Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,761, 3 ta' Ġunju, 2011
Taqsima B

A.L. 210 ta' l-2011

ATT DWAR L-GĦAQDIET TAL-PRODUTTURI (KAP. 447)

Regolamenti ta' l-2011 li jemendaw ir-Regolamenti dwar l-Għaqdiet tal-Produttuti fl-Oqsma tal-Ħaxix u Frott

BIS-SAĦĦA tas-setgħat mogħtija bl-artikoli 9 u 19 ta' l-Att dwar l-Għaqdiet tal-Produtturi, il-Ministru għar-Riżorsi u Affarijiet Rurali għamel dawn r-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2011 li jemendaw ir-Regolamenti dwar l-Għaqdiet tal-Produtturi fl-Oqsma tal-Ħaxix u Frott, u għandhom jinqraw u jiftiehmu ħaġa waħda mar-Regolamenti ta' l-2004 dwar l- Għaqdiet tal-Produtturi fl-Oqsma tal-Ħaxix u Frott, hawn iżjed 'il quddiem imsejħa "r-regolamenti prinċipali".

Titolu.

A.L. 63 ta' l- 2004.

2. Fir-regolamenti prinċipali, l-intestaturi "Taqsima I", "Taqsima II", "Taqsima III", "Taqsima IV", "Taqsima V", "Taqsima VI", u "Taqsima VII" għandhom jiġu mħassra.

Iħassar l-intestaturi li jinsabu mar-regolamenti prinċipali.

3. Minflok ir-regolament 2 tar-regolamenti prinċipali għandu jidħol dan li ġej:

Jissostitwixxi r-regolament 2 tar-regolamenti prinċipali.

"2. F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma tkunx teħtieġ xort'oħra:

"Aġenzija ta' Pagamenti" għandu jkollha l-istess tifsira mogħtija lilha fir-Regolamenti dwar l-Aġenzija ta' Pagamenti;

A.L. 126 ta' l- 2004"

4. Minflok ir-regolament 3 tar-regolamenti prinċipali għandu jidħol dan li ġej:

Jissostitwixxi r-regolament 3 tar-regolamenti prinċipali.

"3. Għaqda tal-Produtturi hija entità legali kostitwita u magħrufa skond id-dispożizzjonijiet ta' l-Artikoli 122 sa

Għaqdiet ta' produtturi.

125 tar-Regolament (KE) 1234 ta' l-2007 u Titolu III tar-Regolament (KE) 1182 ta' l-2007."

Jissostitwixxi r-regolament 4 tar-regolamenti prinċipali.

5. Minflok ir-regolament 4 tar-regolamenti prinċipali għandu jidħol dan li ġej:

"4. Id-Direttur għandu jagħraf għaqdiet ta' produtturi skond id-dispożizzjonijiet ta' l-Artikolu 125(b) tar-Regolament (KE) 1234 ta' l-2007 u l-Artikolu 4 tar-Regolament (KE) 1182 ta' l-2007." .

Jemenda r-regolament 6 tar-regolamenti prinċipali.

6. Ir-regolament 6 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

(a) fis-subregolament (1) tiegħu, minflok il-kliem "huwa ta' sentejn" għandhom jidħlu l-kliem "għandu jkun ta' mhux inqas minn sena";

(b) minflok is-subregolament (2) tiegħu ghandu jidħol dan li ġej;

"Riżenja mis-sħubija għandha tiġi avżata lill-għaqda tal-produtturi jew il-grupp ta' produtturi sa mhux iżjed tard mit-30 ta' Settembru ta' dik is-sena u għandha tkun effettiva mill-1 ta' Jannar tas-sena ta' wara;" ; u

(ċ) minnufih wara s-subregolament (2) għandu jiżdied dan is-subregolament ġdid li ġej:

"(3) Għaqdiet ta' produtturi u gruppi ta' produtturi għandhom javżaw lid-Direttur bil-miktub, sat-30 ta' Settembru ta' kull sena, bir-riżenja ta' xi membru jew tas-sħubija ta' xi membru ġdid matul l-aħħar 12-il xahar. L-għaqdiet ta' produtturi u l-gruppi ta' produtturi għandhom jipprovdu lid-Direttur kopja tal-Ftehim tas-Sħubija ffirmata u prova tal-pagament, flimkien ma l-informazzjoni dwar id-dettalji tal-membru involut inkluż l-isem u l-indirizz, il-prodotti mqiegħdha fis-suq u r-raba' marbutin mal-għaqda tal-produtturi jew il-grupp tal-produtturi fuq il-formola ordnata li għandha tiġi provduta mid-Direttur." .

