



Department  
for Environment  
Food & Rural Affairs

# Enforcement of Poultry Meat Marketing Standards (PMMR) approach

Consultation document

July 2021

This document is also available in Welsh.



**The Scottish  
Government**  
Riaghaltas na h-Alba



**Llywodraeth Cymru  
Welsh Government**

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.



© Crown copyright 2021

This information is licensed under the Open Government Licence v3.0. To view this licence, visit [www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)

This publication is available at [www.gov.uk/government/publications](http://www.gov.uk/government/publications)

Any enquiries regarding this publication should be sent to us at

Pigs, Eggs and Poultry Team,  
1<sup>st</sup> Floor,  
South East Quarter, Seacole Building,  
2 Marsham Street, London, SW1P 4DF

[www.gov.uk/defra](http://www.gov.uk/defra)

## Contents

How to respond .....	4
1 Introduction.....	5
2 How and why we are consulting with you .....	5
3 Background .....	6
4 PMMR .....	7
5 Proposals.....	7
Proposal 1: to enable a risk based approach to enforcement of PMMR.....	7
Proposal 2: to grant charging powers to Port Health Authorities (PHAs) and Local Authorities (LAs) .....	9
Proposal 3: to omit fixed fees for water content tests and replace with a flexible clause on charging .....	9
6. Timeline .....	10
7. Consultation.....	11

## How to respond

- Submit your consultation response using the online survey provided on Citizen Space (Citizen Space is an online consultation tool). If you require a hard copy of this consultation email [Poultry.mailbox@defra.gov.uk](mailto:Poultry.mailbox@defra.gov.uk)
- To respond via post, please address your response to:  
Enforcement of Poultry Meat Marketing Standards (PMMR) approach,  
Consultation Coordinator, Defra, 2<sup>nd</sup> Floor,  
Foss House,  
Kings Pool,  
1-2 Peasholme Green,  
York,  
YO1 7PX

To respond via email: [poultry.mailbox@defra.gov.uk](mailto:poultry.mailbox@defra.gov.uk)

Responses should be received by 9 August 2021. This is a 4 week consultation.

# 1 Introduction

1.1. Poultrymeat marketing standards in the UK are established by Regulation (EC) Number 543/2008 and enforced in:

- England by the Poultrymeat (England) Regulations 2011
- Wales by the Poultrymeat (Wales) Regulations 2011
- Scotland by the Poultrymeat (Scotland) Regulations 2011

In this consultation we refer to these together as the Poultrymeat Marketing Regulations, or PMMR.

1.2. Regulation 543/2008 was retained in domestic law after the Transition Period (which ended on 31 December 2020) and remains in force as amended by the Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (Number 2) Regulations 2019 and the Common Organisation of the Markets in Agricultural Products (Miscellaneous Amendments) (EU Exit) (Number 2) Regulations 2020.

## 2 How and why we are consulting with you

2.1. Defra, the Welsh Government, and the Scottish Government are looking to make legislative amendments to update the approach to the enforcement of PMMR across parts of the supply chain

2.2 PMMR is a devolved matter. Each of the 3 devolved administrations is leading on the amendments to these legislations for its own authority.

2.2.1 The three devolved administrations are engaging with each other about alignment of proposed amendments. PMMR requirements in Northern Ireland (NI) will not be amended as they currently align with the EU, as required under the Northern Ireland Protocol.

2.2.2 We will work with NI to make sure our positions have optimal alignment and that Great Britain (England, Wales, and Scotland) and Northern Ireland poultry meat movements continue with minimal impact.

2.3. The purpose of this consultation is to seek the views of industry on our proposed amendments to Regulation (EC) 543/2008, Poultrymeat (England) Regulations 2011, Poultrymeat (Wales) Regulations 2011 and Poultrymeat (Scotland) Regulations 2011.

2.4. Together these amendments include provisions designed to make the PMMR regulations clear and remove any ambiguity of how they should be implemented, as well as making the legislation more operable.

2.4.1 In doing so, we are looking to ensure that poultry meat marketing standards are being upheld throughout the supply chain without causing undue burden to businesses.

2.5. It is our priority to ensure we have a comprehensive understanding of industry's views of these proposals.

2.6. Responses to this consultation will be considered as Defra, the Welsh Government and the Scottish Government progress amendments to the existing domestic regulations.

## 3 Background

3.1. Poultry meat marketing regulations were introduced by Council Regulation 1906/1990 and Commission Regulation 1538/1991 to protect consumers from being misled in respect of the various marketing terms used or from being confused by differing presentations of poultry meat.

