



Rules for the Implementation of the  
PQNS *and*  
Rules for the use of the Quality Mark  
with indication of origin  
“Product of Quality”

*In accordance to L.N. 467 of 2014 for the purpose of Regulation (EU) No.1305/2013 on support for Rural Development by the European Agricultural Fund for Rural Development (EARFD)*





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## **1. Scope**

The Director is making the following **Rules for the "Products of Quality" National Scheme** in accordance to SL 427.90.





## Rules for the Implementation of the "Products of Quality" National Scheme Regulation 3 (3) and Regulation 13 (3) of SL 427.90

### 2. Procedure for the Adherence to the Products of Quality National Scheme

#### 2.1. Request for the Adherence to the PQNS

Access to the Products of Quality National Scheme (PQNS) may be requested by an actor by filling in the application form and sending it to the Director of Agriculture.

The application shall be accompanied by the following documentation:

- the specifications and characteristics of the product;
- Details of the auto control system in accordance with the guidelines on the control system.
- proof of engagement of an independent control body approved by the Minister in by virtue of SL 427.90
- details of the traceability system adopted by the applicant in line with guidelines issued by the Director

If an actor is submitting an application on behalf of a group of actors, the actor shall further submit the following documentation:

- A written declaration confirming that the group of actors are appointing the actor as a leading actor of the application which must be endorsed by the Name and surname, I.D. number and signature of all the actors in the group.
- A Supply agreement - an agreement where all the actors' represented by the leading actor agree on the supply of products to the leading actor and that they will be liable to checks and follow the requirements established in the technical specifications the application which must be endorsed by the Name and surname, I.D. number and signature of all the actors in the group.
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If an operator is acquiring from an operator for the further processing of quality products, the operator shall provide a supply agreement.

#### 2.2. Evaluation of Submitted Applications

The Director shall verify that all the requested information and documentation has been submitted and that the applicant fulfils the necessary pre requisites to participate in the scheme, i.e.:



- There are no substantiated evidence that applicant is not in conformity to all applicable EU and National Regulations in connection with the production of agro-food products;
- Follow the rules for the implementation of the scheme as established by the Director;
- Abide to the product specifications relative to the product for which participation in the scheme is being sought;
- Be subject to a system of controls in line with the guidelines established by the Director in the Government Gazette; and
- Adopt a traceability system in line with the guidelines established by the Director in the Government Gazette.

If the information submitted is verified to be correct and the applicant fulfils the necessary requisites to participate in the scheme, the Director shall contact the control body indicated by Applicant to conduct the controls to verify the information provided and perform controls in line with guidelines issued by the Director.

The control body shall examine the documentation and verify the information by means of on the spot checks. Controls shall be conducted according to the guidelines issued by the Director

At the end of the inspection, the Control Body shall send a report to the Director.

### **2.3. Decision on the Application for the participation in the PQNS**

After viewing the report received by the control body, the Director shall, within 30 working days, decide whether to admit an actor to participate in the scheme or otherwise.

The Director shall communicate the decision in writing. In case of a positive outcome, the Director shall invite the applicant to sign a contract for the adherence to the PQNS and issue a certificate bearing the date of adherence and date of expiry of the certificate. The Director shall include the operator in the in the Register of PQNS and make the inclusion public.



### 3. Product specifications of the PQNS

The Director shall establish the product specifications which identify the production and/or farming methods and the elements characterizing the product and its “superior quality” from the minimum standards established by the law in force, which can be objectively identified.

Product specifications shall include but shall not be limited to provisions on:

- the name and the description of the product recognised by the “Products of Quality” National Scheme;
- the product specifications and characteristics of the product which guarantee superior quality;
- the rules concerning traceability, internal-control, the control and the labelling
- The requirements concerning the origin label.

Product specifications may include other optional requirements which give further elements of quality to products such as sustainability.

Product specifications, at the discretion of the Director, may be published for public consultation for a period of 30 days.

Product specifications are notified to the European Commission in adherence to the Directive 98/34/CE and are definitively adopted after the conclusion of the notification procedure.

Following the notification procedure the Director shall publish the Technical Specifications on Government Gazette.

