

L.N. 69 of 2005

**VETERINARY SERVICES ACT
(CAP. 437)**

**Health and Veterinary Inspection Problems upon Importation of
Bovine Animals, Swine and Fresh Meat from Third Countries
Rules, 2005**

IN exercise of the powers conferred by article 12 of the Veterinary Services Act, the Minister for Rural Affairs and the Environment has in agreement with the Minister of Health the Elderly and Community Care made the following regulations:-

Chapter 1

Preliminary

Title, scope and applicability.

1. (1) The title of these rules is the Health and Veterinary Inspection Problems upon Importation of Bovine Animals, Swine and Fresh Meat from Third Countries rules, 2005.

(2) The scope of these rules is to implement the provisions laid down under European Union Council Directive 72/462/EEC of the 12th December 1972 on health and veterinary inspection problems upon importation of Bovine Animals and Swine and Fresh Meat from Third Countries.

(3) These rules shall apply to imports from third countries of -

(a) domestic bovine animals and swine for breeding, production or slaughter;

(b) domestic ovine or caprine animal for breeding, production or slaughter;

(c) fresh meat from domestic animals of the following species -

(i) bovine animals (including the species *Bubalus bubalis* and *Bison bison*);

(ii) swine;

(iii) sheep and goats; and

(iv) domestic solipeds;

(d) for the purposes of rule 3, fresh meat of cloven hoofed wild animals and wild solipeds, in so far as these concerns permitted importation from certain third countries of origin;

(e) meat products produced from fresh meat as defined in the sub- rules (3)(c), with the exception of fresh meat referred to in Article 5 of European Union Council Directive 64/433/EEC and the corresponding provisions in rule 19 of these rules.

(4) These rules shall not apply to -

(a) animals intended exclusively for grazing or draught purposes, on a temporary basis, in the vicinity of the European Community frontiers;

(b) meat and meat products other than those referred to in paragraph (e) hereof forming part of travellers' personal luggage and intended for their personal consumption, in so far as the amount or quantity transported does not exceed one kilogram per person and provided that they come from a third country or part thereof appearing on the list drawn up in accordance with rule 3 and from which importation is not prohibited under Article 28 of the European Union Council Directive 72/462/EEC;

(c) meat and meat products other than those referred to in paragraph (e) hereof sent as small packages to private persons, provided that such meat and meat products are not imported by way of trade, that the quantity does not exceed one kilogram and that they come from a third country or part thereof appearing on the list drawn up in accordance with rule 3 and from which importation is not prohibited under Article 28 of the European Union Council Directive 72/462/EEC;

(d) meat and meat products for consumption by the crew and passengers on board means of transport operating internationally;

Provided that where such meat and meat products or their kitchen waste are unloaded, they must be destroyed. It is not, however, necessary to destroy meat or meat products when they are transferred, directly or after being placed provisionally under customs supervision, from one means of transport to another;

(e) where quantities of no more than one kilogram are involved, meat products having undergone heat treatment in a hermetically sealed container to a F_0 value of 3,00 or more-

(i) forming part of travellers' personal luggage and intended for their personal consumption;

(ii) sent as small packages to private persons, provided that such meat products are not imported by way of trade.

Definitions.

2. (1) For the purposes of these rules, the definitions given in articles 2 of European Union Council Directives 64/432/EEC, 64/433/EEC and in European Union Council Directive 72/461/EEC of the 12th December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries, all these Directives, as last amended by European Union Council Directive 89/662/EEC, by European Union Council Directive 77/99/EEC of the 21st December 1976 on health problems affecting intra Community trade in meat products as last amended by European Union Directive 89/662/EEC, and by European Union Council Directive 91/68/EEC, shall apply as necessary:

Provided that the definitions of poultry meat appearing in Article 1 of European Union Council Directive 71/118/EEC shall not apply for the purposes of these rules.

(2) Unless the context otherwise requires, the following terms shall have the following meanings:-

“the Competent Authority” means the competent authority for the territory of Malta which is the Veterinary Services as defined in article 2 of the Veterinary Services Act;

“country of destination” means the Member State to which animals, fresh meat or meat products are sent from a third country;

“epizootic-free area” means an area in which, according to official findings, the animals have not suffered from any of the contagious or infectious diseases on the list drawn up in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC, for a period and within a radius defined in accordance with the same procedure;

“holding” means an officially supervised agricultural, industrial or commercial undertaking situated in the territory of a third country, on which bovine animals or swine, for breeding,

production or slaughter, or ovine or caprine animals for breeding, rearing, fattening or slaughter are regularly kept or bred;

“importation” means the introduction into the territory of the Community of animals, fresh meat or meat products from third countries;

“official veterinarian” means the veterinarian designated by relative the competent Authority of a Member State or a third country;

“third country” means a country in which European Union Council Directives 64/432/EEC, 64/433/EEC, 77/99/EEC and 91/68/EEC do not apply.

3. (1) The Council, acting on a proposal from the Commission, shall draw up a list of the countries or parts thereof from which the Member States shall authorize importation –

List of countries from which Member States shall authorise importation.

(a) of domestic bovine, ovine and caprine animals and swine for breeding, production or slaughter;

(b) of fresh meat from domestic animals of the following species- bovine animals (including buffaloes), swine, sheep and goats, or domestic solipeds and meat products manufactured from or with the said meat;

(c) of fresh meat of cloven-hoofed wild animals and wild solipeds:

Provided that in the application of the aforementioned provision account shall be taken of the health situation in those countries or parts thereof:

Provided further that this list may be supplemented or amended according to the procedure laid down in Article 30 of the European Union Council Directive 72/462/EEC in particular as regards the drawing-up of the heading concerning meat products, with a reference, where appropriate, to the animal species and, in the case provided for under regulation 21(1) to the required treatment.