Jemenda r-regolament 8 tar-regolamenti prinċipali.

7. Regolament 8 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

(a) minflok in-nota marġinali għandu jidħol dan li ġej: "Gruppi ta' Produtturi.";

(b) fis-subregolament (1) tiegħu, minflok il-kliem "l-Artikoli 15, 16, 17, 18 u 19 tar-Regolament (KE) 1432/2003" għandhom jidħlu l-kliem "l-Artikoli 38 sa 42 tar-Regolament (KE) 1580/2007" ;

(ċ) fis-subregolament (2) tiegħu, minflok il-kliem "l-Artikoli 3 u 4 tar-Regolament (KE) 1943/2000" għandhom jidħlu l-kliem "l-Artikolu 45 tar-Regolament (KE) 1580/2007" ;

(d) minnufih wara s-subregolament (2) tiegħu għandhom jidħlu dawn is-subregolamenti ġodda li ġejjin:

"(3) Gruppi ta' produtturi għandhom jippreżentaw programm għall-għarfien lid-Direttur li għandu japprova, jiċħad jew jitlob li ssir il-modifika tiegħu konformi ma' dawn ir-regolamenti:

Iżda meta grupp ta' produtturi jkun jixtieq japplika għall-għajnuna mill-UE skond xi waħda mill-iskemi elenkati fir-Regolamenti dwar l-Aġenzija ta' Pagamenti, il-grupp għandu jippreżenta l-programm għall-għarfien lill-Aġenzija ta' Pagamenti, li għandha tapprova, tiċħad jew titlob li ssir modifika lil dak il-programm għall-għarfien, fir-rigward ta' l-eliġibbiltà għall-għajnuna, qabel ma jiġi preżentat lid-Direttur.

(4) Gruppi ta' produtturi jistgħu jippreżentaw talba sabiex jagħmlu emendi fil-programmi ta' għarfien tagħhom waqt l-implimentazzjoni tagħhom. Notifika għall-emenda għandha tiġi preżentata bil-miktub mill-grupp ta' produtturi lid-Direttur u lill-Aġenzija ta' Pagamenti sal-15 ta' Settembru ta' dik is-sena u għandha tinkludi dokumentazzjoni li tiġġustifika l-emendi li qegħdin jiġu mitluba.".

8. Minflok ir-regolament 9 tar-regolamenti prinċipali għandu jidħol dan li ġej: Jissostitwixxi r-regolament 9 tar-regolamenti prinċipali.

"9. Għaqdiet ta' produtturi għandhom jippreżentaw programmi ta' l-operat lid-Direttur li għandu japprova, jiċħad jew jitlob li ssir il-modifika tagħhom konformi ma' dawn ir-regolamenti:

Iżda meta għaqda ta' produtturi tkun tixtieq tapplika għall-għajnuna mill-UE skond xi waħda mill-iskemi elenkati fir-Regolamenti dwar l-Aġenzija ta' Pagamenti, il-grupp għandu jippreżenta l-programm ta' l-operat tiegħu lill-Aġenzija ta' Pagamenti li għandha tapprova, tiċħad jew titlob li ssir il–modifika lil dak il-programm ta' l-operat, fir-rigward ta' l-eliġibbiltà għall-għajnuna, qabel ma jiġi preżentat lid-Direttur." .

Jemenda r-regolament 10 tar-regolamenti prinċipali.

9. Fir-regolament 10 tar-regolamenti prinċipali, fil-verżjoni bl-Ingliż, minflok il-kelma "should" għandha tidħol il-kelma "shall" u minflok il-kliem "l-Artikoli 8 sa 17 tar-Regolament (KE) 1433/2003" għandhom jidħlu l-kliem "l-Artikoli 57 sa 68 tar-Regolament (KE) 1580/2007" .

Iżid regolament 10A ġdid mar-regolamenti prinċipali.

10. Minnufih wara r-regolament 10 tar-regolamenti prinċipali għandu jidħol dan ir-regolament ġdid li ġej:

Perjodu ta' referenza.

"10A. Il-perjodu ta' referenza għall-kalkolu tal-valur tal-prodott ikkummerċjalizzat, għandu jkun ta' 12-il xahar, u jista' jkun magħżul mill-għaqda tal-produtturi skond xi wieħed mill-kriterji indikati fl-Artikolu 53(2) tar-Regolament (KE) 1580/2007. L-għaqda tal-produtturi għandha tiżgura li dak il-perjodu ta' referenza jikkoinċidi mal-perjodu finanzjarju kif hemm taħt l-Artikolu 53(3) tar-Regolament (KE) Nru 1580/2007. Il-perjodu ta' referenza magħżul ma jistax jiġi modifikat għat-tul sħih tal-programm ta' l-operat ħlief f'ċirkostanzi eċċezzjonali." .

