



Department
for Environment
Food & Rural Affairs

Consultation on Amending Poultry Meat Marketing Regulations (PMMR) – England and Scotland

Consultation document

21 October 2024

We are the Department for Environment, Food and Rural Affairs. We're responsible for improving and protecting the environment, growing the green economy, sustaining thriving rural communities, and supporting our world-class food, farming, and fishing industries.

We work closely with 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable.

Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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1. Purpose of this consultation

- 1.1 This consultation seeks views on potential changes to the assimilated Poultry Meat Marketing Regulations (No.543/2008).
- 1.2 The potential changes on which views are sought cover two areas.
- 1.3 First, a proposal to amend the 12-week derogation period that would enable free-range poultry meat to be labelled as such for the duration of any mandatory housing measure which would restrict birds' access to open-air runs, for example those that were in force in some areas of Great Britain (GB) in both 2022 and 2023 during Avian Influenza (AI) outbreaks. Guinea fowl raised in percheries are exempt from the current legislation and it is proposed to retain the exemption in any legislative changes that arise as a result of this consultation.
- 1.4 Second, a proposal to remove a certification requirement, which does not apply in practice, for imported poultry meat with one or more Optional Indications (OIs).

2. The consultation process and how to respond

Who will be affected by these proposals?

- 2.1 This consultation is about proposed amendments to the Poultry Meat Marketing Regulations (PMMR) in England and Scotland. These changes would directly affect poultry producers, processors, retailers, importers, exporters, consumers, and organisations who have an interest in the poultry industry.

How to respond

- 2.2 The consultation period will commence on 21 October 2024 and will be open for responses for a period of 8 weeks. The consultation period will close at 23:59 on 16 December 2024.
- 2.3 We have asked you several specific questions throughout this document. If you have any other views on the subjects covered by this consultation which have not been addressed, you are welcome to provide us with these views in the open text box at the end of your response.
- 2.4 Please provide your views via the Defra consultation platform Citizen Space using the following [link](#). If you are unable to respond on Citizen Space and wish

to submit a written response, please ensure your response covers the questions outlined, particularly questions one to seven. Written responses can be emailed to pigseggspoultryteam@defra.gov.uk or sent to the address below:

Pigs, Eggs and Poultry Team,
Defra,
Seacole Building,
2 Marsham Street,
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Confidentiality and data protection

2.5 A summary of responses to this consultation will be published on the government website at: www.gov.uk/defra. An annex to the consultation summary will list all organisations that responded **but will not include** personal names, addresses or other contact details.

2.6 Defra may publish the content of your response to this consultation to make it available to the public without your personal name and private contact details (e.g. home address, email address, etc.).

2.7 If you click ‘**Yes**’ in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for requesting confidentiality. The reason you are asked this is that information contained in responses to this consultation may be subject to release to the public or other parties in accordance with the access to information law (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)). We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any requests for confidentiality. If we receive a request for the information that you have provided in your response to this consultation to be kept confidential, we will take full account of your reasons for requesting the confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

2.8 If you click ‘**No**’ in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won’t make your personal name and private contact details publicly available.

2.9 There may be occasions when Defra will share the information you provide in response to the consultation, including any personal data, with external analysts. This is only for the purposes of consultation response analysis, in order to provide a report summarising the consultation responses.

2.10 This consultation is being conducted in line with the Cabinet Office “Consultation Principles” and be found at:
<https://www.gov.uk/government/publications/consultation-principles-guidance>.

2.11 If you have any comments or complaints about the consultation process, please email them to: consultation.coordinator@defra.gsi.gov.uk

Confidentiality and questions about you

Q 1. Would you like your response to be confidential?

- Yes
- No

If you answered ‘Yes’ to this question, please state what information you would like to be kept as confidential and explain your reasons for requesting confidentiality.

Q 2. What is your name?

Q 3. What is your email address?

Q 4. Please tell us who you are responding as, selecting from the following: *(Please tick as many as relevant)*

- Poultry producer
- Food processor/manufacturer
- Retailer
- Poultry importer/exporter
- Sector trade body or membership organisation
- Consumer interest organisation
- Individual/member of the public
- Other (please specify)

Q 5. If responding on behalf of an organisation, please provide the name of the organisation you are responding for. If you are responding for more than one organisation, please say how many organisations you represent and their category (as set out in the previous question).