(2) In deciding, in the case of both bovine, ovine and caprine animals and swine and fresh meat and meat products, whether a third country or part thereof may appear on the list referred to in sub-rule 3 (1) hereof, particular account shall be taken of –

(a) the state of health of the livestock, other domestic animals and wildlife in the third country, particular attention being paid to exotic animal diseases and of the environmental health situation in that country, which might endanger public and animal health in the Member States;

(b) the regularity and rapidity of the information supplied by the third country relating to the existence of infectious or contagious animal diseases in its territory, in particular those diseases mentioned in Lists A and B of the International Office of Epizootic Diseases;

(c) the country's rules on animal disease prevention and control;

(d) the structure of the veterinary services in the country and their powers;

(e) the organization and implementation of measures to prevent and control infectious or contagious animal diseases;

(f) that country's legislation on the use of substances, in particular legislation concerning the prohibition or authorization of substances, their distribution, release on to the market and their rules covering administration and inspection.

(3) For the purpose of deciding, in the case of meat products, whether a country or part thereof can appear on the list referred to in sub-rule (1), account shall be taken of, inter alia, the guarantees provided by the third country in regard to public health and animal health.

(4) The list referred to in sub-rule (1) hereof and all amendments thereto shall be published in the *Official Journal of the European Communities*, and will also be published by the Veterinary Services.

Authorisation for
the importation of
fresh meat.

4. (1) In accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC, one or more lists shall be drawn up of establishments from which Member States may authorize importation of fresh meat or meat products. In accordance with the detailed implementing rules to be established by the European Union Commission under the procedure laid down in Article 30 of the European Union Council Directive 72/462/EEC, the list or lists may be amended or supplemented by the Commission in line with the result of the inspections provided for in sub-rule (5) hereof, of which it has previously informed the Member States:

Provided that in the event of difficulties, the matter shall be referred to the Committee in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC.

(2) In deciding whether a slaughterhouse, a cutting plant or an establishment engaged in the production of meat products or a cold store situated outside a slaughterhouse or cutting plant or production plant may appear on one of the lists referred to in sub-rule (1), particular account shall be taken of:-

(a) the guarantees which the third country can offer with regard to compliance with these regulations;

(b) the third country's regulations with regard to the administration to animals for slaughter of any substance which might affect the wholesomeness of the meat or meat products, or both;

(c) as regards fresh meat, compliance in each particular case with the European Union Council Directive 72/462/EEC and with Annex I to the European Union Council Directive 64/433/EEC:

Provided that derogations shall be permitted, in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC, from the second, third and fourth indents of paragraph 14 (c), and paragraph 42 (a) (2) of Annex I of the European Union Council Directive 64/433/EEC where the third country concerned provides similar guarantees; in that case, health conditions no less strict than those imposed in that Annex shall be imposed on a case-by-case basis in accordance with that procedure:

Provided further that in accordance with the same procedure, specific guarantees may be required concerning the quality of the potable water used by establishments and the medical supervision of staff working on and handling fresh meat;

(d) as regards meat products, compliance in each particular case with the provisions of these regulations and with the relevant provisions of Annexes A and B to the European Union Council Directive 77/99/EEC;

(e) the organization of the meat inspection service or services of the third country, the powers of this service or these services and the supervision to which it or they is or are subject.

(3) A slaughterhouse, a cutting plant, an establishment engaged in the production of meat products or a cold store situated outside a slaughterhouse, a cutting plant or production plant may not appear on the list or lists provided for in sub- rule (1) unless it is situated in one of the third countries or parts thereof on the list referred to in sub- rule 3 (1) and if it has, in addition, been officially approved for exports to the European Community by the competent authorities of the third country. Such approval shall be subject to observance of the following requirements -

(a) compliance with the relevant provisions of Annex I to the European Union Council Directive 64/ 433/EEC or respectively Annexes A and B to the European Union Council Directive 77/99/EEC;

(b) constant supervision by an official veterinarian of the third country.

(4) The list or lists referred to in sub-regulation (1) and all amendments thereto shall be published in the *Official Journal of the European Communities* and shall be regularly published by the Maltese Competent Authorities.

Inspections on the spot.

5. (1) Inspection shall be carried out on the spot by veterinary experts of the Member States and the Commission to verify whether the provisions of these rule, and in particular sub- rule 3 (2) and 4 (2) and (3), are being applied in practice.

(2) Should an inspection carried out within the terms of this rule bring to light serious facts against an approved establishment, the Commission shall immediately inform the Competent Authority and forthwith adopt a decision provisionally suspending the approval. A final decision shall be taken according to the procedure provided for in Article 30 of the European Union Council Directive 72/462/EEC.

(3) The experts from the territory of Malta entrusted with these inspections shall be appointed by the Commission, acting on a proposal from the Maltese Competent Authority.

(4) The inspections mentioned in this rule shall be made on behalf of the Community which shall bear the cost of any expenditure incurred in this connection:

Provided that the frequency of and the procedure for these inspections shall be determined according to the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC.

CHAPTER II

IMPORTATION OF BOVINE, OVINE AND CAPRINE ANIMALS AND SWINE

6. (1) Without prejudice to sub-regulation 3(1), the Competent Authority shall not authorise the importation of the animals covered by these rule unless they come from third countries:- Animal importation.

(a) which have been free of those diseases to which the animals are susceptible -

(i) for the previous 12 months, in respect of cattle plague, contagious pleuro-pneumonia, blue-tongue, African swine fever, contagious porcine paralysis (Teschen disease) , Peste des petits ruminants, Epizootic Haemorrhagic Disease, sheep pox, goat pox and Rift Valley Fever;

(ii) for the previous six months, in respect of contagious vesicular stomatitis;

(b) in which, during the preceding 12 months, vaccination against the diseases referred to in rule 6(1)(a)(i) to which these animals are susceptible has not been carried out.