For products whose product specification has not been approved, a product specification proposal may be presented to the Director by an operator who wants to adhere to the PQNS.

The Director, with the technical advice of experts, evaluates the proposal, makes integrations/modifications if needed; convenes a meeting of the value chain stakeholders in order to get observations; approves and publish technical specifications in the government gazette.



## 4. Register

A register of operators registering for the scheme shall be kept by the Agricultural Directorate.

The register shall include:

- (a) A list of all the operators;
- (b) A list of products that have been approved for the use of the Quality Mark, along with the corresponding technical specifications and the corresponding control bodies.
- (c) The name of the operator who have been granted authorisation for the use of the mark with a specific indication of the class for the product, along with the details of the decision to grant the use of the Quality Mark

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This register will be continually updated and accessible to the public.



## 5. Controls & Supervision

The PQNS shall have three levels of controls which shall consist of:

### Internal Controls:

The operator is responsible for the compliance with the present product specification and for the implementation of the contents of the control plan approved by the Director. The operator shall prepare an auto-control plan and carry out periodical controls and analytical controls.

### Third Party Controls:

The operators who adhere to the PQNS will be audited by the Control Body which will ensure compliance of the respective product and/or method specifications. Audits shall be conducted on the basis of control plans prepared by the Control Body and approved by the Director.

Control activities are done through annual inspections, unless otherwise requested by the Director for specific needs of further controls or for analytic controls, if provided for by the control plan.

The inspections concern:

- a) the product compliance with the related product specification
- b) the modes of use of the logo, which have to be in adherence to the provisions indicated in rules 7 to 10;
- c) the compliance of product quantities compared to the production capacity;
- d) the origin of the raw materials deriving from farms included in the value chain agreement and in the control system;
- e) the origin of products, in case of cooperatives or PO, which have to derive from members marked in the adherence sheet;
- f) the traceability procedure used by the firm.

Among all participants to the PQNS, every year the director may decide on the basis of a risk analysis, some of them will be drawn by lot for a supplementary not announced inspection.

The results of the inspections and the non-compliances will be notified by the Control Body to the interested operator and to the Agricultural Directorate who will be in charge of the application of the provisions included in the control plan and in the implementing measures approved by the Minister.

The operator adhering to the PQNS may present his observations within 30 days from the day of the presentation of the inspection report or may go on with the management of the non-compliances found during the inspections, in respect of the provisions of the control plan approved by the Minister.







Against all decisions taken after the inspections or against any discriminatory behavior, the operator may present complaints and claims, according to rule 9.

### **Supervision:**

The Director is responsible for the supervision of the scheme.

The Director shall:

- a) verify the respect of requirements of the present Rules at the points of sale of the products; watch over similar products which, with lying statements, may create confusion in consumers and damage PQNS;
- b) verify the correspondence between the quantity of products controlled by the control body and the one put on the market;
- c) make controls on illegal forms of advertising: press, TV, internet, etc.

The Agriculture Directorate may also prepare a monitoring plan to gather the following information:

- number of farms participating to the PQNS and products concerned by the scheme;
- correct functioning of the participation procedures and of the control plans;
- maintenance of essential requirements provided for the product specifications.



## 6. Designation of the Inspection Body

The Ministry shall receive in writing requests from private or public entities to offer the service of a control body. The Director shall assess the request and decides on the inclusion of the control body in the list of approved control bodies to conduct third party controls on the adhering bodies.

Provided that the control body the control body already works and is accredited in accordance with European Standard EN 45004 'General criteria for the operation of various types of bodies performing inspection'.

### 6.1.Criteria

The Director may approve a Control body if the following conditions are adhered to.

- There is proof that the control body has the expertise, equipment and infrastructure required example. personal computers, officials are proficient with PQNS

A report is to be provided by the control body specifying the resources available in order for the Director to analyse and assess the logistics available of the control body

- The control body has a sufficient number of suitable qualified and experienced staff.
- The control body is impartial and free from any conflict of interest.
- Use the services of laboratories accredited in accordance with the standards EN 17025 on "General requirements for the competence of testing and calibration laboratories."
- There should be a standard control procedure to be followed which procedure must be approved by the Director, containing a detailed description of the control measures and precautions to be applied by the Control Body.



