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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 352**

**AGRICULTURE  
FOOD**

**The Common Organisation of the Markets in  
Agricultural Products (Poultrymeat) (Miscellaneous  
Temporary Amendments) (Scotland) Regulations 2022**

*Approved by the Scottish Parliament*

|                                 |         |                              |
|---------------------------------|---------|------------------------------|
|                                 |         | <i>at 11.50 a.m. on 24th</i> |
| <i>Made</i>                     | - - - - | <i>November 2022</i>         |
| <i>Laid before the Scottish</i> |         | <i>at 3.45 p.m. on 24th</i>  |
| <i>Parliament</i>               | - - - - | <i>November 2022</i>         |
| <i>Coming into force</i>        | - -     | <i>28th November 2022</i>    |

The Scottish Ministers make the following Regulations in exercise of the power conferred by Article 219 of [Commission Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations ([EEC](#) No 922/72, ([EEC](#)) No 234/79, ([EC](#)) No 1037/2001 and ([EC](#)) No 1234/2007(1) (“the Regulation”), and all other powers enabling them to do so.

These Regulations are made in order to react efficiently and effectively against a threat of market disturbance, where that situation or its effects on the market is likely to continue or deteriorate. These Regulations take the measures necessary to address that market situation. Any other measures available under the Regulation appear to be insufficient to address the market situation.

There has been consultation as required by Article 9 of Regulation ([EC](#)) 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(2).

**Citation, commencement and expiry**

1.—(1) These Regulations may be cited as the Common Organisation of the Markets in Agricultural Products (Poultrymeat) (Miscellaneous Temporary Amendments) (Scotland) Regulations 2022 and come into force on 28 November 2022.

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(1) EUR 1308/2013, relevantly amended by [S.I. 2019/831](#). Under Article 219 the appropriate authority may make regulations. Article 3(5)(c) provides that the “appropriate authority” means, in relation to Scotland, the Scottish Ministers, or the Secretary of State if consent is given by the Scottish Ministers.

(2) EUR 2002/178, relevantly amended by [S.I. 2019/641](#). [S.I. 2019/641](#) was amended by [S.I. 2020/1504](#).

(2) These Regulations expire on 1 January 2023.

### **Amendment of Regulation (EU) 1308/2013 of the European Parliament and of the Council**

**2.** Annex VII (definitions, designations and sales description of products referred to in Article 78), Part V (products of the poultrymeat sector) of the Regulation is to be read as if—

(a) in point II—

(i) after paragraph (4) there were inserted—

“(4A) “defrosted poultrymeat” means poultrymeat which has been frozen or quick-frozen and subsequently defrosted prior to being kept at a temperature not below -2 °C and not higher than +4 °C;”;

(ii) after paragraph (6) there were inserted—

“(6A) “defrosted poultrymeat preparation” means a poultrymeat preparation for which defrosted poultrymeat has been used;”;

(b) after point III there were inserted—

“III(A).

**1.** The poultrymeat and poultrymeat preparations to which paragraph (2) applies may be marketed in defrosted condition.

**2.** The poultrymeat and poultrymeat preparations to which this paragraph applies are one or more of the following species of poultry carcase, as defined in Article 1(1), and poultry cuts – breast, as defined in Article 1(2), of [Commission Regulation \(EC\) No 543/2008](#) laying down rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat<sup>(3)</sup>—

- (a) *Gallus domesticus* – capons only,
- (b) turkeys,
- (c) ducks,
- (d) geese.”.

### **Amendment of The Poultrymeat (Scotland) Regulations 2011**

**3.** The Poultrymeat (Scotland) Regulations 2011<sup>(4)</sup> are to be read as if in schedule 1 (retained EU poultrymeat provisions contravention of which is an offence), in Part 1 (provisions of the Single CMO Regulation or the Council Regulation 2013), in the third row of the Table—

(a) in column 2, after “Point II(6) of Part V of Annex VII to Council Regulation 2013 in relation to fresh poultrymeat preparation”, in a new line there were inserted—

“Points II(4A), II(6A) and III(A) of Part V of Annex VII to Council Regulation 2013 in relation to defrosted poultrymeat and defrosted poultrymeat preparation,”;

(b) in column 3, for “or quick-frozen” there were substituted “, quick-frozen or defrosted”.

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<sup>(3)</sup> EUR 543/2008, relevantly amended by [S.I. 2019/1422](#).

<sup>(4)</sup> [S.S.I. 2011/318](#), relevantly amended by [S.I. 2013/3235](#).

St Andrew's House,  
Edinburgh  
At 11.50 a.m. on 24th November 2022

*MAIRI GOUGEON*  
A member of the Scottish Government

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make temporary, non-textual amendments to [Commission Regulation \(EU\) No 1308/2013](#) (“EUR 1308/2013”) and the Poultrymeat (Scotland) Regulations 2011 (“the 2011 Regulations”). These Regulations come into force on 28 November 2022 and expire on 1 January 2023.

Regulation 2 amends Annex VII, Part V of EUR 1308/2013 to provide that during the period beginning on 28 November 2022 and expiring on 1 January 2023, certain poultrymeat and poultrymeat preparations may be marketed in defrosted condition. Definitions are provided of “defrosted poultrymeat” and “defrosted poultrymeat preparation”.

Regulation 3 amends the 2011 Regulations in the third row of the Table in schedule 1, Part 1. The amendments provide that the offence of contravening point III of Annex VII, Part V of EUR 1308/2013 is to be read with the amendments to that Part made by these Regulations.

A Business and Regulatory Impact Assessment has been prepared and will be placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Agriculture and Rural Economy Directorate, St Andrew’s House, Edinburgh EH1 3DG.