



Our ref: 589/2008/MS/16WKD

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Dear Egg producer

As a result of current coverage in industry press, we can provide the following Scottish position clarifying restrictions during Avian Influenza Outbreaks.

Changes to the EU Egg Marketing Regulations (Commission Regulation 589/2008) in relation to eggs from “free range” hens with restricted access to open air runs

Following the prolonged avian influenza outbreaks in the winter of 2016/2017, the European Commission has reviewed their EU Egg Marketing Regulations (Commission Regulation 589/2008) regarding the specific conditions that must be met for eggs to be marketed as ‘free range’. As a result they have introduced, via Commission Delegated Regulation (EU) 2017/2168, changes that you need to be aware of regarding the marketing standards and labelling for ‘free range’ eggs where hens’ access to open air runs is restricted. This letter provides advice on what this means for producers in relation to **egg stamping, labelling and transport documentation**.

Background

Prior to these changes, the EU Egg marketing standards provided that where there was a mandatory requirement to house birds to protect public and animal health (housing order), their eggs may continue to be marketed as ‘free range’ for the duration of the restriction, but not for a period exceeding 12 weeks. Thereafter, eggs had to be marketed and labelled as ‘barn eggs’.

Going Forward

The main changes made by the Commission Delegated Regulation are that this 12 week derogation period has been extended to a 16 week period, with the derogation being applied on a flock by flock basis. This 16 week period applies from the point at which a flock is placed into the housing unit. Thereafter eggs must be marketed and labelled as ‘barn’ eggs. No eggs will be permitted to be placed on the market that fails to comply with these rules.

The following obligations are only to be followed “if and when” there is a mandatory requirement to house birds (housing order). However, we would encourage producers to start adding the extra information on transport documentation now in order to get used to this new requirement, should it be needed in the future.

Egg Stamping

Should free range hens have their access restricted by a mandatory requirement to house birds then for a period not exceeding 16 weeks from the day the hens were housed, eggs can continue to be stamped in line with normal practise for free-range eggs (1UK) . However should the mandatory requirement to house birds extend beyond this period then egg producers will be required to ensure that their eggs are stamped with the appropriate code to show that the farming method has changed from ‘free range’ to ‘barn’ production at that point (2UK). Eggs cannot be stamped by two different codes.

If you do not have a 'barn' production code and require one, please contact the Scottish Government Poultry Unit at [Eggs and Poultry Mailbox@gov.scot](mailto:Eggs_and_Poultry_Mailbox@gov.scot)

Labelling

During the 16 week derogation period, eggs can continue to be labelled as 'free range' however should the mandatory requirement to house birds exceed this period the labelling must be changed to reflect that these eggs are now classed as 'barn' eggs. Egg packers may use new packing or use over-stickering of free range packs for this purpose. If over-stickering is used they must be properly targeted and obscure all reference to 'free range' and clearly state the eggs are 'barn eggs'. It will be for all egg packers to ensure they comply with this requirement but we would suggest the following wording would satisfy the requirement "Barn eggs: Laid by hens temporary housed in barns for their well-being".

Transport Documentation

In order to ensure that the derogation is applied on a flock by flock basis free range egg producers should include the date of placement of flocks on egg transport documentation during any mandatory requirement period to house birds. This will enable poultry inspectors to check that the derogation is being applied on a flock by flock basis and will prevent the need for formal legislative and enforcement changes to be applied by the Scottish Government at a mandatory level.

Regulation 589/2008 requires the following information on transport documentation for eggs:

- producer's name and address;
- producer code;
- number of eggs and/or their weight;
- laying date or period;
- Date of dispatch.

And now, additionally

- Date of flock placement

To summarise

1. Changes have been made to EU regulations and are now in force. The changes provide that where hens' access to open air runs is restricted, as a result of measures adopted to protect public or animal health, eggs may be marketed as 'free range' as long as their access has not been restricted for more than 16 weeks. The 16 week derogation applies on an individual flock by flock basis.
2. During a period of mandatory requirements to house birds, producers are asked to include the date of flock placement on any transport documentation used in this period (producers can start to do this now if they wish).
3. Should the housing order exceed 16 weeks, egg producers must comply with the stamping and labelling requirements to show that eggs are classed as 'barn'.

Any queries via the mailbox [Eggs and Poultry Mailbox@gov.scot](mailto:Eggs_and_Poultry_Mailbox@gov.scot)

Yours Sincerely

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