



**Royal Norwegian Ministry of Health and Care Services
Royal Norwegian Ministry of Agriculture and Food**
The Ministers

Oslo, 31 May 2022

Dear Commissioner Kyriakides,

We write to you to highlight the views of Norway in relation to the ongoing work on the revision concerning the “sell by” date and date marking requirements for table eggs.

We would like to address some reflections we have in this context.

We refer to the public consultation published 3 May 2022 on the proposal for a Commission Delegated Regulation (ref. Ares(2022)3405208) amending Annex III to Regulation (EC) No 853/2004. The Regulation is incorporated into the EEA Agreement.

The Norwegian Government takes this opportunity to comment on the revised provisions concerning the “sell by” date and date marking requirements for table eggs proposed in point 4 of the Annex to the delegated act, and the reasoning presented in preamble (10). We reiterate our views concerning these requirements presented on previous occasions; even more relevant in light of the Better Regulation Agenda and Farm to Fork Strategy.

In principle, our view is that table eggs should be marketed and labelled under equal food safety and date marking requirements as other foods in line with the provisions of the General Food Law, the Food Hygiene regulations and the Regulation on Food Information to Consumers. We do not see any reason to maintain the specific numeric date provisions for table eggs, as the only food in the internal market. These provisions were introduced by Council Decision 94/371/EC, long time in advance of the adoption of the General Food Law in 2002, the Hygiene regulations in 2004, and the Regulation on Food Information to Consumers in 2011. The food safety and the consumers’ right to information will be duly taken care of in light of the situation in each Member State by applying the provisions of the Hygiene regulations to establish adequate food safety management systems and to keep foods at temperatures that conserve their properties, and the provisions of the Regulation on Food Information to Consumers on date marking, especially Articles 2(2)(r), 9(1)(f), 24, and 25.

Alternatively, if this is not considered to be an appropriate option in the present revision, we would strongly recommend a risk-based flexibility taking into consideration the animal health and food safety situation in the Member States. The EFSA scientific opinion

of 10 July 2014 clearly states that *Salmonella Enteritidis* is the **only pathogen** posing a major risk for egg-borne diseases in the EU. No other scientific, or precautionary, reasons to maintain the specific numeric date provisions for table eggs are given in preamble (10). Consequently, in our understanding of Article 8 of Regulation (EC) No 178/2002, there is no adequate legal base to continue to apply these specific numeric date provisions for table eggs in Member States or regions covered by the special guarantees in respect of salmonella under Article 8 of Regulation (EC) No 853/2004, including Norway.

Based on the above, we therefore suggest an addition to the proposed points 3 and 4 of Chapter I, Section X of Annex III to Regulation (EC) No 853/2004 giving the Competent Authority in Member States having a low prevalence of salmonella in flocks of laying hens, recognized in line with Article 8, the competence to derogate from the 28 days limits.

In Norway, such flexibility will contribute to preserve our decentralised structure in the primary production of eggs, ease the logistics, reduce the transport and avoid food waste, without posing any increase in public health risk or reduction in the quality of table eggs. Additionally, table eggs are traded in a cold chain in line with national rules established under point 2 of Chapter I, Section X of Annex III to Regulation (EC) No 853/2004. Finally, Norwegian consumers usually keep their eggs refrigerated in the household.

We sincerely hope that our concerns could be reflected in the work on the revision, and look forward to receiving your feedback on our reflections.

Please accept our reassurances of a continued fruitful collaboration.

Yours sincerely



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Minister of Health and Care Services



Sandra Borch
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