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Proposal for a
COUNCIL REGULATION (EEC)

amending Council Regulation (EEC) No 2772/72 on
marketing standards for eggs

(submitted to the Council by the Commission)

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EXPLANATORY MEMORANDUM

Proposal for Council Regulation (EEC) No /77
amending Council Regulation (EEC) No 2772/75 on
marketing standards for eggs

In Regulation (EEC) No 1619/68 of 15 October 1968 (consolidated (EEC) No 2772/75), the Council laid down marketing standards for eggs in shell.

From 1968 to 1976, the Commission and the Member States adopted the measures required for compliance with these standards under the best conditions. On 1 June 1977 there were 18.000 approved packing centres in the Community.

The conditions for implementing the measures adopted have been a frequent subject of discussion :

- with national delegations in the Management Committee for Eggs and Poultry,
- with the persons responsible for Member States inspection departments;
- with the professional bodies concerned.

From the information thus collected it appears that certain amendments could be made to Regulation (EEC) No 2772/75 without calling into question its principal aims : to improve the quality of eggs for consumption and to facilitate trade in this product.

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Article 5 (1), 2nd subparagraph - Record of suppliers

At present each packing centre is required to keep an up-to-date record of its suppliers.

This provision was adopted to facilitate the task of inspectors, who in the first years of implementation of the Regulation had to keep a close eye on the activity of markets selling to wholesalers and the intervals at which eggs were collected.

Now that inspection of the distribution networks is on an organized basis, it is no longer essential to keep such a list and the subparagraph in question can be deleted.

Article 16 - Large packs

For several years now, crates and containers of various kinds which are light and easily maintained and improve the conditions for the collection of eggs and their treatment in packing centres have been used. This is a desirable development which has in particular facilitated refrigeration of the eggs handled.

If these containers are used for marketing eggs graded by quality and weight, they become large packs and consequently must be sealed and labelled.

However, the widespread use of such containers for the transportation and distribution of small packs should be taken into consideration as the latter do not necessarily have to be placed in large packs.

Article 17 (2) - Marking of the week number

The rules provide that the band or label is to bear in clearly visible and legible black type the packing week number or the date of packing.

Each year the numbering is continuous from 1 to 52 or 53, which means that a single-digit or two-digit number is placed on the packs. If the number is badly printed or badly placed, confusion can arise which may mislead the consumer.

To avoid this, it is proposed that the number of the week should be followed by an oblique stroke and the last two digits of the number of the current year.

Further, the freedom to use the week number from the Thursday of the previous week to facilitate packing and wholesale marketing frequently leads to abuse.

Therefore the rules should be amended so that the retail sale before Monday morning of packs thus marked is not authorized.

Article 17 (3)
Article 18 (2) - Time allowed for packing

The rules guarantee the freshness of eggs to the consumer only if the time allowed for collection and marking is respected.

It is in particular essential that the date of packing or the packing week number are placed on packs containing Grade A eggs (fresh eggs) not later than the working day following the day of reception of the eggs by the packing centre.

However, sometimes public holidays fall on a Friday or a Monday and the larger collections on the following Monday or Tuesday exceed the sorting and packing capacity of some centres.

It is proposed that in such cases an additional working day should be allowed.

Article 18 (1) (a) - Trade marks

Small packs must show the name, business name and address of the undertaking which has packed the eggs or had them packed. The use of the firms trade mark is optional.

In 1972, the Council considered (Regulation No 1348/72) that "certain trade marks include information concerning packed eggs which is incompatible with the aims of the standards intended to ensure uniform competitive conditions", and laid down that the trade mark could be used if it contained no wording relating to the quality or freshness of the eggs which was incompatible with Regulation No 1619/68 (consolidated, No. 2772/75).

The use of certain trade marks has created new difficulties, due to the widespread commercial exploitation of references to national origin in the wording of the trade marks. There is a danger of a return to national quality distinctions,

whereas egg consumers expect uniform protection and would like there to be no division of the market by different national rules and regulations.

It is proposed that national origin should not be included in the trade mark that may be placed on small packs of eggs.

Article 20 (1) - Sale of eggs without packing

In the retail trade, eggs without packing must be presented separately according to quality and weight grading, but the buyer is not informed of the date of packing in wholesale packs. It is proposed that this date or the packing week number should be indicated. In cases where only the packing week number is mentioned, provision is made for posting the list of week numbers in the sales outlet.

Article 21 - Additional information

Only the information specified in the Regulation may be placed on egg packs. A broad interpretation of the text has led certain operators to place information on the origin and quality of the eggs within the packs, which is against the spirit of the Regulation. The restriction should therefore be extended to the pack and its contents.

However, certain national instruments require the selling price to be placed on packs and this additional information should be authorized.

Article 23 (c) (dd) - Indication of the weight

Eggs from non-member countries must be presented in packs on which is marked the weight in kilograms of the packed eggs.

Certain operators have pointed out that contracts relate to net weight in kilograms.

Although the present wording seems clear there is no objection to inserting the word "net" to avoid any misunderstanding.

