

L.N. 467 of 2014**PRODUCT SAFETY ACT
(CAP. 427)****Establishment of the 'Products of Quality' National Scheme
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 'Product of Quality' National Scheme Regulations, 2014.

(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.

Interpretation.

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

"actor" means any natural or legal person involved in an agricultural value chain;

"agricultural value chain" means a set of people whose activities increases the commercial value of a basic product of the agricultural industry. An agricultural value chain may involve processing, packaging, storage, transport and distribution:

Provided that the primary production, farming and processing of the product is made within one territory;

"Director" means the Director responsible for Agriculture;

"Minister" means the Minister responsible for Agriculture;

"operator" means an actor belonging to a recognised agricultural value chain and who participates in the 'Product of Quality' National Scheme;

"origin label" means a label attached to a product indicating the territory in which the primary production, farming and processing of the product has been made;

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

"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).

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

Establishment
of the 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) the design of the origin label;

(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.

(4) The Director shall endeavour to consult with representatives of the recognised agricultural value chains before making the rules mentioned in sub-regulation (3).

(5) The rules referred to in sub-regulation (3) shall be published in the Gazette and shall be binding on all actors who form part of a recognised agricultural value chain.

Recognition of agricultural value chains.

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

Binding product specifications.

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

(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.

Control.

6. 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.

Participation of approved traditional agro-food products.

7. The scheme shall also be open to actors who are producers of approved traditional agro-food products in terms of the Establishments of the Register of Traditional Agro-food Products of Malta Regulations, 2014, and who are part of a recognised agricultural value chain.

