

SUBSIDIARY LEGISLATION 117.34**PRODUCTION OF OLIVE OIL REGULATIONS**

18th February, 2014

LEGAL NOTICE 66 of 2014, as amended by Act XIII of 2015.

- 1.** The title of these regulations is the Production of Olive Oil Regulations. Citation.
- 2.** In these regulations, unless the context otherwise requires: Interpretation.
- "the Act" means the Supplies and Services Act; Cap. 117.
- "analyst" means any duly qualified person or persons or any duly qualified institution on whom the Minister may, if deemed necessary, from time to time, allocate the responsibilities of analyses or examination of olive oils and olive related products and "analysis" shall be construed accordingly;
- "Directorate" means the Directorate of Agriculture;
- "Director" means the Director of Agriculture and includes, to the extent of the authority given, any officer authorised by him, in writing, to act in that behalf for any of the purposes of these regulations;
- "holding" means all the production units managed by a farmer situated in Malta;
- "Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;
- "Minister" means the Minister responsible for Agriculture and includes, to the extent of the authority given, any officer authorised by him, in writing, to act in that behalf for any of the purposes of these regulations;
- "person" includes any partnership, association of persons, or legal entity;
- "olive grower" means any person who cultivates olive trees for the purpose of producing olives for the commercial production of olive oil or table olives;
- "olive oil" means oil obtained solely from the fruit of olive trees under any of the categories referred to in Schedule I;
- "olive oil production" means the production of olive oil for commercial purposes and shall include processes such as olive oil extraction, mixing, blending, bottling, or labelling, and "olive oil producer" shall be construed accordingly and shall include olive processors;
- "olive related product" means any edible product derived from the fruit of olive trees produced for human consumption;
- "olive marketing year" means the period running from 1 July of each year to 30 June of the following year;

"Olive Oil Record-book" means the official book provided by the Directorate in terms of regulation 10;

"Register of Olive Growers" means the register provided for in terms of regulation 7;

"table olives" means the product prepared from the fruit of olive trees which are suitably treated or processed for final human consumption.

Prohibition of designation unless in conformity with these regulations.

3. No product shall be sold in Malta as olive oil or under the designation of olive oil unless its production conforms with the provisions of these regulations:

Provided that only olive oil as designated in paragraphs 1(a) and (b), 3 and 6 of Schedule I may be marketed at the retail stage.

License to produce olive oil.
*Amended by:
XIII. 2015.40.*

4. (1) No person shall prepare, make or bottle locally produced or imported olive oil and olive oil related products for sale, without a valid licence issued by the Director.

(2) The fee to be charged upon the first issue and on any renewal shall be of one hundred and ten euro (€110) per year.

(3) Producers shall apply for a licence in accordance with sub-regulation (1) by not later than the 1st July.

(4) Any licence issued under this regulation shall be valid up to the 1st July of the year of its issue and shall be renewed from year to year unless such licence is cancelled or revoked in terms of the provisions of these regulations.

(5) Any licence issued under this regulation shall be issued to one specific olive oil producer and shall be tied to a specific location where such olive oil production takes place.

Application for licence.

5. (1) An application for the issue of a licence under regulation 4 shall be made by submitting to the Director a duly signed and completed copy of the prescribed form in Schedule II.

(2) The Director may request the applicant to submit further information as may be necessary before taking a decision on whether to grant or refuse a licence or renewal.

(3) A license may only be issued following the necessary presentation of documentation from the Environmental Health Directorate and the Malta Environment and Planning Authority approving the premises to be used in the production of olive oil.

(4) A licence issued in terms of regulation 4 shall not exempt the holder thereof from compliance with any requirement under any other law.

Appeal.

6. (1) Where the issue or renewal of a licence has been refused, the Director shall inform the applicant of such refusal without delay. The applicant may submit an appeal therefrom to the Administrative Review Tribunal established in terms of article 5 of the Administrative Justice Act and the provisions of that Act shall apply to such an appeal.

Cap. 490.

(2) The Administrative Review Tribunal shall respect and apply the principles of good administrative behaviour laid down in article 3 of the Administrative Justice Act.

Cap. 490.

7. (1) A Register of Olive Growers and olive oil producers shall be kept by the Director and shall be updated periodically.

Register of olive growers.

(2) No person shall grow olives for commercial olive oil production or table olives, or use land for the growing of olives for olive oil production or table olives, unless the person is listed in the Register of Olive Growers established in sub-regulation (1) and the holding is registered with the Directorate.

8. (1) Olive growers shall submit to the Director by the 31st December of each year a duly signed and completed harvest declaration on the prescribed form in Schedule III.

Declaration by olive growers.

(2) The declaration provided for in terms of sub-regulation (1) shall be accompanied by copies of original receipts showing the amount of olives sold or delivered to individual olive oil producers.

