

L.N. 362 of 2005

**VETERINARY SERVICES ACT, 2001
(ACT NO. XXIII OF 2001)**

Circulation of Compound Feedingstuffs Rules, 2005

IN exercise of the powers conferred by article 26 of the Veterinary Services Act, 2001, the Minister for Rural Affairs and the Environment has made the following rules:-

Title and scope.

1. (1) The title of these rules is the Circulation of Compound Feedingstuffs Rules, 2005.

(2) These rules shall apply to compound feedingstuffs marketed in Malta.

(3) The scope of these rules is to transpose the provisions found in European Council Directive 79/373/EEC on the circulation of compound feedingstuffs, hereinafter referred to as “the Directive”.

(4) These rules shall apply without prejudice to the provisions on:

- (a) feed materials;
- (b) additives used in feedingstuffs;
- (c) undesirable substances and products in animal nutrition;
- (d) the fixing of maximum permitted levels for pesticide residues on or in products intended for human or animal consumption;
- (e) the organization of markets in agricultural products;
- (f) certain products used in animal nutrition;
- (g) the approximation of the laws of Malta relating to the making up, by mass or by volume, of certain prepackaged products;
- (h) feedingstuffs for particular nutritional purposes.

2. For the purposes of these rules, the following definitions shall apply:- Definitions.

“animals” means animals belonging to species normally kept and nourished or consumed by man;

“complementary feedingstuffs” means mixtures of feedingstuffs which have a high content of certain substances but which, by reason of their composition, are sufficient for a daily ration only if used in combination with other feedingstuffs;

“complete feedingstuffs” means mixtures of feedingstuffs which, by reason of their composition, are sufficient for a daily ration;

“compound feedingstuffs” means mixtures of feed materials, whether or not containing additives, for oral animal feeding in the form of complete or complementary feedingstuffs;

“daily ration” means the average total quantity of feedingstuffs, calculated on a moisture content of 12 %, required daily by an animal of a given species, age category and yield, to satisfy all its needs;

“feedingstuffs” means products of vegetable or animal origin in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, used singly or in mixtures, whether or not containing additives, for oral animal feeding;

“feed materials” means various products of vegetable or animal origin, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, whether or not containing additives, which are intended for use in oral animal feeding, either directly as such or after processing, in the preparation of compound feedingstuffs or as carriers of premixtures;

“milk replacer feeds” mean compound feedingstuffs administered in dry form or after dilution in a given quantity of liquid for feeding young animals as a supplement to, or substitute for, post-colostral milk or for feeding calves intended for slaughter;

“mineral feedingstuffs” means complementary feedingstuffs composed mainly of minerals and containing at least 40 % crude ash;

“minimum storage life of a compound feedingstuff” means the date until which, under proper storage conditions, that feedingstuff retains its specific properties.

“molassed feedingstuffs” means complementary feeding stuffs prepared from molasses and containing at least 14 % total sugar expressed as sucrose;

“pet animals” means animals belonging to species normally nourished and kept, but not consumed, by man, except animals bred for fur;

“Third Country” means a State which is not a Member within the European Community;

“Veterinary Services” means the competent authority within the territory of Malta as established under article 2 of the Veterinary Services Act.

Conditions for the marketing of feedingstuffs.

3. Without prejudice to the obligations prescribed by any other law, compound feedingstuffs may be marketed in Malta only if they are wholesome, unadulterated and of merchantable quality. They shall also prescribe that compound feedingstuffs may not represent a danger to animal or human health and may not be presented or marketed in a manner liable to mislead.

Sealed packages and containers.

4. (1) The competent authority shall prescribe that compound feedingstuffs may be marketed only in sealed packages or containers. They shall also prescribe that the packages or containers be sealed in such a way that, when the package is opened, the seal is damaged and cannot be re-used.