Jemenda r-regolament 11 tar-regolamenti prinċipali.

11. Ir-regolament 11 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (b) tas-subregolament (1) tiegħu, minflok il-kliem "l-Artikolu 15.5 tar-Regolament (KE) 2200/1996" għandhom jidħlu l-kliem "l-Artikolu 103(d) tar-Regolament (KE) 1234/2007" ;

(b) fis-subregolament (2) tiegħu, minflok il-kliem "ir-Regolament (KE) 1433/2003" għandhom jidħlu l-kliem "ir-Regolament (KE) 1580/2007" ; u

(ċ) fis-subregolament (3) tiegħu, minflok il-kliem "tar-Regolament (KE) 3508/92" għandhom jidħlu l-kliem "tar-Regolament (KE) 73/2009" .

12. Fir-regolament 12 tar-regolamenti prinċipali minflok il-kliem "l-Artikoli 5, 6 u 7 tar-Regolament (KE) 1433/2003" għandhom jidħlu l-kliem "l-Artikoli 54, 55 u 56 tar-Regolament (KE) 1580/2007" .

Jemenda r-regolament 12 tar-regolamenti prinċipali.

13. Fir-regolament 13 tar-regolamenti prinċipali minflok il-kliem "l-Artikolu 15.5 (a) u (b) tar-Regolament (KE) 2200/1996" għandhom jidħlu l-kliem "Taqsima 2 tar-Regolament (KE) 1580/2007".

Jemenda r-regolament 13 tar-regolamenti prinċipali.

14. Minflok ir-regolament 17 tar-regolamenti prinċipali għandu jidħol dan li ġej:

Jissostitwixxi r-regolament 17 tar-regolamenti prinċipali.

"17. Assoċjazzjoni bejn il-fergħat interessati għandha tkun entità legali kostitwita u magħrfa skond id-dispożizzjonijiet ta' l-Artikoli 123 sa 125 tar-Regolament (KE) 1234/2007 u t-Titolu IV tar-Regolament (KE) 1182/2007." .

15. Ir-regolamenti 24 sa 27 tar-regolamenti prinċipali għandhom jiġu mħassra.

Iħassar ir-regolamenti 24 sa 27 tar-regolamenti prinċipali.

16. Ir-regolamenti 28 u 29 tar-regolamenti prinċipali għandhom jiġu enumerati mill-ġdid bħala r-regolamenti 24 u 25 rispettivament.

Jenumera mill-ġdid ir-regolamenti 28 u 29 tar-regolamenti prinċipali.

17. Ir-regolament 24 kif enumerat mill-ġdid tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

Jemenda r-regolament 24 kif enumerat mill-ġdid tar-regolamenti prinċipali.

(a) fin-nota marġinali, minnufih wara l-kelma "Irkupru" għandhom jidħlu l-kliem "ta' l-għajnuna."; u

(b) minflok il-kliem "fl-Artikolu 24 tar-Regolament (KE) 1433/2003" għandhom jidħlu l-kliem "fl-Artikolu 125 tar-Regolament (KE) 1580/2007" .

18. Minflok ir-regolament 25 kif enumerat mill-ġdid tar-regolamenti prinċipali għandu jidħol dan li ġej:

Jissostitwixxi r-regolament 25 kif enumerat mill-ġdid tar-regolamenti prinċipali.

"25. Għaqda ta' produtturi jew assoċjazzjoni bejn il-fergħat interessati li ma tkunx konfirmi ma', jew tikser xi waħda mid-dispożizzjonijiet ta' dawn ir-regolamenti, jew tad-dispożizzjonijiet applikabbli tar-Regolamenti (KE) 1234 ta' l-2007 u 1182 ta' l-2007 tkun ħatja ta' reat kontra l-Att u

Pieni.

teħel multa amministrattiva, li tiġi imposta mid-Direttur, ta' mhux inqas minn elf u ħames mitt euro (1500) iżda mhux aktar minn elfejn u tliet mija u disa' u għoxrin euro u seba' u tletin ċenteżmu (2,329.37) għall-kull reat, u għal multa addizjonali ta' mija u ħamsin ewro (150) għal kull ġurnata li matulha jibqa' għaddej dak in-nuqqas ta' konformità jew dik il-kontravenzjoni.

