L.N. 345 of 2003

PRODUCT SAFETY ACT
(ACT NO. V OF 2001)

Egg Marketing Standards Regulations, 2003

IN exercise of the powers conferred by article 39 of the Product Safety Act, the Minister for Finance and Economic Affairs, on the advice of the Malta Standards Authority, has made the following regulations:-

Citation and commencement.

1.1 The title of these regulations is the Egg Marketing Standards Regulations, 2003.

1.2 These regulations shall come into force on such date as the Minister may by notice in the Gazette determine.

Definitions.

2.1 For the purposes of these regulations, the following definitions shall apply, unless the context otherwise requires:

(a) 'eggs' means hen eggs in shell, suitable for direct human consumption or for use in the food industries, except for broken eggs, incubated eggs and cooked eggs;

(b) 'industrial eggs' means hen eggs in shell other than those referred to in paragraph (a), including broken eggs and incubated eggs but excluding cooked eggs;

(c) 'eggs for hatching' means eggs intended for chick production as specified in the rules concerning eggs for hatching;

(d) 'broken eggs' means eggs showing breaks of both the shell and the membranes, resulting in the exposure of their contents;

(e) 'cracked eggs' means eggs with a damaged, but unbroken shell, but with intact membranes;

(f) 'incubated eggs' means eggs from the time of insertion in the incubator;

(g) 'marketing' means holding or displaying for sale, offering for sale, selling, delivery or any other form of marketing;

(h) 'collector' means any person authorized by the competent authority to collect eggs from a producer for delivery:

(1) to a packing centre:

(2) to a market selling exclusively to wholesalers whose undertakings are approved as packing centres; or

(3) to industry;

(i) 'packing centre' means an undertaking authorized by the competent authority to grade eggs by quality and weight;

(j) 'batch' means the eggs from one and the same packing centre, situated in one place, in packs or loose, with one and the same date of minimum durability or packing date as well as the same quality and weight gradings;

(k) 'large packs' means packs, open cases or containers, containing more than 36 eggs;

(l) 'small packs' means packs or wrappings, but not unwrapped trays, containing 36 eggs or less;

(m) 'loose sales' means the offer for retail sales of eggs, other than in large or small packs;

(n) 'competent authority' shall mean the Director of Veterinary Services;

(o) 'third country' shall mean a country other than Malta and which is not a member of the European Community,

(p) 'producer' means any person who owns or has under his control any premises wherein there are at least one thousand layers.

Marketing and exemptions.

3.1 Eggs shall not be marketed by way of business or trade unless they satisfy the provisions of these regulations.

3.2. However, the provisions regarding grading and marking shall not apply to eggs:

(a) transported directly from the place of production to a packing centre or to a market selling exclusively either to wholesalers whose undertakings are approved as packing centres, or, for processing, to approved food industry undertakings and to the non-food industry;

(b) produced in Malta or the European Community and delivered for processing to approved food industry undertakings and to the non-food industry.

3.3. These regulations shall not apply to eggs sold directly to the consumer for his own use, by the producer on his own farm, in a local public market with the exception of auction markets, or by door-to-door selling, provided that the eggs come from the producer's own production and are not packed in accordance with regulations 8 and 9 and that use is not made of any of the quality and weight gradings laid down in these regulations.

3.4. These regulations shall not affect any provisions concerning veterinary and health matters and foodstuffs laid down to ensure compliance with the hygiene and health standards applicable to the products or to protect animal or public health.

3.5 These regulations shall not apply to eggs imported from or exported to third countries in small quantities not exceeding 60 eggs by the consumer for his own use.

Prohibition of mixing of eggs.

4.1 Eggs as defined in regulation 2.1 may not be mixed with eggs of other kinds.

Delivery of eggs.

5.1 Without prejudice to regulation 3, producers may not deliver:

(a) eggs to anyone but collectors, packing centres, markets within the meaning of regulation 3.2(a), approved food industry undertakings, and the non-food industry;

(b) industrial eggs, excluding incubated eggs, to anyone but packing centres or industry, with the exception of the food industry;

(c) incubated eggs to anyone but rendering plants or industry, with the exception of the food industry.

5.2. Eggs broken accidentally in packing centres may only be delivered to the processing industry, with the exception of the food industry.

Grading of eggs.

6.1 Apart from the cases provided for in regulations 7.2 to 7.4, only packing centres may grade eggs by quality and weight.

6.2 Packing centres shall keep an up-to-date record of their suppliers.

6.3 On the basis of the criteria laid down in the Schedule to these regulations, the competent authority shall grant authorizations to grade eggs and shall allot a distinguishing number to any undertaking or producer whose premises and technical equipment are suitable for grading eggs by quality and weight, at its or his request. Such authorization may be withdrawn whenever the required conditions are no longer fulfilled.

6.4 Eggs shall be graded by quality as follows:

— class A or 'fresh eggs'.
— class B or 'second quality or preserved eggs'.
— class C or 'down-graded eggs intended for approved food industry undertakings.

6.5 Class A eggs shall be graded by weight.

6.6 Grading in classes A and B shall be determined taking into account in particular the criteria set out in the Schedule to these regulations.

Stamping of eggs.

7.1 One or more of the following distinguishing marks may be stamped on grade A eggs:

(a) the date of minimum durability ('best-before date');

(b) one or more further dates aimed at providing the consumer with additional information;

(c) the quality grading;

(d) the weight grading;

(e) the packing centre number;

(f) the name or business name of the packing centre;

(g) trade name or trade mark;

(h) a reference to the type of farming;

(i) an indication of the origin of the eggs;

(j) a code identifying the producer establishment.

The indications provided for in (f) and (g) shall be used only in accordance with the relevant conditions laid down in regulation 8.1 (a).

The indications provided for in (b), (h) and (i) shall be used only in accordance with the relevant conditions laid down in regulation 8.3.

7.2 Class B and C eggs, except for cracked eggs, shall bear a distinguishing mark showing their quality grading. They may also bear one or more of the indications listed in regulation 7.1.

7.3 Class A or B eggs which no longer have the characteristics fixed for those grades shall be withdrawn from their class and may be regarded in B or C according to their characteristics. In such a case, they shall bear a distinguishing mark in accordance with regulation 7.2. Any marks which may have been used in accordance either with regulation 7.1 or with regulation 7.2 may be retained, except for those concerning weight grading, which shall be altered if appropriate.

