L.N. 293 of 2005

VETERINARY SERVICES ACT
(CAP. 437)

Health Conditions governing Intra-Community Trade in Ovine and Caprine Animals Rules, 2005

BY virtue of the powers conferred by articles 8 and 9 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 title of these rules is the Health Conditions Governing Intra-Community Trade in Ovine and Caprine Animals Rules, 2005.

(2) The scope of these rules is to implement the provisions found under European Union Council Directive 91/68/EEC regarding animal health conditions governing intra-Community trade in ovine and caprine animals.

(3) These rules define the animal health conditions governing exchanges with Member States of European Union in ovine and caprine animals.

(4) For the purposes of these regulations any reference made under European Union Council Directive 91/68/EEC to Annex E has now been harmonised under Commission Regulation (EC) No 599/2004 of the 30th March 2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin:

Provided that the certificate found under commission decision 599/2004 shall apply to these rules.

Definitions.

2. (1) For the purposes of these rules, the definitions given in Article 2 of Directive 90/425/EEC and in Article 2 of Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC (1) shall apply as far as applicable.

(2) In addition, the following definitions shall apply for these purposes of these rules -

"the Act" means the Veterinary Services Act;

"approved assembly centre" means premises on which ovine or caprine animals originating from different holdings are grouped

together to form consignments of animals intended for intra-Community trade;

"approved dealer's premises" means premises operated by a dealer as defined in these rules and approved by the competent authorities at which ovine or caprine animals originated from different holdings are grouped together to form consignments of animals intended for intra-Community trade;

"assembly centre" means collection centres and markets, at which under the supervision of the official veterinarian ovine and caprine animals originating from different holdings are grouped together to form consignments of animals for national movement;

"brucellosis-free ovine or caprine holding" means a holding which satisfies the conditions laid down in Chapter 2 of Schedule A;

"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 Veterinary Services Act.

"compulsorily notifiable disease" means a disease listed under Section I of Schedule B;

"dealer" means any natural or legal person who buys and sells animals commercially either directly or indirectly, who has a turnover of these animals and who within a maximum of 29 days of purchasing animals resells them or relocates them from the first premises to other premises or directly to a slaughterhouse not within his ownership;

"holding of origin" means any holding on which the ovine and caprine animals have been continuously present as required by these rules and on which records are maintained demonstrating the residence of the animals which may be audited by the competent authorities;

"Member State" means a State which is a Member within the European Community;

"the Minister" means the Minister responsible for agriculture;

"official veterinarian" means a veterinarian designated by the competent central authority of the Member State; for Malta, a veterinarian designated by the Veterinary Services;

"officially brucellosis-free ovine or caprine holding" means a holding which satisfies the conditions laid down in Section I of Chapter 1 of Schedule A;

"ovine or caprine animals for breeding" means ovine and caprine animals other than those for slaughter or for fattening intended to be transported to the place of destination, either directly or via an approved assembly centre, for breeding and production purposes;

"ovine or caprine animals for fattening" means ovine and caprine animals other than those for slaughter or for breeding intended to be transported to the place of destination, either directly or via an approved assembly centre, in order to be fattened for subsequent slaughter;

"ovine or caprine animals for slaughter" means animals of the ovine or caprine species intended to be taken either directly or via an approved assembly centre to a slaughterhouse in order to be slaughtered;

"region" means that part of a Member State's territory which is at least 2000 km^2 in area and which is subject to inspection by the competent authorities and includes at least one of the following administrative regions:

-Belgium: province/provincie
-Germany: Regierungsbezirk
-Denmark: amt or island
-France: department
-Italy: provincial
-Luxembourg
-Netherlands: RVV-kring
-United Kingdom
England, Wales and Northern Ireland: county
Scotland: district or island area
- Ireland: county
-Greece: υομς
-Spain: provincial
-Portugal:
Continent: distrito
Other parts of Portugal's territory: região autónoma
-Austria: Bezirk
-Sweden: län
-Finland: lääni/län

"transporter" means any natural or legal person referred to in Article 5 of Directive 91/628/EEC;

"Veterinary Services" means the competent authority within the territory of Malta as established under article 2 of the Act.

Conditions to trade.

3. (1) Ovine and caprine animals for slaughter may be the subject of trade only if they fulfil the conditions laid down in rules 4 to 7 of these rules.

(2) Ovine and caprine animals for fattening may be the subject of trade only if they fulfil the conditions laid down in rules 4 to 8 hereof, without prejudice to any additional guarantees which may be required pursuant to rules 10 and 11.

(3) Ovine and caprine animals for breeding may be the subject of trade only if they fulfil the conditions laid down in rules 4 to 9, without prejudice to any additional guarantees which may be required pursuant to rules 10 and 11.

(4) By way of derogation from the provisions in sub-rules (2) and (3), the competent authorities of Member States of destination may grant general or limited derogations in respect of movement of ovine and caprine animals for breeding and fattening, intended solely for temporary pasturing near internal borders of the Community.

(5) Ovine and caprine animals covered by these rules must at no time between leaving the holding of origin and arriving at destination come into contact with clovenhoofed animals other than animals that have the same health status.

Powers of the Competent Authority.

4. (1) Veterinary Services shall ensure that ovine and caprine animals:

(a) are identified and registered in accordance with European Community legislation;

(b) are inspected by an official veterinarian during the 24 hours preceding the loading of the animals, and show no clinical sign of disease;

(c) do not come from a holding, nor have been in contact with animals from a holding, which is the subject of a prohibition on animal health grounds; the period of such prohibition shall last after the slaughter and, or the disposal of the last animal suffering from or susceptible to anyone of the diseases hereunder referred to, for at least:

(i) 42 days in the case of brucellosis,

(ii) 30 days in the case of rabies,

(iii) 15 days in the case of anthrax;

(d) do not come from a holding, nor have been in contact with animals from a holding, situated in an area which for health reasons is subject to a prohibition or restriction affecting the species involved in accordance with European Community and, or national legislation;

(e) are not the subject of animal health restrictions pursuant to European Community legislation on foot-and-mouth disease nor have they been vaccinated against foot-and-mouth disease.

