L.N. 292 of 2003

VETERINARY SERVICES ACT 2001
(ACT No. XXIII OF 2001)

Zootechnical and Genealogical Conditions applicable to Imports from Third Countries of Animals, their Semen, Ova and Embryos Regulations, 2003

IN exercise of the powers conferred by article 34(g) of the Veterinary Services Act 2001, 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 Zootechnical and Genealogical Conditions applicable to Imports from Third Countries of Animals, their Semen, Ova and Embryos Regulations, 2003.

(2) These regulations lay down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, semen, ova and embryos which are covered by European Union Council Directives 77/504/EEC, 88/661/EEC, 89/361/EEC, 90/427/EEC and 91/174/EEC and by the European Community decisions implementing these Directives.

(3) These regulations shall apply without prejudice to the veterinary animal health rules applicable to imports from third countries of animals, their semen, ova and embryos as referred to in sub-regulation (1).

(4) These regulations shall not affect -

(a) the application of the rules on certain substances having a hormonal or thyrostatic action or on betaagonists in stock-farming,

(b) imports of animals, semen, ova and embryos referred to in sub-regulation (1) and intended for technical or scientific experiments carried out under the control of competent authorities.

(5) Imports of animals, including those not covered by sub-regulation (1), referred to in the same sub-regulation, of ova and embryos may not be prohibited, restricted or prevented by zootechnical or genealogical reasons other than those resulting from these regulations.

(6) The scope of these regulations is to implement the provisions found under European Union Council Directive 94/28/EEC laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos.

Definitions.

2. (1) For the purposes of these regulations –

"Authorities" means any organisation, stockrearing organisation, breeders' association, private undertaking or official service which is recognised in respect of the species and, or breed concerned, for the purpose of keeping a herd book or register in accordance with the relevant provisions of European Union Council Directives 77/504/EEC, 88/661/EEC, 89/361/EEC, 90/427/EEC and 91/174/EEC.

(2) Furthermore -

(a) the definitions in article 1 of European Union Council Directives 77/504/EEC, 88/661/EEC and 91/174/EEC and in article 2 of European Union Council Directives 89/361/EEC and 90/427/EEC shall be respectively applicable as required;

(b) for the purposes of applying the custom combined nomenclature, pure-bred horses for breeding shall mean registered horses, with the exception of geldings.

(3) "Trading Partner" in the meaning of article 2 of the Veterinary Services Act shall mean –

(a) Member State of the European Community,

(b) Third country to the European Community.

List of Authorities.

3. (1) A list of authorities in respect of the species and, or race concerned which are approved for the purposes of these regulations shall be drawn up, in accordance with the procedure laid down in article 34(g) of the Veterinary Services Act, in respect of the animals and products referred to in regulation 1(1) and for each third country.

(2) In order to appear on the list provided for in sub-regulation (1) of this regulation, the third country authority must -

(a) appear on a list drawn up by the competent authorities of the third country and communicated to the authorities of the territory of Malta and to the Member States;

(b) comply, in the case of each species and, or each breed, with the relevant requirements laid down by zootechnical legislation for authorities approved in the territory of Malta and in the Member States and in particular -

(i) the provisions applicable to entry and registration in herd books or registers,

(ii) the provisions applicable to the acceptance of animals for breeding purposes,

(iii) the provisions applicable to the use of semen, ova and embryos of animals,

(iv) the methods used to check performance and assess the genetic value thereof.

(c) be surprised by an official inspection service of the third country,

(d) undertake to enter or register in their herd books or registers the animals, semen, ova and embryos and the animals resulting therefrom as referred to in regulation 1(1) which originate in an authority in respect of the species and, or race concerned and recognised under Maltese and Member States' legislation.

(3) The list referred to in sub-regulation (1) may be amended by the procedure laid down in article 34(g) of the Veterinary Services Act.

(4) The implementing rules resulting from this regulation, and in particular from sub-regulation (2)(d), should the occasion arise, shall be adopted by the procedure laid down in article 34(g) of the Veterinary Services Act.

Importation of animals.

4. To be imported, animals referred to in regulation 1 must –

(a) be entered or registered in a herd book or register kept by an authority named on a list as referred to in regulation 3(1),

(b) be accompanied by a pedigree and zootechnical certificate to be drawn up in accordance with requirements of the European

Community and the procedure laid down in article 34(g) of the Veterinary Services Act,

(c) be accompanied by evidence that they are going to be entered or registered in a territory of Malta or Member States herd book or register in accordance with requirements of the European Community and detailed rules to be established under the procedure laid down in article 34(g) of the Veterinary Services Act.

Importation of Semen

5. To be imported, semen as referred to in regulation 1 must –

(a) come from an animal which is entered or registered in a herd book or register kept by an authority shown on one of the lists referred to in regulation 3(1) ;

(b) come from an animal which has undergone the performance checks and genetic value assessment to be determined in accordance with the requirements of the European Community and the procedure laid down in article 34(g) of the Veterinary Services Act on the basis of the principles provided for in this respect by zootechnical rules;

(c) be accompanied by a pedigree and zootechnical certificate to be drawn up in accordance with the requirements of the European Community and the procedure laid down in article 34(g) of the Veterinary Services Act.

Importation of Ova.

6. To be imported, ova of the animals referred to in regulation 1 must -

(a) come from an animal which is entered or registered in a herd book or register kept by an authority shown on one of the lists referred to in regulation 3 (1) ;

(b) be accompanied by a pedigree and zootechnical certificate to be drawn up in accordance with the requirements of the European Community and the procedure laid down in article 34(g) of the Veterinary Services Act.

Importation of Embryos.

7. To be imported, the embryos referred to in regulation 1 must -

(a) come from an animal which is entered or registered in a herd book or register kept by an authority shown on one of the lists referred to in regulation 3(1) ;

(b) be accompanied by a pedigree and zootechnical certificate to be drawn up in accordance with the requirements of the European Community and the procedure laid down in article 34(g) of the Veterinary Services Act.

Applicable European Union Council Directives.

8. (1) European Union Council Directive 91/496/EEC shall be applicable in respect of animals as referred to in regulation 1(1).

(2) European Union Council Directive 97/78/EC shall be applicable in respect of semen, ova and embryos as referred to in regulation 1 (1).

(3) Specific detailed implementing rules for the purposes of the zootechnical checks resulting from this regulation shall be adopted, as and when required, in accordance with the requirements of the European Community and the procedure laid down in article 34(g) of the Veterinary Services Act.

Orders which may be given by the Court.

9. 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*.