



Trader Notice No. 02 of 2023

13 February 2023

To: Free Range Egg Producers
Egg Packing Centres
Irish Egg Association
Bord Bia
Teagasc Poultry Advisor
Irish Farmers Association

Department of Agriculture, Food and the Marine (DAFM) Information Note on the Marketing of Free-Range Eggs in the Event of the Avian Influenza Precautionary Confinement of Birds Extending Beyond 16 Weeks

- This notice is to clarify the requirements for the labelling of “Free Range Eggs” where the Avian Influenza precautionary confinement of birds extends beyond the 16 week period, permitted by the EU derogation¹. The 16 week derogation period for birds that were housed from 07 November 2022 expires at **midnight on the 26 February 2023**. Eggs produced from Free Range flocks where the derogation period has expired and the confinement order remains in force, must be marketed as “Barn Eggs”. Please see the next page to show how the 16 week derogation period is calculated.
- The European Commission has clarified that *where existing free range packaging is used, all free range indications must be fully masked*. The European Commission additionally stated that *alternative forms of information about the change of status of the eggs from “free range” to “barn”, using stickers on packs or indications on stores’ shelves where the labelling of the farming method (“free range”) on egg packs and egg shells are not accordingly modified would not be in compliance with the regulations*.
- DAFM is aware of the difficulty currently experienced by Egg Packing Centres in securing packaging to comply with the regulations² and with the above-mentioned clarifications from the European Commission. In extending the derogation period from 12 to 16 weeks, the consensus was that this afforded a sufficient lead-in time to procure alternative packaging and to have contingencies in place to ensure that food information is not misleading and easy to understand for the consumer.
- DAFM acknowledges that there may be difficulties in securing alternative packaging. Where packers are unable to use “**Barn Eggs**” packaging, then over-labelling can be used which obscures the free-range text and images. Please see Section II on the next page.
- **Long term solutions will be required in the future and contingencies will need to be in place to provide the relevant packaging to meet the requirements of the regulations.**

¹ As a result of an increased risk of Highly Pathogenic Avian Influenza (HPAI) affecting commercial poultry flocks in Ireland, the Department of Agriculture, Food & the Marine (DAFM) introduced Regulations on 07 November 2022, under the Animal Health and Welfare Act 2013. These regulations require flock keepers to confine all poultry and captive birds in their possession or under their control in a secure building to which wild birds, or other animals do not have access and to apply particular bio-security measures. Marketing Standards for eggs are found in Commission Regulation (EC) No. 589/2008. This Regulation sets down minimum requirements that must be met, in order to use the term “Free Range Eggs”, including rules around bird access to the range. This Regulation also allows for a derogation on the use of the term free range where veterinary restrictions are imposed, including the restriction of access of hens to open air runs to protect public and animal health.

² Commission Regulation (EC) No 589/2008 as regards marketing standards for eggs & EU Regulation No. 1169/2011 on the provision of food information to consumers.



How is the 16-week derogation period calculated?

- 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 (07 November 2022).
- For a new flock placed after 07 November 2022, the 16-week derogation period begins on the date on which the new flock is placed in the laying house. Where a new flock is placed on a “free range” farm that is already under a housing order, the eggs from this new flock can be marketed as “free range” eggs without this flock having access to open air runs for a maximum period of 16 weeks.
- **Example:** Farmer A has 2 houses (House 1 & House 2). The regulation applies to both houses from the day the regulation is introduced, in this case 07 November 2022. The birds in House 1 remain in the house for the 16-week derogation period and beyond. The eggs produced from the flock of birds in House 1 can be marketed as free range until the 16-week derogation period has lapsed. Once the derogation period has lapsed on **midnight 26 February 2023**, the eggs produced from this flock of birds must be marketed as “**Barn Eggs**”. However, the birds in House 2 reach the end of lay in January 2023 and a new flock is placed in House 2 on 1 February 2023. The derogation for this flock of birds commences on 1 February 2023 and runs for a maximum period of 16 weeks from this date.

I. For eggs produced from free range flocks, where the 16-week derogation period has expired:

- Producers/Egg Packing Centres cannot describe the eggs as “**Free Range Eggs**”.
- Producers/Egg Packing Centres must re-classify the eggs as “**Barn Eggs**”.
- Where eggs are now classified as “Barn Eggs”, the stamp on the egg must indicate Barn Production i.e., **2IE__**.
- If you are not already registered as a “Barn Egg” producer or in the case of egg packing centres, if you are not approved to pack “Barn Eggs” please email feedenquiries@agriculture.gov.ie or phone (01) 5058884 to request an application form to update your registration before **26 February 2023**.
- Once the housing order has been lifted and the laying flock has continuous daytime access to range, their eggs can be classified as “**Free Range**” again.

II. For packaging used for eggs produced from free range flocks, where the 16-week derogation period has expired and packers are unable to use barn egg packaging:

Over-lay labels must inform consumers accurately of the farming method used to produce the contents of the pack.

An over-lay sticker indicating the farming method “**Barn Eggs**” is permitted, subject to the following conditions: The text “**Barn Eggs**” on the over-lay sticker, must be of sufficient size to give prominence over any other wording or details included on the over-lay sticker.

- The over-lay sticker must be sufficient in size to obscure the wording ‘Free Range’ on the packaging and must be placed on the top of the pack. In designing an over-lay sticker, consideration must be given to the variety of egg packaging used on the premises and to the font size on larger egg packs e.g., 18 or 24 packs which will necessitate a larger sticker to sufficiently cover this wording.
- The over-lay sticker must be of suitable material to be affixed to allow for good adhesion and to prevent any labels dislodging, before sale to the final consumer.



An example of an over-lay sticker is shown below for illustrative purposes only:



III. Further information:

- DAFM will undertake controls along the marketing chain from egg packing centre to retail establishments to verify compliance with the above labelling requirements.
- Clear and transparent point-of sale (POS) signage is essential to ensure consumers are not misled.

Further Information:

If you require any further information, please email feedenquiries@agriculture.gov.ie or phone 01- 5058884.