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ANNEX 1

ANNEX

to the

COMMISSION DELEGATED REGULATION (EU) …/...

amending Regulation (EC) No 589/2008 as regards marketing standards for free range eggs where hens' access to open air runs is restricted

ANNEX

Minimum requirements for systems of production for the various egg farming methods

1. ‘Free-range eggs’ must be produced in systems of production which satisfy at least the conditions specified in Article 4 of Council Directive 1999/74/EC.

   In particular, the following conditions must be satisfied:

   (a) hens must have continuous daytime access to open-air runs. However, this requirement does not prevent a producer from restricting access for a limited period of time in the morning hours in accordance with usual good farming practice, including good animal husbandry practice.

   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.

   (b) open-air runs to which hens have access must be mainly covered with vegetation and not be used for other purposes except for orchards, woodland and livestock grazing if the latter is authorised by the competent authorities;

   (c) the maximum stocking density of open-air runs must not be greater than 2 500 hens per hectare of ground available to the hens or one hen per 4 m2 at all times. However, where at least 10 m2 per hen is available and where rotation is practised and hens are given even access to the whole area over the flock’s life, each paddock used must at any time assure at least 2,5 m2 per hen;

   (d) open-air runs must not extend beyond a radius of 150 m from the nearest pophole of the building. However, an extension of up to 350 m from the nearest pophole of the building is permissible provided that a sufficient number of shelters as referred to in Article 4(1)(3)(b)(ii) of Directive 1999/74/EC are evenly distributed throughout the whole open-air run with at least four shelters per hectare.

2. ‘Barn eggs’ must be produced in systems of production which satisfy at least the conditions specified in Article 4 of Directive 1999/74/EC.

3. ‘Eggs from caged hens’ must be produced in systems of production which satisfy at least:

   (a) the conditions specified in Article 5 of Directive 1999/74/EC until 31 December 2011; or

   (b) the conditions specified in Article 6 of Directive 1999/74/EC.

4. Member States may authorise derogations from points 1 and 2 of this Annex for establishments with fewer than 350 laying hens or rearing breeding laying hens as regards the obligations referred to in the second sentence of points 1(d),1(e), 2, 3(a)(i) and 3(b)(i) of Article 4(1) of Directive 1999/74/EC.