
A.L. 259 tal-2010**ATT DWAR IS-SERVIZZI VETERINARJI
(KAP. 437)****Regolamenti tal-2010 dwar il-Kummerċ ta' *Equidae* ma' Stati Membri (Kundizzjonijiet Żootejniċi u Ġenealogiċi)**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 34(d) tal-Att dwar is- Servizzi Veterinarji, il-Ministru għar-Riżorsi u Affarijiet Rurali għamel dawn ir-regoli li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti huwa r-Regolamenti tal-2010 dwar il-Kummerċ ta' *Equidae* ma' Stati Membri (Kundizzjonijiet Żootejniċi u Ġenealogiċi). Titolu u skop u bidu fis-sehħ.

(2) L-iskop ta' dawn ir-regolamenti hu li jimplimentaw id-disposizzjonijiet li jinsabu taħt id-Direttiva tal-Kunsill ta' l-Unjoni Ewropea 90/427/KEC dwar il-kundizzjonijiet żootejniċi u ġenealogiċi li jirregolaw il-kummerċ intra-kommunitarju ta' *equidae*. Dawn ir-regolamenti jistabbilixxu l-kundizzjonijiet żootejniċi u ġenealogiċi li jirregolaw il-kummerċ ma' Stati Membri f'*equidae*, is-semen, l-ova u l-embrijuni tagħhom.

2. (1) Kemm-il darba ma jiġix stabbilit xort'oħra f'dawn ir-regolamenti, t-tifsiriet fl-Att għandhom jibqgħu japplikaw. Tifsir.

(2) Għall-fini ta' dawn ir-regolamenti u kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra:

“l-Att” tfisser l-Att dwar is-Servizzi Veterinarji;

“l-Awtorità kompetenti” tfisser l-Awtorità dwar is-Servizzi Veterinarji f'Malta kif imwaqqfa bl-Att;

“*equidae*” tfisser annimali domestiċi ta' l-ispeċi ekwini jew asinini jew it-tniissil imħallat tagħhom;

“*equidae* reġistrati” tfisser *equidae* li jkunu mdaħħla jew reġistrati u eliġibbli għad-dhul f'kotba bir-razez taż-żwiemel tat-tigrija, skond ir-regoli stabbiliti skond is-subregolament

(2)(b) tar-regolament 4 ta' dawn ir-regolamenti u identifikati permezz tad-dokument ta' identifikazzjoni stabbiliti fir-regolament 8(a) ta' dawn ir-regolamenti;

“il-Komunità” tfisser il-Komunità Ewropea kif imwaqqfa bit-Trattat li jistabbilixxi l-Komunità Ewropea;

“kummerċ” tfisser kummerċ bejn Stati Membri jew bejn pajjiż terz u Stat Membru f'annimali u l-prodotti tagħhom, negozju jew impjieg biex isir profitt jew qliegħ, b'mod partikolari f'bejgħ bl-ingrossa jew bejgħ bl-imnut u tinkludi ftehim f'xi attività ta' negozju partikolari;

“pajjiż terz” tfisser pajjiż li ma jkunx stat membru tal-Unjoni Ewropea;

“registru għaż-żwiemel tar-razza” tfisser kull ktieb, registru, inkartament, jew mezz ta' data –

(a) li jkun miżmum jew minn organizzazzjoni jew assoċjazzjoni uffiċjalment approvata jew rikonoxxuta minn Malta jew minn Stat Membru jew minn aġenzija uffiċjali ta' Malta jew ta' l-iStat Membru ikkonċernat; u

(b) li fih l-*equidae* ikunu mdaħħla jew registrati, b'referenza għall-antenati kollha magħrufa tagħhom;

“Stat Membru” tfisser stat li jkun membru fl-Unjoni Ewropea;

A.L. 88 tal-2005.

“Stat Membru tat-tluq” għandu jkollha l-istess tifsira mogħtija lilha taħt ir-Regoli tal-2005 dwar il-Kundizzjonijiet tas-Saħħa tal-Annimali li jirregolaw il-Moviment u l-Importazzjoni ta' l-Ekwini minn Pajjiżi Terzi.

