

L.N. 259 of 2003

**ANIMAL WELFARE ACT
(ACT NO. XXV OF 2001)**

Pigs (Protection) Regulations, 2003.

IN exercise of the powers conferred by articles 7(2) and 20(1) of the Animal Welfare Act, the Minister for Rural Affairs and the Environment has made the following regulations:-

Short title, criteria and scope.

1. (1) The title of these regulations is the Pigs (Protection) Regulations, 2003.

(2) These regulations lay down the minimum standards for the protection of pigs confined for rearing and fattening.

(3) The scope of these regulations is to implement the provisions found under European Union Council Directive 91/630/EEC, laying down minimum standards for the protection of pigs.

Definitions.

2. For the purposes of these regulations, the following definitions shall apply
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 - (1) “boar” means a male pig after puberty, intended for breeding;
 - (2) “competent authority” means a competent authority within the meaning of article 2(6), of European Union Council Directive 90/425/EEC. For Malta, Veterinary Services;
 - (3) “dry pregnant sow” means a sow between weaning her piglets and the perinatal period;
 - (4) “farrowing sow” means a female pig between the perinatal period and the weaning of the piglets;
 - (5) “gilt” means a female pig after puberty and before farrowing;

(6) “pig” means an animal of the porcine species, of any age, kept for breeding or fattening;

(7) “piglet” means a pig from birth to weaning;

(8) “rearing pig” means a pig from ten weeks to slaughter or service;

(9) “sow” means a female pig after the first farrowing;

(10) “trading partner” shall have the same meaning as provided in article 2 of the Veterinary Services Act and shall include Member States of the European States;

(11) “weaner” means a pig from weaning to the age of ten weeks.

Requirements for holdings.

3. In the territory of Malta –

(1) All holdings shall comply with the following requirements –

(a) the unobstructed floor area available to each weaner or rearing pig kept in a group, excluding gilts after service and sows, must be at least -

Live weight, kg	m²
Up to 10	0,15
Over 10 up to 20	0,20
Over 20 up to 30	0,30
Over 30 up to 50	0,40
Over 50 up to 85	0,55
Over 85 up to 110	0,65
More than 110	1, 00

(b) the total unobstructed floor area available to each gilt after service and to each sow when gilts and/or sows are kept in groups must be at least 1, 64m² and 2, 25m² respectively. When these animals are kept in groups of less than 6 individuals the unobstructed floor area must be increased by 10 %. When these animals are kept in groups of 40 or more individuals the unobstructed floor area may be decreased by 10 %;

(2) Flooring surfaces shall comply with the following requirements –

- (a) for gilts after service and pregnant sows-
 - (i) a part of the area required in sub-regulation (1)(b) of this regulation, equal to at least 0,95m² per gilt and at least 1,3m² per sow, must be of continuous solid floor of which a maximum of 15 % is reserved for drainage openings;
 - (b) when concrete slatted floors are used for pigs kept in groups -
 - (i) the maximum width of the openings must be -
 - 11 mm for piglets,
 - 14 mm for weaners,
 - 18 mm for rearing pigs,
 - 20 mm for gilts after service and sows;
 - (ii) the minimum slat width must be -
 - 50 mm for piglets and weaners, and
 - 80 mm for rearing pigs, gilts after service and sows;
- (3) The construction of or conversion to installations in which sows and gilts are tethered is prohibited. From 1 January 2006 the use of tethers for sows and gilts shall be prohibited;
- (4) (a) Sows and gilts shall be kept in groups during a period starting from 4 weeks after the service to 1 week before the expected time of farrowing. The pen where the group is kept must have sides greater than 2,8m in length. When less than 6 individuals are kept in a group the pen where the group is kept must have sides greater than 2,4m in length;
- (b) By way of derogation from the provisions of regulation (4)(a), sows and gilts raised on holdings of fewer than 10 sows may be kept individually during the period mentioned in regulation (4)(a), provided that they can turn around easily in their boxes;
- (5) Without prejudice to the requirements laid down in the Schedule, sows and gilts shall have permanent access to manipulable material at least complying with the relevant requirements of that Schedule;

(6) Sows and gilts kept in groups must be fed using a system which ensures that each individual can obtain sufficient food even when competitors for the food are present;

(7) To satisfy their hunger and given the need to chew, all dry pregnant sows and gilts must be given a sufficient quantity of bulky or high-fibre food as well as high-energy food;

(8) Pigs which have to be kept in groups, which are particular aggressors, which have been attacked by other pigs or which are sick or injured, may temporarily be kept in individual pens. In this case the individual pen used shall allow the animal to turn around easily if this is not in contradiction with specific veterinary advice;

(9) From 1 January 2004, provisions laid down in sub-regulations (1)(b), (2), (4), (5) of this regulation, and the last sentence of sub-regulation (8) shall apply to all holdings newly built or rebuilt or brought into use for the first time after that date. From 1 January 2013 those provisions shall apply to all holdings.