9. (1) Olive oil producers shall submit to the Director, by the 31st December of each year, a duly signed and completed olive oil production declaration on the prescribed form in Schedule IV.

Declaration by olive oil producers.

(2) The declaration provided for in terms of sub-regulation (1) shall be accompanied by a list of olive growers from whom olives were purchased or otherwise obtained or who delivered olives for pressing, together with copies of original receipts showing the amount of olives purchased or delivered.

10. (1) An olive oil producer shall maintain records of his activity in an Olive Oil Record-book provided by the Directorate, and shall submit such information to the Director upon request.

Records to be kept by olive oil producers.

(2) The Olive Oil Record-book shall contain accurate and updated records regarding the date of pressing, the amount of olives entering the mill and the amount of olive oil being produced under each of the categories listed in Schedule I. The producer shall also provide information regarding the amount of waste products resulting from the production and the methods used for their disposal.

(3) For each delivery of olives, the olive oil producer shall provide the person delivering the olives with a receipt indicating details of the delivery including date, details of the grower, and the amount in kilos delivered per variety of olives. A copy of this receipt shall be provided to the Directorate in terms of regulation 9(2).

(4) The Director may, at any time, request an olive oil producer to furnish him within fifteen (15) working days, with a statement showing the amount in litres of olive oil held by him on any particular day or on particular days as may be specified in such request.

11. The Director may issue codes of recommended or best practice as regards compliance with the provisions of these

Codes of good practice.

regulations and any EU legislation providing guidance to any persons engaged in olive oil growing and olive oil production.

Compliance with
EU regulations.

12. The Directorate shall implement and ensure compliance at all times with all EU Regulations in force relating to the production of olive oil.

Appointment of
authorised officers.

13. (1) The Minister may designate public officers to be authorised officers for the control of the production of olive oil and olive related products.

(2) No person, who is engaged directly or indirectly in any commercial enterprise related to the production of olive oil or olive related products, shall act as an authorised officer, and no public officer shall be engaged directly or indirectly in any commercial enterprise related to the production of olive oil or olive related products.

(3) An authorised officer shall have the power, at any reasonable time, to enter and inspect any premises in or at which he has reason to believe that any olive oil is being produced, bottled, stored, sold or offered for sale, to examine and search such premises, to inspect any such olive oil and to take samples thereof:

Provided that an authorised officer shall not enter into any dwelling unless authorised by a Magistrate.

(4) An authorised officer shall have the right of access to, and inspection of documentation relating to, any registers, records and notes kept in accordance with the provisions of these regulations.

(5) Any authorised officer exercising any power conferred by sub-regulation (3) may -

- (a) seize and obtain any records which he has reason to believe may be required as evidence in proceedings under any of these regulations; and
- (b) in the case where the records are kept by means of a computer, require the records to be printed.

(6) Any authorised officer who discloses to any person any information obtained by him in the course of his duties with regards to any trade secret shall, without prejudice to any other liability under any other law, unless the disclosure is made necessarily in the performance of his duty, be guilty of an offence.

(7) Any person who -

- (a) intentionally obstructs or causes the obstruction of any person acting in the proper exercise of his functions under these regulations; or
- (b) without reasonable cause, fails to give to any person, acting in the exercise of his functions under these regulations, any assistance or information which he may be required to give under these regulations or any other law, or gives false or misleading information,

shall be guilty of an offence. Criminal action for such an offence shall be barred by the lapse of three months.

14. The Directorate shall have the power to grant certification to the olive oil. Discretionary power.
15. (1) The certification shall be given by the Directorate after a request shall be made in writing, by the concerned producer, and after the Directorate has made all the necessary technical and administrative controls needed in order to verify that the oil produced is in conformity with the description and definitions of olive oil and olive oil pomace in Schedule I. Certification of olive oil.
- (2) An *ad hoc* board shall be established by the Directorate to process the chemical, physical and organoleptic results stipulated in the Schedule I; the board shall also certify that the characteristics of the olive oil in question match the descriptions referred to in Schedule I. In any case where an appeal against a decision of the Directorate has been filed, the board shall include a representative of the appellant.
- (3) The olive oil shall be certified under one of the typologies described in Schedule I if the descriptions and definitions referred to in the said schedule are observed for that specific oil typology.
16. (1) A producer who is interested in a certification scheme shall apply with the Directorate by no later than the 1st October. Participation in certification scheme for olive oil.
- (2) The Directorate shall register the applicant after the payment of a nominal fee, which shall be established by the Directorate every year and which shall be made payable to the Directorate.
- (3) The application mentioned in regulation 15(1) shall be renewed and paid every year in order to enjoy the rights prescribed in regulation 15(2).
- (4) A producer who does not register for certification according to the time frame stipulated in sub-regulation (1) shall not be eligible for the process of certification.
- (5) Producers shall pay a fee, which shall be established by the Directorate every year, for every quantity of oil which shall be presented for certification in order to cover the expenses of the analysis.
- (6) A list of licensed producers and producers registered under the scheme of quality in accordance with sub-regulation (1) shall be published in the Gazette and shall be made accessible to the public.
17. (1) Whenever any sample of olive oil or of an olive related product is taken for analysis, such sample shall be taken free of charge, against the issue of an official receipt. Taking of samples.
- (2) The Director shall, from time to time, determine the procedure to be followed for the taking of samples.
- (3) Samples taken in accordance with the procedure adopted by the Director in terms of sub-regulation (2) shall be subject to analysis by one or more of the official methods of analysis as established by the Minister for the purpose, on the advice of the Director.

