

COMMISSION OF THE EUROPEAN COMMUNITIES

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PROPOSAL FOR COUNCIL REGULATION (EEC)
AMENDING REGULATION (EEC) N° 2772/79
ON MARKETING STANDARDS FOR EGGS

(presented by the Commission to the Council)

EXPLANATORY MEMORANDUM

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

The Commission transmitted a similar proposal to the Council in 1977 (doc. R/1890/77 (AGRI 527) of 25 July 1977).

After discussing this on several occasions from October 1977 to March 1978 the Council (SCA of 17 July 1978), on the basis of the comments recorded, agreed to a general examination of the application of the standards in question with a view to more extensive changes.

Following meetings from September 1978 to February 1979 with the government and trade experts, the Commission now proposes to replace its initial proposal for a Regulation with the attached document.

The proposals represented the thinking of the majority of the experts consulted and can be summarized as follows, in order of the Articles of regulation (EEC) No 2772/75.

Article 1: Definitions

Incubated eggs are no longer to be covered by the Regulation and it is proposed to withdraw the possibility provided for in Article 6.

A more precise definition of "checked batch" should make supervision easier.

Article 2: Door-to door selling

The derogation granted for door-to-door selling of non-graded eggs has led to trade practices which can not be described as the direct selling of quality eggs to consumers.

It is proposed to limit door-to-door selling to graded eggs, whether or not packed.

Article 4: Period for delivery to packing centre

The period of three working days allowed for delivery to the packing centre is more than required by collectors and can without disadvantage be reduced to two.

.../...

Article 5: Record of suppliers

Packing centres are required at the moment to keep an up-to-date record of their suppliers.

This proposal was adopted to facilitate the task of the supervisory agencies which, in the first years of application of the Regulation had to keep a close watch on the markets selling to wholesalers and the frequency of egg collections.

As supervision of the distribution networks is now organized these records are no longer absolutely necessary.

As certain Member States wish to continue with this arrangement it is proposed not to withdraw the requirement in those Member States.

Article 6: Quality classes

It is proposed to retain the three quality classes, to make the descriptions of them more precise and to withdraw the derogation allowed for certain incubated eggs.

Experience indicates that the conditions for obtaining the derogation have ceased to be relevant.

Moreover, checking that these conditions are met is too difficult for full confidence to be placed in its effectiveness.

Article 11: Marking of Class A eggs

The week of packing is substituted for the number of the week.

It is also considered that the number of an establishment producing eggs for hatching can be treated as a trade name.

Articles 12 and 13: Indication of Classes B and C

Individual marking of downgraded eggs and of certain refrigerated eggs is abolished, the accent being put on the packaging and destination of the eggs.

Article 16: Definition of packs

For a number of years use has been made of various types of light, easily maintained containers and recipients that make egg collection and processing in the packing centres easier. This is a step forward and facilitates cooling of the eggs once they have been handled.

.../...

If such containers are used for marketing eggs graded by quality and weight they become large packs and must therefore be closed and labelled.

However, the standard practice of using these containers for transporting and delivering small packs must also be borne in mind and it should not be compulsory to place small packs in large packs.

Lastly, there is the need to take account of the practice of offering for sale containers holding small packs that still allow the customer to see the prescribed information.

Articles 17 and 18: Indication of packing date

The rules specify that the band or labelling device must bear the packing week number.

The confusion created by the juxtaposition of several sets of numbers on packs and sometimes even the use of a week number differing from that of the actual week of packing have been sharply criticized.

It is proposed that when a coded packing date is used the packing week number will be replaced by an uncoded indication of the packing week showing the first and seventh day of the week in question.

Articles 17 and 18: Time limit for packing

The rules guarantee the consumer fresh eggs only if the time limits for collection and marking are respected.

It is essential for the packing date or packing week to be indicated on packs at the moment of packing. Class A eggs (fresh eggs) are packed at the latest on the working day following the day of their delivery to the packing centre.

When there is a public holiday on a Friday or a Monday, however, the number of eggs collected is too great for certain centres to grade and pack within the time allowed.

It is proposed that when a Friday or Monday is a public holiday an extra working day should be allowed.

Article 19: Band on "extra" packs

On packs with an "extra" band, the packing date is indicated in uncoded form.

.../...

As the band must be destroyed seven days later there can be no objection to this expiry date also being indicated on the band.

Article 20: Retail selling

The information given to retail customers can be improved, particularly in the case of unpacked eggs, by the way in which the batches offered for sale, and, where appropriate, the packs are presented.

As the sale of different weight categories of graded, marked eggs in a single pack has proved to be of no interest to the trade it is proposed to withdraw this provision.

Article 21: Additional indications

In order to avoid any confusion it is specified here that the price can be indicated if this is required by national law.

