L.N. 509 of 2004

VETERINARY SERVICES ACT

(CAP. 437)

Animal Health Conditions Governing Intra-Community Trade in Ovine and Caprine Animals Rules, 2004

BY virtue of the powers conferred by article 11 of the Veterinary Services Act, the Minister for Rural Affairs and the Environment has made the following rules:-

Title, scope and applicability

1. (1) The titles to these rules is the Animal Health Conditions Governing Intra-Community Trade in Ovine and Caprine Animals Rules, 2004.

(2) All parts of these animals which are fit for human consumption shall be considered to be meat.

(3) All meat which has not undergone any preserving process shall be considered as fresh meat; however, for the purposes of these rules chilled and frozen meat shall be considered to be fresh meat.

(4) The scope of these rules is to implement the provisions found under Directive 72/461/EEC on Intra-Community Trade in Fresh Meat of Domestic Bovine Animals, Swine, Sheep and Goats and Solipeds.

Definitions

2. For the purposes of these rules and unless the context otherwise requires:-

"the Act" means the Veterinary Services Act;

"the Commission" means the European Commission;

"the Community" means the European Community as established under the Treaty establishing the European Community;

"the Competent Authority" means the Veterinary Services within the territory of Malta as provided under article 2 of the Act;

"country of destination" means the Member State to which fresh meat is sent from another Member State;

"exporting country" means the Member State from which fresh meat is sent to another Member State;

"official veterinarian" means the veterinarian designated by the Veterinary Services.

Conditions for the transfer of meat to another Member State

3. Only fresh meat which fulfils the following requirements may be sent from the territory of Malta to the territory of another Member State:

(a) meat obtained from domestic sheep, goats or solipeds must, without prejudice to rule 6, come from animals which have stayed in the territory of the Community for at least twenty-one days immediately prior to slaughter or from birth in the case of animals less than twenty-one days old;

(b) the meat must not have been obtained from animals which come from a holding or area which, for health reasons, is subject to prohibition pursuant to Article 3 (2) (b) of the Council Directive of the 26th June, 1964 on animal health problems affecting intra-Community trade in bovine animals and swine, as a result of the outbreak of foot and mouth disease, swine fever, swine vesicular disease or contagious swine paralysis (Teschen disease) to which the animals in question are susceptible;

(c) the meat must not be obtained from slaughterhouses in which cases of foot and mouth disease, swine fever, swine vesicular disease or contagious swine paralysis (Teschen disease) have been recorded. Should there be an outbreak of one of these diseases, the Veterinary Services shall ensure that no meat suspected to be contaminated forms part of intra-Community trade; and

(d) the meat shall not be subject of animal health restrictive measures pursuant to the provisions of Council Directive 80/217/EEC of the 22nd January, 1980 introducing Community measures for the control of classical swine-fever.

Sending of animals to other Member States

4. Without prejudice to rule 3 (b), fresh meat from swine, sheep and goats may not be sent to the territory of another Member State only insofar as such animals do not come from a holding in the territory of Malta which is subject to prohibition for health reasons as a result of the outbreak of porcine, ovine or caprine brucellosis. Such prohibition must last at least six weeks after the last case has been officially recorded.

Health mark on fresh meat

5. The Veterinary Services shall ensure that fresh meat obtained from animals which do not fulfil the requirements of rules 3 and 4 hereof shall not be given the health mark provided for in Chapter XI of Schedule I of the regulations relating to health problems affecting intra-Community trade in fresh meat.

Superimposition of mark

6. Notwithstanding rule 5 (1), and in so far as it is not intended for intra-Community trade in fresh meat, the meat referred to in that rule may carry the mark defined in Annex I, Chapter IX of Directive 64/433/EEC, provided that the special mark referred to in the Annex to these rules is immediately superimposed thereon. The provisions of Annex I, Chapter XI, point 49 of Directive 64/433/EEC shall apply *mutatis mutandis* to the keeping and use of marking instruments. Such meat must be obtained, cut, transported and stored separately from, or not at the same time as, meat intended for intra-Community trade in fresh meat.

Conditions for the transfer of meat from a Member State

7. (1) When Malta is considered as country of destination, Veterinary Services may grant to one or more exporting countries general authorisations or authorisations restricted to specific cases for the introduction into the territory of Malta of fresh meat, in

derogation from rule 3 (a) does not come from animals which have stayed in the territory of the Community for at least twenty-one days immediately prior to slaughter or since birth in the case of animals less than twenty-one days old.

(2) When Veterinary Services grant a general authorisation, in accordance with sub-rule (1), it shall immediately inform the Member States and the European Commission.

