A.L. tal-2014

ATT DWAR IS-SIGURTÀ FL-IKEL (KAP. 449)

Regolamenti tal-2014 dwar it-Twaqqif ta' Reġistru Nazzjonali ta' Prodotti Agri-alimentari Tradizzjonali ta' Malta

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 10 tal-Att dwar is-Sigurtà fl-Ikel, is-Segretarju Parlamentari għas-Saħħa, wara konsultazzjoni mal-Ministru għall-Iżvilupp Sostenibbli, l-Ambjent u Tibdil fil-Klima, għamel ir-regolamenti li ġejjin:-

Titolu u skop.

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2014 dwar it-Twaqqif ta' Reġistru Nazzjonali ta' Prodotti Agri-alimentari Tradizzjonali ta' Malta.

(2) Dawn ir-regolamenti japplikaw għal prodotti agrikoli u agri-alimentari, għal riċetti gastronomiċi u għal preparazzjonijiet magħmula, li jaqaw taħt id-definizzjoni ta' "Prodotti Agri-alimentari Tradizzjonali ta' Malta".

Tifsir.

2. F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra -

"applikant"" tfisser kwalunkwe persuna naturali jew legali jew kwalunkwe korp pubbliku li għandu interess fil-produzzjoni u, jew fil-promozzjoni ta' prodotti agri-alimentari tradizzjonali ta' Malta

"Bord" tfisser il-Bord tal-Prodotti Agri-Alimentari Tradizzjonali ta' Malta kostitwit skont ir-regolament 7;

"Direttur" tfisser id-Direttur responsabbli għall-agrikoltura;

"Ministru" tfisser il-Ministru responsabbli għall-Agrikoltura;

"persuna" tfisser kwalunkwe persuna naturali jew legali;

"prodott approvat" tfisser prodott agri-alimentari tradizzjonali ta' Malta li ġie approvat mill-Bord bħala tali;

"Prodotti Agri-Alimentari Tradizzjonali ta' Malta" tfisser dawk il-prodotti li l-ipproċessar, il-preservazzjoni u l-metodi ta' maturazzjoni tagħhom huma kkonsolidati biż-żmien u għandhom użu ppruvat fis-suq Malti għal perijodu li jippermetti t-trasmissjoni bejn il-ġenerazzjonijiet, liema perijodu mhuwiex anqas minn ħamsa u

għoxrin sena;

"Registru" tfisser ir-Registru Nazzjonali tal-Prodotti Agri-Alimentari Tradizzjonali ta' Malta.

Reġistru Nazzjonali ta' Prodotti Agri-Alimentari Tradizzjonali ta' Malta

3. (1) Id-Direttur għandu jżomm reġistru, imsejjaħ ir-Reġistru Nazzjonali ta' Prodotti Agri-Alimentari Tradizzjonali ta' Malta, li fih għandu jkun hemm irreġistrata lista ta' prodotti approvati.

(2) L-inklużjoni ta' prodott fil-lista ta' prodotti approvati hawn fuq imsemmija ma tikkostitwiex reġistrazzjoni skont ir-Regolament (UE) Nru 1151/2012 dwar skemi tal-kwalità għal prodotti agrikoli u oġġetti tal-ikel.

(3) L-isem ta' kwalunkwe prodott fil-lista ta' prodotti approvati hawn fuq imsemmija jkun mingħajr preġudizzju għall-isem magħżul għall-għan ta' reġistrazzjoni ta' prodott skont ir-Regolament (UE) Nru 1151/2012 dwar skemi tal-kwalità għal prodotti agrikoli u oġġetti tal-ikel.

(4) L-inklużjoni ta' isem ta' prodott fil-lista hawn fuq imsemmija tipprekludi kwalunkwe persuna milli tippreżenta applikazzjoni għall-protezzjoni ta' dak l-isem taħt il-liġijiet tal-UE u dawk nazzjonali li jikkonċernaw il-proprjetà intelletwali u industrijali, b'seħħ mid-data tal-bidu fis-seħħ ta' dawn ir-regolamenti.

