



Oslo, 21st of May 2022

Regarding the draft amending 853/2004, Chapter I of Section X of Annex III to Regulation (EC) No 853/2004

The draft that lays down hygienic rules for the production of eggs will have a series of negative consequences for food waste and sustainability in Norwegian egg production. Eggs are the only food category in the hygiene regulation that have such detailed rules for shelf life. We understand that salmonella is a considerable problem in many EU Member States, and we support the concern for food safety. However, providing more flexibility for countries that can document a low prevalence of salmonella, would improve the regulatory framework and be a good tool against food waste, in line with the "Farm to fork" strategy.

EFSA has stated that *Salmonella enteritidis* is the greatest food safety risk with regards to table eggs. Salmonella is a problem in many countries, and the wish to reduce the health risk of salmonella, is the rationale behind the fixed date of durability. However, we ask that countries that can document a low prevalence of salmonella in eggs should be granted more flexibility when it comes to setting the date of durability. Countries such as Norway, Sweden, Finland and Denmark have been granted special guarantees concerning salmonella in eggs, meaning that the prevalence of salmonella in eggs is very low, and that a monitoring program is in place to ensure the country's salmonella status for eggs. If countries with such low salmonella prevalence were granted a possibility to set a longer date of minimum durability than 28 days, this would lead to less food waste, without compromising the quality of the eggs or food safety. We believe this would be in line with the "farm to fork" strategy.

In Norway, we have a successful control program for eggs. All flocks are controlled for Salmonella and Norway has extensive documentation that the prevalence of salmonella in flocks of laying hens is extremely low. In addition, Norway has a national requirement that eggs are kept at no more than 12 degrees Celsius from the time of lay until they reach the consumer. Norwegian consumers then keep their eggs refrigerated. Norwegian eggs are thus fit for human consumption for a considerably longer than 28 days after lay. Investigations have shown that table eggs are fit for consumption several months after laying.

The regulation proposes a fixed date of minimum durability of no more than 28 days: "For eggs produced by hens of the species *Gallus gallus*, the 'date of minimum durability' (...) shall be fixed at not more than 28 days after the laying. Where the period of laying is indicated, this date shall be determined from the first day of that period." If this rule is implemented in Norway, it will increase food waste and not be in line with the UN sustainability goals or the EU "Farm to Fork"-strategy.

In Norway, we have an agricultural structure with small herds of maximum 7500 hens per farm. Eggs are therefore normally collected once a week, meaning that they have lost 7 days of their shelf life when they reach the egg packing facility. Collecting the eggs several times a week, as they do in several other European countries, means increased costs and increased transport times, something which we believe is not compatible with sustainable agriculture.

By allowing flexibility for the sell-by date, it will be possible to keep our small herds spread throughout the country. Our widespread egg production reduces the potential consequences if outbreaks for infectious diseases such as high pathogenic avian influenza.

Legislation on how to control Trichinella and TSE are examples of harmonized regulation where flexibility is given based on the situation in the Member state. Flexibility in the sell-by date does not compromise the quality of the eggs or pose a risk to human health when countries can document low prevalence of *Salmonella enteritidis*.

When the regulation is now revised, we ask you to include more flexibility. This can be done by an addition to Point 3, Chapter I, Section X of Annex III to Regulation (EC) no. 853/2004 where Member States with a documented low prevalence of salmonella in laying hens are given an opportunity to derogate from the fixed 28-day sell-by date.

Yours sincerely,
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