

A.L. 182 ta' l-2004**ATT TA' L-2001 DWAR IS-SIGURTÀ TAL-PRODOTTI
(ATT NRU. V TA' L-2001)****Regolamenti ta' l-2004 dwar Indikazzjonijiet u
Denominazzjonijiet Ġeografici**

BIS-SAHHA tas-setghat moghtija lil mill-Artiklu 39 ta' l-Att ta' l-2001 dwar is-Sigurtà tal-Prodotti, il-Ministru għall-Kompetitività u Kommunikazzjoni, fuq parir ta' l-Awtorità Maltija dwar l-*Standards*, għamel ir-regolamenti li ġejjin:

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2004 dwar Indikazzjonijiet u Denominazzjonijiet Ġeografici. Isem u bidu fis-sehh.

2. Dawn ir-regolamenti għandhom jidhlu fis-sehh fl-1 ta' Mejju 2004.

3. F' dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma tkunx tehtieg xort' ohra, għandhom japplikaw id-definizzjonijiet li ġejjin: Tifsiriet.

“denominazzjoni ta' oriġini” għandu jkollha t-tifsira moghtija lilha fl-Artiklu 2(1) tar-Regolament EEC 2081/92;

“indikazzjoni ġeografika” għandu jkollha t-tifsira moghtija lilha fl-Artiklu 2(1) tar-Regolament EEC 2081/92;

“Malta” għandu jkollha t-tifsira moghtija lilha mill-Kostituzzjoni, hlief fejn ma jinghadx mod iehor.

“Regolament EEC 2081/92” għandha tfisser Regolament tal-Kunsill (EEC) Numru 2081/92 fuq il-protezzjoni ta' indikazzjonijiet u ismijiet ta' oriġini għal prodotti tal-biedja u oġġetti ta' l-ikel ¹.

“ tikketta” għandu jkollha t-tifsira moghtija lilha mir-Regolamenti ta' l-2002 dwar Twahhil ta' Tikketti, Prezentazzjoni u Riklamar ta' Hwejjeġ ta' l-Ikel.

4.1 L-Awtorità Maltija dwar l-*Standards* hija b'dan mahtura bhala l-awtorità kompetenti għall-finijiet tar-Regolament EEC 2081/92.

4.2 Il-Kap tad-Direttorat responsabbli mill-oġġetti ta' l-ikel fl-Awtorità għandu jahtar Kumitat Permanenti, magħmul minn rappreżentanti ta' organizzazzjonijiet publiċi u privati li għandhom interess f'indikazzjonijiet u denominazzjonijiet ġeografiki, biex jgħinu u jagħtu parir lill-Awtorità fuq il-materji kollha relatati ma' l-implementazzjoni tar-Regolament EEC 2081/92.

4.3 Il-Kumitat Permanenti msemmi fir-regolament 4.2 għandha jinhatar għal perijodu ta' tliet snin.

4.4 L-ismijiet tal-membri tal-Kumitat Permanenti, u wkoll ta' l-organizzazzjonijiet li jirrappreżentaw, għandhom ikunu ppubblikati mill-Awtorità fil-Gazzetta tal-Gvern.

4.5 Il-Kumitat Permanenti msemmi fir-regolament 4.2 għandu jirregola l-proċeduri tiegħu.

5.1. Bla hsara għar-regolamenti 5.2 sa 5.4, il-kelma 'Malta' għandha tidher fid-denominazzjoni ta' oriġini jew indikazzjoni ġeografika fir-rigward ta' prodotti tal-biedja jew oġġetti ta' l-ikel prodotti f'Malta kollha.