Kummerċ intra-Kommunitarju ma' Stati Membri.

3. Kummerċ ma' Stati Membri f'*equidae* u s-semen, l-ova u l-embrijuni tagħhom ma jstax ikun projbit jew ristrett għal raġunijiet zootekniċi jew genealogiċi kemm-il darba ma jkunx inkosistenti ma' dawn ir-regolamenti. Fil-każ ta' kummerċ intra-Kommunitarju f'*equidae* li jkunu registrati, fis-semen, l-ova, u l-embrijuni tagħhom, id-disposizzjonijiet nazzjonali skond ir-regoli ġenerali li jkollom x'jaqsmu ma' kummerċ intra-Kommunitarju *inter alia* proċeduri dwar verifiki veterinarji bejn Stati Membri, għandhom jibqgħu japplikaw pendent d-dhul fis-seħħ tal-htigiet rilevanti tal-Komunità Ewropea msemmija fir-regolamenti 4 u 8 ta' dawn ir-regolamenti.

4. (1) Il-prinċipji li ġejjin għandhom ikunu meħuda in kunsiderazzjoni meta jiġu adottati r-regoli msemmija fis-subregolament (2) ta' dan ir-regolament:

Rikonoxximent ta' organizzazzjonijiet u registrazzjoni fir-registri għaż-żwimel tar-razza.

(a) ir-rikonoxximent jew approvazzjoni ta' organizzazzjonijiet u assoċjazzjonijiet li jkunu jżommu jew jistabbilixxu kotba għaż-żwimel tar-razza għandu jkun soġġett għal konformità mal-prinċipji stabbiliti mill-organizzazzjoni jew assoċjazzjoni li jkunu jżommu r-registru għaż-żwimel tar-razza tal-orġini tar-razza; u

(b) il-kriterji għad-dhul u r-registrazzjoni fir-registri għaż-żwimel tar-razza għandhom ikunu stabbiliti abbażi tal-karatteristiċi tar-razza u b'mod partikolari għal ċerti razzi puri, għal fini biex jirregolaw r-registrazzjoni tal-*equidae* li jkunu prodotti billi jintużaw metodi ta' riproduzzjoni artifiċjali.

(2) Għandhom ikunu stabbiliti skond il-ħtiġiet tal-Komunità Ewropea, skond il-proċedura stabbilita fl-artikolu 34(d) tal-Att u skond il-prinċipji stabbiliti fis-subregolament (1) ta' dan ir-regolament:

(a) il-kriterji għall-approvazzjoni jew rikonoxximent ta' organizzazzjonijiet u assoċjazzjonijiet li jkunu jżommu jew jistabbilixxu registri għaż-żwimel tar-razza;

(b) il-kriterji għad-dhul u r-registrazzjoni fir-registri għaż-żwimel tar-razza;

(ċ) jekk ikun meħtieġ, il-kriterji u metodi li jintużaw biex ikunu identifikati *equidae* registrati;

(d) il-kriterji għat-tfassil taċ-ċertifikat ta' orġini u d-dokument ta' identifikazzjoni msemmi fir-regolament 8 ta' dawn ir-regolamenti; u

(e) jekk ikun meħtieġ, regoli biex jiġi assigurat koordinament bejn l-organizzazzjonijiet jew assoċjazzjonijiet imsemmijin fir-regolament 5 ta' dawn ir-regolamenti.

5. L-Awtorità kompetenti għandha tfassal u żżomm aġġornata l-lista ta' korpi li jkunu jżommu jew jistabbilixxu r-registri għaż-żwimel tar-razza kif imsemmi fil-paragrafu (b) tat-tifsira "registru għaż-żwimel tar-razza" fis-subregolament (2)

Żamma ta' lista ta' assoċjazzjonijiet jew organizzazzjonijiet ta' min ikun qiegħed irabbi.

tar-regolament 2 ta' dawn ir-regolamenti, li jkunu approvati jew rikonoxxuti abbażi tal-kriterji stabbiliti skond is-subregolament (2) (a) tar-regolament 4 ta' dawn ir-regolamenti u tara li tagħmel dan disponibbli għall-Istati Membri l-oħra u għall-pubbliku. Ir-regoli dettaljati għall-applikazzjoni uniformi ta' dan ir-regolament jistgħu jiġu adottati skond il-proċedura msemmija fir-regolament 8 ta' dawn ir-regolamenti.

