Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 17,480, 30 ta' Settembru, 2003
Taqsima B

A.L. 262 ta' l-2003

ATT DWAR IT-TRATTAMENT XIERAQ TA' L-ANNIMALI (ATT NRU. XXV TA' L-2001)

Regolamenti ta' l-2003 dwar *Standards* ta' Vetturi Stradali fil-Ġarr ta' Annimali fi Vjaġġi ta' aktar minn Tmien Sigħat

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 22 ta' l-Att ta' l-2001 dwar it-Trattament Xieraq ta' l-Annimali, il-Ministru għall Affarijiet Rurali u l-Ambjent għamel dawn ir-regolamenti li ġejjin:-

Titlu u Skop.

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2003 dwar *Standards* ta' Vetturi Stradali fil-Ġarr ta' Annimali Ħajjin fi Vjaġġi ta' aktar minn Tmien Sigħat.

(2) L-iskop ta' dawn ir-regolamenti huwa l-implimentazzjoni tar-regoli imniżżla taħt ir-Regolamenti tal-Kunsill ta' l-Unjoni Ewropeja 411/98/EC dwar *standards* addizzjonali ta' protezzjoni għall-annimali applikabbli għall-vetturi użati għall-ġarr ta' annimali ħajjin fuq vjaġġi ta' aktar minn tmien sigħat.

(3) Meta l-ħin tal-vjaġġ ta' tmien sigħat stabbilit fil-Kapitolu VII 48 (2) tal-Anness mad-Direttiva tal-Kunsill ta' l-Unjoni Ewropeja 91/628/EEC jinqabeż, il-vetturi użati għall-ġarr ta' solipedi domestiċi u annimali ta' l-ispeċi bovina, ovina, kaprina u porċina, bejn it-teritorju ta' Malta u Sħab fil-Kummerċ, iridu jkunu konformi mal-ħtiġiet addizzjonali mniżżla fl-Iskeda li tinsab ma' dawn ir-regolamenti.

(4) Għall-finijiet ta' dawn ir-regolamenti, il-kelma "sieħeb fil-kummerċ" għandu jkollha l-istess tifsira kif provdut fl-artikolu 2 ta' l-Att dwar is-Servizzi Veterinarji u għandha tinkludi l-Istati Membri ta' l-Unjoni Ewropeja.

Piena għal min jonqos mill-obbligi.

2. (1) Bla ħsara tad-disposizzjonijiet ta' dawn ir-regolamenti u ta' l-Att dwar it-Trattament Xieraq ta' l-Annimali, il-persuna kkundannata li naqset minn xi obbligu li jġibu magħhom dawn ir-regolamenti, teħel, meta tinsab ħatja, multa ta' mhux inqas minn Lm5, 000 u mhux izjed minn Lm15, 000.

(2) Mingħajr preġudizzju għad-disposizzjonijiet tas-subregolamenti (1) ta' dan ir-regolamenti, il-Qorti tista tordna lill-persuna misjuba ħatja li tkun għamlet reat taħt dawn ir-regolamenti, tħallas l-ispejjeż magħmula mis-Servizzi Veterinarji bħala riżultat ta' dan ir-reat, kif ukoll ir-revoka tal-permess maħruġ taħt dawn ir-regolamenti u l-konfiska, żamma u tneħħija tal-*corpus delicti*.

SKEDA

***Standards* addizzjonali għal vetturi użati għall-ġarr ta' annimali ħajjin fuq vjaġġi ta' aktar minn tmien sigħat**

1. IRQAD

Mingħajr preġudizzju għad-disposizzjonijiet tal-Kapitolu 1, disposizzjoni 2, tal-Annex tad-Direttiva tal-Kunsill ta' l-Unjoni Ewropeja 91/628/EEC, l-annimali jridu jkunu provduti bi friex li-

(a) jiggarantixxi l-kumditàtagħhom; il-kwantità tista' tvarja skond

(i) l-ispeċi u l-għadd ta' annimali li qed jinġarru,
(ii) il-ħin tal-vjaġġ,
(iii) it-temp;

(b) jiżgura li jixrob u jifrex biżżejjed l-urina u d-demel ta' l-annimal.

