

Farm Products Marketing Act

R.R.O. 1990, REGULATION 408

EGGS — MARKETING LIMITATIONS

Consolidation Period: From February 24, 2006 to the e-Laws currency date.

Last amendment: O.Reg. 46/06.

This is the English version of a bilingual regulation.

1. The Commission considers it necessary and advisable and requires that the local board carry out the purposes of The Ontario Egg Producers' Plan in accordance with the Schedule. R.R.O. 1990, Reg. 408, s. 1; O. Reg. 46/06, s. 1.

2. Sections 1, 2 and 3 of Regulation 407 of the Revised Regulations of Ontario, 1990 apply to this Regulation with necessary modifications. R.R.O. 1990, Reg. 408, s. 2.

Schedule

1. In this Schedule,

“Agency” means the Canadian Egg Marketing Agency; (“Office”)

“quota” means a quota fixed and allotted to a producer under section 7 of Regulation 407 of the Revised Regulations of Ontario, 1990; (“contingent”)

“quota system” means the method by which the quota fixed and allotted to any producer is determined. (“système de contingentement”)

2. The local board shall establish a quota system in order to fix and allot quotas to all producers of eggs or hatching eggs in Ontario in such manner that the number of dozens of eggs and hatching eggs produced in Ontario and authorized to be marketed in intraprovincial trade in the year 1973, when taken together with the number of dozens of eggs and hatching eggs produced in Ontario and authorized to be marketed in interprovincial and export trade in the same year, pursuant to quotas assigned by the Agency and the number of dozens of and hatching eggs produced in the Province and anticipated to be marketed in the same year other than as authorized by a quota assigned by the Agency or fixed and allotted by the local board, will equal the number of dozens of eggs and hatching eggs set out in section 3 of this Schedule.

3. For the purposes of section 2 of this Schedule the number of dozens of eggs and hatching eggs set out in this section is as set out in the Table and represents the percentage of total Canadian production shown in the Table:

TABLE

181,267,000 dozens: 38.161 per cent

4. (1) No order or regulation shall be made where the effect thereof would be to increase the aggregate of,

(a) the number of dozens of eggs and hatching eggs produced in Ontario and authorized by quotas fixed and allotted by the local board and by quotas assigned by the Agency to be marketed in intraprovincial, interprovincial and export trade; and

(b) the number of dozens of eggs and hatching eggs produced in Ontario and anticipated to be marketed in intraprovincial, interprovincial and export trade other than as authorized by quotas fixed and allotted by the local board and by quotas assigned by the Agency,

to a number that exceeds, on a yearly basis, the number of dozens of eggs and hatching eggs set out in section 3 of this Schedule unless the local board has taken into account,

(c) the principle of comparative advantage of production in respect of each province in Canada;

(d) any variation in the size of the market for eggs or hatching eggs;

(e) any failures by producers to market the number of dozens of eggs or hatching eggs authorized to be marketed;

(f) the feasibility of increased production in each province to be marketed; and

(g) comparative transportation costs to market areas from alternative sources of production,

and the Agency is making a similar order or regulation.

(2) No order or regulation shall be made where the effect thereof would be to decrease the aggregate of,

(a) the number of dozens of eggs and hatching eggs produced in Ontario and authorized by quotas fixed and allotted by the local board and by quotas assigned by the Agency to be marketed in intraprovincial, interprovincial and export trade; and

(b) the number of dozens of eggs and hatching eggs produced in Ontario and anticipated to be marketed in intraprovincial, interprovincial and export trade other than as authorized by quotas fixed and allotted by the local board and by quotas assigned by the Agency,

to a number that, on a yearly basis is less than the number of dozens of eggs and hatching eggs set out in section 3 of this Schedule unless at the same time the number of dozens of eggs or hatching eggs produced in each other province of Canada and authorized to be marketed in intraprovincial, interprovincial and export trade is decreased proportionately.

(3) Where the Agency has made an order or regulation pursuant to provisions of a marketing plan similar to subsection (1) or (2), the local board shall make a similar order or regulation.

5. Subject to section 10 of Regulation 407 of the Revised Regulations of Ontario, 1990, the local board, in the exercise of its powers under clauses 7 (2) (d) and 7 (4) (d) of the said Regulation may require eggs or hatching eggs to be sold to the local board or its agent at a price not exceeding the difference, if any, between the price realized by the local board or its agent on the marketing of such eggs or hatching eggs and its expenses related to such marketing.

6. The local board shall not market any quantity of eggs or hatching eggs made available to it in excess of the number of eggs referred to in sections 2 and 3 or as modified under section 4 of this Schedule, without prior consultation with the Agency.

7. The local board shall, with the concurrence of the Agency, administer, on its behalf, all orders and regulations made by the Agency for the purpose of establishing and implementing a quota system or

any such orders or regulations necessary to implement the provisions of the Canadian Egg Marketing Agency Proclamation.

8. The local board shall make, approve and implement any order or regulation necessary to give effect to this Schedule.

9. The local board shall make available to the Agency any document or extract of documents establishing the registration or licensing of producers.

10. The local board shall, with the concurrence of the Agency, collect on the Agency's behalf any levies imposed by the Agency.

11. (1) In implementing clauses 4 (a) and (b) of Regulation 407 of the Revised Regulations of Ontario, 1990, the local board shall require of producers, producer-graders, dealers, wholesalers and processors all information necessary to monitor sales of eggs and hatching eggs.

(2) The local board shall establish a system for verification of sales.

(3) The local board shall provide all information obtained from the system referred to in subsection (2) to the Agency when so requested by the Agency.

12. The local board shall take all reasonable steps to promote a high degree of co-operation between itself and the Agency, and without limiting the generality of the foregoing shall,

(a) make available to the Agency the records, minutes and decisions of the local board in relation to any matter that is of concern to the Agency;

(b) allow an officer or employee of the Agency who is designated by the Agency for such purpose to attend meetings of the local board at which any matter that is of concern to the Agency is likely to be discussed and for such purpose shall give notice of all such meetings to the officer or employee so designated; and

(c) give notice to the Agency of each order or regulation that it proposes to make that is likely to affect the Agency in its operations.

13. The authority and powers referred to in Regulation 407 of the Revised Regulations of Ontario, 1990 are limited by and subject to this Schedule.

R.R.O. 1990, Reg. 408, Sched.