



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.11.2006
COM(2006) 694 final

2006/0231 (CNS)

Proposal for a

COUNCIL REGULATION

on the production and marketing of eggs for hatching and of farmyard poultry chicks

(Codified version)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided¹ to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.

3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal Community legislative procedure.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Regulation (EEC) No 2782/75 of the Council of 29 October 1975 on the production and marketing of eggs for hatching and of farmyard poultry chicks³. The new Regulation will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bringing them together with only such formal amendments as are required by the codification exercise itself.

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

⁴ See Annex II to this proposal.

5. The codification proposal was drawn up on the basis of a preliminary consolidation, in all official languages, of Regulation (EEC) No 2782/75 and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table contained in Annex III to the codified Regulation.

Proposal for a

COUNCIL REGULATION

on the production and marketing of eggs for hatching and of farmyard poultry chicks

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs¹, and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat², and in particular Article 2 thereof,

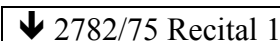
Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament³,

Whereas:



(1) Regulation (EEC) No 2782/75 of the Council of 29 October 1975 on the production and marketing of eggs for hatching and of farmyard poultry chicks⁴ has been substantially amended several times⁵. In the interests of clarity and rationality the said Regulation should be codified.



(2) In order to attain the objectives set out in Article 33 of the Treaty with respect to poultry, Regulations (EEC) No 2771/75 and (EEC) No 2777/75 provide for measures to facilitate the adaptation of supply to demand.

¹ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p.1).

² OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p.1)

³ OJ C [...],[...], p. [...]

⁴ OJ L 282, 1.11.1975, p. 100. Regulation as last amended by the 2003 Act of Accession.

⁵ See Annex II.

↓ 2782/75 Recital 2 (adapted)

- (3) Those measures include in particular measures which are intended to facilitate the introduction of short and long term forecasts based on the knowledge of the production resources employed and also marketing standards which may relate to packing, transport and marking.
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↓ 2782/75 Recital 3 (adapted)

- (4) An exact knowledge of the number of incubated eggs, and of the number of chicks hatched intended for actual use, classified according to species, category and type of poultry, makes it possible to forecast the development of the market in poultry products. To that end, provision should also be made for the collection of statistics relating to flocks of grandparent stock and parent stock birds.
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↓ 2782/75 Recital 4 (adapted)

- (5) In order to forecast market trends with the greatest possible accuracy and as soon as possible, the data relating to incubated eggs, chicks hatched intended for actual use and chicks marketed should be collected at regular intervals.
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↓ 3494/86 Recital 3 (adapted)

- (6) Data should be collected at regular intervals on eggs withdrawn from incubators and use thereof.
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↓ 2782/75 Recital 5 (adapted)

- (7) It is further necessary to identify eggs for hatching produced in the Community, so as to be able to distinguish them from the eggs subject to Council Regulation (EC) No 1028/2006 of 19 June 2006 on marketing standards for eggs⁶. Therefore, such identification must be made in the Community by the individual marking of eggs for hatching, used for chick production.
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↓ 2782/75 Recital 6 (adapted)

- (8) It is necessary to enable a clear distinction to be made between eggs for hatching and other eggs by marking eggs for hatching.
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↓ 2782/75 Recital 7 (adapted)

- (9) Such marking is also appropriate for exports, owing in particular to the provisions for granting refunds. However, account should be taken, as far as possible, of the provisions which might exist as regards identification in third countries so as to avoid disrupting trade with those countries.
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⁶ OJ L 186, 7.7.2006, p.1.

↓ 2782/75 Recital 8 (adapted)

- (10) A distinguishing number, given to each establishment and stamped on packings containing eggs for hatching, may facilitate the marketing of these products and checking of compliance with the provisions of this Regulation.
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↓ 2782/75 Recital 9 (adapted)

- (11) Both in respect of marketing and checking, it is essential to enter on the accompanying documents information relating in particular both to the nature of the batch of chicks or eggs for hatching and to its origin. Therefore, certain of these particulars should be shown on the packings.
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↓ 2782/75 Recital 10 (adapted)

- (12) The establishments in question should be assured that any specific information concerning them will benefit from anonymity and statistical secrecy.
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↓ 2782/75 Recital 11

- (13) Establishments which, owing to their slight commercial importance, have no appreciable influence on overall statistical results or on market developments should be exempted from the obligation to comply with this Regulation,
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↓ 2782/75