5.2 Il-kelma 'Malta' tista' tidher ukoll fid-denominazzjoni ta' oriġini jew indikazzjoni ġeografika fir-rigward ta' prodotti tal-biedja jew oġġetti ta' l-ikel prodotti esklussivament fil-gżira magħrufa bhala Malta, jew li fir-rigward tagħhom il-gżira magħrufa bhala Malta tgawdi reputazzjoni u fama ppruvati, tradizzjonali u eċċezzjonali, b' dan iżda li kull użu partikolari ta' din ix-xorta tal-kelma 'Malta' għandu jkun iddikjaratċar fl-applikazzjoni bis-sahha ta' l-Artiklu 5 tar-Regolament EEC 2081/92 u fl-ispeċifikazzjoni tal-prodott sottomessi skond l-Artiklu 4 tar-Regolament EEC 2081/92.

5.3 Il-kliem 'Gozo' jew 'Għawdex' jistgħu jidher fid-denominazzjoni ta' oriġini jew indikazzjoni ġeografika fir-rigward ta' prodotti tal-biedja jew oġġetti ta' l-ikel prodotti esklussivament fil-gżira magħrufa bhala Għawdex, inkluża Kemmuna, jew li fir-rigward tagħhom il-gżira magħrufa bhala Għawdex, inkluża Kemmuna, tgawdi reputazzjoni u fama ppruvati, tradizzjonali u eċċezzjonali.

5.4 Isem kull kunsill lokali, mwaqqaf skond id-dispożizzjonijiet ta' l-Att dwar il-Kunsilli Lokali, jista' jidher fid-

denominazzjoni ta' oriġini jew indikazzjoni ġeografika fir-rigward ta' prodotti tal-biedja jew oġġetti ta' l-ikel prodotti esklussivament fil-limiti tal-konfini ta' dak il-kunsill lokali, jew li fir-rigward tagħhom dik il-lokalità tgawdi reputazzjoni u fama ppruvati, tradizzjonali u eċċezzjonali.

6. Denominazzjonijiet ta' oriġini jew indikazzjonijiet ġeografiċi fir-rigward ta' prodotti tal-biedja jew oġġetti ta' l-ikel prodotti f'Malta jew f'xi parti minnha għandhom jinghataw jew bil-Malti biss jew fiż-żewġ lingwi uffiċjali ta' Malta .

Lingwi li għandhom jintużaw fid-denominazzjonijiet ta' oriġini u indikazzjonijiet ġeografiċi.

7.1 Wara li tkun irċeviet applikazzjoni għal reġistrazzjoni skond ir-Regolament EEC 2081/92, l-Awtorità għandha tiċċekkja li l-applikazzjoni hija ġustifikata u għandha tghaddi l-applikazzjoni lill-Kummissjoni Ewropea skond l-Artiklu 5(5) tar-Regolament EEC 2081/92.

Pubblikazzjoni ta' Applikazzjonijiet għal Reġistrazzjoni.

7.2 Qabel ma tghaddi l-applikazzjoni lill-Kummissjoni Ewropea, l-Awtorità għandha tippubblika fil-Gazzetta sommarju ta' kull applikazzjoni mghoddija lill-Kummissjoni Ewropea skond l-Artiklu 5(5) tar-Regolament EEC 2081/92. Is-sommarju għandu jinkludi:

- (a) l-isem u l-indirizz ta' l-applikant;
- (b) l-isem tal-prodott li għalih ikun qed jintalab protezzjoni;
- (ċ) il-punti ewlenin ta' l-applikazzjoni.

7.3 Perijodu ta' xahrejn mid-data tal-pubblikazzjoni fil-Gazzetta għandu jinghata għal kummenti jew oġġezzjonijiet qabel ma l-applikazzjoni tintbagħat lill-Kummissjoni Ewropea.

7.4 Kull persuna naturali jew legali residenti f'Malta li tista' turi interess ekonomiku leġittimu tista' tissottometti oġġezzjoni formali lill-Awtorità fir-rigward ta' kull applikazzjoni tul il-perijodu ta' xahrejn imsemmi fir-regolament 7.3.

