VERŻJONI ELETTRONIKA

L.N. 259 of 2010

MALTA VETERINARY SERVICES ACT (CAP. 437)

Trade with Member States in Equidae (Zootechnical and Genealogical Conditions) Regulations, 2010

IN EXERCISE of the powers conferred by article 34(d) of the Veterinary Services Act, the Minister for Resources and Rural Affairs has made the following regulations:-

Title, scope and commencement.

1. (1) The title of these regulations is the Trade with Member States in Equidae (Zootechnical and Genealogical Conditions) Regulations, 2010.

(2) The scope of these regulations is to implement the provisions found under European Union Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing trade with Member States in equidae. These regulations lay down the zootechnical and genealogical conditions governing trade with Member States in equidae, their semen, ova and embryos.

Definitions.

2. (1) Unless otherwise stated in these regulations, the definitions in the Act shall continue to apply.

(2) For the purpose of these regulations and unless the context otherwise requires:

"the Act" means the Veterinary Services Act;

"the Community" means the European Community as established under the Treaty establishing the European Community;

"the Competent Authority" means the Veterinary Services Authority of Malta as established by the Act;

"equidae" means domestic animals of the equine or asinine species or crossbreeds thereof;

"Member State" means a state which is a member of the European Union;

"Member State of dispatch" shall have the same meaning as under the Animal Health Conditions governing the Movement and Import from Third Countries of Equidae Rules, 2005; L.N. 88 of 2005.

"registered equidae" means equidae which are entered or registered and eligible for entry in a studbook, in accordance with the rules laid down pursuant to regulation 4(2)(b) of these regulations and identified by means of the identification document provided for in regulation 8(a) of these regulations;

"studbook" means any book, register, file or data medium:-

(a) which is maintained either by an organisation or an association officially approved or recognised by Malta or a Member State or by an official agency of Malta or Member State concerned; and

(b) in which equidae are entered or registered, with mention of all their known ascendants;

"third country" means a country which is not a member state of the European Union;

"trade" means trade between Member States or between a third country and a Member State in animals and their products, a business or occupation to make profit or gain, particularly in wholesale or retail sales and includes dealings in a particular business activity.

Intra-Community trade with Member States.

3. Trade with Member States in equidae and their semen, ova and embryos may not be prohibited or restricted on zootechnical or genealogical grounds unless it is inconsistent with these regulations. In the case of intra-Community trade in registered equidae, their semen, ova and embryos, national provisions in accordance with the general rules concerning any procedures relating to intra-Community trade inter alia procedures on veterinary checks between Member States, shall be maintained pending the entry into force of the relevant European Community requirements referred to in regulations 4 and 8 of these regulations.

Recognition of organisations and registration in stud books.

4. (1) The following principles shall be taken into account when the rules referred to in sub-regulation (2) hereof are adopted:

(a) the recognition or approval of organisations and associations which maintain or establish studbooks shall be subject to compliance with the principles laid down by the organisation or association which maintains the studbook of the origin of the breed; and

(b) the criteria for entry and registration in studbooks shall be laid down on the basis of the characteristics of the breed and in particular for certain pure breeds for the purpose of regulating the entry and registration of equidae produced using artificial reproduction methods.

(2) There shall be established in accordance with the requirements of the European Community, under the procedure laid down in article 34(d) of the Act and in accordance with the principles set out in sub-regulation (1) hereof:-

(a) the criteria for the approval or recognition of organisations and associations which maintain or establish studbooks;

(b) the criteria for entry and registration in studbooks;

(c) if necessary, the criteria and methods used to identify registered equidae;

(d) the criteria for drawing up the certificate of origin and the identification document referred to in regulation 8 of these regulations; and

(e) if necessary, rules to ensure co-ordination between the organisations or associations referred to in regulation 5 hereof.

Keeping of list of breeders' associations or organisations.

5. The competent Authority shall draw up and keep up to date the list of bodies maintaining or establishing studbooks as referred to in paragraph (b) of the definition "stud book" in regulation 2(2) of these regulations, which are approved or recognised on the basis of the criteria determined in accordance with regulation 4(2)(a) of these regulations and make it available to the other Member States and to the public. Detailed rules for the uniform application of this regulation maybe adopted in accordance with the procedure referred to in regulation 8 of these regulations.