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation the following definitions shall apply:

↓ 3987/87 Art. 3 (adapted)
→₁ 2916/95 Art. 1(2)

- (1) “Eggs for hatching” means poultry eggs falling within CN codes 0407 00 11 and 0407 00 19 intended for the production of chicks, classified according to species, category and type and identified in accordance with this Regulation.
- (2) “Chicks” means live poultry the weight of which does not exceed 185 grams falling within CN codes 0105 11, →₁ 0105 12 ← and 0105 19 of the following categories:
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↓ 2782/75

- (a) Utility chicks: chicks of one of the following types:

- (i) table type chicks: chicks intended to be fattened and slaughtered before reaching sexual maturity,
 - (ii) laying chicks: chicks intended to be raised with a view to the production of eggs for consumption,
 - (iii) dual purpose chicks: chicks intended either for laying or for the table;
 - (b) Parent stock chicks: chicks intended for the production of utility chicks;
 - (c) Grandparent stock chicks: chicks intended for the production of breeding chicks.
- (3) “Establishment” means the establishment or part of an establishment for each of the following sectors of activity:
- (a) pedigree breeding establishment: an establishment³ for the production of eggs for hatching intended for the production of grandparent stock, parent stock or utility chicks;
 - (b) breeding establishment: an establishment for the production of eggs for hatching intended for the production of utility chicks;
 - (c) hatchery: an establishment for incubating eggs, hatching and supplying chicks.
- (4) “Capacity” means the maximum number of eggs for hatching which may be placed simultaneously in incubators excluding hatchers.

Article 2

The marketing and transport of eggs for hatching and of chicks as well as the incubation of eggs for hatching shall only be permitted on the territory of the Community for trade or commercial purposes if the provisions of this Regulation are observed.

However, pedigree breeding and other breeding establishments with less than 100 birds and hatcheries with a capacity of less than 1 000 eggs for hatching shall not be obliged to observe this Regulation.

Article 3

Every establishment shall be registered, at its request, by the competent agency appointed by the Member State and shall receive a distinguishing number.

The distinguishing number may be withdrawn from establishments which do not comply with the provisions of this Regulation.

↓ 2782/75 (adapted)

Article 4

Every Member State shall communicate to the other Member States and to the Commission, the list of establishments situated on its territory specifying the distinguishing number, name and address of each establishment. Any amendment to that list shall be communicated at the beginning of each quarter to the Member States and to the Commission.

Article 5

↓ 3494/86 Art. 2 pt. 1

1. Eggs for hatching, used for chick production, shall be marked individually.

↓ 1994 Act of Accession Art. 29
and Annex I, p. 123 (adapted)

2. Eggs for hatching shall be transported in perfectly clean packs, containing only eggs for hatching of the same species, category and type of poultry, in one establishment and bearing at least ☒ one of the indications set out in Annex I, Part A ☒.

↓ 2782/75
→₁ 3494/86 Art. 2 pt. 1

→₁ 3. ← In order to comply with the provisions in force in certain importer third countries, eggs for hatching intended for export and their packings may bear particulars other than those provided for in this Regulation, provided that they are not likely to be confused with the latter and with those provided for in Regulation (EC) No 1028/2006 and its implementing Regulations.

↓ 1994 Act of Accession Art. 29
and Annex I, p. 123 (adapted)

Article 6

Eggs for hatching from third countries may be imported only if they bear, in type at least 3 mm high, the name of the country of origin and ☒ one of the indications set out in Annex I, Part B ☒. Their packings must contain only eggs for hatching of the same species, category and type of poultry from the same country of origin and sender, and must bear at least the following particulars:

↓ 1994 Act of Accession Art.29
and Annex I, p.123

(a) the information shown on the eggs;

- (b) the species of poultry from which the eggs come;
 - (c) the sender's name or business name and address.
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↓ 3494/86 Art. 2 pt. 2

Article 7

Each hatchery shall keep one or more registers where the following particulars shall be entered by species, category (grandparent, parent or utility stock) and type (table use, laying or dual purpose):

- (a) the date on which the eggs were placed in incubation, the number of incubated eggs and the distinguishing number of the establishment in which the eggs for hatching were produced;
 - (b) the date of hatching and the number of hatched chicks intended for actual use;
 - (c) the number of incubated eggs withdrawn from the incubator and the identity of the buyer.
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↓ 3494/86 Art. 2 pt. 3 (adapted)

Article 8

Incubated eggs withdrawn from the incubator shall be used for purposes other than human consumption. They may be used as industrial eggs.

