

**EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION
WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND
WINDSOR FRAMEWORK**

C(2023) 5508 FINAL

C(2023) 5510 FINAL

**COMMISSION DELEGATED REGULATION (EU) .../... OF 17.8.2023 AMENDING
REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL, AS REGARDS MARKETING STANDARDS FOR EGGS**

**COMMISSION IMPLEMENTING REGULATION (EU) .../... OF 17.8.2023 LAYING
DOWN RULES FOR THE APPLICATION OF REGULATION (EU) NO 1308/2013 OF
THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS
MARKETING STANDARDS FOR EGGS**

Submitted by the Department for Environment, Food and Rural Affairs
19 February 2024

SUBJECT MATTER

1. This Explanatory Memorandum covers two regulations in relation to Egg Marketing Standards [Commission Delegated Regulation (EU) 2023/2464 and Commission Implementing Regulation (EU) 2023/2466]. Both have been formally adopted by the European Commission and are now in force.
2. Regulation (EU) 2023/2464 makes a minor amendment to Regulation (EU) No 1308/2013 related to where the marking of eggs should take place.
3. In line with the Lisbon Treaty, detailed eggs marketing standards requirements previously contained in Regulation (EU) 589/2008 have been split into a delegated act and implementing act and minor amendments incorporated into both. Regulation (EU) 2023/2466 sets the implementing rules.
4. The related delegated act, Regulation (EU) 2023/2465, has also been adopted and will be the subject of a separate Explanatory Memorandum. Egg marketing standards set out quality characteristics for eggs guaranteeing high standards protecting consumers and business and allow for smooth functioning of the eggs market.

Commission Delegated Regulation (EU) 2023/2464

5. Commission Delegated Regulation (EU) 2023/2464 was formally adopted by the EU Commission in August 2023, and came into force on 28 November 2023. The

Regulation will be implemented from 8 November 2024, in order to give member states sufficient time to adjust national legislation. This regulation amends existing Regulation (EU) No 1308/2013 which sets out definitions, designations and sales descriptions of eggs from hens.

6. The delegated act amends rules on the marking of eggs with the producer code by specifying that the marking of eggs shall take place at the production site. This removes the option for marking to take place at the first packing centre unless Member States grant a derogation to allow this. A derogation is permitted where Member States have efficient marking systems in place at packing centres, based on objective criteria by the Member State, and eggs are marked at the first packing centre to which they are delivered from the production site.

Commission Implementing Regulation (EU) 2023/2466

7. Commission Implementing Regulation (EU) 2023/2466 was formally adopted by the EU Commission in August 2023, and came into force on 28 November 2023.
8. This regulation contains rules implementing marketing standards concerning egg packing and their traceability that were previously listed in Commission Regulation (EC) 589/2008.
9. The implementing act specifically covers: identification of producers and packing centres; the records to be kept by producers, collectors and packing centres; the checks of conformity; notifications.

SCRUTINY HISTORY

10. The Parliamentary scrutiny history relevant to this Explanatory Memorandum is contained in Annex A.

MINISTERIAL RESPONSIBILITY

11. Responsibility lies with the Secretary of State for Environment, Food and Rural Affairs.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

12. Agriculture, which includes egg marketing standards, is a devolved policy area under the Devolution Settlements for Scotland, Wales and Northern Ireland. This policy area is therefore subject to the agricultural support common framework.
13. Egg marketing standards are contained within the Windsor Framework under Article 31 of Annex II.

14. Devolved administrations were given an opportunity to comment on the Explanatory Memorandum. Officials from the Department of Agriculture, Environment and Rural Affairs, Northern Ireland (NI) provided comments and expressed the view that neither Commission Regulation will lead to any divergence issues between Great Britain and NI.

LEGAL AND PROCEDURAL ISSUES

15.

i. Legal Base

Commission Delegated Regulation (EU) 2023/2464 **is an amendment of Regulation (EU) No 1308/2013.**

Commission Implementing Regulation (EU) 2023/2466: **Article 90a(6), point (c), and Article 91, first subparagraph, points (b), (f) and (g) of Regulation (EU) No 1308/2013.**

ii. Voting Procedure

The UK has not been involved in the voting process for either of the Regulations listed as it is no longer a member of the EU.

iii. Timetable for adoption and implementation

Commission Delegated Regulation (EU) 2023/2464 will enter into force on 8 November 2024.

