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## **Rural Affairs, Islands and Natural Environment Committee**

# **Subordinate legislation considered by the Rural Affairs, Islands and Natural Environment Committee on 14 December 2022**



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# Rural Affairs, Islands and Natural Environment Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands.



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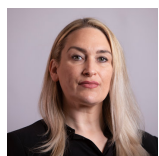
# Committee Membership



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

1. At its meeting on 14 December 2022, the Rural Affairs, Islands and Natural Environment Committee considered [the Common Organisation of the Markets in Agricultural Products \(Poultrymeat\) \(Miscellaneous Temporary Amendments\) \(Scotland\) Regulations 2022](#).
2. The SSI is a made affirmative, which means the instrument has come into effect before, rather than after, the conclusion of the 40-day period for parliamentary scrutiny. The SSI was laid on 24 November 2022, came into force on 28 November 2022 and the lead committee report date is 19 December 2022.
3. The instrument makes temporary amendments to—
  - Regulation (EU) No 1308/2013; and
  - the Poultrymeat (Scotland) Regulations 2011
4. Regulation (EU) No 2013/1308 relates to the marketing standards for poultrymeat and allows for poultrymeat to be marketed in fresh, frozen or quick-frozen condition. The Poultrymeat (Scotland) Regulations 2011 enforce these provisions.
5. The instrument allows, for the period between 28 November and 31 December, poultry to be slaughtered and prepared and then for the poultrymeat and poultrymeat preparations to be marketed in a defrosted condition. This includes, whole birds and crowns of turkey, duck, goose and capon; stuffed whole birds and crowns of those species; 2-3 bird roasts of those species.
6. The policy note explains that, due to concerns that a significant number of birds may need to be culled because of the threat from avian flu, some retailers and the larger turkey processors (together accounting for around 90% of production), contacted Defra to request temporary approval for poultrymeat to be frozen and then sold as a defrosted product.
7. Turkeys are particularly susceptible to avian flu, regardless of the strain. According to the policy note, over the Christmas period approximately 10 million turkeys, 200,000 geese and 100,000 ducks are sold in GB, with about 50% of these usually sold frozen. From 1-16 October 2022, in the UK, circa 302,000 turkeys, 200,000 ducks and 17,000 geese have been affected (died and culled).
8. The policy note states that, were the industry to have the ability to freeze and defrost around 1m birds and to market them as “defrosted”, this could safeguard the domestic supply and would mitigate potential loss of income due to any large avian flu outbreak. The policy note goes on to explain that, since supermarkets are currently unable to accommodate these extra birds in frozen condition, the proposal that they be defrosted would avoid significant losses to producers.

9. These products must be labelled in compliance with the Food Information to Consumers Regulation (retained EU Regulation (EU) No 1169/2011) which requires the name of the food to be accompanied by the designation “defrosted”.
10. The policy note also explains that this temporary policy will apply across GB. England and Wales, while not amending legislation, are also permitting the same poultrymeat and poultrymeat preparations to be marketed in defrosted condition for the same period, reflecting the GB-wide nature of the poultrymeat industry.

## **Delegated Powers and Law Reform Committee**

11. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [6 December 2022](#) and agreed that no points arose.

## **Committee consideration of the instrument**

12. At its meeting on 14 December 2022, the Committee took evidence from the Cabinet Secretary for Rural Affairs and Islands, accompanied by Scottish Government officials.
13. During consideration of the instrument, the Committee asked about levels of uptake in producers freezing birds for resale as defrosted poultrymeat. Scottish Government Officials committed to providing more information in writing. The Committee also asked if the Scottish Government had plans to extend the Regulations beyond 31 January 2022. The Scottish Government confirmed it has no plans at this stage but acknowledged that this may change, considering the fluid nature of Avian Flu. The Scottish Government also confirmed that birds that had been defrosted for sale before 31 December 2022 could not be sold after this period.
14. The Committee also asked about the situation with avian flu in the European Union and the reasons why Scotland was diverging from the EU position with respect to defrosted poultrymeat. The Cabinet Secretary confirmed that the instrument was introduced as a response to industry concerns in Scotland. Finally, the Committee asked about any potential risks to consumers and the need for clear labelling. The Cabinet Secretary confirmed that the Scottish Government had discussed the instrument with Food Standards Scotland to ensure there would be no public health risk associated with the sale of defrosted poultrymeat and that consumers should follow the labelling instructions when preparing foods for consumption.

## **Committee consideration of the motion**

15. After the evidence session, the Minister moved motion S6M-06961—  
  
That the Rural Affairs, Islands and Natural Environment Committee recommends that the Common Organisation of the Markets in Agricultural Products (Poultrymeat) (Miscellaneous Temporary Amendments) (Scotland) Regulations 2022 be approved.

16. The motion was agreed to without division.
17. [The official report of the meeting can be accessed on the Scottish Parliament's website.](#)

The Rural Affairs, Islands and Natural Environment Committee recommends to the Scottish Parliament that the Common Organisation of the Markets in Agricultural Products (Poultrymeat) (Miscellaneous Temporary Amendments) (Scotland) Regulations 2022 be approved.



