

L.N. 292 of 2005

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

Identification and Registration of Animals Rules, 2005

IN exercise of the powers conferred by article 7 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 the Identification and Registration of Animals Rules, 2005. Title and scope.

(2) The scope of these rules is to implement the rules found under European Union Council Directive 92/102/EEC of the 27th November, 1992 on the identification and registration of animals and in accordance with article 7 of the Veterinary Services Act.

(3) These rules set out the minimum requirements for the identification and registration of animals, without prejudice to more detailed Community rules which may be established for disease eradication or control purposes and shall apply without prejudice to European Union Commission Decision 89/153/EEC and to implementing rules laid down in accordance with European Union Council Directive 91/496/EEC and taking account of Article 5 of European Union Council Regulation (EEC) No 3508/92 of the 27th November, 1992 establishing an integrated administration and control system for certain Community aid schemes.

2. For the purpose of these rules - Interpretation.

“animal” means any animal of the bovine, ovine and caprine species and swine;

“the Commission” means the European Commission;

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

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

“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;

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

“third country” means a State which is not a Member within the European Community;

“trade” means trade between Member States within the meaning of Article 9 (2) of the Treaty establishing the European Community.

List of holdings.

3. (1) The territory of Malta shall ensure that -

(a) the competent authority for the territory of Malta has an up-to-date list of all the holdings which keep animals covered by these rules and are situated on its territory, specifying the species of animals kept and their keepers, such holdings to remain on the said list until three consecutive years have elapsed with no animals on the holding. This list shall also include the mark or marks which permit the identification of the holding in accordance with rule 5 (2) (a) and (c), second paragraph, and sub-rule (3) (a), and also rule 8;

(b) the Commission, the competent authority for the territory of Malta and any authority responsible for supervising application of European Union Council Regulation (EEC) No. 3508/92 can have access to all information obtained under these rules.

(2) The territory of Malta may be authorized under the procedure laid down in Article 18 of European Union Council Directive 90/425/EEC to exclude from the list in sub-rule (1) paragraph (a) of this rule, natural persons who keep no more than three animals of the ovine or caprine species for which they do not seek premiums or, to take account of particular circumstances, one pig and which are intended for their own use or consumption, provided that any such animals are the subject of the controls laid down in these rules before any movement.

Register of animals.

4. (1) The territory of Malta shall ensure that -

(a) (i) any keeper of porcine or bovine animals listed in European Union Council Directive 64/432/EEC and contained in the list provided for in rule 3 (1) (a) keeps a register stating the number of animals present on the holding.

(ii) This register shall include an up-to-date record of all births, deaths and 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.

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

(iv) However, for animals of the porcine species, it shall not be obligatory to include births and deaths.

(v) In the case of pure-bred and hybrid pigs, which are entered in a herd book in accordance with European Union Council Directive 88/661/EEC¹, an alternative registration system based on individual identification allowing the animals to be identified may be recognized by the procedure laid down in Article 18 of the European Union Council Directive 90/425/EEC if it offers guarantees equivalent to a register;

(b) (i) any keeper of sheep or goats whose holding is listed in accordance with rule 3 (1) (a) shall keep a register including at least the total number of sheep and goats present on the holding each year on a date to be determined by the competent authority for the territory of Malta.

(ii) The register shall also include -

(a) an up-to-date statement of the number of live female sheep and goats which are over 12 months of age or which have given birth present on the holding;

(b) the movements (number of animals concerned by each entering or leaving operation) of sheep and goats on at least the basis of aggregate movements stating as appropriate their origin or destination, their mark and the date of such movements.

¹ European Union Council Directive 88/661/EEC of 19 December 1988 on the zootechnical standards applicable to breeding animals of the porcine species.

(2) However, in accordance with the procedure laid down in article 18 of European Union Council Directive 90/425/EEC and in terms of European Union legislation, a simplified registration procedure shall be established for all the abovementioned animals kept on common pasture.

(3) The territory of Malta shall also ensure that -

(a) any keeper supplies the competent authority for the territory of Malta, 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;

(b) (i) any keeper of animals to be moved to or from a market or collection centre provides a document, setting out details of the animals including the identification numbers or marks of any bovine animals, to the operator, on the market or in the collection centre, who is a keeper of the animals, on a temporary basis.

(ii) That operator may use the documents obtained in accordance with paragraph (a) to carry out the obligations laid down in sub-rule 1 (a) (iii).

(c) the registers and information are available on the holding and to the competent authority for the territory of Malta, upon request, for a minimum period to be determined by the competent authority for the territory of Malta but which may not be less than three years.

General principles
to be held.

5. (1) The territory of Malta shall ensure that the following general principles are respected -

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

(b) (i) no mark may be removed or replaced without the permission the competent authority for the territory of Malta.

(ii) 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;

(d) the eartag provided for in sub-rule 2 (a) shall be approved by the competent authority for the territory of Malta and shall be tamper-proof and easy to read for the animal's lifetime. It shall be incapable of re-use. It shall be such as to remain on the animal without interfering with its well-being.