Kontenut tar-Reġistru.

4. Għal kull prodott, ir-Reġistru għandu jinkludi l-isem tal-prodott, il-post tal-oriġini, deskrizzjoni tal-prodott u tal-ipproċessar tiegħu, metodi ta' preservazzjoni u maturazzjoni, il-materjali użati fil-preparazzjoni tal-prodott u l-istorja u t-tradizzjoni tal-prodott.

Pubblikazzjoni tar-Reġistru.

5. Id-Direttur għandu jġiegħel li reġistru rivedut jiġi ppubblikat fil-Gazzetta fuq bażi annwali.

Promozzjoni tar-Reġistru.

6. Id-Direttur għandu jipprova jippromwovi d-diffużjoni tar-Reġistru fuq livell nazzjonali u internazzjonali.

Il-Bord ta' Prodotti Agri-Alimentari Tradizzjonali ta' Malta.

7. (1) Għandu jiġi mwaqqaf, skont id-dispożizzjonijiet ta' dawn ir-regolamenti, Bord, li jkun magħruf bħala il-Bord ta' Prodotti Agri-Alimentari Tradizzjonali ta' Malta, bil-għan li jiġu identifikati prodotti li għandhom jiġu inklużi fir-Reġistru.

(2) Il-Bord jevalwa il-prodott jew prodotti sottomessi għall-inklużjoni fir-Reġistru u jiddeċiedi jekk tali prodotti għandhomx jiġu inklużi fir-Reġistru jew le.

(3) Fid-deċiżjoni tiegħu, il-Bord għandu jgħid jekk approva jew ċaħad li l-prodott huwa prodott agro-alimentari tradizzjonali ta'

Malta u għandu jagħti r-raġunijiet tiegħu għad-deċiżjoni.

(4) Il-Bord jagħmel ukoll rakkomandazzjonijiet lill-Ministru fuq ħwejjeġ li għandhom x'jaqsmu mal-promozzjoni tar-Reġistru.

Kompożizzjoni tal-Bord.

8. (1) Il-Bord għandu jkun magħmul mill-membri li ġejjin:

(a) id-Direttur responsabbli għall-agrikoltura li jippresiedi il-Bord *ex officio*, jew rappreżentant tiegħu;

(b) rappreżentant mid-Diviżjoni dwar Regolamenti Tekniċi fi ħdan l-Awtorità ta' Malta għall-Kompetizzjoni u għall-Affarijiet tal-Konsumatur;

(ċ) rappreżentant tal-Istitut għat-Turiżmu, Ivvjaġġar u Kultura fi ħdan l-Università ta' Malta;

(d) rappreżentant tad-Direttorat għad-Diversifikazzjoni u l-Kompetittività; u

(e) membru nominat fid-diskrezzjoni tal-Ministru.

(2) Il-Ministru għandu jinnomina uffiċjal tad-Dipartiment biex jaġixxi bħala Segretarju tal-Bord.

Proċeduri tal-Bord.

9. (1) Id-Direttur jew ir-rappreżentant tiegħu jkun *ex officio* ic-*Chairperson* u jippresjedi l-Bord.

(2) Id-deċiżjoni tal-Bord tkun b'maġġoranza tal-voti. Iċ-*Chairperson* tal-Bord jew ir-rappreżentant tiegħu jkollu vot oriġinali, u fil-każ li jkun hemm qasma ugwali ta' voti, it-tieni vot jew vot deċiżiv.

(3) Il-kworum tal-Bord jikkonsisti fiċ-*Chairperson* u żewġ membri oħra.

(4) Il-Bord jiltaqa' kif meħtieġ f'tali data, ħin u post kif iċ-*Chairperson* jista' jappunta:

Iżda l-Bord jiltaqa' tal-anqas darbtejn fis-sena.