↓ 2782/75

Article 9

↓ 3494/86 Art. 2 pt. 4

1. Each hatchery shall communicate monthly to the competent agency of the Member State, by species, category and type, the number of eggs placed in incubation and the number of hatched chicks intended for actual use.

↓ 2782/75 (adapted)

2. Statistical data on flocks of grandparent stock and parent stock birds shall be requested as required from establishments other than those referred to in paragraph 1, according to the rules and conditions adopted in accordance with the procedure referred to in Article 17 (2) of Regulation (EEC) No 2777/75.

Article 10

1. The Member States shall, as soon as the data referred to in Article 9 are received and analysed, communicate to the Commission a monthly summary based on the data for the previous month.

In addition, the summary submitted by the Member States shall show the number of chicks imported and exported during the same month, according to species, category and type of poultry.

2. The Commission shall collate and use this summarised information. It shall inform the Member States thereof.

Article 11

1. The chicks shall be packed by species, type and category of poultry.

2. The boxes shall contain only chicks from the same hatchery and shall show at least the distinguishing number of the hatchery.

Article 12

Chicks originating in third countries may be imported only if they are grouped in accordance with Article 11(1). The boxes must contain only chicks from the same country of origin and sender and shall bear at least the following particulars:

- (a) the name of the country of origin;
- (b) the species of poultry to which the chicks belong;
- (c) the sender's name or business name and address.

Article 13

1. An accompanying document shall be drawn up in respect of each batch of eggs for hatching or chicks dispatched and shall bear at least the following particulars:

- (a) the name or business name and the address of the establishment and its distinguishing number;
- (b) the number of eggs for hatching or chicks according to species, category and type of poultry;
- (c) the date of dispatch;

(d) the name and address of the consignee.

2. As regards batches of eggs for hatching and of chicks imported from third countries, the distinguishing number of the establishment must be replaced by the name of the country of origin.

Article 14

The particulars required under this Regulation shall be written legibly.

These particulars and the accompanying documents shall be written in at least one Community language.

Article 15

In order to comply with the provisions in force in certain importer third countries, packages for export may bear particulars other than those provided for in this Regulation, on condition that they are not likely to be confused with the latter.

↓ 2782/75 (adapted)

Article 16

Agencies appointed by each Member State shall check that the provisions of this Regulation are observed. The list of those agencies shall be communicated to the other Member States and to the Commission at the latest on 1 October 1975. Any amendment to that list shall be communicated to the other Member States and to the Commission.

Article 17

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure referred to in Article 17 (2) of Regulation (EEC) No 2771/75 or in Article 17 (2) of Regulation (EEC) No 2777/75 as appropriate.

↓ 2782/75

Article 18

1. The Member States shall take all measures necessary to ensure the anonymity and confidential character of information supplied in pursuance of Article 9.

2. The data entered in the registers may be used only by the authorities responsible for the application of this Regulation.

↓

Article 19

Regulation (EEC) No 2782/75 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

↓ 2782/75 (adapted)

Article 20

This Regulation shall enter into force ☒ on the twentieth day following that of its publication in the *Official Journal of the European Union* ☒.

↓ 2782/75

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]

*For the Council
The President
[...]*

↓ 1994 Act of Accession Art. 29
and Annex I, p. 123 (adapted)
→₁ 2003 Act of Accession Art. 20
and Annex II, p. 561 (adapted)

⊠ ANNEX I ⊠

⊠ Part A ⊠

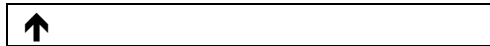
⊠ Indications referred to in Article 5(2) ⊠

