POLICY NOTE

THE FREE-RANGE POULTRYMEAT MARKETING STANDARDS (AMENDMENT) (SCOTLAND) REGULATIONS 2025

SSI 2025/XXX

The above instrument is made in exercise of the powers conferred by section 9(1) of the Agriculture (Retained EU Law and Data) (Scotland) Act 2020. The instrument is subject to *affirmative procedure.*

Summary Box

Insert one or two sentences to explain what the purpose of the instrument is.

Purpose of the instrument.

The purpose of the instrument is to amend the conditions under which poultry meat can be marketed as "free-range" in Regulation (EC) No 2008/543 on poultry meat marketing standards.

The principal change made by the instrument will remove the 12 week limit to a derogation, so allowing free-range poultry meat to be marketed as such for the full duration of any housing order.

Policy Objectives

The Poultry Meat Marketing Standards Regulations requires that for the farming method "free-range" to apply, poultry must have continuous daytime access to open-air runs. When free-range poultry are placed under a housing order, the Poultrymeat Marketing Standards Regulations currently allow for a 12 week derogation period during which poultry meat can continue to be labelled as free-range, despite being housed.

The outbreaks of Avian Influenza (AI) in recent years have required the introduction of temporary housing measures. This was applied across the whole of the UK in the 2021/22 season, when the housing order extended to 22 weeks. The 2022/23 season saw housing orders in England, Wales and Northern Ireland which extended to 23 weeks. This in turn meant that the labelling of free-range poultry meat had to be changed during these periods.

It is proposed through this amendment 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.

The EU have recently adopted changes to their own marketing standards legislation, including removing the 12 week limit on the derogation period, so allowing poultry meat to be labelled as free-range for the full duration of a housing order. This will also cover Northern Ireland. The UK Government laid a similar amendment for its own Regulations in the House of Commons in July. Wales have consulted separately, which was also supportive of a UK-wide approach.

Whilst there are currently no commercial free-range poultry meat premises in Scotland, there is consumer demand. As such, progressing with this change in line with the rest of the UK would future proof the legislation, making it easier for any potential free-range poultry meat producer to take advantage of the removal of the derogation and thereby mirror marketing regulations in other parts of the UK. Not doing so would disincentive any future free-range poultry meat production in Scotland due to the additional requirements during housing orders. As such proceeding with the amendment to the Poultrymeat Marketing Standards Regulations would align any future Scottish producers with producers in other parts of the UK.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, **The Free-Range Poultrymeat Marketing Standards (Amendment) (Scotland) Regulations 2025** is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

This instrument will align Scotland, insofar as possible and meaningful, with a change that the EU is in the process of making as regards marketing standards for poultry meat. The EU previously carried out a consultation on the removal of the 12 week derogation which had a positive response. Our understanding is that the EU proposal has now been adopted and will progress through the European Parliament and the European Council before being published in the official journal. The estimated dates for this is Q4 this year, providing there are no objections.

Not going ahead with the SSI would mean diverging both from the EU and likely the rest of the UKs position. This could discourage any free-range poultry meat producers being established in Scotland, given an economic disadvantage compared to English and Northern Irish producers in the event of a housing order being imposed for more than 12 weeks, as they would be subject to different marketing requirements.

Consultation

There was a full joint public consultation carried out by Defra and the Scottish Government. The consultation was open between 21 October 2024 and
16 December 2024 and covered the removal of the 12 week limit on the derogation period in the free range poultry meat marketing standards legislation in England and Scotland. It also covered the potential removal of a certification requirement for imported poultry meat with one or more optional indications (OIs), but this will be considered further separately on a longer timescale.

There were 14 responses received, 2 of which were Scotland-based respondents, one of which is a significant poultry meat producer in Scotland and are part of the main supply chain.

The largest number of all respondents were from poultry meat producers/processors. There were also responses from the wider poultry meat supply chain, sector trade bodies, consumer interest groups and individual members of the public.

Overall, 79% of respondents agreed with the removal of the 12 week limit on the derogation, including one of the Scottish responses.

There were repeated concerns regarding the potential negative impacts in the event of the removal of the 12 week labelling derogation period not being adopted across all GB nations, causing regulatory divergence within the domestic market, and possibly resulting in free-range production becoming commercially unviable. Many respondents referenced either increased complexity, confusion, and regulatory burden to the supply chain, and a reduction in supply chain efficiency.

As was the case with the removal of the derogation in the Egg Marketing Standards Regulations, and as set out in the joint SG/UKG response to the consultation, if housing measures are introduced, notices will be issued in the media to inform the public of their introduction. In the event of extended housing measures, we will also encourage the poultry meat industry and retailers to communicate this to their customers. The Scottish Government issues notices as a matter of course when a housing order is implemented and could discuss with Defra any necessary engagement work with retailers in Scotland when a housing order is implemented.

The analysis of the consultation has been published and is available online: https://www.gov.uk/government/consultations/amending-poultry-meat-marketing-regulations-in-england-and-scotland

Impact Assessments

A Business and Regulatory Impact Assessment has been completed on the draft SSI and is attached. A Children's Rights and Welfare Impact Assessment has also been prepared and is available at www.legislation.gov.uk.

Financial Effects

There is no financial cost to the Scottish Government, local government or on businesses

Scottish Government
Directorate – Agriculture and Rural Economy

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