(10) The provisions laid down in sub-regulation (4)(a) of this regulation shall not apply to holdings with fewer than ten sows. General provisions prescribed in the schedule.

Schedule

4. (1) Veterinary Services shall ensure that the conditions for rearing pigs comply with the general provisions laid down in the Schedule.

(2) The European Commission may issue, a recommendation may be issued defining any additional minimum standards for the protection of pigs supplementing those in the Schedule.

Scientific progress.

5. The provisions of the Schedule may be amended in accordance with Community rules and under the procedure laid down in article 7(2) and 20(1) of the Animal Welfare Act, in order to take account of scientific progress.

Persons who may attend to pigs.

6. In the territory of Malta –

(1) Any person who employs or engages persons to attend to pigs ensures that the person attending to the animals has received instructions and guidance on the relevant provisions of regulation 3 hereof and of the Schedule;

(2) Veterinary Services shall organise appropriate training courses. In particular such training courses must focus on welfare aspects.

Inspections by the Veterinary Services.

7. (1) The Veterinary Services shall carry out inspections under their responsibility in order to check that the provisions of these regulations and its Schedule are being complied with. These inspections, which may be carried out on the occasion of checks made for other purposes, shall each year cover a statistically representative sample of the different rearing systems used in the territory of Malta.

(2) In accordance with Commission rules and under the procedure laid down in article 7(2) of the Animal Welfare Act, a code of rules to be applied in carrying out the inspections provided for in sub-regulation (1) of this regulation, may be drawn up.

(3) Every two years, by the last working day in April, Veterinary Services shall report on the results of the inspections carried out during the previous two years in accordance with this regulation, including the number of inspections carried out in proportion to the number of holdings in the territory of Malta. They shall also inform the European Commission.

Treatment to animals imported from third countries.

8. Animals imported from third countries must, with respect to the requirements for their welfare, whilst being reared, receive treatment at least equivalent to that guaranteed by these regulations or by the trading partners veterinary provisions corresponding to those laid down by these regulations to animals of the territory of Malta or trading partners origin. This requirement must be stated in a certificate issued by the competent authority of the third country concerned.

On-the-spot checks by veterinary experts from the European Commission.

9. Veterinary experts from the European Commission may carry out on the spot checks in co-operation with the Veterinary Services. The persons carrying out these checks 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, access on the same basis as officials of the competent authority shall be given to all concerned persons, information and documentation as well as access to places, establishments, installations and means of transport in order for the checks to be carried out. The Veterinary Services shall take any measures which may prove necessary to take account of the results of the check.

Chapter III European Union Council Directive 91/496/EEC.

10. With regard to relations with third countries, the provisions of Chapter III of European Union Council Directive 91/496/EEC shall apply.

Penalty for the non-fulfilment of obligations.

11. (1) Subject to the provisions of these regulations and of the Animal Welfare Act, a person who infringes any of the provisions arising from these regulations, shall, on conviction be liable to a fine (*multa*) of not less than two thousand Malta Liri and not exceeding six thousand Malta Liri.

(2) Without prejudice to the provisions of sub-regulation (1) of this regulation, the Court may also order any person who is found guilty of committing an offence under these regulations, to pay for the expenses incurred by the Veterinary Services 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*.

SCHEDULE

CHAPTER I General conditions

In addition to the relevant provisions of the Schedule to European Union Council Directive 98/58/EC, the following requirements apply –