(2) Veterinary Services shall ensure that the following animals are not the subject of trade:

(a) ovine and caprine animals which may have to be slaughtered under a national programme for the eradication of diseases not referred to in Annex C to Directive 90/425/EEC or in Chapter I of Schedule B to these rules;

(b) ovine and caprine animals which cannot be marketed on their own territory for health or animal health reasons justified by Article 30 of the Treaty of Rome.

(3) Veterinary Services shall ensure that ovine and caprine animals shall:

(a) either have been born and reared since birth in the European Community, or

(b) have been imported from a third country in accordance with European Community legislation.

Movement of animals.

5. (1) Veterinary Services shall ensure that ovine and caprine animals for slaughter, breeding and fattening are not dispatched to another Member State, unless the animals:

(a) have been continuously resident on the holding of origin for at least 30 days, or since birth if the animals are younger than 30 days of age,

(b) do not come from a holding into which ovine or caprine animals have been introduced during the 21 days prior to dispatch,

(c) do not come from a holding into which biungulate animals imported from a third country have been introduced during the 30 days prior to dispatch.

(2) By way of derogation from sub-rules (1)(b) and (c) of this rule, Veterinary Services may authorise the dispatch of ovine and caprine animals to another Member State, if the animals referred to in sub-rules (1)(b) and (c) hereof have been completely isolated from all other animals on the holding.

Application of rules 2 to 9.

6. (1) Veterinary Services shall ensure that the conditions set out in rules 2 to 9 are applied to intra-Community trade in all ovine and caprine animals.

(2) The animals shall not be outside their holding of origin for more than six days before being last certified for trade to the final destination in another Member State as indicated in the health certificate:

Provided that without prejudice to rule 15(1) in the case of transport by sea, the time limit of six days shall be prolonged by the duration of the sea journey.

(3) After leaving the holding of origin the animals shall be consigned directly to the destination in another Member State.

(4) By way of derogation from sub-rule (3) hereof, ovine and caprine animals may, after leaving the holding of origin and before arrival at destination in another Member State, transit through only one approved assembly centre situated in the Member State of origin. In the case of ovine and caprine animals for slaughter, the approved assembly centre may be substituted by approved dealer's premises situated in the Member State of origin.

(5) Animals for slaughter which have been taken on arrival in the Member State of destination to a slaughterhouse, must be slaughtered there as soon as possible but at least within 72 hours of arrival.

(6) Without prejudice to rule 3(5), veterinary services shall ensure that the animals covered by these rules at no time, between leaving the holding of origin and their arrival at destination, compromise the health status of ovine and caprine animals not intended for intra-Community trade.

Derogations from rules 5 and 6.

7. (1) By way of derogation from rule 5(1)(a), ovine and caprine animals for slaughter may be subject to trade after they have been continuously resident on the holding of origin for at least 21 days.

(2) By way of derogation from rule 5(1)(b), and without prejudice to sub-rule (1) hereof and rule 6(2), ovine and caprine animals for slaughter may be consigned from a holding of origin into which ovine or caprine animals have been introduced during the 21 days prior to dispatch, if they are transported directly to a slaughterhouse in another Member State for immediate slaughter without passing through an assembly centre or staging point established in accordance with Directive 91/628/EEC.

(3) By way of derogation from rule 6(3) and (4), and without prejudice to the provisions in rule 6(2), ovine and caprine animals for slaughter may, after leaving the holding of origin, pass through one additional assembly centre under the following alternative conditions:

(a) the animals, before passing through the approved assembly centre referred to in rule 6(4) which is situated in the Member State of origin, comply with the following conditions:

(i) after leaving the holding of origin the animals pass through one single assembly centre under official veterinary supervision, which permits at the same time only animals of at least the same health status;

(ii) without prejudice to European Community legislation on identification of sheep and goats, at the latest at that assembly centre the animals are individually identified so as to enable in each case the tracing of the holding of origin; and

(iii) from the assembly centre the animals are, accompanied by an official veterinary document, transported to the approved assembly centre referred to in rule 6(4) to be certified and consigned directly to a slaughterhouse in the Member State of destination;

or

(b) the animals may after dispatch from the Member State of origin transit through one approved assembly centre before being consigned to the slaughterhouse in the Member State of destination under the following conditions:

(i) either the approved assembly centre is situated in the Member State of destination from where the animals must be removed under the responsibility of the official veterinarian directly to a slaughterhouse to be slaughtered within five days of arrival at the approved assembly centre, or

(ii) the approved assembly centre is situated in one Member State of transit from where the animals are consigned directly to the slaughterhouse in the Member State of destination indicated in the animal health certificate issued in accordance with rule 15(6).

Further requirements to be met.

8. Without prejudice to the additional guarantees that may be required in accordance with rules 10 and 11, ovine and caprine animals for breeding and fattening shall, in addition to the conditions laid down in rule 4, and — in order to be introduced onto an officially brucellosis-free or brucellosis-free ovine or caprine holding respectively meet the requirements of Chapter I.D or Chapter 2.D of Schedule A.

Further requirements for animals for breeding.