(2) Exceptions to the principle of sub-rule (1) to be authorized at European Union level shall be listed in accordance with the procedure laid down in rule 16, provided that the identity and quality of the compound feedingstuffs concerned are ensured.

Descriptions on labels.

5. (1) In Malta, compound feedingstuffs may not be marketed unless the following particulars listed below, which shall be clearly visible, legible and indelible and for which the manufacturer, packer, importer, seller or distributor established within the Community shall be held responsible, are shown, in a space provided for that purpose, on the packaging, on the container or on a label attached thereto:

(a) the description “complete feedingstuff”, “complementary feedingstuff”, “mineral feedingstuff”, “molassed

feedingstuff”, “complete milk replacer feed” or “complementary milk replacer feed”, as appropriate;

(b) the species or category of animal for which the compound feedingstuff is intended;

(c) directions for the proper use of the feedingstuff indicating the purpose for which the feedingstuff is intended;

(d) for all compound feedingstuffs except those intended for pets other than dogs and cats: the feed materials to be declared in accordance with rule 6;

(e) where appropriate, the declarations of the analytical constituents in the cases provided for in Part A of the Schedule;

(f) as relevant to the case, the declarations provided for in Part B of the Schedule in columns 1, 2 and 3;

(g) the name or business name and the address or registered place of business of the person responsible for the particulars referred to in this sub-rule;

(h) the net quantity expressed in units of mass in the case of solid products, and in units of mass or volume in the case of liquid products;

(i) the minimum storage life, to be indicated in accordance with rule 7 ;

(j) the batch number if the date of manufacture is not given.

(k) the approval number allocated to the establishment in accordance with Article 5 of Council Directive 95/69/EC of 22nd December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector.

(2) In Malta, compound feedingstuffs, when marketed in tankers or similar vehicles or in accordance with rule 5 (2), shall be accompanied by a document containing the particulars referred to in sub-rule (1) of this rule. For small quantities of feedingstuffs intended for the final user, these particulars may be brought to the purchaser’s attention by means of an appropriate notice at the point of sale.

(3) In Malta, in conjunction with the particulars listed in sub-rule (1), only the following additional particulars may be put in the space referred to in sub-rule (1):

(a) the identification mark or trade mark of the person responsible for the labelling particulars;

(b) the name or business name and the address or registered place of business of the manufacturer, if this is not the person responsible for the labelling particulars;

(c) where appropriate, the batch number;

(d) the country of production or manufacture;

(e) the price of the product;

(f) the description or trade name of the product;

(g) for compound feedingstuffs intended for pets other than dogs and cats: the feed materials to be declared in accordance with rule 6;

(h) where appropriate, particulars relating to the provisions of rule 17 (a);

(i) an indication of the physical condition of the feedingstuff or the specific processing it has undergone;

(j) where appropriate, the declarations of the analytical constituents in the cases provided for in Part A of the Schedule;

(k) the declarations provided for in Part B of the Schedule in columns 1, 2 and 4;

(l) the date of manufacture to be indicated in accordance with rule 7 (2)

(4) The Veterinary Services may, for feedingstuffs produced and marketed in Malta:

(a) permit the particulars specified in sub-rule 1 (b) to (f) and (h) to be shown only in an accompanying document;

(b) prescribe an official code number enabling the manufacturer to be identified where the latter is not responsible for the labeling particulars.

(5) The competent authority shall prescribe that:

(a) in the case of compound feedingstuffs constituted from no more than three feed materials the particulars referred to in sub-rule 1 sub-rule (b) and (c) shall not be required where the feed materials used appear clearly in the description;

(b) in the case of whole grain mixes, the declarations referred to in sub-rule 1 (e) and (f) shall not be required; they may, however, be provided;

(c) the descriptions 'complete feedingstuff' or 'complementary feedingstuff' in respect of feedingstuffs intended for pets other than dogs or cats may be replaced by the description 'compound feedingstuff'. In this case, the declarations required or allowed under this regulation shall be those laid down for complete feedingstuffs;

(d) the minimum storage life, the net quantity and the batch reference number may be marked outside the space reserved for the labeling particulars referred to in sub-rule 1; in this case, the relevant expressions shall be accompanied by an indication of where the information appears.