(2) The Competent Authority shall make the introduction into their territory of animals which are of a species susceptible to foot-and-mouth disease from the territory of a third country subject to the following conditions:-

(a) where the animals come from a third country which has been free of foot-and-mouth disease for at least two years, which has not practised vaccination for at least 12 months and which does not allow on to its territory animals which have been vaccinated less than one year previously, a guarantee that they have not been vaccinated against foot-and-mouth disease;

(b) where the animals come from a third country which has been free of foot-and-mouth disease for at least two years, which practises vaccination and which allows vaccinated animals on to its territory:-

(i) a guarantee that the animals have not been vaccinated against foot-and-mouth disease;

(ii) a guarantee that the cattle have reacted negatively to a foot-and mouth virus test carried out by the laryngo pharyngeal scrape method (probang test);

(iii) a guarantee that the animals have reacted negatively to a serological test carried out to detect the presence of foot-and-mouth antibodies;

(iv) a guarantee that the animals have been isolated in the exporting country at a quarantine station for 14 days under the surveillance of an official veterinarian. In this connection, no animal located at the quarantine station shall have been vaccinated against foot and-mouth disease during the 21 days preceding exportation and no animal, other than those forming part of the consignment, shall have been introduced to the quarantine station during that same period;

(v) placing in quarantine for a period of 21 days.

(3) Where the animals come from a third country which has not been free of foot-and-mouth disease for at least two years:-

(a) the guarantees referred to in rule 6(2);

(b) further guarantees to be decided on in accordance with the procedure laid down in Article 30 of the European Union Council Directive 72/462/EEC:

Provided that for the purposes of this rule, a third country may continue to be considered as having been free of foot-and-mouth disease for at least two years, even if a limited number of outbreaks of the disease have been recorded on a limited part of its territory, on condition that such outbreaks were stamped out within a period of less than three months.

(4) In accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC-

(a) without prejudice to rule 3 (1), a list shall be adopted of the third countries which are authorized to export animals to the European Community and which satisfy the requirements of rule (2);

(b) a list shall be adopted of the quarantine stations from which those countries may export animals to the Community; and

(c) a decision shall be taken on any further guarantees in relation to each such country.

(5) In respect of classical swine-fever, pigs must come from the territory of a third country which-

(a) has been free from classical swine-fever for at least 12 months;

(b) has not permitted vaccination for the preceding 12 months;

(c) does not allow on its territory pigs which have been vaccinated less than 12 months previously.

(6) By way of derogation from rule (5), it may be decided, in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC, to authorize the importation of pigs coming from a part of the territory of a third country provided that vaccination against classical swine-fever is prohibited throughout the entire territory of that country and that the part of the territory of the third country concerned fulfils the conditions laid down in rule (5).

(7) By way of derogation from sub- rule (5), in the event of classical swine-fever occurring in a third country which fulfils the conditions of sub- rule 6(5), it may be decided, in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC, that the period of 12 months referred to in sub-rule (4)(a) may be reduced to six months if-

(a) an outbreak or a number of epizootiologically interrelated outbreaks occur within a geographical limited area; and

(b) the outbreak or outbreaks have been stamped out, within a period of three months and without recourse to vaccination.

7. (1) It may be decided, in accordance with the procedure set out in Article 29 of the European Union Council Directive 72/462EEC, that the provisions of rule 6 (1)(a) of these rule shall only apply to a part of the territory of a third country.

Applicability of animal import rules from third countries.

(2) In accordance with the same procedure, by derogation from the provisions of rule 6 (1)(b) the importation of animals referred to in these rule may, on certain conditions, be permitted from a third country or from parts of that country where vaccinations are carried out against one or more of the diseases mentioned in rule 6(1)(a)(i).

Rules regarding the importation of animals from third countries.

8. (1) Without prejudice to the provisions of rule 6 and 7, the Competent Authority shall only authorise the importation of the animals referred to in these rule from a third country unless such animals satisfy the animal health requirements adopted in accordance with the procedure laid down in Article 29 of European Union Council Directive 72/462/EEC for importations from that country, according to the species and destination of the animals.

(2) It may be decided, in accordance with the procedure laid down in Article 29 of European Union Council Directive 72/462EEC, that authorizations are to be confined to particular species, to bovine animals or swine for slaughter, breeding or production, to ovine or caprine animals for breeding, rearing, fattening or slaughter or to animals intended for particular purposes, or that all necessary animal health measures are to be applied after importation:

Provided that in the case of animals for breeding, rearing, production or fattening, requirements imposed pursuant to this sub-rule may vary from one Member State to another in order to take account of the special provisions for the benefit of Member States in the framework of intra-Community trade.

(3) With regard to fixing animal health conditions in accordance with sub-rule (1):-

(a) the standards laid down in Annex A of the European Union Council Directive 64/432/EEC shall apply as the reference basis for bovine tuberculosis, bovine and swine brucellosis;

(b) the standards laid down in rule 4, 5 and 6, or pursuant to rule 7 or 8, and those contained in Annex A of the European Union Council Directive 91/68/ EEC, shall apply as the reference basis for the disease to which ovine and caprine animals are susceptible:

Provided that it may be decided, in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC, on a case-by-case basis to derogate from those standards where the third country concerned provides similar animal health guarantees; in that case, animal health conditions at least equivalent to those mentioned in rule 6(3)(a) and (b) shall be laid down in accordance

with the same procedure in order to permit the entry of such animals into Community herds or flocks.

9. (1) Where the Competent Authority consider that the foot-and-mouth disease vaccines used in a third country against the A, O and C viruses have certain deficiencies, they shall prohibit the introduction into the territory of Malta of bovine, and swine from the third country concerned. The Competent Authority shall inform the other Member States and the European Commission as soon as possible of its decision and shall give grounds for this decision. The Standing Veterinary Committee shall meet as soon as possible after this notification and a decision shall be taken in accordance with the procedure laid down in Article 30 of the European Union Council Directive 72/462/EEC.

Procedure were the Competent Authority refuse to grant allowance to import of animals from third countries due to deficiencies in vaccines.

(2) The Competent Authorities shall follow the Decision of the European Community which shall be taken following their information.

10. (1) The Competent Authority shall not authorise the importation of bovine, ovine and caprine animals and swine unless on the day of loading for dispatch to the country of destination, these animals have remained continuously in the territory or part of the territory of a third country on the list established in accordance with rule 3 (1) for at least the previous:-

Authorisation for the importation of caprine, swine, ovine, bovine animals.