(5) Il-proċeduri kollha tal-Bord jiġu mniżżla fil-forma ta' minuti mis-segretarju u l-ismijiet tal-membri preżenti f'kull laqgħa jiġu mniżżla fil-minuti.

(6) Il-minuti ta' kull laqgħa jkun fihom dawk l-applikazzjonijiet li jkunu ġew diskussi, imma mingħajr ebda kumment jew osservazzjoni tal-membri. Ir-raġuni tad-deċiżjoni

madankollu tiġi mniżżla.

(7) Iċ-*Chairperson* jikkonferma bil-firma tiegħu l-minuti li jirriżultaw mill-affarijiet diskussi fil-laqgħha.

(8) Bla ħsara għad-dispożizzjonijiet ta' dawn ir-regolamenti, il-Bord jista' b'mod ieħor jirregola il-proċedura tiegħu stess.

Applikazzjoni għall-inklużjoni fir-Reġistru.

10. (1) Biex jiġu inklużi fir-Reġistru, il-Prodotti Agro-Alimentari Tradizzjonali għandhom jiġu proposti mill-applikant.

(2) Applikazzjoni għall-inklużjoni ta' prodott fir-Reġistru għandha tiġi magħmulha lis-Segretarju tal-Bord fuq il-formola xierqa, li għandha tinġabar mid-Direttorat tal-Agrikolutra.

(3) L-applikazzjoni għandha b'mod ċar tiddikjara:

(a) l-isem tal-prodott;

(b) il-post tal-oriġini;

(ċ) deskrizzjoni tal-prodott u tal-metodi tal-ipproċessar, priservazzjoni u ta' maturazzjoni tiegħhu;

(d) il-materjali użati fil-preparazzjoni tiegħu

(e) deskrizzjoni tal-bini użat għall-produzzjoni, ipproċessar, priservazzjoni u maturazzjoni tal-prodott;

(f) l-istorja u t-tradizzjoni tal-prodott;

(g) kwalunkwe informazzjoni oħra li l-applikant jikkunsidra neċessarja.

(4) Il-Bord jista' jekk jikkunsidra li huwa neċessarju, jitlob aktar informazzjoni mingħand l-applikant.

Il-Bord jiddeċiedi dwar l-applikazzjonijiet.

11. (1) Is-Segretarju għandu jpoġġi quddiem il-Bord l-applikazzjonijiet kollha għall-inklużjoni ta' prodott fir-Reġistru.

(2) Il-Bord għandu l-ewwel jiddeċiedi jekk l-informazzjoni kollha mitluba fir-regolament 10 ġietx sottomessa:

Iżda jekk il-Bord jiddeċiedi li xi informazzjoni mitluba fir-regolament 10 hija nieqsa, il-Bord ma jikkunsidrax aktar l-applikazzjoni u jibgħat l-applikazzjoni lura lill-applikant waqt li jinfurmah liema informazzjoni hija nieqsa.

(3) Jekk il-Bord ikun sodisfatt li l-informazzjoni mitluba fir-

regolament 10 ġiet sottomessa, l-applikazzjoni tiġi ppubblikata fil-Gazzetta u tkun miftuħa għall-konsultazzjoni pubblika għall-perijodu ta' tletin ġurnata mid-data li tiġi ppubblikata fil-Gazzetta.

Wara l-konsultazzjoni pubblika, s-Segretarju jpoġġi l-*feedback* miksub mill-imsemmija konsultazzjoni pubblika quddiem il-Bord.

(4) Il-Bord għandu,wara li jevalwa l-applikazzjoni u l-*feedback* miksub u, jekk ikun neċessarju, wara li jkun talab lill-applikant aktar informazzjoni, jieħu deċiżjoni fuq jekk jinkludiex il-prodott fir-reġistru jew xort' oħra.

