

L.N. 56 of 2012

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

**Animal Health Conditions (Intra-Community Trade and
Imports from Third Countries of Poultry and Hatching Eggs)
Rules, 2012**

IN EXERCISE of the powers conferred by article 10 of the Veterinary Services Act, the Minister for Resources and Rural Affairs after consultation with the Minister for Health, the Elderly and Community Care, has made the following rules:-

1. (1) The title of these rules is Animal Health Condition (Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs) Rules, 2012. Title, scope and commencement.

(2) The scope of these rules is to transpose Directive 90/539/EEC laying down animal health conditions governing intra-Community trade, and imports from third countries of poultry and hatching eggs, as codified by Directive 2009/158/EC in the interests of clarity and rationality, and shall apply without prejudice to other national laws or regulations which may apply in this regard.

(3) These rules are being made for the safeguarding of the public interest and public safety. Any requirements and safeguard measures contained therein, including those relating to authorisations, are made for overriding reasons relating to public interest.

(4) These rules shall come into force on the 7th February, 2012.

2. (1) Unless stated otherwise in these rules, the definitions in the Act, shall still apply. Interpretation.

(2) For the purposes of these rules and unless the context otherwise requires the following definitions shall apply:

“the Act” means the Veterinary Services Act;

“approved laboratory” means a laboratory located in Malta, approved by the Competent Authority, under its responsibility, for the purpose of carrying out the diagnostic tests provided for in these rules;

“authorisation” means any authorisation granted under these rules and in relation to authorised providers and services means a permit, licence, warrant, appointment, concession or any decision concerning access to a service activity or the exercise thereof;

“authorised provider” has the same meaning as that provided under the Animal Health Requirements governing Trade and Imports into the Community of Animals, Semen, Ova and Embryos not subject to Animal Health Requirements laid down in Specific Community Acts, Rules 2009;

L.N. 351 of 2009.

“breeding poultry” means poultry 72 hours old or more, intended for the production of hatching eggs;

“the Commission” means the European Commission;

“the Community” means the European Community as established by the Treaty on the European Union as amended by subsequent treaties;

“the Competent Authority” means the department responsible for veterinary services in Malta as established by the Act;

“compulsorily notifiable diseases” means the diseases listed in Schedule V to these rules;

“country of collection or dispatch” means the Member State or third country in which poultry and hatching eggs are produced, collected, and processed and from which they are sent to another Member State;

“day-old chicks” means all poultry less than 72 hours old, not yet fed, provided that Barbary ducks may be fed;

“the Director” means the Director General responsible for veterinary services or any veterinarian officer nominated by him;

“establishment” means a facility or part of a facility which occupies a single site and is devoted to the following activities:

(a) pedigree breeding establishment, which produces hatching eggs for the production of breeding poultry;

(b) breeding establishment, which produces hatching eggs for the production of productive poultry:

(c) rearing establishment, which rears poultry until the laying stage;

(d) hatchery, which incubates and hatches eggs and supplies day-old chicks;

“final consumer” has the same meaning as that provided for under the Animal Health Requirements governing Trade and Imports into the Community of Animals, Semen, Ova and Embryos not subject to Animal Health Requirements laid down in Specific Community Acts, Rules 2009;

“flock” means all poultry of the same health and immunity status, reared on the same premises or in the same enclosure and constituting a single zootechnical unit;

“hatching eggs” means eggs for incubation, laid by poultry;

“health certificate” means a certificate properly issued by the Competent Authority in accordance with the six models set in Schedule IV to these rules, as a means of guaranteeing and monitoring compliance with animal health requirements as regards animals and products of animal origin subject to trade for the purpose of these rules;

“health inspection” means a visit by the official veterinarian or authorised veterinarian for the purpose of inspecting the health status of all the poultry in an establishment;

“holding” means a facility which may include an establishment used for the rearing or keeping of breeding or productive poultry;

“importation” means the importation of animals and their products from a third country into the Community for the purpose of intra-Community trade;

“infected area” means for the diseases listed in Schedule V to these rules, either a zone comprising a well-defined territory, depending on the epizootiological environment of the outbreak site, or a protection zone with a radius of at least 3 kilometres around the outbreak site, which is itself included in a surveillance zone of a radius of at least 10 kilometres;

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

“Member State of destination” means such Member State in which poultry and hatching eggs are transported from another Member State for the purpose of intra-Community trade after being imported from a third country;

“official veterinarian” shall have the same meaning as that provided for under the Animal Health Requirements governing Trade and Imports into the Community of Animals, Semen, Ova and Embryos not subject to Animal Health Requirements laid down in Specific Community Acts, Rules 2009;

“outbreak site” means the holding or place situated in the Community where animals are assembled and where any of the notifiable diseases listed in Schedule V to these rules have been officially confirmed;

“overriding reasons relating to public interest” shall have the same meaning as that provided for under the Animal Health Requirements governing Trade and Imports into the Community of Animals, Semen, Ova and Embryos not subject to Animal Health Requirements laid down in Specific Community Acts, Rules 2009;

“poultry” means fowl, turkeys, guinea fowl, ducks, geese, quails, pigeons, pheasants and partridges reared or kept in captivity for breeding, the production of meat or eggs for consumption, or intended for re-stocking supplies of game;

“poultry intended for re-stocking supplies of game” means the restocking supply of game birds referred to also as “poultry” kept in captivity for breeding and rearing purposes;

“the product” means any product of animal origin subject to trade;

“productive poultry” means poultry 72 hours old or more, reared for the production of meat and, or eggs for consumption or for restocking supplies of game;

“quarantine station” means a facility where the poultry is kept in complete isolation and away from direct or indirect contact with other poultry, so as to permit long-term observation and testing for the diseases listed in Schedule V to these rules;

“sanitary slaughter” means the destruction, subject to all the necessary health safeguards including disinfection, of all poultry and products at the outbreak site which are infected or suspected of being contaminated;