(6) For compound feedingstuffs for pets, the descriptions 'compound feedingstuff', 'complementary feedingstuff', and 'complete feedingstuff' may be replaced by the descriptions 'compound pet food', 'complementary pet food' and 'complete pet food' respectively in the English language.

6. (1) Where a declaration of the feed materials is provided, all the feed materials must be mentioned. Listing of feed materials.

(2) The listing of feed materials shall be subject to the following provisions:

(a) in compound feedingstuffs intended for animals other than pets,

(i) the listing of feed materials shall be in descending order by weight;

(ii) with regard to percentages, a 15% tolerance of the declared value shall be allowed;

(b) in compound feedingstuffs intended for pets:

listing of feed materials; either indicating the amount contained or by naming such amount in descending order by weight.

(3) The feed materials shall be described by their specific names; however, categories grouping several feed materials will be established in accordance with rule 11 (a); in that case, the indication of the specific name of the feed materials may be replaced by the name of the category to which the feed materials belongs. Use of one of these two forms of declaration shall exclude use of the other save where one of the feed materials used belongs to none of the categories which have been defined; in that case the feed materials, designated by its specific name, shall be mentioned in order of importance by weight in relation to the categories.

(4) Where no measure has been adopted under rule 12, the competent authority may retain the feed materials categories it has determined and allow the indication of the feed materials to be replaced by that of the categories.

(5) The labelling of compound feedingstuffs for pets may also draw particular attention to the presence or low content of any feed material which are essential aspects of the characteristics of the feedingstuff. In such a case, the minimum or maximum content, expressed in terms of percentage by weight of the feed material incorporated, must be clearly indicated either opposite the declaration drawing special attention to the feed material or in the list of feed material(s) or by mentioning the feed material and the percentage by weight concerned opposite the corresponding category of feed material.

Minimum storage
life.

7. (1) The minimum storage life shall be given by the following indications:

(a) “use before ...” followed by the date (day, month and year) in the case of microbiologically highly perishable feedingstuffs;

(b) “best before ...” followed by the date (month and year) in the case of other feedingstuffs. Where other Community provisions concerning compound feedingstuffs require indication of a minimum storage life, only the earliest date shall be indicated.

(2) The date of manufacture shall be expressed as follows:

“manufactured ... (days, months, or years) before the minimum storage life expiry date indicated”.

Where rule 5 (5) (d) applies, the abovementioned entry shall be followed by an indication of where that storage life is indicated.

8. The person responsible for the labelling particulars of a compound feedingstuff may provide information in addition to that required under this rule: Additional information.

Provided that such information:-

(a) may not be designed to indicate the presence or content of analytical constituents other than those the declaration of which is provided for in Article 5 of this Directive or Article 5 (2) of Council Directive 93/ 74/EEC of the 13th September 1993 on feedingstuffs intended for particular nutritional purposes ,

(b) shall not mislead the user, in particular by attributing to the feedingstuff effects or properties that it does not possess or by suggesting that it possesses special characteristics when in fact all similar feedingstuffs possess such characteristics,

(c) shall not claim that the feedingstuff will prevent, treat or cure a disease,

(d) shall relate to objective or quantifiable factors which can be substantiated,

(e) shall be clearly separated from all the particulars specified in regulation 6

9. The competent authority shall prescribe that the general provisions contained in Part A of the Schedule to these rules shall apply to the marketing of compound feedingstuffs. Provisions of Part A of the Schedule to these rules.

10. The competent authority shall ensure that compound feedingstuffs are not subject, for reasons concerning the provisions included in this Directive, to marketing restrictions other than those provided for by these rules . Compound feedingstuffs subject only to marketing restrictions.