Reġistrazzjoni
ta' *equidae*.

6. (1) Fil-kummerċ ma' Stati Membri, l-*equidae* li jkunu reġistrati fl-Istati Membri tat-tluq għandhom, hliet meta jintlaħaq ftehim ta' deroga bil-kunsens komuni bejn iż-żewġ organizzazzjonijiet jew assoċjazzjonijiet ikkonċernati, ikunu reġistrati jew imdaħħla fir-reġistru għaž-żwiemel tar-razza adatt ta' Malta meta jaslu fid-destinazzjoni, taħt l-istess isem, b'referenza, skond ftehim internazzjonali, ta' kull inizjali tal-pajjiż fejn ikunu twieldu.

(2) Meta l-kostituzzjoni tal-organizzazzjonijiet jew assoċjazzjonijiet tkun hekk tippermetti, l-isem oriġinali tal-annimal jista' jkollu qablu jew warajh isem ieħor fuq bażi proviżorja jew permanenti, kemm-il darba matul il-ħajja tal-annimal, l-isem oriġinali ikun miżmum f'parentesi u li l-post tat-twelid ikun indikat permezz ta' inizjali rikonoxxuti minn ftehim internazzjonali. Miżuri alternattivi jistgħu jittieħdu biex tkun imħarsa l-identità kontinwa tal-annimal skond il-ħtiġiet tal-Komunità Ewropea u skond kull proċedura stabbilita skond l-artikolu 34(d) tal-Att.

Monitoraġġ tat-
twettiq u verifika
tal-valur ġenetiku ta'
annimali għat-tnissil.

7. B'konformità mal-prinċipji stabbiliti fir-subregolament (1) tar-regolament 4 ta' dawn ir-regolamenti, dan li ġej jista' jkun stabbilit skond il-ħtiġiet tal-Komunità Ewropea u skond kull proċedura stabbilita skond l-artikolu 34(d) tal-Att: –

(a) il-metodi tat-twettiq ta' monitoraġġ u l-verifika tal-valur ġenetiku tal-annimali tat-tnissil; u

(b) abbażi tal-metodi msemmija fil-paragrafu (a), il-kriterji ġenerali għall-approvazzjoni ta' annimal raġel tat-tgħammir jew, jekk xieraq, ta' annimal mara tat-tgħammir għall-finijiet ta' tnissil u għall-użu tas-semen, l-ova jew l-embrijuni tagħhom.

Dokument ta'
identifikazzjoni
ta' *equidae*.

8. L-Awtorità kompetenti għandha tiżgura li:-

(a) fil-movimenti tagħhom, l-*equidae* li jkunu reġistrati jkollhom magħhom dokument ta' identifikazzjoni

mfassal skond il-htigiet tal-Komunità Ewropea u skond kull proċedura stabbilita skond l-artikolu 34(d) tal-Att, u maħruġ mill-organizzazzjonijiet jew assoċjazzjonijiet imsemmijin fir-regolament 5 ta' dawn ir-regolamenti u kif imsemmija fit-tifsira "*equidae* reġistrati" fis-subregolament (2) tar-regolament 2 tar-Regoli tal-2005 dwar il-Kundizzjonijiet tas-Saħħa tal-Annimali li jirregolaw il-Moviment u l-Importazzjoni ta' l-Ekwini minn Pajjiżi Terzi. Id-dokument ta' identifikazzjoni għaż-żwiemel reġistrati li għandu jkun imfassal bil-lingwi ta' Malta u tal-iStati Membri, għandu jkollu fih minn tal-inqas l-informazzjoni msemmija fl-Iskeda li tinsab ma' dawn ir-regolamenti. Dik l-informazzjoni tista' tkun miżjuda jew emendata skond il-htigiet tal-Komunità Ewropea u skond kull proċedura stabbilita fl-artikolu 34(d) tal-Att;