(2) Id-Direttur jista' jirtira l-għarfien ta' għaqda tal-produtturi jew ta' assoċjazzjoni bejn il-fergħat interessati skond id-dispożizzjonijiet ta' l-Artikoli 116 u 117 tar-Regolament (KE) 1580 ta' l-2007 u l-Artikolu 125(b) tar-Regolament 1234 ta' l-2007 u l-Artikoli 4 u 21 tar-Regolament (KE) 1182 ta' l-2007." .

Iħassar l-Ewwel u t-Tieni Skeda mar-regolamenti prinċipali.

19. L-Ewwel u t-Tieni Skeda mar-regolamenti prinċipali għandhom jiġu mħassra.

L.N. 210 of 2011

PRODUCER ORGANISATION ACT
(CAP. 447)

Fruit and Vegetable Producer Organisations (Amendment) Regulations, 2011

IN exercise of the powers conferred by articles 9 and 19 of the Producer Organisations Act, the Minister for Resources and Rural Affairs has made the following regulations:-

1. The title of these regulations is the Fruit and Vegetable Producer Organisations (Amendment) Regulations, 2011, and they shall be read and construed as one with the Fruit and Vegetable Producer Organisations Regulations, 2004, hereinafter referred to as "the principal regulations". Citation. L.N. 63 of 2004.

2. In the principal regulations, headings "Part I", "Part II", "Part III", "Part IV", "Part V", "Part VI" and "Part VII" shall be deleted. Deletes headings to the principal regulations.

3. Regulation 2 of the principal regulations shall be substituted by the following: Substitutes regulation 2 of the principal regulations.

"2 In these regulations, unless the context otherwise requires:

"Paying Agency" shall have the same meaning as that assigned to it in the Paying Agency Regulations." LN 126 of 2004"

4. Regulation 3 of the principal regulations shall be substituted by the following: Substitutes regulation 3 of the principal regulations.

"3. A producer organisation shall be any legal entity constituted and recognised in terms of the provisions of Articles 122 to 125 of Regulation (EC) 1234 of 2007 and Title III of Regulation (EC) 1182 of 2007." Producer organisations.

5. Regulation 4 of the principal regulations shall be substituted by the following: Substitutes regulation 4 of the principal regulations.

"4. The Director shall recognise producer organisations in terms of the provisions of Article 125(b) of Regulation (EC) 1234 of 2007 and Article 4 of Regulation (EC) 1182 of 2007."

Amends regulation 6 of the principal regulations.

6. Regulation 6 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, for the words "not less than two years" there shall be substituted the words "not less than one year";

(b) for sub-regulation (2) thereof, there shall be substituted the following:

"Resignation of membership shall be notified to the producer organisation or producer group in writing by not later than the 30th September of a particular year and shall take effect from the 1st January of the following year;" ; and

(c) immediately after sub-regulation (2) thereof, there shall be added the following new sub-regulation:

"(3) Producer organisations and producer groups shall inform the Director, in writing, by the 30th September of each year, of the resignation of any member or of the recruitment of a new member during the previous 12-month period. Producer organisations or producer groups shall provide the Director with a copy of the signed Members' Agreement and proof of payment, together with information regarding the member's details including name and address, produce marketed and holdings committed to the producer organisation or producer group on a prescribed form to be provided by the Director." .

Amends regulation 8 of the principal regulations.

7. Regulation 8 of the principal regulations shall be amended as follows:

(a) for the marginal note there shall be substituted the following: "Producer groups.";

(b) in sub-regulation (1) thereof, for the words "Articles 15, 16, 17, 18 and 19 of Regulation (EC)

1432/2003" there shall be substituted the words "Articles 38 to 42 of Regulation (EC) 1580/2007" ;

(c) in sub-regulation (2) thereof, for the words "Articles 3 and 4 of Regulation (EC) 1943/2003" there shall be substituted the words "Article 45 of Regulation (EC) 1580/2007" ;

(d) immediately after sub-regulation (2) there shall be added the following new sub-regulations:

"(3) Producer groups shall submit their recognition plans to the Director, who shall approve or reject them or request their modification in line with these regulations:

Provided that where a producer group is desirous of applying for EU aid in terms of any of the schemes listed in the Paying Agency Regulations, it shall submit its recognition plan to the Paying Agency, which shall approve or reject it or request modification to such recognition plan in respect of eligibility for funding, prior to the submission to the Director.

(4) Producer groups may submit a request to effect amendments to their recognition plans during their implementation. Notification for change shall be submitted in writing by the producer group to the Director and to the Paying Agency by the 15th September of that particular year and shall be accompanied by supporting documentation justifying the amendments being requested." .