(a) six months in the case of bovine animals or swine, for breeding or production and of ovine or caprine animals for rearing, breeding or fattening;

(b) three months in the case of animals for slaughter.

(2) In the case of animals which are less than 6 or 3 months old respectively, they shall be required to have remained in that territory from birth.

11. (1) The Competent Authority shall not authorise the importation of bovine, ovine or caprine animals or swine unless a certificate drawn up by an official veterinarian of the exporting third country is produced.

Regulations regarding the certificate which must accompany imported animals.

(2) This certificate must -

(a) be issued on the day of loading of the animals for consignment to the country of destination;

(b) be worded at least in one of the official languages of the country of destination and in one of the official languages of the country carrying out the import inspection provided for in the relevant European Union legislation;

(c) the original of this certificate must accompany the animals;

(d) attest that the bovine, animals or swine meet the requirements of the European Union Council Directive 72/462/EEC and those laid down pursuant to the same Directive with regard to importation from third countries;

(e) consist of one single sheet of paper;

(f) be made out in the name of one single addressee.

(3) This certificate must comply with a specimen established in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC.

Procedure used in the case where animals are imported directly for slaughter.

12. Upon arrival in the territory of Malta, the animals for slaughter shall be taken directly to a slaughterhouse and, in accordance with animal health requirements, be slaughtered not later than three working days after their entry into that slaughterhouse:

Provided that without prejudice to any special conditions which may be set out in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC, the Competent Authority may, on health grounds, designate the slaughterhouse to which these animals must be taken.

CHAPTER III

IMPORTATION OF FRESH MEAT

Rules on the importation of fresh meat.

13. (1) Fresh meat must come from animals which have remained for at least three months before being slaughtered, or since birth if the animals in question are less than three months old, in the territory, or in part thereof, of a third country on the list drawn up in accordance with rule 3 (1).

(2) Notwithstanding rule 3 (1), the Competent Authorities shall not authorize the importation of fresh meat unless it comes from third countries:

(a) which, for the previous 12 months, have been free from those of the following diseases to which the animals from which the meat has come are susceptible: cattle plague, African swine fever, contagious porcine paralysis (Teschén disease);

(b) in which no vaccinations have been carried out for 12 months against the diseases mentioned in paragraph (a) to which the animals from which the meat has come are susceptible.

(c) in which no classical swine-fever has been detected for at least the preceding 12 months, vaccination against classical swine-fever has not been authorized for at least the preceding 12 months and no pigs have been vaccinated against classical swine-fever in the preceding 12 months.

(3) Without prejudice to rule 3 (1), the import of fresh meat from third countries in which-

(a) foot-and-mouth disease (strains A, O, C) is endemic;

(b) systematic slaughtering is not carried out where an outbreak of foot-and-mouth disease occurs;

(c) vaccination is practiced,

shall be permitted only under the following conditions:

(i) the third country or a region within the third country is approved under the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC;

(ii) the meat is matured, its pH controlled, deboned and the major lymphatic glands removed:

Provided that the import of offals for human consumption shall be restricted, taking into account expert scientific opinion. Special conditions may be possible for offals for the pharmaceutical and pet food industry. These restrictions and conditions shall be adopted according to the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC.

(4) The import of fresh meat from third countries in which vaccination against foot-and-mouth disease strains SAT or ASIA 1 is used shall be permitted only under the following conditions-

(a) the third country has regions where vaccination is not permitted and no foot-and-mouth disease has occurred for 12 months; the regions shall be approved under the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC;

(b) the meat is matured, deboned, and the major lymphatic glands have been removed, and is not imported until three weeks after slaughter;

(c) the importation of offal from the third countries referred to in this rule is not permitted.

(5) The import of fresh meat from third countries shall be permitted in accordance with the conditions established under the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC:

Provided that such third country is one in which –

(a) vaccination is practised;

(b) which have been free of foot-and-mouth disease for 12 months.

(6) The import of fresh meat from a third country shall be permitted under the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC and in accordance with the rules governing intra-Community trade:

Provided that such third country is one in which –

(a) routine vaccination is not carried out;

(b) freedom from foot-and-mouth disease has been established:

Provided that additional rules which may apply to the countries referred to in rule 13(3) and (4) shall be established in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC.

Applicability of
rule 13.

14. (1) It may be decided, in accordance with the procedure set out in Article 29 of the European Union Council Directive 72/462/EEC, that rule 13 (2) (a) shall apply to part only of the territory of a third country.

(2) In accordance with the same procedure and by way of derogation from rule 13 (2) (b), importation of fresh meat may be permitted, on certain conditions, from a third country or part of the territory of that third country where vaccinations have been carried out against one or more of the diseases referred to in sub-regulation 13 (2) (a).

(3) In accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC, it may be decided to derogate from rule 13 (2) (c).

15. (1) Without prejudice to the provisions of rule 13 and 14, the Member States shall not authorize importation of fresh meat from a third country unless the meat complies with the public health and animal health requirements adopted in accordance with the procedure set out in Article 29 European Union Council Directive 72/462/EEC for importation of fresh meat from that country according to the species of animal concerned.

Regulations dealing with the importation of fresh meat from third countries.

(2) In accordance with the procedure provided for in Article 29 of the European Union Council Directive 72/462/EEC, the Competent Authority may be authorized to import the raw materials mentioned in Article 16 (2) of the European Union Council Directive 72/462/EEC from third countries which do not appear on the list referred to in rule 15(1) under conditions which take account of the specific health situation of the third countries concerned.

(3) The conditions relating to the said imports, established in accordance with the procedures referred to in Article 16 of the European Union Council Directive 72/462/EEC must in no case be more favorable than those governing Intra-Community trade.

16. (1) The Competent Authorities shall not authorize importation of fresh meat in the form of carcasses, including half-carcasses in the case of swine, and halves or quarters in the case of bovine animals and solipeds, unless it possible to reconstruct the entire carcass of each animal.