3.1.1 Council Regulation 1906/1990 was later repealed and incorporated into Council Regulation 1234/2007 as amended. Council Regulation 1234/2007 was then repealed by Council Regulation 1308/2013, although some provisions of Council Regulation 1234/2007 relating to poultry meat continue to have effect.

3.1.2. Commission Regulation 1538/1991 was repealed and replaced by Commission Regulation Number 543/2008.

3.2. In 2010 Defra conducted a consultation on the enforcement of PMMR, resulting in the enforcement regime of the Poultrymeat (England) Regulations 2011.

3.2.1. Respondents' views were considered by the Government prior to the domestic regulations coming into force in England.

3.2.2. The Scottish Government also conducted a consultation on enforcement of the PMMR in 2011, which informed the Poultrymeat (Scotland) Regulations 2011.

3.3. Due to the length of time that has elapsed since the 2010 and 2011 consultations were carried out, together with the introduction of checks under the PMMR and domestic enforcement regulations, we are aware that the context in which these checks are to be carried out has changed.

3.3.1. We are therefore keen to seek your views as to what a proportionate and fair regime of checks would look like going forward.

## 4 PMMR

4.1. The PMMR, which applies across the supply chain, relates to the following aspects for the marketing of cuts and carcasses of fresh or frozen poultry meat either produced in or imported into the country:

- labelling
- presentation
- weight
- grading
- water content
- use of special marketing terms (relating to farming and chilling methods)

4.2. The PMMR seeks to protect the consumer by setting high uniform standards and providing informative labelling.

4.2.1 It also protects the producer against unfair competition. The PMMR includes requirements about marketing standards compliance checks, which are aimed at safeguarding quality and consumer confidence.

4.3. Food safety is not impacted by PMMR. The marketing standards checks do not relate to sanitary and phytosanitary (SPS) requirements.

4.3.1 Human health and hygiene rules are laid down in other regulations. Likewise, these checks do not relate to animal welfare requirements, which are again laid down in other regulations.

## 5 Proposals

### **Proposal 1: to enable a risk based approach to enforcement of PMMR**

5.1 We plan to amend the legislation governing the checks listed below to clearly reflect our preferred approach of inland and import compliance checks with the PMMR.

5.1.2 The checks will be carried out on the following listed aspects of cuts and carcasses of fresh and frozen poultry meat at slaughterhouses, cutting plants, warehouses and retail (the nature of these checks is detailed in the referenced articles of Regulation 543/2008):

- labelling (Article 1, Article 3, Article 4, Article 5, Article 8)
- presentation (Article 3, Article 8)
- grading (Article 7, Article 8)
- weight (Article 9)
- water content (Article 15(1) and (2), 16 (1), (2), (3) and (4) and 20 (2), (3) and (4))

5.2. The legislation which we have inherited is not as straightforward as it might be. Of the checks referred to in paragraph 5.1, the frequency at which these are to be carried out is stipulated only for water content checks at slaughterhouses and cutting plants.

5.2.1 For other checks, and for water content checks at points in the supply chain other than slaughterhouses and cutting plants, no frequency is stipulated.

5.2.2 We would prefer to remove any ambiguity from the legislation about how frequent checks should be so that our enforcement approach is clear and consistent.

5.2.3 This will align with other marketing standards legislation that stipulates the expected frequency of checks to be carried out.

5.3. The change we are proposing is to apply levels of checks through both a random and risk based approach.

5.3.1 This approach will determine the frequency of checks. slaughterhouses, cutting plants, warehouses and retail premises in England, Wales and Scotland will be checked at a common frequency when the new risk-based approach is introduced.

5.3.2 The level of compliance found in initial inspections will then determine the frequency of future inland checks.

5.4. The location of the above checks will take place at corresponding points of the supply chain, at cutting plants, slaughterhouses, retail premises, warehouses (referred to here as "inland" checks) and at Border Control Posts (BCPs) for imported poultry meat.

5.5. Whilst this consultation is primarily in reference to the implementation of poultry meat marketing standards checks on all poultry produced in Great Britain, the same checks apply to third country imported poultry meat.

5.5.1 Depending on the point of entry, responsibility for checking imports at an animal product Border Control Post will fall to either a Port Health Authority (PHA) or Local Authority (LA). In Scotland, this falls to a food authority (which is defined as or equivalent to a local authority).

