

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 213 final
Brussels, 09.06.1994

Proposal for a

COUNCIL DECISION

Laying down specific public health conditions for putting on the market of certain
types of eggs.

(presented by the Commission)

EXPLANATORY MEMORANDUM

In application of Annex II, Chapter 2, first indent of Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC⁽¹⁾, the Commission shall establish, before 1 January 1994, the public health conditions for the putting on the market of eggs intended for human consumption.

The purpose of this draft decision is to fix specific public health conditions for eggs intended for human consumption which are compatible with the conditions laid down in the framework of the marketing regulations for eggs. In order to safeguard public health, rules combining temperature conditions and storage periods are provided for. These proposed conditions take into account the advice of the Scientific Veterinary Committee. Derogative conditions are included for direct sales to the consumer.

This draft Decision has no financial consequences on the budget of the European Community.

The Commission, not having received a qualified majority in the Standing Veterinary Committee, is now submitting the proposal to the Council under article 18 of Council Directive 92/118/EEC.

This proposal is presented with this objective.

⁽¹⁾ O.J. No L 62, 15.03.1993, p. 49

PROPOSAL FOR A
COUNCIL DECISION

of

laying down specific public health conditions for the putting on the market of certain
types of eggs

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subjected to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC⁽¹⁾, and in particular annex II, chapter 2, first indent,

Whereas the general provisions applicable to trade in the Community are already laid down in Chapter II of Directive 92/118/EEC; whereas however it is necessary to lay down specific public health conditions for the putting on the market of eggs in conformity with Annex II, Chapter 2 of the Directive mentioned above; whereas priority should be given to certain categories of hen eggs intended for direct human consumption and which are not used for the production of egg products in accordance with Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products⁽²⁾ as last amended by Directive 91/684/EEC⁽³⁾;

Whereas it is appropriate that the conditions take into account the provisions of Council Regulation (EEC) N°1907/90 of 26 June 1990 on certain marketing standards for eggs⁽⁴⁾ as amended by Regulation (EEC) N°2617/93⁽⁵⁾ and of Commission Regulation (EEC) N°1274/91 of 15 May 1991 introducing detailed rules for implementing Regulation (EEC) N°1907/90 on certain marketing standards for eggs⁽⁶⁾, as last amended by Regulation (EEC) N°3300/93⁽⁷⁾;

⁽¹⁾ O.J. No L 62, 15.03.1993, p. 49

⁽²⁾ O.J. No L 212, 22.07.1989, p. 87

⁽³⁾ O.J. No L 376, 31.12.1991, p. 38

⁽⁴⁾ O.J. No L 173, 06.07.1990, p. 5

⁽⁵⁾ O.J. No L 240, 25.09.1993, p. 1

⁽⁶⁾ O.J. No L 121, 15.05.1991, p. 11

⁽⁷⁾ O.J. No L 296, 01.12.1993, p. 52

Whereas as regards storage conditions, it is necessary to refer to the advice of the Report of the Scientific Veterinary Committee;

Whereas under specific climatic conditions where storage temperatures cannot be respected, the shelflife of eggs should be adapted to authorise local sales;

Whereas purchasers should be correctly informed about kitchen hygiene requirements;

Whereas the Standing Veterinary Committee has not given a favourable opinion,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purposes of this Decision, the definitions given in Council Regulation (EEC) N° 1907/90 and in Commission Regulation (EEC) N° 1274/91 shall apply.
2. However, for the purpose of this Decision eggs mean hen eggs intended for human consumption of the following types:
 - Grade 'A';
 - non refrigerated or non preserved types of Grade 'B';
 - ungraded eggs.
3. This Decision shall not apply if eggs are intended to be used for the production of egg products or delivered to food industry undertakings approved in accordance with Directive 89/437/EEC, provided that packs containing them are clearly marked to show this destination.

Article 2

At the producer's premises and until the sale to the consumer, eggs shall be kept dry, out of direct sunshine and shall be stored and transported at a preferably constant temperature.

Article 3

1. Notwithstanding the collection and packing time limits fixed by article 1 of Commission Regulation (EEC) N° 1274/91, the maximum temperature and the maximum sell by period laid down in the Annex shall apply.
2. Member States may fix lower temperatures for egg storage premises situated on their territory and for transport between such premises.

3. The respective sell by period shall correspond to the date of minimum durability less seven days.
4. In specific climatic conditions leading to storage temperatures greater than 20°C, in particular in certain retail sales outlets, Member States shall, where applicable in collaboration with the competent authorities of neighbouring Member States, take appropriate measures to reduce the maximum sell by period fixed in the Annex.

Where, however, respecting the provisions in this Decision in such specific climatic conditions could lead to serious difficulties for meeting consumption needs, Member States may be authorised in accordance with the procedure in article 18 of Council Directive 92/118/EEC, where applicable in collaboration with the competent authorities of neighbouring Member States, to increase the maximum sell by period fixed in the Annex and authorise the marketing of those eggs for local distribution and sale in the geographic region concerned, insofar as these measures ensure adequate information to the public and the absence of public health risk.

Article 4

In accordance with the procedure provided for in article 18 of Directive 92/118/EEC, on request of a Member State and following the opinion of the Scientific Veterinary Committee, the Commission may decide on an extension of the sell-by period laid down in the Annex, provided that the eggs are marketed through a closed cool chain approved by the competent authorities.

Article 5

The provisions of article 3 shall not apply to eggs sold directly to the consumer for his own use by the producer on his own farm, in a local public market, with the exception of auction markets, or by door to door selling, provided that:

- a) the eggs are:
 - from his own production,
 - kept dry and out of direct sunshine,
 - sold to the consumer within 10 days after laying,
- b) the date of minimum durability is indicated clearly to the consumer by:
 - i) a notice on the stall or vehicle clearly showing the best before date, or
 - ii) a pre-printed note on the package or given with the eggs to the consumer at the time of purchase.

Article 5 bis

Only eggs packaged in small or large packs, in accordance with the requirements of Regulation (EEC) 1907/90 and 1274/91, or egg products in accordance with Directive 89/437/EEC may be used in catering kitchens including restaurants and for the preparation of non-industrial scale egg products or products containing eggs

Article 6

Notwithstanding the indications imposed by Regulation (EEC) N°1907/90, large packs, and small packs even when contained in large packs, shall from the 1 of November 1994 bear on the outer surface in clearly visible and legible type an indication to recommend purchasers to cook eggs thoroughly if consumed after the date of minimum durability. In case of loose egg sales, equivalent wording shall be indicated in such a manner as to be clearly visible and unequivocal to the consumer. This wording may be contained in a pre-printed note given with the eggs to the consumer at the time of purchase.

Article 7

This Decision shall apply from 1 June 1994.

Article 8

This Decision is addressed to the Member States.

Done at Brussels

For the Council

ANNEX

MAXIMUM TEMPERATURE AND MAXIMUM SELL BY PERIOD

	Temperature $\leq 20^{\circ} \text{C}$
Laying date indicated	21 days after laying
Packed within 4 days after laying (1)	17 days after packing
Packed within 8 days after laying (1)	13 days after packing

(1) To be proven by the packer to the competent authorities.

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