## Rules for the Use of the Quality Mark with indication of origin "Products of Quality"

### 7. Logo and Ownership of the Quality Mark

The PQNS is identified by the Community Collective Mark "Products of Quality", property of Maltese Government, by the indication "Quality scheme recognised by Maltese government".

The Quality products mark is associated to the following logo and to the indication "Quality scheme recognised by Maltese government":



Quality scheme recognised by Maltese Government  
Reg. (UE) n. 1305/2013

The quality mark is property of:

*Ministry for Sustainable Development, Environment and Climate Change,  
Casa Leoni, St. Joseph High Road,  
St. Venera - Malta*

The person authorised to represent the Quality Mark is:

*The Director of Agriculture or any Person as appointed by the Director of Agriculture*

The responsible office for the communication related to the mark is the:

*Agricultural Directorate  
Rural Development Department  
Block C  
Għammieri*



The present regulations define the rules to be followed by those requesting use of the mark as well as the authorisation for the granting process and the way the authorisation should be used.

The office responsible for the Quality Mark is the following:

*Agricultural Directorate  
Block C  
Government research and Development Centre  
Għammieri  
Marsa*

The tasks entrusted to the above Office are:

- Preliminary investigation of the applications for the use of the mark
- Assessment and validation of the technical data sheets submitted;
- Registration in the Quality Mark Register of the independent control bodies, authorised to conduct audits in accordance with the current European standards and certified by Malta for the monitoring of the mark pursuant to these rules;
- Supervising the use of the mark as mentioned;
- Enforce the sanctions imposed on the businesses which do not comply with these Rules.

The Office can make use of experts and scientific institutions with specific expertise in designated areas of competence and appoint special committees

### **7.1. Use of the Quality Mark by Operators**

The Quality Mark “Products of Quality”, may be available to any producers of the European Union for agro-food products which meet the established product specifications set forth by S.L 427.9 and these rules.

The operator shall indicate the origin of the product provided that the value chain of the final product occurs in its entirety in one NUTS territory, which appear adjacent to the words “Products of Quality” at the bottom of the quality mark and shall vary according to the actual area of origin. (Area of origin refers to NUTs II)

Operators who intend to use the Quality Mark have to submit a written request to the Agriculture Directorate by filling the specific application form accompanied by all the necessary documents certifying the possession of requirements, specifying the products and services for which the authorisation of use is requested.



The Agriculture Directorate shall verify that the documents are consistent with the requirements of the present rules. If the verification is positive, the Agriculture Directorate authorises the use of the mark and issue the certificate accompanied with all the material Necessary for the reproduction of the mark, after having subscribed the rules on the use of the mark. The Director may suspend, revoke or refuse the authorization or its renewal of a permission for the use of the quality mark, if he deems necessary.

The authorization for the use of the mark starts from the date of signing of the agreement. The authorisation shall be granted until the 31st day of December of the year of issue and thereafter may be renewed from year to year.

The permission is granted against payment of €0.

The Ministry may review the costs associated with the granting of the Quality Mark.

Any income arising from the payments of the authorisation for the use of the quality mark will be used for promotion activities of the quality mark and for coordination and monitoring activities.

At the moment of signing the agreement, the authorised operator may be asked to pay a deposit (the amount of which will be determined by the Director) which shall be confiscated by the Director in case the business in question is deleted from the Quality Mark Register for non-compliance.

The authorised operators are enrolled in the *Register of the Mark* after having signed for acceptance and after having paid the annual sum due.

The *Register of the Quality Mark* shall be updated on a monthly basis with any insertions and/or deletions.



## 8. Labelling

The product compliant with the PQNS, in addition to any other required information set forth by the current regulations, shall bear:

- the logo which identifies the “Products of Quality” mark
- the specific name recognised by the related product specification
- the operator shall also include the origin label

The indication of origin referred to the NUTS level II territorial unit into which the phases of production and/or animal husbandry take place.

In addition to this information, it is possible to mention the name of the producer or of the association of producers, the commercial brand and the name of the Control Body.

### 8.1. Indication of origin

The indication of origin must be referred to the NUTS level 2 territorial unit into which the phases of primary production, animal breeding and processing take place.