9. Without prejudice to the additional guarantees that may be required in accordance with rules 10 and 11, animals for breeding must furthermore meet the following requirements:

(a) they must have been obtained from a holding and must only have been in contact with animals from such a holding:

(i) in which the following diseases have not been clinically diagnosed:

(1) in the previous six months, contagious agalactia of sheep *(Mycoplasma agalactiae)* or contagious agalactia of goats *(Mycoplasma agalactiae, M. capricolum, M. MycoÔdes* var. *mycoÔdes* 'large colony'),

(2) in the previous 12 months, paratuberculosis or caseous lymphadenitis,

(3) in the previous three years, pulmonary adenomatosis, Maedi Visna or caprine viral arthritis/encephalitis. However, this period shall be reduced to 12 months if the animals infected with Maedi Visna or caprine viral arthritis/encephalitis have been slaughtered and the remaining animals have reacted negatively to two tests recognized by the European Community, which, without prejudice to compliance with the requirements for other diseases, provides, for one or more of the abovementioned diseases, within the framework of a programme approved in accordance with rules 7 and 8, health guarantees which are equivalent for the said disease or diseases;

(ii) where no facts suggesting that the requirements of point (i) have not been met, have been brought to the attention

of the official veterinarian responsible for issuing the health certificate;

(iii) whose owner states that he has no knowledge of any such facts and, moreover, states in writing that the animal or animals intended for intra-Community trade comply with the criteria laid down in point (i);

(b) with regard to contagious epidydimitis *(B. ovis)*, non castrated rams, for breeding, must:

(i) come from a holding where no case of contagious epidydimitis *(B. ovis)* has been diagnosed in the preceding 12 months,

(ii) have been continuously kept on that holding for 60 days prior to dispatch,

(iii) in the 30 days prior to dispatch have undergone, with negative results, a serological test carried out in accordance with Schedule D or satisfy equivalent health guarantees to be recognized by the European Community;

(c) the certificate corresponding to Model III of Schedule E states that these requirements have been met.

Powers of the Minister.

10. (1) On the basis of a veterinary services proposal, the Minister may define a compulsory or voluntary national control programme or a national monitoring programme for one of the infectious or contagious diseases referred to in Schedule B, Section III for all or part of the territory of Malta and shall submit the said programme to the European Commission, outlining in particular:

(a) the distribution of the disease in the territory of Malta;

(b) the reasons for the programme, taking into consideration the importance of the disease and the programme's likely benefit in relation to its cost,

(c) the geographical area in which the programme will be implemented,

(d) the various status categories to be applied to the holdings, the standards which must be attained in each category, and the test procedures to be used,

(e) the programme monitoring procedures,

(f) the action to be taken if, for any reason, a holding loses its status,

(g) the measures to be taken if the results of the tests carried out in accordance with the provisions of the programme are positive.

(2) After examination by the European Commission, the programme as referred to in sub-rule (1) may be approved, in compliance with the criteria laid down in sub-rule (1), in accordance with the procedure of the European Community. According to the same procedure, the additional guarantees, general or limited, which may be required in intra-Community trade, shall be defined at the same time or at the latest three months after approval of the programmes. Such guarantees must not exceed those which are implemented in Malta.

(3) Programmes submitted by Malta may be amended or supplemented in accordance with the procedure laid down in sub-rule 2. Amendments or additions to programmes which have already been approved or to guarantees which have been defined in accordance with sub-rule 2 may be approved under the same procedure.

When territory is free from disease.

11. (1) Where Malta considers that its territory or part of its territory is free from one of the diseases listed in Schedule B, sections III to which ovine and caprine animals are susceptible, Veterinary Services shall present to the European Commission appropriate supporting documentation, setting out in particular:

(a) the nature of the disease and the history of its occurrence in the territory of Malta;

(b) the results of surveillance testing based on serological, microbiological, pathological or epidemiological investigation and on the fact that the disease must by law be notified to the Veterinary Services,

(c) the period over which the surveillance was carried out,

(d) where applicable, the period during which vaccination against the disease has been prohibited and the geographical area concerned by such prohibition,

(e) the arrangements for verifying the absence of the disease.

(2) After examination by the European Commission of the supporting documentation submitted by Malta, the additional guarantees, general or limited, which may be required in intra-Community trade shall be defined in accordance with the procedure of the European

Community. Such guarantees must not exceed those which Malta implements on its territory.

(3) The Veterinary Services shall notify the European Commission of any change in the supporting documentation specified in sub-rule (1) hereof which relate to the disease. The guarantees defined as laid down in sub-rule (2) may, in the light of such notification, be amended or withdrawn in accordance with the procedure laid down in sub-rule (2).

Assembly centres.

12. (1) In order to be approved by the Veterinary Services, assembly centres must at least:

(a) be under the control of an official veterinarian who shall ensure that, in particular, the provisions of rule 3(5) are complied with;

(b) be located in an area which is not subject to prohibition or restrictions in accordance with relevant European Community legislation and, or Maltese laws;

(c) be cleaned and disinfected before use, as required by the official veterinarian;

(d) have, taking into account the animal capacity of the assembly centre:

(i) a facility dedicated exclusively for this purpose when used as an assembly centre;

(ii) appropriate facilities for loading, unloading and adequate housing of a suitable standard for the animals, for watering and feeding them, and for giving them any necessary treatment; these facilities must be easy to clean and disinfect;

(iii) appropriate inspection facilities;

(iv) appropriate isolation facilities;

(v) appropriate equipment for cleaning and disinfecting rooms and trucks;

(vi) an appropriate storage area for fodder, litter and manure;

(vii) an appropriate system for collecting waste water;

(viii) the use of an office for the official veterinarian.

(e) admit only animals which are identified in accordance with European Community legislation and comply with the animal health conditions set down in these rules for the category of animals concerned. To this end, when animals are admitted, the owner or person in charge of the centre shall ensure they are accompanied by health documents or appropriate certificates for the species and categories involved;

(f) be regularly inspected by the Veterinary Services in order to ascertain that the requirements for approval continue to be fulfilled.

(2) The owner or person in charge of the assembly centre shall be required, on the basis either of the accompanying documents for the animals or of the identification numbers or marks of the animals, to record on a register or a database and retain for a minimum period of three years the following information:

(a) the name of the owner, the origin, date of entry and exit, number and identification of the ovine and caprine animals or the registration number of the holding of origin of the animals entering the centre, where applicable the approval or registration number of the assembly centre through which the animals have passed prior to entering the centre and their proposed destination,

(b) the registration number of the transporter and the licence number of the lorry delivering or collecting animals from the centre.

(3) The Veterinary Services shall issue an approval number to each approved assembly centre. Such approval may be limited to one or the other species covered by these rules or to animals for breeding or fattening or to animals for slaughter. The Veterinary Services shall notify the European Commission of the list of approved assembly centres and of any updates.