(b) meta jkunu mibjugħa, is-semen, l-ova u l-embrijuni tal-*equidae* reġistrati jkollhom magħhom ċertifikat zootekniku ta' oriġini u identifikazzjoni li jkunu inħareġ mill-Awtorità kompetenti, minn tal-anqas bil-lingwa tal-pajjiż tad-destinazzjoni u jkun konformi mal-mudell li għandu jiġi mfassal skond il-htigiet tal-Komunità Ewropea u skond kull proċedura stabbilita skond l-artikolu 34(d) ta' l-Att.

9. Pendenti l-implimentazzjoni ta' regoli tal-Komunità Ewropea rilevanti, il-kundizzjonijiet li jkunu japplikaw għall-importazzjonijiet ta' *equidae* u s-semen, l-ova u l-embrijuni tagħhom minn pajjiżi terzi, ma jistgħux ikunu aktar favorevoli minn dawk li jirregolaw il-kummerċ intra-Komunitarju bejn l-iStati Membri tal-Unjoni Ewropea.

Kundizzjonijiet li jkunu japplikaw għall-importazzjonijiet ta' *equidae* u s-semen, l-ova jew l-embrijuni tagħhom minn pajjiżi terzi.

10. (1) Kull persuna li tonqos milli tkun konformi ma' dawn ir-regolamenti tkun ħatja ta' reat skond l-Att u l-applikazzjoni ta' piena amministrattiva skond l-artikolu 61 tal-Att għandha tapplika għall-persuna li tkun ħatja.

Reati u pieni.

(2) Kull dritt mogħti lill-Awtorità kompetenti taħt dawn ir-regolamenti biex tapplika dawk il-miżuri kollha neċessarji skond l-artikolu 61 tal-Att, għandu jkun mogħti lill-Awtorità mingħajr preġudizzju għal proċeduri kriminali oħrajn li jistgħu jittieħdu taħt l-Att jew kull liġi oħra meta persuna twettaq xi reat billi tonqos mill tkun konformi ma' dawn ir-regolamenti.

Jirrevoka
A.L. 291
tal-2003.

11. Ir-Regolamenti tal-2003 dwar il-Kummerċ ta' Equidae ma' Stati Membri (Kundizzjonijiet Żootekniki u Ġenealogiċi) qegħdin b'dawn jiġu revokati.

SKEDA**Regolament 8(a)****Informazzjoni Minima fid-Dokument ta' Identifikazzjoni**

- (1) Nru. ta' identifikazzjoni
- (2) Isem
- (3) Sess
- (4) Kulur
- (5) Razza
- (6) minn
- (7) u
- (8) Data tat-twelid
- (9) Post fejn trabba
- (10) Isem ta' l-awtorità kompetenti
- (11) Indirizz
- (12) Min irabbi
- (13) Numru tat-telefon
- (14) Ċertifikat ta' oriġini validat f':
- (15) minn:
- (16) Numru tal-fax
- (17) Firma (Isem b'ittri kbar u kariga ta' min iffirma)
- (18) Timbru
- (19) Magħmul minn:
Fil-
Awtorità
- (20) Deskrizzjoni ta' marki
Ras
Ant. G
Sieg ta' quddiem tax-xellug
Ant. D
Sieg ta' quddiem tal-lemin
Post. G
Sieg ta' wara tax-xellug
Post. D
Sieg ta' wara tal-lemin
- (21) Distrett
- (22) Firma u timbru tal-veterinarju kwalifikat (jew awtorità kompetenti)
(b'ittri kbar)

L.N. 259 of 2010**MALTA VETERINARY SERVICES ACT
(CAP. 437)****Trade with Member States in Equidae (Zootechnical and
Genealogical Conditions) Regulations, 2010**

IN EXERCISE of the powers conferred by article 34(d) of the Veterinary Services Act, the Minister for Resources and Rural Affairs has made the following regulations:-

Title, scope and
commencement.