Categories, lists, methods and amendments to be adopted.

11. In accordance with the procedure laid down in rule 16 and in the light of advances in scientific and technical knowledge:

(a) there shall be established categories grouping several feed material or materials;

(b) a list shall be established of feed material or materials the use of which is prohibited in compound feedingstuffs for public or animal health reasons;

(c) methods of calculating the energy value of compound feedingstuffs may be established.

General provisions.

12. (1) The competent authority shall prescribe that any feed material or materials included on the list of the main feed materials listed in Part B of the Schedule to Council Directive 96/25/EC of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC may be declared as such only under the names specified therein and on condition that they correspond to the descriptions and comply with any possible minimum compositional requirements contained therein.

(2) Malta shall ensure that the provisions of headings (I), (II), (III) and (IV) of Part A 'General' of the Schedule to Directive 96/25/EC are respected.

Language on accompanying document.

13. For the purposes of marketing within Malta and the EU Member States, the indications printed on the accompanying document, on the packaging, on the container or on the label attached thereto shall be written in at least one or several languages which the country of destination shall determine from among the national or official languages of Malta and the Member States:

Provided that for Malta the Maltese and English languages are both the official languages.

Official Inspection.

15. Malta shall make all necessary arrangements for official inspection during manufacture or marketing, at least by sampling, in order to ensure compliance with the requirements of these rules .

16. (1) Where the procedure laid down in this rule is to be followed, the matter shall be referred without delay to the Standing Committee for Feedingstuffs, hereinafter called 'the Committee', by its chairman, either on his own initiative or at the request of a Member State.

Standing Committee
on Feedingstuffs.

(2) The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in Article 148 (2). The Chairman shall not vote.

(3) The Commission shall adopt the measures and implement them forthwith where they are in accordance with the opinion of the Committee. Where they are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall at once submit a proposal to the Council on the measures to be taken. The Council shall adopt the measures by a qualified majority.

(4) If the Council has not adopted any measures within three months of receiving the proposal, the Commission shall adopt the proposed measures and implement them forthwith except where the Council has voted by a simple majority against such measures.

17. These rules shall not affect the right of Malta:

Rights pertaining to
Malta.

(a) to recommend types of compound feedingstuffs which meet certain analytical characteristics;

(b) to refrain from applying the provisions of these rules to compound feedingstuffs in respect of which it is proved at least by some appropriate marking that they are intended for export to third countries;

(c) to refrain from applying the provisions of this Directive to compound feedingstuffs where a special label marking gives proof that they are intended for animals kept for scientific or experimental purposes.

SCHEDULE

PART A

General provisions

1. The levels indicated or to be declared relate to the weight of the compound feedingstuff as such, unless otherwise stated.

2. The feedingstuff's moisture content must be stated if it exceeds:

- 7 % in the case of milk replacer feeds and other compound feedingstuffs with a milk-product content exceeding 40 %,
- 5 % in the case of mineral feedingstuffs containing no organic substances,
- 10 % in the case of mineral feedingstuffs containing organic substances,
- 14 % in the case of other compound feedingstuffs.

In the case of compound feedingstuffs with a moisture content not exceeding the limits stated in the sub-rule s above, that content may also be declared.

3. The level of ash insoluble in hydrochloric acid shall not exceed 3,3 % of the dry matter in the case of compound feedingstuffs composed mainly of rice by-products and 2,2 % of the dry matter in other cases.

However, the 2,2 % level may be exceeded in the case of:

- compound feedingstuffs containing authorized mineral binding agents,
- mineral compound feedingstuffs,
- compound feedingstuffs containing more than 50 % of sugar beet chips or sugar beet pulp,
- compound feedingstuffs intended for farmed fish with a fish meal content of over 15 %, provided that the level is declared as a percentage of the feedingstuff as such.

In the case of compound feedingstuffs with a level of ash insoluble in hydrochloric acid not exceeding the limits stated in the sub-rule s above, that level may also be declared.