“slaughter poultry” means poultry sent direct to a slaughterhouse for slaughter as soon as possible after arrival, and in any case within 72 hours;

“Standing Committee on the Food Chain and Animal Health” or “the Committee” means a Committee made up of the representatives of Member States named committee members, who assist and consult the Commission by delivering an Opinion regarding safety measures with respect to animal health issues to be then formally adopted by the Commission in accordance with the appropriate procedure. Such committee procedure covers the entire food supply chain, ranging from animal health issues on the farm to the product which arrives to the final consumer, therefore significantly enhancing its ability to target risks to health wherever they arise in the production of food;

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

“trade” means intra-Community trade between Member States in animals and their products after being imported from a third country, a business or occupation to make profit or gain, particularly in retail or wholesale sales and includes dealings in a particular business activity;

“the Treaty” means the Treaty on the European Union establishing the European Community as amended by the Lisbon Treaty of 2007;

“veterinary checks” means checks or import controls carried out on poultry and hatching eggs, subject to their respective procedures as follows:-

(i) as regards checks carried out for intra-Community trade, in terms of the procedure provided in rule 3 (2) of the Animal Health Requirements Governing Trade and Imports into the Community of Animals, Semen, Ova and Embryos not Subject to Animal Health Requirements laid down in Specific Community Acts, Rules 2009; and

(ii) for import controls carried out via border inspection posts on imports from third countries into the Community, in terms of the Principles Governing the Organisation of Veterinary Checks on Products Entering the Territory of Malta from Third Countries Regulations, 2003.

L.N. 356 of 2003.

Applicability.

3. (1) These rules shall not apply to poultry for exhibitions, show or contests.

(2) These rules shall in particular apply to:

(a) poultry, being live animals, and hatching eggs, being animal products, included in the list of products in Annex I to the Treaty;

(b) the breeding and rearing of poultry included in the farming sector which constitutes a source of income for part of the farming population;

(c) the elimination of disparities as regards animal health conditions in the Member States in order to encourage intra-Community trade in poultry and hatching eggs, thus contributing to the completion of the internal market;

(d) the harmonious development of intra-Community trade to govern import from third countries;

(e) animal health requirements so as to avoid the spread of contagious diseases;

(f) the organisation of and the follow-up to the checks to be carried out by the Member State of destination and the safeguard measures to be implemented in this regard;

(g) all measures taken by the Member States required for the purpose of safeguarding public and animal health including slaughter and disposal of poultry and hatching eggs on their arrival in the Community and during transit to their place or Member State of destination;

(h) the immediate prohibition on imports from a third country when such imports may be dangerous for human and animal health.

(3) The Competent Authority shall apply all such necessary administrative measures conforming to the requirements of the Standing Committee of the Food Chain and Animal Health according to the requirements of these rules, to ensure that there is no breach of these rules and also to reduce the risk for final consumers and any additional risk to animals and to the environment.

(4) These measures shall include the direct confiscation of the product, the suspension of the activities carried out by the authorised provider when these are creating a risk to final consumers and to the environment, and the forfeiture of any authorisation, licence or permit in terms of article 60 of the Act in addition to the application of any other administrative penalty in terms of article 61 of the Act.

4. (1) The Competent Authority shall designate a national reference laboratory as referred to in Schedule I to these rules, to be responsible for coordinating the diagnostic methods provided for in these rules and their use by the approved laboratories located in Malta.

National reference laboratories.

(2) The Competent Authority shall make the details of its national reference laboratory, and any subsequent changes thereto available to the other Member States and to the public. Detailed rules for the uniform application of this rule may be adopted in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2).

B 448

Intra-Community
trade.**5.** In order to be traded within the Community:

(a) hatching eggs, day-old chicks, breeding poultry and productive poultry shall satisfy the conditions laid down in rules 6, 12, 15 and 17 and, respectively, those laid down pursuant to rules 13 and 14 or those laid down in rules 7, 8 and 9;

(b) slaughter poultry and, by way of derogation from paragraph (a), poultry intended for restocking supplies of game, until the implementation of animal health conditions governing intra-Community trade and the import from third countries of fresh poultry meat and game birds for rearing, shall fulfill the conditions set out in rules 10, 12, 15 and 17 and those laid down pursuant to rules 13 and 14.

Conditions relating to
trade in poultry and
poultry products.**6.** (1) Hatching eggs, day-old chicks, breeding poultry and productive poultry shall come from:

(a) establishments which fulfill the following requirements:

(i) they shall be approved and given a distinguishing number by the Competent Authority, in accordance with the rules set out in Chapter I of Schedule II to these rules;

(ii) they shall not, at the time of consignment, be the subject of any animal health restrictions applicable to poultry;

(iii) they shall not be located in an infected area;
and

(b) a flock which, at the time of consignment, presents no clinical sign or suspicion of disease.

(2) The Competent Authority shall draw up and keep up to date a list of establishments approved in accordance with sub-rule (1) (a) (i), and their distinguishing numbers, and shall make it available to the other Member States and to the public. Detailed rules for the uniform application of this article may be adopted in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2).

7. (1) At the time of consignment, hatching eggs shall, if they come from a Member State, meet the following requirements:

Rules relating to consignment of hatching eggs.

(a) come from flocks which:

(i) have been held for more than six weeks in one or more Community establishments in accordance with rule 6 (1) (a) (i);

(ii) if there is a vaccination requirement, have been vaccinated in accordance with the vaccination conditions in Schedule III to these rules;

(iii) have undergone an animal health examination carried out by an official veterinarian or an authorised veterinarian during the 24 hours preceding consignment and, at the time of the examination, have shown no clinical sign or suspicion of disease;

(b) be marked in accordance with Regulation (EEC) No 1868/77 establishing rules on the production and marketing of eggs for hatching and of farmyard poultry chicks; and

(c) have been disinfected in accordance with the instructions of the official veterinarian.

