

**L.N. 314 of 2005**

**VETERINARY SERVICES ACT  
(CAP. 437)**

**Measures for the Eradication of Brucellosis, Tuberculosis and  
Leucosis in Cattle Rules, 2005**

IN exercise of the powers conferred by article 5(1) of the Veterinary Services Act, the Minister for Rural Affairs and the Environment has made the following rules:-

**1.** (1) The title of these rules is Measures for the Eradication of Brucellosis, Tuberculosis and Leucosis in Cattle Rules, 2005. Title, scope and applicability.

(2) The scope of these rules is to implement the rules contained in the European Union Council Directive 77/391/EEC concerning the introduction of Community measures for the eradication of brucellosis, tuberculosis and leucosis in cattle.

(3) These rules lay down rules to improve the state of health of cattle in Malta to accelerate or intensify the eradication of brucellosis and tuberculosis and to eradicate leucosis.

**2.** For the purpose of these rules, and unless the context otherwise requires – Definitions.

“the Commission” means the European Commission of the Community;

“the Committee” means the Standing Veterinary Committee;

“the Community” means the European Community as established under the Treaty establishing the European Community;

“the competent authority” means the Veterinary Services within Malta as provided under article 2 of the Veterinary Services Act;

“the Council” means the Council of Ministers of the Community;

“the Fund” means the European Agricultural Guidance and Guarantee Fund;

“the Treaty” means the Treaty establishing the European Community;

“Member State” means a State which is a Member within the European Community;

Plans for  
accelerating the  
eradication of  
bovine brucellosis.

**3.** (1) For the purpose of these rules, when in Malta the cattle population is infected by bovine brucellosis, the competent authority shall draw up plans for accelerating the eradication of this disease, under the conditions laid down in sub-rules (2) and (3) of this rule.

(2) The plans for accelerating the eradication of bovine brucellosis shall be so devised by the competent authority that on their completion herds are classed as “officially brucellosis-free”, in accordance with Community law, and in particular European Union Council Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine, as last amended by European Union Council Directive 75/379/EEC:

Provided that the plan shall list the measures to be taken to accelerate and intensify the eradication of bovine brucellosis and shall specify the measures to combat and prevent this disease.

(3) The competent authority shall report to the Commission-

(a) the percentage and total number of herds subject to control measures, and of herds with confirmed bovine brucellosis;

(b) the total numbers -

(i) of animals subject to control measures;

(ii) of animals with suspected brucellosis or considered to be infected;

(iii) of infected animals;

(iv) of animals slaughtered;

(c) the scheduled duration of the initial eradication programmes and of the accelerated plans;

(d) the method applied for checking on the effective application of the accelerated plans;

(e) the national budgetary allocation for the eradication of bovine brucellosis and the breakdown by items of these allocations:

Provided that the information referred to under paragraphs (a), (b) and (e) hereof shall be provided for the three years preceding the application of the acceleration measures, and annually thereafter.

(4) When within the jurisdiction of the competent authority, the bovine population is brucellosis-free, the competent authority shall inform the Commission of all the measures taken to prevent the resurgence of this disease.

**4.** (1) For the purpose of these rules, when the cattle populations are infected with bovine tuberculosis, the competent authority shall draw up plans for accelerating the eradication of this disease in their national territories, under the conditions laid down in sub-rules (2) and (3) of this rule.

Plans for accelerating the eradication of bovine tuberculosis.

(2) The plans for accelerating the eradication of bovine tuberculosis shall be so devised by the competent authority that on their completion herds in particular are classed as “officially tuberculosis-free”, in accordance with Community law and European Union Council Directive 64/432/EEC:

Provided that the plans shall list the measures to be taken to accelerate, intensify or carry through the eradication of bovine tuberculosis and shall specify the measures to combat and prevent this disease.

(3) The competent authority shall report to the Commission-

(a) the percentages and total numbers of herds subject to control measures, and of herds with confirmed bovine tuberculosis;

(b) the total numbers-

(i) of animals subject to control measures;

(ii) of animals with suspected tuberculosis or considered to be infected;

(iii) of infected animals;

(iv) of animals slaughtered;

(c) the scheduled duration of the initial eradication programmes and of the accelerated plans;

(d) the methods applied for checking on the effective application of the accelerated plans;

(e) the national budgetary allocations for the eradication of bovine tuberculosis and the breakdown by items of these allocations;

Provided that the information referred to under paragraphs (a), (b) and (e) hereof, shall be provided for the three years preceding the application of the acceleration measures, and annually thereafter.

