



Council of the
European Union

**Brussels, 21 August 2023
(OR. en)**

12392/23

**AGRI 470
AGRIFIN 100
AGRIORG 97
AGRILEG 163
DELACT 113**

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	21 August 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.:	C(2023) 5508 final
Subject:	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

Delegations will find attached document C(2023) 5508 final.

Encl.: C(2023) 5508 final



Brussels, 17.8.2023
C(2023) 5508 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**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

In order to take into account the expectations of consumers and to improve the economic conditions for the production and marketing as well as the quality of agricultural products the Commission is empowered to adopt delegated acts laying down marketing standards by sectors or products, at all stages of the marketing, as well as derogations and exemptions from such standards in order to adapt to constantly changing market conditions, to evolving consumer demands, to developments in relevant international standards and to avoid creating obstacles to product innovation.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission consulted experts from the Member States within the Expert Group for Agricultural Markets, sector Animal Products, in the meeting of 25 August 2022, 22 September 2022 and 20 October 2022.

The Commission transmitted the draft delegated act to the European Parliament and to the Council, when convening the Expert Group meetings.

The draft delegated regulation was posted on the European Commission portal 'Have your say' from 21 April to 19 May 2023 to gather the views of citizens and stakeholders. It received 34 feedbacks from which 38% were from business associations, 26% from EU citizens, 21% from companies, 12% from NGOs and 3% from other stakeholders. The majority of contributions expressed support to the proposal, a few preferred the current Regulation in its current state. Some contributions were critical towards the derogation to mark eggs in packing centres. The derogation was, however, kept because the system of marking eggs in packing centres is well established and controlled in several Member States.

WTO partners were notified.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act amends Annex VII, part VI, to address the risk of false marking and improve traceability. The marking of eggs will only be allowed at the site of production. Exemptions from this rule can only be decided by Member States. In such cases, the marking can take place at the first packing centre.

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

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 1234/2007¹, and in particular Article 78(3) thereof,

Whereas:

- (1) In its communication of 20 May 2020 entitled ‘A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system’², the Commission has announced, among others, that it will revise marketing standards to provide for the uptake and supply of sustainable agricultural products and to reinforce the role of sustainability criteria taking into account the possible impact of these standards on food loss and waste.
- (2) Part VI of Annex VII to Regulation (EU) No 1308/2013 sets out definitions, designations and sales description for eggs of hens of the *Gallus gallus* species.
- (3) Regulation (EU) No 1308/2013 allows for marking eggs at the production site or at the first packing centre to which eggs are delivered. This implies a certain risk of false marking, unintended or intended, as eggs from different farms and production systems can get mixed and mislabelled. Moreover, in the case of food safety incidents this could lead to problems of traceability. In the light of increasing consumer demand, traceability rules should be strengthened. Technical progress made a wide range of marking technology available at farm level.
- (4) Marking eggs should therefore take place only at the production site. However, account should be taken to the fact that several Member States already developed efficient marking systems at the level of packing centres. Therefore, Member States should be allowed to exempt eggs from marking at the production site when it is carried out in the first packing centre to which eggs are delivered, as long as this exemption is proportionate, non-discriminatory and does not undermine the objective of traceability of the eggs.
- (5) In order to give Member States sufficient time to adjust national legislation this Regulation should start to apply only 12 months after its publication.
- (6) Regulation (EU) No 1308/2013 should therefore be amended accordingly,

¹ OJ L 347, 20.12.2013, p. 671.

² COM/2020/381 final.

HAS ADOPTED THIS REGULATION:

Article 1

Point III of Part VI of Annex VII to Regulation (EU) No 1308/2013 is amended as follows:

- (1) point 2 is replaced by the following:
‘2. The marking of eggs in accordance with point 1 shall take place at the production site.’;
- (2) the following point 2a is inserted:
‘2a. Member States may, based on objective criteria, exempt eggs from the requirement laid down in point 2 when the marking is carried out in the first packing centre to which eggs are delivered.’.

Article 2

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

This Regulation shall apply from [*12 months after publication*].

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

Done at Brussels, 17.8.2023

For the Commission
The President
Ursula VON DER LEYEN