(2) In case hatching eggs come from third countries, they shall have been imported in accordance with the conditions set out in these rules.

8. Day-old chicks shall:

Conditions relating to imports of day-old chicks.

(a) have been hatched from hatching eggs satisfying the requirements of rules 6 (1) and 7;

(b) satisfy the vaccination conditions laid down in Schedule III to these rules, provided there is a vaccination requirement; and

(c) present, at the time of consignment, no suspicion of diseases on the basis of point 2 (g) and (h) of Section B of Chapter II of Schedule II to these rules.

B 450

Requirements relating to the importation of breeding poultry and productive poultry.

9. At the time of consignment, breeding poultry and productive poultry shall:

(a) have been held since hatching or for more than six weeks in one or more Community establishments pursuant to rule 6 (1) (a) (i);

(b) satisfy the vaccination conditions laid down in Schedule III to these rules, provided there is a vaccination requirement; and

(c) have been submitted to a health examination by an official or authorised veterinarian during the 24 hours preceding consignment and, at the time of the examination, have presented no clinical sign or suspicion of disease.

Import conditions relating to slaughter poultry at the time of consignment.

10. At the time of the consignment, slaughter poultry shall have come from a holding:

(a) where they have been held since hatching or for more than 21 days;

(b) which is not the subject to any animal health restrictions applicable to poultry;

(c) where the health examination carried out by the official or authorised veterinarian during the 48 hours preceding dispatch of the flock from which the consignment to be slaughtered is to be drawn has not revealed within that flock any clinical sign or suspicion of disease; and

(d) which is not located in an area infected with avian influenza or Newcastle disease.

Intra-Community trade in poultry and hatching eggs.

11. (1) The requirements set out in rules 5 to 10 and rule 15 shall apply to poultry and hatching eggs which, at the time of consignment, have come from flocks which:

(a) have been held in the Community since hatching or for at least three months;

(b) present no clinical signs of a contagious poultry disease at the time of consignment;

(c) satisfy the vaccination conditions laid down in Schedule III to these rules, provided there is a vaccination requirement in this regard;

(d) are not the subject of any animal health restrictions applicable to poultry;

(e) are not located in an area infected with avian influenza or Newcastle disease; and

(f) have been found negative in serological tests for *Salmonella pullorum et gallinarum* antibodies, in accordance with Chapter III of Schedule II to these rules:

Provided that, such requirements shall not apply to intra-Community trade in poultry and hatching eggs in respect of consignments comprising fewer than 20 units.

12. (1) In the case of consignment of poultry and hatching eggs from a Member State of collection or part thereof, which vaccinate the poultry referred to in sub-rule (2) against Newcastle disease, to Malta, being the Member State of destination, the status of which has been established in accordance with sub-rule (2), the following rules shall apply:

Consignment of poultry and hatching eggs in relation to vaccine measures.

(a) hatching eggs shall come from flocks which are:

(i) not vaccinated; or

(ii) vaccinated using an inactivated vaccine; or

(iii) vaccinated using a live vaccine, provided that vaccination has taken place at least 60 days before the collection of the hatching eggs;

(b) day-old chicks shall come from:

(i) hatching eggs satisfying the conditions in paragraph (a); and

(ii) a hatchery where working practices ensure that such eggs are incubated at completely separate times and locations from eggs not satisfying the conditions in paragraph (a);

(c) breeding and productive poultry shall:

(i) not have been vaccinated against Newcastle disease; and

(ii) have been isolated for 14 days before consignment, at either a holding or a quarantine station under the supervision of the official veterinarian. In this regard, no fowl at the holding of origin or quarantine station, as applicable, may have been vaccinated against Newcastle disease during the 21 days preceding consignment and no bird which is not due for consignment may have entered the holding or the quarantine station during that time; in addition, no vaccinations may be carried out in the quarantine stations; and

(iii) have undergone, during the 14 days preceding consignment, representative serological testing to detect Newcastle disease antibodies in accordance with detailed rules adopted pursuant to the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2); and

(d) slaughter poultry shall come from flocks which:

(i) if not vaccinated against Newcastle disease, satisfy the requirement in the third item of paragraph (c); and

(ii) if vaccinated, have not been vaccinated with a live vaccine during the 30 days preceding consignment and have undergone, during the 14 days preceding consignment and on the basis of a representative sample, a test to isolate the Newcastle disease virus complying with detailed rules adopted in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2).

(2) The status of Malta, being the Member State of destination as regards Newcastle disease, shall be established in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as

provided under rule 2 (2), at the latest six months before the date on which the Competent Authority shall conform to these rules. The elements to be taken into consideration for determining this status shall be the data referred to in rule 14 (1) and, in particular, the following criteria:

- (i) no Newcastle disease shall have been detected in the poultry for at least the preceding 12 months;
- (ii) vaccination against Newcastle disease in the poultry referred to in sub-rule (1), shall not have been authorised for at least the preceding 12 months;
- (iii) all breeding flocks shall have been monitored at least once a year for the presence of Newcastle disease; and
- (iv) the holdings shall contain no poultry which have been vaccinated against Newcastle disease.

13. (1) Where the Competent Authority draws up or has drawn up a voluntary or compulsory control programme for a disease to which poultry are susceptible, it may present the programme to the Commission, outlining in particular:

Programme
monitoring procedures
taken by the
Competent Authority.

- (a) the distribution of the disease in Malta;
- (b) the reasons for the programme, taking into consideration the importance of the disease and the programme's likely benefit in relation to its cost;
- (c) the geographical area in which the programme will be implemented;
- (d) the status categories to be applied to poultry establishments, the standards which shall be attained in each category, and the test procedures to be used;
- (e) the programme monitoring procedures;
- (f) the action to be taken if, for any reason, an establishment loses its status; and
- (g) the measures to be taken if the results of the tests carried out in accordance with the provisions of the programme are positive.

