



Council of the
European Union

151640/EU XXVII. GP
Eingelangt am 21/08/23

Brussels, 21 August 2023
(OR. en)

12393/23

AGRI 471
AGRIFIN 101
AGRIORG 98
AGRILEG 164
DELACTION 114

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	21 August 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2023) 5509 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 17.8.2023 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for eggs, and repealing Commission Regulation (EC) No 589/2008

Delegations will find attached document C(2023) 5509 final.

Encl.: C(2023) 5509 final



EUROPEAN
COMMISSION

Brussels, 17.8.2023
C(2023) 5509 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 17.8.2023

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for eggs, and repealing Commission Regulation (EC) No 589/2008

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007¹ ('CMO Regulation'), lays down rules on marketing standards for eggs and empowers the Commission to adopt delegated acts and implementing acts in that respect. In order to ensure the smooth functioning of the eggs market in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace Commission Regulation (EC) No 589/2008, which should therefore be repealed.

In its Communication 'A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system', the Commission announced, the revision of marketing standards to provide for the uptake and supply of sustainable agricultural products and to reinforce the role of sustainability criteria taking into account the possible impact of these standards on food loss and waste.

This Delegated Regulation presents certain changes to the existing legal framework to reinforce sustainability.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission consulted experts from the Member States within the Expert Group for Agricultural Markets, sector Animal Products, in the meeting of 25 August 2022, 22 September 2022 and 20 October 2022.

The Commission transmitted the draft delegated act to the European Parliament and to the Council, when convening the Expert Group meetings.

The draft delegated regulation was posted on the European Commission portal 'Have your say' from 21 April to 19 May 2023 to gather the views of citizens and stakeholders. It received 54 feedbacks from which 43% were from EU citizens, 31% from business associations, 15% from companies, 7% from NGOs, 2% from public authorities and 2% from other stakeholders. Those requests and suggestions were not all related to the content of the draft. The relevant ones concerned mainly terminology aspects in relation to different farming methods in different languages, support or disagreement with labelling of eggs from hens under veterinary confinement as 'free range' and broad support for solar panels in free range areas. Some individual submissions also concerned the labelling of aromatised eggs, the request for additional guidelines for the construction of solar panels in free range areas and more specific animal welfare related requirements on the design and management of open-air runs including controls. The provisions from the original draft Regulation were kept. The well-established terms on egg farming methods in the official EU languages were maintained from the preceding Regulation 589/2008 with the exception of a Spanish term that had been changed on the specific request of Spain within the framework of discussing the draft delegated act in an expert group. Spain had consulted national stakeholders on this specific term. The Commission refrained from further specifying animal welfare requirements in this marketing standards because this would fall under the animal welfare legislation.

WTO partners were notified.

¹ OJ L 347, 20.12.2013, p. 671.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The act contains 26 articles which include provisions from Commission Regulation (EC) No 589/2008² that have to be implemented by delegated acts, in accordance with the delegation given in Articles 75(2), 79, 86(a) and 89 of the CMO Regulation. Those provisions relate to the classification criteria, the marking and packing requirements, the type of farming and production method, the preservation and handling, the use of optional reserved terms, the tolerance levels and the conditions for imports and exports.

The Delegated Regulations builds on the existing legal framework and presents certain changes, amongst others, sustainability concerns and new expectations from consumers.

Compared to the currently applicable legal framework, this delegated act removes the date of minimum durability for eggs, clarifies the marketing of aromatised eggs, aligns rules on 'free range' marking to those applicable for organic eggs when laying hens are prevented access to open air runs on the basis of Union legislation and extends the permitted uses of open air runs to allow for the installation of solar panels.

² Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs (OJ L 163, 24.6.2008, p. 6).