(4) The Veterinary Services may suspend or withdraw approval in the event of failure to comply with this rule or other appropriate notices in respect of health restrictions. Approval may be restored when the Veterinary Services is satisfied that that assembly centre is in full compliance with all the appropriate provisions of this rule.

(5) The Veterinary Services shall ensure that, when operating, assembly centres have sufficient approved veterinarians to carry out all duties.

(6) Any detailed rules required for uniform application of this rule shall be adopted in accordance with the requirements of the

European Community and under the procedure referred to in article 8 of the Act.

Registration of dealers.

13. (1) All dealers are registered and, for the purpose of intra-Community trade, are approved and issued with an approval number by the Veterinary Services and that approved dealers shall comply with at least the following conditions:

(a) they must deal only in animals which are identified and come from holdings that conform with the conditions set out in rule 3. To this end, the dealer shall ensure that the animals are properly identified and are accompanied by health documents as appropriate in accordance with these rules;

(b) the dealer shall be required, either on the basis of the document accompanying the animals, or on the basis of identification numbers or marks on the animals, to keep a record or database and to store the following data for at least three years:

(i) the name of the owner, origin, date of purchase, categories, number and identification of ovine and caprine animals or registration number of the holding of origin of the animals purchased, where applicable, the approval or registration number of the assembly centre through which the animals have passed prior to purchase and their destination,

(ii) the registration number of the transporter and/or the licence number of the lorry delivering and collecting animals,

(iii) the name and address of the purchaser and the destination of the animal,

(iv) copies of route plans and/or serial number of health certificates as applicable;

(c) when the dealer keeps animals on his premises he shall ensure that:

(i) specific training is given to the staff in charge of the animals in applying the requirements of these rules and in the care and welfare of the animals,

(ii) any necessary controls and tests on the animals are carried out regularly by the official veterinarian and that all necessary steps are taken to prevent the spread of disease.

(2) All premises used by a dealer in connection with his business are registered and issued with an approval number by the Veterinary Services and that they shall comply with at least the following conditions:

(a) they must be under the control of an official veterinarian;

(b) they must be located in an area which is not subject to prohibition or restrictions in accordance with relevant European Community legislation or Maltese laws;

(c) they must have:

(i) appropriate facilities of sufficient capacity and, in particular, inspection facilities and isolation facilities so that all animals can be isolated in the event of an outbreak of a contagious disease;

(ii) appropriate facilities for unloading and where necessary adequate housing of a suitable standard for the animals, for watering and feeding them, and for giving them any necessary treatment; these facilities must be easy to clean and disinfect;

(iii) an appropriate reception area for litter and manure,

(iv) an appropriate system for collecting waste water;

(d) they must be cleaned and disinfected before use, as required by the official veterinarian.

(3) The Veterinary Services may suspend or withdraw approval in the event of failure to comply with these rules other rules in respect of health restrictions. Approval may be restored when the Veterinary Services is satisfied that the dealer is in full compliance with all the appropriate provisions of these rules.

(4) The Veterinary Services must carry out regular inspections in order to ascertain that the requirements of this rule are fulfilled.

14. (1) The transporters referred to in Article 5 of Directive 91/628/EEC shall meet the following additional conditions: Conditions to be fulfilled by transporters.

(a) for the carriage of animals they must use means of transport which are:

(i) constructed in such a way that the animal faeces, litter or feed cannot leak or fall out of the vehicle,

(ii) cleaned and disinfected immediately after every animal transport or that of any product which could affect animal health and if necessary before any new loading of animals, using disinfectants officially authorised by the Veterinary Services;

(b) they must either have appropriate cleaning and disinfection facilities approved by the Veterinary Services, including facilities for storing litter and dung, or they must provide documentary evidence that these operations are performed by a third party approved by the Veterinary Services.

(2) The transporter must ensure that for each vehicle used for the transport of animals a register is kept containing at least the following information which shall be kept for a minimum period of three years:

(a) places and dates of pick-up, and the name or business name and address of the holding or assembly centre where the animals are picked up,

(b) places and dates of delivery, and the name or business name and address of any consignee,

(c) species and number of animals carried,

(d) date and place of disinfection,

(e) details of accompanying documentation, number, etc.

(3) Transporters shall ensure that the consignment or animals do not at any time, between leaving the holdings or the assembly centre of origin and arriving at their destination, come into contact with animals of a lower health status.

(4) Transporters shall give a written undertaking stating in particular that:

(a) all the measures necessary to comply with these rules shall be taken and in particular the provisions laid down in this rule and relating to the appropriate documentation that must accompany the animals,

(b) the transport of animals is entrusted to staff who possess the necessary ability, professional competence and knowledge.

(5) Article 18 of the European Union Council Directive 91/628/EEC shall apply in a like manner in case of infringement of this rule.

Documents necessary for transportation.

15. (1) Ovine and caprine animals must be accompanied during transportation to destination by a health certificate conforming to either model I, II or III set out in Schedule E, as appropriate. The certificate shall consist of a single sheet or, where more than one page is required, shall be in such a form that any two or more pages are part of an integrated whole and indivisible and shall contain a serial number. It shall be drawn up on the day of the health inspection, in one of the official languages of the country of destination at least. The certificate shall be valid for ten days from the date of the health inspection.

(2) The health inspection for the issuing of the health certificate, including additional guarantees, for a consignment of animals may be carried out in the holding of origin or in an approved assembly centre or, in the case of animals for slaughter, on approved dealer's premises. For this purpose the Veterinary Services shall ensure that any certificate is drawn up by the official veterinarian after inspections, visits and controls as provided by these rules.

(3) The official veterinarian for the assembly centre shall carry out all necessary checks on animals arriving there.

(4) For ovine and caprine animals for fattening and breeding dispatched to another Member State from an approved assembly centre located in the Member State of origin, the health certificate referred to in sub-rule (1) hereof, conforming to either model II or III set out in Schedule E as appropriate, may only be issued on the basis of the checks provided for in sub-rule (3) and of an official document containing the necessary information completed by the official veterinarian responsible for the holding of origin.