4. The iron level in milk replacer feeds for calves of a live weight less than or equal to 70 kilograms must be at least 30 milligrams per kilogram of the complete feedingstuff at a moisture content of 12 %.

5. Where, on official inspection pursuant to rule 15, the composition of a compound feedingstuff other than for pets is found to depart from the declared composition, the following minimum tolerances shall be permitted, subject to rule 3:

5.1. Where the content recorded is less than the declared content:

5.1.1. Crude protein:

- 2 units for declared contents of 20 % or more,
- 10 % of the declared content for declared contents of less than 20 % but not less than 10 %,
- 1 unit for declared contents of less than 10 %.

5.1.2. Total sugar:

- 2 units for declared contents of 20 % or more,
- 10 % of the declared content for declared contents of less than 20 % but not less than 10 %,
- 1 unit for declared contents of less than 10 %.

5.1.3. Starch and total sugar plus starch:

- 2,5 units for declared contents of 25 % or more,
- 10 % of the declared content for declared contents of less than 25 % but not less than 10 %,
- 1 unit for declared contents of less than 10 %.

5.1.4. Crude oils and fats:

- 1,5 units for declared contents of 15 % or more,
- 10 % of the declared content for declared contents of less than 15 % but not less than 8 %,
- 0,8 unit for declared contents of less than 8 %.

5.1.5. Sodium, potassium and magnesium:

- 1,5 units for declared contents of 15 % or more,
- 10 % of the declared content for declared contents of less than 15 % but not less than 7,5 %,
- 0,75 unit for declared contents of less than 7,5 % but not less than 5 %,
- 15 % of the declared content for declared contents of less than 5 % but not less than 0,7 %,
- 0,1 unit for declared contents of less than 0,7 %.

5.1.6. Total phosphorus and calcium:

- 1,2 units for declared contents of 16 % or more,
- 7,5 % of the declared content for declared contents of less than 16 % but not less than 12 %,
- 0,9 unit for declared contents of less than 12 % but not less than 6 %,
- 15 % of the declared content for declared contents of less than 6 % but not less than 1 %,
- 0,15 unit for declared contents of less than 1 %.

5.1.7. Methionine, lysine and threonine:

- 15 % of the declared content.

5.1.8. Cystine and tryptophan:

- 20 % of the declared content.

5.2. Where the content recorded is more than the declared content:

5.2.1. Moisture:

- 1 unit for declared contents of 10 % or more,
- 10 % of the declared content for declared contents of less than 10 % but not less than 5 %,
- 0,5 unit for declared contents of less than 5 %.

5.2.2. Crude ash:

- 1 unit for declared contents of 10 % or more,
- 10 % of the declared content for declared contents of less than 10 % but not less than 5 %,
- 0,5 unit for declared contents of less than 5 %.

5.2.3. Crude fibre:

- 1,8 units for declared contents of 12 % or more,
- 15 % of the declared content for declared contents of less than 12 % but not less than 6 %,
- 0,9 unit for declared contents of less than 6 %.

5.2.4. Ash insoluble in hydrochloric acid:

- 1 unit for declared contents of 10 % or more,
- 10 % of the declared content for declared contents of less than 10 % but not less than 4 %,
- 0,4 unit for declared contents of less than 4 %.

5.3. Where the variation noted is in the opposite direction to those referred to respectively in 5.1 and 5.2:

- 5.3.1 — crude protein, crude oils and fats, total sugar, starch: tolerance twice that permitted for these substances in 5.1,
- total phosphorus, calcium, potassium, magnesium, sodium, crude ash, crude fibre: tolerance three times that permitted for those substances in 5.1 and 5.2.

