

VETERINARY SERVICES ACT 2001
(ACT NO. XXIII OF 2001)

Animal Health Conditions Governing Intra-Community Trade and Imports from Third Countries of Fresh Poultry Meat Regulations, 2004

IN exercise of the powers conferred by articles 11 and 12 of the Veterinary Services Act, 2001, the Minister for Rural Affairs and the Environment has made the following regulations:-

CHAPTER I
General Provisions

Title and Scope

1. (1) The title of these regulations is, Animal Health Conditions Governing Intra-Community Trade and Imports from Third Countries of Fresh Poultry Meat Regulations, 2004.

(2) The scope of these regulations is to implement the provisions of European Union Council Directive 91/494/EEC Animal Health Conditions Governing Intra-Community Trade and Imports from Third Countries of Fresh Poultry Meat.

(3) For the purposes of these regulations, where reference is made in the European Union Council Directive 91/494 to the certificate found under Chapter X of Annex 1 of European Union Council Directive 71/118/EEC which has been transposed into Maltese legislation by the Health Problems effecting the production and placing on the market of Fresh Poultry-Meat Regulations, 2004, hereinafter referred to as Legal Notice 258/2004, reference shall be made to the certificate under Commission Regulation(EC)559/04 as transposed into Maltese legislation under the Certificate and Inspection Report linked to Intra Community Trade in Animal products of Animal Origin Regulations, 2004 hereinafter referred to as, Legal Notice 295/2004

Provided that for the importation of products from third countries, the procedure found under European Commission Regulation (EC) 136/04 shall apply.

Definitions

2. For the purposes of these regulations, the definitions, and especially those for poultry, set out in article 2 of European Union Council Directive 90/539/EEC shall also apply. Moreover -

(a) “meat” means any parts of poultry which are fit for human consumption;

(b) “fresh meat” means any meat, including meat vacuum-wrapped or wrapped in a controlled atmosphere, which has not undergone any treatment other than cold treatment to ensure its preservation;

(c) “Third Countries” mean countries that are not members of the European Union;

(d) “Member State” means a State which is a member of the European Union.

CHAPTER II

Rules governing intra-community trade

Intra-community trade of fresh meat obtained from poultry.

3. In order to be traded within the territory of Malta and with Member States, fresh meat must have been obtained from poultry which -

(1) has been held in the territory of Malta or in a Member State since hatching or has been imported from third countries in accordance with the requirements of Chapter III of European Union Council Directive 90/539/EEC;

(2) comes from a holding -

(a) which has not been placed under animal health restrictions in connection with a poultry disease,

(b) which is not located in an area which for animal health reasons is subject to restrictive measures involving controls on poultry-meat in accordance with Malta and Member States legislation as a result of an outbreak of disease to which poultry is susceptible;

(3) during transport to the slaughterhouse did not come into contact with poultry suffering from avian influenza or Newcastle disease; such transport through an area which has been declared an avian influenza or Newcastle disease infection area shall be prohibited unless major road or rail links are used;

(4) comes from slaughterhouses in which -

(a) at the time of slaughter, no case of avian influenza or Newcastle disease had been recorded;

(b) any fresh meat which is suspected of having been contaminated at the slaughterhouse, cutting plant, storage depot in the course of transport is excluded from trade;

(5) is marked in accordance with regulations 4 and 5:

Provided that national controls governing meat are exempted from this chapter if -

- contained in the personal luggage of travellers and intended for their personal consumption,
- in small consignments to private individuals, provided that the said consignments are not of a commercial nature,
- for consumption by the crew and passengers on board means of transport operating internationally.

Use of health mark.

4. Fresh poultry-meat covered by these regulations shall be given the health mark specified in regulation 3 (1)(e) of Legal Notice 258/2004, provided that it meets the requirements laid down in regulation 3 of these regulations and that it comes from poultry slaughtered in accordance with the hygiene requirements laid down in Legal Notice 258/2004.

Use of health mark on Fresh Meat not intended for Intra-Community Trade.