COMMISSION DELEGATED REGULATION (EU) .../...

of 17.8.2023

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for eggs, and repealing Commission Regulation (EC) No 589/2008

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007¹, and in particular Article 75(2), Article 79, Article 86, point (a), and Article 89 thereof,

Whereas:

- (1) In its communication of 20 May 2020 entitled ‘A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system’², the Commission announced the revision of marketing standards to provide for the uptake and supply of sustainable agricultural products and to reinforce the role of sustainability criteria taking into account the possible impact of these standards on food loss and waste. Within this context the existing egg marketing standards should also be modified taking into account technical developments and consumer demand and the evolution of avian influenza as risk factor for producers of free range eggs.
- (2) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007³. Part II, Title II, Chapter I, Section 1, of Regulation (EU) No 1308/2013 lays down rules on marketing standards for eggs, without introducing any substantial change, and empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the eggs market in the new legal framework, certain rules have to be adopted by means of such acts. This Regulation and Commission Implementing Regulation (EU) .../...⁴[PLAN/2022/1876 – to be completed by OP] should replace Commission Regulation (EC) No 589/2008⁵, which should therefore be repealed.
- (3) In order to allow for the smooth functioning of the eggs market, marketing standards for eggs should cover the classification criteria, the preservation and handling, the

¹ OJ L 347, 20.12.2013, p. 671.

² COM/2020/381 final.

³ Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

⁴ Commission Implementing Regulation (EU) .../... [PLAN/2022/1876 – to be completed by OP] of [...] laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for eggs (OJ L [...], p. [...]).

⁵ Commission Regulation (EC) No 589/2008 of 23 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs (OJ L 163, 24.6.2008, p. 6).

marking and packing requirements, the use of optional reserved terms, the tolerance levels, as well as the conditions for imports and exports. Since all these aspects are closely interlinked, the rules on marketing standards for eggs should be maintained as a coherent set of rules, and therefore be laid down in one delegated act.

- (4) Regulation (EC) No 852/2004 of the European Parliament and of the Council⁶ and Regulation (EC) No 853/2004 of the European Parliament and of the Council⁷ apply to eggs. Since they are relevant in the area of eggs marketing standards and in order to ensure coherence, reference should be made to the extent possible to those horizontal Regulations.
- (5) Council Directive 1999/74/EC⁸ established principles on keeping hens in different farming systems. Since its provisions are linked to eggs marketing standards, and in order to ensure coherence, reference should be made to the extent possible to that Directive.
- (6) The quality characteristics for Class A eggs should be fixed in order to guarantee the high quality of eggs to be delivered directly to the final consumer and to set criteria that can be checked by inspection services. Such quality characteristics should be based on Standard No 42 of the United Nations Economic Commission for Europe (UN/ECE) concerning the marketing and commercial quality controls of eggs-in-shell moving in international trade between and to UN/ECE member countries.
- (7) In general, eggs should not be washed or cleaned because such practices can cause damage to the egg shell, which is an effective barrier to bacterial ingress with an array of antimicrobial properties. Moreover, Class A eggs should not be washed because of the potential damage to the physical barriers, such as the cuticle, which can occur during or after washing. Such damage may favour trans-shell contamination with bacteria and moisture loss and thereby increase the risk to consumers, particularly if subsequent drying and storage conditions are not optimal.
- (8) However, some practices, such as the treatment of eggs with ultra-violet rays, should not be interpreted as constituting a cleaning process. However, egg-washing systems subject to authorisation and operating under carefully controlled conditions are used in some Member States with good results. According to the opinion of the European Food Safety Authority, Scientific Panel on Biological Hazards on the request from the Commission related to the Microbiological risks on washing of table eggs adopted on 7 September 2005⁹, the egg-washing practice as performed in certain packing centres can be sustained from a hygienic standpoint, provided, inter alia, that a code of practice for egg-washing systems is developed.
- (9) Class A eggs should be graded by weight. A limited number of weight grades and corresponding clear terms should therefore be fixed as well as minimum labelling requirements, which do not rule out additional voluntary labelling, provided the

⁶ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

⁷ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

⁸ Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens (OJ L 203, 3.8.1999, p. 53).

⁹ The EFSA Journal No 269, 2005, p. 1.

requirements of Regulation (EU) No 1169/2011 of the European Parliament and of the Council¹⁰ are met.