B 454

Notification by the
Competent Authority
to the Commission.

14. (1) Where the Competent Authority, considers that Malta is, in whole or in part, free from one of the diseases to which poultry are susceptible, it shall present to the Commission appropriate supporting documentation, setting out in particular:

(a) the nature of the disease and the history of its occurrence in Malta;

(b) the results of surveillance testing based on serological, microbiological or pathological investigations and on the fact that the disease shall by law be notified to the competent authorities;

(c) the period over which the surveillance was carried out;

(d) where applicable, the period during which vaccination against the disease has been prohibited and the geographical area concerned by the prohibition; and

(e) the arrangements for verifying that the area concerned remains free from the disease.

(2) The Competent Authority shall notify the Commission of any change in the particulars specified in sub-rule (1). The guarantees laid down in sub-rule (1) may, in the light of such notification, be amended or withdrawn in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2).

Transportation
of day-old
chicks and hatching
eggs.

15. (1) Day-old chicks and hatching eggs shall be transported either in purpose-designed disposable boxes, or in boxes which may be re-used provided they are disinfected beforehand. Such boxes shall be cleaned and shall:

(a) contain only day-old chicks or hatching eggs of the same species, category and type of poultry coming from the same establishment; and

(b) bear the following indications:

(i) the name of the Member State of collection or consignment;

(ii) the species of poultry to which the eggs or chicks belong;

(iii) the number of chicks or eggs;

(iv) the category and type of production for which they are intended;

(v) the name or business name, address and approval number of the production establishment;

(vi) the establishment of origin's approval number, as provided for in point (2) of Chapter I of Schedule II to these rules; and

(vii) the Member State of destination; and

(c) be closed in accordance with the instructions of the competent authority of the Member State of collection in such a way as to avoid any possibility of substitution of the contents.

(2) Boxes holding day-old chicks or hatching eggs may be grouped for transport in appropriate containers. The number of boxes thus grouped and the indications referred to in sub-rule (1) (b) shall be shown on such containers.

(3) Breeding and productive poultry shall be transported in crates or cages:

(a) which contain only poultry of the same species, categories and type, coming from the same establishment;

(b) bearing the approval number of the establishment of origin situated in the Member State of collection as provided for in point (2) of Chapter I of Schedule II to these rules; and

(c) which are closed in accordance with the instructions of the competent authority of the Member State of collection in such a way as to avoid any possibility of substitution of the contents.

(4) Breeding and productive poultry and day-old chicks shall be conveyed without delay to the establishment of destination in Malta, without coming into contact with other live birds, except breeding and productive poultry or day-old chicks satisfying the conditions laid down in these rules.

(5) Slaughter poultry shall be conveyed without delay to the slaughterhouse of destination in Malta, without coming into contact with other poultry, except slaughter poultry satisfying the conditions laid down in these rules.

(6) Crates, cages and vehicles shall be designed in such a manner so as to:

- (a) preclude the loss of excrement and minimize the loss of feathers during transit;
- (b) allow visual inspection of the poultry; and
- (c) allow cleansing and disinfection.

(7) The vehicles and, if they are not disposable, the containers, crates and cages shall, before loading and unloading, be cleansed and disinfected in accordance with the instructions of the competent authority of the Member State of collection and shall comply with the requirements pursuant to the Animals Transport (Protection) Regulations, 2003.

L.N. 267 of 2003.

Non-transportation of poultry.

16. Poultry as referred to in rule 15 (4) shall not, unless otherwise provided in exceptional circumstances, be transported through areas infected with avian influenza or Newcastle disease, unless through trunk roads.

Health certificate in trade between Member States.

17. In trade between Member States, poultry and hatching eggs shall, during transportation to the place of destination, be accompanied by a health certificate which:

- (a) conforms with the appropriate model in Schedule IV to these rules;
- (b) is signed by an official veterinarian;
- (c) is drawn up on the date of loading in the language or languages of the Member State of dispatch and in the official language or languages of the Member State of destination;
- (d) is valid for five days;
- (e) consists of a single sheet;

(f) is normally made out for a single consignee; and

(g) bears a stamp of a colour different from that of the certificate.

18. The Competent Authority may, in compliance with the general provisions of the Treaty, grant one or more Member States of collection or dispatch general authorisations or authorisations limited to specific cases, permitting entry in Malta of poultry and hatching eggs without the certificate provided for in rule 17.

Authorisations relating to poultry and hatching eggs into the Community.

19. Poultry and hatching eggs imported into the Community shall satisfy the conditions laid down in rules 20 to 23.

Conditions relating to imports into the Community.

20. (1) Poultry and hatching eggs shall have originated in a third country or part thereof included on a list drawn up by the Commission which may be supplemented or amended in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2).

List of third countries drawn up by the Commission.

(2) In deciding whether a third country or part thereof may be included on the list referred to in sub-rule (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 health situation in the surrounding area, where either is liable to endanger public and animal health in the Member States;

(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 on lists A and B of the International Office of Epizootics;

(c) the country’s rules on animal-disease prevention and control;

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

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

(f) the guarantees which the third country can give with regard to compliance with these rules; and

(g) compliance with Community rules on hormones and residues.

General criteria to determine imports from third countries.

21. (1) Poultry and hatching eggs shall come from countries free from avian influenza and Newcastle disease.

(2) The general criteria for classifying the third country from the point of view of the diseases shall be adopted in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2).

Conditions relating to the list of exporting third countries.

22. (1) Poultry and hatching eggs may be imported from a third country, or part thereof included on the list drawn up in accordance with rule 20 (1) only if they come from flocks which:

(a) prior to consignment have been held without interruption in such country or part thereof, for a period to be determined in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2); and

(b) satisfy the animal health conditions adopted in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2) for imports of poultry and hatching eggs from the country in question. The conditions may differ according to the species or category of poultry.

