Commission Delegated Regulation (EU) 2017/2168 of 20 September 2017 amending Regulation (EC) No 589/2008 as regards marketing standards for free range eggs where hens' access to open air runs is restricted

COMMISSION DELEGATED REGULATION (EU) 2017/2168

of 20 September 2017

amending Regulation (EC) No 589/2008 as regards marketing standards for free range eggs where hens' access to open air runs is restricted

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 1234/2007[(1)], and in particular Article 75(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 589/2008[(2)] lays down detailed rules for implementing Council Regulation (EC) No 1234/2007[(3)] as regards marketing standards for eggs. In particular, point 1 of Annex II to Regulation (EC) No 589/2008 lays down minimum requirements for ‘free range eggs’.

(2) Regulation (EU) No 1308/2013 has replaced Regulation (EC) No 1234/2007 and empowers the Commission to adopt delegated acts in this respect in accordance with its Article 227.

(3) Point 1(a) of Annex II to Regulation (EC) No 589/2008 provides for a derogation period to market eggs as ‘free range’ in cases of restricted access to open air due to restrictions adopted under Union law, including veterinary restrictions to protect public and animal health, but for a period of no more than 12 weeks. Following serious outbreaks of avian influenza in the Union, it appears necessary to provide for a longer derogation period and further clarify rules with a view to their harmonised implementation throughout the Union, in particular regarding the starting point of the derogation period.

(4) Annex II to Regulation (EC) No 589/2008 should therefore be amended accordingly.

(5) With a view to ensuring an immediate implementation of this measure, the Regulation should enter into force on the third day following its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 589/2008 is replaced by the text set out in the Annex to this Regulation.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/2168. (See end of Document for details)*

Article 2

This Regulation shall enter into force on the third 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 all Member States.

Done at Brussels, 20 September 2017.

For the Commission

The President

Jean-Claude JUNCKER