7.5 Fil-każ ta' oġġezzjoni formali a bażi tar-regolament 7.4, l-Awtorità tista', wara li tkun ikkonsultat lill-Kumitat Permanenti:

- (a) taċċetta l-applikazzjoni oriġinali u tirrifjuta l-oġġezzjoni,

(b) tilqa' l-oġġezzjoni u tirrifjuta l-applikazzjoni fit-totalità taghha,

(c) titlob emendi speċifiċi għall-ispeċifikazzjoni jew għad-dokumentazzjoni oriġinali sottomessa li tissostanzja l-applikazzjoni.

7.6 Fil-każ ta' applikazzjoni riveduta a bażi tar-regolament 7.5 (ċ), il-perjodu ta' xahrejn imsemmi fir-regolament 7.3 għandu jittawwal b'xahar iehor wara s-sottomissjoni ta' l-applikazzjoni riveduta. Il-wasla ta' l-applikazzjoni riveduta għandha tkun notifikata mill-Awtorità fil-Gazzetta.

7.7 Oġġezzjonijiet għal applikazzjonijiet riveduti għandhom ikunu kkunsidrati biss jekk jirreferu għal punti jew dokumenti li jissostanzjaw l-applikazzjoni li ma kinux fl-applikazzjoni oriġinali

Struttura ta'
Spezzjonar.

8.1 L-Awtorità għandha, mhux aktar tard mill-1 ta' Novembru 2004, twaqqaf struttura ta' spezzjonar biex tiżgura li prodotti tal-biedja u oġġetti ta' l-ikel li jgħibu fuqhom isem protett jil'qu l-kriterji mnizzlin fl-ispeċifikazzjonijiet.

8.2 Il-prodotti kollha prodotti f' Malta, li jaqgħu fl-ambitu tal-finijiet tar-Regolament EEC 2081/92 u li jinghataw protezzjoni skond dak ir-Regolament, għandhom ikunu soġġetti għal spezzjoni mill-Awtorità.

8.3 Uffiċjali debitament awtorizzati mill-Awtorità għandhom jinghataw aċċess liberu u bla xkiel għas-siti ta' produzzjoni kollha, inklużi siti fi djar privati fejn din il-produzzjoni tista' tkun qed issir, għall-finijiet ta' spezzjonar.

8.4 Il-Ministru jista', bis-sahha tad-disposizzjonijiet ta' l-Att dwar l-Awtorità Maltija dwar l-*Standards*, jippreskrivi l-hlasijiet li jistgħu jintalbu fir-rigward ta':

(a) spezzjoni ta' prodotti tal-biedja u oġġetti ta' l-ikel li jgħibu isem protett,

(b) reġistrazzjoni ta' produttori skond ir-regolament 8.5.

8.5 Għandu jinżamm reġistru mill-Awtorità għal kull prodott prodott f' Malta li jkun inghata rikonoxximent skond ir-Regolament EEC 2081/92 u soġġett għal spezzjoni mill-Awtorità. Reġistrazzjoni għandha tkun obligatorja għall-produtturi kollha ta' dawn il-prodotti.

8.6 Ir-reġistru msemmi fir-regolament 8.5 ghandu jkun miftuh għall-produtturi kollha li jikkonformaw mal-htigiet imniżżlin fl-ispeċifikazzjoni.

8.7 Il-persuni kollha mniżżlin fir-reġistru msemmi fir-regolament 8.5 ghandhom ikunu soġġetti għal spezzjonijiet kemm perjodiċi u kemm għall-gharrieda f' intervalli li jkunu determinati mill-Awtorità, waqt li jittiehed kas tan-natura tal-prodott, l-istaġuni tiegħu, kemm jista' jkun hemm devjazzjoni mill-ispeċifikazzjoni tal-prodott, ir-riskju potenzjali għas-saħħa umana li jista' jirriżulta minn prattiki agrikoli u iġjenici ta' livell baxx, il-fama tal-prodott, u n-numru u distribuzzjoni ta' produtturi .