(2) The animal health conditions shall be determined on the basis of these rules. In accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2), derogations may be granted on a case-by-case basis if the third country concerned offers similar animal health guarantees which are at least equivalent to the conditions mentioned in sub-rule (1).

Health certificate drawn up by the exporting third country.

23. (1) Poultry and hatching eggs shall be accompanied by a certificate drawn up and signed by an official veterinarian of the exporting third country.

The certificate shall:

- (a) be issued on the day of loading for consignment to the Member State of destination;
- (b) be drawn up in the official language or languages of the Member State of destination;
- (c) accompany the consignment in the original;
- (d) attest to the fact that the poultry or hatching eggs satisfy the requirements of these rules and those adopted pursuant to these rules with regard to importation from third countries;
- (e) be valid for five days;
- (f) consist of a single sheet;
- (g) be made out for a single consignee; and
- (h) bear a stamp of a colour different from that of the certificate.

(2) The certificate referred to in sub-rule (1) shall comply with a model drawn up in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2).

24. (1) On-the-spot inspections shall be carried out by veterinary experts of the Member States, being either the Member State of origin or collection or the Member State of destination, to be designated by the Commission on request by the Member States, whereby it shall ensure that all the provisions of these rules are effectively applied. On-spot inspections.

(2) The costs for the inspections carried out shall be incurred on behalf of the Community. The frequency of the inspections and the inspection procedure shall be determined in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2).

25. (1) Without prejudice to rule 28, the rules and general principles applicable to inspections carried out in third countries Rules applicable to inspections in third countries.

in the case of external transit or to inspections of imported poultry from third countries carried out via border inspection posts or external frontiers, shall continue to apply.

(2) Poultry and hatching eggs may not be imported into the Community if:

(a) the consignment does not come from the third country or part thereof on the list drawn up pursuant to rule 20 (1);

(b) the consignment is, or is suspected of being infected with, or contaminated by a contagious disease;

(c) the conditions laid down in these rules have not been complied with by the exporting third country;

(d) the certificate accompanying the consignment does not comply with the conditions set out in rule 23; and

(e) examination reveals that Community rules on hormones and residues have not been complied with.

(3) Without prejudice to any special conditions which may be adopted by the Commission to apply animal health restrictions as required after importation, for reasons of animal health, or where permission has not been granted to send back poultry, the entry of which has been refused pursuant sub-rule (1), the Competent Authority may designate the slaughterhouse which shall accept such poultry.

Conditions relating to imports of slaughter poultry in the Community.

26. On arrival in Malta, being the Member State of destination, slaughter poultry shall be taken directly to a slaughterhouse for slaughter as soon as possible. Without prejudice to any special conditions which may be adopted in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2), the Competent Authority may, on animal-health grounds, designate the slaughterhouse to which the poultry shall be conveyed.

Safeguard measures for intra-Community trade.

27. (1) For the purposes of intra-Community trade, the safeguard measures provided for in the Veterinary Checks applicable in Intra-Community Trade with Member States in Animal Products Regulations, 2003, shall apply.

(2) For the purposes of imports from third countries, the following safeguard measures shall apply:

(a) without prejudice to rule 21, if a contagious poultry disease likely to endanger the health of poultry in Malta appears in or extends to a third country or if any other animal-health reason justifies it, the Competent Authority shall prohibit imports of animals of the species covered by these rules coming directly from the third country as a whole or from any part thereof or indirectly through another Member State;

(b) the measures taken by the Competent Authority on the basis of this rule, together with their repeal, shall be communicated without delay to the other Member State and the Commission and the reasons therefor shall be indicated. The resumption of imports from the third country concerned shall be authorised under the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2).

28. The veterinary control rules provided for by the Veterinary and Zootechnical Checks applicable in Trade with Member States in certain Live Animals and Products Regulations, 2003, providing for veterinary checks which are no longer carried out at frontiers in trade between Member States, but which shall apply in particular, to checks in the Member State of origin or collection and checks carried out on arrival by the Member State of destination, shall apply to intra-Community trade in poultry and hatching eggs.

Veterinary control rules applicable to intra-Community trade.

L.N. 353 of 2003.

29. Amendments to the Schedules to these rules, particularly in order to adapt them to changes in diagnostic methods and to variations in the economic importance of particular diseases, shall be decided by the Commission in accordance with the procedure referred to in the definition “Standing Committee on the Food Chain and Animal Health” as provided under rule 2 (2).

Amendments made to Schedules to these rules.

30. (1) Any person who fails to abide by these rules shall be guilty of an offence in terms of the Act and the provisions and measures of rule 3 (3) and (4) shall apply to it.

Offences and penalties.

(2) Any right given to the Competent Authority under these rules to apply all such necessary measures prescribed in rule 3 (3) and (4), shall be given to the Competent Authority without

B 462

prejudice to other criminal proceedings which may be taken under the Act or any other law when a person commits an offence by failing to abide by these rules.

Schedule I**NATIONAL REFERENCE LABORATORIES**

The national reference laboratories for avian diseases designated in accordance with rule 4 of these rules shall be responsible in each Member State for coordinating the diagnostic methods provided for in these rules. To this end:

- (a) they may supply approved laboratories with the reagents needed for diagnostic testing;
- (b) they shall monitor the quality of reagents used by the laboratories approved for the purpose of carrying out the diagnostic tests provided for in these rules;
- (c) they shall organise periodic comparative tests.