1. In the part of the building where pigs are kept continuous noise levels as loud as 85 dBA shall be avoided. Constant or sudden noise shall be avoided.
2. Pigs must be kept in light with an intensity of at least 40 lux for a minimum period of minimum eight hours per day.
3. The accommodation for pigs must be constructed in such a way as to allow the animals to -
 - (a) have access to a lying area physically and thermally comfortable as well as adequately drained and clean which allow all the animals to lie at the same time,
 - (b) rest and get up normally,
 - (c) see other pigs; however, in the week before the expected farrowing time and during farrowing, sows and gilts can be kept out of the sight of con-specifics.
4. Notwithstanding regulation 3(5) of these regulations, pigs must have permanent access to a sufficient quantity of material to enable proper investigation and manipulation activities, such as straw, hay, wood, sawdust, mushroom compost, peat or a mixture of such, which does not compromise the health of the animals.
5. Floors must be smooth but not slippery so as to prevent injury to the pigs and so designed, constructed and maintained so as not to cause injury or suffering to pigs. They must be suitable for the size and weight of the pigs and, if no litter is provided, form a rigid, even and stable surface.
6. All pigs must be fed at least once a day. Where pigs are fed in groups and not *ad libitum* or by an automatic system feeding the animals individually, each pig must have access to the food at the same time as the others in the group.
7. All pigs over two weeks of age must have permanent access to a sufficient quantity of fresh water.
8. All procedures intended as an intervention carried out for other than therapeutic or diagnostic purposes or for the identification of the pigs in accordance with relevant legislation and resulting in damage to or the loss of a sensitive part of the body or the alteration of bone structure shall be prohibited with the following exceptions -
 - (a) a uniform reduction of corner teeth of piglets by grinding or clipping not later than the seventh day of life of the piglets leaving an intact smooth surface;
 - (b) boars' tusks may be reduced in length where necessary to prevent injuries to other animals or for safety reasons,
 - (c) docking of a part of the tail,
 - (d) castration of male pigs by other means than tearing of tissues,

(e) nose ringing only when the animals are kept in outdoor husbandry systems and in compliance with national legislation.

Neither tail docking nor reduction of corner teeth must be carried out routinely but only where there is evidence that injuries to sows' teats or to other pigs' ears or tails have occurred. Before carrying out these procedures, other measures shall be taken to prevent tail biting and other vices taking into account environment and stocking densities. For this reason inadequate environmental conditions or management systems must be changed.

Any of the procedures described above shall only be carried out by a veterinarian or a person trained as provided in regulation 6 of these regulations experienced in performing the applied techniques with appropriate means and under hygienic conditions. If castration or docking of tails is practised after seventh day of life, it shall only be performed under anaesthetic and additional prolonged analgesia by a veterinarian.

CHAPTER II
Specific provisions for various categories of pigs

A. BOARS

1. Boar pens must be sited and constructed so as to allow the boar to turn round and to hear, smell and see other pigs. The unobstructed floor area available to an adult boar must be at least 6 m². Where pens are also used for natural service the floor area available to an adult boar must be at least of 10 m² and the pen must be free of any obstacles. From the issue of these regulations this provision shall apply to all holdings newly built or rebuilt or brought into use for the first time after this date. From 1 January 2005 this provision shall apply to all holdings.

B. SOWS AND GILTS

1. Measures shall be taken to minimise aggression in groups.

2. Pregnant sows and gilts must, if necessary, be treated against external and internal parasites. If they are placed in farrowing crates, pregnant sows and gilts must be thoroughly cleaned.

3. In the week before the expected farrowing time sows and gilts must be given suitable nesting material in sufficient quantity unless it is not technically feasible for the slurry system used in the establishment.

4. An unobstructed area behind the sow or gilt must be available for the ease of natural or assisted farrowing.

5. Farrowing pens where sows are kept loose must have some means of protecting the piglets, such as farrowing rails.

C. PIGLETS

1. A part of the total floor, sufficient to allow the animal to rest together at the same time, must be solid or covered with a mat, or be littered with straw or any other suitable material.

2. Where a farrowing crate is used, the piglets must have sufficient space to be able to be suckled without difficulty.

3. No piglets shall be weaned from the sow at less than 28 days of age unless the welfare or health of the dam or the piglet would otherwise be adversely affected. However, piglets may be weaned up to seven days earlier if they are moved into specialised housings which are emptied and thoroughly cleaned and disinfected before the introduction of a new group and which are separated from housings where sows are kept, in order to minimise the transmission of diseases to the piglets.

D. WEANERS AND REARING PIGS

1. When pigs are kept in groups measures must be taken to prevent fighting which goes beyond normal behaviour.

2. They should be kept in groups with as little mixing as possible. If pigs unfamiliar with one another have to be mixed, this should be done at as young an age as possible, preferably before or up

to one week after weaning. When pigs are mixed they shall be provided with adequate opportunities to escape and hide from other pigs.

3. When signs of severe fighting appear the causes shall be immediately investigated and appropriate measures taken such as providing plentiful straw to the animals, if possible, or other materials. Animals at risk or particular aggressors shall be kept separate from the group.

4. The use of tranquillising medicaments in order to facilitate mixing shall be limited to exceptional conditions and only after consultation with a veterinarian.