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15 October 2010

Dear Consultee

## **EGGS AND CHICKS REGULATIONS**

You may be aware that, on 14 September 2009, Defra introduced new Eggs and Chicks Regulations for England 2009 (SI No. 1263) to include controls on the movement of eggs intended for human consumption required by the Salmonella National Control Programme (NCP) for laying flocks. I am writing to let you know that Scottish Ministers intend to introduce parallel measures to those introduced by Defra, before the end of 2010.

The Eggs and Chicks (Scotland) Regulations 2010 will provide enforcement powers for the EC marketing obligations which the NCP for Salmonella places on the operators of laying flocks.

A more detailed summary of the proposals are attached, and we would welcome your comments on the intended scope of these controls.

The changes to the Eggs and Chicks Regulations should have no additional cost implications for the egg industry.

If you wish to submit comments on these proposals please send your views to my colleague Angela Felvus at [Angela.Felvus@scotland.gsi.gov.uk](mailto:Angela.Felvus@scotland.gsi.gov.uk). or

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I would welcome any comments by **Friday 12 November**.

Yours faithfully

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## **SUMMARY OF THE EGGS AND CHICKS (SCOTLAND) AMENDMENT REGULATIONS 2010**

### **Purpose of the legislation**

The main objective of the Eggs and Chicks (Scotland) Amendment Regulations 2010 (“the 2010 Regulations”) is to amend and expand the scope of the Eggs and Chicks (Scotland) (No. 2) Regulations 2008 (“the principal Regulations”) to cover Salmonella controls on eggs intended for human consumption in accordance with the NCP for laying hens. The purpose of this amendment is to insert a schedule to provide Egg Marketing Inspectorate (EMI) enforcement powers to detain or order heat treatment for eggs originating from flocks with unknown health status that are suspected of being infected with salmonella of public health significance or from known infected flocks

The 2010 Regulations will enforce Part D of Annex II of EC Regulation 2160/2003 on the control of salmonella and other specified food-borne zoonotic agents. Point 2 of Part D of Annex II of EC Regulation 2160/2003 states that the following eggs can only be used for human consumption if treated in a manner that guarantees the destruction of all salmonella serotypes with public health significance:

- (1) eggs originating from flocks with unknown health status that are suspected of being infected; or
- (2) eggs that are infected with salmonella serotypes for which a target for reduction has been set; or
- (3) eggs that have been identified as the source of infection in a specific foodborne outbreak.

The 2010 Regulations will extend the definition of Class B eggs to cover these three categories of eggs, so that eggs from these sources are considered as Class B eggs and marked with the appropriate indications in order to distinguish them from Class A eggs.

The NCP for laying flocks was implemented in the UK on the 1st February 2008. As part of the measures required to further reduce the risk to public health the NCP required that, from 1st January 2009, eggs in the three categories above must be isolated and cannot be sent for human consumption unless they are treated in a manner that will guarantee the elimination of Salmonella (i.e. pasteurisation/heat treatment).

The 2010 Regulations support the restrictions set out by the NCP and will allow eggs which have been restricted because of isolation of salmonella, but which can be used for human consumption following heat treatment, to be monitored as they are processed through the breaking plant and heat treatment processes. Breaking plants are premises for breaking eggs open and taking the content through a pasteurisation process.

### **New Requirements**

The obligation to mark eggs in the three categories above as Class B and have them heat treated/pasteurised is contained in Part D of Annex II to EC Regulation 2160/2003. Article 1(3) of EC Regulation 2160/2003 also provides however that this requirement shall not apply to egg production for private domestic use, or egg production leading to the direct supply of small quantities of eggs to the final consumer. It is considered that in most cases more than 350 laying hens cannot be considered as a small quantity which are supplied directly to the final consumer. However, the marking requirement will apply if you are involved in primary production and the direct supply of quantities of eggs supplying the primary product to the final consumer, but where the quantity could not be considered as small. This is a limited set of circumstances, but is a new requirement for a specific type of small scale egg producer.

### **Enforcement**

The Scottish Government's EMI are responsible for enforcing the majority of the principal Regulations, and the EMI ensures that eggs placed on the market comply with standards that are transparent and fair. As a result of the 2010 Regulations, the EMI will be able to exercise the enforcement powers in the principal Regulations in relation to the salmonella requirements in Part D of Annex 2 of EC Regulation 2160/2003.

Enforcement of the 2010 Regulations on farms and in breaking plants will rest with EMI. In retail and catering premises it is with the relevant Local Authority.

### **Penalties**

A person guilty of these offences will be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **Consultation List**

Advocates for Animals  
Aviagen  
British Egg Industry Council  
British Free Range Eggs Producer Association  
Consumer Focus Scotland  
Convention of Scottish Local Authorities  
Crofters' Commission  
Farmlay Eggs  
Glenrath Farms  
Independent Farming Group  
NFU Scotland  
Noble Foods Ltd  
Royal Environmental Health Institute of Scotland  
Scottish Crofting Federation  
Scottish Egg Producers & Retailers Association  
Scottish Grocers' Federation  
Scottish Retail Consortium  
Scottish Rural Property & Business Association  
Scottish Society for the Prevention of Cruelty to Animals

Scottish Conservative & Unionist Party  
Scottish Labour Party  
Scottish Liberal Democrats  
Scottish National Party

# Eggs and Chicks (Scotland) Regulations 2010



## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

Forename

### 2. Postal Address

<input type="text"/>		
Postcode	Phone	Email

### 3. Permissions - I am responding as...

<input type="checkbox"/> Individual	/	<input type="checkbox"/> Group/Organisation
<i>Please tick as appropriate</i>		

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*  Yes  No