Commission Implementing Regulation (EU) 2023/2466 entered into force on 28 November 2023

POLICY AND LEGAL IMPLICATIONS

16. The new Regulations are not expected to create any additional barriers for the movement of goods between Northern Ireland and Great Britain.

17. The Windsor Framework, since its introduction on 1 October 2023, allows for GB marketing standards to apply for goods moved through the Northern Ireland Retail Movement Scheme placed on the NI market. Therefore, GB goods moving via this route would not need to meet these new EU requirements. The framework also guarantees unfettered access for Northern Ireland Businesses to sell into the GB market.

18. While the retained Regulation (EU) 589/2008 will continue to apply in GB, these remain substantially the same in substance as the revised legislation that will apply in NI.

Commission Delegated Regulation (EU) 2023/2464

19. Regarding Commission Delegated Regulation (EU) 2023/2464, NI will be required to mark eggs at the production site or, via a derogation, at the first packing centre they are delivered, based on objective criteria set out by DAERA.

20. This is expected to have minimal impact. Egg packaging and processing is highly efficient in the UK. Eggs are delivered from producers to packing centres with detailed information for marking. Furthermore, under the voluntary Lion Code Assurance Scheme (which 90% of UK eggs are produced under, including NI producers), producers are required to mark eggs at the production site, meeting the new EU legislation. GB will continue to mark at point of production or the first packing centre the eggs reach.

Commission Implementing Regulation (EU) 2023/2466

21. NI will be required to enforce the EU Egg Marketing Standards requirements within Commission Implementing Regulation (EU) 2023/2466, as Regulation (EU) 589/2008 has been repealed by the EU. GB will, however, continue to apply Retained EU Regulation 589/2008.

22. Commission Implementing Regulation (EU) 2023/2466 takes articles from the repealed Regulation (EU) 589/2008. Specifically, Articles 1, 5, 9, 20-25, 32 and 37, in a like for like manner, implementing Egg Marketing Standards set out in Regulation (EU) No 1308/2013 and Delegated Regulation (EU) 2023/2465.

23. To ensure correct cross references to related Regulations, technical amendments have been incorporated in Regulation (EU) 2023/2466. These do not give rise to any policy issues or barriers to the movement of eggs between GB and NI.

CONSULTATION

24. While the new EU Regulations have been discussed briefly with UK egg industry stakeholders, given the technical nature of the changes, no consultation has taken place to date.

25. Further consideration will be given to updating the Retained EU Regulation 589/2008, including the provisions amended by the EU, in due course. However, priority is being given to a consultation on the 16-week derogation period related to free range designations when mandatory housing orders are applied for animal

health reasons, similar to that introduced in the EU by Delegated Regulation (EU) 2023/2465.

FINANCIAL IMPLICATIONS

26. There are no financial implications for the UK arising from this proposal.



**THE RT. HON. MARK SPENCER MP.
MINISTER OF STATE FOR FOOD, FARMING AND FISHERIES
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS**

PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO:

COMMISSION DELEGATED REGULATION (EU) .../... OF 17.8.2023 AMENDING REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, AS REGARDS MARKETING STANDARDS FOR EGGS

COMMISSION IMPLEMENTING REGULATION (EU) .../... OF 17.8.2023 LAYING DOWN RULES FOR THE APPLICATION OF REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS MARKETING STANDARDS FOR EGGS

C(2023)5448 FINAL+ ANNEXES 1-2: COMMISSION DELEGATED REGULATION (EU) .../... OF 17.8.2023 SUPPLEMENTING REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS MARKETING STANDARDS FOR THE FRUIT AND VEGETABLES SECTOR, CERTAIN PROCESSED FRUIT AND VEGETABLE PRODUCTS AND THE BANANAS SECTOR, AND REPEALING COMMISSION REGULATION (EC) NO 1666/1999 AND COMMISSION IMPLEMENTING REGULATIONS EU) NO 543/2011 AND (EU) NO 1333/2011