(5) For ovine and caprine animals for slaughter dispatched to another Member State from an approved assembly centre or from an approved dealer's premises located in the Member State of origin, the health certificate referred to in sub-rule (1), conforming to model I set out in Schedule E, may only be issued on the basis of the checks provided for in sub-rule (3) and of an official document containing the necessary information completed by the official veterinarian responsible for the holding of origin or the assembly centre referred to in rule 7(3)(a)(i).

(6) For ovine and caprine animals for slaughter passing through an approved assembly centre in accordance with rule 4C(3)(b)(ii), the official veterinarian responsible for the approved assembly centre in the Member State of transit shall provide certification to the Member State of destination by issuing a second health certificate,

conforming to model I set out in Schedule E, completing it with the requested data from the original health certificate(s) and attaching to it an officially endorsed copy thereof. In this case, the combined validity of the certificates shall not exceed that provided for in sub-rule1.

(7) The official veterinarian issuing a health certificate for intra-Community trade conforming to either model I, II or III set out in Schedule E as appropriate, shall ensure that the movement is recorded in the ANIMO system on the day the certificate is issued.

Applicability of the European Union Council Directive 90/425/EEC.

16. The rules laid down in the European Union Council Directive 90/425/EEC shall apply, in particular to checks at origin, to the organization of, and follow-up to, the checks to be carried out at destination, and to the protective measures to be implemented.

Checks and inspections.

17. (1) Veterinary experts from the Commission may, in cooperation with the Veterinary Services, carry out on-the-spot inspections. The Veterinary Services on whose territory inspections are carried out shall afford all necessary aid to the experts in the accomplishment of their task.

(2) Concerning checks at destination, where Malta implements an alternative control system providing guarantees equivalent to those laid down in rule 8 and rule 9 and (c) as regards movements within its territory of ovine and caprine animals, Veterinary Services may grant one another derogations from the inspection provided for under rule 4 (1) (b) and the obligation to produce a certificate provided for under rule 15 on a reciprocal basis for Member States which implement an alternative control system providing guarantees equivalent to those laid down in rules 8 and 9 (a) and (c) as regards movements within their territory of ovine and caprine animals. Veterinary Services shall notify the European Commission thereof.

SCHEDULE A

CHAPTER 1

I. **Officially brucellosis *(B. melitensis)*-free ovine or caprine holding**

A. **Grant of status**

An officially brucellosis *(B. melitensis)*-free ovine or caprine holding means

1. a holding:

(a) in which all the animals which are susceptible to brucellosis *(B. melitensis)* have been free from clinical or any other signs of brucellosis *(B. melitensis)* for at least 12 months;

(b) which contains no ovine or caprine animals which have been vaccinated against brucellosis *(B. melitensis),* save those vaccinated at least two years previously with Rev. 1 vaccine or any other vaccine approved under the relevant procedure of the European Community;

(c) in which two tests separated by an interval of six months or more have been carried out, with negative results, in accordance with Schedule C on all ovine and caprine animals on the holding over six months of age at the time of testing; and

(d) in which, following the tests referred to in point (c), there are only ovine or caprine animals born on the holding or which have come from an officially brucellosis-free or brucellosis-free holding under the conditions laid down in point D, and in which, after qualification, the requirements laid down in point B continue to be fulfilled;

2. a holding situated in an "officially recognized brucellosis-free ovine or caprine holding" in a in terms of the definition in rule 2.

B. **Maintenance of status**

1. In the case of officially brucellosis *(B. melitensis)*-free ovine or caprine holdings which are not situated in a part of the territory which is recognized as officially brucellosis-free, and in which, after qualification, the introduction of animals is carried out in accordance with the requirements of point D, a representative number of the ovine and caprine animals over six months old must be checked annually. The holding may retain its officially brucellosis *(B. melitensis)*-free status if the results of the tests are negative. The representative number of animals to be tested must, for each holding, consist of the following:

— all non-castrated male animals over six months old,

— all animals brought onto the holding since the previous test,

— 25 % of the females which have reached the age of reproduction (i.e. which are sexually mature) or are in milk, with a minimum of 50 per holding except in holdings where there are fewer than 50 such females, in which case all females must be tested.

2. For a region which is not officially brucellosis-free where more than 99 % of the ovine or caprine holdings are declared to be officially brucellosis *(B. melitensis)*-free, the frequency of checks of officially brucellosis-free ovine or caprine holdings may be extended to three years, provided that the holdings which are not officially brucellosis free are placed under official control or undergo an eradication programme.

C. **Suspected or actual cases of brucellosis**

1. Where, on an officially brucellosis-free ovine or caprine holding,

(a) one or more ovine or caprine animals are suspected of having brucellosis *(B. melitensis),* the holding's officially brucellosis-free status must be withdrawn by the Veterinary Services. However, that status may be provisionally suspended if the animal or animals are immediately destroyed or isolated, pending official confirmation of the disease or an official quashing of the suspicion of that disease;

(b) brucellosis *(B. melitensis)* is confirmed, the provisional suspension may be lifted by the Veterinary Services only if all animals infected or all the animals of species susceptible to infection are slaughtered and two tests, separated by an interval of at least three months or more, and carried out in accordance with Schedule C on all the animals of the holding over six months old, give negative results.

2. If the holding referred to in paragraph 1 hereof is in a region which is recognized as officially free from brucellosis *(B. melitensis),* the Veterinary Services concerned must immediately inform the European Commission and the other Member States.

The Veterinary Services must:

(a) order the slaughtering all infected animals and all animals of species susceptible to infection on the holding concerned. The Veterinary Services concerned must keep the European Commission and the other Member States informed of the development of the situation;

(b) conduct an epidemiological enquiry, and the herds linked epidemiologically to the infected herd must undergo the tests laid down in point 1 (b).

