

SUBSIDIARY LEGISLATION 427.90

ESTABLISHMENT OF THE 'PRODUCTS OF QUALITY' NATIONAL SCHEME REGULATIONS*

16th December, 2014

LEGAL NOTICE 467 of 2014, as amended by Legal Notice 61 of 2017.

1. (1) The title of these regulations is the Establishment of the 'Product of Quality' National Scheme Regulations.

Citation and scope.
Amended by:
L.N. 61 of 2017.

(2) These regulations shall apply to agricultural and agro-food products, which fall within the definition of "product" in these regulations.

(3) The scope of these regulations is to establish a national scheme for the purposes of Regulation (EU) No 1305/2013 on support for Rural Development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005, which scheme shall promote, qualify and diffuse products as defined in these regulations and shall establish a quality mark the primary function of which serves to indicate that the products adhere to the quality scheme established by these regulations.

2. In these regulations, unless the context otherwise requires: "actor" means any natural or legal person involved in a recognised agricultural value chain;

Interpretation.
Amended by:
L.N. 61 of 2017.

"agricultural value chain" means a set of activities which collectively increase the commercial value of a basic product of the agricultural industry. An agricultural value chain may involve processing, packaging, storage, transport and distribution;

"control body" means an independent inspection body which may be a public authority, approved by the Minister to perform controls on operators in relation to the obligations related to the participation in the scheme;

"Director" means the Director responsible for Agriculture and includes, to the extent of the authority given, any officer authorized by him, in writing, to act in that behalf for any of the purposes of these regulations;

"Minister" means the Minister responsible for Agriculture;

"operator" means an actor belonging to a recognised agricultural value chain and who participates in the scheme and shall also mean a producer of approved traditional agro-food products in terms of the Establishment of the Register of Traditional Agro-food Products of Malta Regulations who participates in the scheme;

"product" means an agricultural and agro-food product of animal

*These Regulations have been transposed to Cap 639, see S.L. 639.04. - See Act XXXIII of 2023.

and, or plant origin, the production of which consists of production and, or farming methods which are significantly higher than the minimum legal requirements with regards to public, animal or plant health, animal welfare or environmental protection and which final characteristics are also significantly higher than the minimum legal requirements;

" 'Products of Quality' National Scheme" means a quality scheme recognised at the national level in terms of Article 16(1)(b) of Regulation (EU) No 1305/2013 on support for Rural Development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005;

"quality mark" means a mark which identifies the products adhering to the 'Products of Quality' National Scheme;

"recognised agricultural value chain" means an agricultural value chain which is recognised by the Minister and published in the Gazette;

"scheme" means the 'Products of Quality' National Scheme;

"superior quality" means a qualitative characteristic superior to the minimum standards established by the law in force, which can be objectively identified;

"territory" means a territorial unit falling under the classification of a Nomenclature of territorial units for statistics 2 (NUTS 2) as established by Regulation (EC) 1059/2003 on the establishment of a common classification of territorial units for statistics (NUTS).

Establishment of
the scheme.
Amended by:
L.N. 61 of 2017.

3. (1) There shall be a scheme, to be called the 'Products of Quality' National Scheme.

(2) The scheme shall be open to all interested actors who form part of a recognised agricultural value chain.

(3) The Director shall make rules for the implementation of the scheme, which shall include but shall not be limited to provisions on:

- (a) binding product and, or method specifications for each product which identify the production and, or farming methods and the elements that characterize the superior quality of the product;
- (b) administrative criteria required for the participation in the scheme;
- (c) a control system in order to monitor the binding product and, or method specifications; and
- (d) a compulsory traceability system which guarantees the transparency of the scheme and assures complete traceability of products.

Supervision of the
scheme.
Added by:
L.N. 61 of 2017.

3A. (1) The Director shall be responsible for the supervision of the scheme.

(2) The Director shall endeavour to consult with representatives of the recognized agricultural value chains before

making the rules mentioned in regulation 3(3).

(3) The rules mentioned in regulation 3(3) shall be published in the Gazette and shall be binding on all actors who form part of a recognized agricultural value chain.

4. The Minister may, by notice in the Gazette recognize agricultural value chains upon receiving advice from the Director. Recognition of agricultural value chains.

5. (1) Product specifications established by the Director shall be binding. Binding product specifications.

(2) Product specifications shall include, but shall not be limited to, the following:

- (a) the name and the typology of the product recognised by the scheme;
- (b) the specifications and characteristics of the product which guarantee superior quality; and
- (c) the rules concerning traceability, auto-control, the control and the labelling.

6. In order for an actor to be able to participate in the scheme, the actor shall fulfil the administrative criteria established in the rules referred to in regulation 3(3) and shall meet the following criteria: Conditions for participation in the scheme. Substituted by: L.N. 61 of 2017.