Article 23: Indication of weight

Eggs from outside the Community must be presented in packs on which the weight of the eggs inside is indicated in kilograms.

A number of operators have pointed out that the contracts are for "net" kilogram weights.

Although the present wording seems clear there is no objection to the word "net" being inserted.

Proposal for Council Regulation (EEC)
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 eggs ⁽¹⁾, as amended by Regulation (EEC) No 368/76 ⁽²⁾, and in particular Article 2(2) thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 2772/75 ⁽³⁾, laid down a certain number of marketing standards for eggs;

Whereas the experience gained since these standards were introduced indicates that it is necessary to define their field of application more clearly; whereas it is in particular necessary to define the nature of the products in question, the operations carried out by the packing centres and what is meant by "batch of checked eggs";

Whereas producers must be allowed to carry on selling ungraded, unpacked eggs at their own farms and at local public markets; whereas, on the other hand, door-to-door selling practices have come to light that contradict the aims of the standards; whereas, consequently, it should be made obligatory for eggs sold by door-to-door selling to be graded;

Whereas in certain areas of the Community eggs cannot be delivered to the packing centres on the day of collection; whereas a delivery period of three working days is not however warranted, and whereas this period should therefore be reduced to two working days;

(1) OJ No L 282, 1.11.1975, p. 49

(2) OJ No L 45, 21.02.1976, p. 2

(3) OJ No L 282, 1.11.1975, p. 56

Whereas supervision of the application of the standards is sufficiently well organized to allow the requirement that packing centres keep a list of their suppliers to be dispensed with; whereas certain Member States wish this requirement to be retained; whereas Member States should therefore be given the option of applying the provision in question;

Whereas the grading of eggs in three quality categories has led to some confusion with regard to quality descriptions; whereas it is necessary to define the qualities more precisely;

Whereas out-graded eggs must not be sold in shell to consumers; whereas it should be laid down that they are to be sent for processing before being put on sale;

Whereas there may have been a lack of clarity as regards indication of the weight category, particularly on certain packs; whereas no objection need be made to indication of the weight category in grams;

Whereas eggs for hatching may be delivered for consumption; whereas certain of these carry the number of a production establishment, whereas this mark must be considered a trade mark;

Whereas eggs delivered to the food industry for processing need not be graded if they have been produced in the Community and packed under specified conditions; whereas eggs kept in cold stores before being processed may be considered as having the same destination and be packed in identical packs; whereas the same packs, without special markings, may also be used for out-graded eggs, for which processing is obligatory;

Whereas as a result of recent technical developments in the packing and transport of eggs there may in certain cases be confusion between small and large packs; whereas both types must consequently be clearly defined;

Whereas the way in which packing dates and packing weeks are indicated on packs has been criticized by both the trade and consumers; whereas the replacement of the week number by a clearly indication of the packing week and the introduction of a better way of indicating the packing date may meet these complaints and simplify the application of the standards;

.../...

Whereas the period of one working day allowed for packing eggs at the packing centre is too short at certain periods; whereas it may without disadvantage be extended to two working days when there is a public holiday on a Monday or a Friday;

Whereas it is necessary to adjust the prescriptions on packaging in line with the proposals on the indication of the packing week;

Whereas the presentation of the marks on packs gives rise to a certain amount of confusion; whereas it is possible to introduce greater precision in this respect;

Whereas the band on "extra" packs must be destroyed not later than the seventh day following the day of packing; whereas it is compulsory to show the date of packing on these packs; whereas in view of this there can be no objection to the date of expiry also being indicated on the band;

Whereas when eggs are put up for retail sale, which includes door-to-door selling, information on which an assessment of their quality can be made must be provided;

Whereas the selling, in a single pack, of graded and marked eggs belonging to different weight categories has proved to be of no interest to the trade;

Whereas, in view of national legislative provisions and trade practices, provision should be made for the price and "net" weight to be indicated in addition to the information laid down by the standards;

HAS ADOPTED THIS REGULATION:

.../...

Article 1

Regulation (EEC) No 2772/75 is amended in accordance with this Regulation.

Article 2

Points 1, 2, 7 and 8 of Article 1 are amended to read as follows:

- "1. "Eggs" means hen eggs in shell suitable for direct human consumption as such or for use in the food industries, including eggs for hatching but not incubated eggs.
2. "Industrial eggs" means hen eggs in shell not suitable for human consumption, i.e. eggs other than those referred to in 1.
7. "Packing centre" means an undertaking authorized by the competent authority to grade eggs by quality and weight after having separated them from industrial eggs.
8. "Batch" means a quantity of eggs, the size of which is determined by the checker at a time of checking, from a single packing centre in packs bearing the same packing date or packing week, the same quality grading and the same weight grading.