7.4 However, by way of derogation from regulation 7.3, class A and B eggs which no longer have the characteristics fixed for those grades may be delivered directly to approved food industry undertakings, without the markings referred to in regulation 7.3, provided always that their packs are clearly marked to show this destination.

7. Eggs shall not bear any marks other than those provided for in these regulations.

Labelling of packs.

8.1 Large packs, and small packs even when contained in large packs, shall bear on the outer surface in clearly visible and legible type:

(a) the name or the business name, and address of the undertaking which has packed the eggs or had them packed; the name, business name or the trade mark used by that undertaking, which may be a trade mark used collectively by a number of undertakings, may be shown if it contains no statement or symbol incompatible with these Regulations relating to the quality or freshness of the eggs, to the type of farming used for their production or to the origin of the eggs;

(b) the distinguishing number of the packing centre;

(c) the quality and weight gradings. Class A eggs may be identified either by the words ‘class A’ or the letter ‘A’ whether alone or in combination with the word‘‘fresh’;

(d) the number of eggs packed;

(e) the date of minimum durability (‘best-before date’) followed by appropriate storage recommendations for grade A eggs, and the packing date for eggs of other grades;

(f) particulars as to refrigeration or to the method of preservation, in uncoded form, in respect of refrigerated or preserved eggs.

8.2 Both large and small packs may, however, carry the following additional information, on either inner or outer surfaces:

(a) the selling price;

(b) the retail management and/or stock control codes;

(c) one or more further dates aimed at providing the consumer with additional information;

(d) particulars as to special storage conditions;

(e) statements or symbols designed to promote sales of eggs or other items, provided that such statements or symbols and the manner in which they are made are not likely to mislead the purchaser.

8.3 Further dates and indications concerning the type of farming and the origin of the eggs may only be used in accordance with any rules laid down under the procedure set out in Article 17 of Regulation (EEC) No 2771/75 ([1]). These rules may cover in particular the terms used in indications of the type of farming and the criteria concerning the origin of the eggs. Notwithstanding the above, where large packs contain small packs or eggs marked with any reference to the type of farming or to the origin of the eggs, these particulars shall also be shown on the large packs.

8.4 Large packs shall be provided with a band or label, bearing the particulars referred to in regulations 8.1 to 8.3, which cannot be re-used once the pack has been opened and which shall be issued by or under the supervision of official agencies designated by the competent authority. However, this band or label shall not be required in the case of large packs which take the form of open cases or open containers, on condition that these latter are of a type which does not impede identification of the particulars referred to in regulations 8.1 to 8.3 shown on small packs contained therein.

8.5 By way of derogation, in the case of direct delivery from the packer to the retail trade of eggs intended for loose sales in small quantities as defined in paragraph 12.4 of the Schedule, it shall be permissible for these eggs not to be packed in large packs.

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[1] OJ L 282 , 01/11/1975 p. 0049 - 0055

9.1 The words ‘extra’ or ‘extra fresh’ may be used on small packs containing class A eggs provided with a band or label. These words shall be printed on the band or label, which shall be removed and destroyed not later than the seventh day after packing or the ninth day after laying. Use of the word ‘extra’.

10.1 Eggs displayed for sale or offered for sale in the retail trade shall be presented separately according to quality and weight grading and, where applicable, according to whether refrigeration or any method of preservation has been employed. The quality and weight gradings and the fact that the eggs have been refrigerated or preserved, where this is the case, shall be indicated in such a manner as to be clearly and unequivocally visible to the consumer. Sale of graded eggs.

10.2 In the case of loose egg sales, the identification number of the packing centre which graded the eggs, or in the case of imported eggs the third country of origin, and the date of minimum durability followed by the appropriate storage recommendations shall also be indicated.

10.3 However, eggs of the same quality grading, except for class A eggs marked ‘extra’ in accordance with regulation 9.1, may be displayed for sale or offered for sale in small packs which may be of different weight grading provided that the total net weight and the words‘‘eggs of different sizes’ or the various weight gradings are shown.

11.1 Packs may not bear any indications other than those laid down in these regulations. Prohibition of other indications.

12.1 Eggs from the European Community must comply with Council Regulation (EC) No 1907/90. Imported eggs.

12.2 Eggs from third countries may not be imported unless:

(a) they comply with the provisions of Articles 3, 6 to 9, 12, 13 (2) and 14;

(b) they are put up in packs, including small packs contained in large packs, bearing clearly and legibly the following information:

(i) the country of origin;

(ii) the name of the packing undertaking in the third countries;

(iii) the quality and weight grading;

(iv) for large packs, the weight in kilograms of the packed eggs and their number, and, for small packs, their number;

(v) the date of packing and the date of minimum durability followed by appropriate storage recommendations, for grade A eggs, and the packing date for eggs of other grades;

(vi) the sender's name and address in the case of large packs.

Export of eggs.

13.1 Eggs intended for export to the European Community must comply with Council Regulation (EC) No. 1907/90.

13.2 These regulations shall also apply to eggs packed and intended for export outside the European Community. Eggs packed and intended for export which have been dipped shall not, however, be deemed to have been treated for preservation.

13.3 By way of derogation from regulation 13.2 and in order to comply with the rules of certain importing countries, eggs packed and intended for export may:

(a) be made to comply with requirements exceeding those laid down in these regulations as regards quality, marking and labelling, or with additional requirements;

(b) bear on the pack marks or particulars of a different nature, provided that such marks and particulars are not likely to be mistaken for those laid down in these regulations.

13.4 Eggs packed and intended for export may be graded by other weight gradings than those stipulated in the Schedule to these regulations. In that case the weight grade shall be shown uncoded on the packs.

Sampling of eggs.

14.1 The products covered by these regulations shall be checked by means of random sampling at all stages of marketing as well as during carriage. For eggs imported from third countries such random sampling checks shall also be made at the time of customs clearance.

14.2 Decisions arising from failure to comply with these regulations may only be taken for the whole of the batch which has been checked.

14.3 Where the checked batch is not deemed to comply with these Regulations, the supervising agency shall prohibit its marketing, or importation if the batch comes from a third country, unless and until proof is forthcoming that it has been made to comply with these regulations.

14.4 The competent authority shall verify whether the rejected batch has been or is being made to comply with these regulations.