5. (1) Notwithstanding regulation 4, and insofar as it is not intended for Intra-Community trade in fresh meat, fresh poultry meat which does not satisfy the requirements laid down in regulation 3 (2), (3) and (4) (a) may carry a mark in accordance with regulation 3 (1)(e) of Legal Notice 258/2004, provided that this mark is immediately -

(a) either over stamped in such a way that the health mark defined in point 66 (a) and (b) of Chapter XII of Schedule I to Legal Notice 258/2004 is covered by a diagonal cross consisting of two straight lines crossing at right angles, with the point of intersection in the centre of the stamp and the information thereon remaining legible;

(b) or replaced by a single special mark consisting of the health mark defined in point 66 (a) and (b) of Chapter XII of Schedule I to Legal Notice 258/2004, over-stamped in accordance with point (a) of this paragraph. The provisions of point 65 of Chapter XII of Schedule I Legal Notice 258/2004 shall apply *mutatis mutandis* to the keeping and use of marking instruments.

(2) The meat referred to in sub-regulation (1) must be obtained, cut, transported and stored separately from, or not at the same time as, meat intended for Intra-Community trade in fresh meat and must be used in such a way as to avoid it being introduced into meat products intended for Intra-Community trade unless they have undergone the treatment specified in Article 4 (1) of European Union Council Directive 80/215/EEC as last amended by Council Directive 89/662/EEC.

Checks to be effected as a follow-up to checks carried out by Member States.

6. The rules laid down in European Union Council Directive 89/662/EEC shall apply, in particular as regards the organisation of and the follow up to the checks carried out by the Member State of destination and the safeguard measures to be applied.

On site inspections.

7. Veterinary experts from Member States and from European Commission may, in conjunction with the Veterinary Services, carry out on the spot inspections. The Veterinary Services shall give the experts all the assistance necessary for the performance of their tasks.

CHAPTER III

Rules applicable to imports from third countries

Exceptions to the rules for the importation of fresh poultry-meat to Malta.

8. (1) Fresh poultry-meat imported into the territory of Malta must satisfy the requirements laid down in regulation 9 to 12.

(2). The provisions of, this Chapter shall not apply to -

(a) poultry meat forming part of travellers' personal luggage and intended for their personal consumption, provided that the quantity transported does not exceed one kilogram per person and that it comes from a third country or part thereof appearing on the list drawn up in accordance with regulation 9 and from which importation is not prohibited under regulation 14;

(b) poultry-meat sent as small consignments to private individuals, provided that such meat is not imported by way of trade, that the quantity does not exceed one kilogram and that it comes from a third country or part thereof appearing on the list drawn up in accordance with regulation 9 and from which importation is not prohibited under regulation 14;

(c) meat for consumption by the crew and passengers on board means of transport operating internationally. Where such meat or the resulting kitchen waste is unloaded, it must be destroyed. It is not, however, necessary to destroy meat when it is transferred, directly or after being placed provisionally under customs supervision, from one means of transport to another.

Rules on the importation of poultry meat from third countries.

9. (1) Fresh poultry-meat must come from a third country or part of a third country appearing on a list drawn up by the European Commission in accordance with the procedure laid down in Article 18 of the European Union Council Directive 91/494/EEC. The list may be supplemented or amended in accordance with the procedure laid down in Article 17 of the European Union Council Directive 91/494/EEC.

(2) In deciding whether a third country or part thereof may be included in the list referred to in sub-regulation (1) particular account shall be taken of -

(a) the state of health of the poultry, other domestic animals and wildlife in the third country, particular attention being paid to exotic animal diseases, and the

environmental health situation in that country, where either are liable to endanger public and animal health in the territory of Malta;

(b) the regularity and rapidity of the supply of information by the third country relating to the existence of contagious animal diseases in its territory, in particular the diseases appearing on lists A and B of the International Office of Epizootics;

(c) that country's rules on animal disease prevention and control;

(d) the structure of the veterinary services in the country and their powers;

(e) the organisation and implementation of measures to prevent and control contagious animal diseases;

(f) that country's legislation on the use of banned substances, in particular legislation concerning the prohibition or authorisation of substances, their distribution, placing on the market and the rules on administering and controlling them;

(g) the guarantees which the third country can give with regard to the provisions of these regulations.