In the case of eggs not in packs the size of the batch shall be determined by reference to the nature of the information given to the consumer."

Article 3

In Article 2(3) the words "or by door-to-door selling" are deleted.

Article 4

In the second subparagraph of Article 4(2) the words "third working day" are replaced by "second working day".

.../...

Article 5

Article 5(1) is amended to read as follows:

"1. Apart from the cases provided for in Articles 9 and 13, only packing centres may grade eggs by quality and weight.

The Member States may require packing centres located in their territory to keep an up-to-date record of their suppliers located within such territory.

Member States who make use of this provision shall inform the Commission and the other Member States."

Article 6

Article 6 is amended to read as follows:

"Article 6

1. Eggs shall be graded into three categories of quality: A, B and C.
2. The categories of quality are distinguished in the following manner:
 - (a) "Class A" or "A" and/or "fresh eggs"
 - (b) "Class B" or "B" and/or "second quality eggs"
 - (c) "Class C" or "C" and/or "out-graded eggs".

Article 7

Article 9 is amended to read as follows:

"Article 9

Class C eggs shall be eggs which do not meet the requirements for Class A and B eggs.

They must be processed before being released for human consumption."

.../...

Article 8

Article 10 is amended to read as follows:

"Article 10

1. Class A and Class B eggs shall be graded by weight as follows:

- Size 1 : 70 g and over
- Size 2 : under 70 g to 65 g,
- Size 3 : under 65 g to 60 g,
- Size 4 : under 60 g to 55 g,
- Size 5 : under 55 g to 50 g,
- Size 6 : under 50 g to 45 g,
- Size 7 : under 45 g.

2. The weight categories shall be indicated as follows

- "Size 1" or "1" and if desired "70 g and over",
- "Size 2" or "2" and if desired "70 g - 65 g",
- "Size 3" or "3" and if desired "65 g - 60 g",
- "Size 4" or "4" and if desired "60 g - 55 g",
- "Size 5" or "5" and if desired "55 g - 50 g",
- "Size 6" or "6" and if desired "50 g - 45 g",
- "Size 7" or "7" and if desired "less than 45 g"

Article 9

Article 11 is amended to read as follows:

"Article 11

1. One or more distinguishing marks may be stamped on Class A eggs showing:

- (a) the quality grading;
- (b) the weight grading;
- (c) the name or business name of the packing centre;
- (d) a trade name, trade mark or if appropriate the number of an establishment producing eggs for hatching;
- (e) the date of packing or week of packing;
- (f) the packing centre number.

2. The Class A distinguishing mark shall be a circle at least 12 mm in diameter.

.../...

The distinguishing mark for weight grading shall be a number between 2 mm and 3 mm high placed inside the abovementioned circle.

The date or week of packing shall be indicated in figures at least 5 mm high.

The packing centre number consists of a number of at least three figures of at least 5 mm high."

Article 10

Article 12 is amended to read as follows:

"Article 12

1. Class B eggs shall bear a distinguishing mark showing their quality grading.

They may bear a number between 2 mm and 3 mm high showing the weight grading, and one or more of the indications mentioned in Article 11(1).

2. The distinguishing mark showing the quality grading of Class B eggs shall be as follows:

- (a) for "eggs neither refrigerated nor preserved", a circle at least 12 mm in diameter in which shall appear the letter B in Roman type at least 5 mm high;
- (b) for "refrigerated eggs", an equilateral triangle with each side at least 10 mm long;
- (c) for "preserved eggs", a rhombus with diagonals of 16 mm and 7 mm.

Anyone marketing refrigerated or preserved eggs shall mark them as indicated in (b) or (c) before beginning the preservation process.

Eggs kept in cold stores prior to processing by the food industry, however, need not be so marked, provided that the packs are labelled as laid down in Article 13(2).

.../...

3. Class C eggs for the food industry shall be marketed and stored in packs labelled as laid down in Article 13(2)."

Article 11

Article 13(1) is amended to read as follows:

- "1. Class A or B eggs which no longer have the characteristics fixed for those grades shall be downgraded and may be regraded in Class B or C according to their new characteristics.

In such a case they shall be marked and packed in accordance with Article 12. Any marks which may have been affixed in accordance with Article 11 or Article 12(1) may be retained, except for those concerning weight grading, which shall be altered if appropriate."

Article 12

Article 16 is amended to read as follows:

"Article 16

1. Graded eggs shall be put into small packs or large packs.
2. For the purpose of this Regulation:
 - (a) "small pack" means any open or closed device or package the interior of which contains a maximum of 30 eggs;
 - (b) "large pack" means any closed device or package containing more than 30 eggs, whether or not in small packs.

The following shall not however constitute large packs:

- open containers or recipients holding small packs;
- closed devices of such a type that the markings on the small packs that they contain are clearly visible and legible."