- (10) Only undertakings whose premises and technical equipment are suited to the scale and type of their operations, and which therefore allow eggs to be handled properly, should be authorised, as packing centres, to grade eggs by quality and weight.
- (11) In order to ensure the freshness of the eggs, maximum time limits for the grading, marking and packing of eggs and the marking of packs should be fixed.
- (12) In addition to the general obligation to establish traceability of food, feed, food-producing animals, and any other substance intended to be, or expected to be, incorporated into food or feed at all stages of production, processing and distribution in accordance with Regulation (EC) No 178/2002 of the European Parliament and of the Council¹¹, for the purpose of carrying out checks, the information to be indicated on transport packaging containing eggs and on accompanying documents, should be laid down.
- (13) The marking of eggs with the producer code at the production site is essential where eggs are delivered to another Member State. With regard to Class B eggs in particular, it should be specified that if the producer code alone does not clearly indicate the quality grading, Class B eggs should be marked with another indication.
- (14) The characteristics of the other possible indications for marking Class B eggs as referred to in Part VI, Point III(1), second subparagraph, of Annex VII to Regulation (EU) No 1308/2013 should be defined.
- (15) When eggs are delivered directly to the food industry for processing and there is sufficient guarantee of their final destination, Member States may grant exceptions from the marking requirement to operators who so request provided that eggs are delivered directly from the production site to the food industry.
- (16) Regulation (EU) No 1169/2011 lays down rules of a general nature applicable to all foodstuffs put on the market. However, some specific marking requirements should be provided for packs of eggs.
- (17) The terms for the identification of the farming method as well as the minimum requirements for systems of production for the various egg farming methods should be laid down.
- (18) Where eggs are sold with an optional reserved term highlighting the particular freshness of the egg, a maximum time limit should be fixed for such indications.
- (19) Where eggs are sold indicating the particular feed formula fed to the laying hens, minimum requirements for the use of such indications should be laid down.
- (20) When eggs are sold loose, certain information normally on the pack should be accessible to the consumer.

¹⁰ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

¹¹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

- (21) In addition to the general hygiene requirements for the wrapping and packaging of foodstuffs, some additional requirements should be laid down in order to minimise the risk of deterioration or contamination of eggs during storage and transport. Such standards should be based on UN/ECE Standard No 42.
- (22) Industrial eggs are unfit for human consumption. Special bands or labels should therefore be required for the easy identification of packaging containing such eggs.
- (23) Third countries may have requirements different from those fixed for the Union for the marketing of eggs. In order to facilitate exports, eggs packed and intended for export outside the Union should be allowed to conform to such requirements.
- (24) Details should be fixed regarding the assessment of the equivalence of third-country marketing standards with Union legislation to be conducted by the Commission at the request of third countries. Rules on marking and labelling requirements for eggs imported from third countries should be laid down.
- (25) Certain tolerances should be allowed when checking compliance with the marketing standards. Such tolerances should differ according to the different marketing stages.
- (26) Egg supply for the retail trade in the French overseas departments relies partly on the supply of eggs from the European continent because local production is still not sufficient to cover demand. In view of the duration of transport and of climatic conditions, the preservation of eggs transported to the French overseas departments presupposes the fulfilment of specific supply arrangements, including the possibility to dispatch eggs chilled. These special arrangements can be justified by the lack of sufficient local egg production capacities. Until sufficient local production capacities are built up, these exceptional arrangements should be maintained.
- (27) In order to take account of the specific conditions of egg marketing in certain remote regions in Finland, sales from producers to retail outlets in those regions should be exempted from the requirements of Regulation (EU) No 1308/2013 and of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation supplements Regulation (EU) No 1308/2013 with rules on the marketing standards for eggs of hens of the *Gallus gallus* species, except eggs for hatching, in particular as regards:

- (a) the classification criteria;
- (b) the preservation and handling;
- (c) the marking and packing requirements;
- (d) the use of optional reserved terms;
- (e) the tolerance levels;
- (f) the conditions for imports and exports.

Article 2

Definitions

For the purposes of this Regulation and Implementing Regulation (EU) .../... [PLAN/2022/1876 – to be completed by OP], the definitions in Article 2(1) of Regulation (EC) No 852/2004 and points 5.2, 5.3, 5.4 and 7.3 of Annex I to Regulation (EC) No 853/2004 shall apply.