Schedule II**APPROVAL OF ESTABLISHMENTS**

CHAPTER I - General rules

1. In order to be approved by the Competent Authority for the purposes of intra-Community trade, establishments shall:

(a) satisfy the conditions as regards facilities and operation set out in Chapter II hereof;

(b) apply and adhere to a disease surveillance programme approved by the Competent Authority, taking into account the requirements of Chapter III hereof;

(c) provide every facility for the carrying out of the operations listed in paragraph (d) hereof;

(d) be subject to the supervision of the Competent Authority within the context of an organized form of animal health monitoring. Such monitoring shall include in particular:

(i) at least one inspection visit per year by the official veterinarian, supplemented by checks to verify the application of hygiene measures and the operation of the establishment in accordance with the conditions in Chapter II hereof;

(ii) the recording by the farmer of all the information necessary for the continuous monitoring of the health status of the establishment by the Competent Authority;

(e) contain only poultry as defined in rule 2 (2).

2. The Competent Authority will give each establishment which complies with the conditions laid down in point 1 hereof a distinguishing approval number, which may be the same as that given pursuant to Regulation (EEC) No 2782/75 on the production and marketing of eggs for hatching and of farmyard poultry chicks.

CHAPTER II - Facilities and operation

A. Pedigree breeding, breeding and rearing establishments

1. Facilities

(a) The site and layout of the facilities shall be compatible with the type of production pursued, ensuring that the introduction of disease can be prevented or, if an outbreak occurs, that it can be controlled. If an establishment houses several species of poultry, there shall be a clear separation between them.

(b) The facilities shall provide good conditions of hygiene and allow health monitoring to be carried out.

(c) The equipment shall be compatible with the type of production pursued, and allow cleansing and disinfection of the facilities and of vehicles for transporting poultry and eggs at the most suitable spot.

2. Rearing

(a) Rearing techniques shall be based as far as possible on the 'protected rearing' principle and on the 'all-in-all-out' principle. Cleansing, disinfection and depopulation shall be carried out between batches.

(b) Pedigree-breeding, breeding and rearing establishments shall house only poultry:

(i) from the establishment itself; and, or

(ii) from other pedigree-breeding, breeding or rearing establishments in the Community approved in accordance with rule 6 (1) (a); and, or

(iii) imported from third countries in accordance with these rules.

(c) Hygiene rules shall be drawn up by the management of the establishment; personnel shall wear appropriate working clothing and visitors protective clothing.

B 466

- (d) Buildings, pens and equipment shall be kept in good repair.
- (e) Eggs shall be collected several times a day, and shall be clean and be disinfected as soon as possible.
- (f) The farmer shall notify the authorised veterinarian of any variation in production performance or any other sign suggesting the presence of a contagious poultry disease. As soon as a disease is suspected, the authorised veterinarian shall send the samples needed for making or confirming the diagnosis to an approved laboratory.
- (g) A flock history, register or data medium shall be kept for each flock for at least two years after the disposal of the flock and shall show:
 - (i) arrivals and departures;
 - (ii) production performance;
 - (iii) morbidity and mortality with causes;
 - (iv) any laboratory tests and the results thereof;
 - (v) the place of origin of the poultry;
 - (vi) the destination of eggs.
- (h) Where a contagious poultry disease occurs, the results of laboratory tests shall be communicated immediately to the authorised veterinarian.

B. Hatcheries

1. Facilities

- (a) A hatchery shall be physically and operationally separate from rearing facilities. The layout shall be such as to allow the various functional units listed below to be kept separate:
 - (i) egg storage and grading;

- (ii) disinfection;
- (iii) pre-incubation;
- (iv) hatching;
- (v) preparation and packaging of goods for dispatch.

(b) Buildings shall be protected against birds coming from outside and rodents; floors and walls shall be of hard-wearing, impervious and washable materials; natural or artificial lighting and air flow and temperature systems shall be of an appropriate type; provision shall be made for the hygienic evacuation of waste (eggs and chicks).

(c) Equipment shall have smooth and waterproof surfaces.

2. Operation

(a) Operation shall be based on a one-way circuit for eggs, mobile equipment and personnel.

(b) Hatching eggs shall be:

(i) from Community pedigree breeding or breeding establishments approved in accordance with rule 6 (1) (a);

(ii) imported from third countries in accordance with these rules.

(c) Hygiene rules shall be drawn up by the management of the establishment; personnel shall wear appropriate working clothing and visitors protective clothing.

(d) Buildings and equipment shall be kept in good repair.

(e) The following shall be disinfected:

(i) eggs, between the time of their arrival and the incubation process;

B 468

(ii) the incubators, regularly;

(iii) hatchers and equipment, after the hatching of each batch.

(f) A programme of microbiological quality control shall be used to assess the health status of the hatchery.

(g) The farmer shall notify the authorised veterinarian of any variation in production performance or any other sign suggesting the presence of a contagious poultry disease. As soon as a contagious disease is suspected, the authorised veterinarian shall send the samples needed for making or confirming the diagnosis to an approved laboratory, and inform the Competent Authority which will decide on appropriate measures to be taken.

(h) A flock history, register or data medium for the hatchery shall be kept for at least two years showing, if possible by flock:

(i) the origin of the eggs and their arrival date;

(ii) hatching yields;

(iii) any abnormalities;

(iv) any laboratory tests and the results thereof;

(v) details of any vaccination programmes;

(vi) the number and the destination of incubated eggs which have not hatched;

(vii) the destination of day-old chicks.

(i) Where a contagious poultry disease occurs, the results of laboratory tests shall be communicated immediately to the authorised veterinarian.

Without prejudice to health measures and to rules 13 and 14, disease surveillance programmes shall, as a minimum, comprise surveillance of the infections and species listed below.

A. *Salmonella pullorum*, *salmonella gallinarum* and *salmonella arizonae* infections

1. Species concerned

(a) *S. pullorum et gallinarum*: fowls, turkeys, guinea fowls, quails, pheasants, partridges and ducks.

(b) *S. arizonae*: turkeys.

2. Disease surveillance programme

(a) Serological and, or bacteriological tests shall be used to determine whether an infection is present.

(b) Samples for testing shall be taken, as appropriate, from blood, second-grade chicks, down or dust taken from hatchers, swabs taken from the walls of the hatchery, litter or water from a drinker.