Importation of fresh meat in the form of carcasses.

(2) Such importation of fresh meat shall be subject to the following conditions-

(a) have been obtained in a slaughterhouse mentioned on the list established in accordance with rule 4 (1);

(b) come from a slaughter animal inspected ante mortem by an official veterinarian in accordance with Annex 1, Chapter

VI, of the European Union Council Directive 64/433/EEC and passed fit, as a result of such inspection for slaughter for the purposes of export to the Community:

Provided that in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC, additional requirements adapted to the specific situation of countries specified by name with respect to certain diseases likely to endanger human health may be decided on;

(c) have been treated according to the hygiene conditions in accordance with Annex B, Chapter VII of the European Union Council Directive 64/433/EEC;

(d) have undergone a post-mortem inspection carried out under the responsibility and direct control of an official veterinarian in accordance with Chapter VIII of Annex I to the European Union Council Directive 64/433/EEC, and have shown no change except for traumatic lesions incurred shortly before slaughter, or localized malformations or changes, provided that it is established, if necessary by appropriate laboratory tests, that these do not render the carcase and offal unfit for human consumption or dangerous to human health:

Provided that in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC, additional requirements adapted to the specific situation of countries specified by name with respect to certain diseases likely to endanger human health may be decided on;

(e) bear a health mark to be decided in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC. The health mark must be applied in accordance with Chapter XI of Annex I of the European Union Council Directive 64/433/EEC;

(f) after post-mortem inspection carried out as laid down in (d), have been stored in establishments and satisfactory hygienic conditions and in accordance with Chapter XIV of Annex I to the European Union Council Directive 64/433/EEC;

(g) have been transported in accordance with Chapter XV of Annex I to the European Union Council Directive 64/433/EEC and undergone handling in satisfactory conditions of hygiene.

(3) When carrying out the post-mortem inspection referred to in sub-rule (2) (d), and when verifying compliance with the hygiene conditions referred to in sub-rule (2) (c) and with the requirements of Chapter XIV of Annex I to the European Union Council Directive 64/433/EEC, the official veterinarian may be helped by assistants working under his responsibility.

(4) These assistants must –

(a) be appointed by the competent central authority of the exporting country, in accordance with the provisions in force;

(b) have appropriate training;

(c) enjoy a status guaranteeing their impartiality towards those running the establishments;

(d) have no power of decision concerning the final result of the public health inspection.

17. (1) By way of derogation from rule 16 (1), the Member States may permit importation of: Exceptions to rule 16.

(a) half-carcases, half carcases cut into no more than three wholesale cuts, quarters or offal complying with the conditions set out in rule 16 (2) and (3) from slaughterhouses designated for this purpose in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC;

(b) cuts smaller than quarters or boned meat or offal or sliced livers of bovine animals from cutting plants inspected pursuant to rule 4 and approved for this purpose in accordance with the procedure set out in Article 29 of the European Union Council Directive 72/462/EEC. Such meat shall, in addition to the conditions laid down in rule 16(2) and (3), comply with the following conditions-

(i) have been cut and obtained, in compliance with the prescriptions of Chapter IX, Annex 1 of the European Union Council Directive 64/433/EEC;

(ii) have been inspected by an official veterinarian, in accordance with the provisions of Chapter X of Annex 1 of the European Union Council Directive 64/433/EEC;

(iii) its packaging must comply with the requirements set out in Chapter XII of Annex I to the European Union Council Directive 64/433/EEC;

(iv) it must undergo all inspections, carried out by Community veterinarians, required to ensure that the abovementioned provisions have been complied with;

(v) fresh meat of solipeds must undergo inspection by the country of destination with a view to possible restrictions on the use of such meat.

(2) Notwithstanding rule 19 (j) and (k), the Competent Authority may authorize importation in to their territories of meat in pieces of less than 100 grams within the meaning of Article 2 (2) (b) of the European Union Council Directive 88/657/EEC from masseter muscles and brains provided that they comply with the requirements of rule 16 (2) and with rule 17 (1) (b) (iii), (iv) and (v) and, as regards meat in pieces of less than 100 grams, with the conditions laid down in the European Union Council Directive 88/657/EEC.

(3) In accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC it may be decided that, in establishments specially designated for this purpose, the meat may be cut while warm under special conditions other than those laid down in paragraph 46 of Chapter IX of Annex I to the European Union Council Directive 64/433/EEC.

(4) The admission of sliced livers of animals other than of the bovine species may be decided upon by the European Union Council acting by a qualified majority on a proposal from the European Union Commission.

Applicability of rule
16 and 17.

18. (1) Rule 16 and 17 shall not apply –

(a) to fresh meat imported by authorisation of the country of destination for uses other than human consumption;

(b) to fresh meat intended for exhibition or special studies or for analyses provided that administrative supervision makes it possible to ensure that this meat is not used for human consumption, and provided that when the exhibition finishes or when the special studies or analyses have been carried out this meat, with the exception of that used during the analysis, is withdrawn from Community territory or destroyed;

(c) to fresh meat intended exclusively for the supply of international organisations, subject to being approved according to the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC and in so far as this meat comes from a country on the list established in accordance with rule 3 (1) and that the animal health requirements are complied with. The Member States in the territory of which the international organisations in question are located shall ensure that this meat is not placed in free movement:

Provided that in the cases mentioned in rule 18 (1) (a) and (b), the country of destination shall ensure that the meat in question cannot be put to any use other than that for which it was admitted into its territory.

(2) Rule 18 (1) (a) shall apply *mutatis mutandis* to meat products.

19. (1) The importation into Malta of fresh meat from boars or cryptorchid pigs shall be prohibited.

Rules dealing with the importation of fresh meat.