In addition, the following definitions shall apply:

- (a) ‘pack’ means a wrapping containing Class A or Class B eggs, excluding transport packaging and containers of industrial eggs;
- (b) ‘loose egg sales’ means the offer for retail sale of eggs to the final consumer, other than in packs;
- (c) ‘collector’ means any establishment registered in accordance with Article 6 of Regulation (EC) No 852/2004 to collect eggs from a producer for delivery to a packing centre, to a market selling exclusively to wholesalers whose undertakings are approved as packing centres, or to the food or non-food industry;
- (d) ‘food industry’ means any establishment producing egg products intended for human consumption, excluding mass caterers;
- (e) ‘non-food industry’ means any business producing products containing eggs not intended for human consumption;
- (f) ‘mass caterers’ means the establishments referred to in Article 2(2), point (d), of Regulation (EU) No 1169/2011;
- (g) ‘eggs’ means eggs in shell — other than broken, incubated or cooked eggs — that are produced by hens of the *Gallus gallus* species and are fit for direct human consumption or for the preparation of egg products;
- (h) ‘broken eggs’ means eggs showing breaks of both the shell and the membranes, resulting in the exposure of their contents;
- (i) ‘incubated eggs’ means eggs from the time of insertion in the incubator onwards;
- (j) ‘industrial eggs’ means eggs not intended for human consumption;
- (k) ‘batch’ means the eggs in packs or loose from one and the same production site or packing centre, situated in one place, with one and the same laying date or date of minimum durability or packing date, the same farming method and, in case of graded eggs, the same quality and weight grading;
- (l) ‘repacking’ means the physical transfer of eggs to another pack or the re-marking of a pack containing eggs;
- (m) ‘marketing’ means holding eggs for the purpose of sale, including offering for sale, storage, packing, labelling, delivery, or any other form of transfer, whether free of charge or not;
- (n) ‘operator’ means a producer and any other natural or legal person involved in the marketing of eggs;

- (o) 'production site' means an establishment keeping laying hens, registered in accordance with Commission Directive 2002/4/EC¹²;
- (p) 'packing centre' means a packing centre within the meaning of Regulation (EC) No 853/2004 that is authorised in accordance with Article 3(2) of Implementing Regulation (EU) .../...[PLAN/2022/1876 - to be completed by OP] and where eggs are graded by quality and weight;
- (q) 'final consumer' means the ultimate consumer of a foodstuff who will not use the food as part of any food business operation or activity;
- (r) 'producer code' means the distinguishing number of the production site according to point 2 of the Annex to Directive 2002/4/EC.

Article 3

Quality characteristics of eggs

1. Class A eggs shall have the following quality characteristics:
 - (a) shell and cuticle: normal shape, clean and undamaged;
 - (b) air space: height not exceeding 6 mm, stationary; however, for eggs to be marketed as 'extra', it may not exceed 4 mm;
 - (c) yolk: visible on candling as a shadow only, without clearly discernible outline, slightly mobile upon turning the egg, and returning to a central position;
 - (d) white: clear, translucent;
 - (e) germ: imperceptible development;
 - (f) foreign matter: not permissible;
 - (g) unintended foreign smell: not permissible.
2. Class B eggs shall be eggs which do not meet the quality characteristics provided for in paragraph 1. Class A eggs which no longer have those characteristics shall be downgraded to Class B. Eggs not being marked within 10 days after laying shall be Class B eggs.

Article 4

Preservation and handling of eggs

1. Class A eggs shall not be washed or cleaned, before or after grading, except as provided for in paragraph 3.
2. Class A eggs shall not be treated for preservation or chilled in premises or plants where the temperature is artificially maintained at less than 5 °C. However, eggs which have been kept at a temperature below 5 °C during transport for not more than 24 hours or on retail premises or in annexes thereto for not more than 72 hours shall not be considered as chilled.
3. Member States which, on 1 June 2003, authorised packing centres to wash eggs may continue to authorise packing centres to wash eggs, provided that those centres operate in accordance with the national guides for egg-washing systems. Washed

¹² Commission Directive 2002/4/EC of 30 January 2002 on the registration of establishments keeping laying hens, covered by Council Directive 1999/74/EC (OJ L 30, 31.1.2002, p. 44).

eggs may only be marketed in the Member States in which such authorisations have been issued.

