

A.L. 183 ta' l-2004**ATT TA' L-2001 DWAR IS-SIGURTÀ TAL-PRODOTTI
(ATT NRU. V TA' L-2001)****Regolamenti ta' l-2004 dwar ċertifikati ta' Karattru Speċifiku**

BIS-SAHHA tas-setgħat mogħtija 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-*iStandards*, għamel ir-regolamenti li ġejjin:

1. It-titolu ta' dawn ir-regolamenti hu Regolamenti ta' l-2004 dwar ċertifikati ta' Karattru Speċifiku. 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 teħtieġ xort'ohra, għandhom japplikaw id-definizzjonijiet li ġejjin: Tifsiriet

“karattru speċifiku” għandu jkollha t-tifsira mogħtija lilha fl-Artiklu 2(1) tar-Regolament EEC 2082/92;

“l-Awtorità” tfisser l-Awtorità Maltija dwar l-*iStandards*;

“Regolament EEC 2082/92” għandu jfisser Regolament tal-Kunsill (EEC) Numru 2082/92 fuq ċertifikati ta' karattru speċifiku għal prodotti tal-biedja u oġġetti ta' l-ikel;¹

“tikketta” għandu jkollha t-tifsira mogħtija 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-*iStandards* hija b'dan maħtura bhala l-awtorità kompetenti għall-finijiet tar-Regolament EEC 2082/92. Nomina ta' l-Awtorità Kompetenti

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'ċertifikati ta' karattru speċifiku, biex jghinu u jagħtu parir

¹ OJ L 208, 24.7.1992, p.9

lill-Awtorità fuq il-materji kollha relatati ma' l- implementazzjoni tar-Regolament EEC 2082/92.

4.3 Il-Kumitat Permanenti msemmi fir-regolament 4.2 ghandha 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.

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

Pubblikazzjoni ta'
Applikazzjoni għal
Registrazzjoni

5.1 Wara li tkun irċeviet applikazzjoni għal registrazzjoni skond ir-Regolament EEC 2082/92, l-Awtorità għandha tivverifika li l-applikazzjoni hija ġustifikata u għandha tghaddi l-applikazzjoni lill-Kummissjoni Ewropea skond l-Artiklu 7(3) tar-Regolament EEC 2082/92.

5.2 Qabel ma tghaddi l-applikazzjoni lill-Kummissjoni Ewropea, l-Awtorità għandha tippublika fil-Gazzetta sommarju ta' kull applikazzjoni mghoddija lill-Kummissjoni Ewropea skond l-Artiklu 7(3) tar-Regolament EEC 2082/92. Is-sommarju għandu jinkludi:

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

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

5.4 Kull persuna naturali jew legali residenti f'Malta li tista' turi interess ekonomiku legittimu tista' tippreżenta oġġezzjoni formali lill-Awtorità fir-rigward ta' kull applikazzjoni tul il-perijodu ta' xahrejn imsemmi fir-regolament 5.3.

5.5 Fil-każ ta' oġġezzjoni formali a bażi tar-regolament 5.4, 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 tagħha,

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

5.6 Fil-każ ta' applikazzjoni riveduta a bażi tar-regolament 5.5 (ċ), il-perijodu ta' xahrejn imsemmi fir-regolament 5.3 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.

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

6.1 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 jkollhom ċertifikat ta' karattru speċifiku jilhqu l-kriterji mnizzlin fl-ispeċifikazzjonijiet.

Struttura ta'
Spezzjonar

6.2 Il-prodotti li jiġu prodotti f'Malta, li jaqgħu fl-ambitu tal-finijiet tar-Regolament EEC 2082/92 u li jkollhom ċertifikat ta' karattru speċifiku skond dak ir-Regolament, għandhom ikunu soġġetti għal spezzjoni mill-Awtorità.

6.3 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.

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

a) spezzjoni ta' prodotti tal-biedja u oġġetti ta' l-ikel li jkollhom ċertifikat ta' karattru speċifiku ,

b) reġistrazzjoni ta' produttori skond ir-regolament 6.5.

6.5 Għandu jinżamm reġistru mill-Awtorità għal kull prodott prodott f'Malta, li jkun inghata ċertifikat ta' karattru speċifiku skond ir-Regolament EEC 2082/92 u soġġett għal spezzjoni mill-Awtorità. Reġistrazzjoni għandha tkun obbligatorja għall-produtturi ta' dawn il-prodotti.

6.6 Ir-reġistru msemmi fir-regolament 6.5 ghandu jkun miftuh għall-produtturi kollha li jikkonformaw mal-htigiet imnizzlin fl-ispeċifikazzjoni.

6.7 Il-persuni kollha mnizzlin fir-reġistru msemmi fir-regolament 6.5 ghandhom ikunu suġġetti għal spezzjonijiet kemm perjodiċi u kemm għall-għarrieda f'intervalli li jkunu determinati mill-Awtorità, waqt li jittiehed kas tan-natura tal-prodott, l-istaġuni tiegħu, kemm x'aktar jista' jkun hemm devjazzjoni mill-ispeċifikazzjoni tal-prodott, ir-riskju potenzjali għas-saħħa umana li jista' jirriżulta minn Prattiki Agrikoli u iġġeniċi ta' livell baxx, il-fama tal-prodott, u n-numru u distribuzzjoni ta' produtturi .

6.8 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,
- c) 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.

