POLICY NOTE

THE EGGS (AMENDMENT) (SCOTLAND) REGULATIONS 2021

SSI 2021/460

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by section 9(1) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020, and all other powers enabling them to do so. The instrument is subject to the affirmative procedure.

Summary Box

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Purpose of the instrument: To amend retained EU law, laying down marketing standards for eggs, to allow marketing standards checks on third country imports of Class A eggs to take place at the point of destination rather than at customs clearance.

Policy Objectives

This instrument amends retained Commission Regulation (EC) No 589/2008 laying down detailed rules for implementing Council Regulation (EC) No 1234/2007 as regards marketing standards for eggs ("the Regulation"). The amendment enables marketing standards checks to be undertaken on imported Class A eggs at the point of destination. Points of destination are locations such as egg packing centres and wholesale premises, where checks are undertaken by egg marketing inspectors prior to release for retail sale or mass catering.

This amendment is required because, while existing practice is that marketing standards checks on eggs take place at the point of destination, Article 24(3) of the Regulation requires that for imported Class A eggs, checks are to be carried out at the time of customs clearance. Since the end of the transition period on 31 December 2020, this requirement would apply to eggs from EU Member States as well as any imported from other third countries. Currently no Class A eggs are imported direct to Scotland other than occasional, de minimus quantities from the Republic of Ireland. However the amendment would allow any future imports to be checked at the point of destination.

As existing practice means inspectors and compliant enforcement procedures already exist at the point of destination – the packing centres and wholesale premises where eggs are checked prior to release for retail sale or mass catering – it is more efficient and practical to carry out the checks on imports at these locations.

These checks are currently performed by SG Poultry Officers at the point of destination. There will be very little training available to teach external staff the skills and techniques required to carry out the checks and tests at the border to ensure consistent levels of competency, skills, knowledge and qualification. Potential delays at the border could also have an impact due to the perishability of the product and temperature control requirement.

Continuing to undertake egg marketing checks at the point of destination such as egg packing centres and wholesale premises, rather than at points of entry, will allow these checks to use existing and established resources prior to the eggs reaching the market. This is considered

the best way to maintain inspections levels, prevent food fraud and give confidence to both industry and consumers that their interests are being taken into account.

Consultation

To comply with the requirements of section 9(5) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020 and Article 9 of Regulation (EC) 178/2002 of the European Parliament and of the Council

a targeted consultation exercise was undertaken on this proposal on amendments to the legislation relating to marketing standards for eggs. The following bodies were consulted:-

Avonfinch ltd, British Free Range Egg Producers Association, NFU Scotland, British Egg Industry Council, National Farmers' Union of England and Wales, NFU Cymru.
Six responses were recieved in total.

The consultation was carried out on a GB-wide basis seeking the views of the egg industry on our proposed amendment to the Eggs Marketing Standards Regulation for checks on the import of Class A eggs to GB. The consultation ran from 19 July to 16 August 2021.

Views were mixed with the National Farmers Union Scotland (NFUS) supporting the proposal. However, others such as the British Egg Industry Council (BEIC) and British Free Range Egg Producers Association (BFREPA) were not in favour of the proposals and would prefer checks took place at the Borders now that the UK has left the EU.

As a result, a Roundtable event was hosted by Defra, including the devolved administrations, to address and listen to concerns. There was general discussion and it was explained that checks being carried out at the destination would mean that more checks could be done than could ever be done at ports. There was no dissention on the proposal amongst stakeholders following the Roundtable event.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the UK Government website, it includes the National Farmers Union Scotland (NFUS) and the British Egg Industry Council (BEIC).

The consultation report is due to go live on 8 November and hyperlink will be available then.

Impact Assessments

A Business and Regulatory Impact Assessment is not required for this instrument. There will be no impact on business , since the amendment made by this instrument allows for continuation of the current regime. There is no, or no significant, impact on the public sector. This instrument does not impose additional or reduce existing costs on relevant businesses or third sector organisations. It does not impose additional costs on public sector organisations that deliver services or involve a transfer of costs or benefits from one group to another.

The instrument does not have any data protection implications and accordingly no consultation with the Information Commissioners Office was necessary.

No equality impact assessment has been undertaken as this instrument does not affect people with protected characteristics.

Financial Effects

The Cabinet Secretary for Rural Affairs and Islands confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Agriculture and Rural Economy

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