- (a) abide by all applicable EU and national regulations in connection with the production of agro-food products and conditions of employment;
- (b) follow the rules for the implementation of the scheme as established by the Director;
- (c) abide by the product specifications relative to the product for which participation in the scheme is being sought;
- (d) be subject to a system of controls in line with the guidelines established by the Director in the Gazette; and
- (e) adopt a traceability system in line with the guidelines established by the Director in the Gazette.

7. (1) The Minister may, upon recommendation by the Director, recognise control bodies. Control bodies. Substituted by: L.N. 61 of 2017.

(2) The Director shall make rules in order for a body to be recognised as a control body in terms of these regulations.

(3) Operators shall appoint a control body as part of their control system and shall communicate the chosen control body to the Director.

8. Operators shall be under the control of a public authority or an independent inspection board designated for this purpose by the Minister in the Gazette. Control. Added by: L.N. 61 of 2017.

Participation in the scheme.
Added by:
L.N. 61 of 2017.

9. (1) An actor who wants to participate in the scheme shall submit to the Director an application in the form established by the Director:

Provided that an actor may submit an application on behalf of a group of actors:

Provided further that the Director may, if he deems necessary, request further information from the actor.

(2) The Director shall on receipt of the application, submitted in accordance with sub-regulation (1), verify that all the requested information and documentation has been submitted and that the applicant fulfils the administrative criteria established by him to participate in the scheme. If the information is verified to be correct and the applicant fulfils the above-mentioned administrative criteria, the Director shall instruct the authority or control body established in terms of regulation 7 to perform inspections in order to establish whether the actor is in conformity with the criteria established by or through these regulations.

(3) The authority or control body referred to in sub-regulation (2) shall, following the inspection, submit a report with the findings to the Director.

(4) The Director shall, after evaluating the report, decide whether to admit an actor to participate in the scheme or otherwise:

Provided that the Director shall not admit an actor to participate in the scheme if, from the report of the control body, it results that the actor is not in conformity with the criteria established.

(5) On admittance into the scheme, the Director shall issue a certificate of adherence to the scheme and list the operator in the register established by regulation 14.

Participation of approved traditional agro-food products.
Added by:
L.N. 61 of 2017.

10. The scheme shall also be open to producers of approved traditional agro-food products in terms of the Establishment of the Register of Traditional Agro-food Products of Malta Regulations.

Modifications.
Added by:
L.N. 61 of 2017.

11. An operator shall not make any modifications in areas that he was requested to submit information on in his application without the approval of the Director.

Quality mark.
Added by:
L.N. 61 of 2017.

12. (1) There shall be a quality mark which shall be published in the Gazette.

(2) The quality mark shall be the property of the Ministry responsible for Agriculture.

(3) No person shall make use of the quality mark unless he has obtained a licence to do so in terms of regulation 13.

Authorisation for the use of the quality mark.
Added by:
L.N. 61 of 2017.

13. (1) An operator may apply to the Director to be granted authorisation for the use of the quality mark.

(2) The authorisation shall be granted until the 31st day of

December of the year of issue and thereafter may be renewed from year to year.

(3) The Director shall make rules for the use of the quality mark, which shall include but shall not be limited to provisions on:

- (a) the granting of the authorisation; and
- (b) the conditions for the use of the quality mark.

(4) The Director may suspend, revoke or refuse the authorisation or its renewal of the permission for the use of the quality mark, if he deems necessary.

(5) The rules referred to in sub-regulation (3) shall be published in the Gazette and shall be binding.

14. (1) There shall be a register for the scheme, which shall be kept by the Director.

Register of the scheme.
Added by:
L.N. 61 of 2017.

(2) The register shall include:

- (a) a list of all the operators;
- (b) a list of products that have been approved for the use of the quality mark, along with the corresponding technical specifications and the corresponding control bodies; and
- (c) the name of the licensees with a specific indication of the class of the product, along with the details of the decision to grant the use of the quality mark.

(3) The Director shall update the register regularly and all the information included in the Register shall be accessible to the public.

15. The Director may suspend or withdraw an operator's participation in the scheme if it results that the operator has failed to adhere to the conditions related to the participation in the scheme:

Suspension or withdrawal of participation from the scheme.
Added by:
L.N. 61 of 2017.

Provided that the Director may, if he deems necessary, prior to suspending or withdrawing an operator's participation in the scheme, issue a warning notifying the operator of the infringement and the obligation to take remedial action.

16. Any person who feels aggrieved from the decision of the Director shall have a right of appeal to the Administrative Review Tribunal, within twenty days from the notification of the decision.

Right of appeal.
Added by:
L.N. 61 of 2017.

17. In the event of infringements of the provisions of regulation 12(3), there shall be applied the provisions of article 32 of the Product Safety Act.

Infringements and penalties.
Added by:
L.N. 61 of 2017.
Cap. 427.

18. These regulations have been notified in terms of Directive 2015/1535 EC which consolidates Directive 98/34 EC as transposed by the Notification Procedure Regulation 2003.

Official Notification to the EU Commission.
Added by:
L.N. 61 of 2017.