6.9 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 ċertifikat ta' karattru speċifiku a termini tar-Regolament EEC 2082/92 u soġġetti għal spezzjoni mill-Awtorità, flimkien ma':

- a) n-numru ta' identifikazzjoni tal-produttur imsemmi fir-regolament 6.6 (b),
- b) l-isem speċifiku tal-prodott, kif reġistrat skond ir-Regolament EEC 2082/92,
- c) waħda mit-titoli li ġejjin, immedjatament wara l-isem speċifiku tal-prodott:

- i) ‘Speċjalità Tradizzjonali Garantita’
 - ii) ‘STG’
- d) jekk wiehed irid, wahda minn dawn it-titoli li ġejjin bl-Ingliż:
- i) ‘Traditional Speciality Guaranteed’
 - ii) ‘TSG’
- e) jekk wiehed irid, is-simbolu tal-Komunità stabbilit mir-Regolament tal-Kummissjoni (EEC) Numru 1848/93².

6.10 L-Awtorità għandha taqta’ mir-reġistru lil kull persuna li tirrifjuta ripetutamente li tikkoopera ma’ l-Awtorità waqt il-proċess ta’ spezzjoni, jew li ma tkunx qed tipproduċi skond l-ispeċifikazzjoni il-prodott in kwestjoni.

Projbizzjoni ta’
Pretensjonijiet
Mhux Awtorizzati

7.1 Ebda persuna ma tista’ tuża:

- a) t-termini kollha msemmija fir-regolament 6.9(ċ),
- b) s-simbolu determinat mill-Awtorità skond ir-regolament 6.9;
- c) s-simbolu tal-Komunità stabbilit mir-Regolament tal-Komunità (EEC) Numru 1848/93;
- d) kull terminu jew simbolu iehor maħsubin biex jagħtu l-impressjoni li l-prodott inġhata rikonoxximent a termini tar-Regolament EEC 2082/92, fl-ittikkettjar, preżentazzjoni jew riklamar ta’ xi prodott tal-biedja jew oġġett ta’ l-ikel li ma nġhatax rikonoxximent skond ir-Regolament EEC 2082/92.

² OJ L 168 , 10.07.1993, p.35

L.N. 183 of 2004

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

Certificates of Specific Character Regulations, 2004

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

Citation and coming into force.

1. The title of these regulations is the Certificates of Specific Character Regulations, 2004.

2. These regulations shall come into force on the 1st May 2004.

Definitions

3. In these regulations, unless the context otherwise requires, the following definitions shall apply:

“the Authority” shall mean the Malta Standards Authority;

“EEC Regulation 2082/92” shall mean Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs ¹;

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

“specific character” shall have the meaning assigned to it in Article 2(1) of EEC Regulation 2082/92.

Designation of the Competent Authority

4.1 The Malta Standards Authority is hereby designated as the competent authority for the purposes of EEC Regulation 2082/92.

4.2 The Head of the Directorate responsible for foodstuffs within the Authority shall appoint a Standing Committee, composed of representatives of public and private organizations with an interest in certificates of specific character, to assist and advise the Authority on all matters related to the implementation of EEC Regulation 2082/92.

¹ OJ L 208, 24.7.1992, p.9

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 Following receipt of an application for registration in accordance with EEC Regulation 2082/92, the Authority shall check that the application is justified and shall forward the application to the European Commission in accordance with Article 7(3) of EEC Regulation 2082/92.

Publication of
Registration
Applications.

5.2 Prior to forwarding the application to the European Commission, the Malta Standards Authority shall publish in the Gazette, a summary of each application forwarded to the European Commission in accordance with Article 7(3) of EEC Regulation 2082/92. The summary shall include:

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

5.3 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.

5.4 Any natural or legal person residing in Malta who can demonstrate a legitimate economic interest may submit a formal objection, in writing, to the Malta Standards Authority in respect of any application during the two month period referred to in regulation 5.3.

5.5 In the event of a formal objection pursuant to regulation 5.4, 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.

5.6 In the event of a revised application being submitted pursuant to regulation 5.5 (c), the two month period referred to in regulation 5.3 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.

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

Inspection Structure

6.1 The Authority shall, by not later than the 1st November 2004, establish an inspection structure in order to ensure that agricultural products and foodstuffs carrying a certificate of specific character meet the criteria laid down in the specifications.

6.2 All products produced in Malta, falling within the scope of EEC Regulation 2082/92 and carrying a certificate of specific character in terms of that Regulation, shall be subject to inspection by the Authority.

6.3 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.

6.4 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 carrying a certificate of specific character,;
- b) registration of producers pursuant to regulation 6.5.

6.5 A register shall be kept by the Authority for each product produced in Malta, granted a certificate of specific character in accordance with EEC Regulation 2082/92 and subject to inspection by the Authority. Registration shall be compulsory for all producers of such products.

6.6 The register referred to in regulation 6.5 shall be open to all producers complying with the requirements laid down in the specification.

6.7 All persons listed in the register referred to in regulation 6.5 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.

6.8 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.

6.9 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 a certificate of specific character in terms of EEC Regulation 2082/92 and subject to inspection by the Authority, together with:

- a) the identification number of the producer, referred to in regulation 6.6 (b),
- b) the specific name of the product, as registered in accordance with EEC Regulation 2082/92,
- c) one of the following designations, immediately following the specific name of the product:
 - i) ‘Speċjalità Tradizzjonali Garantita’
 - ii) ‘STG’
- d) optionally, one of the following designations in English:

i) 'Traditional Speciality Guaranteed'

ii) 'TSG'

d) optionally, the Community symbol established by Commission Regulation (EEC) No. 1848/93².

6.10 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.

7.1 No person may use:

a) any of the terms mentioned in regulation 6.9(c),

b) the symbol determined by the Authority in accordance with regulation 6.9;

c) the Community symbol established by Commission Regulation (EEC) No. 1848/93;

d) any other term or symbol intended to give the impression that the product has been granted recognition in terms of EEC Regulation 2082/92, in the labelling, presentation or advertising of any agricultural product or foodstuff which has not been granted recognition in accordance with EEC Regulation 2082/92.

² OJ L 168 , 10.07.1993, p.35