.../...

Article 13

Article 17 is amended to read as follows:

"Article 17

1. Large packs, even when they contain eggs in small packs, shall be provided with a band or labelling device which cannot be re-used after the pack has been opened and which shall be issued by or under the supervision of the official agencies mentioned in Article 26.

The band or labelling device shall bear in clearly visible and legible black type:

- (a) the name or business name and the address of the undertaking which has graded the goods or had them graded;
 - (b) the packing centre's registration number;
 - (c) the quality grading and the weight grading;
 - (d) the number of eggs packed;
 - (e) an indication of the packing week; however, where large packs contain small packs of the kind mentioned in Article 19, or small packs bearing the date of packing, the date of packing shall be substituted for this indication;
 - (f) an indication that the eggs have been refrigerated or of the method of preservation used, uncoded and in Roman type, in respect of refrigerated or preserved eggs;
 - (g) optionally, the shell colour of the eggs.
2. The packing week referred to in paragraph 1(e) shall run from 00.00 hours on Monday to 24.00 hours on Sunday.

The indication of the packing week shall comprise:

aa) one or more of the following:

- "SEMAINE D'EMBALLAGE" : du au
- "PACKWOCHE" : vom bis
- "WEEK OF PACKING" : from to
- "SETTIMANA D'IMBALLAGGIO" : dal al
- "VERPAKKINGSWEEK" : van tot en met
- "PAKNINGSUGE" : fra til

.../...

bb) the date of the Monday beginning the week and the date of the Sunday terminating it, indicated by two sets of figures representing, in that order:

- the day, from 01 to 31,
- the month, from 01 to 12;

3. The indication of the packing date mentioned in paragraph 1(e) shall comprise:

aa) one or more of the following:

- "EMBALLAGE LE :"
- "VERPACKT AM :"
- "DATE OF PACKING :"
- "DATA D'IMBALLAGGIO :"
- "VERPAKT OP :"
- "PAKKET DEN :"

bb) the date indicated by three numbers representing, in that order

- the day, from 01 to 31,
- the month, from 01 to 12,
- the year, using the last two figures only.

4. The indication of the packing date or packing week shall be affixed at the moment of packing.

Class A eggs shall be put into large packs at the latest on the working day following the day when they are received at the packing centre.

An additional working day shall, however, be allowed when a public holiday falls on a Monday or a Friday."

Article 14

Article 18 is amended to read as follows:

"Article 18

1. Small packs, even when they are inside large packs, shall carry:

(a) the name or business name of the undertaking which has packed the eggs or had them packed; the trade mark used by that undertaking may be shown if it contains no wording relating to the quality or freshness of the eggs which is incompatible with this Regulation;

.../...

- (b) the postal address of the undertaking mentioned in (a);
 - (c) the packing centre's registration number;
 - (d) the quality grading and the weight grading;
 - (e) if desired, the number of eggs packed and their shell colour;
 - (f) the indication of packing date or packing week specified in Article 17(2) and (3);
 - (g) where appropriate, an indication that the eggs have been refrigerated or of the method of preservation used.
2. The indications specified in paragraph 1 must be easily comprehensible and placed in a conspicuous position where they are clearly visible and easily legible.
- They must not be in any way disguised, obscured or separated by other indications or images.
- The indications specified in (d), (f) and (g) must fall within the same field of vision.
3. The packing and marking requirements set out in Article 17(4) shall apply to small packs."

Article 15

The third paragraph of Article 19 is amended to read as follows:

"The word "extra" shall be printed on the band, followed if desired by the words "until" and the date of the seventh day following the date of packing."

Article 16

Article 20 is amended to read as follows:

"Article 20

1. Unpacked eggs and packs of eggs displayed for sale or offered for sale in retail trade shall be presented separately by class and weight.

.../...

2. Eggs sold unpacked shall be taken from packs marked as specified in Articles 17 to 19.

- When such eggs are sold in a shop or market the quality grading, weight grading and, where appropriate, the fact that they have been refrigerated or the method of preservation used shall be indicated to the consumer in a fully visible and legible manner.
- In the case of door-to-door sales of such eggs the information on the packs from which the eggs are taken shall be available for inspection by the consumer."

Article 17

The following is added to Article 21:

"However, an indication of the selling price may be added at any stage of marketing where the legislation of a Member State so requires."

Article 18

In Article 23(c) (dd) the words "weight in Kilogrammes" are replaced by "net weight in Kilogrammes".

Article 19

In the English version, the word "Grade" in the Articles 7, 8, 13(2) and 19 is replaced by "Class".

Article 20

This Regulation shall enter into force on ...

It shall apply with effect from ...

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

Done at Brussels, ...

For the Council