(4) When within the jurisdiction of the competent authority, the bovine population is tuberculosis-free, the competent authority shall inform the Commission of all the measures taken to prevent the resurgence of such disease.

Plans for accelerating the eradication of enzootic leucosis among cattle.

**5.** (1) For the purpose of these rules, when the competent authority has established the presence of enzootic leucosis among cattle, it shall draw up plans for the eradication of this disease.

(2) The plans must specify the measures for combating this disease.

(3) The tests or methods used to declare a herd free of leucosis shall be those laid down in European Union Commission Decision 73/30/EEC applying special health guarantees for the prevention of leucosis in the case of bovine animals imported for breeding or production, as last amended by European Union Commission Decision 75/64/EEC, or any other tests or methods recognized by the procedure laid down in rule 10.

(4) The competent authority shall, on request, furnish the Commission, with all information regarding the execution of the plans.

Expenditure by competent authority.

**6.** (1) Expenditure by the competent authority in respect of measures taken under rules 3,4 and 5 shall be eligible for assistance from the Guidance Section of the Fund.

(2) Measures taken by the competent authority shall not be eligible to benefit from financial contributions by the Community unless a favourable decision according to rule 8 has been given in respect of the provisions relating thereto.

**7.** Applications for payment shall relate to slaughterings carried out by the competent authority in the course of a calendar year and shall be submitted to the Commission before the 1<sup>st</sup> July of the following year.

Application for payment.

**8.** (1) The competent authority shall forward to the Commission the plans provided for-

Plans to be forwarded to Commission by the competent authority.

(a) in rules 3 and 4 and the information required under rule 3 (3)(c) and (d) and rule 4 (3)(c) and (d) prior to their implementation, not later than three months after the entry into effect of these rules, and annually thereafter;

(b) in rule 5 annually, and prior to their implementation in the case the competent authority has not yet drawn up plans.

(2) The Commission shall-

(a) examine the plans forwarded in accordance with sub-rule (1) hereof for the purpose of determining whether, in terms of conformity with European Union Directive 77/391/EEC and having regard to the objectives thereof, the conditions for financial contribution by the Community are met;

(b) submit a draft Decision to the Standing Veterinary Committee within two months following the receipt of any such plans;

(c) issue its opinion in accordance with the procedure laid down in rule 10, within a time limit set by the chairman;

(d) consult the Fund Committee on the financial aspects.

**9.** (1) The Commission shall make regular on-the-spot checks to verify, from a veterinary viewpoint, whether the plans are being applied.

Community controls.

(2) The competent authority shall take the necessary steps to facilitate these checks and shall in particular ensure that the experts are supplied, at their request, with all information and documentation needed for assessing the execution of the plans.

(3) The provisions for implementing these rules, especially as regards the frequency and method of carrying out the checks referred to in sub-rules (1) and (2) hereof, the rules governing the appointment of official veterinarians and the procedure which they must follow when

drawing up their report, shall be laid down according to the procedure set out in rule 10.

Community  
procedure adopted  
relative to these  
rules.

**10.** (1) Where the procedure laid down in this rule is to be followed, the matter shall be referred by the chairman, either on his own initiative or at the request of the competent authority, to the Standing Veterinary Committee.

(2) The procedure shall be carried out as follows-

(a) the representative of the Commission shall submit to the Committee a draft of the measures to be taken;

(b) the Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter;

(c) the opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission;

(d) the votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in Article 148(2) of the Treaty;

(e) the Chairman shall not vote.

(3) Where the measures-

(a) are in accordance with the opinion of the Committee, the Commission shall adopt them and shall apply them immediately;

(b) are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit a proposal to the Council on the measures to be adopted.

(4) The Council shall adopt the measures by a qualified majority:

Provided that if the Council has not adopted any measures within three months of the date on which the proposal was referred to it, the Commission shall adopt the proposed measures and apply them immediately, save where the Council has decided against these measures by a simple majority.