(5) Id-deċiżjoni tiġi komunikata lill-applikant, u tindika r-raġunijiet għaliha:

Iżda d-deċiżjoni tiġi komunikata lill-applikant permezz ta' posta reġistrata, posta elettronika jew mwassla bl-idejn.

Reġistrazzjoni fir-Reġistru.

12. (1) Iċ-*Chairperson*, fuq direzzjoni li jagħmel hekk mill-Bord, idaħħal il-prodott approvat fir-Reġistru.

(2) Ir-reġistrazzjoni għandu jkollha l-informazzjoni li ġejja:

(a) l-isem tal-prodott;

(b) il-post tal-oriġini;

(ċ) id-deskrizzjoni tal-prodott u tal-metodi tal-ipproċessar, preservazzjoni u ta' maturazzjoni tiegħu;

(d) il-materjali użati fil-preparazzjoni tiegħu;

(e) d-deskrizzjoni tal-bini użat għall-produzzjoni, l-ipproċessar, il-preservazzjoni u l-maturazzjoni tal-prodott; u

(f) l-istorja u t-tradizzjoni tal-prodott.

Id-deċiżjoni tkun finali.

13. Id-deċiżjoni tal-Bord tkun finali.

L. N. of 2014

FOOD SAFETY ACT
(CAP. 449)

Establishment of the National Register of Traditional Agro-Food Products of Malta Regulations, 2014

IN exercise of the powers conferred by article 10 of the Food Safety Act, the Parliamentary Secretary for Health, in consultation with the Minister for Sustainable Development, the Environment and Climate Change, has made the following regulations:

Citation and scope.

1. (1) The title of these regulations is the establishment of the National Register of Traditional Agro-Food Products of Malta Regulations, 2014.

(2) These regulations shall apply to agricultural and agro-food products, to gastronomic recipes and to preparations made, which fall within the definition of "Traditional Agro-Food Products of Malta".

Interpretation.

2. In this Act, unless the context otherwise requires -

"applicant" means any natural or legal person or any public body with an interest in the production and, or promotion of traditional agro-food products of Malta;

"approved product" means a traditional agro-food product of Malta which has been approved by the Board as such;

"Board" means the Traditional Agro-Food Products of Malta Board constituted under regulation 7;

"Director" means the Director responsible for agriculture;

"Minister" means the Minister responsible for agriculture;

"person" means any natural or legal person;

"Register" means the National Register of the Traditional Agro-Food Products of Malta;

"Traditional Agro-Food Products of Malta" means those products whose processing, preservation and ageing methods are consolidated in time and have proven usage on the Maltese market for a period that allows transmission between generations, which period

is not less than twenty-five years.

National Register of Traditional Agro-food Products of Malta.

3. (1) The Director shall keep a register, to be called the National Register of Traditional Agro-food Products of Malta, in which there shall be registered a list of approved products.

(2) The inclusion of a product in the above mentioned list of approved products shall not constitute a registration in terms of Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs.

(3) The name of any product within the list of approved products mentioned above shall be without prejudice to the name chosen for the purpose of registration of a product in terms of Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs.

(4) The inclusion of a name of a product the list shall preclude any person from lodging an application for protection of that name under EU and national laws concerning the intellectual and industrial property, starting from the date of the coming into force of these regulations.

Contents of Register.

4. In relation to each product, the Register shall include the name of the product, the area of origin, a description of the product and of its processing, preservation and ageing methods, the materials used for the product's preparation and the product's history and tradition.

Publication of Register.

5. The Director shall cause a revised register to be published in the Gazette on an annual basis.

Promotion of Register.

6. The Director shall seek to promote the diffusion of the Register at national and international level.

Traditional Agro-Food Products of Malta Board.

7. (1) There shall be set up, in accordance with the provisions of these regulations, a Board, to be known as the Traditional Agro-Food Products of Malta Board, for the purpose of identifying the products which are to be included in the Register.

