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# COUNCIL DIRECTIVE

## of 20 June 1989

## on hygiene and health problems affecting the production and the placing on the market of egg products

(89/437/EEC)

(OJ L 212, 22.7.1989, p. 87)

Amended by:

| | | Official Journal | | |
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| | | No | page | date |
| ►**M1** | Council Directive 89/662/EEC of 11 December 1989 | L 395 | 13 | 30.12.1989 |
| ►**M2** | Council Directive 91/684/EEC of 19 December 1991 | L 376 | 38 | 31.12.1991 |
| ►**M3** | Council Directive 96/23/EC of 29 April 1996 | L 125 | 10 | 23.5.1996 |
| ►**M4** | Council Regulation (EC) No 806/2003 of 14 April 2003 | L 122 | 1 | 16.5.2003 |

Amended by:

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|---|---|---|---|---|
| ►**A1** | Act of Accession of Austria, Sweden and Finland | C 241 | 21 | 29.8.1994 |
| | (adapted by Council Decision 95/1/EC, Euratom, ECSC) | L 1 | 1 | 1.1.1995 |
| ►**A2** | Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded | L 236 | 33 | 23.9.2003 |

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# COUNCIL DIRECTIVE

## of 20 June 1989

## on hygiene and health problems affecting the production and the placing on the market of egg products

(89/437/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ([1]),

Having regard to the opinion of the European Parliament ([2]),

Having regard to the opinion of the Economic and Social Committee ([3]),

Whereas, in order to ensure the smooth operation of the common market and more especially of the common organization of the market in eggs established by Regulation (EEC) No 2771/75 ([4]), as last amended by Regulation (EEC) No 3907/87 ([5]), and of the common system of trade for ovalbumin and lactalbumin introduced by Regulation (EEC) No 2783/75 ([6]), as amended by Regulation (EEC) No 4001/87 ([7]), it is essential that the marketing of egg products should no longer be hindered by disparities existing between Member States in respect of health requirements in this area; whereas this will enable production to be better harmonized and bring about competition on equal terms while assuring consumers of a quality product;

Whereas the marketing of certain egg products which are not covered by Annex II to the Treaty is closely linked with the marketing of egg products for which a market organization exists; whereas distortions of competition should be eliminated for all egg products;

Whereas it appears appropriate to exclude from the scope of this Directive egg products which are obtained in small scale enterprises, shops or restaurants and used for the manufacture of foodstuffs intended for direct sale to the final consumer or to be consumed on the spot;

Whereas health requirements should be laid down for the production, storage and transport of egg products; whereas, in particular, it is important that rules be laid down governing the approval of establishments;

Whereas it is important also that the health requirements to be met by egg products be laid down;

Whereas the said rules must apply in an identical manner to intra-Community trade and to trade within the Member States;

Whereas it is the responsibility primarily of producers to ensure that egg products meet the health requirements laid down in this Directive; whereas the competent authorities of the Member States must, by carrying out checks and inspections, see to it that producers comply with the abovementioned requirements; whereas the rules governing these checks and inspections must take account of the demands of the internal market;

Whereas a random check must be made to detect the presence of residues of substances liable to be harmful to human health;

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([1]) OJ No C 67, 14. 3. 1987, p. 9 and OJ No C 53, 2. 3. 1989, p. 10.
([2]) OJ No C 187, 18. 7. 1988, p. 184.
([3]) OJ No C 232, 31. 8. 1987, p. 1.
([4]) OJ No L 282, 1. 11. 1975, p. 49.
([5]) OJ No L 370, 30. 12. 1987, p. 14.
([6]) OJ No L 282, 1. 11. 1975, p. 104.
([7]) OJ No L 377, 31. 12. 1987, p. 44.

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Whereas Community control measures should be introduced to guarantee the uniform application in all Member States of the standards laid down in this Directive;

Whereas, in the context of intra-Community trade, the consignor, the consignee or their representative must be given the opportunity, where a dispute arises with the competent authorities of the Member States of destination, of seeking an expert's opinion;

Whereas egg products manufactured in a third country intended to be placed on the market on Community territory must not qualify for more favourable arrangements than those laid down in this Directive; whereas provision should be made for a Community procedure for inspecting establishments in third countries;

Whereas the Commission should be entrusted with the task of adopting certain measures for implementing this Directive; whereas, to that end, procedures should be laid down introducing close and effective cooperation between the Commission and the Member States within the Standing Veterinary Committee,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

This Directive lays down hygiene and health requirements concerning the production and the placing on the market of egg products for direct human consumption or for the manufacture of foodstuffs.

However, this Directive shall not apply to:

— finished foodstuffs manufactured from egg products, as defined in Article 2 and which meet with the provisions of Article 3,

— egg products which are obtained in small scale enterprises and which, without having undergone any treatment, are used for the manufacture of foodstuffs intended for direct sale, without any intermediary, to the consumer or consumed on the spot immediately after having been prepared.