8.8 Ir-reġistru ghandu jkun fih id-dettalji li ġejjin għal kull produttur:

- (a) isem il-produttur individwali,
- (b) numru ta' identifikazzjoni uniku, li ghandu jkun determinat mill-Awtorità,
- (ċ) l-indirizz jew lokalità tas-sit jew siti ta' produzzjoni jew kultivazzjoni, b'referenza għal dawk is-sistemi ta' identifikazzjoni li jistgħu jkunu determinati mill-Awtorità,
- (d) informazzjoni rilevanti għall-prodott, kif tista' tkun determinata mill-Awtorità.

8.9 Isem l-Awtorità Maltija dwar l-*Standards*, jew simbolu li jista' jkun determinat mill- Awtorità, ghandu jidher fuq it-tikketta ta' prodotti tal-biedja jew oġġetti ta' l-ikel mogħtijin protezzjoni skond ir-Regolament EEC 2081/92 u soġġetti għal spezzjoni mill-Awtorità, flimkien ma':

- (a) n-numru ta' identifikazzjoni tal-produttur imsemmi fir-regolament 8.6 (b),
- (b) l-isem protett tal-prodott bil-Malti u, jekk wiehed irid, bil-Ingliż ukoll,
- (ċ) wahda mill-marki li ġejjin bil-Malti, immedjatement wara l-isem protett tal-prodott, skond in-natura tal-protezzjoni mogħtija mir-Regolament EEC 2081/92:

- (a) 'Denominazzjoni ta' Orìgini Protetta'

- (b) 'DOP'
- (c) 'Indikazzjoni Ġeografika Protetta'
- (d) 'IGP'

(d) jekk wiehed irid, wahda minn dawn il-marki li ġejjin bl-Ingliż:

- (a) 'Protected Designation of Origin'
- (b) 'PDO'
- (c) 'Protected Geographical Indication'
- (d) 'PGI'

(e) jekk wiehed irid, is-simbolu tal-Komunità stabbilit mir-Regolament tal-Kummissjoni (EEC) Numru 2037/93 ².

8.10 L-Awtorità ghandha taqta' mir-registru kull persuna li tirrifjuta ripetutament li tikkoopera ma' l-Awtorità waqt il-proċess ta' spezzjoni, jew li ma tkunx qed tipproduċi skond l-ispeċifikazzjoni l-prodott in kwestjoni.

Projbizzjoni ta'
Pretensjonijiet
Mhux Awtorizzati.

9.1 Ebda persuna ma tista' tuża:

- (a) t-termini kollha msemmija fir-regolament 8.9(c) jew (d),
- (b) s-simbolu determinat mill-Awtorità skond ir-regolament 8.9;
- (c) s-simbolu tal-Komunità stabbilit mir-Regolament tal-Komunità (EEC) Numru 2037/93;
- (d) kull terminu jew simbolu iehor mahsubin biex jagħtu l-impressjoni li l-prodott ingħata protezzjoni a termini tar-Regolament EEC 2081/92,

fl-ittikkettjar, preżentazzjoni jew riklamar ta' xi prodott tal-biedja jew oġġett ta' l-ikel li ma ngħatax protezzjoni skond ir-Regolament EEC 2081/92.

L.N. 182 of 2004

**PRODUCT SAFETY ACT, 2001
(ACT NO. V OF 2001)**

**The Geographical Indications and Designations Regulations,
2004**

IN exercise of the powers conferred by article 39 of the Product Safety Act, 2001, the Minister for Competitiveness and Communications has, on the advice of the Malta Standards Authority, made the following regulations:

1. The title of these regulations is the Geographical Indications and Designations Regulations, 2004. Citation and coming into force.
2. These regulations shall come into force on the 1st May 2004.
3. In these regulations, unless the context otherwise requires, Definitions. the following definitions shall apply:

“the Authority” shall mean the Malta Standards Authority;

“designation of origin” shall have the meaning assigned to it in Article 2(1) of EEC Regulation 2081/92;

“EEC Regulation 2081/92” shall mean Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ¹;

“geographical indication” shall have the meaning assigned to it in Article 2(1) of EEC Regulation 2081/92;

“label” shall have the meaning assigned to it by the Labelling, Presentation and Advertising of Foodstuffs Regulations, 2002;

“Malta” shall have the meaning assigned to it by the Constitution, except where otherwise stated.