C(2023) 5449 FINAL+ ANNEX: COMMISSION IMPLEMENTING REGULATION (EU) .../...OF 17.8.2023 LAYING DOWN RULES CONCERNING CHECKS ON CONFORMITY TO MARKETING STANDARDS FOR THE FRUIT AND VEGETABLES SECTOR, CERTAIN PROCESSED FRUIT AND VEGETABLE PRODUCTS AND THE BANANAS SECTOR

DEFRA EM 19 FEBRUARY 2024

COMMONS	LORDS
NOT SCRUTINISED YET	NOT SCRUTINISED YET

11940/22 C(22)4755 + ANNEX: COMMISSION DELEGATED REGULATION (EU) .../... OF 29.7.2022 SUPPLEMENTING REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS MARKETING STANDARDS FOR OLIVE OIL, AND REPEALING COMMISSION REGULATION

(EEC) NO 2568/91 AND COMMISSION IMPLEMENTING REGULATION (EU) NO 29/2012

DEFRA EM DATED 11 NOVEMBER 2022

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 12 11/1/23)	CLEARED. SENT FOR INFORMATION TO THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 26; 24/11/22)

7639/22: PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN UNION GEOGRAPHICAL INDICATIONS FOR WINE, SPIRIT DRINKS AND AGRICULTURAL PRODUCTS, AND QUALITY SCHEMES FOR AGRICULTURAL PRODUCTS, AMENDING REGULATIONS (EU) NO 1308/2013, (EU) 2017/1001 AND (EU) 2019/787 AND REPEALING REGULATION (EU) NO 1151/2012

PROPOSAL FOR A ANNEX TO THE REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN UNION GEOGRAPHICAL INDICATIONS FOR WINE, SPIRIT DRINKS AND AGRICULTURAL PRODUCTS, AND QUALITY SCHEMES FOR AGRICULTURAL PRODUCTS, AMENDING REGULATIONS (EU) NO 1308/2013, (EU) 2017/1001 AND (EU) 2019/787 AND REPEALING REGULATION (EU) NO 1151/2012

PROPOSAL FOR A ANNEX TO THE REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN UNION GEOGRAPHICAL INDICATIONS FOR WINE, SPIRIT DRINKS AND AGRICULTURAL PRODUCTS, AND QUALITY SCHEMES FOR AGRICULTURAL PRODUCTS, AMENDING REGULATIONS (EU) NO 1308/2013, (EU) 2017/1001 AND (EU) 2019/787 AND REPEALING REGULATION (EU) NO 1151/2012

PROPOSAL FOR A ANNEX TO THE REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON EUROPEAN UNION GEOGRAPHICAL INDICATIONS FOR WINE, SPIRIT DRINKS AND AGRICULTURAL PRODUCTS, AND QUALITY SCHEMES FOR AGRICULTURAL PRODUCTS, AMENDING

REGULATIONS (EU) NO 1308/2013, (EU) 2017/1001 AND (EU) 2019/787 AND REPEALING REGULATION (EU) NO 1151/2012

DEFRA EM DATED 4 MAY 2022

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 3 25/5/22)	CLEARED BY HOL LETTER 21/7/2022. SIFTED FOR SCRUTINY TO THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 18; 16/5/22)

13313/21 COMMISSION DELEGATED REGULATION (EU) .../... OF 27.10.2021 AMENDING DELEGATED REGULATION (EU) 2019/934 SUPPLEMENTING REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AUTHORISED OENOLOGICAL PRACTICES

ANNEXES TO THE COMMISSION DELEGATED REGULATION AMENDING DELEGATED REGULATION (EU) 2019/934 SUPPLEMENTING REGULATION (EU) NO 1308/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS AUTHORISED OENOLOGICAL PRACTICES

DEFRA EM DATED 5 JANUARY 2022

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 26 26/1/22)	DRAWN TO THE ATTENTION OF THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 13; 25/1/22)