5.6. For the frequency of these checks we are proposing a risk based and random approach to the inland checks which will determine the frequency of checks. The level of compliance will determine the frequency of future inland checks.

5.6.1 We are seeking industry views through this consultation on how the baseline should be established.

5.6.2 Specifically in relation to water content checks at slaughterhouses and cutting plants, the legislation states in Articles 16 and 20 that checks are to be carried out at a frequency of testing at least once every 8 working hours, with further detailed stipulations about frequency of subsequent checks depending on compliance with those initial checks.

5.6.3 We are consulting on a potential move to a simpler, more flexible risk-based approach to these tests which will target non-compliant premises.

5.6.4 A baseline will be established by carrying out tests at the stipulated frequency of once every 8 working hours, as per the legislation, the frequency of these tests may be reduced in relation to levels of compliance.



5.7. The frequency of import checks at Border Control Posts will relate to SPS risk checks. When SPS checks are conducted on poultry meat, marketing standards checks will be conducted at the same time.

5.8. The sampling method: Labelling, presentation, grading and weight checks will be carried out by random sampling, according to the sample sizes laid down in Articles 8 and 9 of the PMMR.

5.8.1 For water content checks, the sample sizes will be those set out in the current legislation. Where at all possible the same sample will be used for multiple checks to minimise the impact on the produce being inspected.

5.9. The powers given to authorised officers in cases of non-compliance within the regulations are laid out in the PMMR. Offences, appeals, and seizure processes are also laid down in these regulations.

## **Proposal 2: to grant charging powers to Port Health Authorities (PHAs) and Local Authorities (LAs)**

5.10. Current legislation does not grant PHAs charging powers for carrying out PMMR checks on imported poultry meat. Without this change PHAs will not be able to recover the cost needed to carry out PMMR checks for third country imports.

5.10.1 Depending on the point of entry, responsibility for checking imports at an animal product BCP will fall to either a PHA or a LA.

5.11. In England we are exploring options to grant PHAs and LAs charging powers for full cost recovery on all PMMR checks on imports.

5.12. To ensure third country poultry meat checks can be completed in Wales, we are considering granting charging powers to PHAs and LAs for full cost recovery of PMMR import checks.

5.13. For Scotland, Food Authorities have charging powers for carrying out water content tests. We are in discussion with them regarding charging to allow for full cost recovery for other PMMR checks on imports.

## **Proposal 3: to omit fixed fees for water content tests and replace with a flexible clause on charging**

5.14. One of the PMMR checks is a technical test for water content levels. Schedule 3 of the Poultrymeat (England) Regulations 2011 lists fixed fees for testing poultry meat water content levels.

5.15 As a result, the Food Standards Agency (FSA) and PHAs and LAs are currently unable to fully recover the cost of the water content test as the fixed fees means full cost recovery at present is not possible.

5.16. We plan to omit the fixed cost for water content testing and replace this with a flexible clause on charging so that full cost recovery is possible for water content testing.

5.17. To make government-supported water testing available at a cost that the market will support. It is proposed by Defra that a contract for the outsourcing of this water test requirement is put in place.

5.17.1 The suppliers will be selected by a competitive tender process designed to provide industry with high quality testing service, meeting all of the required standards whilst offering value for money.

5.17.2 It is anticipated at this stage that this will be via a concession contract, allowing industry to transact directly with the water content test supplier under a government contract.

5.18. We will replace fixed fees for water testing with a flexible charging clause. This will be designed to limit increases in charges, reflecting actual cost of the selected testing supplier.

5.19 These increases will be limited to no more than one annual increase. This will enable those contracted to carry out water content tests to charge the market rate at the point of contracting for these tests, whilst protecting the end users from undue cost increases in the later years of the contract.

5.20. We are reviewing Schedule 3 of the Poultrymeat (Wales) 2011 Regulations (fixed testing costs), for replacement with a flexible pricing clause.

5.20.1 Consideration is being given, but not limited, to recovery of the actual cost of testing during the life of any supplier contract granted, annual increases reflective of market rates and protection of the end user from undue cost increases.

5.21. For Scotland, Schedule 2 of the Poultrymeat (Scotland) Regulations 2011 lists fixed fees for testing of poultry meat water content levels:

5.21.1 As a result, Food Standards Scotland and Food Authorities are currently unable to fully recover the cost of the water content test as the fixed fees mean charging the market rate at present is not possible.

