

Rural Directorate
Agriculture and Rural Development Division

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To organisations on the attached list

4 August 2008

Dear Consultee

**CONSULTATION ON THE EGGS AND CHICKS (SCOTLAND) (No.2)
REGULATIONS 2008**

I am writing to seek your views on changes to the Eggs and Chicks (Scotland) Regulations 2008 (Scottish Statutory Instrument 2008 No.129) that will amend references to European legislation, remove obsolete references and relax rules affecting the marketing standards of eggs.

Background

We consulted on the Eggs and Chicks (Scotland) Regulations 2008 on 30 November 2007. A copy of the consultation document can be provided on request and is also available to view at:-

<http://www.scotland.gov.uk/Publications/2007/12/12140443/0>

The Eggs and Chicks (Scotland) (No.2) Regulations 2008 will revoke and replace the Eggs and Chicks (Scotland) Regulations 2008. As well as updating references to EU legislation, the new regulations will introduce a derogation from the requirement to mark eggs going directly from farm to the food industry for processing.

The introduction of Commission Regulation No. 598/2008 allows the competent authority to grant derogations from the marking requirements for eggs going directly from a production site to food industry for processing. This can be done where the farm is situated within the same Member State as the food processor, where the farm is located in another Member State, or where a farm is situated in a Third Country.

The Eggs and Chicks (Scotland) Regulations 2008 refer to Council Regulation (EC) No 2782/75 on the production and marketing of eggs for hatching and of farmyard poultry chicks, and to Council Regulation (EC) No 1028/06 on certain marketing standards for eggs, both of which were repealed on 1 July 2008 by Council Regulation (EC) No 1234/2007. Regulation (EC) No 1234/2007 was the result of a programme of work during 2007 to consolidate 21 EU Regulations which set out the framework for the Common Market Organisation (CMO) into a single Regulation. The objective of the creation of the “Single CMO Regulation” was to streamline and simplify the legal framework, and increase transparency for stakeholders, without changing the underlying policies. This proposal was the flagship of the European Commission’s work in 2007 on CAP simplification.

The Eggs and Chicks (Scotland) Regulations also refer to Commission Regulations (EC) No 1868/1977, which has been replaced by Commission Regulation 617/2008, and No 557/2007, which lay down detailed rules for the implementation of the Council Regulations which have been repealed and replaced with effect from 1 July 2008.

The purpose of this consultation is to seek your views on (i) the updating of references to EU legislation, (ii) the relaxation of rules affecting the marking of eggs delivered directly to the food industry. However, we do not consider that there is much scope to change what is proposed at (i) and (ii) because the new Eggs and Chicks Regulations implement Community law which is directly applicable (and which itself has been subject to consultation).

The changes to the Eggs and Chicks Regulations should have no cost implications for the egg industry. For this reason, we have not prepared a Regulatory Impact Assessment.

The consultation period starts to-day, and will run for 4 weeks, with a deadline for responses of 29 August 2008. The foreshortened period of consultation has been agreed by Scottish Government Ministers as a means of ensuring the maintenance and continuity of a robust regulatory and enforcement regime established to protect consumer interests.

Following the end of the consultation period, and subject to the views of respondents to this consultation, Ministers will take decisions on the way forward.

Consultation paper and consultation list

If you have any questions about this consultation paper please contact Marie Coventry on 0131-244-6953.

The consultation list is at **Annex A**. We have sought to include all relevant interests but if you feel another party would benefit from seeing this consultation please pass on a copy - or contact this office and we shall arrange for a copy to be issued direct.

Responding to this consultation paper

We are inviting written responses to this consultation paper by 29 August 2008.

Please send your response to:

marie.coventry@scotland.gsi.gov.uk

or

Marie Coventry
Scottish Government
Room 251
Pentland House
47 Robb's Loan
Edinburgh EH14 1TY
Tel: 0131-244-6953

We would be grateful if you could indicate clearly in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>. You can telephone Freephone 0800 77 1234 to find out the location of your nearest public internet access point.

The Scottish Government now has an e-mail alert system for consultations (SEconsult:<http://www.scotland.gov.uk/consultations/seconsult.aspx>). This system allows stakeholder individuals and organisations to register and receive a weekly e-mail containing details of all new consultations (including web links). SEconsult complements but in no way replaces SG distribution lists and is designed to allow stakeholders to keep up to date with all SG consultation activity and to be alerted at the earliest opportunity to consultations of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the attached **Respondent Information Form** as this will ensure that we will treat your response appropriately. If you ask for your response not to be published we will regard it as confidential and we will handle it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made under the Act for information relating to responses to this consultation exercise.

Where respondents have given permission for their response to be made public, copies will be made available to the public in the Scottish Government library by 12

September 2008 and on the Scottish Government consultation web pages by the 26 September 2008. Where agreement to publish has been given, we will check all responses for any potentially defamatory material before logging them in the library or placing them on the website. You can make arrangements to view responses by contacting the Scottish Government library on 0131-244-4565. Responses can be copied and sent to you but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help Ministers reach a decision on the way ahead. We aim to issue a report on this consultation process by the 24 October 2008.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to Marie Coventry at the address above.

Yours sincerely

Gerry Smith

ANNEX A

THE EGGS AND CHICKS (SCOTLAND) REGULATIONS 2008 CONSULTATION LIST

Advocates for Animals
British Egg Industry Council
Convention of Scottish Local Authorities
Crofters' Commission
Noble Foods Ltd.
Glenrath Farms
Aviagen
Scottish Retail Consortium
Vion
Independent Farming Group
2 Sisters (Letham)
NFU Scotland
Royal Environmental Health Institute of Scotland
Scottish Consumer Council
Scottish Crofting Foundation
Scottish Egg Producers & Retailers Association
Scottish Grocers' Federation
Scottish Rural Property & Business Association
Scottish Society for the Prevention of Cruelty to Animals

Scottish Conservative & Unionist Party
Scottish National Party
Scottish Labour Party
Scottish Liberal Democrats