(2) The Board shall evaluate the product or products submitted for the inclusion in the Register and shall decide whether such products are to be included in the Register or not.

(3) In giving its decision, the Board shall state whether it has approved or rejected the product as being a traditional agro-food product of Malta and shall state its reasons for the decision.

(4) The Board shall also make recommendations to the

Minister on matters relating to the promotion of the Register.

Composition of the Board.

8. (1) The Board shall consist of the following members:

(a) the Director responsible for agriculture who shall chair the Board *ex-officio*, or his representative;

(b) a representative from the Technical Regulations Division within the Malta Competition and Consumer Affairs Authority;

(c) a representative of the Institute of Tourism, Travel and Culture within the University of Malta;

(d) a representative of the Directorate for Diversification and Competitiveness; and

(e) one member nominated at the Minister's discretion.

(2) The Minister shall designate an officer of the Department to act as Secretary of the Board.

Procedures of the Board.

9. (1) The Director or his representative shall *ex-officio* be the chairperson and shall preside over the Board.

(2) The decision of the Board shall be by a majority of votes. The Chairperson of the Board or his representative shall have an original vote and, in the case of an equal division of votes, also a second or casting vote.

(3) The quorum of the Board shall consist of the chairperson and two other members.

(4) The Board shall meet as required at such date, time and place as the Chairperson may appoint:

Provided that the Board shall meet at least twice a year.

(5) All the proceedings of the Board shall be entered in minute form by the secretary and the names of the members present at each meeting shall be entered in the minutes.

(6) The minutes of each meeting shall contain such applications that have been discussed, but without any comment or observation of the members. The reason for the decision should, however, be recorded.

(7) The chairperson shall confirm by his signature the minutes arising out of the business of a meeting.

(8) Subject to the provisions of these regulations, the Board may otherwise regulate its own procedure.

Application for inclusion in the Register.

10. (1) The Traditional Agro-Food Products to be included in the Register shall be proposed by the applicant.

(2) An application for inclusion of a product in the Register shall be made to the Secretary of the Board on the appropriate form, which is to be collected from the Agriculture Directorate.

(3) The application shall clearly state:

(a) the name of the product;

(b) the area of origin;

(c) a description of the product and of its processing, preservation and ageing methods;

(d) the materials used for its preparation;

(e) a description of the premises used for the production, processing, preservation and ageing of the product;

(f) the product's history and tradition;

(g) any other information which the applicant deems necessary.

(4) The Board may, if it deems fit, request further information from the applicant.

Board to decide on applications.

11. (1) The Secretary shall lay before the Board all applications for inclusion of a product in the Register.

(2) The Board shall firstly decide whether all the information requested in regulation 10 has been submitted:

Provided that if the Board decides that any of the information requested in regulation 10 is missing, the Board shall not consider the application any longer and shall send back the application to the applicant informing him which information is missing.

(3) If the Board is satisfied that the information requested in regulation 10 has been submitted, the application shall be published in the Gazette and shall be open to a public consultation for a period of thirty days from the date it is published in the Gazette.

Following the public consultation, the Secretary shall lay the feedback obtained from said public consultation before the Board.

(4) The Board shall, after evaluating the application and the feedback obtained and, if necessary, after having asked the applicant for further information, take a decision on whether to include the product in the Register or otherwise.

(5) The decision shall be communicated to the applicant, indicating the reasons thereof:

Provided that the decision shall be communicated to the applicant by means of registered mail, electronic mail or sent by hand.

Registration in the Register.

12. (1) The Chairperson, on being directed to do so by the Board, shall enter the approved product in the Register.

(2) The entry shall contain the following information:

(a) the name of the product;

(b) the area of origin;

(c) the description of the product and of its processing, preservation and ageing methods;

(d) the materials used for the preparation of the product;

(e) the description of the premises used for the product's production, processing, preservation and ageing; and

(f) the product's history and tradition.

Decision to be final.

13. The decision of the Board shall be final.