3. Should an outbreak of brucellosis be confirmed in accordance with point 2, after assessing of the circumstances of the renewed outbreak of brucellosis *(B. melitensis)* by the European Commission, if that assessment so justifies, a decision suspending or withdrawing the status of that region may be adopted under the relevant procedure of the European Community. If the status is withdrawn, the conditions for a new qualification shall be specified in accordance with the same procedure.

D. **Introduction of animals onto an officially brucellosis (B. melitensis)-free ovine or caprine holding**

Ovine or caprine animals may not be introduced into an ovine or caprine holding which is officially free from brucellosis unless they either:

1. come from an officially brucellosis-free ovine or caprine holding;

2. or:

— come from a brucellosis-free holding and,

— are identified individually in accordance with rule 4 (1) (a) of these rules,

— have never been vaccinated against brucellosis or if they have been vaccinated, were so vaccinated more than two years previously. However, females over two years old which were vaccinated before the age of seven months may also be brought onto the holding, and

— were isolated under official supervision on the holding of origin and, during such isolation underwent, with negative results, two tests separated by an interval of at least six weeks in accordance with Schedule C.

II. **Officially brucellosis-free Member State or region**

Any Member State or region within the meaning of Article 2 (10) of Directive 91/68/EEC may be recognized, under the relevant procedure of the European Community, as being officially brucellosis-free:

1. (a) in which at least 99,8 % of the ovine or caprine holdings are officially brucellosis-free holdings; or

(b) which fulfils the following conditions:

(i) ovine or caprine brucellosis is a disease that has been compulsorily notifiable for at least five years;

(ii) no case of ovine or caprine brucellosis has been officially confirmed for at least five years;

(iii) vaccination has been prohibited for at least three years; and

(c) for which compliance with these conditions has been established under the relevant procedure of the European Community;

2. in which the conditions set out in point 1 have been satisfied; and

(i) (a)the first year following recognition of a Member State or region as brucellosis-free *(Br. melitensis)*, random checks carried out at either holding or slaughterhouse level show with a confidence rating of 99 % that less than 0,2 % of the holdings were infected, or at least 10 % of the ovine and caprine animals over six months of age have undergone a test carried out in accordance with Schedule C with negative results;

(b) annually, from the second year following recognition of a Member State or region as brucellosis-free *(Br. melitensis)*, random checks carried out at either holding or slaughterhouse level show with a confidence rating of 95 % that less than 0,2 % of the holdings were infected, or at least 5 % of the ovine and caprine animals over six months of age have undergone a test carried out in accordance with Schedule C with negative results;

(c) the provisions laid down in the above two indents may be amended in accordance with the relevant procedure of the European Community.

(ii) the conditions for qualification continue to be fulfilled.

CHAPTER 2

Brucellosis *(B. melitensis)*-free ovine or caprine holding

A. **Grant of status**

A. An ovine or caprine holding is considered to be brucellosis *(B. melitensis)* free:

1. in which:

(a) all the animals susceptible to brucellosis *(B. melitensis)* have been free from clinical or other signs of brucellosis for at least 12 months;

(b) all or some of the ovine or caprine animals have been vaccinated with Rev. 1 vaccine or any other vaccine approved under the relevant procedure of the European Community. The vaccinated animals must have been vaccinated before the age of seven months;

(c) two tests separated by an interval of six months or more have been carried out, with negative results, in accordance with Schedule C, on all vaccinated ovine and caprine animals on the holding which are over 18 months old at the time of testing;

(d) two tests separated by an interval of six months or more have been carried out, with negative results, in accordance with Schedule C, on all non-vaccinated ovine and caprine animals on the holding which are over six months old at the time of testing; and

(e) after the tests referred to under points (c) or (d) have been carried out, all the ovine and caprine animals on the holding were either born there or come from a brucellosis-free holding under the conditions laid down in section D; and

2. in which the requirements laid down under paragraph (b) continue to be fulfilled once it has qualified as brucellosis-free.

B. **Maintenance of status**

An annual test must be carried out on a representative number of the ovine and caprine animals on each holding. The holding may retain its status only if the tests are negative.

The representative number of animals to be tested must, for each holding, consist of:

— all non-castrated male animals over six months old which have not been vaccinated,

— all non-castrated male animals over 18 months which have been vaccinated,

— all animals brought onto the holding since the previous test,

— 25 % of females which are of reproductive age (sexually mature) or in milk, with a minimum of 50 per holding except in holdings where there are fewer than 50 such females, in which case all these females must be tested.

C. **Suspected or actual cases of brucellosis**

1. The brucellosis-free status of an ovine or caprine holding must be withdrawn if the holding contains one or more ovine or caprine animals which are suspected of having brucellosis *(B. melitensis)*. However, that

status may be provisionally suspended if the animal or animals are immediately destroyed or isolated pending official confirmation of the disease or an official quashing of the suspicion of that disease.

2. If brucellosis *(B. melitensis)* is confirmed, the provisional suspension may be lifted only if all animals infected or all the animals of the species susceptible to infection are slaughtered and two tests, separated by an interval of three months or more and carried out in accordance with Schedule C on,
— all vaccinated animals over 18 months old,
— all non-vaccinated animals over six months old, and both give negative results.

D. **Introduction of animals into a brucellosis (B. melitensis)-free ovine or caprine holding**
The following animals only may be introduced into an ovine or caprine holding which is free from brucellosis:
1. ovine or caprine animals which come from an ovine or caprine holding which is free from or officially free from brucellosis *(B. melitensis);*
2. until the date laid down for holdings to qualify as brucellosis-free in accordance with the eradication plans adopted under Decision 90/242/EEC ovine or caprine animals from holdings other than those referred to in point 1, provided that they meet the following conditions:
(a) they must be individually identified in accordance with Article 4 (1)(a) of Directive 91/68/EEC;
(b) they must originate in a holding on which all animals belonging to species which are susceptible to brucellosis *(B. melitensis)* have shown no clinical or other signs of brucellosis *(B. melitensis)* for at least 12 months;
(c) (i) (a)they must not have been vaccinated during the previous two years;
(b) they must have been kept under isolation under veterinary supervision on the holding of origin and, during that period, must have undergone, with negative results, two tests separated by an interval of at least six weeks in accordance with Schedule C; or
(ii) they must have been vaccinated with Rev. 1 vaccine or any other vaccine approved in accordance with the relevant procedure of the European Community before the age of seven months and not less than 15 days before entering the holding of destination.

