

L.N. 346 of 2015**VETERINARY SERVICES ACT
(CAP. 437)****Identification and Registration of Pigs Rules, 2015**

IN exercise of the powers conferred by article 7 of the Veterinary Services Act, the Minister for Sustainable Development, Environment and Climate Change has made the following rules:-

Citation and
scope.

1. (1) The title of these rules is the Identification and Registration of Pigs Rules, 2015.

(2) The scope of these rules is to transpose Council Directive 2008/71/EC on the identification and registration of pigs. These rules set out the minimum requirements for the identification and registration of pigs, without prejudice to more detailed Community rules which may be established for disease eradication or control purposes.

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(3) These rules shall apply without prejudice to Decision 89/153/EEC and to implementing rules laid down in the Principles Governing the Organisation of Veterinary Checks on Animals Entering the Community from Third Countries via Border Inspection Posts of the Territory of Malta Regulations.

Interpretation.

2. (1) For the purpose of these rules and unless the context otherwise requires, the following definitions shall apply:

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"the Act" means the Veterinary Services Act;

"animal" means any animal of the Suidae family, excluding feral pigs as defined in Article 2(b) of Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever;

"competent authority" means the Veterinary Regulation Directorate, or such other authority as may be appointed from time to time, by notice in the Gazette, to carry out veterinary checks or any authority to which it has delegated that competence for the purposes of implementing Council Directive 2008/71/EC;

"holding" means any establishment, construction or, in the case of an open-air farm, any place in which animals are held, kept or handled;

"keeper" means any natural or legal person responsible, even on a temporary basis, for animals;

"the Commission" means the European Commission;

"trade" means trade as defined in point (3) of Article 2 of Directive 90/425/EEC.

(2) Unless the context otherwise requires, words and phrases used in these rules which are not defined herein shall have the same meaning assigned to them in article 2 of the Act.

3. (1) (a) The competent authority shall keep an up-to-date list of all the holdings which keep animals covered by these rules and are situated in Malta, specifying the keepers of the animals; such holdings shall remain on that list until three consecutive years have elapsed with no animals on the holding. That list shall also include the mark or marks which permit the identification of the holding in accordance with rules 5(2) and 8. List of holdings.

(b) The Commission shall have access to all information obtained under these rules.

(2) The competent authority may be authorised, in accordance with the procedure referred to in Article 18 of Directive 90/425/EEC, to exclude from the list in sub-rule (1)(a) natural persons who keep one single animal which is intended for their own use or consumption, or to take account of particular circumstances, provided that this animal is subjected to the controls laid down in these rules before any movement.

4. (1) Any keeper contained in the list provided for in sub-regulation 3(1)(a) shall keep a register stating the number of animals present on the holding. Register of animals present on the holding.

(2) The register shall include an up-to-date record of movements (numbers of animals concerned by each entering and leaving operation) at least on the basis of aggregate movements, stating as appropriate their origin or destination, and the date of such movements.

(3) The identification mark applied in conformity with rules 5 and 8 shall be stated in all cases.

(4) In the case of pure-bred and hybrid pigs, which are entered in a herd-book in accordance with Council Directive 88/661/EEC of 19 December 1988 on the zootechnical standards applicable to breeding animals of the porcine species, an alternative registration

system based on individual identification allowing the animals to be identified may be recognised in accordance with the procedure referred to in Article 18 of Directive 90/425/EEC if it offers guarantees equivalent to a register.

(5) (a) Any keeper shall supply the competent authority, upon request, with all information concerning the origin, identification and, where appropriate, the destination of animals which he has owned, kept, transported, marketed or slaughtered. Information is to be forwarded in the format and time period requested by the Director.

(b) Any keeper of animals to be moved to or from a market or collection centre shall provide a document, containing details of the animals in question, to the operator, on the market or in the collection centre, who is a keeper of the animals, on a temporary basis:

Provided that the operator may use the documents obtained in accordance with sub-rule (2) to carry out the obligations laid down in sub-rule (4).

(c) The registers and information shall be available on the holding and to the competent authority, upon request, for a minimum period of at least three years.

Identification
marks of
animals.