2. GĦALF

Meta, minħabba l-ispeċi u l-kategoriji ta' l-annimali li jinġarru u l-ħinijiet tal-vjaġġi mniżżla fil-Kapitolu VII punt 48 (4) tal-Annex tad-Direttiva tal-Kunsill ta' l-Unjoni Ewropeja 91/628/EEC, l-annimali jridu jkunu mitmugħa matul il-vjaġġ, għandhom japplikaw id-disposizzjonijiet li ġejjin-

(a) il-vettura użata għall-vjaġġ trid iġġor kwantità suffiċjenti ta' għalf xieraq għall-ħtiġiet ta' l-ikel ta' l-annimali in kwistjoni matul dak il-vjaġġ;

(b) matul il-vjaġġ, l-għalf irid ikun protett mit-temp u minn oġġetti li jikkontaminaw bħal, partikolarment, trab, karburanti, gass ta' l-*exhaust* u urina u demel ta' l-annimali;

(ċ) meta jrid jintuża tagħmir speċifiku (bwieqi, reċipjenti jew xi mezz ieħor xieraq għat-tqassim ta' l-għalf) għall-għalf ta' l-annimali, dak it-tagħmir irid jinġarr fil-vettura u jkun disinfettat wara kull vjaġġ;

(d) ikun hekk imfassal li ma jweġġax lill-annimali u jkun, jekk meħtieġ, imwaħħal ma' parti speċifika tal-vettura biex ikun evitat li din tinqaleb. Meta l-vettura tkun miexja u meta t-tagħmir ma jkunx qiegħed jintuża, huwa jrid jinħażen f'parti tal-vettura separata mill-annimali.

3. AĊĊESS

Vetturi użati għall-ġarr iridu jkunu mgħammra sabiex f'kull ħin ikun jista' jkun hemm aċċess dirett għall-annimali kollha li qed jinġarru sabiex ikunu jistgħu jiġu spezzjonati u mogħtija kull kura possibli, inkluż b'mod partikolari l-għalf u l-ilma.

4. VENTILAZZJONI

Il-vettura trid tkun mgħammra b'sistema ta' ventilazzjoni adegwata biex tiżgura li l-benesseri ta' l-annimali li jinġarru tkun garantita permanentement, waqt li jittieħed kont partikolari tal-kriterji li ġejjin-

(a) il-vjaġġ ippjanat u t-tul tiegħu,

(b) l-għamla tal-vettura użata (miftuħa jew magħluqa),

(c) it-temperatura ta' ġewwa u t-temperatura ta' barra kawżati mill-kondizzjonijiet atmosferiċi li jistgħu jinqalgħu matul il-vjaġġ ippjanat,

(d) il-ħtiġiet fiżjoloġiċi speċifiċi ta' l-ispeċi varji li jinġarru,

(e) id-densitajiet tat-tagħbija provduti fil-Kapitolu VI tal-Annex tad-Direttiva ta' l-Unjoni Ewropeja 91/628/EEC u l-ispazju disponibbli fuq l-annimali.

Is-sistema trid ukoll tkun imfassla b'mod li-

(f) tista' tintuża f'kull ħin meta l-annimali jkunu fil-vettura, kemm jekk tkun wieqfa jew miexja,

(g) tiżgura ċ-ċirkolazzjoni effiċjenti ta' arja mhux imniġġsa.

Għal dak il-għan, l-operaturi jridu jipprovdu-

(h) jew sistema ta' ventilazzjoni furzata,

(i) jew sistema ta' ventilazzjoni li tiżgura li t-temperaturi minn 5 gradi centigradi sa 30 grad centrigradu jistgħu jinżammu fil-vettura għall-annimali kollha, b'tolleranza ta' +5 gradi centigradi, jiddependi mit-temperatura ta' barra. Din is-sistema trid ukoll tkun mgħammra b'apparat ta' monitoraġġ adatt.

Il-possibilita ta' għażla bejn dawn iż-żewġ sistemi ma għandhiex tippreġudika l-prinċipju ta' moviment ħieles ta' l-annimali.