5.22. We intend to replace Schedule 2 with a flexible provision which will enable Food Standards Scotland and Food Authorities to charge market rate for those tests.

5.22.1 This will be designed to limit increases in charges, reflecting actual cost. These increases will be limited to no more than one annual increase. This would enable full cost recovery, while protecting the end users from undue cost increases.

## 6. Timeline

6.1. Our ambition is to deliver these legislative amendments by the end of 2021 with the new approach going live in January 2022. An indicative, high-level timeline only can be given at this point.

6.1.1. We will update industry when delivery times become clearer.

6.2. On this basis, the following high-level timeline will be followed:

- August 2021 – closure of this consultation and consideration of responses
- Late 2021 – updated PMMR compliance guide to be published
- 1 January 2022 – introduction of new approach to PMMR checks on imported poultry meat

## 7. Consultation

7.1. The following questions are those on which Defra, the Scottish Government and the Welsh Government would appreciate your responses. These should be submitted to Citizenspace or the address given at the end of this document, by 09 August 2021.

7.2. Would you like your response to be kept confidential?<sup>i</sup>

7.3. What is the name of your organisation?

7.4. What is your role?

7.5. Your email address

7.6. Where are you or your members located? (please select all that apply)

(If you are responding on behalf of a membership-based organisation please select the areas where your members are located)

**England**

**Wales**

**Scotland**

**Northern  
Ireland**

7.7. Does your organisation represent multiple parties that will be impacted by poultrymeat marketing standards checks?

7.7.1. If so, please give a brief description of who your organisation represents.

7.8. Were you or your organisation previously aware of the marketing standards laid down in Regulation (EC) 543/2008 and enforced by Poultrymeat (England) Regulations 2011, Poultrymeat (Wales) Regulations 2011, Poultrymeat (Scotland) Regulations 2011?

Yes

No

7.9. Would you benefit from the receipt of a compliance guide prior to the introduction of the new approach to checks on poultrymeat marketing standards?

Yes

No

7.10. Do you foresee any immediate issues regarding the compliance of poultry meat being processed at your or your members' establishments or the establishments you represent, should our proposal take effect?

7.11. What, if any, are the key barriers to the introduction of these checks that we should be aware of?

7.12. We want the implementation of our proposal on poultry meat marketing standards to be as undistruptive as possible but must ensure we uphold the high marketing standards laid down in the regulations.

7.12.1. How often do you think checks in slaughterhouses, cutting plants, retail, and warehouses should be carried out, to assess marketing standards, without causing undue burden to your business or the businesses you represent?

7.13. We are proposing a random and risk-based approach to checks in slaughterhouses, cutting plants, retail, and warehouses, which will determine the frequency of checks. From 1 January 2022 checks would initially be carried out at a common frequency to build an accurate compliance picture. The level of compliance will then determine the frequency of future checks.

7.13.1. Do you think the frequency of checks should be subject to change, depending on the risk of non-compliance at slaughterhouses, cutting plants, retail, and warehouses?

7.13.2. How do you think the baseline for the frequency of checks should be established?

7.14. For imports, what are your views on using the SPS risk approach to determine the frequency of PMMR checks?

7.15. Do you think a risk based approach to the frequency of PMMR checks should apply to poultry meat being imported from the EU and other third countries?

Yes

No

---

7.16. Water content checks are a requirement of the legislation. Do you have any comments or views on the implementation of these tests?

7.17. Would you be interested in attending a round table to further discuss the implementation of PMMR checks?

7.18. Do you have any further comments on the proposed implementation of these checks?

7.19. Are there any further amendments you would like to see considered in future PMMR reviews?

---

<sup>i</sup> If you click on ‘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 confidentiality.

The reason for this is that information in responses to this consultation may be subject to release to the public or other parties in line with the access to information law (these are 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 particular 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 obligation of confidentiality.

If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

If you click on ‘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.

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 for the purposes of consultation response analysis and provision of a report of the summary of responses only.

This consultation is being conducted in line with the [Cabinet Office “Consultation Principles”](#).

Please find our latest privacy notice uploaded as a related document alongside our consultation document.

---

If you have any comments or complaints about the consultation process, address them to:

Consultation on PMMR enforcement approach  
Consultation Coordinator, Defra  
2<sup>nd</sup> Floor, Foss House, Kings Pool,  
1 to 2 Peasholme Green  
York  
YO1 7PX

Or email: [consultation.coordinator@defra.gov.uk](mailto:consultation.coordinator@defra.gov.uk)