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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2052/2003
of 17 November 2003
amending Regulation (EEC) No 1907/90 on certain marketing standards for eggs

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs [1], and in particular Article 2(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) As from 1 January 2004, Community legislation provides for only two categories of eggs. It will therefore no longer be possible to sell class B eggs as table eggs. This creates a certain concern especially in some Member States where the washing of eggs is common and the consumer's preference is in favour of buying washed eggs. The Commission has therefore been asked to allow the practice of washing eggs to continue.

(2) Pending an exhaustive scientific report to be drawn up by the European Food Safety Authority in order to identify any health risks connected with egg washing, it is appropriate to provide for a derogation enabling table eggs to be washed on a voluntary basis. In this case, washed eggs should conform to the criteria laid down for class A eggs but should be labelled as 'washed eggs' on the pack. This derogation should be subject to the adoption, by the competent authority, of strict standards and to the establishment of strict controls.

(3) Likewise, in view of possible health hazards, the period of this derogation should be limited and the areas for the marketing of washed eggs restricted to those parts of the Community's territory in which the competent authorities responsible for issuing authorisations carry out their controls.

(4) The provisions of Council Regulation (EEC) No 1907/90 [2] have in the past not been applied for egg sales by producers on local markets except auction markets. Control of this derogation has proved to be difficult in particular regarding its limitation to the farmers' own production. In order to facilitate controls, producers should affix their distinctive code on table eggs intended for sale in local markets.

(5) Following the merging of class B and C as from 1 January 2004, class B eggs can be sold only to the industry. Certain provisions regarding marking of these eggs and their packs should be adapted.

(6) In view of the duration of transport and of climate conditions, the preservation of eggs intended for the retail trade in the French overseas departments presupposes the fulfilment of specific supply requirements; authorisation should therefore be given for eggs intended for that part of the Community's territory to be dispatched chilled.

(7) Regulation (EEC) No 1907/90 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1907/90 is hereby amended as follows:

1. The following subparagraph shall be added to Article 2(3):

   'However, eggs sold by the producer in a local public market shall carry the code defined in Article 7(1)(a).';

2. the following paragraphs shall be added to Article 6:

   '4. Packing centres which, on 1 June 2003, were authorised to wash eggs for delivery to the final consumer may, for a transitional period until 31 December 2006, be authorised to continue to wash such eggs, under strict surveillance of the competent authority of the Member State concerned. Such eggs may be marketed throughout all parts of the Community's territory in which the Member States' authorities which issued the authorisations exercise their powers.

[1] OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).
[2] OJ L 173, 6.7.1990, p. 5. Regulation as last amended by Regulation (EC) No 5/2001 (OJ L 2, 5.1.2001, p. 1).