L.N. 237 of 2004

PRODUCT SAFETY ACT, 2001

(ACT NO. V OF 2001)

The Organic Farming Regulations, 2004

IN exercise of the powers conferred by article 39 of the Product Safety Act, the Minister for Competitiveness and Communications has, with the concurrence of the Minister for Rural Affairs and the Environment, made the following regulations:-

Short title and commencement.

1. (1) The title of these regulations is the Organic Farming Regulations, 2004.

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

Scope.

2. These regulations concern the measures to be taken to control the organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs.

Interpretation.

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

(a) words and phrases used shall have the same meaning as is assigned to them in Article 4 of Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs;

(b) " the Council Regulation " means Council Regulation (EEC) 2092/91.

Designation of the Competent Authority.

4. (1) The Agricultural Services and Rural Development Division within the Ministry responsible for agriculture is hereby designated as:

(a) the authority responsible for the receipt of notifications under Article 8(1) of the Council Regulation and making available to interested parties the updated list referred to in Article 8(3) of that Regulation;

(b) the inspection authority responsible for the operation of the inspection system referred to in Article 9(1) of the Council Regulation;

(c) the authority responsible for the approval and supervision of inspection bodies, in accordance with Articles 9(4) to (9), (11) and (12) and 10(3) of the Council Regulation, and

(d) the competent authority for the purposes of Articles 9(9)(b), 10(3)(b) and 11(6) of the Council Regulation.

Additional requirements relating to the labelling of organic products.

5. For the purposes of Article 5(1)(d), (3)(g), (5)(e) and (5a)(h) of the Council Regulation, the operator in question shall include on the labelling a reference to the code number of the inspection authority or body to which he is subject, and, in the case of unprocessed local organic products, a personal reference identifying the original producer.

Inspection Bodies.

6. (1) Inspection Bodies operating in Malta shall be approved by the Competent Authority. All approved Inspection Bodies shall be listed, provided that the Competent Authority may, in accordance with the Council Regulation, suspend or withdraw approval of any Inspection Body.

(2) The Inspection Body is obliged to keep a register of organically certified producers and producers in conversion to organic, in accordance with the Council Regulation, and inform the Competent Authority on progress of each producer on a biennial basis. Registration shall be compulsory for all producers of such products.

(3) The Inspection body cannot promote or merchandise, or be involved in any way in selling organic products.

(4) Officials duly authorized by the Inspection Body 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.

(5) The Inspection Body 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 specifications.

Control on Producers.

7. (1) Producers intending to start organic production are obliged to notify the commencement of their activities by applying for certification with a locally authorized Inspection Body and attach a copy of the application to the Competent Authority. Such notification shall include the following:

(a) name and address of operator;

(b) location of premises and, where appropriate, parcels (land register data) where operations are carried out;

(c) nature of operations and products;

(d) undertaking by the operator to carry out the operations in accordance with Articles 5,6,7 and/or 11 of the Council Regulation;

(e) in the case of an agricultural holding, the date on which the producer ceased to apply products the use of which is not compatible with Articles 6(1)(6) and 7 of the Council Regulation on the parcels concerned.

(2) Only producers who have been certified by an Inspection Body approved by the Competent Authority can use the European Community Logo.

(3) Operators that import organic products from Third Countries should notify their intent of doing so to the Agricultural Services and Rural Development Division within the Ministry responsible for agriculture. A copy of the notification should be sent to the Inspection Body certifying the product that is being imported.

(4) All operators listed as organic producers shall be subject to periodic and random inspection at intervals which shall be determined by the Inspection Body, 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.

Infringements and penalties.

Act V of 2001.

8. In the case of infringements of these regulations and the Community Regulation, there shall be applied the provisions of article 32 of the Product Safety Act, 2001.

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