(3) When Veterinary Services grant one of the authorisations provided for in sub-rule (1) hereof, a corresponding authorisation should be obtained, in cases of transit, from the countries of transit concerned.

African swine fever cases in the territory of Malta

8 (1) Where African swine fever has been recorded within the previous 12 months in the territory of Malta, exports of fresh pig-meat to the territory of the other Member States are prohibited. It may be decided, in accordance with the requirements of the European Commission that the provisions of the first sub-rule shall not apply to one or more parts of the territory. This derogation shall not preclude recourse to the provisions laid down in Council Directive 89/662/EEC should one or more cases of African swine fever reoccur in the above part or part of territory.

(2) Where there is an outbreak of African swine fever in the territory of Malta where the disease has not been recorded for at least 12 months, it may be decided, in accordance with the requirements of the European Commission, that the provisions of sub-rule (1) shall apply exclusively to a part of territory concerned. Pending this decision, and without prejudice to the safeguard measures decided under Council Directive 89/662/EEC, the Veterinary Services shall ensure the immediate prohibition of export to the other Member States of fresh pig-meat from the part of territory in which the epizootic disease has been recorded. The criteria laid down in sub-rule 9(2) shall be taken into account in determining that part of the territory. One or more cases of African swine fever on a part of Malta's territory which is not geographically linked to the main part of Malta, shall not prevent the application of sub-rule (1):

Provided that the conditions prerequisite to the application of sub-rule (1) shall still be deemed to be fulfilled if the following conditions have been fulfilled:

(i) any outbreak recorded on the occurrence of African swine fever referred to in sub-rule (1) was eradicated in the shortest possible period of time;

(ii) the new outbreak, which forms the subject of a fresh request for a decision, as provided for in sub-rule (1), is not connected epidemiologically with the outbreak or outbreaks referred to in sub-rule 8(2)(i) hereof.

(3) Decisions to lift measures applied under sub-rule (2) shall be taken in accordance with the requirements of European Community and in accordance with the procedure laid down in articles 11 and 15 of the Act.

Defining parts of the territory

9 (1) For the purposes of defining the parts of territory referred to in sub-rule 8(1), particular account shall be taken of:

(a)the methods used to control and eradicate African swine fever,

(b) the absence of the disease for at least 12 months, recorded by all the methods of detection, including serological surveys,

(c) the surface area of the parts of territory and their administrative and geographical boundaries,

(d) the protective measures taken to prevent the contamination or recontamination of pig herds,

(e) the measures taken to control the movement of pigs.

(2) For the purposes of defining the parts of territory referred to in sub-rule 8(2), particular account shall be taken of:

(a) the methods used to combat the disease, in particular the elimination of pigs from holdings which are infected, contaminated or suspected of contamination,

(b) the surface area of the parts of territory and their administrative and geographical boundaries,

(c) the incidence of the disease and its tendency to spread,

(d) the measures taken to prevent the disease from spreading,

(e) the measures taken to restrict and control the movement of pigs both inside and outside the part of territory concerned.

Implementation of European Community Law

10. Until European Community provisions relating to importation of fresh meat from third countries are implemented, national provisions relating to fresh meat imported from those countries shall not be more favourable than those resulting from the Council 72/461/EEC.

Veterinary checks applicable to intra-Community trade

11. The rules laid down in Directive 89/662/EEC concerning veterinary checks applicable in intra-Community trade, with a view to the completion of the internal market, shall apply in particular to checks at origin, to the organization of and follow-up to the checks to be carried out by the Veterinary Services at destination, and to the protective measures to be implemented.

SCHEDULE

Mark for meat intended for a use other than in intra-Community trade in fresh meat

1. The over-stamping must be done in such a way that the oval stamp defined in Annex I, Chapter XI, and No 50 of Directive 64/433/EEC is covered by a diagonal cross consisting of two straight lines crossing at right angles, with the point of intersection in the centre of the stamp and the information thereon remaining legible.

2. The marks mentioned in paragraph 1 may also be made with a single stamp which will be an oval stamp 6 · 5 cm long and 4 · 5 cm broad; the following information must appear on the mark in perfectly legible characters:
   - on the upper part, the name of the exporting country in capitals,
   - in the centre, the veterinary approval number of the slaughterhouse,
   - on the lower part, one of the following sets of initials: CEE - EØF - EWG - EOK - EEC - EEG - ETY - EHS - EMÜ - EEK - EEB - EGK - KEE - EGS,
   - two straight lines crossing the stamp diagonally, intersecting at right angles at the centre of the stamp in such a way that the information is not obscured.

   The letters must be 0 · 8 cm high and the figures 1 cm high.

   The stamp may also carry information whereby the veterinarian who inspected the meat may be identified.