(2) The importation into Malta of fresh meat shall be prohibited if they come:-

(a) comes from animals to which hormonal substances prohibited under the European Union Council Directives 81/602/EEC and 88/146/EEC have been administered;

(b) contains residues of hormonal substances authorized in accordance with the exceptions provided for in Article 4 of the European Union Council, Directive 81/602/EEC and Articles 2 and 7 of the European Union Council Directive 88/146/EEC, residues of antibiotics, pesticides, or of other substances which are harmful or likely to make the consumption of fresh meat dangerous or hazardous to human health, in so far as such residues exceed the permitted level:

Provided that permitted levels shall be fixed by the European Council, acting on a proposal from the Commission and may subsequently be amended in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC;

(c) is fresh meat treated with ionizing or ultraviolet radiation, and fresh meat from animals to which tenderizers or other products likely to adversely affect the meat's composition or organoleptic characteristics have been administered;

(d) is fresh meat to which substances other than those provided for in paragraph 58 of Chapter XI of Annex I to the European Union Council Directive 64/433/EEC, have been added for the purpose of health marking;

(e) is fresh meat from animals which have been found to have any form of tuberculosis whatsoever and fresh meat from animals which, after slaughter, have been found to have any form of tuberculosis whatsoever or to be carrying one or more cysticerci bovis or cysticerci cellulosae, live or dead, or, in the case of swine, to have trichinae;

(f) is fresh meat from animals slaughtered too young;

(g) parts of the carcase or offal with traumatic lesions incurred shortly before slaughter or malformations, contaminations or changes referred to in sub-regulation 16 (2) (d);

(h) is blood;

(i) is minced meat, meat cut up in a similar manner and mechanically recovered meat;

(j) is fresh meat in pieces of less than 100 grams;

(k) is the heads of cattle, and parts of the muscular and other tissues of the head, apart from the tongue.

Issuing of rules by the European Union Council.

20. The method and procedures required for detecting the presence of threadworms in fresh meat of swine shall be laid down by the Council, acting on a proposal from the European Union Commission.

CHAPTER IV

IMPORTS OF MEAT PRODUCTS

Rules regarding the importation and preparation of meat products.

21. (1) Without prejudice to sub- rule (2) hereof, the meat products must have been prepared wholly or partly from fresh meat-

(a) satisfying the requirements of rules 13 and 14, and any specific animal health conditions laid down pursuant to rule 15, or

(b) originating in a Member State, provided such fresh meat:

(i) satisfies the requirements of Articles 3 and 4 of the European Union Council Directive 80/215/EEC without prejudice to the requirements of Articles 7 and 10 of the European Union Council Directive 80/215/EEC;

(ii) has been sent, under veterinary control, to the processing establishment either directly or following prior storage in an approved cold-storage plant;

(iii) has, before processing, undergone inspection by an official veterinarian to ensure that such fresh meat is still fit to undergo processing in accordance with the European Union Council Directive 77/99/EEC.

(2) Notwithstanding the previous provisions, the Competent Authority may not refuse imports of meat products from a third country or a part thereof which appear under the “Meat products” heading on the list drawn up in accordance with regulation 3, but from which imports of fresh meat are not authorized or are no longer authorized, provided that the products in question meet the following requirements:

(a) they must come from an establishment which, having already satisfied the general conditions for approval, has been granted special approval for this type of product;

(b) they must have been obtained from or with fresh meat as defined in sub-rule (1) or from meat coming from the producing country which must:-

(i) satisfy certain requirements of health policy to be drawn up in each individual case, on the basis of the health situation of the producing country under the procedure set out in Article 30 of the European Union Council Directive 72/462/EEC;

(ii) come from a slaughterhouse that is specifically approved for the delivery of meat to the establishment referred to under sub- rule 2(a);

(iii) bear a special mark to be specified under the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC;

(c) they must have undergone heat treatment in a hermetically sealed container to a F_0 value of 3,00 or more:

Provided that, under the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC, other types of treatment may be allowed on the basis of the animal health situation prevailing in the exporting country.

Further rules regarding the importation and preparation of meat products.

22. In addition to the requirements set out in rule 21, meat products coming from third countries may be imported into the Community only if they satisfy the following requirements:-

(1) they must have been obtained in an establishment appearing under the 'Meat products' heading on the list drawn up pursuant to rule 4;

(2) they must have come from an establishment meeting the relevant requirements of Annexes A and B to a European Union Council Directive 77/99/EEC;

(3) they must have been obtained in conditions of hygiene satisfying the requirements of Chapter II and points 23 and 25 of Chapter III of Annex A to the European Union Council Directive 77/99/EEC;

(4) they must have been obtained wholly from-

(a) fresh meat:

(i) from an establishment appearing on one of the lists drawn up pursuant to the European Union Council Directive 64/433/EEC or these rule;

(ii) satisfying requirements of rule 16 and 17 and, in addition, meeting the conditions laid down in points 23 and 25 of Chapter III of Annex A to the European Union Council Directive 77/99/EEC;

(b) where rule 21(2) applies, from meat satisfying the specific requirements fixed for the producing country in question;

(c) meat products obtained in an establishment appearing either on the list drawn up pursuant to rule 4 or on one of the lists referred to in Article 7 of the European Union Council Directive 77/99/EEC;

(5) they must meet the general requirements laid down by the European Union Council Directive 77/ 99/EEC, and in particular-

(a) they must have undergone one of the treatments defined in Article 2(d) of the European Union Council Directive 77/99/EEC;

(b) they must have undergone inspection by an official veterinarian in accordance with Chapter IV of Annex A to the European Union Council Directive 77/99/EEC and, where hermetically sealed, inspection pursuant to requirements to be established in compliance with Chapter II of Annex B to the European Union Council Directive 77/99/EEC;

(c) in carrying out such inspection, the official veterinarian may be aided by assistants reporting to him. Such assistants must-

(i) be appointed by the central competent authority of the exporting country in accordance with the provisions in force;

(ii) have received appropriate training;

(iii) have a legal status ensuring that they are independent of those in charge of the establishments;

(iv) have no power of decision concerning the final result of the inspection;

(d) in the event of wrapping and packaging, they must have been wrapped and packed in accordance with Chapter V of Annex A to the European Union and Council Directive 77/99/EEC;

(e) they must bear a public health stamp which meets the marking conditions laid down in Chapter VI of Annex A to the European Union Council Directive 77/99/EEC, except for the initials and sets of initials for Malta which are to be replaced by the name of the third country of origin, accompanied by the veterinary authorization number of the establishment of origin;

(f) they must be stored and transported to the Community under satisfactory conditions of hygiene in accordance with Chapter VIII of Annex A to the European Union Council Directive 77/99/EEC and handled under satisfactory conditions of hygiene; in the case of meat products referred to in Article 4 of the European Union Council Directive 77/99/EEC, the producer must, for the purposes of inspection, mark visibly and clearly on the packaging of the product the temperature at which the product must be

transported and stored and the period for which it can be stored in that condition;

- (6) they must not have been subjected to ionizing radiation.