5. HITAN DIVIŻORJI

(a) Il-vettura trid tkun mgħammra b'diviżorji sabiex jinħolqu kompartimenti separati.

(b) Id-diviżorji jridu jkunu mfassla b'mod li jistgħu jitpoġġew f'pożizzjonijiet differenti sabiex il-qies tal-kompartiment jista' jkun adattat għal ħtiġiet speċifiċi, u għat-tip, qies u l-għadd ta' l-annimali.

6. PROVVISTA TA' L-ILMA

(a) Il-vettura trid tkun mgħammra biex titqabbad ma' provvista ta' l-ilma matul il-waqfiet.

(b) Il-vettura trid tkun mgħammra b'apparat fiss jew mobbli, adatt għall-ispeċi differenti, eżempju: bwieqi, kontenituri jew *nipples*, sabiex l-annimali fil-vettura jkunu misqija. Dak l-apparat irid ikun ħekk imfassal li l-annimali ma jistgħux iweġġħu lilhom infushom.

(c) Mingħajr preġudizzju għad-disposizzjonijiet stabbiliti f'6(a) u 6(b), vetturi li jġorru majjali jridu, skond il-kobor tagħhom, l-għadd ta' annimali li jinġarru u l-waqfiet ippjanati matul il-vjaġġ, ikollhom tank ta' l-ilma wieħed jew aktar ta' kobor biżżejjed sabiex l-annimali jistgħu jixorbu x'ħin iridu matul il-vjaġġ. Dawn it-tankijiet iridu jkunu mfassla b'mod li jistgħu jitbattlu u jkunu mnaddfa wara kull vjaġġ u jrid ikollhom sistema li tippermetti li jkun verifikat il-livell ta' l-ilma sabiex ikunu mimlija f'kull moment opportun matul il-vjaġġ. Huma jridu jkunu mqabbda ma' apparati tax-xorb fil-kompartimenti u miżmuma fi stat tajjeb sabiex il-majjali

jkun jista' jkollhom aċċess għall-ilma f'kull ħin. B'żidea, mas-sistema imsemmija hawn fuq tista' tintuża sistema parallela bħal *spraying* ta' l-ilma biex jinfriska lill-majjali.

L.N. 262 of 2003

ANIMAL WELFARE ACT
(ACT NO. XXV OF 2001)

Carriage of Livestock (Road Vehichle Standards for Journeys exceeding Eight Hours) Regulations, 2003

IN exercise of the powers conferred by article 22 the Animal Welfare Act, the Minister for Rural Affairs and the Environment has made the following regulations:-

Title and scope.

1. (1) The title of these regulations is the Carriage of Livestock (Road Vehichle Standards for Journeys exceeding Eight Hours) Regulations, 2003

(2) The scope of these regulations is to implement the provisions found under European Union Council Regulation 411/98/EC on additional animal protection standards applicable to road vehicles used for the carriage of livestock on journeys exceeding eight hours.

(3) Where the journey time of eight hours laid down in Chapter VII 48 (2) of the Annex to European Union Council Directive 91/628/EEC is exceeded, road vehicles used for the transportation of domestic solipeds and animals of the bovine, ovine, caprine and porcine species within trade between the territory of Malta and Trading Partners must comply with the additional requirements set out in the Schedule to these regulations.

(4) For the purpose of these regulations the word "trading partner" shall have the same meaning as provided in article 2 of the Veterinary Services Act and shall include Member States of the European Union.

Penalty for non-fulfilment of obligations.

2. (1) Subject to the provisions of these regulations and of the Animal Welfare Act, a person who infringes any of the provisions arising from these regulations, shall, on conviction, be liable to a fine *(multa)* of not less than five thousand liri (Lm5, 000) and not exceeding fifteen thousand liri (Lm15, 000).

(2) Without prejudice to the provisions of sub-regulation (1) of this regulation, the Court may also order any person who is found guilty of committing an offence under these regulations, to pay for the expenses incurred by the Veterinary Services as

a result of the said offence, the revocation of the permit issued under these regulations and the confiscation, retention and disposal of the *corpus delicti*.