4. The Member States referred to in paragraph 3 shall encourage the development of national guides to good practice for egg-washing systems by the food business operators, in accordance with Article 8 of Regulation (EC) No 852/2004.

Article 5

Grading of Class A eggs by weight

1. Class A eggs shall be graded by weight as follows:
 - (a) XL — very large: weight ≥ 73 g;
 - (b) L — large: weight ≥ 63 g and < 73 g;
 - (c) M — medium: weight ≥ 53 g and < 63 g;
 - (d) S — small: weight < 53 g.
2. The weight-grading shall be indicated by the corresponding letters or terms as defined in paragraph 1 or by a combination of both, which may be supplemented by the corresponding weight ranges.
3. By way of derogation from paragraph 1, where Class A eggs of different sizes are packed together in the same pack, the minimum net weight of the eggs shall be given in grams and the indication ‘Eggs of different sizes’ or equivalent terms shall appear on the outer surface of the pack.

Article 6

Time limit for grading, marking and packing eggs and marking packs

1. Class A eggs shall be graded, marked and packed within 10 days of laying.
2. Eggs marketed in accordance with Article 12 shall be graded, marked and packed within 4 days of laying.
3. The date of minimum durability referred to in Article 11(1), point (d), of this Regulation shall be marked at the time of packing in accordance with point 1 of Annex X to Regulation (EU) No 1169/2011.

Article 7

Information displayed on transport packaging

1. Without prejudice to Article 18 of Regulation (EC) No 178/2002, at the production site, each transport packaging containing eggs shall be identified by the producer by:
 - (a) the producer’s name and address;
 - (b) the producer code;
 - (c) the number of eggs and/or their weight;
 - (d) the laying date or period;
 - (e) the date of dispatch.

In the case of packing centres supplied with unpacked eggs from their own production units, situated at the same site, identification on transport packaging may take place at the packing centre.

2. The information referred to in paragraph 1 shall be applied to the transport packaging and be contained in accompanying documents. A copy of those documents shall be kept by any intervening operator to whom the eggs are delivered. The originals of the accompanying documents shall be kept by the packing centre that grades the eggs.

Where batches received by a collector are subdivided for delivery to more than one operator, the accompanying documents may be substituted by appropriate transport container labels, provided that the latter include the information referred to in paragraph 1.

3. The information referred to in paragraph 1 applied to the transport packaging shall not be modified and shall remain on the transport packaging until removal of eggs for immediate grading, marking, packing or further processing.

Article 8

Marking of eggs for cross-border delivery

1. Eggs delivered from a production site to a collector, a packing centre, food or non-food industry situated in another Member State shall be marked with the producer code before leaving the production site.
2. A Member State on whose territory the production site is situated may grant an exemption from the requirement provided for in paragraph 1, where a producer has signed a delivery contract with a packing centre in another Member State requiring the marking in accordance with this Regulation. Such an exemption may be granted only at the request of both operators concerned and with the prior written agreement of the Member State where the packing centre is situated. In such cases, a copy of the delivery contract shall accompany the consignment.
3. The minimum duration of delivery contracts referred to in paragraph 2 may not be less than one month.
4. The inspection services, referred to in Article 9 of Implementing Regulation (EU) .../... [PLAN/2022/1876 – to be completed by OP], of the Member States concerned, and of any transit Member States, shall be informed before an exemption is granted in accordance with paragraph 2 of this Article.
5. Class B eggs marketed in another Member State that are marked in accordance with Part VI, Point III(1), second subparagraph, of Annex VII to Regulation (EU) No 1308/2013 shall, where appropriate, bear an indication in accordance with Article 9 of this Regulation so as to ensure that they can easily be distinguished from Class A eggs.

Article 9

Indications on Class B eggs

The indication referred to in Part VI, Point III(1), second subparagraph, of Annex VII to Regulation (EU) No 1308/2013 shall be a circle of at least 12 mm in diameter around the letter 'B' at least 5 mm high, or an easily visible colour spot of at least 5 mm in diameter.

