L.N. 210 of 2011

PRODUCER ORGANISATION ACT
(CAP. 447)

Fruit and Vegetable Producer Organisations (Amendment) Regulations, 2011

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:-

Citation.

1. The title of these regulations is the Fruit and Vegetable Producer Organisations (Amendment) Regulations, 2011, and they shall be read and construed as one with the Fruit and Vegetable Producer Organisations Regulations, 2004, hereinafter referred to as "the principal regulations".

L.N. 63 of 2004.

Deletes headings to the principal regulations.

2. In the principal regulations, headings "Part I", "Part II", "Part III", "Part IV", "Part V", "Part VI" and "Part VII" shall be deleted.

Substitutes regulation 2 of the principal regulations.

3. Regulation 2 of the principal regulations shall be substituted by the following:

"2 In these regulations, unless the context otherwise requires:

"Paying Agency" shall have the same meaning as that assigned to it in the Paying Agency Regulations."

LN 126 of 2004"

Substitutes regulation 3 of the principal regulations.

4. Regulation 3 of the principal regulations shall be substituted by the following:

Producer organisations.

"3. A producer organisation shall be any legal entity constituted and recognised in terms of the provisions of Articles 122 to 125 of Regulation (EC) 1234 of 2007 and Title III of Regulation (EC) 1182 of 2007."

Substitutes regulation 4 of the principal regulations.

5. Regulation 4 of the principal regulations shall be substituted by the following:

"4. The Director shall recognise producer organisations in terms of the provisions of Article 125(b) of Regulation (EC) 1234 of 2007 and Article 4 of Regulation (EC) 1182 of 2007."

Amends regulation 6 of the principal regulations.

6. Regulation 6 of the principal regulations shall be amended as follows:

(a) in sub-regulation (1) thereof, for the words "not less than two years" there shall be substituted the words "not less than one year";

(b) for sub-regulation (2) thereof, there shall be substituted the following:

"Resignation of membership shall be notified to the producer organisation or producer group in writing by not later than the 30th September of a particular year and shall take effect from the 1st January of the following year;" ; and

(c) immediately after sub-regulation (2) thereof, there shall be added the following new sub-regulation:

"(3) Producer organisations and producer groups shall inform the Director, in writing, by the 30th September of each year, of the resignation of any member or of the recruitment of a new member during the previous 12-month period. Producer organisations or producer groups shall provide the Director with a copy of the signed Members' Agreement and proof of payment, together with information regarding the member's details including name and address, produce marketed and holdings committed to the producer organisation or producer group on a prescribed form to be provided by the Director." .

Amends regulation 8 of the principal regulations.

7. Regulation 8 of the principal regulations shall be amended as follows:

(a) for the marginal note there shall be substituted the following: "Producer groups.";

(b) in sub-regulation (1) thereof, for the words "Articles 15, 16, 17, 18 and 19 of Regulation (EC)

1432/2003" there shall be substituted the words "Articles 38 to 42 of Regulation (EC) 1580/2007" ;

(c) in sub-regulation (2) thereof, for the words "Articles 3 and 4 of Regulation (EC) 1943/2003" there shall be substituted the words "Article 45 of Regulation (EC) 1580/2007" ;

(d) immediately after sub-regulation (2) there shall be added the following new sub-regulations:

"(3) Producer groups shall submit their recognition plans to the Director, who shall approve or reject them or request their modification in line with these regulations:

Provided that where a producer group is desirous of applying for EU aid in terms of any of the schemes listed in the Paying Agency Regulations, it shall submit its recognition plan to the Paying Agency, which shall approve or reject it or request modification to such recognition plan in respect of eligibility for funding, prior to the submission to the Director.

(4) Producer groups may submit a request to effect amendments to their recognition plans during their implementation. Notification for change shall be submitted in writing by the producer group to the Director and to the Paying Agency by the 15th September of that particular year and shall be accompanied by supporting documentation justifying the amendments being requested." .

Substitutes regulation 9 of the principal regulations.

8. For regulation 9 of the principal regulations there shall be substituted the following:

"9. Producer organisations shall submit operational programmes to the Director, who shall approve or reject them or request their modification in line with these regulations:

Provided that where a producer organisation is desirous of applying for EU aid in terms of any of the schemes listed in the Paying Agency Regulations, it shall submit its operational programme to the Paying Agency,

which shall approve or reject it or request modification to such operational programme in respect of eligibility for funding, prior to the submission to the Director." .