Q 6. Please select the geographical coverage of your organisation or the area that your response relates to from the following: *(Please tick as many as are relevant)*

- England
- Northern Ireland
- Scotland
- Wales
- Republic of Ireland
- UK
- Other (please state where)

3. Background to the consultation

3.1 Poultry Meat Marketing Regulations are a devolved responsibility for each of the UK Governments. However, as the supply of poultry is UK wide, Defra and the Scottish Government have agreed to issue this joint consultation. Welsh Government is responsible for their own legislation and has consulted separately. Each Government will lead on any amendments that may subsequently be required to the legislation covering its own jurisdiction. Under the terms of the Windsor Framework, Northern Ireland will follow the new approach consulted on by the EU in 2023, when implemented. Irrespective of the outcome of this consultation, we will work with the Northern Ireland Government to ensure we have optimal alignment to enable poultry meat movement between GB and NI to continue as usual.

3.2 The Poultry Meat Marketing Regulations regulate the following aspects of the marketing of poultry meat either produced in, or imported into, the country:

- quality
- weight
- labelling
- marking
- packaging
- use of special marketing terms which are described as ‘optional indications’ (relating to farming methods, e.g. ‘free-range’)

3.3 The Regulation seeks to protect the consumer by setting uniform standards to ensure the quality of the product remains high and to protect the producer against unfair competition. The Regulations include requirements for marketing standards checks, which are aimed at safeguarding quality and consumer confidence.

3.4 **Food safety is not impacted by this Regulation**; poultry meat marketing standards do not relate to sanitary and phytosanitary (SPS) requirements. Human health and hygiene rules are laid down in other regulations. Poultry Meat Marketing Regulations in the UK are established by assimilated Regulation (EC) No 543/2008 (The “Regulation”) and enforced in England by the Poultrymeat (England) Regulations 2011 and in Scotland by the Poultrymeat (Scotland) Regulations 2011.

4. Amending the 12-week derogation period for free-range poultry meat in England & Scotland

4.1 Poultry Meat Marketing Regulations allow the farming method e.g. ‘free-range’ to appear on the labelling of poultry meat where the conditions for that farming method are met. Where birds need to be kept indoors under government imposed mandatory housing measures, the Regulations say that poultry meat can still be labelled as ‘free-range’ for up to 12 weeks, assuming all other requirements for free-range continue to be met. After 12 weeks, poultry meat needs to be labelled as ‘barn-reared’. It is proposed that this time limit is removed so that free-range poultry meat can be marketed as ‘free-range’ for the whole duration of a mandatory housing measure.

UK Poultry Production

4.2 The UK is around 65% self-sufficient in poultry production. 3.5% of total UK poultry meat production is free-range. The move to free-range production, which is a higher cost system, has been driven by some consumers choosing the free-range brand.

Avian Influenza and Housing Measures

4.3 Outbreaks of Avian Influenza (AI) over recent years have created a case for updating the Poultry Meat Marketing Regulations.

4.4 Housing measures are designed to reduce the risk of poultry becoming infected with AI from wild birds. Housing measures have required all poultry to be housed

for 22 weeks in 2021/22 across the UK and 23 weeks in 2022/23 in England and Wales.

- 4.5 The Regulations do not permit poultry meat from free-range poultry that have been housed for 12-weeks or longer to be marketed as 'free-range'. Instead, the indication of farming method must say 'barn-reared'.
- 4.6 Most flocks affected by recent mandatory housing measures have been slaughtered before they could exceed the 12-week derogation period. However, free-range turkeys, geese and ducks could potentially be affected by future mandatory housing measures, depending on the time of year they were in force, and the length of any mandatory measures. In these cases under the current requirements, these birds, when slaughtered, would need to be labelled as 'barn-reared'.
- 4.7 If the proposal is adopted and poultry are continually housed during a housing measure, all other free-range production criteria would continue to have to be met for birds to be labelled as 'free-range'.
- 4.8 If birds are continually housed, there may be concerns that labelling poultry meat as 'free-range' may mislead consumers about the nature of their purchases. Labelling transparency is an important consumer issue. It is our priority to ensure, through this consultation, that we establish a comprehensive understanding of industry and consumers' views of these proposals.
- 4.9 The European Union (EU) consulted in 2023 on amending their equivalent legislation including on the 12-week derogation period. Their proposal is that in the event of mandatory housing measures, poultry meat could continue to be marketed as 'free-range' regardless of how long the birds have been housed for. If the EU agrees to amend their legislation the changes would apply to the EU and Northern Ireland. The Welsh Government ran a separate 6-week consultation on the 12-week derogation period from 29 July to 9 September 2024.
- 4.10 Retaining parity with the proposed EU changes would enable the GB poultry sector to trade fairly with its EU competitors, avoids additional costs for GB and NI producers and ensures that GB and NI producers can continue to operate on a level playing field commercially. Under the Windsor Framework, the EU's removal of the derogation period will also apply to NI.