(c) When blood samples are taken from a flock for serological testing for *S. pullorum* or *S. arizonae*, prevalence of infection in the country concerned and its past incidence in the establishment shall be taken in consideration for determining the number of samples to be taken. Flocks shall be inspected during each laying period at the best time for detecting the disease.

B. *Mycoplasma gallisepticum* and *Mycoplasma meleagridis* infections

1. Species concerned

(a) *Mycoplasma gallisepticum*: fowls and turkeys.

(b) *Mycoplasma meleagridis*: turkeys.

2. Disease surveillance programme

B 470

(a) Presence of infection shall be tested by serological and, or bacteriological testing and, or by the presence of air sacculitis lesions in day-old chicks and turkey poults.

(b) Samples for testing shall be taken, as appropriate, from blood, day-old chicks and turkey poults, sperm, or swabs taken from the trachea, the cloaca or air sacs.

(c) Tests for detecting *M. gallisepticum* or *M. meleagridis* shall be performed on a representative sample in order to allow continuous surveillance of the infection during rearing and laying, that is just before the start of laying and every three months thereafter.

C. Results and measures to be taken

If there are no reactors, the test is deemed negative. Otherwise, the flock is suspect and the measures specified in Chapter IV hereof shall be applied to it.

D. In the case of holdings which consist of two or more separate production units, the Competent Authority may derogate from these measures as regards healthy production units on a holding which is infected provided that the official or authorised veterinarian has confirmed that the structure and size of these production units and the operations carried out there are such that the production units provide completely separate facilities for housing, keeping and feeding, so that the disease in question cannot spread from one production unit to another.

CHAPTER IV - Criteria for suspending or withdrawing approval of an establishment

1. Approval granted to an establishment shall be suspended:

(a) when the conditions laid down in Chapter II hereof are no longer met;

(b) until an investigation appropriate to the disease has been completed:

(i) if avian influenza or Newcastle disease are suspected at the establishment;

(ii) if the establishment has received poultry or hatching eggs from an establishment with suspected or actual infection by avian influenza or Newcastle disease;

(iii) if contact liable to transmit the infection has occurred between the establishment and the site of an outbreak of avian influenza or Newcastle disease;

(c) until such time as new tests are performed, if the results of surveillance carried out in accordance with the conditions laid down in Chapters II and III hereof or infection by *S. pullorum*, *S. gallinarum*, *S. arizonae*, *M. gallisepticum* or *M. meleagridis* give cause to suspect infection;

(d) until completion of the appropriate measures required by the official veterinarian, if the establishment is found not to conform with the requirements of Chapter I, point 1, paragraphs (a), (b), and (c) hereof.

2. Approval shall be withdrawn:

(a) if avian influenza or Newcastle disease occurs at the establishment;

(b) if a second test of an appropriate type confirms the presence of infection by *S. pullorum*, *S. gallinarum*, *S. arizonae*, *M. gallisepticum* or *M. meleagridis*;

(c) if, after a second notice served by the official veterinarian, action to bring the establishment in line with the requirements of Chapter I, point 1, paragraphs (a), (b) and (c) hereof, has not been taken.

3. Conditions for restoring approval:

(a) if approval has been withdrawn because of an occurrence of avian influenza or Newcastle disease, it may be restored 21 days after cleansing and disinfection if sanitary slaughter has been carried out;

(b) if approval has been withdrawn because of infection caused by:

B 472

(i) *Salmonella pullorum et gallinarum*, or *Salmonella arizonae*, it may be restored after negative results have been recorded in two tests performed with an interval of at least 21 days on the establishment and after disinfection following sanitary slaughter of the infected flock;

(ii) *Mycoplasma gallisepticum* or *Mycoplasma meleagridis*, it may be restored after negative results have been recorded in two tests performed on the entire flock with an interval of at least 60 days.

Schedule III

POULTRY VACCINATION CONDITIONS

Vaccines used for vaccinating poultry or flocks producing hatching eggs shall:

- (i) conform to the requirements of the European Pharmacopoeia; and
- (ii) be produced, tested and distributed under official supervision.

The criteria for using vaccines against Newcastle disease in the context of routine-vaccination programmes may be determined by the Commission.

B 474

Schedule IV

HEALTH CERTIFICATES FOR INTRA-COMMUNITY TRADE

MODEL 1 EUROPEAN COMMUNITY HATCHING EGGS

1. Consignor (name and address in full):

2. Member State of origin:

3. Consignee (name and address in full):

(i) initial:

(ii) final:

NOTES:

(a) A separate certificate shall be provided for each consignment of hatching eggs.

(b) The original of the certificate shall accompany the consignment to its final destination.

HEALTH CERTIFICATE

No. ORIGINAL

4. Competent Authority:

5. Address of establishment where hatching eggs were collected:

6. Place of loading:

7. Means of transport:

8. Member State of destination:

Final destination:

9. Approval number of the establishment:

10. Poultry species:

11. For the production of:

12. Consignment identification details:

(a) Number of hatching eggs:

(b) Date of collection:

(c) Identification details of parent flock:

(d) Brand name:

13. I, the undersigned official veterinarian, certify that:

(a) the hatching eggs described above comply with the provisions of rules 6, 7 and 15 of the Animal Health Conditions Governing Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs, Rules 2011;

(b) additional certifications regarding rules 12, 13 and 14 of the Animal Health Conditions Governing Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs, Rules 2011.

Done at

Signature

Name in block capitals

Position held

Stamp

B 476

MODEL 2 EUROPEAN COMMUNITY DAY-OLD CHICKS

1. Consignor (name and address in full):

2. Member State of origin:

3. Consignee (name and address in full)

(i) initial:

(ii) final:

NOTES:

(a) A separate certificate shall be provided for each consignment of day-old chicks.

(b) The original of the certificate shall accompany the consignment to its final destination.

