

Naghti l-kunsens tieghi.

(L.S.)

GUIDO DE MARCO
President

23 ta' Ottubru, 2001

ATT Nru. XXII ta' l-2001

ATT biex jipprovdi għall-kontroll tal-produzzjoni, l-importazzjoni, l-bejgħ u r-reklamar ta' l-inbid u prodotti mnislin mill-inbid.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqa' f'dan il-Parlament u bl-awtorità ta' l-istess hareġ b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2001 dwar l-Inbid.

Titolu fil-qosor u bidu fis-sehh.

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-Agricoltura jista' jistabbilixxi b'avviz fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal għanijiet differenti u għal disposizzjonijiet differenti ta' dan l-Att.

2. F'dan l-Att, u f'kull regolament magħmul bis-saħħa tiegħu, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'ohra -

Tifsir.

"analista" tfisser persuna jew persuni bi kwalifika kif imiss jew x'istituzzjoni debitament kwalifikata, li l-Ministru jista', permezz ta' regolamenti, bil-parir tal-Bord, minn żmien għal żmien, jallokalha r-responsabbiltajiet ta' kull analisi jew eżami ta' nbejjed u prodotti mnislin mill-inbid u "analisi" għandha tiftiehem f'dan is-sens;

"Awtorità" tfisser l-Awtorità Maltija dwar l-iStandards stabbilita bl-Att dwar l-Awtorità Maltija dwar l-iStandards;

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"Awtorità dwar l-Infurzar" tfisser il-Bord jew id-Dipartiment jew xi Dipartiment tal-Gvern iehor li jista' jingħata responsabbiltà b'regolamenti magħmula taht dan l-Att, jew li xort'ohra jkun

responsabbli biex isiru kontrolli fuq l-inbid u l-prodotti mnislin minnu:

"bejgh" tfisser it-tnehhija ta' possessjonijiet jew ta' proprjeta' taht kull titolu li jkun, u "tbiegh" ghandha tiftiehem skond hekk:

"Bord" tfisser il-Bord biex Jirregola l-Inbid imwaqqaf taht l-artikolu 16:

"Dipartiment" tfisser id-Dipartiment ta' l-Agricoltura;

"Direttur" tfisser id-Direttur ta' l-Agricoltura u tinkludi, sal-limitu ta' l-awtorita' lilu moghtija, kull ufficjal minnu awtorizzat, bil-miktub, biex jaghmilha minfloku ghal xi wiehed mill-ghanijiet ta' dan l-Att;

"fabbrica ta' l-inbid" tfisser kull post fejn jithejja l-inbid, jiġi proċessat u mahzun qabel ma jinbiegh jew jiġi offrut ghall-bejgh.

"importazzjoni" tinkludi l-hrug mid-depost doganali u "importat" ghandha tiftiehem skond hekk;

"jeddijiet ta' tahwil" tfisser id-dritt moghti lil produttur li jhawwel dwieli bil-ghan li jaghmel ghelieqi tad-dwieli godda, ghal rikonverzjoni ghal inbid b'isem l-ghanba minnha maghsur u ghat-tigdid ta' dwieli, f'zoni speċifiċi matul perjodu ta' zmien stabbilit;

"Malta" ghandha l-istess tifsir kif moghti lilha bl-artikolu 124 tal-Kostituzzjoni ta' Malta;

"Ministru" tfisser il-Ministru responsabbli ghall-Agricoltura u tinkludi, sal-limitu ta' l-awtorita' moghtija, lil kull ufficjal minnu awtorizzat, bil-miktub, biex jaghmilha minfloku ghal xi wiehed mill-ghanijiet ta' dan l-Att;

"nbejjed ta' kwalita'" tinkludi nbejjed prodotti f'reġjuni speċifikati;

"nbid" u "prodotti mnisla minnu" huma l-prodotti li jinkisbu mill-fermentazzjoni alkoholika totali jew parzjali ta' gheneb frisk, kemm jekk ikun gie mgħaffeg jew le, jew ta' most ta' l-gheneb, li jkunu ċertifikati ufficjalment bhala prodotti esklużivament minn varjetajiet ta' gheneb awtorizzati jew rakkomandati;

"nbid artifiċjali" tfisser xarba li ma tkunx tikkonforma mad-disposizzjonijiet ta' dan l-Att u ma' xi regolament jew ordni maghmulin tahtu;

"organizzazzjoni ta' produtturi" tfisser organizzazzjoni rikonoxxuta bhala tali, li tkun korp volontarju, kostitwit b'ligi, ta' produtturi ta' nbid partikolari u prodotti ta' l-inbid partikolari jew persuni li jahdmu fl-industriji tal-vitrikoltura u, jew ta' l-enologija, li jahdmu flimkien biex jipproduċu, jahsdu wéuh, jipproċessaw, jahżnu, jippakkjaw u jirreklamaw il-prodotti tagħhom;

"ghassar" tfisser kull persuna li tipproduċi l-inbid u most għall-bejgħ, u tinkludi, fejn dan hu applikabbli rigward ir-reklamar ta' nbid u most, kull negozjant li ma jkunx bejjiegħ bl-imnut;