15.1 The detailed rules for the implementation of these regulations are being laid down in the Schedule to these regulations.

Detailed rules for the implementation of these regulations.

Schedule

Detailed Rules for Implementation

PART A – Detailed Rules

1. General Provisions for Packing and Grading

1.1. Eggs shall be delivered from producers to, or collected from producers by, the establishments referred to in regulation 5.1 (a) at least every third working day.

1.2. Eggs intended for marketing as ‘extra', as provided by regulation 9.1, shall only be delivered to, or collected by, packing centres every working day from each producer. However, such delivery or collection may take place every second working day in those cases where ambient temperatures at which eggs are kept at the farm do not exceed 18 °C.

1.3. Eggs on which it is intended to indicate the laying date in accordance with paragraph 17 of this Schedule shall only be delivered from each producer, to, or collected from each producer by, packing centres on the day of laying. Eggs on which the laying date is stamped at the farm shall be delivered or collected not later than the working day following the day of laying.

1.4. All collectors shall deliver eggs to packing centres not later than the working day following that of reception. However, operators at markets within the meaning of regulation 3.2(a) may deliver eggs not later than the second working day following that of reception by the market.

1.5. Each container shall be identified by the name and address or registered number of the producer establishment, the day or period of laying and the date of dispatch before leaving the production site.
In the case of packing centres supplied from their own production units situated at the same site with eggs which are not in containers, identification shall take place at the packing centre.
Where ungraded eggs are passed from the first packing centre to other packing centres in different containers, each container must be identified with this information before leaving the packing centre.
Where the period of laying is indicated, the determination of the date of minimum durability and of the recommended sell-by date in accordance with paragraph 14.1(a) of this Schedule and paragraph 16.2 of this Schedule respectively shall be made starting from the first date of that period.

1.6. Packing centres are to grade and pack eggs at the latest on the second working day following that on which the eggs were received at the packing centre, except in cases where:
— the eggs received from producers are delivered to other packing centres not later than the working day following that of reception,
— it is intended to indicate the laying date on eggs which are supplied by production units situated at the same site as the packing centre and which are not in sealed

containers in which case they shall be graded and packed on the day of laying or, if the day of laying falls on a non-working day, on the first subsequent working day.

1.7. The indications provided for in regulations 7, 8.1 and 8.2(c) shall be apposed not later than on the day of grading and packing.

2. Temperature during storage and transport

2.1 Eggs shall be maintained, during storage at the producer's premises and during transport from producer to collector or packing centre, at a temperature best suited to assure an optimal conservation of their quality.

3. Requirements for collectors and packing centres

3.1. Only undertakings and producers satisfying the conditions laid down in paragraphs 3.2 to 3.4 below shall be approved as collector or packing centres within the meaning of these Regulations.

3.2. The premises of collectors and packing centres must be:
(a) of sufficient area in relation to the volume of work done;
(b) so built and equipped:
— that they afford suitable ventilation and lighting,
— that they may be properly cleaned and disinfected,
— that the eggs are protected from wide variations in the outside temperature;
(c) reserved for handling and storing eggs; however, a part of the premises may be used for storing other products on condition that the latter do not impart extraneous odours to the eggs.

3.3. The technical equipment of packing centres must ensure proper handling of the eggs and include in particular:
(a) suitable candling equipment continuously manned throughout and allowing the quality of each egg to be examined separately. Where use is made of an automatic machine for candling, sorting and grading, the equipment must include an independent candling lamp. In the case of automated systems, the competent authority may dispense with continuous manning of the machine;
(b) devices for measuring the height of the air space;
(c) a machine for grading the eggs by weight;
(d) one or more adjusted balances for weighing eggs;
(e) equipment for stamping eggs, where use is made of the provisions of regulations 7.1 to 7.4.

3.4. The premises and technical equipment must be kept clean and in good repair and be free of extraneous odours.

4. Approval of packing centres

4.1. Any request for the approval of a collector or packing centre shall be submitted to the competent authority.

4.2. The competent authority shall give the packing centre approved by it a distinguishing number.

4.3. Only packing centres which have been subject to special registration may be authorized to pack Grade ‘A' eggs marked ‘extra' or to indicate the laying date in accordance with paragraph 17 of this Schedule or the terms provided for in paragraph 18 of this Schedule.

4.4. The competent authority shall provide the Malta Standards Authority, no later than 30 days after the coming into force of these regulations, with a list of the approved centres in Malta, showing the name and address and the number allotted to each centre. Any alteration of that list shall be communicated at the beginning of each quarter of the calendar year to the Malta Standards Authority.

5. Characteristics of Grade ‘A’ eggs

5.1. Grade ‘A' eggs shall have the following minimum characteristics:
Shell and cuticle: normal, clean, undamaged;
Air space: height not exceeding 6 mm, stationary; however, for eggs to be marketed as "extra", it shall not exceed 4 mm;
White: clear, limpid, of gelatinous consistency, free of extraneous matters of any kind;
Yolk: visible on candling as a shadow only, without clearly discernible outline, not moving appreciably away from the centre of the egg on rotation, free of extraneous matter of any kind;

5.2. Grade ‘A' eggs shall not be washed or cleaned by any other means before or after grading.

5.3. Grade ‘A' eggs shall not be treated for preservation or refrigerated in premises or plants where the temperature is artificially maintained at less than + 5 °C. However, eggs which have been kept at a temperature below + 5 °C during transport of not more than 24hours or on retail premises or in annexes thereto, shall not be considered as refrigerated in so far as the quantity stored in these annexes does not exceed the requirements for three days of retail sale on the premises in question.

6. Characteristics of Grade ‘B’ eggs

6.1. Grade ‘B' eggs shall have the following minimum characteristics:
Shell: normal and undamaged;
Air space: height not exceeding 9 mm;
White: clear, limpid, free of extraneous matter of any kind;
Yolk:
— visible on candling as a shadow only; this characteristic is not required of eggs preserved in lime,
— free of extraneous matter of any kind;
Germ cell: imperceptible development;
Odour: free of extraneous odour.

