

A.L. 148 ta' l-2008**ATT DWAR L-GHAQDIET TAL-PRODUTTURI
(KAP. 447)****Regolamenti ta' l-2008 dwar l-Ghaqdiet tal-Produtturi
fil-Qasam ta' l-Inbid**

BIS-SAHHA tas-setghat moghtija permezz ta' l-artikoli 9 u 19 ta' l-Att dwar Ghaqdiet tal-Produtturi, il-Ministru ghar-Rizorsi u l-Affarijiet Rurali, ghamel dawn ir-regolamenti li ġejjin:

Taqsimha I**Preliminari**

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2008 dwar l-Ghaqdiet tal-Produtturi fil-Qasam ta' l-Inbid. Titolu u bidu fis-sehh.

(2) Dawn ir-regolamenti ghandhom jibdew isehhu fl-1 ta' Mejju 2008.

2. F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma tehtiegħ xort'ohra, kliem u frazijiet użati f'dawn ir-regolamenti ghandhom l-istess tifsira moghtija lilhom fl-artikolu 2 ta' l-Att ta' l-2002 dwar l-Ghaqdiet tal-Produtturi. Tifsir.

Taqsimha II**Twaqqif u Gharfien ta' l-Ghaqdiet tal-Produtturi fil-Qasam
ta' l-Inbid**

3. Ghall-fini ta' dawn ir-regolamenti, ghaqda tal-produtturi hija kull entità legali li tissodisfa l-kundizzjonijiet li ġejjin: Karatteristiċi ta' ghaqdiet tal-produtturi.

(a) hija kostitwita minn produtturi ta' prodotti koperti mir-Regolament tal-Kunsill (KE) 1493 ta' l-1999 u modifikazzjonijiet sussegwenti;

(b) hija mwaqqfa fuq l-inizjattiva tal-produtturi;

(ċ) issegwi għan speċifiku, li b'mod partikolari jista' jkun relatat ma' xi wahda jew iktar minn dawn li ġejjin:

(i) l-addattament tal-produzzjoni kemm għall-htigijiet tas-suq kif ukoll għat-titjib tal-prodott;

(ii) il-promozzjoni tal-konċentrazzjoni tal-provvista u t-tqeghid fis-suq tal-prodotti manifatturati mill-membri tagħha;

(iii) il-promozzjoni tar-razzjonalizzar u t-titjib fil-produzzjoni u fl-ipproċessar;

(iv) it-tnaqqis fl-ispejjeż tal-produzzjoni u tal-ġestjoni tas-suq u l-istabbilizzar tal-prezzijiet tal-produtturi;

(v) il-promozzjoni u l-provvediment ta' għajjnuna teknika għall-użu ta' prattici ta' kultivazzjoni u teknika ta' produzzjoni li thares l-ambjent;

(vi) il-promozzjoni ta' inizjattivi għall-ġestjoni ta' prodotti sekondarji enoloġiċi u għall-ġestjoni ta' skart b'mod partikolari biex jipproteġu l-kwalità ta' l-ilma, il-hamrija u l-pajsagġ u jippriservaw jew jinkoraġġixxu l-biodiversità;

(vii) it-twettiq ta' riċerka f'metodi ta' produzzjoni sostenibbli u ta' żviluppi tas-suq.

(d) li tapplika regoli ta' l-assoċjazzjoni li huma konformi mar-regolament 5 u li għandhom jeżiġu l-membri tagħha, b'mod partikolari, illi:

(i) japplikaw ir-regoli addottati mill-organizzazzjoni tal-produtturi dwar ir-rappurtar ta' produzzjoni, il-produzzjoni nnifisha, il-kummerċjalizzazzjoni u l-harsien ta' l-ambjent;

(ii) jipprovdu t-tagħrif mitlub mill-organizzazzjoni tal-produtturi għal skopijiet statistiċi, b'mod partikolari dwar żoni ta' tkabbir u dwar l-evoluzzjoni tas-suq;

(ii) ihallsu penali għal ksur ta' l-obbligi skond ir-regoli ta' assoċjazzjoni.

