



21st February 2023

### Trader Notice No. 03 of 2023

To: Free Range Poultrymeat Producers  
Free Range Poultrymeat Processors  
Bord Bia  
Teagasc Poultry Advisor  
Irish Farmers Association  
FSAI

#### **Marketing of Free Range Poultrymeat, Avian Influenza Precautionary Confinement of Birds Extending Beyond 12 Weeks**

- As a result of an increased risk of Highly Pathogenic Avian Influenza (HPAI) affecting commercial poultry flocks in Ireland, the Department of Agriculture, Food & the Marine (DAFM) introduced a housing order for birds under the Animal Health and Welfare Act 2013 Regulations. This housing order requires flock keepers to confine all poultry and captive birds in their possession or under their control in a secure building to which wild birds, or other animals do not have access and to apply particular bio-security measures. The Avian Influenza (Precautionary Confinement of Birds) Regulations 2022, came into force on **07 November 2022**.
- The purpose of this note is to provide guidance to free range poultrymeat producers and to processing plants authorised to slaughter free range poultrymeat, on the requirements for the labelling of their product when a confinement period extends beyond the 12-week derogation period.
- EU Regulations laying down detailed rules regarding marketing standards for poultrymeat are found in Commission Regulation (EC) No. 543/2008. This Regulation sets down minimum requirements that must be met in order to use the term “Free Range”, including rules around access to the range. This Regulation also allows for derogation on the use of the term free range where veterinary restrictions are imposed, including the restriction of access of poultry to open air runs to protect public and animal health.
- The derogation period for free range poultrymeat in Commission Regulation (EC) No. 543/2008 is **12 weeks**.
- The derogation applies at flock level, i.e., the commencement of the 12-week period begins on the date on which the flock is placed in the house. This allows farms introducing new flocks during the restriction period, to benefit from the full derogation; poultrymeat from each **individual flock** on the same farm can be labelled as free-range for a full 12-week period if open air access is restricted.



- Once a flock is reared beyond the 12-week confinement period, producers and processing plants in the free-range sector must make alternative labelling arrangements, **where required**, in order to comply with the relevant EU standards.
- It is **not mandatory** under the EU rules on Marketing Standards for poultrymeat to indicate a farming method on poultrymeat packaging.
- For new poultrymeat flocks placed after **07 November 2022** the derogation will expire 12 weeks from the date of placement of the flock. Please see Section (I) below for details on how the derogation is calculated.
- The status will revert from “**Barn Reared**” to “**Free Range**” on the day the confinement order is lifted and the flock have access to the range area.

#### **I. How is the derogation period calculated?**

The EU Commission has provided clarification that, consistent with the provisions for eggs, the derogation applies at flock level. In practice, for an existing flock the commencement of the 12-week derogation period begins on the date on which the housing order is put in place. Where a new flock is placed on a “free range” farm that is already under a housing order, the poultrymeat from this flock can be marketed as “free range” poultrymeat without this flock having access to open air runs for a maximum period of 12 weeks. The derogation will impact on poultry which are normally reared for periods in excess of 12 weeks.

**Example:** Broilers which are reared to 56 days, can be placed in the house anytime during the confinement period and are permitted to be marketed as free range. It is only in cases where any species of poultrymeat is reared to in excess of the 12 week period or 84 days, that the derogation will have an impact.

**House A:** Broiler Day olds placed on **02 January 2023**, reared to 27 February 2023 – these birds can be marketed as free-range as they are within the 12 week derogation period. House A is restocked on 14 March 2023 and the derogation period recommences on this date for this flock.

**House B:** Turkey day olds placed on **02 January 2023**, processed on 26 March 2023 – these birds can be marketed as free-range. However, if these birds were reared for a further period and were processed on/after **27 March 2023**, these birds cannot be marketed as free-range as they are reared beyond the 12 week period.

#### **II. What changes must take place if the Avian Influenza (Precautionary Confinement of Birds) Regulations remain in force**

**For poultrymeat produced from a free-range flock which has been confined indoors for a 12-week period and where that 12-week derogation period has expired:**



- Marketing standards for poultrymeat are set out in Commission Regulation (EC) No 543/2008. It is **not mandatory** under the EU rules on Marketing Standards for poultrymeat to indicate a farming method on poultrymeat packaging.
- When displaying the farming method on poultrymeat, the general provisions on food information to the consumer<sup>1</sup> applies and provides that *“food information shall not be misleading particularly as to the characteristics of the food and in particular, as to its [...], method of manufacture or production”* and also that *“food information shall be accurate, clear and easy to understand to the consumer”*.
- The European Commission has clarified that alternative forms of labelling information about the change of status of the poultrymeat from **“free range”** to **“barn reared”**, for example, through stickers on packs or indications on stores' shelves where the labelling of the farming method (**“free range”**) on packaging is not accordingly modified will not be in line with the above provisions.
- The European Commission has further clarified that where existing free-range packaging is used all free-range indications must be fully masked. Therefore, packaging indicating that the product is **“Barn Reared”** must not include any images or text which indicates that the poultrymeat is free range.
- Where producers/processors wish to indicate a farming method on packages of poultrymeat, they have the option of re-classifying the poultrymeat as **“Barn Reared”** if the derogation has expired. **It is possible to hold dual registration status, i.e. “Free Range” and “Barn reared” at the same time.**
- **“Free Range Poultrymeat”** producers were also registered as **“Barn Reared”** poultrymeat producers to allow the marketing of poultrymeat as **“Barn-Reared”** during previous confinement periods. This registration remains valid and can be used, if required, in the event of a continued period of confinement of a flock beyond the 12 weeks derogation.
- Poultrymeat Slaughter Plants authorised to process **“Free Range”** poultrymeat applied during previous confinement periods for authorisation to process **“Barn Reared”** poultrymeat. This authorisation remains valid and can be used, if required, in the event of a continued period of confinement of a flock beyond the 12 weeks derogation.

If you wish to seek registration as a **“Barn Reared”** producer or authorisation to process **“Barn Reared”** poultrymeat or if you have any queries in relation to the information contained in this document, please contact us by email or phone:

[feedenquiries@agriculture.gov.ie](mailto:feedenquiries@agriculture.gov.ie) or call 01-5058884.

Feedingstuffs, Fertilisers, Grain and Poultry Division.  
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<sup>1</sup> Regulation (EU) No 1169/2011