6.2. Grade ‘B' shall include three types of eggs:

(a) eggs neither refrigerated nor preserved:
Grade ‘B' eggs which have not undergone any preservative treatment and have not been refrigerated in premises or plants where the temperature is artificially maintained at less than +5 °C. However, eggs which have been kept at a temperature below +5 °C during transport of not more than 24hours or on retail premises or in annexes thereto, shall not be considered as refrigerated in so far as the quantity stored in these annexes does not exceed the requirements for three days of retail sale on the premises in question;

(b) refrigerated eggs:
Grade ‘B' eggs which have been refrigerated in premises artificially maintained at a temperature below + 5 °C;

(c) preserved eggs:
Grade ‘B' eggs which have been preserved, whether refrigerated or not, in a gas mixture the composition of which differs from that of atmospheric air, and those which have undergone any other preservative treatment.

7. Grade ‘C’ eggs

7.1 Grade ‘C' eggs shall be eggs which do not meet the requirements applicable to eggs in Grades ‘A' and ‘B'. They may only be passed to approved food industry undertakings or to non-food industry undertakings.

8. Weight Grading of Grade ‘A’ eggs

8.1. Grade "A" eggs shall be graded by weight as follows:
- XL-very large: 73 g and more,
- L-large: from 63 g up to 73 g,
- M-medium: from 53 g up to 63 g,
- S-small: under 53 g.

8.2. On packs the weight-grading shall be indicated by the respective letters or by the respective terms as defined in paragraph 1 or by a combination of both, which may be supplemented by the corresponding weight ranges. No subdivision of the weight ranges referred to in paragraph 1 shall be made using different pack colours, symbols, trademarks or other indications.

9. Stamping of Grade ‘A’ eggs

9.1 In the case of stamping Grade ‘A' eggs in accordance with regulation 7, the following applies:
— the Grade ‘A' distinguishing mark shall be a circle of at least 12 mm in diameter,
— the distinguishing mark for weight-grading shall be the letters as defined in Article 8 (1), between 2 and 3 mm high, placed inside the abovementioned circle,
— the packing centre number shall be of three or more figures at least 5 mm high,
— the indication of dates consists of letters and figures at least 5 mm high showing the terms listed in Part B of this Schedule, followed by day and month as defined in paragraph 14.

10. Distinguishing Marks for Grade 'B' and Grade 'C' eggs

10.1. The distinguishing mark showing quality grading for Grade 'B' eggs shall be as follows:

(a) for 'eggs neither refrigerated nor preserved', a circle at least 12 mm in diameter in which shall appear the letter B in roman type at least 5 mm high;

(b) for 'refrigerated eggs', an equilateral triangle with each side at least 10 mm long;

(c) for 'preserved eggs', a rhombus with diagonals of 16 mm and 7 mm.

Anyone who refrigerates or otherwise preserves eggs shall mark them as indicated in (b) or (c) before doing so. For eggs preserved in lime, however, these marks may be applied after the preserving process has been carried out.

10.2. The distinguishing mark for the quality grading of Grade 'C' eggs shall be a circle at least 12 mm in diameter in which shall appear the letter C in roman type at least 5 mm high.

10.3. Notwithstanding the above, Grade 'B' and 'C' eggs need not be marked in the case of direct deliveries to the food industry, provided that packs containing them are clearly marked to show this destination.

11. Requirements for Distinguishing Marks

11.1. The distinguishing marks applied in accordance with paragraphs 9 and 10 of this Schedule and the indications on eggs provided for in paragraphs 16, 17, 18 and 19 thereof must be clearly legible.

11.2. Eggs shall be marked in an indelible colour resistant to boiling. The product used must comply with the provisions in force in respect of colouring matters which may be used in foodstuffs intended for human consumption.

12. Requirements for Packs

12.1. Packs, including inner packing material, must be shock-resistant, dry, clean and in good repair, and made of materials which protect the eggs from extraneous odour and the risk of quality deterioration.

12.2. Large packs, used for transporting and dispatching eggs, including inner packing material, shall not be re-used unless they are as new and meet the technical requirements of paragraph 12.1 above. Re-used large packs, must not bear any previous marking likely to lead to confusion.

12.3. Small packs may not be re-used.

12.4. The derogation referred to in regulation 8.5 applies in the case of daily quantities of less than 3600 eggs per delivery and of less than 360 eggs per buyer. The name, address and number of the packing centre as well as the number of eggs, quality and weight grades and date of minimum durability shall be indicated on accompanying documents.

13. Storage and Transport of eggs

13.1. Eggs must be stored in clean, dry premises, free of extraneous odour.

13.2. Eggs in transport and during storage must be kept clean, dry and free of extraneous odour and effectively protected from shocks, weather and the effect of light.

13.3. Eggs in store and in transport must be protected from extremes of temperature.

14. Date of minimum durability

14.1. The indication of the date of minimum durability referred to in regulations 8 and 12 shall be made at the time of packaging. It shall comprise one or more of the following:
- Best before . . .,
- L-A]jar qabel....
For this purpose the date shall be indicated by two sets of figures representing, in the following order:
- the day, from 1 to 31,
- the month; from 1 to 12.

14.1a. The date of minimum durability shall be the date until which grade 'A' eggs will retain the characteristics described in paragraph 5.1 of this Schedule when properly stored. It shall be fixed at not more than 28 days after laying.

14.2. Large packs, and small packs even when contained in large packs, shall bear on the outer surface in clearly visible and legible type an indication to advise consumers to keep eggs refrigerated after purchase.

14.3. In case of loose egg sales, wording equivalent to the indication referred to in paragraph 14.2 above shall be indicated in such a manner as to be clearly visible and unequivocal to the consumer.

15. Packing Date

15.1 The indication of the packing date referred to in regulations 8 and 12 shall comprise one or more of the following in Maltese and/or English:

- Data ta' l-ippakkjar: . . . / Packing date…

followed by the two sets of figures as referred to in the second subparagraph of paragraph 14.1 of this Schedule.

16. Sell-by date and Laying date

16.1. In addition to the date of minimum durability and/or the packing date, the recommended sell-by date may be indicated by the operator at the time of packing on eggs or on packs containing them or on both.

16.2. The recommended sell-by date shall not exceed the maximum time limit for the delivery of eggs to the consumer of 21 days after laying.

16.3. The laying date may be indicated by the operator on packs at the time of packing, in which case it shall also be indicated on the eggs contained in the packs. The laying date may, however, also be stamped on eggs at the farm.