Registration of equidae.

6. (1) In trade with Member States, equidae which are registered in the Member States of dispatch shall, except where a derogation has been agreed by common accord between the two organisations or associations concerned, be registered or entered in the appropriate studbook of Malta when arriving at destination under the same name, with an indication, in accordance with international agreements, of any initial of the country of foaling.

(2) Where the constitution of the organisations or associations so permits, the original name of the animal may be preceded or followed by another name on a provisional or permanent basis, provided that throughout the animal's life the original name is retained in brackets and that the country of birth is indicated by means of initial recognised by international agreements. Alternative measures may be taken to safeguard the continued identity of the animal in accordance with the requirements of the European Community and in accordance with any procedures laid down in terms of article 34(d) of the Act.

Monitoring performance and assessment of genetic value of breeding animals.

7. In compliance with the principles laid down in regulation 4(1) of these regulations, the following may be determined in accordance with requirements of the European Community and in accordance with any procedures laid down in terms of article 34(d) of the Act:-

(a) the methods of monitoring performance and assessing the genetic value of breeding animals; and

(b) on the basis of the methods referred to in paragraph (a), the general criteria for the approval of a male breeding animal or, if appropriate, of a female breeding animal for the purposes of breeding and using their semen, ova or embryos.

Identification document of equidae.

8. The competent authority shall ensure that:-

(a) in their movements, registered equidae are accompanied by an identification document drawn up in accordance with the requirements of the European Community and in accordance with any procedures laid down in terms of article 34(d) of the Act and issued by the organisations or associations referred to in regulation 5 of these regulations and as referred to in the definition "registered equidae" in regulation 2(2) under the Animal Health Conditions governing the Movement and Import from Third Countries of Equidae Rules, 2005. The identification document, to be drawn up in

Malta's and Member States' languages for registered horses, shall include at least the information indicated in the Schedule to these regulations. Such information may be supplemented or amended in accordance with the requirements of the European Community and in accordance with any procedures laid down in terms of article 34(d) of the Act;

(b) when they are marketed, the semen, ova and embryos of registered equidae are accompanied by a zootechnical certificate of origin and identification issued by the competent Authority at least in the language of the country of destination and conforming to a model to be drawn up in accordance with requirements of the European Community and in accordance with any procedures laid down in terms of article 34(d) of the Act.

Conditions applicable to imports of equidae and their semen, ova and embryos from third countries.

9. Pending implementation of relevant European Community rules, the conditions applicable to imports of equidae and their semen, ova and embryos from third countries must not be more favourable than those governing intra-Community trade between Member States of the European Union.

Offences and penalties.

10. (1) Any person who fails to abide by these regulations shall be guilty of an offence in terms of the Act and the application of an administrative penalty in terms of article 61 of the Act shall apply to the offender.

(2) Any right given to the competent Authority under these regulations to apply all such necessary measures in terms of article 61, shall be given to the Authority without prejudice to other criminal procedures which may be taken under the Act or any other law when a person commits an offence by failing to abide by these regulations.

Revokes L.N. 289 of 2003.

11. The Trade with Member States in Equidae (Zootechnical and Genealogical Conditions) Regulations, 2003 are hereby being revoked.

SCHEDULE

Regulation 8(a)

Minimum information in the identification document

(1) Identification No
(2) Name
(3) Sex
(4) Colour
(5) Breed
(6) by
(7) and
(8) Date of foaling
(9) Place where bred
(10) Name of the competent authority
(11) Address
(12) Breeder(s)
(13) Telephone number
(14) Origin certificate validated on:
(15) by:
(16) Telecopy number:
(17) Signature (Name in capital letters and capacity of signatory)
(18) Stamp
(19) taken by
On
Body
(20) Description with dam Markings
Head
Ant. G
Foreleg L
Ant. D
Foreleg R
Post. G
Hindleg L
Post. D
Hindleg R
(21) District
(22) Signature and stamp of qualified veterinary surgeon (or competent authority) (in capital letters)

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