Proceedings before
the Court.

18. (1) In any criminal proceedings instituted by the Police before the Court of Magistrates for an offence under these regulations, the Director or any officer, lawyer or legal procurator deputed by the Director may, notwithstanding any law to the contrary, lay the charge before the Court, produce evidence, plead and otherwise conduct the prosecution instead of the Police.

(2) The sworn statement of any officer, lawyer or legal procurator to the effect that he has been deputed as provided in sub-regulation (1) shall be conclusive evidence of the fact, should proof thereof be required by the accused.

Offences and
penalties.

19. (1) Any person who contravenes or fails to comply with any of the provisions of these regulations shall be guilty of an offence and shall be liable -

- (a) on a first conviction to a fine (*multa*) of not less than five hundred euro (€500) but not exceeding one thousand five hundred euro (€1,500);
- (b) on a second conviction or subsequent conviction, to a fine (*multa*) of not less than one thousand five hundred euro (€1,500) but not exceeding two thousand and five hundred euro (€2,500) or a fine calculated on the profit made by the offender in connection with the transaction in contravention to these regulations, whichever is the higher:

Provided that, when the fine is so calculated, it may not exceed five times the profit made by the offender:

Provided further that the Court may, and if so requested by the prosecution shall, in addition to any other punishment, sentence the offender to imprisonment for a term of not less than thirty days and not exceeding two years.

(2) In addition to the punishments laid down in sub-regulation (1), the Court shall, on the demand of the prosecution, order the forfeiture of any good or things to which the offence relates.

(3) In addition to the punishments laid down in sub-regulations (1) and (2), the Court shall, on demand of the prosecution, in the case of a second or subsequent conviction, order the suspension of the offender's permit for a period of not less than one week and not more than three months, or the cancellation of any licence or permit held by the offender and relating to any trade or business to which the offence relates, and shall order that any such cancelled licence or permit may not be re-issued in respect of the convicted offender.

Schedule I

DESCRIPTIONS AND DEFINITIONS OF OLIVE OIL
AND OLIVE POMACE OILS

1. VIRGIN OLIVE OILS

Oils obtained from the fruit of the olive tree solely by mechanical or other physical means under conditions that do not lead to alterations in the oil, which have not undergone any treatment other than washing, decantation, centrifugation or filtration, to the exclusion of oils obtained using solvents or using adjuvants having a chemical or biochemical action, or by re-esterification process and any mixture with oils of other kinds.

Virgin olive oils are exclusively classified and described as follows:

(a) Extra virgin olive oil

Virgin olive oil having a maximum free acidity, in terms of oleic acid, of 0.8g per 100g, the other characteristics of which comply with those laid down for this category.

(b) Virgin olive oil

Virgin olive oil having a maximum free acidity, in terms of oleic acid, of 2g per 100g, the other characteristics of which comply with those laid down for this category.

(c) Lampante olive oil

Virgin olive oil having a free acidity, in terms of oleic acid, of more than 2g per 100g, and/or the other characteristics of which comply with those laid down for this category.

2. REFINED OLIVE OIL

Olive oil obtained by refining virgin olive oil, having a free acidity content expressed as oleic acid, of not more than 0.3g per 100g, and the other characteristics of which comply with those laid down for this category.

3. OLIVE OIL - COMPOSED OF REFINED OLIVE OILS AND VIRGIN OLIVE OILS

Olive oil obtained by blending refined olive oil and virgin olive oil other than lampante olive oil, having a free acidity content expressed as oleic acid, of not more than 1 g per 100 g, and the other characteristics of which comply with those laid down for this category.

4. CRUDE OLIVE-POMACE OIL

Oil obtained from olive pomace by treatment with solvents or by physical means or oil corresponding to lampante olive oil, except for certain specified characteristics, excluding oil obtained by means of re-esterification and mixtures with other types of oils, and the other characteristics of which comply with those laid down for this category.

5. REFINED OLIVE-POMACE OIL

Oil obtained by refining crude olive-pomace oil, having free acidity content expressed as oleic acid, of not more than 0.3g per 100g, and the other characteristics of which comply with those laid down for this category.