16.4. For the indication of the dates referred to in this paragraph on eggs, and in the case of the sell-by and laying dates also on packs, one or more of the terms listed in Part B of this Schedule shall be used.

16.5. The dates referred to in this paragraph shall be indicated by two sets of figures, as referred to the second subparagraph of paragraph 14.1 of this Schedule.

17. Indication of Laying date

17.1 Where the laying date is indicated on eggs and on packs containing them in accordance with the provisions of paragraph 16 of this Schedule, the following conditions shall apply:

1. Packing centres shall keep separate records:
   - of the names and addresses of the producers supplying such eggs, who shall be registered following an inspection by the competent authority,
   - at the request of this authority, of the number of laying hens kept by each producer;

2. The producers referred to in point 1 above shall subsequently be inspected regularly. They shall keep current records:
   - of the date of placing, the age at placing and the number of laying hens, broken down by henhouse,
   - of the daily egg production of each henhouse;
   - of the number or weight of eggs delivered and on which it is intended to indicate the laying date, or on which the laying date has already been stamped at the farm, broken down by buyer, and to include the latter's name, address, and packing centre number;

3. Eggs on which it is intended to indicate the laying date shall be delivered to packing centres in sealed containers except in cases of production units situated at the same site. Deliveries of these eggs and of eggs on which the laying date has already been stamped at the farm shall be identified by:
   - the laying date,
   - name, address and number of producer, together with a coded reference to the henhouse from which the eggs came,
   - the date of dispatch,
   - the number or weight of the eggs in the delivery.

   This information shall be shown on the container and on accompanying documents, the latter to be kept at the packing centre for a period of at least six months;

4. Containers referred to in point 3 shall be opened in the packing centre immediately before grading starts. All eggs from a single container shall be graded and packed without interruption. The laying down shall be stamped during or immediately after grading on those eggs intended for such marking.

5. In the case of packing centres supplied from their own production units situated at the same site with eggs which are not in sealed containers, eggs are to be:
- stamped with the laying date on the day of laying; however, eggs laid on non-working days may be stamped on the first subsequent working day, together with the eggs laid on that day with the date of the first non-working day, or
- graded and packed in accordance with the provisions of paragraph 1.6 of this Schedule, or
- delivered to other packing centres or industry on the day of laying or, if the day of laying falls on a non-working day, on the first subsequent working day.

If these packing centres are also supplied with eggs from external producers on which it is not intended to indicate the laying date, these eggs shall be stored and handled separately. Daily records of collection or reception and grading of such eggs shall be kept.

6. Packing centres shall keep separate records of:
- daily quantities, by producer, of eggs arriving at the centre and on which it is intended to indicate the laying date, or on which the laying date has already been stamped at the farm, including the producer's name, address, and registration number,
- daily quality and weight grading of these eggs,
- the number and/or weight of eggs sold, by weight grade and buyer, together with the latter's name and address;

7. Production units and packing centres referred to in point 1 of this paragraph shall be inspected at least once every two months.

18. Indication of farming method

18.1. In order to indicate the farming method as referred to in regulations 7 and 10.3 with the exception of organic or biological farming, on eggs and on packs containing eggs, no other terms except those set out hereunder may be used and in any case only if the relevant conditions laid down in Part C of this Schedule are fulfilled:

On packs:	*On eggs:*
Free range eggs	Free range
Semi-intensive eggs	Semi-intensive
Deep litter eggs	Deep litter
Perchery eggs (Barn eggs)	Perchery (Barn)
Eggs from caged hens	Cage

These terms may be supplemented by indications referring to the particular characteristics of the respective farming method.

The terms on eggs may be replaced by a code designating the producer's distinguishing number permitting to identify the farming method provided that the meaning of the code is explained on the pack.

In the case of loose sales, the indications of the farming method may be used only if individual eggs are marked at the farm or packing centre with the respective term or the producer code, if the latter permits to identify the farming method, provided that its meaning is explained on a separate sign

18.2. Packing centres authorised to use the terms referred to in paragraph 18.1 above shall keep a separate record by farming method for at least six months after the producer ceases to supply eggs or after the flock is disposed of:

— of the names and addresses of the producers of such eggs, who shall be registered following an inspection by the competent authority,

— at the request of this authority, of the number of laying hens kept by each producer.

The said producers shall subsequently be inspected regularly. They shall keep records of the date of placing, the age at placing and the number of laying hens by type of poultry system, showing also the number of eggs produced and delivered per day, the date of dispatch and the names of the purchasers. Such records shall be kept on-farm for at least six months after the flock has been disposed of.

The competent authority shall provide the Malta Standards Authority, no later than 30 days after the coming into force of these regulations, with the list of the registered producers in Malta, for each type of farming showing the name and address of each of them and any number allotted to them. Any alteration of that list shall be communicated at the beginning of each calendar year to the Malta Standards Authority.

18.3. In accordance with paragraph 4.4 of this Schedule, the competent authority shall provide the Malta Standards Authority with a list of the packing centres in Malta thus registered, and any alteration to that list.

18.4. Eggs as referred to in paragraph 18.1 above shall be delivered to packing centres and to approved food industry undertakings in containers bearing one of the terms referred to in paragraph 18.1 in Maltese and/or English. Containers shall be identified by name and address or registered number of producer, type of eggs, their number or weight and date of dispatch before leaving the production site. The date of delivery and records of all information on containers, and of physical stocks on a weekly basis shall be kept at the packing centre and food industry establishment for a period of at least six months.

18.5. Eggs as referred to in paragraph 18.1 shall be graded and packed only on days indicated at least one working day in advance to the competent authority. During storage, grading and packing they shall be clearly separated from any other eggs.

18.6. Packing centres as referred to in paragraph 18.2 shall keep separate records of daily quality and weight grading and of sales of eggs and small packs marked in accordance with paragraph 18.1 including the name and address of buyer, number of packs, the number and/or weight of eggs sold by grade of weight and date of delivery as well as of physical stocks on a weekly basis. Instead of keeping sales records, they may,

however, keep files of invoices or delivery notes marked as indicated in paragraph 18.1. Such records and files shall be kept for at least six months.

