L.N. 260 of 2010

MALTA VETERINARY SERVICES ACT (CAP. 437)

Animal Health Conditions governing the Movement and Import from Third Countries of Equidae (Amendment) Rules 2010

IN EXERCISE of the powers conferred by article 8 and 9 of the Veterinary Services Act, the Minister for Resources and Rural Affairs has made the following rules:-

Title.

1. The title of these rules is the Animal Health Conditions governing the Movement and Import from Third Countries of Equidae (Amendment) Rules, 2010 and they shall be read and construed as one with the Animal Health Conditions governing the Movement and Import from Third Countries of Equidae Rules, 2005 hereinafter referred to as "the principal rules".

L.N. 88 of 2005.

Substitutes rule 2 of the principal rules.

2. (1) Rule 2 of the principal rules shall be substituted as follows:-

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

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

"the Act" means the Veterinary Services Act;

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

"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 Authority in Malta as established by the Act;

"compulsorily notifiable diseases" means the diseases listed in Schedule A to these rules;

"equidae" means wild or domesticated animals of the equine (including zebras) or asinine species or the offspring of crossings of those species;

"equidae for breeding and production" means equidae other than equidae for slaughter and registered equidae;

"equidae for slaughter" means equidae intended to be transported either directly or after transit through a market or an approved marshalling centre to the slaughterhouse for slaughter;

"holding" means an agricultural or training establishment, a stable or, generally speaking, any premises or facilities in which equidae are habitually kept or bred, for whatever use;

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

"Member State of dispatch" means such Member State from where equidae are transported or transmitted or are intended to be transported or transmitted through an approved market or assembly centre to the place of destination;

"Member State or third country free from African horse sickness" means any Member State or third country in which there has been no clinical, serological (in unvaccinated equidae) or epidemiological evidence of African horse sickness on the territory concerned in the previous two years and in which there have been no vaccinations against the disease during the previous twelve months;

"official veterinarian" means the veterinarian designated by the Competent Authority of Malta or by the competent authority of a Member State or of a third country;

"place of arrival or destination" means such Member State to which equidae are transported from their holding or establishment of origin either directly or through an approved market or assembly centre in the Member State of dispatch or from a third country;

"registered equidae" means any equidae registered as defined under the Trade with Member States in Equidae (Zootechnical and Genealogical Conditions) Regulations, 2010 identified by means of an identification document issued by the breeding authority or any other competent authority of the country where the animal originated, which manages the studbook or register for that breed of animals or any international association or organisation which manages horses for competition or racing; L.N. 259 of 2010.

"temporary admission" means the status of a registered animal originating in a third country and admitted into the Community for a period of less than ninety days to be fixed by the Commission in accordance with the procedure of the Community, depending on the health situation in the country of origin;

"third country" means a state which is not a member of 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.".

(2) For the words "the Veterinary Services Act" wherever they occur in the principal rules there shall be substituted the words "the Act".

(3) For the words "Veterinary Services" and "Malta Veterinary Services" wherever they occur in the principal rules there shall be substituted the words "the Competent Authority".

3. For sub-rule (1) of rule 7 of the principal rules there shall be substituted the following:- Amends rule 7 of the principal rules.

"(1) The equidae shall be transported, as soon as possible, from the holding of origin either directly or via an approved market or marshalling centre defined as "assembly centre" under these rules to the place of destination in vehicles or containers which have been regularly cleansed and disinfected with a disinfectant at intervals to be fixed by the Member State of dispatch. The vehicles shall be designed in such a way that equidae droppings, litter or fodder cannot escape from the vehicle during transportation. Transportation shall be effected in such a way that the health and well-being of the equidae can be protected effectively.".

Substitutes rule 12 of the principal rules.

4. For rule 12 of the principle rules there shall be substituted the following:-

"12. (1) The importation of equidae in Malta as a Member State of destination shall only be authorised from such third countries that appear on a list or lists to be drawn up or amended in accordance with the procedure referred to in rule 15 of these rules. Taking into account the health situation and the guarantees provided by the third country for equidae, it may be decided in accordance with the procedure referred to in rule 15 of these rules that the authorisation provided for in this sub-rule shall apply to the whole territory of the third country or to only part of its territory. For such purpose and on the basis of the relevant international standards, account shall be taken of how the third country applies and implements those standards, in particular the principle of regionalisation, within its own territory and in relation to its sanitary requirements for importation from other third countries and other Member States.

(2) When the lists provided for in sub-rule (1) hereof are drawn up or amended, particular account shall be taken of:

(a) the health status of the equidae, other domestic animals and wildlife in the third country, with particular regard to exotic animal diseases and any aspects of the general health and the environmental situation in the third country which may pose a risk to the health and environmental status of the Community;

(b) the legislation of the third country in relation to animal health and welfare;

(c) the organisation of the competent authority of the third country and its inspection services, the powers of those services, the supervision to which they are subject, and the means at their disposal, including staff and laboratory capacity, to apply national legislation effectively;

(d) the assurances which the competent authority of the third country can give regarding compliance or equivalence with the relevant animal health conditions applicable in the Community;

(e) whether the third country is a member of the Office International des Epizooties (OIE) and the regularity and rapidity of the information supplied by the third country relating to the existence of infectious or contagious diseases of equidae in its territory, in particular those diseases listed by the OIE and in Schedule A to these rules;

(f) the guarantees given by the third country to directly inform the Commission and the Member States:

(i) within 24 hours, of the confirmation of the occurrence of infectious diseases of equidae listed in Schedule A to these rules and of any change in the vaccination policy concerning such diseases;

(ii) within an appropriate period, of any proposed changes in the national sanitary rules concerning equidae, in particular regarding the importation of equidae;

(iii) at regular intervals, of the animal health status of its territory concerning equidae;

(g) any experience of previous imports of live equidae from the third country and the results of any import controls carried out;

(h) the results of Community inspections and, or audits carried out in the third country, in particular the results of the assessment of the competent authorities thereof or, where the Commission so requests, the report submitted by the competent authorities thereof on the inspections which they have carried out; and

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(i) the rules on the prevention and control of infectious or contagious animal diseases in force in the third country and their implementation, including rules on importation of equidae from other third countries.

(3) Special import conditions for each third country or group of third countries, having regard to the animal health situation concerning equidae in the third country or countries concerned shall be established in accordance with the procedure referred to in rule 15 of these rules.

(4) Detailed rules for the application of this rule and criteria for including third countries or parts of third countries in the lists provided for in sub-rule (1) hereof may be adopted in accordance with the procedure referred to in rule 15 of these rules.".

Adds new rule 19 to the principal rules.

5. Immediately after rule 18 of the principal rules there shall be added the following new rule:-

"19. The competent Authority may designate a national reference laboratory for one or more of the diseases of equidae listed in Schedule A to these rules and shall stipulate the functions, tasks and procedures regarding collaboration with laboratories responsible for diagnosing infectious diseases of equidae in other Member States.".

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