"pratki u proċessi enologiċi" tfisser dawk il-pratki u proċessi wżati fil-produzzjoni ta' l-inbid u tal-prodotti mnislin minnu speċifikati taht dan l-Att;

"persuna" tfisser kull soċjetà, għaqda ta' persuni jew entità ġuridika;

"piżatur pubbliku" tfisser persuna li jkollha liċenza taht it-Taqsima III ta' l-Ordinanza dwar l-Użin u l-Kejl;

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"reġistrazzjoni tinkludi liċenza kummerċjali jew kull reġistrazzjoni meħtieġa mill-Bord jew mid-Dipartiment u kull liċenza ohra li tista' tkun mitluba b'regolamenti magħmula taht dan l-Att;

"reġjun speċifikat" tfisser żona fejn jitkabbru d-dwieli jew kombinazzjoni ta' żoni fejn jitkabbru d-dwieli li jipproduċu għeneb għall-inbid b'karatteristiċi kwalitattivi partikolari u li isimhom jintuża biex ifisser inbid ta' kwalità.

3. (1) Hadd m'għandu jipprepara, jagħmel jew jibbottilja nbid prodott lokalment jew importat u prodotti mnisla mill-inbid għall-bejgħ minghajr liċenza valida mahruġa mid-Direttur wara li jsir il-hlas tad-dritt preskritt b'regolamenti magħmula taht dan l-artikolu mill-Ministru fuq il-parir tal-Bord.

Liċenza li tingħata lill-ghassara

(2) Kull liċenza mahruġa taht is-subartikolu (1) għandha tkun valida sal-31 ta' Diċembru tas-sena li fiha tohroġ u tista' tiġġedded minn sena għal sena sakemm dik il-liċenza ma' tiġix kancellata jew revokata taht id-disposizzjonijiet ta' dan l-Att.

(3) Kull applikazzjoni għall-hruġ ta' liċenza taht is-subartikolu (1) għandha ssir lid-Direttur fuq il-formola preskritta li tista' tingħabar mid-Dipartiment u li jkun fiha dik l-informazzjoni kollha li d-Direttur jista' jkun jeħtieġ.

(4) Id-Direttur jista', qabel ma jagħti jew jiċhad xi liċenza jew xi tiġdid tagħha, jikkonsulta l-Bord.

(5) Kull liċenza mahruġa taġt is-subartikolu (1) għandha tkun tirreferi għal xi fabbrika ta' l-inbid wahda partikolari.

(6) Persuna li tipparteċipa fit-thaddim ta' xi fabbrika ta' l-inbid li ma jkollhiex liċenza tkun hatja ta' reat.

(7) Persuna li jkollha liċenza u li tonqos li tikkonforma mad-disposizzjonijiet ta' dan l-Att tkun hatja ta' reat.

Appell lill-Bord ta' Appell.

4. Meta l-hruġ jew it-tiġdid ta' liċenza jkun ġie miċhud, id-Direttur għandu jgħarraf minnufih lill-applikant b'dik iċ-ċaħda u l-applikant jista' jappella minnha lil Bord ta' Appell li jkun magħmul minn tliet persuni hekk kif mahtura mill-Ministru.

Reġistrazzjoni ta' għelieqi tad-dwieli u ta' produtture.

5. (1) Għandu jinżamm Reġistru ta' l-Għelieqi tad-Dwieli mid-Direttur li jkun perġodikament aġġornat biex jagħti taġrif eżatt dwar dawk l-oqsma li jkunu għat-tkabbir ta' l-gheneb u jagħti stima ta' kemm inbid jista' jiġi prodott minnhom.

(2) Id-Dipartiment għandu jistabbilixxi bażi ta' referenza grafika li tkopri l-uċuh kollha li fihom jitekabbri d-dwieli fl-għamla ta' mappa li fiha jkun hemm indikat b'mod eżatt il-post u d-daqs ta' l-oqsma, u din il-bażi grafika għandha tinżamm regolarment aġġornata biex tkun tista' turi t-tendenzi li jkun hemm f'żoni fejn ikunu qed jitekabbri d-dwieli.

(3) Hadd m'għandu jipproduċi għeneb biex jagħmel l-inbid jew juża xi art għat-tkabbir tad-dwieli għall-produzzjoni ta' l-inbid jekk ma jkunx reġistrat bħala produttur u l-art li fuqha jitekabbri d-dwieli ma tkunx reġistrata mad-Dipartiment.

(4) Il-Ministru jista', bil-parir tal-Bord, jagħmel regoli għar-reġistrazzjoni ta' varjetajiet tad-dwieli biex jipprovdi għall-klassifikazzjoni ta' dawk il-varjetajiet, f'varjetajiet rakkomandati, varjetajiet awtorizzati u varjetajiet awtorizzati temporanjament.