18.6a Collectors and wholesalers are required to maintain records on purchases and sales transactions and physical stock records for eggs referred to in paragraph 18.1 (a) and (b), for a period of at least six months. Collectors shall be able to show for these eggs:
(a) dates and quantities of collections;
(b) the names and addresses of the producers;
(c) dates and quantities of deliveries to the relevant packing stations.
Wholesalers (including dealers who do not physically handle eggs) shall be able to show for these eggs:
(a) dates and quantities of both purchases and sales
(b) names and addresses of the suppliers/purchasers
In addition, those wholesalers who physically handle these eggs shall keep a weekly record of physical stock.
Instead of keeping specific records on purchases and sales transactions, collectors and wholesalers may keep files of invoices or delivery notes marked as indicated in paragraph 18.1.

18.7. Large packs containing eggs or small packs marked in accordance with paragraph 18.1 shall bear one of the indications referred to in paragraph 18.1.

18.7a. The provisions of paragraphs 18.2 to 18.6a above do not apply when the term referred to in paragraph 18.1(c) is used.

18.7b Packs containing eggs destined for approved food industry undertakings may be marked with the indications referred to in paragraph 18.1 provided that the eggs are produced in poultry establishments meeting the respective requirements set out in Part D of this Schedule and that the monitoring measures referred to in paragraphs 18.2 to 18.6 are applied.

18.8. The provisions of paragraphs 18.1 to 18.7 shall apply without prejudice to any other technical measures going beyond the minimum requirements set out in Part D of this Schedule.

18.9. The measures referred to in paragraph 18.8 shall be communicated to the Malta Standards Authority.

18b. Confidentiality of information

18.10. The competent authority and the Malta Standards Authority shall take all measures necessary to ensure the confidential character of information supplied pursuant to paragraphs 17, 18.2, 18.12 and 19.2 of this Schedule insofar as natural persons are concerned.

18.11. The data entered in the registers may be used only for the application of these Regulations.

18c. Supervision of farming method

18.12 Supervision of the indications of the farming method used as referred to in paragraph 18.1 of this Schedule, including indications regarding the particular characteristics of the respective farming method and of indications how laying hens are fed, may be delegated to bodies designated by the competent authority which provide the necessary independence vis-à-vis the producers concerned and which shall comply with the criteria set out in European Standard No EN/45011 in force.

These bodies shall be licensed and supervised by the competent authority.

The costs of controls charged by these bodies shall be borne by the operator using the indications referred to above.

18d. Indication of feeding

18.13 Where grade A eggs and packs bear an indication of how laying hens are fed, the following conditions and those laid down in Part E of this Schedule shall apply:

1. packing centres which make use of such indications shall keep a detailed record of deliveries, showing the name and address or registered number of the producer, the number or weight of eggs and the date of delivery. The producer shall keep current record of quantity and type of feed supplied and mixed on-site, date of supply and name of feed manufacturer or supplier, the number and age of laying hens, showing also the number of eggs produced and delivered, the date of dispatch, and the names of the purchaser.

   These records shall be kept for at least six months after the producer ceases to supply eggs or after the flock is disposed of;
2. feed manufacturers and suppliers shall keep records showing the composition of the feed supplied to the producers referred to in point 1 above for at least six months after dispatch;
3. packing centres as referred to in point 1 shall keep separate records of the daily quality and weight grading and sales of small packs and of eggs marked with the terms referred to in point 1, including name and address of the buyer, the number or weight of eggs sold and the date of delivery, as well as of physical stocks on a weekly basis for a period of at least six months.

   Instead of keeping sales records, they may however keep files of invoices or delivery notes bearing indications of how laying hens are fed;
4. large packs containing eggs or small packs marked with the indication of how laying hens are fed shall bear the same indications. In the case of loose egg sales, the indications may be used only if individual eggs are marked with the respective terms;
5. inspections regarding compliance with the statements made shall be carried out at the farm and feed manufacturer at least once a year;
6. the provisions of points 1 to 4 above shall apply without prejudice to any other technical measures going beyond the minimum requirements set out in Part E of this Schedule;
7. the measures referred to in point 6 shall be communicated to the Malta Standards Authority;

19. Indication of origin of Grade 'A' eggs

19.1. In order to indicate the origin of Grade ‘A' eggs or small packs containing eggs in accordance with regulation 8.3, terms and/or symbols may be used which refer to a defined geographical area. In the case of loose egg sales these indications of the origin of eggs may be used only if individual eggs are marked with the respective terms and or symbols.

19.2. Packing centres which make use of the terms and/or symbols referred to in paragraph 19.1 above shall keep a detailed record of deliveries by origin, showing the name and address or registered number of the producer, the number or weight of eggs and the date of delivery. The producer shall keep current records of the number and age of laying hens, showing also the number of eggs produced and delivered, the date of dispatch, and the names of the purchaser. Such records shall be kept for at least six months after the producer ceases to supply eggs or after the flock has been disposed of.

19.3. Packing centres as referred to in paragraph 19.2 above shall keep separate records of the daily quality and weight grading and sales of small packs and of eggs marked with the terms and/or symbols referred to in paragraph 19.1, including name and address of the buyer, the number or weight of eggs sold and the date of delivery, as well as of physical stocks on a weekly basis for at least six months. Instead of keeping records, they may however keep files of invoices or delivery notes marked as indicated in paragraph 19.1.

19.4. Large packs containing eggs or small packs marked with the terms and/or symbols referred to in paragraph 19.1 shall bear the same terms and/or symbols.

20. Reporting requirements

20.1 The competent authority shall report to the Malta Standards Authority:

— the monitoring methods applied for the implementation of paragraphs 17, 18 and 19 of this Schedule,

— annually, before 1 March, the average number of laying hens present ([1]), the number or weight of eggs delivered as recorded in accordance with paragraphs 18(2) and (7)(b) as well as the number or weight of eggs sold as recorded in accordance with Article 18(6), in the previous calendar year.

21. Labelling of large packs

21.1. The bands and labels provided for in regulation 8.4 shall be white and the indications shall be printed in black on these bands and labels.

21.2. Apart from the information provided for in regulation 8, these bands and labels, which may be numbered, shall bear an official marking laid down by the competent authority. The competent authority shall, no later than 30 days after the coming into force of these regulations, provide one or more specimens of the band and label to the Malta Standards Authority.