(2) For bovine animals, the territory of Malta shall ensure that -

(a) (i) all animals listed in Article 2 of European Union Council Directive 64/432/EEC present on the holding are identified with an eartag bearing an alphanumeric code, which shall not exceed 14 characters, which make it possible to identify each animal individually along with the holding on which it was born or, in the case of bulls intended for cultural or sporting events with the exception of fairs and exhibitions, by an identification system offering equivalent guarantees recognized by the Commission;

(ii) the ear tags referred to in paragraph (a) (i) of this sub-rule must be applied no later than nine months after the date of adoption, in accordance with the procedure laid down in Article 18 of European Council Directive 90/425/EEC of measures providing for the identification of the Member State and the holding of origin. Animals identified before the end of this nine-month period must be marked either in accordance with the national system provided for in the proviso to this paragraph or with the eartag provided for in paragraph (a) (i).

However, animals which have been identified before the expiry of the nine-month period in accordance with the national system in force and notified to the Commission shall continue to be subject to control on that basis;

(b) the identification marks are allocated to the holding, distributed and applied to the animals in a manner determined by the competent authority for the territory of Malta;

(c) the identification marks are applied, at the latest, within thirty days of the birth of the animal.

However, the competent authority for the territory of Malta may defer the application of this mark until the animal has attained a maximum age of six months, if the animal is, before the age of 30 days, provided by the keeper with a provisional mark recognized by the competent authority for the territory of Malta which makes it possible to identify each animal to the holding of birth, and

provided that these animals may not leave the holding except for a slaughter in a slaughterhouse situated in the territory of the said competent authority which has recognized the provisional mark, without passing through any other holding.

However, the competent authority may permit veal-calves intended for slaughter before the age of six months and which are moved before the age of 30 days in accordance with a national system of movement, recognized in accordance with the procedure laid down in Article 18 of the European Union Council Directive 90/425/EEC, which provides at least for tracing back to the holding of origin, to be marked at the fattening holding, provided that the calves were transferred there directly from the holding of birth and that the calves moved under such systems will not be eligible for premiums.

(2) (a) Animals other than bovine animals must be marked as soon as possible, and in any case before they leave the holding, with an eartag or tattoo making it possible to determine the holding from which they come and enabling reference to be made to any accompanying documents which must mention such eartag or tattoo and to the list referred to in rule 3 (1) (a).

(b) The territory of Malta may, pending the decision provided for in Article 10 of European Union Council Directive 92/102/EEC and by derogation from the second paragraph of Article 3 (1) (c) of European Union Council Directive 90/425/EEC, apply its national system for the movement of animals other than bovine animals for all movements of such animals in its territory. Such system must enable the holding from which they come and the holding on which they were born to be identified. The territory of Malta shall notify the Commission of the system which it intends to introduce for this purpose, in accordance with European Union legislation. In accordance with the procedure laid down in Article 18 of European Union Council Directive 90/425/EEC, the territory of Malta may be asked to make amendments to its system where it does not fulfill the requirement referred to in the second sentence of this paragraph.

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

(d) However, the competent authority for the territory of Malta may authorize the movement of sheep and goats without marks between holdings with the same health status in the same ownership

and situated in that authority's territory, provided that each such movement occurs under a national system which enables the animal to be traced back to the holding on which it was born. The territory of Malta must, in accordance with European Union legislation, notify the Commission of the system which it intends introducing to this end. Pursuant to the procedure laid down in Article 18 of Directive 90/425/EEC, the territory of Malta may be requested to amend this system where it fails to meet the aforementioned requirements.

6. (1) (a) 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 competent authority of the Member State of destination; that link shall be recorded in the register provided for in rule 4.

(b) The option in sub-rule (1) (a) 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 European Union Council Directive 90/425/EEC, have recourse to Article 4 of European Union Council 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.

7. The territory of Malta 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 for the territory of Malta, upon request, for a minimum period to be set by the latter.

8. (1) Any animal imported from a third country which has passed the checks laid down by European Union Council Directive 91/496/EEC and which remains within Community territory shall, within 30 days of undergoing the aforesaid 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 on the territory of the competent authority for the territory of Malta responsible for veterinary checks and the animal is actually slaughtered within that 30-day period.

(2) A link shall be established between the identification established by the third country and the identification allocated to it by the Member State of destination. That link shall be recorded in the register provided for in rule 4.

Administrative and
penal measures.

9. The territory of Malta shall adopt the necessary administrative or penal measures, or both, to punish any infringement of Community veterinary legislation, where it is established that the marking or identification or the keeping of registers provided for in rule 4 has not been carried out in conformity with the requirements of this rule.

Enforcement of
laws.

10. (1) The territory of Malta shall bring into force the laws, regulations and administrative provisions necessary to comply with these rules -

(a) for the requirements regarding bovine animals, so that -

(i) the bovine animals are registered in accordance with existing national procedures complying with the requirements laid down in rule 4 and are identified in accordance with the existing rules referred to in rule 5 (2) (a) (ii);

(ii) the Community registration and identification systems laid down by these rules are set up in accordance with European Union legislation.

(b) The territory of Malta shall forthwith inform the Commission thereof.

(c) When the territory of Malta adopts these measures, they shall contain a reference to European Union Council Directive 92/102/EEC or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the territory of Malta.

(2) The territory of Malta shall communicate to the Commission the texts of the main provisions of national law which it adopts in the field governed by these rules.