CHAPTER V

REQUIREMENTS APPLICABLE TO BOTH MEAT AND MEAT PRODUCTS

Certificate which must accompany imported fresh meat or meat products.

23. (1) Member States shall not authorize fresh meat or meat products to be imported without presentation of an animal health certificate and a public health certificate drawn up by an official veterinarian of the exporting third country.

These certificates must:

- (a) be drawn up in at least one of the official languages of the country of destination and one of those of the Member State in which the import inspections provided for in Articles 23 and 24 of the European Union Council Directive 72/462/EEC are carried out;

- (b) accompany the fresh meat or meat products in the original;

- (c) consist of a single sheet of paper;

- (d) be made out for a single consignee.

(2) The animal health certificate must certify that the fresh meat or meat products comply with the animal health requirements laid down in these rules and with those laid down pursuant to it with respect to the importation of fresh meat or meat products from the third country.

(3) The health certificate must correspond to a model established in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC. It may be decided in accordance with the same procedure and case by case that this animal

health certificate and the public health certificate shall constitute a single sheet.

(4) The public health certificate must correspond, in presentation and content for fresh meat, to the specimen appearing in Schedule A and for meat products to the specimen appearing in Schedule C, and be issued on the day on which the fresh meat or meat products are loaded with a view to dispatch to the country of destination.

24. (1) The Competent Authority shall ensure that each consignment of fresh meat or meat products undergoes a public health inspection before being released for consumption on the geographical territory of the Community, and an animal health inspection, carried out by an official veterinarian.

Regulations dealing with inspections.

(2) The Member States shall ensure that importers are obliged to give at least two working days' notice to the local service responsible for the import inspection at the post where the fresh meat or meat products are to be submitted for inspection, specifying the quantity and nature of the meat or the meat products and the time from which the inspection may be carried out.

(3) The public health inspection provided for in sub- rule (1) shall be carried out by random sampling in the case of imports covered by sub- rule 17 (1), 18, 22 and 23. The purpose of this inspection shall be in particular to verify, in accordance with rule 4:-

(a) the public health certificate, the compliance of the fresh meat or meat products with the stipulations on that certificate, the health marking;

(b) the state of preservation, the presence of dirt or pathogenic agents;

(c) the presence of residues of substances referred to in rule 20;

(d) whether, with regard to fresh meat, slaughter and cutting or, with regard to meat products, the production have been carried out in establishments approved for that purpose;

(e) the conditions of transport.

(4) There shall be adopted, in accordance with the procedure laid down in Article 29 of the European Union Council Directive 72/462/EEC, the rules necessary to ensure that the inspections referred to in sub-rule (1) are carried out in a uniform way, particularly as regards the application of rule 19, and more particularly the methods of analysis and sampling intervals and standards.

(5) The Competent Authority shall prohibit the marketing of fresh meat or meat products if the inspections provided for in sub-rule (1) have shown that-

(a) the fresh meat or meat products are not suitable for human consumption,

(b) the conditions laid down in these rules and Annex I to the European Union Council Directive 64/433/EEC or Annexes A and B to the European Union Council Directive 77/99/EEC have not been fulfilled,

(c) one of the certificates referred to in rule 23 which accompany each consignment does not comply with the conditions laid down in the said rule.

(6) If the fresh meat or meat products cannot be imported they must be returned, unless this is contrary to animal or public health considerations.

(7) If it is impossible to return the meat or meat products, they must be destroyed in the territory of the Member State in which the inspections have taken place:

Provided that by way of derogation from sub-rules (6) and (7) and if the importer or if his representative so requests, the Member State carrying out the animal health and public health inspections may authorize its entry for uses other than human consumption, provided that there is no danger for humans or for animals, that the meat or meat products are from a third country included on the list drawn up in accordance with rule 3 (1) and that importation is not prohibited under Article 28 of the European Union Council Directive 72/462/EEC. Such

meat or meat products may not leave the territory of that Member State, which must verify the final destination of the meat or meat products.

(8) In all cases, after the inspections referred to in sub-rule (1) and (2), the certificates must be endorsed so as to indicate clearly the use authorized for the meat or meat products.

25. (1) The fresh meat or meat products of each consignment authorized for circulation in the Community by a Member State on the basis of the inspections referred to in rules 25 (1) and (2) must, when forwarded to the country of destination, be accompanied by a certificate corresponding, in presentation and content, to the specimen given in Schedule B.

Certificate which must accompany fresh meat or meat products.

(2) This certificate must –

(a) be drawn up by the competent official veterinarian at the inspection post or at the place of storage;

(b) be issued on the day of loading for dispatch of the fresh meat or meat products to the country of destination;

(c) be drawn up in at least one of the official languages of the country of destination;

(d) accompany the consignment of fresh meat or meat products in the original.

26. All expenditure incurred as a result of the application of rules 24 and 25, and in particular the costs of inspection of the fresh meat or meat products, storage costs and the cost of destroying such meat or meat products shall be chargeable to the consignor, the consignee or their representative without any compensation by Malta.

Recovery of expenses.

27. (1) These rules shall not apply to imports from third countries of fresh meat referred to in rule 1(3)(c) or meat products thereof until the entry into force of any Commission Decision adopted, in accordance with the procedure set out in Article 29 of the European Union Council Directive 72/462/EEC, for the purpose of making the necessary adjustments to the list referred to in rule 3.