Proposal for
COUNCIL REGULATION (EEC) No /77
amending Regulation (EEC) No 2772/75
on marketing standards for eggs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs¹, as amended by Regulation (EEC) No 368/76², and in particular Article 2 (2) thereof,

Whereas Council Regulation (EEC) No 2772/75 of 29 October 1975³ laid down marketing standards for eggs;

Whereas experience gained since the entry into force of the marketing standards has shown that it is no longer necessary to require each packing centre to keep an up-to-date record of its suppliers;

Whereas the use of crates or similar unsealed, reusable containers for the transport and marketing of eggs has become widespread in recent years; whereas such crates or other containers should therefore be treated as large packs except when they are used to transport small packs;

Whereas, in order to make it easier for the consumer to read the packing week number, additions should be made to the relevant provisions of the said Regulation; whereas particular care should be taken to ensure that the marking, which is authorized from Thursday of the previous week, does not give rise to confusion at the time of the sale to the consumer; whereas, however, an additional day should be allowed for marking where a Monday or a Friday

¹OJ No L 282, 1.11.1975, p. 49

²OJ No L 45, 21. 2.1976, p. 2

³OJ No L 282, 1.11.1975, p. 56

is a public holiday, since too great a quantity of eggs may have accumulated on the non-working days to be packed in a single day;

Whereas the use on small packs of trade marks referring to the national origin of the eggs may be exploited in such a way as to create confusion between such origin and the guarantees provided by the rules; whereas, therefore, the trade mark should bear no reference to the national origin;

Whereas, in retail trade, consumers may buy unpacked eggs without knowing the date when they were packed by the wholesale trade; whereas the conditions of sale would be improved if consumers were given this information by means of a code which they could understand;

Whereas the information that may be placed on egg packs should assist trade in the Community; whereas, further, the information provided for in Regulation (EEC) No 2772/75 is sufficient for consumers; whereas, apart from the selling price, any additional information on or in the packs may deceive the purchaser; whereas, therefore, such information should not be authorized;

Whereas import contracts for eggs from non-member countries refer to quantities expressed in kilograms of net weight; whereas provision should be made for the weight on large packs to be expressed in the same way;

HAS ADOPTED THIS REGULATION :

Article 1

The second subparagraph of Article 5(1) of Regulation (EEC) No 2772/75 is hereby repealed.

Article 2

Article 16 of Regulation (EEC) No 2772/75 is amended to read as follows:

- "1. For the purposes of this Regulation, "large packs" means packs which contain more than 30 eggs and "small packs" those which contain 30 eggs or less.
2. However, crates and other unsealed reusable containers containing small packs shall not be regarded as large packs."

Article 3

Article 17(2)(3) of Regulation (EEC) No 2772/75 is replaced by the following paragraphs 2 to 5 :

- "2. The number referred to in paragraph 1 (e) shall indicate the complete week beginning on Monday. Every year the numbering shall be continuous and shall consist of a number from 1 to 52 or 53, followed by an oblique stroke and the last two digits of the current year. The week which includes 1 January shall bear the number 1.
3. Every year, before 1 October, the list of week numbers to be used during the following year shall be published in the Official Journal of the European Communities.
4. The week number may be used :
 - from midnight on the Wednesday of the previous week for packing operations;
 - from midnight on the Thursday of the previous week for transport operations and in the wholesale trade;
 - from midnight on the Sunday immediately preceding the week corresponding to the week number in the retail trade.
5. An indication of the packing date or the week number shall be placed on large packs containing Grade A eggs at the latest on the working day following the day on which the eggs are received at the packing centre.

However, an additional working day shall be allowed when a Monday or a Friday is a public holiday".

Article 4

1. Article 18(1)(a) of Regulation (EEC) No 2772/75 is amended to read as follows:

"(a) the name, business name and address of the undertaking which has packed the eggs or for which they have been packed; the trade mark used by that undertaking may be shown if it contains no indication of the national origin nor any wording relating to the quality or freshness of the eggs which is incompatible with this Regulation;"

2. Article 18(2) of Regulation (EEC) No 2772/75 is amended to read as follows :

"2. An indication of the packing date or the week number shall be placed on small packs containing Grade A eggs at the latest on the working day following the day on which the eggs are received at the packing centre.

However, an additional working day shall be allowed when a Monday or a Friday is a public holiday".

Article 5

Article 20(1) of Regulation (EEC) No 2772/75 is amended to read as follows:

"1. Eggs displayed for sale or offered for sale in the retail trade shall be presented separately according to the information on the packaging from which they were removed.

The following information shall be clearly visible to the consumer :

- the quality grading,
- the weight grading,
- the packing date or packing week number of the batch offered for sale.

Where only the week number is given, the list of week numbers to be used during the year shall be displayed in the sales outlet;

- when refrigerated or preserved eggs are on sale, the fact that they are refrigerated or the method of preservation."

Article 6

Article 21 of Regulation (EEC) No 2772/75 is amended to read as follows :

"Packs shall not bear or contain in any form indications other than those laid down in this Regulation.

Nevertheless, the selling price may be shown to the extent required by the relevant national legislation."

Article 7

In Article 23(o)(dd) of Regulation (EEC) No 2772/75, the words "weight in kilogrammes" shall read "net weight in kilograms".

Article 8

This Regulation shall enter into force on

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

Done at Brussels,

For the Council