OJ L 208, 24.7.1992, p.1

4.1 The Malta Standards Authority is hereby designated as the competent authority for the purposes of EEC Regulation 2081/92.

4.2 The Head of the Directorate responsible for foodstuffs within the Malta Standards Authority shall appoint a Standing Committee, composed of representatives of public and private organizations with an interest in geographical indications and designations, to assist and advise the Authority on all matters related to the implementation of EEC Regulation 2081/92.

4.3 The Standing Committee referred to in regulation 4.2 shall be appointed for a period of three years.

4.4 The names of the members of the Standing Committee, as well as of the organizations represented, shall be published by the Authority in the Gazette.

4.5 The Standing Committee referred to in regulation 4.2 shall regulate its own procedures.

5.1 Without prejudice to regulations 5.2 to 5.4, the word 'Malta' shall appear in the designation of origin or geographical indication in respect of agricultural products or foodstuffs produced in the whole of Malta.

5.2 The word 'Malta' may also appear in the designation of origin or geographical indication in respect of agricultural products or foodstuffs produced exclusively in the island known as Malta, or in respect of which the island known as Malta enjoys a proven, traditional and exceptional reputation and renown, provided that any such particular usage of the word 'Malta' shall be clearly stated in the application for registration pursuant to Article 5 of EEC Regulation 2081/92 and in the product specification, submitted in accordance with Article 4 of EEC Regulation 2081/92.

5.3 The words 'Gozo' or 'Ghawdex' may appear in the designation of origin or geographical indication in respect of agricultural products or foodstuffs produced exclusively in the island known as Gozo, including Comino, or in respect of which the island known as Gozo, including Comino, enjoys a proven, traditional and exceptional reputation and renown.

5.4 The name of any local council, established in accordance with the provisions of the Local Councils Act, may appear in the designation of origin or geographical indication in respect of agricultural products or foodstuffs produced exclusively within the

confines of that local council, or in respect of which that locality enjoys a proven, traditional and exceptional reputation and renown.

6. Designations of origin and geographical indications in respect of agricultural products or foodstuffs produced in Malta or a part thereof shall be given either only in Maltese or in both of the official languages of Malta.

Languages to be used in designations of origin and geographical indications.

7.1 Following receipt of an application for registration in accordance with EEC Regulation 2081/92, the Authority shall check that the application is justified and shall forward the application to the European Commission in accordance with Article 5(5) of EEC Regulation 2081/92.

Publication of Registration Applications.

7.2 Prior to forwarding the application to the European Commission, the Authority shall publish in the Gazette, a summary of each application forwarded to the European Commission in accordance with Article 5(5) of EEC Regulation 2081/92. The summary shall include:

- (a) the name and address of the applicant;
- (b) the name of the product for which protection is sought;
- (c) the main points of the application.

7.3 A period of two months from the date of publication in the Gazette shall be allowed for comments or objections prior to transmission of the application to the European Commission.

7.4 Any natural or legal person residing in Malta who can demonstrate a legitimate economic interest may submit a formal objection, in writing, to the Authority in respect of any application during the two month period referred to in regulation 7.3.

7.5 In the event of a formal objection pursuant to regulation 7.4, the Authority may, after having consulted the Standing Committee:

- (a) accept the original application and reject the objection,
- (b) uphold the objection and reject the application in its totality,

(c) request specific amendments to the specification or to the supporting documentation originally provided.