Article 10

Marking of eggs delivered directly to the food industry

1. Save as otherwise provided for by the sanitary legislation, Member States may exempt operators at their request from the marking obligations provided for in Part VI, Point III(1) of Annex VII to Regulation (EU) No 1308/2013 where eggs are delivered directly from the production site to the food industry. The delivery shall be under the full responsibility of the food industry operator, which accordingly undertakes to use the eggs only for processing.
2. When in the cases referred to in paragraph 1 eggs are delivered from a production site in one Member State to the food industry in another Member State, the Member State where the production site is established shall appropriately inform the competent authorities of the other Member State about the granting of the marking derogation before the first delivery takes place.
3. Member States may exempt eggs that are imported from a third country and are delivered directly to the food industry from being marked provided that their final destination with a view to processing is checked by the competent authorities of the Member State.

Article 11

Marking of packs

1. Packs containing Class A eggs shall bear on the outer surface in easily visible and clearly legible type:
 - (a) the codes of the packing centres where eggs have been packed and, where appropriate, repacked;
 - (b) the quality grading; packs shall be identified either by the words 'Class A' or the letter 'A', whether alone or in combination with the words 'fresh' or 'fresh eggs';
 - (c) the weight grading in accordance with Article 5;
 - (d) the date of minimum durability in accordance with Article 9(1), point (f), of Regulation (EU) No 1169/2011;
 - (e) the wording 'washed eggs' for eggs washed in accordance with Article 4 of this Regulation;
 - (f) as a special storage condition in accordance with Article 9(1), point (g), of Regulation (EU) No 1169/2011 an indication advising consumers to keep eggs chilled after purchase.
2. In addition to the requirements laid down in paragraph 1, packs containing Class A eggs shall bear on the outer surface in easily visible and clearly legible type of the farming method.

For the identification of the farming method only the following terms shall be used:

- (a) for conventional farming, the terms set out in Annex I to this Regulation;

- (b) for organic production, the terms set out in Article 30(1) of Regulation (EU) 2018/848 of the European Parliament and of the Council¹³.

The meaning of the producer code shall be explained on or inside the pack.

3. Paragraph 2 shall apply without prejudice to national technical measures going beyond the minimum requirements for systems of production for the various egg farming methods laid down in Annex II, which may apply only to producers of the Member State concerned and provided that they are compatible with Union law.
4. Packs containing Class B eggs shall bear on the outer surface in easily visible and clearly legible type:
 - (a) the packing centre code;
 - (b) the quality grading; packs shall be identified either by the words 'Class B' or the letter 'B';
 - (c) the packing date.
5. The Member States may require, for packs of eggs produced on their territory, that the labels be affixed in such a way so as to be broken when opening the packs.

Article 12

Optional reserved terms concerning quality

1. The words 'extra' or 'extra fresh' may be used as an additional quality indication on packs containing Class A eggs until the ninth day after laying of the eggs.
2. Where indications referred to in paragraph 1 are used, the laying date and the time limit of 9 days shall be shown on the pack in such a way as to be easily visible and clearly legible.

Article 13

Optional reserved terms concerning feed

Where an indication of how the laying hens are fed is used, the following minimum requirements shall apply:

- (a) reference may be made to cereals as a feed ingredient only where they account for at least 60 % in weight of the feed formula given, of which no more than 15 % of cereal by-products may be part;
- (b) without prejudice to the minimum of 60 % referred to in point (a), where reference is made to a specific cereal, it shall account for at least 30 % of the feed formula used. If specific reference is made to more than one cereal, each shall account for at least 5 % of the feed formula.

¹³ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

Article 14

Information to be displayed for loose egg sales

For loose egg sales, the following information shall be given in such a manner as to be easily visible and clearly legible to the consumer:

- (a) the quality grading;
- (b) the weight grading in accordance with Article 5;
- (c) an indication of the farming method as laid down in Article 11(2);
- (d) an explanation of the meaning of the producer code;
- (e) the date of minimum durability.

Article 15

Quality of packs

Without prejudice to the requirements for the wrapping and packaging of foodstuffs laid down in Chapter X of Annex II to Regulation (EC) No 852/2004, packs shall be shock-resistant, dry, clean and in good repair, and be of materials which protect the eggs from extraneous odour and the risk of quality deterioration.

