be retained, except for those concerning weight grading, which shall be altered if appropriate.

3. However, by way of derogation from paragraph 2, class A eggs which no longer have the characteristics fixed for that grade may be delivered directly to food industry undertakings approved in accordance with Directive 89/437/EEC or the non-food industry, without the markings referred to in paragraph 2, provided always that their packs are clearly marked to show this destination.”

- (4) Article 10(1) is amended as follows:

- points (e) and (f) are replaced by the following:

“(e) the date of minimum durability (“best before” date) followed by storage recommendations for class A eggs, and the packing date for class B eggs;

(f) particulars as to refrigeration or to the method of preservation, in uncoded form, in respect of class B eggs.”,

- the following point (g) is added:

“(g) the farming method for class A eggs. These particulars shall be used in accordance with rules to be determined in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75.”

(5) Article 10(3) is replaced by the following:

“3. Further dates and indications concerning the origin of the eggs may only be used in accordance with rules to be determined in accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75. These rules shall cover in particular the criteria concerning the origin of the eggs.

However, if use of the indications relating to the origin of the eggs should prove to be harmful to the fluidity of the Community market, or if serious difficulties arise regarding control of the use of such indications and its effectiveness, the Commission, acting under the same procedure, may suspend use of the said indications.

Notwithstanding the above, where large packs contain small packs or eggs marked with any reference to the origin of the eggs, these particulars shall also be shown on the large packs.”

(6) In Article 15(b), the following sub-point (gg) is added:

“(gg) the farming method for the class A eggs referred to in Article 10(1)(g), or one of the following indications: “farming method not specified”, “origin: non-EC” or the country of origin.”

#### *Article 2*

In accordance with the procedure laid down in Article 17 of Regulation (EEC) No 2771/75, the Commission shall adopt:

- the measures required to facilitate transition to this Regulation,
- the measures required to resolve specific practical problems. Such measures, if duly justified, may derogate from certain provisions of this Regulation.

#### *Article 3*

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

It shall apply from 1 January 2001.

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

Done at Brussels,

*For the Council*  
*The President*