The elements of origin vary according to the actual area of origin (so that, for example, the description wording will indicate Product of Quality origin Malta or Product of Quality origin Provence, Product of Quality origin Puglia).

For example, the indication of origin “Malta” may be used when primary production, animal breeding and processing take place within the territory of Malta.

### 8.2. Labelling and modalities for the use of the mark

The authorised product must include in the label not only the data foreseen by the current set of rules relating to agro-food products but also the Logo and the authorisation number.

The rules regarding the position and the size of the trademark shall be established in the mentioned agreement.

The provisions for the use of the mark are the following:

When placed on the market, the product must bear the logo of the mark.

*The labelling is authorised by the Agriculture Directorate along with a specific authorization to its use which is recorded in the Register of the users (register of the Mark)*

The logo may be used also on the company’s packaging provided that it is not separated from the product/producer name. Moreover, it may be used as a label on the products and their packaging, on letter paper, envelopes and electronic supports and for any form of advertising;



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The logo must be always used according with the dimensions and characteristics defined in the specific Regulations on the use of the logo.





## **9. Infringements, Penalties and Disputes**

### **9.1. Suspension or withdrawal of participation from the scheme**

The Director may suspend or withdraw an operator's participation in the scheme if it results that the operator has failed to adhere to the conditions related to the participation in the scheme.

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### **9.2. Disputes**

Any person shall have a right of appeal to the Administrative Review Tribunal, against any decision of the Director, within twenty days from the notification of the decision.

### **9.3. Infringements and penalties**

Infringement procedures shall be following the provisions established in the S.L. 427.90

The Director shall decide on the penalties according to the provision laid down in the Guidelines for the establishment of the Control Plans of the PQNS and any other contracted agreements the director enters into with the operator.





## 10. Modifications and terminations

The Director is allowed to make amendments these rules. In the event of any amendment, appropriate notice will be communicated to the mark users, who must either comply with the amendment within the specified time limit or stop using the mark. If the authorised operators decide to comply, the Director will proceed to the verification of the compliance with the new amendment.

Producers should inform the Director of their intention either to make some organisational changes within their business or to proceed to structural changes relating to the product, the process or the company name. The Director reserves the right to conduct a new assessment or to simply verify compliance with these Regulations. According to the modifications/changes made, the Director may decide to impose sanctions or revoke the authorisation of use.

The parties may mutually terminate this agreement; in this case all the mutual obligations shall terminate and no claims can be made for compensation of the damages incurred or for indemnities for any reason or cause.

Either party may terminate this agreement at any time by sending a registered mail with acknowledgement of receipt to the other party at least 3 (three) months before the date of the voluntary withdrawal. Also, the withdrawing party shall pay the agreed early termination fee to the other party within 10 (ten) days from the withdrawal date.

If the authorisation is denied or if it is suspended revoked, or non renewed, the mark user is obliged to:

- Stop marketing the product bearing the trademark;
- Stop using and making available to the public any material related to the mark;
- Deliver all the documents related to the use of the mark at the request of the Agricultural Directorate.

The suspension, revocation or denial of the authorisation of use must be notified, in writing, by registered letter or by any other equivalent means.



## **11. Advertising and promotion**

Using appropriate communication tools, the Agricultural Directorate will disclose the procedures for the granting of the mark, giving information on its meaning and on the mechanism of functioning of the granting itself.

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Within the framework of the Rural Development Programme, the Agricultural Directorate may organise promotional activities aimed at the valorisation of:

- the environment and of its resources;
- the skills and professionalism of the operators/agents;
- The historical and cultural heritage which acquires visibility through the various activities / products / services associated the mark.
- What does the logo represents



## 12. Notification to the European Commission

The present rules will be notified to European Commission after its approval by the Minister and will be effective from the date of the publication on the Gazette of the positive opinion of the EU within the meaning of REG. 107 and 108 of the Treaty on the Functioning of the European Union.

The Minister promotes the consumption of quality products included in the PQNS. For such purposes it may:

- promote research, study, information and dissemination activities concerning the PQNS;
- take measures to support producers who adhere to the PQNS, within the maximum limit allowed by Reg. (UE) n. 1305/2013.