7.6 In the event of a revised application being submitted pursuant to regulation 7.5 (c), the two month period referred to in regulation 7.3 shall be extended by a further one month following submission of the revised application. Receipt of the revised application shall be notified by the Authority in the Gazette.

7.7 Objections to revised applications shall only be considered if they refer to points or supporting documents not contained in the original application.

Inspection
Structure.

8.1 The Authority shall, by not later than 1st November 2004, establish an inspection structure in order to ensure that agricultural products and foodstuffs bearing a protected name meet the requirements laid down in the specifications.

8.2 All products produced in Malta, falling within the scope of EEC Regulation 2081/92 and granted protection in terms of that Regulation, shall be subject to inspection by the Authority.

8.3 Officials duly authorized by the Authority shall be permitted free and unhindered access to all production sites, including private dwellings where such production may be carried out, for the purpose of inspection.

8.4 The Minister may, in accordance with the provisions of the Malta Standards Authority Act, prescribe the fees or charges that may be charged in respect of:

(a) inspection of agricultural products and foodstuffs bearing a protected name,

(b) registration of producers pursuant to regulation 8.5.

8.5 A register shall be kept by the Authority for each product produced in Malta, granted recognition in accordance with EEC Regulation 2081/92 and subject to inspection by the Authority. Registration shall be compulsory for all producers of such products.

8.6 The register referred to in regulation 8.5 shall be open to all producers complying with the requirements laid down in the specification.

8.7 All persons listed in the register referred to in regulation 8.5 shall be subject to periodic and random inspection at intervals which shall be determined by the Authority, taking into account the nature of the product, its seasonality, the likelihood of deviation from the product specification, the potential risk to human health which may be posed by poor agricultural and hygienic practices, the reputation of the product and the number and distribution of producers.

8.8 The register shall contain the following details, for each producer:

- (a) the name of the individual producer,
- (b) a unique identification number, to be determined by the Authority,
- (c) the address or location of the production or cultivation site or sites, referring to such identification systems as may be determined by the Authority,
- (d) information relevant to the product, as may be determined by the Authority.

8.9 The name of the Malta Standards Authority, or a symbol which may be determined by the Authority, shall appear on the label of agricultural products or foodstuffs granted protection in terms of EEC Regulation 2081/92 and subject to inspection by the Authority, together with:

- (a) the identification number of the producer, referred to in regulation 8.6 (b),
- (b) the protected name of the product in Maltese and, optionally, additionally in English,
- (c) one of the following designations in Maltese, immediately following the protected name of the product, according to the nature of the protection granted under EEC Regulation 2081/92:

- (a) ‘Denominazzjoni ta’ Origni Protetta’
- (b) ‘DOP’
- (c) ‘Indikazzjoni Ġeografika Protetta’

(d) 'IGP'

(d) optionally, one of the following designations in English:

(a) 'Protected Designation of Origin'

(b) 'PDO'

(c) 'Protected Geographical Indication'

(d) 'PGI'

(e) optionally, the Community symbol established by Commission Regulation (EEC) No. 2037/93².

8.10 The Authority shall remove from the register any person who repeatedly refuses to cooperate with the Authority during the inspection process, or who is not producing the product in question in accordance with the specification.

Prohibition of
Unauthorized
Claims.

9.1 No person may use:

(a) any of the terms mentioned in regulation 8.9(c) or (d),

(b) the symbol determined by the Authority in accordance with regulation 8.9;

(c) the Community symbol established by Commission Regulation (EEC) No. 2037/93;

(d) any other term or symbol intended to give the impression that the product has been granted protection in terms of EEC Regulation 2081/92,

in the labelling, presentation or advertising of any agricultural product or foodstuff which has not been granted protection in accordance with EEC Regulation 2081/92.

OJ L 185, 28.7.1993, p.5