E. **Change of status**
A brucellosis *(B. melitensis)*-free ovine or caprine holding may qualify as an officially brucellosis *(B. melitensis)*-free herd after a minimum period of two years if:
(a) it contains no animal which has been vaccinated against brucellosis *(B. melitensis)* during the preceding two years at least;
(b) the conditions laid down in point D.2. have been complied with throughout that period;
(c) at the end of the second year, a test carried out, in accordance with Schedule C, on all animals aged over six months has in each case given a negative result.

SCHEDULE B

I[1]

— Foot-and-mouth disease

— Brucellosis *(B. melitensis)*

— Contagious epididymitis *(B. ovis)*

— Anthrax

— Rabies

III

— Contagious agalactia

— Paratuberculosis

— Caseous lymphadenitis

— Pulmonary adenomatosis

— Maedi Visna

— Caprine viral arthritis/encephalitis.

[1] Compulsorily notifiable diseases

SCHEDULE C

Brucellosis *(B. melitensis)* tests

For a holding to qualify for brucellosis-free status, testing for brucellosis *(B. melitensis)* is performed by means of the Rose Bengal method or by the complement-fixation method described in the Schedule F to these rules or by any other method recognized in accordance with the relevant procedure of the European Community. The complement-fixation method is used for tests on individual animals.

When carrying out the Rose Bengal test, if more than 5 % of the animals on a holding show a positive reaction, a further test is carried out on every animal on the holding by means of the complement-fixation method.

Serum containing 20 or more ICFT units/ml must be regarded as positive in the complement-fixation test.

The antigens used must be approved by the national laboratory and must be standardized against the second international standard anti-brucella abortus serum.

SCHEDULE D

Official contagious epidydimitis *(Brucella ovis)* test

Complement-fixing test*:*

The specific antigen used must be approved by the national laboratory and must be standardized against the international standard anti-brucella ovis serum.

The working serum must be standardized with the international standard antibrucella ovis serum prepared by the Central Veterinary Laboratory, Weybridge, Surrey, United Kingdom.

A serum containing 50 or more International Units per/ml must be regarded as positive.

SCHEDULE E

Where in these regulations reference is made to Schedule E of these regulations or Annex E of the European Union Council Directive 91/68/EEC reference should be made to the European Union Commission Regulation (EC) No 599/2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin

B 4300

Model III

1. **Consignor** (name and address in full)
……
……
……

2. **Consignee** (name and address in full)
……
……
……

5. **Place of loading** ……
……

6. **Means of transport** ([3])
6.1 Type : ……
6.2 Identification :……

8. **Destination of the animals**
8.1 EU Member state :
8.2 Name address and registration number of :
8.2.1 The slaughterhouse([4]):
8.2.2 The approved assembly centre([4])
8.2.3 The approved assembly centre in the Member state of transit([4]) ([6]):
……
……

9. **Number of animals** ……

HEALTH CERTIFICATE ([1]) FOR TRADE BETWEEN MEMBER STATES OF THE EUROPEAN COMMUNITIES IN OVINE AND CAPRINE ANIMALS FOR BREEDING

No ORIGINAL

3. MEMBER STATE……

4. **Competent authority**
4.1 Ministry :……
4.2 Department : ……
……

7. **Establishment(s) of origin**
7.1 Name and address of the holding of origin([4])
……
……
……
……
……
7.2 Name and address and registration number of the approved assembly centre ([4]) or approved dealer premises ([2]) ([4]) :
……
……
……
……

10. **Identification of the animals** :
10.1 Animal specie(s) …… Breed ……
10.2 Individual identification of the animals included in the consignment :

Official individual identification ([7])	Age (months) and Sex (♂♀,castrated)	Number of animals

11. **Origin of the animals**

The animals where either:

(a) born and have been reared since birth on Community territory ([4])

or

(b) imported from a third country satisfying the animal health conditions laid down in Commission Decision 93/198/EEC in accordance with Article 8 of Directive 72/462/EEC ([4])

12. **Health information**

I, the undersigned, certify that the animals described above meet the following requirements:

12.1 they have been inspected today (within 24 hours prior to loading) and show no clinical sign of disease;

12.2 they are not animals which are to be destroyed under a scheme to eradicate a contagious or infectious disease;

12.3 they were they obtained from a holding which is the subject of a prohibition on animal health grounds and they have not been in contact with animals from such a holding, it being understood that:

12.3.1 such prohibition is connected with the outbreak of one of the following diseases to which the animals are susceptible:

- brucellosis,
- rabies,
- anthrax;

12.3.2 after slaughter and/or destruction of the last animal suffering from or susceptible, the duration of the prohibition must be at least:

- 42 days in the case of brucellosis,
- 30 days in the case of rabies,
- 15 days in the case of anthrax;

12.3.3 they do not come from a holding or have been in contact with animals from a holding in a protection zone which has been set up under community legislation and which animals are prohibited to leave;

12.3.4 they are not the subject of animal health measures pursuant to the community legislation on foot-and-mouth disease nor have they been vaccinated against foot-and-mouth disease;

12.4 they have remained on a single of origin for a period of at least 30 days prior to loading, or since birth in the holding of origin where the animals are less than 30 days old, and no animal of the ovine or caprine species has been introduced into the holding of origin during the last 21 days prior to loading and no biungulate animal imported from a third country has been introduced into the holding of origin, unless those animals were introduced in accordance with Article 4a(2) of Directive 91/68/EEC;

12.5 they comply with additional guarantees provided for in Articles 7 or 8 of council Directive 91/68/EEC and laid down for the Member State of destination or part of its territory ……[insert Member State or part of its territory] in Commission Decision …./…./EC ([4])