Further rules dealing with imports of fresh meat from third countries.

(2) Any law on public health shall continue to apply to imports of fresh meat or meat products, referred to in rule 28(1), from third countries until the entry into force of Community rules on this subject.

Schedule A**SPECIMEN****PUBLIC HEALTH CERTIFICATE****Specimen public health certificate**

for fresh meat ⁽¹⁾ intended for (name of EEC Member State)

No ⁽²⁾.....

Exporting country:.....

Ministry:

Department:.....

Ref.

(Optional)

I. Identification of meat:

Meat of

(Animal species)

Nature of cuts:.....

Nature of packaging:

Number of cuts or packages:.....

Month(s) and year(s) when frozen

Net weight:.....

II. Origin of meat :

Address (es) and veterinary approval number (s) of the approval slaughterhouse (s):

.....

Address (es) and veterinary approved number (s) of the approved cutting plant (s):

.....

Address (es) and veterinary approved number (s) of the approved store(s):

.....

III. Destination of meat:

The meat will be sent from :

(place of loading)

to :

(country and place of destination)

¹ fresh meat within the meaning of Article 2 (b) of Directive 64/433/EEC.

² optional.

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by the following means of transport³:

.....

Name and address of consignor:

.....

Name and address of consignee:

.....

IV. Health Attestation

I, the undersigned, official veterinarian, certify that :

(a) - the meat described above (⁴),

- the label affixed to the packages of meat described above (⁵), bear(s) a mark to the effect that the meat comes wholly from animals slaughtered in slaughterhouses approved for exporting to the country of destination;

(b) the meat was obtained under the conditions governing production and control laid down in Directive 72/462/EEC and that it is, therefore, considered as such to be fit for human consumption

(c) the meat has been cut in an approved cutting plant (⁶);

(d) the meat has / has not been subject to an examination for trichinosis or, where Article 3 of Directive 77/96/EEC applies, has undergone cold treatment;

(e) the means of transport and the loading conditions of meat of this consignment meet the hygiene requirements laid down in respect of export to the country of destination.

Done at, on

.....

(signature of official veterinarian)

³ for railway wagons or goods vehicles the registration number should be given, for aircraft the flight number and for ships the name.

⁴ delete as appropriate.

⁵ delete as appropriate.

⁶ delete as appropriate.

SCHEDULE B**Specimen****Import Inspection Certificate For Fresh Meat/Meat Products ⁽⁷⁾ Imported
From Third Countries**

Member State in which the import inspection was carried out:.....

Inspection post:.....

Type of meat/meat products ⁽⁸⁾:

Packaging:.....

Number of carcasses ⁽⁹⁾:.....Number of half-carcasses ⁽¹⁰⁾:.....Number of quarters ⁽¹¹⁾ or packages:.....

Net weight:.....

Third Country of origin:

In the case of meat products:

Products imported pursuant to Article 14 / Article 21a (2) ⁽¹²⁾ of Directive 72/462/EEC:

.....

Name and address of first consignee:

I, the undersigned, official veterinarian, certify that the meat/meat products ⁽¹³⁾ described
in the present certificate was/were inspected at the time of consignment forward.

Done at,

(Place and date)

.....

(official veterinarian)

⁷ delete as appropriate⁸ delete as appropriate⁹ only for fresh meat..¹⁰ only for fresh meat..¹¹ only for fresh meat..¹² delete as appropriate¹³ delete as appropriate

SCHEDULE C

Specimen Public health certificate for meat products¹⁴ intended for

.....
(Name of EEC Member State)

No:.....¹⁵

Exporting country:.....

Ministry:

Department:.....

Ref:

(optional)

I. Identification of meat products

Meat products of:

(Animal species)

Nature of pieces:

Nature of packaging:

Number of pieces or packages:

Required storage and transport temperature (¹⁶):

Storage period (¹⁷):

Net weight:.....

II. Origin of meat products

Address(es) and veterinary approval number(s) of the approved establishment(s):

.....

.....

¹⁴ meat products within the meaning of Directive 77/99/EEC

¹⁵ optional.

¹⁶ to be completed where indicated in accordance with Article 4 of Directive 77/99/EEC.

¹⁷ to be completed where indicated in accordance with Article 4 of Directive 77/99/EEC.

III. Destination of meat products

The meat products will be sent from:.....
(Place of loading)

to:
(Country and place of destination)

by the following means of transport ⁽¹⁸⁾:

Name and address of consignor:

.....

Name and address of consignee:

.....

IV. Health attestation

I, the undersigned, official veterinarian, certify that:

(a) - the meat products described above,

the label affixed to the packaged of meat products described above, bear(s) a mark to the effect that the meat products come wholly from fresh meat from animals slaughtered in slaughterhouses approved for exporting to the country of destination or, where Article 21a (2) of Directive 72/462/EEC is applied, from animals slaughtered in a slaughter-house specially for the delivery of meat for the treatment laid down in the said paragraph ⁽¹⁹⁾;

(b) the meat products have as such been passed as fit for human consumption following a veterinary inspection carried out in accordance with the requirements of Directive 72/462/EEC;

(c) the meat products have been obtained from pig-meat which has/has not been subject to an examination for trichinosis and in the latter case has undergone cold treatment ⁽²⁰⁾;

(d) the means of transport and the loading conditions of meat products of this consignment meet the hygiene requirements laid down in respect of export to the country of destination;

¹⁸ for railway wagons or goods vehicles the registration number should be given, for aircraft the flight number and for ships the name.

¹⁹ delete as appropriate.

²⁰ delete as appropriate.

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(e) the meat products have been obtained from meat which satisfies the requirement of Chapter III of these rules and those of Article 3 to Directive 77/99/EEC have been obtained under the derogation provided for in Article 21a (2) of Directive 72/462/EEC ⁽²¹⁾.

Done at, on

.....
(signature of the official veterinarian)

²¹ delete as appropriate.