



Guidance Note on Marketing of Free Range Eggs and Poultrymeat in the Event of Avian Influenza Precautionary Confinement of Birds

- The Department of Agriculture, Food and the Marine (DAFM) confirmed on 06th February 2018 the presence of avian influenza subtype H5N6 in a wild bird (white-tailed sea eagle) in County Tipperary. Subsequent testing confirmed that it was the highly pathogenic strain that has previously been confirmed in Great Britain and mainland Europe. The HSE Health Protection Surveillance Centre (HSE-HPSC) and the European Centre for Disease Control (ECDC) advise that the risk to public health from H5N6 avian influenza is very low and that the disease poses no food safety risk for consumers. The Department continues to closely monitor and assess the disease situation and will determine if there is a requirement to confine poultry indoors. **Currently no housing order has been imposed.**
- EU Regulations laying down detailed rules regarding marketing standards for eggs are found in Commission Regulations (EC) No. 589/2008. This Regulation allows for veterinary restrictions, including the restriction of access of hens to open air runs to protect public and animal health.
- Following the prolonged outbreak of Avian Influenza in 2016/2017, the EU Commission undertook a review of Regulation (EC) No 589/2008 on the **Marketing Standards for Eggs**. The amendments which were agreed following this review are contained in Commission Delegated Regulation (EU) 2017/2168¹ which came into effect on 25th November 2017.
- The main consequence of these amendments is that the existing derogation under which eggs from hens without access to open air runs can be marketed as “free range” eggs is extended from **12 weeks to 16 weeks**. After this date, producers, packers, and retailers in the free range egg sector must make alternative labelling arrangements in order to remain in compliance with the relevant EU provisions on marketing and labelling of their products.
- The amendment also clarifies that the derogation applies at flock level, i.e. the commencement of the 16 week period begins on the date on which the flock is placed in the laying house.
- The purpose of this note is to provide guidance to producers, packers and retailers of free range eggs in Ireland on the requirements for the labelling of their product in the event that a confinement period extends beyond the 16 week derogation period.
- This note is also intended to provide clarification received from the EU Commission on the marketing of “free range” poultrymeat in the event of veterinary restrictions.
- The derogation period for free range poultrymeat as provided for in Commission Regulation (EC) No. 543/2008 on the **Marketing Standards for Poultrymeat remains at 12 weeks**

Marketing of Eggs:

In the event of a decision to introduce a precautionary confinement of birds due to the threat of Avian Influenza, then the following situation pertains for the marketing of free range eggs produced on expiration of the 16 week derogation period:-

- **Producers/packers cannot describe the eggs as “Free Range Eggs”.**
- Producers/packers have the option of re-classifying the eggs as “Barn Eggs”. **It is possible to hold dual registration status, i.e. “Free Range Eggs” and “Barn eggs” at the same time.**
- The status of the produce will revert from “Barn Eggs” to “Free Range eggs” on the day the confinement period is lifted.
- The majority of producers currently registered as “Free Range Egg” producers applied to the Department in 2017 to be registered as “Barn Egg” producers to allow the marketing of eggs as “Barn Eggs”. The Department issued each producer with details of their registration as “Barn Egg” producers including the amended producer code. This registration and code remains valid and can be utilised in the event of a housing order being imposed and a continued period of confinement beyond the 16 weeks derogation.
- In the event that a housing order is put in place the Department will contact any newly registered “Free range egg” producers that may wish to register as “Barn Egg” producers.
- The majority of Egg Packing Centres currently registered to pack “Free Range” eggs applied to the Department in 2017 to be registered to pack “Barn Eggs”. The Department issued each Egg Packing Centre with details of their registration to pack “Barn Eggs”. This registration remains valid and can be utilised in the event of a housing order being imposed and a continued period of confinement beyond the 16 weeks derogation.
- In the event that a housing order is put in place the Department will contact any newly registered “Free range” Egg Packing Centres that may wish to be registered to pack “Barn Eggs”.
- Where eggs are classified as “Barn Eggs”, the stamp on the egg must indicate Barn Production i.e., 2IE_ _ _.
- It will be necessary to amend the indication of the farming method on packs of eggs. **If existing free range packaging is used, the term “free range” must be fully masked.**
- The commencement of the 16 week derogation period begins on the date on which the flock is placed in the laying house. In practice, for an existing flock the commencement of the 16 week derogation period begins on the date on which the housing order is put in place. Where a new flock is placed on a “free range” farm that is already under a housing order, the eggs from this flock can be marketed as “free range” eggs without this flock having access to open air runs for a maximum period of 16 weeks.

Marketing of Poultrymeat:

- Marketing standards for poultry meat are laid down in Commission Regulation (EC) No 543/2008.
- It should be noted that it is not mandatory under the EU rules on Marketing Standards for poultrymeat to indicate a farming method on poultrymeat packaging.
- Commission Regulation (EC) No. 543/2008 on the marketing standards for poultrymeat was not included in the scope of the review conducted by the EU Commission in 2017.
- Annex V to this Regulation contains derogation for free range poultry for a maximum duration of 12 weeks.
- The EU Commission have provided clarification that, consistent with the provisions for eggs, the derogation applies at flock level. In practice, for an existing flock the commencement of the 12 week derogation period begins on the date on which the housing order is put in place. Where a new flock is placed on a “free range”

farm that is already under a housing order, the poultrymeat from this flock can be marketed as “free range” poultrymeat without this flock having access to open air runs for a maximum period of 12 weeks.

Food Information for Consumers

- When displaying the farming method on egg packs the general provisions on food information to consumers apply (Regulation (EU) No. 1169/2011 on the provision of Food Information to Consumers)
- Regulation (EU) No. 1169/2011 on the provision of Food Information to Consumers Article 8(4) states that ***“Food business operators, within the businesses under their control shall not modify the information accompanying a food if such modification would mislead the final consumer or otherwise reduce the level of consumer protection and the possibilities for the final consumer to make informed choices. Food business operators are responsible for any changes they make to food information accompanying a food”.***
- In addition this Regulation states that **“food information to the consumer shall not be misleading as to the characteristics of the food and in particular as to its nature”** and that **“Food information shall be accurate, clear and easy to understand for the consumer”**.

Department of Agriculture, Food and the Marine

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ⁱ *Commission Delegated Regulation (EU) 2017/2168 Annex “Should measures adopted under Union law require access of hens to open-air runs to be restricted in order to protect public or animal health, eggs may be marketed as free-range notwithstanding that restriction, provided that the laying hens have not had their access to open air runs restricted for a continuous period of more than 16 weeks. That maximum period shall start from the date on which the group of hens in question, put in place at the same time, actually had their access to open air runs restricted”*