No. 101

MINISTRY FOR AGRICULTURE, FISHERIES AND ANIMAL RIGHTS

Explanatory Notes[1]

1. Introduction

These Regulations are entitled Professional Organisations (Fisheries and Aquaculture) Regulations 2025 (hereinafter referred to as the "regulations"). This Legal Notice has been drafted by the Department of Fisheries and Aquaculture within the Ministry for Agriculture, Fisheries and Animal Rights. The Fisheries Conservation and Management Act (Cap. 425 of the Laws of Malta) (hereinafter referred to as the "Act") is the main Act which regulates the fisheries and aquaculture sectors and has been in force since 4th June 2001. The aim of the regulations proposed is to implement the requirements of Chapter II of Regulation (EU) No 1379/2013 regarding 'Professional Organisations'. The purpose of promoting these Professional Organisations within the Fisheries and Aquaculture sector is to promote sustainable practices, while also complying with the relative regulations and relevant environmental laws.

2. Summary and Background

The aim of these regulations is to allow for Professional Organisations and regulate them, however limitedly and in accordance with Articles 6 to 32 of Regulation (EU) 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (hereinafter referred to as Regulation (EU) 1379/2013). It should be noted that Professional Organisations include:

— "producer organisations";

— "associations of producer organisations"; and

— "inter-branch organisations".

These are all as referred in Regulation (EU) 1379/2013. Hence, the term "Professional Organisations" includes all these and would allow for their recognition, although this is strictly limited to the fisheries and aquaculture sectors, and the term should be understood in said context.

Professional Organisations are intended to strive to improve economic viability, market conditions and environmental sustainability, while also contributing to food security and employment in the fisheries and aquaculture sectors. These regulations are also aimed at minimizing unwanted catches, promoting product traceability and to generally assist in combatting illegal fishing. Furthermore, throught the recognition in Malta of professional organisations, these regulations emphasise the improvement of market conditions, economic returns and environmental sustainability.

[1]These Explanatory Notes are for the purpose of and in accordance with article 3(2)(c) and Schedule III of Chapter 512 of the Laws of Malta.

3. Overview of the structure of the instrument

This Legal Notice consists of 9 regulations, namely:

— Regulation 1: Citation, scope and commencement;
— Regulation 2: Interpretation;
— Regulation 3: Competent national authority;
— Regulation 4: Recognition of Professional Organisations in Malta;
— Regulation 5: Production and marketing plans;
— Regulation 6: Enforcement powers;
— Regulation 7: Access to data;
— Regulation 8: Extension of rules;
— Regulation 9: Trigger prices of the storage mechanism.

4. Commentary

Regulation 3 - Competent National Authority:

Regulation 3 specifies that the Director as defined in the Act shall be the competent national authority in Malta to implement the provisions of Regulation (EU) 1379/2013 relevant to these regulations.

Regulation 4 - Recognition of Professional Organisations in Malta:

Regulation 4(1) states that the Director shall keep a register of professional organisations as recognised by him in Malta in accordance with Regulation (EU) No 1379/2013.

Regulation 4(2) states that the Director shall only recognise professional organisations that operate with respect to the objectives, principles and measures as set out in Regulation (EU) 1379/2013.

Regulation 4(3) states that the professional organisations recognised must be licensed or authorised to operate in the fisheries and, or aquaculture sector.

Regulation 5 - Production plans:

Regulation 5(1) deals with the role of the Director in applying the provisions of Article 28 of Regulation (EU) No 1379/2013 in terms of production and marketing plans.

Regulation 5(2) states that these producer organisations must comply at all times with their obligations in accordance with Article 28 of Regulation (EU) No. 1379/2013, failing which the Director may withdraw the recognition given by him.

Regulation 6 - Enforcement powers:

This regulation provides that for the purposes of these regulations, the Director and Fisheries Protection Officers, may apply all powers conferred upon them according to articles 19 to 22 of the Act. Provided that all powers exercised according to this regulation alone, shall only affect the recognition of professional organisations.

Regulation 7 - Access to data:

This regulation states that the Director shall ensure that the European Commission is given access to what is requested by it for the exercise of its powers in accordance with Article 20 of Regulation (EU) No. 1379/2013, and for that purpose he must ensure that, if necessary, it will be supported by using the powers mentioned in regulation 6.

Regulation 8 - Extension of rules:

This regulation states that the Director may, by notice in the Government Gazette, extend the applicability of the rules as provided in Articles 22 and 23 of Regulation (EU) No. 1379/2013, and this after obtaining the necessary authorisation according to Article 25 of Regulation (EU) No 1379/2013. As long as the Director shall immediately terminate any such extension, upon being informed by the European Commission of the withdrawal of the authorisation in accordance with Article 26 of Regulation (EU) 1379/2013.

Regulation 9 - Trigger prices of the storage mechanism:

This regulation establishes that the Director shall set the trigger prices by notice in the Government Gazette in accordance with Articles 30 and 31 of Regulation (EU) No 1379/2013.

Conclusion

For further information please contact info@fisheries.com.mt

N.B. These Explanatory Notes are not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. These Explanatory Notes do not purport to be an authoritative ruling on the interpretation of the legislation.

21st January, 2025

User Guidelines

Professional Organisations (Fisheries and Aquaculture) regulations, 2025

Objective of the Legal Notice

These amendments are being proposed under Chapter 425 of the Laws of Malta, namely the Professional Organisations (Fisheries and Aquaculture) regulations, 2025. These regulations are aimed to implement the requirements of Chapter II regarding Professional Organisations. The main scope of having 'Professional Organisations' within the Fisheries & Aquaculture sector, is to promote sustainable practices, while also complying with the relative regulations and environmental laws. They can tap into local and EU funds which can be used for strategic planning and investment. These organisations can help with promoting products within the EU and internationally, expanding market opportunities for producers. Also, this collaboration provides a unified voice whilst supporting the industry's development through various initiatives and programs.

Target Audience

The target audience are all the Fishers, the Fish Farm & Aquaculture Operators, as well as producers in Malta.

Sectors affected

The Fisheries & Aquaculture sectors will be the sectors mainly affected by this legislation.

Applicability

The rules that apply in the case of Professional Organisations are intended to regulate them, however limitedly and in accordance with Articles 6 to 32 of Regulation (EU) 1379/2013, regarding the common organisation of the markets in terms of the Fishery and Aquaculture products.

Compliance

These regulations are required since they will ensure that, any unwanted catches will be minimised, traceability will be ensured and this should also assist in combatting illegal fishing.

Additionally, these regulations focus on improving market conditions, economic returns and environmental sustainability, while at the same time, contributing to food security and rural employment.

Regulator

By means of the publication of these regulations regarding Professional organisations within the Fisheries and Aquaculture sector, the regulator, MAFA-DFA, will establish clear guidelines and standards for their operation.

Moreover, through these regulations the Regulator also intends to promote sustainability, en-sure compliance with conservation policies and environmental laws, as well as minimize un-wanted catches, combat illegal fishing practices and enhance market transparency and consum-er trust.

This is not envisaged to add the burden on the regulator, actually quite the opposite.

Communication with the Regulator

Channels of communication of the MAFA-DFA with prospective Fishers and Farm Operators are not affected.

Contact Details

Email: infofisheries.mafa@gov.mt
Tel: 22926800