Article 16

Packing of industrial eggs

Industrial eggs shall be marketed in packaging containers with a red band or label.

Those bands and labels shall show:

- (a) the name and address of the operator for whom the eggs are intended;
- (b) the name and address of the operator who has dispatched the eggs;
- (c) the words 'industrial eggs' in capital letters 2 cm high, and the words 'unsuitable for human consumption' in letters at least 8 mm high.

Article 17

Repacking

Packed Class A eggs may be repacked only by packing centres. Each pack shall contain only eggs of a single batch.

Article 18

Tolerance for quality defects

1. The following tolerances shall be allowed when checking batches of Class A eggs:
 - (a) at the packing centre, just before dispatch: 5 % of eggs with quality defects;
 - (b) at the other marketing stages: 7 % of eggs with quality defects.
2. For eggs marketed as 'extra' or 'extra fresh', no tolerance shall be allowed for the height of the air space at the time of packing or import.

3. Where the batch checked contains fewer than 180 eggs, the percentages referred to in paragraph 1 shall be doubled.

Article 19

Tolerance for egg weight

1. Except in the case provided for in Article 5(3) in the checking of batches of Class A eggs, a tolerance shall be allowed as regards the weight per egg. Such batches may contain not more than 10 % of eggs of weight grades adjacent to that marked on the packing, but not more than 5 % of eggs of the next lower weight grade.
2. Where the batch checked contains fewer than 180 eggs, the percentages referred to in paragraph 1 shall be doubled.

Article 20

Tolerance for marking eggs

A tolerance of 20 % of eggs with marks that are illegible shall be allowed in the checking of batches and packs.

Article 21

Eggs for export to third countries

Eggs packed and intended for export to third countries may be made to comply with requirements different from those laid down in Part VI of Annex VII to Regulation (EU) No 1308/2013 and in this Regulation as regards quality, marking and labelling, or with additional requirements.

Article 22

Imported eggs

1. The Commission shall evaluate marketing standards for eggs applicable in exporting third countries on request of the country concerned. This evaluation shall extend to the rules on marking and labelling, farming methods and checks as well as their implementation. If it finds that the rules applied offer sufficient guarantees as to their equivalence with Union legislation, eggs imported from the country concerned shall be marked with a distinguishing number equivalent to the producer code.
2. Any evaluation of equivalence of rules as referred to in paragraph 1 shall include an assessment of whether the requirements contained in this Regulation are effectively met by operators in the third country concerned. It shall be updated regularly. The Commission shall publish the result of the evaluation in the *Official Journal of the European Union*.
3. Eggs imported from third countries shall be clearly and legibly marked in the country of origin with its ISO 3166 country code.
4. Where there is not sufficient guarantee as to the equivalence of rules as referred to in paragraph 1, packs containing eggs imported from the third country concerned shall bear on the outer surface in easily visible and clearly legible type:
 - (a) the country of origin;

- (b) the farming method as ‘non-EU standard’.

Article 23

Exceptions for the French overseas departments

1. By way of derogation from Article 4(2), eggs intended for retail trade in the French overseas departments may be dispatched chilled to those departments.
2. In the case referred to in paragraph 1 of this Article, in addition to the requirements provided for in Articles 11 and 14, the wording ‘chilled eggs’ shall appear and particulars as to refrigeration shall be given on the outer surface of the pack. The distinguishing mark for ‘chilled eggs’ shall be an equilateral triangle of at least 10 mm along the sides.

Article 24

Exceptions for certain regions of Finland

Eggs sold directly by the producer to retail outlets in the regions listed in Annex III shall be exempted from the requirements of Part VI of Annex VII to Regulation (EU) No 1308/2013 and of this Regulation. However, the farming method must be duly identified in accordance with Article 11(2) and Article 14, point (c), of this Regulation.

Article 25

Repeal

Regulation (EC) No 589/2008 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and to Implementing Regulation (EU) .../... [PLAN/2022/1876 – to be completed by OP] and shall be read in accordance with the correlation table in Annex IV to this Regulation.

Article 26

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 17.8.2023

For the Commission

The President

Ursula VON DER LEYEN