[1] Average number of laying hens present = [number of hens placed x laying weeks]/52

22. Use of yellow bands or labels

22.1. The following shall be marketed in packs with a yellow band or label which cannot be re-used after the pack has been opened:

(a) eggs referred to in regulation 3.2(b) and not of Grade ‘A', ‘B' or ‘C';

(b) Grade ‘A' or ‘B' eggs which no longer have the characteristics of those grades but have not been regraded;

(c) Grade ‘C' eggs.

22.2. The bands of labels mentioned in paragraph 1 shall conform to a model laid down by the competent authority. The competent authority shall, no later than 30 days after the coming into force of these regulations, provide one or more specimens of the band and label to the Malta Standards Authority. They shall show in clearly visible and legible black type:

(a) the name or business name and address of the undertaking which dispatched the eggs;

(b) the number or net weight of the packed eggs;

(c) the marking in Maltese "BAJD G}ALL-INDUSTRIJA TA' L-IKEL" and/or English "EGGS FOR THE FOODS INDUSTRY" in letters, 2 cm high.

23. Labelling of industrial eggs

23.1. Industrial eggs within the meaning of regulation 2.1(b) shall be marketed in packs with a red band or label.

23.2. The band and the label mentioned in paragraph 1 shall conform to a model laid down by the competent authority. The competent authority shall, no later than 30 days after the coming into force of these regulations, provide one or more specimens of the band and label to the Malta Standards Authority. The band and the label shall bear:

(a) the name or business name and address of the undertaking to which the eggs are being sent;

(b) the name or business name and address of the undertaking which dispatched the eggs;

(c) the marking in Maltese 'BAJD G}ALL-INDUSTRIJA' and/or English ‘INDUSTRIAL EGGS' in black capital letters, 2 cm high, and the marking in Maltese 'MHUX TAJJEB G}ALL-KONSUM TAL-BNIEDEM' and/or English ‘UNSUITABLE FOR HUMAN CONSUMPTION' in black letters at least 0,8 cm high.

24. Labelling of ‘extra’ eggs

24.1 The band or label referred to in regulation 9 must be printed or affixed in such a way that none of the information on the pack is obscured by the position of the band or label. The term "extra" shall be printed on the band or label in italics at least 1 cm high followed by the word "until" and the two sets of figures referred to in the second subparagraph of Article 14 (1) indicating the seventh day after packing or the ninth day after the laying date.

Where the packing date is indicated on the packs, the indication referred to above may be replaced by the following indication:

"extra until seventh day after packing".
Where the laying date is indicated on the packs, the indication referred to above may be replaced by the following indication: "extra until ninth day after laying". The term "extra" may be followed by the word "fresh".

24.2. Where the band or label referred to in paragraph 1 cannot be removed from the pack, the pack must be removed from the sales area not later than the seventh day after packing or the ninth day after laying and the eggs must be repacked.`

24.3. Large packs containing small packs marked in capital letters 2 cm high in Maltese 'IL-PAKKETT FIH PAKKETTI I|G}AR "EXTRA"' and/or English 'PACK CONTAINING SMALL "EXTRA" PACKS'.

25. Labelling of regraded eggs

25.1. Eggs which have been regraded in accordance with regulation 7.3 may be marketed in the packs in which they were contained before regrading. If they are repacked, each pack may contain only the eggs of a single batch.

25.2. The band or label on large packs shall bear in clear and legible black characters at least the following information:

(a) the name or business name and address of the undertaking which regraded the eggs or had them regraded;

(b) the distinguishing number of the packing centre which first packed the eggs or, in the case of imported eggs, the country of origin;

(c) the quality and weight grading;

(d) the number of eggs packed;

(e) - for grade A eggs: the original date of minimum durability, and below this the words "regraded eggs",
- for eggs of other grades: the words "packing date:", followed by the date of first packing; and below this the word "regraded:", followed by the date of the regrading, in the same manner as provided for in the second subparagraph of paragraph 14.1 of this Schedule;

(f) particulars of the refrigeration or method of preservation, uncoded and in Roman type, for refrigerated or preserved eggs.

25.3. Small packs containing regraded eggs shall bear only the particulars provided for in paragraph 2, in clearly visible and legible characters; in cases where the original packs are being re-used, the particulars which are no longer applicable shall be covered over. In addition, small packs may bear the trade mark of the undertaking which regraded the eggs or had them regraded.

26. Repacking of eggs

26.1. Except in the case provided for in regulation 7.3 packed eggs may be repacked in other large or small packs only by packing centres. Each pack shall contain only the eggs of a single batch.

26.2. The band or label on large packs shall bear in clearly visible and legible black characters at least the following information:

(a) the name or business name and address of the undertakings which repacked the eggs or had them repacked;
(b) the distinguishing number of the packing centre which repacked the eggs;
(c) the quality and weight grading;
(d) the number of eggs packed;
(e) the words ‘packing date:', followed by the date of first packing; and below this the word ‘repacked:', followed by the date of repacking, in the same manner as provided for in paragraph 14 of this Schedule;
(f) particulars of the refrigeration or method of preservation, uncoded and in Roman type, for refrigerated or preserved eggs;
(g) the distinguishing number of the packing centre which first packed the eggs or, in the case of imported eggs, the country of origin.

26.3. Small packs containing repacked eggs shall bear, in clearly visible and legible characters, only the particulars provided for in paragraph 26.2. In addition, small packs may bear the trade mark of the undertaking which repacked the eggs or had them repacked. The word ‘extra' may not be used.

26.4. The provisions of paragraphs 1.6 and 1.7 of this Schedule shall apply.

27. Other requirements for packs

27.1. The provisions of paragraph 21 of this Schedule shall apply to the bands and labels mentioned in paragraphs 25 and 26. Specimens of these bands and labels shall be supplied to the Malta Standards Authority no later than 30 days after the coming into force of these regulations.

27.2. If the original packs are used for regrading and repacking they shall be considered as re-used within the meaning of paragraph 12.2 of this Schedule.

27.3. The particulars on the bands or labels of large packs which are re-used in accordance with paragraph 12.2 of this Schedule shall be completely covered over by new bands or new labels or rendered illegible in some other manner.

27.4. Large packs may bear one or more of the particulars appearing on the bands and labels with which they are fastened. In addition, large packs may bear the trade mark of the undertaking which repacked the eggs or had them repacked.

28. Checking of batches

28.1. The decisions provided for in regulation 14.3 shall not be taken unless the check has been carried out in accordance with the provisions of paragraphs 2 to 5.

