

L.N. 214 of 2023

**ANIMAL WELFARE ACT
(CAP. 439)**

Calves (Protection) (Amendment) Regulations, 2023

IN EXERCISE of the powers conferred by articles 7(2) and 20(1) of the Animal Welfare Act, the Minister responsible for veterinary services has made the following regulations:-

1. (1) The title of these regulations is the Calves (Protection) (Amendment) Regulations, 2023 and these regulations shall be read and construed as one with the Calves (Protection) Regulations, hereinafter referred to as "the principal regulations".

Citation and commencement.

S.L. 439.01.

(2) These regulations shall come into force within two (2) months from their publication in the Gazette.

2. Sub-regulation (3) of regulation 1 of the principal regulations shall be substituted by the following new sub-regulation:

Amends regulation 1 of the principal regulations.

"(3) The scope of these regulations is to transpose Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves."

3. Regulation 2 of the principal regulations shall be amended as follows:

Amends regulation 2 of the principal regulations.

(a) regulation 2 shall be renumbered as regulation 2(1);

(b) the definition "competent authority" thereof shall be substituted by the following new definition:

" "competent authority" means the
Department of Veterinary Services as defined in
the Veterinary Services Act;"

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(c) the definition "the Director" thereof shall be substituted by the following new definition:

" "Director" means the Director for Veterinary
Services as defined in the Veterinary Services Act;"

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(d) the definition "final consumer" thereof shall be substituted by the following new definition:

" "final consumer" means any natural or legal person purchasing animals and animal products subject to trade for his own personal use and not for resale or transfer purposes;"

(e) immediately after the definition "the product" there shall be added the following new definition:

" "Regulation (EU) 2017/625 means Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation);" and

(f) immediately after the definition "trading partner" there shall be added the following new sub-regulation:

"(2) Without prejudice to the provisions of sub-regulation (1), terms and expressions used in these regulations which are not defined herein, shall unless the context otherwise requires, have the same meaning as assigned to them in the Act."

Amends
regulation 3 of
the principal
regulations.

4. Regulation 3 of the principal regulations shall be amended as follows:

(a) paragraph (a) of sub-regulation (1) thereof shall be substituted by the following new paragraph:

"(a) no calf shall be confined in an individual pen after the age of eight (8) weeks, unless a veterinarian certifies that the health or behaviour of the animal requires it to be isolated in order to receive treatment:

Provided that the width of any individual pen

for a calf shall be at least equal to the height of the calf at the withers, measured when the calf is in standing position, and the length shall be at least equal to the body length of the calf itself, measured from the tip of the nose to the caudal edge of the *tuber ischii* (pin bone), multiplied by one point one (1.1):

Provided further that the individual pens for calves, except those for isolating sick animals, shall not have solid walls, but perforated walls which allow the calves to have direct visual and tactile contact:

Provided further that this paragraph shall not apply to holdings with fewer than six (6) calves and calves kept with their mothers for suckling;"

(b) sub-regulations (2) and (3) thereof shall be deleted;

(c) sub-regulation (6) thereof shall be substituted by the following new sub-regulation:

"(6) These measures shall include the direct confiscation of the product, the suspension of the activities carried out by the owner or keeper of the animals, being primarily responsible for animal welfare, and the withdrawal, forfeiture or suspension of the authorisation, licence or permit with regard to such activities when these are creating a risk to the final consumer and to the environment:

Provided that the Director may not return to the owners and keepers the product confiscated or in any way removed and may dispose of the product as the Director may deem fit:

Provided further that any expenses related to the confiscation and disposal of the product shall be borne by the offender in their entirety."

5. Regulation 5 of the principal regulations shall be deleted. Deletes regulation 5 of the principal regulations.
6. Regulation 6 of the principal regulations shall be Substitutes regulation 6 of the principal regulations.

substituted by the following new regulation:

"Inspections and reporting. 6. In the territory of Malta, inspections and reporting are to be carried out in accordance with the provisions of Regulation (EU) 2017/625."

Substitutes regulation 8 of the principal regulations.

7. Regulation 8 of the principal regulations shall be substituted by the following new regulation:

"On-the-spot inspections by European Commission experts.

8. Commission experts from the European Commission may carry out on-the-spot inspections in co-operation with the Veterinary Services. The persons carrying out these inspections shall implement the special personal hygiene measures necessary to exclude any risk of transmission of disease. The Veterinary Services shall give all necessary assistance to the experts in carrying out their duties. In particular, the same type of access given to officials of the competent authority shall be given to all concerned persons, as well as information, documentation and access to places, establishments, installations and means of transport in order for the inspections to be carried out. The Veterinary Services shall take any measures deemed necessary to take account of the results of the inspections. With regard to relations with third countries, the provisions of Regulation (EU) 2017/625 shall apply."

Amends regulation 9 of the principal regulations.

8. Immediately after sub-regulation (3) of regulation 9 of the principal regulations there shall be added the following new sub-regulation:

"(4) The provisions of article 47 of the Act shall apply whenever the Director has reasonable cause to believe that an offence against these regulations has been committed."