1. (1) The title of these regulations is the Trade with Member States in Equidae (Zootechnical and Genealogical Conditions) Regulations, 2010.

(2) The scope of these regulations is to implement the provisions found under European Union Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing trade with Member States in equidae. These regulations lay down the zootechnical and genealogical conditions governing trade with Member States in equidae, their semen, ova and embryos.

Definitions.

2. (1) Unless otherwise stated in these regulations, the definitions in the Act shall continue to apply.

(2) For the purpose of these regulations and unless the context otherwise requires:

“the Act” means the Veterinary Services Act;

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

“the Competent Authority” means the Veterinary Services Authority of Malta as established by the Act;

“equidae” means domestic animals of the equine or asinine species or crossbreeds thereof;

“Member State” means a state which is a member of the European Union;

“Member State of dispatch” shall have the same meaning as under the Animal Health Conditions governing the Movement and Import from Third Countries of Equidae Rules, 2005; L.N. 88 of 2005.

“registered equidae” means equidae which are entered or registered and eligible for entry in a studbook, in accordance with the rules laid down pursuant to regulation 4(2)(b) of these regulations and identified by means of the identification document provided for in regulation 8(a) of these regulations;

“studbook” means any book, register, file or data medium:-

(a) which is maintained either by an organisation or an association officially approved or recognised by Malta or a Member State or by an official agency of Malta or Member State concerned; and

(b) in which equidae are entered or registered, with mention of all their known ascendants;

“third country” means a country which is not a member state of the European Union;

“trade” means trade between Member States or between a third country and a Member State in animals and their products, a business or occupation to make profit or gain, particularly in wholesale or retail sales and includes dealings in a particular business activity.

3. Trade with Member States in equidae and their semen, ova and embryos may not be prohibited or restricted on zootechnical or genealogical grounds unless it is inconsistent with these regulations. In the case of intra-Community trade in registered equidae, their semen, ova and embryos, national provisions in accordance with the general rules concerning any procedures relating to intra-Community trade inter alia procedures on veterinary checks between Member States, shall be maintained pending the entry into force of the relevant European Community requirements referred to in regulations 4 and 8 of these regulations. Intra-Community trade with Member States.

4. (1) The following principles shall be taken into account when the rules referred to in sub-regulation (2) hereof are adopted: Recognition of organisations and registration in stud books.

(a) the recognition or approval of organisations and associations which maintain or establish studbooks shall be subject to compliance with the principles laid down by the organisation or association which maintains the studbook of the origin of the breed; and

(b) the criteria for entry and registration in studbooks shall be laid down on the basis of the characteristics of the breed and in particular for certain pure breeds for the purpose of regulating the entry and registration of equidae produced using artificial reproduction methods.

(2) There shall be established in accordance with the requirements of the European Community, under the procedure laid down in article 34(d) of the Act and in accordance with the principles set out in sub-regulation (1) hereof:-

(a) the criteria for the approval or recognition of organisations and associations which maintain or establish studbooks;

(b) the criteria for entry and registration in studbooks;

(c) if necessary, the criteria and methods used to identify registered equidae;

(d) the criteria for drawing up the certificate of origin and the identification document referred to in regulation 8 of these regulations; and

(e) if necessary, rules to ensure co-ordination between the organisations or associations referred to in regulation 5 hereof.

Keeping of
list of breeders'
associations or
organisations.

5. The competent Authority shall draw up and keep up to date the list of bodies maintaining or establishing studbooks as referred to in paragraph (b) of the definition “stud book” in regulation 2(2) of these regulations, which are approved or recognised on the basis of the criteria determined in accordance with regulation 4(2)(a) of these regulations and make it available to the other Member States and to the public. Detailed rules for the uniform application of this regulation may be adopted in accordance with the procedure referred to in regulation 8 of these regulations.