- ⊠ In Spanish: ⊠ «huevos para incubar»,
- →₁ ⊠ In Czech: ⊠ «násadová vejce», ←
- ⊠ In Danish: ⊠ «rugeæg»,
- ⊠ In German: ⊠ «Bruteier»,
- →₁ ⊠ In Estonian: ⊠ «haudemunad», ←
- ⊠ In Greek: ⊠ «αυγά προς εκκόλαψιν»,
- ⊠ In English: ⊠ «eggs for hatching»,
- ⊠ In French: ⊠ «œufs à couver»,
- ⊠ In Italian: ⊠ «uova da cova»,
- →₁ ⊠ In Latvian ⊠ «inkubējamas olas», ←
- →₁ ⊠ In Lithuanian: ⊠ «kiaušiniai perinimui», ←
- →₁ ⊠ In Hungarian: ⊠ «keltetőtojás», ←
- →₁ ⊠ In Maltese: ⊠ «bajd tat-tifqis», ←
- ⊠ In Dutch: ⊠ «broedeieren»,
- →₁ ⊠ In Polish: ⊠ «jaja wylęgowe», ←
- ⊠ In Portuguese: ⊠ «ovos para incubação»,
- →₁ ⊠ In Slovak: ⊠ «násadové vajcia», ←
- →₁ ⊠ In Slovene: ⊠ «valilna jajca», ←
- ⊠ In Finnish: ⊠ «munia haudottavaksi»,
- ⊠ In Swedish: ⊠ «kläckägg».

⊠ Part B ⊠

⊠ Indications referred to in Article 6 ⊠

- ⊠ in Spanish: ⊠ «para incubar»,
 - →₁ ⊠ in Czech: ⊠ «líhnutí», ←
 - ⊠ in Danish: ⊠ «rugeæg»,
 - ⊠ in German: ⊠ «Brutei»,
 - →₁ ⊠ in Estonian: ⊠ «haue», ←
 - ⊠ in Greek: ⊠ «προς εκκόλαψιν»,
 - ⊠ in English: ⊠ «hatching»,
 - ⊠ in French: ⊠ «à couvrir»,
 - ⊠ in Italian: ⊠ «cova»,
 - →₁ ⊠ in Latvian: ⊠ «inkubācija», ←
 - →₁ ⊠ in Lithuanian: ⊠ «perinimas», ←
 - →₁ ⊠ in Hungarian: ⊠ «keltetésre», ←
 - →₁ ⊠ in Maltese: ⊠ «tifqis», ←
 - ⊠ in Dutch: ⊠ «broedei»,
 - →₁ ⊠ in Polish: ⊠ «do wylęgu», ←
 - ⊠ in Portuguese: ⊠ «para incubação»,
 - →₁ ⊠ in Slovak: ⊠ «liahnutie», ←
 - →₁ ⊠ in Slovene: ⊠ «valjenje», ←
 - ⊠ in Finnish: ⊠ «haudottavaksi»,
 - ⊠ in Swedish: ⊠ «för kläckning».
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ANNEX II

Part A

Repealed Regulation with its successive amendments

Regulation (EEC) No 2782/75 of the Council
(OJ L 282, 1.11.1975, p. 100)

Council Regulation (EEC) No 3485/80
(OJ L 365, 31.12.1980, p. 1)

Council Regulation (EEC) No 3791/85 Article 2 only
(OJ L 367, 31.12.1985, p. 6)

Council Regulation (EEC) No 3494/86 Article 2 only
(OJ L 323, 18.11.1986, p. 1)

Commission Regulation (EEC) No 3987/87 Article 3 only
(OJ L 376, 31.12.1987, p. 20)

Commission Regulation (EEC) No 1057/91 Article 1 only
(OJ L 107, 27.4.1991, p. 11)

Commission Regulation (EC) No 2916/95 only as regards the second indent of
(OJ L 305, 19.12.1995, p. 49) Article 1(2)

Part B

Non-repealed successive amending acts

1994 Act of Accession

2003 Act of Accession

ANNEX III

CORRELATION TABLE

Regulation (EEC) No 2782/75	This Regulation
Article 1	Article 1
Article 2(1)	Article 2, first paragraph
Article 2(2)	Article 2, second paragraph
Articles 3 and 4	Articles 3 and 4
Article 5(1)	Article 5(1)
Article 5(2) initial wording	Article 5(2)
Article 5(2) final words	Annex I, Part A
Article 5(3)	Article 5(3)
Article 6, first sentence, initial wording	Article 6, first sentence
Article 6, first sentence, final wording	Annex I, Part B
Article 6, second sentence	Article 6, second sentence
Articles 7 to 18	Articles 7 to 18
Article 19	–
–	Article 19
Article 20	Article 20
–	Annex II
–	Annex III