*Article 2*

For the purposes of this Directive, the definition given in Article 1 (2) of Regulation (EEC) No 2772/75 ([1]) shall apply. The following definitions shall also apply:

1. egg products: products obtained from eggs, their various components or mixtures thereof, after removal of the shell and membranes, intended for human consumption; they may be partially supplemented by other foodstuffs or additives; they may be liquid, concentrated, dried, crystallized, frozen, quick-frozen or coagulated;
2. farm of production: without prejudice to Regulation (EEC) No 2782/75 ([2]), farm for the production of eggs intended for human consumption;
3. establishment: establishment approved for the manufacture and/or treatment of egg products;
4. cracked eggs: eggs with a damaged but unbroken shell, with intact membranes;
5. batch: a quantity of egg products which have been prepared under the same conditions and in particular treated in a single continuous operation:
6. consignment: a quantity of egg products for a single delivery to one destination for further processing by the food industry or intended for direct human consumption;

([1]) OJ No L 282, 1. 11. 1975, p. 56.
([2]) OJ No L 282, 1. 11. 1975, p. 100.

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7. country of dispatch: the Member State or third country from which egg products are dispatched to another Member State;
8. country of destination: the Member State to which egg products are dispatched from another Member State or from a third country;
9. packing: the placing of egg products in any form of package;
10. competent authority: the veterinary department or any other equivalent department designated by the Member State concerned to monitor compliance with the provisions of this Directive;
11. placing on the market: the marketing of egg products, as defined in point 5 of Article 1 of Regulation (EEC) No 2772/75.

*Article 3*

Member States shall ensure that only egg products which meet the following general requirements are produced as foodstuffs or used in the manufacture of foodstuffs:

(a) they must have been obtained from hens', ducks', geese's, turkeys's, guinea fowl's or quail's eggs, but not a mixture of eggs of different species;

(b) they must bear an indication of the percentage of egg ingredients they contain when they are partially supplemented by other foodstuffs or, provided they fulfil the requirements of Article 12, by additives;

(c) they must have been treated and prepared in an establishment approved in accordance with Article 6 which complies with Chapters I and II of the Annex, and satisfy the requirements of this Directive;

(d) they must have been prepared under hygiene conditions complying with Chapters III and V of the Annex, from eggs meeting the requirements laid down in Chapter IV of the Annex;

(e) they must have undergone a treatment process authorized under the procedure laid down in Article 14 which enables them to meet *inter alia* the analytical specifications laid down in Chapter VI of the Annex.

However, where it is necessary for technological reasons associated with the preparation of certain foodstuffs obtained from egg products, the competent authority shall decide, on the basis of criteria to be determined in accordance with the procedure laid down in Article 14, that certain egg products need not undergo treatment; in such a case, the egg products must be used without delay in the establishment where they are intended for the manufacture of other foodstuffs;

(f) they must comply with the analytical specifications set out in Chapter VI of the Annex;

(g) they must have undergone a health check in accordance with Chapter VII of the Annex;

(h) they must have been packed in accordance with Chapter VIII of the Annex;

(i) they must be stored and transported in accordance with Chapters IX and X of the Annex;

(j) they must bear the mark of wholesomeness provided for in Chapter XI of the Annex and, where intended for direct human consumption, must meet the requirements of Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer [1], as last amended by Directive 86/197/EEC [2].

[1] OJ No L 33, 8. 2. 1979, p. 1.
[2] OJ No L 144, 29. 5. 1986, p. 38.

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*Article 4*

The competent authorities shall ensure that the manufacturers of egg products adopt all measures necessary to comply with this Directive, and in particular that:

— samples for laboratory examination are taken in order to check that the analytical specifications set out in Chapter VI of the Annex have been observed,

— egg products that may not be kept at the ambient temperature are transported or stored at the temperatures stipulated in Chapters IX and X of the Annex,

— the period during which the conservation of egg products is assured is laid down,

— the results of the various checks and tests are recorded and kept for presentation to them for a period of two years,

— each batch marked in such a way that its date of treatment can be identified; this batch mark must appear on the treatment record and on the mark of wholesomeness provided for in Chapter XI.

*Article 5*

1. Member States shall ensure that checks are effected to detect any residues of substances having a pharmacological or hormonal action, and of antibiotics, pesticides, detergents and other substances which are harmful or which might alter the organoleptic characteristics of egg products or make their consumption dangerous or harmful to human health.

2. If the egg products examined show traces of residues in excess of the permitted levels fixed in accordance with paragraph 4, they must not be allowed to be used in food for human consumption or placed on the market, either for the manufacture of foodstuffs or for direct human consumption.

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*Article 6*

1. Member States shall draw up lists of their approved establishments, each of which shall have an approval number. Member States shall forward this list to the other Member States and to the Commission.

No Member State shall approve an establishment unless compliance with this Directive is assured. A Member State shall withdraw approval if the conditions for granting it cease to be fulfilled. The other Member States and the Commission shall be informed of the withdrawal of approval.

2. The inspection and monitoring of establishments and packaging centres shall be carried out regularly on the responsibility of the competent authority, which shall at all times have free access to all parts of the establishments, in order to ensure that this Directive is being observed.

If such inspections reveal that not all the requirements of this Directive are being met, the competent authority shall take the appropriate action to remedy the situation.

*Article 7*

1. Experts from the Commission may, in cooperaton with the competent authorities, make on-the-spot checks insofar as that is indispensable for ensuring uniform application of the Directive; they may in particular verify whether establishments and packing centres approved in accordance with Article 5 (3) of Regulation (EEC) No 2772/75 are actually complying with the Directive.

A Member State within the territory of which a check is being carried out shall give all necessary assistance to the experts in carrying out