6. (1) In trade with Member States, equidae which are registered in the Member States of dispatch shall, except where a derogation has been agreed by common accord between the two organisations or associations concerned, be registered or entered in the appropriate studbook of Malta when arriving at destination under the same name, with an indication, in accordance with international agreements, of any initial of the country of foaling.

Registration
of equidae.

(2) Where the constitution of the organisations or associations so permits, the original name of the animal may be preceded or followed by another name on a provisional or permanent basis, provided that throughout the animal's life the original name is retained in brackets and that the country of birth is indicated by means of initial recognised by international agreements. Alternative measures may be taken to safeguard the continued identity of the animal in accordance with the requirements of the European Community and in accordance with any procedures laid down in terms of article 34(d) of the Act.

7. In compliance with the principles laid down in regulation 4(1) of these regulations, the following may be determined in accordance with requirements of the European Community and in accordance with any procedures laid down in terms of article 34(d) of the Act:-

Monitoring
performance
and assessment of
genetic value of
breeding animals.

(a) the methods of monitoring performance and assessing the genetic value of breeding animals; and

(b) on the basis of the methods referred to in paragraph (a), the general criteria for the approval of a male breeding animal or, if appropriate, of a female breeding animal for the purposes of breeding and using their semen, ova or embryos.

8. The competent authority shall ensure that:-

Identification
document of
equidae.

(a) in their movements, registered equidae are accompanied by an identification document drawn up in accordance with the requirements of the European Community and in accordance with any procedures laid down in terms of article 34(d) of the Act and issued by the organisations or associations referred to in regulation 5 of these regulations and as referred to in the definition "registered equidae" in regulation 2(2) under the Animal Health Conditions governing the Movement and Import from Third Countries of Equidae Rules, 2005. The identification document, to be drawn up in

Malta's and Member States' languages for registered horses, shall include at least the information indicated in the Schedule to these regulations. Such information may be supplemented or amended in accordance with the requirements of the European Community and in accordance with any procedures laid down in terms of article 34(d) of the Act;

(b) when they are marketed, the semen, ova and embryos of registered equidae are accompanied by a zootechnical certificate of origin and identification issued by the competent Authority at least in the language of the country of destination and conforming to a model to be drawn up in accordance with requirements of the European Community and in accordance with any procedures laid down in terms of article 34(d) of the Act.

Conditions applicable to imports of equidae and their semen, ova and embryos from third countries.

9. Pending implementation of relevant European Community rules, the conditions applicable to imports of equidae and their semen, ova and embryos from third countries must not be more favourable than those governing intra-Community trade between Member States of the European Union.

Offences and penalties.

10. (1) Any person who fails to abide by these regulations shall be guilty of an offence in terms of the Act and the application of an administrative penalty in terms of article 61 of the Act shall apply to the offender.

(2) Any right given to the competent Authority under these regulations to apply all such necessary measures in terms of article 61, shall be given to the Authority without prejudice to other criminal procedures which may be taken under the Act or any other law when a person commits an offence by failing to abide by these regulations.

Revokes L.N. 289 of 2003.

11. The Trade with Member States in Equidae (Zootechnical and Genealogical Conditions) Regulations, 2003 are hereby being revoked.

SCHEDULE**Regulation 8(a)****Minimum information in the identification document**

- (1) Identification No
- (2) Name
- (3) Sex
- (4) Colour
- (5) Breed
- (6) by
- (7) and
- (8) Date of foaling
- (9) Place where bred
- (10) Name of the competent authority
- (11) Address
- (12) Breeder(s)
- (13) Telephone number
- (14) Origin certificate validated on:
- (15) by:
- (16) Telecopy number:
- (17) Signature (Name in capital letters and capacity of signatory)
- (18) Stamp
- (19) taken by
- On
- Body
- (20) Description with dam Markings
- Head
- Ant. G
- Foreleg L
- Ant. D
- Foreleg R
- Post. G
- Hindleg L
- Post. D
- Hindleg R
- (21) District
- (22) Signature and stamp of qualified veterinary surgeon (or competent authority) (in capital letters)