(3) The list referred to in sub-regulation (1) and any amendments thereto shall be published in the Official Journal of the European Communities.

Further regulations for the importation of Fresh poultry-meat

10. (1) Fresh poultry-meat must come from countries free from avian influenza and Newcastle disease.

(2) The general criteria for classifying third countries in terms of the diseases referred to in sub-regulation (1) shall be adopted in accordance with the procedure laid down in Article 17 of the European Union Council Directive 91/494/EEC. These criteria must in no case be more favourable than those adopted for the Member States pursuant to European Union Council Directive 90/539/EEC.

(3) The European Commission may, in accordance with the procedure laid down in Article 18 of European Union Council Directive 91/494/EEC, decide that Paragraph 1 of Article 10 of European Union Council Directive 91/494/EEC shall apply only to a part of the territory of a third country

Further regulations for the importation of fresh poultry-meat

11. (1) Fresh poultry-meat must -

(a) satisfy animal health requirements adopted in accordance with the procedure laid down in Article 17 European Union Council Directive 91/494/EEC. These requirements may differ according to the species of bird;

(b) come from flocks which, prior to consignment, have, without interruption, been held in the third country or part thereof for a period to be defined in accordance with the procedure laid down in Article 17 European Union Council Directive 91/494/EEC.

(2) The animal health conditions shall be determined on the basis of the rules laid down in Chapter II and the corresponding Annexes to European Union Council Directive 90/539/EEC. In accordance with the procedure laid down in Article 18 European Union Council Directive 91/494/EEC, derogations may be granted on a case-by-case basis, if the third country concerned offers similar animal health guarantees which are at least of an equivalent standard.

Requirements for a certificate which has to accompany poultry meat imported from third countries

12. (1) Fresh poultry-meat must be accompanied by a certificate drawn up by an official veterinarian of the exporting third country. The certificate must -

- (a) be issued on the day of loading for consignment to the country of destination;
- (b) be drawn up in the official language or languages of the country of shipment, of the country of destination, and in one of the official languages of the country in which the import checks are to be carried out;
- (c) accompany the consignment in the original;
- (d) attest that the fresh meat satisfies the requirements of these regulations and those adopted pursuant to these regulations with regard to importation from third countries;
- (e) consist of a single sheet of paper;
- (f) be made out for a single consignee.

(2) The certificate must conform with a model certificate as established in accordance with Article 18 of the European Union Council Directive 91/494/EEC.

Onsite inspections

13. On-the-spot inspections shall be carried out by veterinary experts of the territory of Malta and of the European Commission to ensure that all the provisions of these regulations are effectively applied.

Limits on importation of meat from third countries

14. (1) The European Commission may, in accordance with the procedure laid down in Article 17 of the European Union Council Directive 91/494/EEC, decide that imports from a third country or part thereof are to be confined to fresh poultry meat of particular species.

(2) The European Commission may decide, in accordance with the procedure laid down in Article 17 of the European Union Council Directive 91/494/EEC, to apply animal health restrictions, as required, after importation.

Rules governing inspections in third countries or inspections of poultry-meat imported from third countries.

15. The rules and general principles applicable during inspections in third countries or during inspections of imported poultry meat from third countries and the safeguard measures to be implemented shall be those set out in the European Union Council Directive 90/675/EEC

Health rules to be used in the case of imports of poultry meat until the European Community health rules are implemented.

16. (1). Pending the implementation of European Community health rules concerning imports of poultry-meat from third countries, Veterinary Services shall apply to such imports provisions which shall not be more favorable than those governing Intra-Community trade in accordance with European Union Council Directive 71/118/EEC and shall make trade in poultry-meat subject to the requirements laid down in and of article 6 (1) (b) of European Union Council Directive 89/662/EEC.

(2) Without prejudice to Article 16(2) of European Union Council Directive 91/494/EEC the territory of Malta shall be entitled to continue to make inspections under national arrangements of any third country establishments which have not been inspected under the European Community procedure.

(3) The health certificate which accompanies products on import and the form and nature of the health mark which the products shall bear, shall correspond to a model determined by the European Commission in accordance with the relevant procedure of the European Community.