L.N. 262 of 2010

MALTA VETERINARY SERVICES ACT (CAP. 437)

Breeding Animals of the Porcine Species (Zootechnical Standards) Regulations, 2010

IN EXERCISE of the powers conferred by article 34(b) 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 Breeding Animals of the Porcine Species (Zootechnical Standards) Regulations, 2010.

(2) The scope of these regulations is to implement the provisions found under European Union Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species.

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

Definitions.

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;

"herd-book" means any book, file or data medium:

(i) which is maintained either by a breeders' association officially approved by Malta or a Member State in which that association is established or by an official service of Malta or Member State in question;

(ii) which is maintained by a breeding organisation in Malta, however officially approved by the Member State in which that organisation is established; and

(iii) in which pure-bred breeding pigs of a specified breed are entered or registered with reference to their ancestors;

"hybrid breeding pig" means any animal of the porcine species which fulfils the following criteria:

(a) it is produced by deliberate crossbreeding –

(i) between pure-bred breeding pigs of different breeds or lines;

(ii) between animals which are themselves the outcome of a cross between different breeds or lines; or

(iii) between pure-bred animals and animals belonging to one or other of the above categories; and

(b) it must be entered in a register;

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

"pure-bred breeding pig" means any animal of the porcine species, the parents and grandparents of which are entered or registered in a herd-book of the same breed and which is itself entered or registered and eligible for entry in such a herd-book;

"the Register" means any book, file or data medium –

(i) which is maintained either by a breeders' association, a breeding organisation or a private undertaking officially approved by Malta or a Member State in which that association, organisation or undertaking is established, or by an official service of Malta or Member State in question; and

(ii) in which hybrid breeding pigs are entered with reference to their ancestors;

"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.

Trade with Member States of pure-bred breeding pigs and establishment of herd books.

3. In Malta, the following shall not be prohibited, restricted or impeded on zootechnical grounds:

(a) trade with Member States in pure-bred breeding pigs or in their semen, ova and embryos;

(b) the establishment of herd-books, provided that they meet the conditions laid down pursuant to regulation 8 of these regulations; and

(c) the official approval of breeders' associations or breeding organisations as referred to in the definition "herd-book" in regulation 2(2) hereof, which establish or maintain herd-books in accordance with regulation 8 of these regulations.

Approval of pure-bred breeding pigs for breeding.

4. Provisions for the approval of pure-bred breeding pigs for breeding shall be adopted in accordance with the requirements of the European Community and according to any procedures laid down in accordance with article 34(b) of the Act.

Keeping of list of breeders' associations or organisations.

5. The competent Authority shall draw up and keep up to date a list of bodies as referred to in regulation 3(c) 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 may be adopted in accordance with the procedure referred to in regulation 12(1) of these regulations.

Entry in herdbooks of pure-bred breeding pigs from Member States.

6. (1) Breeders' associations and, or breeding organisations as referred to in the definition "herd-book" in regulation 2(2) of these regulations which are officially approved by Malta or the official service of Malta may not oppose the entry in their herd-books of pure-bred breeding pigs from Member States, provided that they satisfy the requirements laid down in accordance with regulation 8 of these regulations.

(2) Malta may require or allow certain pure-bred breeding pigs dispatched from a Member State and having specific characteristics identifying them from the population of the same breed in Malta to be entered in a separate section of the herd-book for the breed to which they belong.

Certificates accompanying pure-bred pigs at the time of marketing.

7. Pure-bred breeding pigs and the semen, ova and embryos of such animals shall be accompanied at the time of their marketing by certificates drawn up in accordance with regulation 8 of these regulations.

Methods and criteria in accordance with the procedure in the Act.

8. (1) The following shall be determined in accordance with requirements of the European Community and in accordance with any procedures laid down in accordance with article 34(b) the Act:

(a) methods for monitoring performance and assessing the genetic value of pure-bred breeding pigs;

(b) the criteria governing the establishment of herd-books;

(c) the criteria governing entry in herd-books;

(d) the criteria for approval and supervision of breeders' associations and, or breeding organisations as referred to in the definition "herd-book" in regulation 2(2) of these regulations which establish or maintain herdbooks; and

(e) the certificate mentioned in regulation 7 hereof.

(2) Pending entry into force of the provisions provided

for in sub-regulation (1) hereof, the monitoring referred to in paragraph (a) officially carried out in each Member State and the herd-books shall be recognised in Malta.

(3) The competent Authority shall draw up and keep up to date a list of bodies as referred to in regulation 3(c) 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 may be adopted in accordance with the procedure referred to in regulation 12(1) of these regulations.

Trade with Member States in hybrid breeding pigs and establishment of registers.

9. In Malta, the following shall not be prohibited, restricted or impeded on zootechnical grounds:

(a) trade with Member States in hybrid breeding pigs or the semen, ova and embryos of such animals;

(b) the establishment of registers, provided that they meet the conditions laid down pursuant to regulation 12 of these regulations; and

(c) the official approval of breeders' associations and, or breeding organisations and, or private undertakings as referred to in the definition "the Register" in regulation 2(2) of these regulations which establish or maintain registers in accordance with regulation 12 of these regulations.

Adoption of provisions of hybrid breeding pigs.

10. Provisions for the approval of hybrid breeding pigs for breeding shall be adopted in accordance with the requirements of the European Community and according to any procedures laid down in accordance with article 34(b) of the Act.

Certificates accompanying hybrid breeding pigs at the time of marketing.

11. Hybrid breeding pigs and the semen, ova and embryos of such animals shall be accompanied at the time of their marketing by certificates drawn up in accordance with requirements of the European Community and in accordance with any procedures laid down in accordance with article 34(b) of the Act.

Procedure in terms of the Act.

12. (1) The following shall be determined in accordance with requirements of European Community and in accordance with any procedures laid down in accordance with article 34(b) of the Act:

(a) methods for monitoring performance and assessing the genetic value of hybrid breeding pigs;

(b) the criteria governing the establishment of registers;

(c) the criteria governing entry in registers;

(d) the criteria governing the approval and monitoring of breeders' associations and breeding organisations or private undertakings as referred to in the definition "the Register" in regulation 2(2) of these regulations, establishing or maintaining registers; and

(e) the certificate mentioned in regulation 11 of these regulations.

(2) Pending entry into force of the provisions provided for in sub-regulation (1) hereof, the monitoring referred to in paragraph (a), officially carried out in each Member State and the registers shall be recognised in Malta.

Orders which may be given by the Court.

13. The Court may order any person who is found guilty of committing an offence under these regulations, to pay for the expenses incurred by the Competent Authority 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* in terms of article 61 of the Act.

Revokes L.N. 287 of 2003.

14. The Zootechnical Standards for Breeding Animals of the Porcine Species Regulations, 2003 are hereby being revoked.

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