(e) tkun baġhtet applikazzjoni biex tiġi magħrufa bhala organizzazzjoni tal-produtturi skond dawn ir-regolamenti u l-applikazzjoni fiha dawn l-elementi li ġejjin:

(i) prova li l-entità tilhaq ir-reqwiziti stipulati fil-paragrafi (a) sa (d);

(ii) prova li ghandha minimu ta' 50 membru;

(iii) prova li tkopri volum minimu ta' produzzjoni kummerċjali ta' 200 tunnellata;

(iv) prova li tista' twettaq l-attivitajiet taghha kif suppost, kemm f'dak li hu żmien kif ukoll f'effettività u f'koncentrazzjoni ta' provvista;

(v) prova li tghin lill-membri taghha b'mod effettiv sabiex jiksbu ghajnuna teknika fl-użu ta' prattiċi ta' kultivazzjoni li huma tajbin għall-ambjent.

4. Għall-finijiet ta' dawn ir-regolamenti, id-Direttur għandu jagħraf bħala għaqdiet ta' produttori lil dawk l-entitajiet legali kollha li japplikaw għal dan l-għarfien, b'kundizzjoni li

Għarfien ta' għaqdiet ta' produttori.

(a) jissodisfaw il-htigiet kollha tar-regolament 3;

(b) għar-rigward tal-kategoriji ta' prodotti msemmija fis-subregolament 3 (a) ta' dan ir-regolament ikunu indikati il-prodotti speċifiċi li ser ikunu qeghdin jipproduċu;

(ċ) li jipprovdu b'mod effettiv lill-imseħbin tagħhom il-htigiet tekniċi għall-ħażna, l-ippakkjar u l-bejgħ tal-prodotti tagħhom u jiżguraw li jkun hemm immaniġġar finanzjarju u kummerċjali sod ta' l-attivitajiet tagħhom.

5. L-Istatut ta' l-għaqdiet li japplikaw għall-għarfien għandu jkun jipprovdi għal:

Statut.

(a) proċeduri biex jiġi stabbilit, mwettaq u mibdul l-imsemmi statut;

(b) l-iskrutinju pubbliku mill-imseħbin ta' l-għaqda tal-Produtturi u tad-deċiżjonijiet li tiehu;

(ċ) il-ħlas daparti tal-imseħbin tal-kontribut finanzjarju ikkontemplat fl-Istatut;

(d) il-provvista daparti tal-imseħbin tat-tagħrif rikjest mill-għaqda tal-produtturi għal-skopijiet ta' statistika, partikolarment

dwar il-kejl ta' l-art użata għat-**tkabbir**, l-ammonti u l-livelli ta' produzzjoni u l-bejgħ dirett;

(e) l-impożizzjoni ta' penali lill-imsehbini li jonqsu f'dawk l-obligazzjonijiet tagħhom li jirriżultaw mill-Istatut jew minn regoli oħra li tagħmel l-għaqda tal-produtturi;

(f) id-dhul ta' msehbini godda fl-għaqda, partikolarment dwar il-perjodu minimu tas-shubija;

(g) ir-regoli dwar iż-żamma tal-kontijiet u l-finanzjament neċessarji biex l-għaqda tkun tista' tiffunzjona.

Htiġiet għas-shubija.

6. (1) Il-perjodu minimu ta' shubija huwa ta' sentejn.

(2) Riżenja mis-shubija għandha tiġi avżata lill-Għaqda tal-Produtturi u riżenja bħal dik għandha tkun effettiva sitt xhur wara li tkun giet hekk avżata.

Poteri tad-Direttur.

7. Id-Direttur għandu:

(a) jiddeċiedi dwar l-għarfien ta' għaqda tal-produtturi fi żmien tlett xhur mid-data meta tiġi ippreżentata l-applikazzjoni li tkun tinkludi d-dokumentazzjoni kollha meħtieġa; u

(b) jara li jsiru kontrolli f'intervalli regolari biex jiġi żgurat li l-għaqdiet tal-produtturi jkunu konformi mal-pattijiet u l-kundizzjonijiet għall-għarfien, jimponi l-penali applikabbli f'każ li ma jkunux, u jiddeċiedi, fejn ikun meħtieġ, li jirtira l-għarfien.

Taqsimha III

Penali

Penali.

8. Għaqda ta' produtturi li ma tkunx konformi ma', jew tikser, xi wieħed mid-disposizzjonijiet ta' dawn ir-regolamenti tista' tehel multa amministrattiva, li tiġi imposta mid-Direttur, ta' mhux anqas minn mitejn u hamsin ewro u mhux iżjed minn elfejn u hames mitt ewro għal kull reat, u għal multa addizzjonali ta' mitt ewro għal kull ġurnata li matulha jibqa' għaddej dak in-nuqqas ta' konformità jew dik il-kontravvenzjoni.