12.6 they comply with at least one of the following conditions in 12.6.1, 12.6.2 or 12.6.3 and therefore qualify for admission to an ovine or caprine holding which is officially brucellosis-free *(B. melitensis)* ([4])

12.6.1 the holding of origin is situated in a Member state or part of its territory …… [insert Member State or part of its territory] which is recognised as being officially brucellosis free in accordance with Commission Decision …./…./EC ([4]), or

12.6.2 they come from an officially brucellosis-free *(B. melitensis)* ([4]) holding and

12.6.1 they come from a brucellosis-free *(B. melitensis)* holding and

(i) they are identified individually,

(ii) they have never been vaccinated against brucellosis or if they have been vaccinated were so vaccinated more than two years previously or they are females over two years old which were vaccinated before the age of seven months and

(iii) they were isolated under official supervision on the holding of origin and, during such isolation, underwent, with negative results, two tests for brucellosis in accordance with Annex C to Directive 91/68/EEC, separated by an interval of at least six weeks ([4]);

12.7 they comply with at least one of the following conditions in 12.7.1, 12.7.2 or 12.7.3 and therefore qualify for admission to an ovine or caprine holding which is officially brucellosis-free *(B. melitensis)* ([4])

12.7.1 they come from an officially brucellosis-free *(B. melitensis)* holding ([4]); or

12.7.2 they come from a brucellosis-free *(B. melitensis)* holding ([4]); or

12.7.3 until the qualifying date under eradication plans approved pursuant to Decision 90/242/EEC, they originate from a holding other than that referred to in 12.7.1 and 12.7.2 and satisfy the following conditions:

(i) they are identified individually,

(ii) they originate from a holding in which all the animals of species susceptible to brucellosis (B. melitensis) have been free of clinical symptoms or any other symptoms of brucellosis for at least 12 months;

(iii) either

- they have not been vaccinated against brucellosis (B. melitensis) in the last two years, and
- they were isolated under veterinary supervision on the holding of origin and, during such isolation, underwent, with negative results, two tests for brucellosis in accordance with Annex C to Directive 91/68/EEC, separated by an interval of at least six weeks ([4]),

or

- they were vaccinated with Rev. 1 vaccine before the age of seven months but not later than 15 days before their introduction into the holding of destination ([4]);

12.8 as regards contagious epididymitis of rams (B. ovis), where uncastrated breeding rams are concerned, they must:

(i) come from a holding on which no case of contagious epididymitis of rams (B. ovis) has been recorded in the past 12 months and

(ii) have been kept permanently on that holding for the 60 days preceding consignment, and

(ii) have undergone, within 30 days prior to consignment, with a negative result, a complement fixing test to detect contagious epididymitis of rams (B. ovis) in accordance with Annex D to Directive 91/68/EEC;

12.9 to the best of the knowledge of the undersigned and according to the written declaration made by the owner, they were not obtained from a holding nor have not been in contact with animals from a holding in which the following diseases have been clinically detected:

(i) within the last six months, contagious agalactica of sheep (mycoplasma agalactiae) and contagious agalactica of goats (mycoplasma agalactiae, M. capricolum, M. mycoides subsp. mycoides large colony),

(ii) within the last 12 months, paratuberculosis or caseous lymphadenitis,

(iii) within the last three years, pulmonary adenomatosis, maedi/visna or caprine viral arthritis/ ecephalitis. However, this time limit is reduced to 12 months if animals affected by maedi/visna or caprine viral arthritis/ecephalitis have been slaughtered and the remaining animals have reacted negatively to two tests.

12.10 As regards scrapie, the animals:

12.10.1 either have been kept continuously since birth or for the last three years on a holding or holdings which have satisfied the following requirements for at least three years ([4])

(i) it is/they are subject to regular official veterinary checks,

(ii) the animals are marked,

(iii) no case of scrapie has been confirmed,

(iv) checking by sampling of old female animals intended for culling is carried out on the holding(s)

(v) females are introduced into the holding(s) only if they come from a holding which complies with the same requirements; or

12.10.2 are sheep for the ARR/ARR prion protein genotype, as define in Annex I to Commission Decision 2002/1003/EC ([4]),

and

12.10.3 if they are destined for a Member State which benefit for all or part of its territory, from the provisions laid down in point (b) or (c) of Part I in Chapter A in Annex VIII to Rule (EC) No 999/2001 they comply with the additional guarantees laid down for the Member State of destination or part of its territory …… [insert Member State or part of its territory] in Commission Rule (EC) No …./…. ([4]).

13.1	The animals were transported using means of transport and containment which had, beforehand, been cleaned and disinfected using an officially approved disinfectant, and in such a way as to provide effective protection of the animals' health status.
13.2	Based on the official documentation accompanying the animals the consignment covered by this health certificate started the journey on ……..(insert date) ([5])
13.3	At the time of inspection the animals were fit to be transported on the intended journey in accordance with the provisions of Directive 91/628/EEC ([6])
14.	This certificate is valid for ten days from the date of inspection

14.1 **Official stamp and signature** Stamp	14.2 **Done at**: …….. (insert place of inspection) 14.3 **Done on**: …….. (insert date of inspection) 14.4 **Signature of official veterinarian** …… ……. (insert name and capacity in block capitals)

([1]) health certificates may be drawn up only for animals which are to be transported in the same railway wagon, truck/lorry, aircraft or boat/ship, which originate from the same holding/assembly centre and which are being sent to the same consignee.

([2]) Give the registration number in the case of railway wagons and lorries/trucks, the flight number in the case of aircraft and the name in case of boats and ships.

([3]) State number and location

([4]) Delete where not applicable.

([5]) In the case where a consignment is grouped in an assembly centre and comprises animals that where loaded on different date, the date at which the journey commenced for the whole consignments is considered to be the earliest date when any part of the consignment left the holding of origin.

([6]) This statement does not exempt transporters from their obligations in accordance with Community provisions in force in particular regarding the fitness of animals to be transported.

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