Amends regulation 10 of the principal regulations.

9. In regulation 10 of the principal regulations for the word "should" there shall be substituted the word "shall" and for the words "Articles 8 to 17 of Regulation (EC) 1433/2003" there shall be substituted the words "Articles 57 to 68 of Regulation (EC) 1580/2007" .

Adds new regulation 10A to the principal regulations.

10. Immediately after regulation 10 of the principal regulations there shall be added a new regulation as follows:

Reference period.

"10A. The reference period for the calculation of the value of the marketed product, shall be of 12 months, and may be selected by the producer organisation in accordance with any of the criteria indicated in Article 53(2) of Regulation (EC) 1580/2007. The producer organisation shall ensure that such reference period coincides with the financial period as provided for under Article 53(3) of Regulation (EC) No 1580/2007. The selected reference period cannot be modified for the whole duration of the operational programme except under exceptional circumstances." .

Amends regulation 11 of the principal regulations.

11. Regulation 11 of the principal regulations shall be amended as follows:

(a) in paragraph (b) of sub-regulation (1) thereof, for the words "Article 15.5 of Regulation (EC) 2200/1996" there shall be substituted the words "Article 103(d) of Regulation (EC) 1234/2007" ;

(b) in sub-regulation (2) thereof, for the words "Regulation (EC) 1433/2003" there shall be substituted the words "Regulation (EC) 1580/2007" ; and

(c) in sub-regulation (3) thereof, for the words "Regulation (EC) 3508/92" there shall be substituted the words "Regulation (EC) 73/2009" .

Amends regulation 12 of the principal regulations.

12. In regulation 12 of the principal regulations for the words "Articles 5, 6 and 7 of Regulation (EC) 1433/2003." there shall be substituted the words "Articles 54, 55 and 56 of Regulation (EC) 1580/2007." .

13. In regulation 13 of the principal regulations for the words "Article 15.3 (a) and (b) of Regulation (EC) 2200/1996" there shall be substituted the words "Section 2 of Regulation (EC) 1580/2007". Amends regulation 13 of the principal regulations.

14. For regulation 17 of the principal regulations there shall be substituted the following: Substitutes regulation 17 of the principal regulations.

"17. An interbranch organisation shall be a legal entity constituted and recognised in terms of the provisions of Articles 123 to 125 of Regulation (EC) 1234 / 2007 and Title IV of Regulation (EC) 1182 / 2007." .

15. Regulations 24 to 27 of the principal regulations shall be deleted. Deletes regulations 24 to 27 of the principal regulations.

16. Regulations 28 and 29 of the principal regulations shall be renumbered as regulations 24 and 25 respectively. Renumbers regulations 28 and 29 of the principal regulations.

17. Regulation 24 as renumbered of the principal regulations shall be amended as follows: Amends regulation 24 as renumbered of the principal regulations.

(a) in the marginal note, immediately after the words "Recovery" there shall be added the words "of aid."; and

(b) for the words "Article 24 of Regulation (EC) 1433/2003" there shall be substituted the words "Article 125 of Regulation (EC) 1580/2007" .

18. For regulation 25 as renumbered of the principal regulations there shall be substituted the following: Substitutes regulation 25 as renumbered of the principal regulations.

"25. (1) Any producer organisation or interbranch organisation which fails to comply with, or contravenes any of the provisions of these regulations, or of the applicable provisions of Regulations (EC) 1234 of 2007 and 1182 of 2007 shall be guilty of an offence against the Act and shall be liable to an administrative fine, which shall be imposed by the Director, of not less than one thousand five hundred (1500) euro but not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) for each offence, and to an additional fine of one hundred and fifty (150) euro for each day during which the said failure to comply or contravention exists. Penalties.

(2) The Director may withdraw recognition of a producer organisation or interbranch organisation in terms of the provisions of Articles 116 and 117 of Regulation (EC) 1580 of 2007 and Articles 125b of Regulation 1234 of 2007 and Articles 4 and 21 of Regulation (EC) 1182 of 2007.” .

Deletes the First and Second Schedules to of the principal regulations.

19. The First and Second Schedules to the principal regulations shall be deleted.

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta riċiklata — ***Printed at the Government Printing Press on recycled paper***

Prezz/*Price*
€0.54