HEALTH CERTIFICATE

No ORIGINAL

4. COMPETENT AUTHORITY:

5. Address of establishment where hatched:

6. Place of loading:

7. Means of transport:

8. Member State of destination:

Final destination:

9. Approval number of the establishment

10. Poultry species:

11. For the production of:

12. Consignment identification details:

(a) Number of chicks:

(b) Date hatched:

(c) Identification details of establishment of origin:

(d) Category/type:

13. I, the undersigned official veterinarian, certify that:

(a) the day-old chicks described above comply with the provisions of rules 6, 8 and 15 of the Animal Health Conditions Governing Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs, Rules 2011;

(b) additional certifications regarding rules 12, 13 and 14 of the Animal Health Conditions Governing Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs, Rules 2011.

Done at

Signature

Name in block capitals

Position held

Stamp

B 478

**MODEL 3 EUROPEAN COMMUNITY BREEDING AND PRODUCTIVE
POULTRY**

1. Consignor (name and address in full):

2. Member State of origin:

3. Consignee (name and address in full)

(i) initial:

(ii) final:

NOTES:

(a) A separate certificate shall be provided for each consignment of poultry.

(b) The original of the certificate shall accompany the consignment to its final destination.

HEALTH CERTIFICATE

No ORIGINAL

4. COMPETENT AUTHORITY:

5. Address of establishment of origin:

6. Place of loading:

7. Means of transport:

8. Member State of destination:

Final destination:

9. Approval number of the establishment:

10. Poultry species:

11. For the production of:

12. Consignment identification details:

(a) Head of poultry:

(b) Identification details of flock of origin:

(c) Category/type:

13. I, the undersigned official veterinarian, certify that:

(a) the poultry described above comply with the provisions of rules 6, 9 and 15 of the Animal Health Conditions Governing Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs, Rules 2011;

(b) additional certifications regarding rules 12, 13 and 14 of the Animal Health Conditions Governing Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs, Rules 2011.

Done at

Signature

Name in block capitals

Position held

Stamp

B 480

MODEL 4 EUROPEAN COMMUNITY POULTRY AND EGGS FOR HATCHING IN LOTS OF UNDER 20

1. Consignor (name and address in full):

2. Member State of origin:

3. Consignee (name and address in full):

(i) initial:

(ii) final:

NOTES:

(a) A separate certificate shall be provided for each consignment of poultry or hatching eggs.

(b) The original of the certificate shall accompany the consignment to its final destination.

HEALTH CERTIFICATE

No ORIGINAL

4. COMPETENT AUTHORITY:

5. Address of establishment or holding of origin:

6. Place of loading:

7. Means of transport:

8. Member State of destination:

Final destination:

9. Approval number of the establishment (where applicable):

10. Poultry species:

11. For the production of:

12. Consignment identification details:

(a) Head of poultry or no of hatching eggs:

(b) Identification details of flocks of origin:

(c) Category/type:

13. I, the undersigned official veterinarian, certify that:

(a) the poultry or hatching eggs described above comply with the provisions of rule 11 of the Animal Health Conditions Governing Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs, Rules 2011;

(b) additional certifications regarding rules 12, 13 and 14 of the Animal Health Conditions Governing Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs, Rules 2011.

Done at

Signature

Name in block capitals

Position held

Stamp

B 482

MODEL 5 EUROPEAN COMMUNITY SLAUGHTER POULTRY

1. Consignor (name and address in full):

2. Member State of origin:

3. Consignor (name and address in full):

(i) initial:

(ii) final:

NOTES:

(a) A separate certificate shall be provided for each consignment of poultry.

(b) The original of the certificate shall accompany the consignment to its final destination.

HEALTH CERTIFICATE

No ORIGINAL

4. COMPETENT AUTHORITY:

5. Address of establishment or holding of origin:

6. Place of loading:

7. Means of transport:

8. Slaughterhouse and Member State of destination:

Place of final destination

9. Approval number of the establishment (where applicable):

10. Poultry species:

11. For the production of:

12. Consignment identification details:

(a) Head of poultry:

(b) Approximate age of birds:

13. I, the undersigned official veterinarian, certify that:

(a) the poultry described above comply with the provisions of rule 10 of the Animal Health Conditions Governing Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs, Rules 2011;

(b) additional certifications regarding rules 12, 13 and 14 of the Animal Health Conditions Governing Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs, Rules 2011.

Done at

Signature

Name in block capitals

Position held

Stamp

B 484

**MODEL 6 EUROPEAN COMMUNITY POULTRY FOR RE-STOCKING
SUPPLIES OF GAME**

1. Consignor (name and address in full):

2. Member State of origin:

3. Consignee (name and address in full):

(i) initial:

(ii) final:

NOTES:

(a) A separate certificate shall be provided for each consignment of poultry.

(b) The original of the certificate shall accompany the consignment to its final destination.

HEALTH CERTIFICATE

No ORIGINAL

4. COMPETENT AUTHORITY:

5. Address of establishment or holding of origin:

6. Place of loading:

7. Means of transport:

8. Member State of destination:

Final destination:

9. Approval number of the establishment (where appropriate):

10. Poultry species:

11. For the production of:

12. Consignment identification details:

(a) Head of poultry:

(b) Identification details of flocks of origin:

(c) Approximate age of birds:

14. I, the under signed official veterinarian, certify that:

(a) the poultry described above comply with the provisions of rules 6, 9 and 15 of the Animal Health Conditions Governing Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs, Rules 2011;

(b) additional certifications regarding rules 12, 13 and 14 of the Animal Health Conditions Governing Intra-Community Trade, and Imports from Third Countries of Poultry and Hatching Eggs, Rules 2011.

Done at

Signature

Name in block capitals

Position held

Stamp

B 486

Schedule V

COMPULSORILY NOTIFIABLE DISEASES

Avian influenza

Newcastle disease