L.N. 148 of 2008

**PRODUCER ORGANISATIONS ACT
(CAP. 447)**

Wine Sector Producer Organisations Regulations, 2008

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:-

Part I

Preliminary

1. (1) The title of these regulations is the Wine Sector Producer Organisations Regulations, 2008. Short title and commencement.

(2) These regulations shall come into force on 1 May 2008.

2. Unless the context otherwise requires, words and phrases used in these regulations shall have the same meaning as is assigned to them in article 2 of the Producer Organisations Act, 2002. Interpretation.

Part II

**Establishment and recognition of producer organisations
in the Wine Sector**

3. For the purposes of these regulations a producer organisation is any legal entity which satisfies the following conditions: Characteristics of producer organizations.

(a) it is constituted by producers of products covered by Council Regulation (EC) 1493 of 1999 and subsequent modifications;

(b) it is formed on the initiative of producers;

(c) it pursues a specific aim, which may in particular relate to one or more of the following:

(i) adapting production jointly to the requirements of the market and improving the product;

(ii) promoting concentration of supply and the placing of the products produced by its members;

- (iii) promoting the rationalisation and improvement of production and processing;
 - (iv) reducing production costs and market management costs and stabilizing producer prices;
 - (v) promoting and providing technical assistance for the use of environmentally respectful cultivation practices and production techniques;
 - (vi) promoting initiatives for the management of by-products of wine making and the management of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity;
 - (vii) carrying out research into sustainable production methods and market developments;
- (d) it applies rules of association which shall be in conformity with regulation 5 and which require its members, in particular, to:
 - (i) apply the rules adopted by the producer organisation relating to production reporting, production, marketing and protection of the environment;
 - (ii) provide the information requested by the producer organisation for statistical purposes, in particular on growing areas and market evolution;
 - (iii) pay penalties for infringement of obligations under the rules of association;
- (e) it has lodged an application for recognition as a producer organisation under these regulations and the application contains the following items:
 - (i) evidence that the entity meets the requirements laid down in paragraphs (a) to (d);
 - (ii) evidence that it has a minimum of fifty members;
 - (iii) evidence that it covers a minimum volume of marketable production in the area where the organisation operates and which shall not be less than 200 tonnes of wine grapes;

(iv) evidence that it can carry out its activities properly, both over time and in terms of effectiveness and concentration of supply;

(v) evidence that it effectively enables its members to obtain technical assistance in using environmentally sound cultivation practices.

4. The Director shall recognise as producer organisations for the purposes of these regulations any legal entity applying for such recognition, on condition that: Recognition of producer organisations.

(a) they meet all the requirements laid down in regulation 3;

(b) with regard to the categories of products referred to in sub-regulation 3 (a) they indicate any specific product they will be producing;

(c) they effectively provide their members, where necessary, with the technical means for storing, packaging and marketing their produce and ensure proper commercial and budgetary management of their activities.

5. The Rules of Association of applicant organisations shall provide for: Rules of Association.

(a) procedures for determining, adopting and amending the said rules of association;

(b) public scrutiny by members of the producer organisation and its decisions;

(c) the payment by members of the financial contributions provided for in their Rules of Association;

(d) the provision by members of the information requested by the producer organisation for statistical purposes, in particular on growing areas, cultivation details, yield and direct sales;

(e) the imposition of penalties for infringement by members of the obligations arising from the Rules of Association or of other rules laid down by the producer organisation;

(f) the admission of new members, particularly concerning a minimum membership period;

(g) the accounting and budgetary rules necessary for the operation of the producer organisation.

Membership requirements.

6. (1) The minimum membership period of a producer shall be not less than two years:

(2) Resignation of membership shall be notified to the producer organisation and such resignation will become effective six months after notification.

Powers of the Director.

7. The Director shall:

(a) within three months of the lodging of an application with all the supporting documents, decide whether to grant recognition to a producer organisation; and

(b) cause to be carried out checks at regular intervals to ascertain that producer organisations comply with the terms and conditions for recognition, impose in the event of noncompliance the applicable penalties and decide, where necessary, to withdraw recognition.

Part III

Penalties

Penalties.

8. Any producer organisation which fails to comply with or contravenes any of the provisions of these regulations shall be liable to an administrative fine, which shall be imposed by the Director, of not less than two hundred and fifty Euros and not more than two thousand and five hundred Euros for each offence, and to an additional fine of one hundred Euros for each day during which the said failure to comply or contravention persists.