L.N. 384 of 2005

VETERINARY SERVICES ACT
(CAP. 437)

Certification of Animals and Animal Products Rules, 2005

IN exercise of the powers conferred by article 17 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 Certification of Animals and Animal Products.

(2) The scope of these rules is to implement the provisions laid down under the European Union Council Directive 96/93/EEC.

(3) This Directive lays down the rules to be observed in issuing the certificates required by veterinary laws.

Definitions.

2. (1) For the purposes of these rules **-**

"the competent authority" is the Veterinary Services as established under article 2 of the Veterinary Services Act;

"certifying officer" means the official veterinarian or, in the cases provided for in veterinary laws, any other person authorized by the competent authority to sign the certificates required by those laws.

"veterinary laws" means the laws listed in Annex A to Directive 89/662/EEC and Annexes A and B to Directive 90/425/EEC;

(2) In addition to the definitions in sub-rule (1) hereof, the definitions contained in Article 2 of Directives 89/662/EEC and 90/425/EEC shall *mutatis mutandis* apply.

Rules regarding certifying officers.

3. (1) The competent authority shall ensure that certifying officers have a satisfactory knowledge of the veterinary laws as regards the animals or products to be certified and, in general, are informed as to the rules to be followed for drawing up and issuing the certificates and, if necessary, as to the nature and extent of the enquiries, tests or examinations which should be carried out before certification.

(2) Certifying officers shall not certify data of which they have no personal knowledge or which cannot be ascertained by them.

(3) Certifying officers shall not sign blank or incomplete certificates, or certificates relating to animals or products which they have not inspected or which have passed out of their control. Where a certificate is signed on the basis of another certificate or attestation, the certifying officer shall be in possession of that document before signing.

(4) Nothing in this rule shall prevent an official veterinarian from certifying data which have been -

(a) ascertained on the basis of sub-rules 3(1),(2) and (3) by another person so authorized by the competent authority and acting under the control of the official veterinarian, provided that such veterinarian can verify the accuracy of the data;

(b) obtained, within the context of monitoring programmes, by reference to officially recognized quality assurance schemes or by means of an epidemiological surveillance system where this is authorized under veterinary laws.

(5) Detailed rules for implementing this rule may be adopted in accordance with the procedure laid down in rule 7.

Rules on certification.

4. (1) The competent authority shall take all necessary steps to ensure the integrity of certification. In particular, they shall ensure that certifying officers designated by them-

(a) have a status which ensures their impartiality and have no direct commercial interest in the animals or products being certified or in the holdings or establishments in which they originate;

(b) are fully aware of the significance of the contents of each certificate which they sign.

(2) Certificates shall be drawn up at least in a language understood by the certifying officer and at least in one of the official languages of the country of destination as provided for in Community laws.

(3) Each competent authority shall be in a position to link certificates with the relevant certifying officer and ensure that a copy of all certificates issued is available for a period to be determined by it.

5. (1) Member States shall introduce such checks and have such control measures taken as are necessary to prevent the issuing of false or misleading certification and the fraudulent production or use of certificates purported to be issued for the purposes of veterinary laws. Controls on the certification.

(2) Without prejudice to any legal proceedings or penalties, the competent authorities shall carry out investigations or checks and take appropriate measures to penalize any instances of false or misleading certification which are brought to their attention. Such measures may include the temporary suspension of the certifying officers from their duties until the investigation is over:

Provided that, in particular, if it is found in the course of the checks that:

(a) a certifying officer has knowingly issued a fraudulent certificate, the competent authority shall take all necessary steps to ensure, as far as is possible, that the person concerned cannot repeat the offence;

(b) an individual or an undertaking has made fraudulent use of, or has altered an official certificate, the competent authority shall take all necessary measures to ensure, as far as is possible, that the individual or undertaking cannot repeat the offence. Such measures may include a refusal subsequently to issue an official certificate to the person or undertaking concerned.

6. In the context of the inspections provided for by Community veterinary laws and the audits to be carried out under the equivalence agreements between the Community and third countries, the European Union Commission shall ensure that the rules and principles applied by third-country certifying officers offer guarantees at least equivalent to those laid down in these rules: Rules regarding inspections.

Provided that should it emerge from these inspections and, or, audits or from the checks provided for in European Union Council Directives 90/675/EEC and 91/496/EEC that third-country certifying officers have not complied with these principles, additional guarantees or specific requirements may be decided on in accordance with the procedure provided for in Article 18 of European Union Council Directive 89/662/EEC.

Applicability of Article 18 of European Union Council Directive 89/662/EEC.

7. Where reference is made to the procedure provided for in Article 18 of European Union Council Directive 89/662/EEC, the Standing Veterinary Committee set up by European Union Council Decision 68/361/EEC shall act in accordance with the rules laid down in Article 18 of European Union Council Directive 89/662/EEC.

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