

EXECUTIVE NOTE

THE POULTRYMEAT (SCOTLAND) REGULATIONS 2011

SSI 2011/318

Introduction

1. The Poultrymeat (Scotland) Regulations 2011 (the “2011 Regulations”) are made in exercise of powers conferred upon Scottish Ministers by section 2(2) of and paragraph 1A of Schedule 2 to the European Communities Act 1972 and sections 6(4), 16(1), 17, 26(2) and (3), 45(1) and 48(1) of the Food Safety Act 1990. It is subject to negative resolution procedure.

Purpose of the instrument

2. This instrument will:

- ◆ Make provision for the enforcement and execution of directly applicable European marketing standards relating to poultrymeat.
- ◆ Revoke the Poultry Meat (Water Content) (Scotland) Regulations 1983 (S.I. 1983/1372), The Poultry Meat (Water Content) (Scotland) (Amendment) Regulations 1984 (S.I. 1984/1576) and parts of the Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990.

Legislative Context

3.1 The 2011 Regulations are being made using the powers under the European Communities Act 1972 and the Food Safety Act 1990. They have been the subject of consultation with interested stakeholders as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food and Safety Authority and laying down procedures in matters of food safety.

3.2 The 2011 Regulations will introduce new statutory controls on the marketing of poultry meat following changes agreed at EU level. The EU Regulations which are enforced by the 2011 Regulations will apply to all those involved in the production, slaughter, processing, sale (wholesale and retail including supermarkets).

Territory Extent and Application

4.1 The 2011 Regulations apply to Scotland only.

4.2 Similar instruments have been laid in England and are being laid in Wales and Northern Ireland.

Policy Background

5.1 Council Regulation 1234/2007 (the Single CMO Regulation) and Commission Regulation (EC) No 543/2008 are directly applicable EU Regulations which govern the marketing standards of poultrymeat. The 2011 Regulations enforce these EU Regulations. The marketing of poultrymeat including whole birds and cuts, fresh and frozen is an international business. To protect consumers from being misled in respect of the various marketing terms used or differing presentations of poultrymeat, the EU introduced poultrymeat marketing standards. Poultrymeat marketing standards stipulate the stages in the marketing process that checks should be undertaken by enforcement authorities and they also outlined the obligations of those involved in the marketing process i.e. producers, slaughterhouses etc.

5.2 Recent amendment to the Single CMO Regulation (including Regulation (EC) No. 1047/2009), which has applied since 1 May 2010, has extended these marketing rules to poultrymeat preparations and altered the definitions of fresh and frozen poultrymeat. Provision in relation to prepackaged frozen or quick-frozen poultrymeat classifications have also been removed.

5.3 Subject to certain exemptions, the marketing standards apply to all stages of the poultrymeat supply chain - import, packing, distribution, wholesale, retail. We have chosen to apply a derogation allowing for an exemption for the direct supply of small quantities of poultrymeat by producers, with an annual production of under 10,000 birds, where the meat comes from poultry slaughtered on the producer's farm and is supplied to the final consumer or a local retail establishment directly supplying such meat to the final consumer as fresh meat.

5.4 The 2011 Regulations will apply to Scotland. Separate but similar legislation has been made by England which came into force on 21 March 2011 and similar legislation will be adopted by Wales and Northern Ireland in due course.

Consultation Outcome

6.1 The consultation began with the industry on 25 March 2011. The consultation period was due to end on May 20th but due to Scottish elections, the consultation period was extended to 2 August. Two responses were received, 'Vion Food Group' who are only 1 of 2 companies in Scotland who process Poultrymeat in Scotland, their comments have been useful in shaping the Statutory Instrument and 'Scotland for Animals', an animal rights pressure group. These regulations are not the appropriate place for the type of regulation they are looking for as the scope of the Poultrymeat Regulations are simply to implement the Single CMO and Commission Regulation 543/2008.

6.2 There was a consultation prior to the Scottish Government led by Defra. The same issues faced the industry in England, Wales and Northern Ireland and although each individual country is responsible for their own consultation, each Government deals with the same organisations in the industry facing change as a result of the new regulations.

Impact

7. An impact assessment has been completed.

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