8. For regulation 9 of the principal regulations there shall be substituted the following:

Substitutes regulation 9 of the principal regulations.

"9. Producer organisations shall submit operational programmes to the Director, who shall approve or reject them or request their modification in line with these regulations:

Provided that where a producer organisation is desirous of applying for EU aid in terms of any of the schemes listed in the Paying Agency Regulations, it shall submit its operational programme to the Paying Agency,

which shall approve or reject it or request modification to such operational programme in respect of eligibility for funding, prior to the submission to the Director." .

Amends regulation 10 of the principal regulations.

9. In regulation 10 of the principal regulations for the word "should" there shall be substituted the word "shall" and for the words "Articles 8 to 17 of Regulation (EC) 1433/2003" there shall be substituted the words "Articles 57 to 68 of Regulation (EC) 1580/2007" .

Adds new regulation 10A to the principal regulations.

10. Immediately after regulation 10 of the principal regulations there shall be added a new regulation as follows:

Reference period.

"10A. The reference period for the calculation of the value of the marketed product, shall be of 12 months, and may be selected by the producer organisation in accordance with any of the criteria indicated in Article 53(2) of Regulation (EC) 1580/2007. The producer organisation shall ensure that such reference period coincides with the financial period as provided for under Article 53(3) of Regulation (EC) No 1580/2007. The selected reference period cannot be modified for the whole duration of the operational programme except under exceptional circumstances." .

Amends regulation 11 of the principal regulations.

11. Regulation 11 of the principal regulations shall be amended as follows:

(a) in paragraph (b) of sub-regulation (1) thereof, for the words "Article 15.5 of Regulation (EC) 2200/1996" there shall be substituted the words "Article 103(d) of Regulation (EC) 1234/2007" ;

(b) in sub-regulation (2) thereof, for the words "Regulation (EC) 1433/2003" there shall be substituted the words "Regulation (EC) 1580/2007" ; and

(c) in sub-regulation (3) thereof, for the words "Regulation (EC) 3508/92" there shall be substituted the words "Regulation (EC) 73/2009" .

Amends regulation 12 of the principal regulations.

12. In regulation 12 of the principal regulations for the words "Articles 5, 6 and 7 of Regulation (EC) 1433/2003." there shall be substituted the words "Articles 54, 55 and 56 of Regulation (EC) 1580/2007." .

13. In regulation 13 of the principal regulations for the words "Article 15.3 (a) and (b) of Regulation (EC) 2200/1996" there shall be substituted the words "Section 2 of Regulation (EC) 1580/2007". Amends regulation 13 of the principal regulations.

14. For regulation 17 of the principal regulations there shall be substituted the following: Substitutes regulation 17 of the principal regulations.

"17. An interbranch organisation shall be a legal entity constituted and recognised in terms of the provisions of Articles 123 to 125 of Regulation (EC) 1234 / 2007 and Title IV of Regulation (EC) 1182 / 2007." .

15. Regulations 24 to 27 of the principal regulations shall be deleted. Deletes regulations 24 to 27 of the principal regulations.

16. Regulations 28 and 29 of the principal regulations shall be renumbered as regulations 24 and 25 respectively. Renumbers regulations 28 and 29 of the principal regulations.

17. Regulation 24 as renumbered of the principal regulations shall be amended as follows: Amends regulation 24 as renumbered of the principal regulations.

(a) in the marginal note, immediately after the words "Recovery" there shall be added the words "of aid."; and

(b) for the words "Article 24 of Regulation (EC) 1433/2003" there shall be substituted the words "Article 125 of Regulation (EC) 1580/2007" .

18. For regulation 25 as renumbered of the principal regulations there shall be substituted the following: Substitutes regulation 25 as renumbered of the principal regulations.

"25. (1) Any producer organisation or interbranch organisation which fails to comply with, or contravenes any of the provisions of these regulations, or of the applicable provisions of Regulations (EC) 1234 of 2007 and 1182 of 2007 shall be guilty of an offence against the Act and shall be liable to an administrative fine, which shall be imposed by the Director, of not less than one thousand five hundred (1500) euro but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) for each offence, and to an additional fine of one hundred and fifty (150) euro for each day during which the said failure to comply or contravention exists. Penalties.

(2) The Director may withdraw recognition of a producer organisation or interbranch organisation in terms of the provisions of Articles 116 and 117 of Regulation (EC) 1580 of 2007 and Articles 125b of Regulation 1234 of 2007 and Articles 4 and 21 of Regulation (EC) 1182 of 2007." .

Deletes the First and Second Schedules to of the principal regulations.

19. The First and Second Schedules to the principal regulations shall be deleted.

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