Amending the 12-week Derogation Period - Questions

Proposal: To remove the 12-week derogation period and instead allow free-range poultry meat to be labelled as ‘free-range’ throughout the duration of any mandatory housing measure. It is proposed that the current exemption for guinea fowl raised in percherries, as set out in current legislation, will remain unchanged at this time.

Q. 7 Do you agree or disagree with the proposal to remove the 12-week derogation period? This would allow poultry meat from birds that are subject to a housing measure to be labelled as ‘free-range’ throughout the duration of any housing measure.

- Agree
- Disagree
- Don't know

Q. 8 What comments do you have on this proposed legislative change, if any?

Free text box for reply

Q. 9a To what extent do you believe this proposed amendment to the Poultry Meat Marketing Regulations could confuse or mislead consumers in any way?

- To a large extent (please specify)
- To some extent (please specify)
- To a small extent (please specify)
- Not at all
- Don't know

Q. 9b If you believe this amendment to the Poultry Meat Marketing Regulations could confuse or mislead consumers, do you have any suggestions for how this risk could be mitigated?

Free text box for reply

Q. 10 If the amendment of the 12-week labelling derogation is not adopted within legislation in all of the GB nations (England, Scotland, Wales) what do you believe would be the implications for you, if any, and for the poultry industry more broadly? (In your response, please separate out specific implications for you/your organisation from the implications for the industry more broadly).

Free text box for reply

5. Poultry Meat with Optional Indications Certification

5.1 The assimilated Poultry Meat Marketing Regulations (Article 14) currently provide for the importation of poultry meat with optional indications (OIs), such as chilling or farming method marks, for example 'free-range', if accompanied by certification issued by the competent authority in the country of origin attesting to the compliance with the relevant legislative provisions as regards to the OI.

5.2 In practice this requirement has not been applied to date as the UK has historically only imported these poultry meat products from the EU and, since leaving the EU, the UK has legislated to exempt EU imports from having to comply with the certification requirement. The current exemption runs until February 2027. Similarly, no requests have been recorded for GB certified OI certificates to accompany relevant GB exports to the EU or the rest of the world.

5.3 Given the protection provided by existing labelling requirements in the Regulation, the lack of issues arising from the current exemption from certification and the additional bureaucracy and cost that would arise from its implementation, it is proposed to remove the requirement for certification to accompany imports from any country.

Proposal: To remove the certification requirement for imported poultry meat with one or more optional indications (OIs).

Q. 11 Do you agree or disagree with the proposal to remove the requirement for imported poultry meat with Optional Indications to be accompanied by a specific certificate attesting to compliance with relevant legislative requirements?

- Agree
- Disagree

- **Don't know**

Q.12 If you disagree, please give your reasons and the benefits you see in retaining the requirement for a certificate and why they outweigh the disbenefits set out in this consultation.

Free text box for reply

6. Consultee feedback on the online survey

6.1 Dear Consultee

Thank you for taking your time to participate in this online survey. It would be appreciated if you could provide us with an insight into how you view the online tool used for this survey, including and any area(s) you feel need improving, by completing our feedback questionnaire.

Q.13 Overall, how satisfied are you with our online consultation tool?

- **Very satisfied**
- **Satisfied**
- **Neither satisfied nor dissatisfied**
- **Dissatisfied**
- **Very dissatisfied**
- **Don't know**

Q.14 Please give us any comments you have on this online tool, including suggestions on how we could improve it.

Free text box for reply

7. What happens next?

7.1 The closing date for this consultation is 23:59 on 16 December 2024. Responses received by this date will be analysed and taken into account by Ministers in their consideration of future policy and legislative changes. Further analysis of the benefits, impacts, legal implications and complexities of the proposals will also be undertaken and considered alongside the responses to this consultation as part of our policy development process. We aim to publish a summary analysis of responses within 12 weeks of the closure of this consultation.

7.2 If the decision is made to proceed with legislative changes, our ambition would be to deliver this legislative amendment during 2025.

7.3 During the consultation, if you have any enquiries, please email us at pigseggsandpoultryteam@defra.gov.uk or write to us as at the address below:

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