5. (1) In furtherance of the provisions of the rules, the following general principles shall be complied with:

(a) identification marks shall be applied before animals leave the holding of birth;

(b) no mark may be removed or replaced without the permission of the competent authority:

Provided that, where a mark has become illegible or has been lost, a new mark shall be applied in accordance with this rule;

(c) the keeper shall record any new mark in the register referred to in rule 4 in order to establish a link with the previous mark applied to the animal.

(2) Animals shall be marked as soon as possible, and in any case before they leave the holding, with an ear-tag and, or tattoo making it possible to determine the holding from which they came and enabling reference to be made to any accompanying document which shall mention such ear-tag or tattoo and to the list referred to in

rule 3(1)(a).

(3) The competent authority may delegate its competence to verify the application of identification marks referred in sub-rules (1) and (2) to persons or entities it deems suitable to carry out such activity subject to the same authority's scrutiny.

(4) The competent authority may, by derogation from the second sub-paragraph of Article 3(1)(c) of Directive 90/425/EEC, apply national systems for all movements of animals in Malta. Such system shall enable the holding from which they came and the holding on which they were born to be identified. The competent authority shall notify the Commission of the systems which it intends to introduce for this purpose. In accordance with the procedure referred to in Article 18 of Directive 90/425/EEC, the competent authority may be asked to make amendments to the system where such system does not fulfil the requirement referred to in the said Article of Directive 90/425/EEC.

(5) Animals bearing a temporary mark identifying a consignment shall be accompanied throughout their movement by a document which enables the origin, ownership, place of departure and destination to be determined.

6. (1) Where the competent authority of the Member State of destination decides not to keep the identification mark allocated to the animal in the holding of origin, all charges incurred as a result of replacing the mark shall be borne by that authority. Where the mark has been so replaced, a link shall be established between the identification allocated by the competent authority of the Member State of dispatch and the new identification allocated by the Member State of destination; that link shall be recorded in the register provided for in rule 4:

Non-retention of
Identification
mark at the
Member State of
destination.

Provided that the option in this sub-rule may not be invoked in the case of animals intended for slaughter which are imported under rule 8 without bearing a new mark in accordance with rule 5.

(2) Where the animals have been traded, the competent authority of the Member State of destination may, for the purposes of Article 5 of Directive 90/425/EEC, have recourse to Article 4 of Directive 89/608/EEC in order to obtain the information relating to the animals, their herd of origin and any movement to which they have been subject.

Movements of animals not accompanied by a certificate or a document required by legislation.

7. The competent authority shall ensure that any information relating to movements of animals not accompanied by a certificate or a document required by veterinary or zootechnical legislation remains available to the competent authority, upon request, for a minimum period to be set by the latter.

Animals imported from third countries.

8. Any animal imported in Malta from a third country which has passed the checks laid down by Directive 91/496/EEC and which remains within Community territory shall, within thirty days of undergoing those checks, and, in any event, before its movement, be identified by a mark complying with rule 5 unless the holding of destination is a slaughterhouse situated in Malta and the animal is actually slaughtered within that thirty-day period:

Provided that, a link shall be established between the identification established by the third country and the identification allocated to it by the competent authority. That link shall be recorded in the register provided for in rule 4.

Powers of the Director.

9. Without prejudice to any other provision of these rules, the Director shall be empowered to issue additional and stricter guidelines, as may be required, and which are conducive to improve the system of registration and identification of pigs.

Guidelines.

10. The Director may, from time to time, issue relative guidelines in terms of these rules and in terms of the Act. Any keeper shall be obliged to follow the guidelines issued by the Director.

Offences and penalties.

11. (1) Any person who acts in contravention of these rules shall be guilty of an offence and shall, on conviction, be liable to the penalties contemplated in the Act.

(2) Where the Director has reasonable cause to believe that an offence against these regulations has been committed and that it would be appropriate to impose an administrative penalty under article 61 of the Act, the Director shall proceed in accordance with the provisions of the said article 61 of the Act.

Revokes the Identification and Registration of Animals Rules, 2005. L.N. 292 of 2005.

12. The Identification and Registration of Animals Rules, 2005, are hereby revoked, without prejudice to anything done or omitted to be done thereunder.

