

L.N. 404 of 2004

**AGRICULTURE AND FISHERIES INDUSTRIES
(FINANCIAL ASSISTANCE) ACT
(CAP. 146)**

**Approval of Processors in the Product Processing Sector
(Amendment) Regulations, 2004**

IN exercise of the powers conferred by article 7 of the Agriculture and Fisheries Industries (Financial Assistance) Act, the Minister for Rural Affairs and the Environment has made the following regulations:-

1. The title of these regulations is the Approval of processors in the Product Processing Sector (Amendment) Regulations, 2004 and they shall be read and construed as one with the Approval of Processors in the Product Processing Sector Regulations, 2003, hereinafter referred to as “the principal regulations”. Title.
L.N. 390 of 2003.
2. In the first paragraph of the Maltese text of the principal regulations for the words “bl-Att” there shall be substituted the words “bl-artikolu 7 ta’ l-Att”. Amends first paragraph of the principal regulations.
3. In sub-regulation (4) of regulation 3 of the principal regulations, for the word “December” there shall be substituted the word “November”. Amends regulation 3 of the principal regulations.
4. Regulation 7 of the principal regulations shall be amended as follows:- Amends regulation 7 of the principal regulations.
 - (a) for paragraph (a) of sub-regulation 5 thereof, there shall be substituted the following:

“(a) the 15th July and at least ten days before deliveries are to commence in the 2004/2005 marketing year, and the 10th March in subsequent years in respect of tomatoes;” and
 - (b) in sub-regulation (7) thereof, immediately after the words “European Commission” there shall be inserted the words “for prunes and dried figs”.
5. Regulation 11 of the principal regulations shall be amended as follows:- Amends regulation 11 of the principal regulations.

(a) in sub-regulation (3) thereof immediately after the words “The producer” there shall be inserted the word “organisation”; and

(b) immediately after sub-regulation (3) there shall be added the following new sub-regulation:

“(4) In exceptional and duly justified cases, contracts and amendments thereto that reach the Director after the time limit laid down in sub-regulation (3) of this regulation, insofar as such late arrival does not hinder checks:

Provided that in the case of amendments to contracts for tomatoes, the Director may authorise, for duly justified reasons, a time limit shorter than the five days laid down in sub-regulation (3) of this regulation, insofar as this does not hinder effective checks on the production aid scheme.”.

Amends regulation 12 of the principal regulations.

6. Regulation 12 of the principal regulation shall be amended as follows:-

(a) in sub-regulation (1) thereof, for the words “The producer” there shall be substituted the words “A producer organisation”; and

(b) in sub-regulation (2) thereof, the words “and regulation 12” shall be deleted.

Amends regulation 14 of the principal regulations.

7. Regulation 14 of the principal regulation shall be amended as follows:-

(a) in paragraph (b) of sub-regulation (3) thereof, the words “tomato concentrate” shall be deleted;

(b) in paragraph (c) of sub-regulation (3) thereof, for the words “tomato concentrate” there shall be substituted the words “the processed tomato products concerned”;

(c) for sub-regulation (4) thereof, there shall be substituted the following:

“(4) The notifications given under sub-regulations (2) and (3) hereof shall state separately the quantities of finished products as referred to in the First Schedule, points 1, 2, 9, 11, 12, 13, 14 and 15 used to manufacture the products referred to in points 3 and 16 of the said Schedule.”; and

(d) for sub-regulation (5) thereof, there shall be substituted the following:

“(5) The notification referred to in paragraph b of sub-regulation 2 hereof shall state separately the quantities of finished products obtained as referred to in the First Schedule, points 3 and 16, broken down according to the products used as referred to in points 1, 2, 9, 11, 12, 13, 14 and 15 of the said Schedule.”.

8. The First Schedule to the principal regulations shall be amended as follows:-

Amends the First Schedule to the principal regulations.

(a) in point (12) the words from “prepared as follows” to the words : “packed in hermetically sealed containers” shall be deleted;

(b) for point 13 thereof there shall be substituted the following:-

“13. kunserva: the product obtained by concentrating tomato juice, obtained directly from fresh tomatoes, containing added sugar and salt, having a dry matter content of 28 % to 36 %, packed in hermetically sealed containers, labelled “kunserva”, and falling within CN code ex 2002 90;”; and

(c) for point 16 thereof there shall be substituted the following:-

“16. prepared sauces; tomato-based preparations obtained by mixing one of the products referred to at points 9, 11, 12, 13, 14 or 15 above with other products of plant or animal origin except fresh tomatoes, having undergone a heat treatment, packed in hermetically sealed containers where the net weight of the products referred to at points 9, 11, 12, 13, 14 or 15 accounts for at least 60% of the total net weight of the prepared sauce. These products must be made during the period indicated in sub-regulation 2 of regulation 3 in the same establishment as the products used referred to at points 9, 11, 12, 13, 14 or 15.”