6. OLIVE-POMACE OIL

Oil obtained by blending refined olive-pomace oil and virgin olive oil other than lampante olive oil, having a free acidity content expressed as oleic acid, of not more

than 1 g per 100 g, and the other characteristics of which comply with those laid down for this category.

Amended by:
XIII. 2015.40.

Schedule II

Application of the Commercial Licence of Olive Oil Production

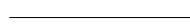
Details of Applicant	
Name and Surname:	Role:
Telephone:	Mobile Number:
E-mail:	Fax:
Name of Company:	V.A.T. no.
Address of Applicant and Registered Company:	
Address of Holding of Olive Oil Production:	

Declarations
<ul style="list-style-type: none"> • I declare that I am applying for this commercial licence according to the Law. • I declare that, as far as I know, the information on this form is correct and exact. • I understand that the commercial licence cannot be given if the holding is not according to the Law. • I declare that I am respecting the Laws of Malta and those of the European Union. <p>.....</p> <p>Signature of Applicant and Date</p>

For Official Use Only	
Licence for the Commercial Production of Olive Oil: 110 EURO	
Type of Payment:	Cash <input type="checkbox"/> Cheque <input type="checkbox"/>
Cheque Number:	
Invoice Number and Date:	

Inspection of the Environmental Health Directorate	
Date of Inspection:	Result: <input type="checkbox"/> Approved <input type="checkbox"/> Refused
Comments:	
.....	
.....	

Renewal of Commercial License of Olive Oil Production	
Result:	<input type="checkbox"/> Approved <input type="checkbox"/> Refused
Comments:	
.....	
.....	
..... Signature of Official and Stamp Date



Schedule III

Declaration on the Annual Grape Harvest

YEAR:

DETAILS OF THE APPLICANT			FOR OFFICIAL USE ONLY
Name and Surname:	Address:	Telephone:	Date when the Application was received:
ID card Number:		Mobile:	Signature of Official and Stamp

DECLARATION OF HARVEST									
Parcel no.	Variety of Olives	Number of Olive Trees	Amount of Olives Harvested/Kg		Sold to Olive Oil Producer		Sale to pitkalija / kg	For Personal Use / kg Table / Oil	Total Amount of Olives Harvested /Kg
			Table	Oil	kg	Name of the Producer			
Declaration									
<ul style="list-style-type: none"> I, the undersigned, declare that the details submitted on this form are true and I understand that in case of any false declaration legal action shall be taken against me or my mandatory. I, the undersigned, declare that the details submitted in this form may be used by the Department of Agriculture or any Department concerned. 									

Signature

Date

Privacy Policy

The Agriculture Directorate shall collect this information in order to establish the annual harvest of olive oil as required by national legislation and that of the EU. The Directorate may verify the information collected from farmers or from any third person. This information may be transmitted to other Government Departments or authorities for control purposes as stipulated in the Law.

For more information kindly obtain a copy of the Privacy Policy or kindly ask the Agriculture Directorate.

Schedule IV
 DECLARATION FOR THE ANNUAL PRODUCTION OF OLIVE OIL
 YEAR:

Details of Applicant	
Name and Surname:	Role:
Telephone:	Mobile Number:
E-mail:	Fax:
Name of Company:	V.A.T. no. / I.D. no.
Address of Applicant and Registered Company:	
Address of Holding of Olive Oil Production:	

Production of Olive Oil					
Month	Total of olives Pressed / kg	Total of Olive Oil Produced / kg	Classification*	Sold to Producer / kg	Pressed for Third Parties / kg
September					
October					
November					
December					
TOTAL					

* Olive Oil-Extra Virgin, Virgin, Ordinary

Production of Organic Olive Oil					
Month	Total of olives Pressed / kg	Total of Olive Oil Produced / kg	Classification	Sold to Producer / kg	Pressed for Third Parties / kg
September					
October					
November					
December					
TOTAL					

Production of Organic Olive Oil
<ul style="list-style-type: none"> I declare that, as far as I know, the information on this form is correct and exact. And that legal action may be taken against me if I made false declaration or if someone on my behalf made a false declaration.
<ul style="list-style-type: none"> I understand that my details may be asked for by another concerned department.
<ul style="list-style-type: none"> I give permission to the concerned authority and directorate to inspect the production without any restrictions.

Signature	Date
Privacy Policy	
The Agriculture Directorate is collecting this information in order to draw the annual harvest of olive oil of Malta, as required by the Laws of Malta and of the European Union.	
The Directorate shall verify the information collected from farmers, or the information regarding the farmer provided by a third party, with information which the Directorate had in its possession.	
This information may be sent to other Government Departments or Authorities for other purposes of control as stipulated in the law.	
This information shall not be given to other unless in accordance with the Law.	

For Official Use Only	
Date of Receipt of the Declaration	Signature and Official Stamp