6. Where, on official inspection pursuant to rule 15, the composition of a compound feedingstuff for pets is found to depart from the declared composition, the following minimum tolerances shall be permitted, subject to rule 3:

6.1. Where the content recorded is less than the declared content:

6.1.1. Crude protein:

- 3,2 units for declared contents of 20 % or more,
- 16 % of the declared content for declared contents of less than 20 % but not less than 12,5 %,
- 2 units for declared contents of less than 12,5 %.

6.1.2. Crude oils and fats:

- 2,5 units of the declared content.

6.2. Where the content recorded is more than the declared content:

6.2.1. Moisture:

- 3 units for declared contents of 40 % or more,
- 7,5 % of the declared content for declared contents of less than 40 % but not less than 20 %,
- 1,5 units for declared contents of less than 20 %.

6.2.2. Crude ash:

— 1,5 units of the declared content.

6.2.3. Crude fibre:

— 1 unit of the declared content.

6.3. Where the variation noted is in the opposite direction to those referred to respectively in 6.1 and 6.2:

6.3.1. Crude protein:

— tolerance twice that permitted for that substance in 6.1.1.

6.3.2. Crude oils and fats:

— identical tolerance to that permitted for that substance in 6.1.2.

6.3.3. Crude ash, crude fibre:

— tolerance three times that permitted for those substances in 6.2.2 and 6.2.3.

7. Labelling of compound feedingstuffs containing protein derived from mammalian tissue.

7.1. The labelling of compound feedingstuffs containing protein derived from mammalian tissue and intended for animals other than pets must contain the following statement: 'This compound feedingstuff contains protein derived from mammalian tissue the feeding of which to ruminants is prohibited'. This does not apply to compound feedingstuffs which contain no protein derived from mammalian tissue other than the following;

- milk and milk products,
- gelatin,
- amino acids obtained from hides and skins by a process which involves exposure of the material to a pH of 1 to 2 followed by a pH of > 11, followed by heat treatment at 140 °C for 30 minutes at 3 bar,
- dicalcium phosphate derived from defatted bones, and
- dried plasma and other blood products.

7.2. Where Malta prohibits the use of protein derived from mammalian tissue as referred to in 7.1, first sentence, in feedingstuffs for certain animals other than ruminants as permitted by Article 1 (2) of Council Directive 90/667/EEC, the statement required in 7.1 must mention in addition the other species or categories of animals to which it has extended the prohibition on the use of the products in question.

PART B
Declaration of analytical constituents

Feedingstuffs	Analytical constituents and levels	Species or category of animal	
		Compulsory declarations according to Article 5 (1) (f)	Optional declarations according to Article 5 (3) (k)
(1)	(2)	(3)	(4)

Complete feedingstuffs	<ul style="list-style-type: none"> - Crude protein - Crude oils and fats - Crude fibre - Crude ash - Lysine - Methionine - Cystine - Threonine - Tryptophan - Energy value - Starch - Total sugar (as glucose) - Total sugar 	<ul style="list-style-type: none"> - Animals except than dogs and cats - Pigs - Poultry 	All animals
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	plus starch - Calcium - Sodium - magnesium - Potassium - Phosphorous	Fish except ornamental fish	Animals other than fish except ornamental fish
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Complementary feedingstuffs — Mineral	— Crude protein.		All animals
	— Crude fibre		
	— Crude ash		
	— Crude oils and fats		
	— Lysine		
			
	— Methionine		
			
	— Cystine		
			
	— Threonine		
			
	— Tryptophan		
	— Calcium	All animals	
	- Phosphorus		
	— Sodium		
	— Magnesium		
	— Potassium	Ruminants	Animals other than ruminants
			All animals

	— Energy value		Poultry (declaration according to EEC method)
			Pigs and ruminants (declaration according to national official methods)
	— Lysine	Pigs	Animals other than pigs
	— Methionine	Poultry	Animals other than poultry
	— Cystine.		
	— Threonine		
	— Tryptophan		
	— Starch		
	— Total sugar (as sucrose)		All animals
	— Total sugar plus starch		