28.2. Where the eggs are in large packs not containing small packs, at least the following numbers of eggs shall be checked as samples.

Number of eggs in the batch	Number of eggs to be checked	
	% of batch	Minimum number of eggs
up to 180	100	—
181 to 1 800	15	180
1 801 to 3 600	10	270
3 601 to 10 800	5	360
10 801 to 18 000	4	540
18 001 to 36 000	3	720
36 001 to 360 000	1,5	1 080
over 360 000	0,5	5 400

28.3. Where the eggs are in small packs, whether or not these are inside large packs, at least the following numbers of small packs and eggs shall be checked as samples.

Number of eggs in the batch	Percentage of small packs checked	Number of eggs to be checked per back checked (%)
up to 180	100	100
181 to 1 800	15	100
1 801 to 3 600	10	100
3 601 to 10 800	5	100
10 801 to 18 000	4	100
18 001 to 36 000	3	100
36 001 to 360 000	1,5	100
over 360 000	0,5	100

28.4. For batches of not more than 18 000 eggs, the eggs to be checked shall be selected from at least 20 % of the large packs. For batches of more than 18 000 eggs, the eggs to be checked shall be selected from at least 10 % of the large packs and from at least ten large packs.

28.5. In the case of non-packed eggs which are displayed or put up for sale in the retail trade, 100 % of the eggs up to 180 eggs and for greater quantities 15 % of the eggs with a minimum of 180 eggs shall be checked as samples.

29. Check bands

29.1. After the check and after any necessary correction of the batch for compliance with these Regulations, the checker shall affix to the pack a band bearing an official stamp and the following particulars:

(a) ‘Checked on (date) …, at (place) …;'

(b) the number allotted to the checker by the checking agency.

29.2. The check band shall be white red imprint. If the pack was fastened before the check, it shall be refastened by means of the check band, which may, if appropriate, be affixed over the original band or label.

29.3. After small packs marked ‘extra' have been checked, the check band small include the particulars referred to in paragraph 1 and the word ‘extra' in italics 1 cm high.

30. Tolerances for Grade ‘A’ eggs

30.1. In the checking of a batch of Grade ‘A' eggs, the following tolerances shall be allowed:

(a) on dispatch from the packing centre:

— 5 % of eggs with quality defects, of which not more than:

— 2 % of eggs which are broken or with a cracked shell, visible to the naked eye,

— 1 % of eggs with meat or blood stains.

However, in the checking of eggs marketed as ‘extra' no tolerance shall be allowed for the height of the air space either at the time of packing or on customs clearance.

(b) at the other marketing stages:

— 7 % of eggs with quality defects, of which not more than:

— 4% of eggs which are broken or with a cracked shell, visible to the naked eye,

— 1 % of eggs with meat or blood stains.

30.2. In the checking of a batch of Grade ‘B' eggs, a tolerance of 7 % of eggs with quality defects shall be allowed.

30.3. Where the batch checked is of less than 180 eggs, the percentages referred to in paragraphs 1 and 2 shall be doubled.

31. Tolerance for weight grading of Grade ‘A’ eggs

31.1 With the exception of the case provided for in regulation 10.3, in the checking of a batch of Grade A eggs, a tolerance shall be allowed as regards the weight per egg. Such a batch may contain not more than 12 % of eggs of weight grades bordering on that marked on the packing, but not more than 6 % of eggs of the next lower weight grade.

Where the batch checked is of less than 180 eggs, the abovementioned percentages shall be doubled.

32. Minimum net weights for large packs of Grade ‘A’ eggs

32.1 Large packs of grade "A" eggs, graded according to weight-grades, shall have the following minimum net weights:

- XL-very large: 7,3 kg/100 eggs,
- L-large: 6,4 kg/100 eggs,
- M-medium: 5,4 kg/100 eggs,
- S-small: 4,5 kg/100 eggs.

Part B

Indication of Dates

1. **Date of minimum durability:**
   L-A]jar qabel / Best before

2. **Packing date:**
   Ippakkjati / Packed

3. **Sell-by date:**
   Bieg] sa / Sell by

4. **Laying date:**
   Nbiedet / Laid

Part C

Terms for the indication of the types of egg farming (a): on packs; (b) on eggs

Code		1	2	3
EN	a)	Free-range eggs	Barn eggs	Eggs from caged hens
	b)	Free-range	Barn	Cage

Part D

Minimum requirements to be met by poultry establishments for the various egg farming methods

(a) "Free range eggs" must be produced in poultry establishments which satisfy at least the conditions specified in Article 4 of Directive 1999/74/EC with effect from the dates referred to in that Article and in which:

- hens have continuous daytime access to open-air runs, except in the case of temporary restrictions imposed by veterinary authorities,
- the open-air runs to which hens have access is mainly covered with vegetation and not used for other purposes except for orchards, woodland and livestock grazing if the latter is authorised by the competent authorities,
- the open-air runs must at least satisfy the conditions specified in Article 4(1)(3)(b)(ii) of Directive 1999/74/EC whereby the maximum stocking density is not greater than 2500 hens per hectare of ground available to the hens or one hen per 4 m^2 at all times and the runs are not extending beyond a radius of 150 m from the nearest pophole of the building; an extension of up to 350 m from the nearest pophole of the building is permissible provided that a sufficient number of shelters and drinking troughs within the meaning of that provision are evenly distributed throughout the whole open-air run with at least four shelters per hectare.

(b) "Barn eggs" must be produced in poultry establishments which satisfy at least the conditions specified in Article 4 of Directive 1999/74/EC with effect from the dates referred to in that Article.

(c) "Eggs from caged hens" must be produced in poultry establishments which satisfy at least:

- the conditions specified in Article 5 of Directive 1999/74/EC as from 1.1.2003 until 31.12.2011, or
- the conditions specified in Article 6 of Directive 1999/74/EC as from 1.1.2002."

Part E

Reference to Feed Ingredients

Reference to the following particular feed ingredients may only be made where: in the case of cereals, they account for at least 60 % in weight of the feed formula given which may include not more than 15 % of cereal by-products; however, where reference is made to specific cereals, each shall account for at least 30 % of the feed formula used in the case of one cereal mentioned and for at least 5 % of several cereals mentioned.

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