

L. N. 466 of 2014**PRODUCT 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 38 of the Product Safety Act, the Minister for Social Dialogue, Consumer Affairs and Civil Liberties, 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.

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.

National
Register of
Traditional
Agro-food
Products of
Malta.

(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.

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.

Contents of
Register.

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

Publication of
Register.

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

Promotion of
Register.

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.

Traditional
Agro-Food
Products of
Malta Board.

(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.

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(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.

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

Application for inclusion in the Register.

(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.

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

Board to decide on applications.

(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

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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.