SCHEDULE
Additional standards for road vehicles used for carriage of livestock on journeys exceeding eight hours

1. BEDDING

Without prejudice to the provisions of Chapter l, provision 2, of the Annex to European Union Council Directive 91/628/EEC, animals must be provided with appropriate bedding material which –

(a) guarantees their comfort; the quantity may vary depending on

(i) the species and the number of the animals being transported,

(ii) the journey time,

(iii) the weather;

(b) ensures adequate absorption and dispersal of animal urine and dung.

2. FEED

Where, because of the species and categories of animals being transported and the journey times set out in Chapter VII point 48 (4) of the Annex to European Union Council Directive 91/628/EEC, the animals must be fed during the journey, the following provisions apply -

(a) the vehicle used for the journey must carry a sufficient quantity of appropriate feedingstuff for the feeding requirements of the animals in question during the journey concerned;

(b) during the journey, the feedingstuffs must be protected from the weather and from contaminants such as, in particular, dust, fuel, exhaust gases and animal urine and dung;

(c) where specific equipment (troughs, receptacles or any other appropriate means of distributing feedingstuffs) must be used for the feeding of animals, that equipment must be transported in the vehicle, be disinfected after each journey;

(d) be so designed that it does not injure the animals and can, if necessary, be attached to a specific part of the vehicle to prevent its being overturned. When the vehicle is moving and when the equipment is not in use, it must be stored in a part of the vehicle separate from the animals.

3. ACCESS

Vehicles used for transport must be equipped so that at all times there can be direct access to all the animals being transported so that they can be inspected and given all appropriate care, including feeding and watering in particular.

4. VENTILATION

The vehicle must be equipped with an adequate ventilation system to ensure that the welfare of the animals being transported is permanently guaranteed, taking into account in particular the following criteria –

(a) the planned journey and its duration,

(b) the design of the vehicle used (open or closed),

(c) the inside temperature and the outside temperature resulting from atmospheric conditions which may occur during the planned journey,

(d) the specific physiological needs of the various species transported,

(e) the loading densities provided for in Chapter VI of the Annex to European Union Council Directive 91/628/EEC and the space available above the animals.

The system must also be designed in such a way that –

(f) it can be used at any time when the animals are in the vehicle whether it is stationary or moving,

(g) it ensures the efficient circulation of unpolluted air.

To that end, operators must provide -

(h) either a forced ventilation system,

(i) or a ventilation system which ensures that a range of temperatures from 5 °C to 30 °C can be maintained within the vehicle for all animals, with a +5 °C tolerance depending on the outside temperature. This system must also be equipped with an appropriate monitoring device.

The possibility of choosing between these two systems shall not prejudice the principle of the free movement of the animals.

5. PARTITIONS

(a) The vehicle must be fitted with partitions so that separate compartments may be created.

(b)The partitions must be constructed in such a way that they can be placed in different positions so that the size of compartment can be adapted to specific requirements, and to the type, size and number of animals.

6. WATER SUPPLY

(a) The vehicle must be equipped for connection to a water supply during stops.

(b) The vehicle must be equipped with fixed or movable devices appropriate to the different species, e. g. troughs, bowls or nipples, in order to water the animals on board the vehicle. Those devices must be so designed that the animals cannot injure themselves.

(c) Without prejudice to the provisions laid down in 6(a) and 6(b) above, vehicles transporting pigs must, depending on their capacity, the number of animals transported and the stops planned during the journey, be fitted with one or more water tanks of sufficient capacity so that the animals may drink at will during the journey. Such water tanks must be so designed that they can be drained and cleaned alter each journey and must be fitted with a system allowing their water level to be checked so that they can be refilled at any convenient moment during the journey. They must be connected to drinking devices within the compartments maintained in good working order so that pigs may have access to water at any time. In addition, a system such as spraying for hydrating pigs may be used in parallel with the above system.

Ippubblikat mid-Dipartiment ta' l-Informazzjoni — 3, Pjazza Kastilja — *Published by the Department of Information — 3, Castille Place*
Mitbugħ fl-Istamperija tal-Gvern — *Printed at the Government Printing Press*
Prezz 18¢ - *Price 18c*