(5) Dak l-gheneb biss li jappartjeni għall-varjetajiet elenkati fil-klassifikazzjoni stabbilita skond is-subartikolu (4) bħala varjetajiet rakkomandati jew awtorizzati, jew il-produzzjoni li tinkiseb minnu, jista' jiġi wzat għall-produzzjoni ta' -

(a) most ta' l-gheneb bil-fermentazzjoni mwaqqfa biż-żieda ta' l-alkohol;

(b) most ta' l-gheneb ikkonċentrat;

(ċ) most ta' l-gheneb ikkonċentrat u rettifikat;

- (d) nbid tal-mejda;
- (c) nbid ta' kwalità (prodott f'regjuni speċifikati);
- (f) nbid tal-likuri;
- (g) nbid spumanti;

Izda d-Direttur jista', bil-parir tal-Bord, jawtorizza li għeneb minn varjetajiet klassifikati bhala awtorizzati temporanjament jitqiesu wkoll bhala li huma tajbin biex minnhom jinharġu l-prodotti elenkati f'dan is-subartikolu.

(6) Għeneb frisk, most ta' l-għeneb, most ta' l-għeneb fi stat ta' fermentazzjoni, nbejjed ġodda li jkunu għadhom fi stat ta' fermentazzjoni u nbid ġeġ minn varjetajiet mhux inklużi fil-klassifikazzjoni, m'għandhomx jinharġu fiċ-ċirkolazzjoni jew jiġu wzati fil-produzzjoni ta'nbid jew prodotti mnislin mill-inbid.

6. Il-Ministru jista', b'regolament u bil-parir tal-Bord, jistabbilixxi t-tipi ta' nbejjed u prodotti relatati ma' l-inbid li jistgħu jiġu prodotti, importati jew mibjugħa, kif ukoll il-kostitwenti tagħhom u s-sahha minima alkoholika ta' kull tip. Tipi ta' nbejjed.

7. Ebda xarba m'għandha tiġi importata jew mibjugħa f'Malta bhala nbid jew taht l-isem ta' nbid jekk din ma tkunx taqbel f'kollox mad-disposizzjonijiet ta' dan l-Att u ta' kull regolament li jsir tahtu. Xarbiel li jissimmew bhala nbid.

8. Hadd ma jista' jipproduċi, jimporta, jbiegħ jew joffri għall-bejgħ bhala nbid xi nbid artifiċjali. Nbid artifiċjali.

9. Il-Ministru jista', bil-parir tal-Bord, jagħmel regoli li - Regoli li jiggvernaw pratki enologiċi u proċessi oħra.

(a) jirregolaw pratki u proċessi enologiċi li jistgħu jiġu wzati biex jiġu prodotti u ppreservati l-inbejjed u l-prodotti mnislin minnhom;

(b) jirregolaw t-taht u t-tqabbil ta' most u nbejjed;

(c) jistabbilixxu speċifikazzjonijiet dwar il-purità u l-identifikazzjoni ta' sustanzi li jintużaw fi pratki u proċessi enologiċi;

(d) jistabbilixxu l-pratki u l-proċessi li għandhom isiru biss taht ir-responsabbiltà ta' persuna rikonoxxuta mid-Dipartiment li jkollha konoxxenza enologika suffiċjenti biex tiżgura l-kwalità u l-ġenwinità ta' l-inbid jew tal-prodott imnissel mill-inbid;

(e) jistabbilixxi l-kondizzjonijiet li taħthom jistgħu jiġu applikati pratki u proċessi mhux awtorizzati għal finijiet sperimentali:

(f) jistabbilixxi pratki u proċessi li jikkonċernaw it-tiġid, l-aċidifikazzjoni, id-deaċidifikazzjoni, u ż-żieda fil-hlewwa, u dwar il-kontenut tad-dijossidu tal-kubrit u l-kontenut massimu ta' aċidità volatili.

Wżin ta' għeneb.

10. (1) Is-sidien ta' l-għeneb maqtugħ lokalment għall-ghasir għandhom jaraw li l-għeneb jintiżen minn piżatur meta jinqata'.

(2) Il-piżaturi pubbliċi għandhom, minnufih wara li jiżnu xi għeneb skond id-disposizzjonijiet tas-subartikolu (1), jagħtu lil dik il-parti jew dawk il-partijiet nota ta' dan fuq il-formola xierqa preskritta li tinkiseb mingħand id-Dipartiment.

(3) Kopja ta' kull nota ta' piż mogħtija kif provdut fis-subartikolu (2) għandha tingħata minn dak il-piżatur pubbliku lid-Direttur fi żmien tletin gurnata minn meta jsir l-uzin.

(4) Kull tagħrif mogħti minn piżatur pubbliku għandu jinkludi informazzjoni dwar il-varjetà u l-orġni.

Tagħrif, prospetti u dikjarazzjonijiet minn għassara u produttori.

11. (1) Il-produtturi ta' l-għeneb għall-inbid reġistrati mad-Dipartiment għandhom, ta' kull sena qabel il-31 ta' Ottubru, u fuq il-formola xierqa preskritta li tinkiseb mid-Dipartiment, jiddikkjaraw il-kwantitajiet tal-varjetajiet differenti ta' għeneb imkabbra mill-aħħar hśad:

Iżda l-Ministru jista', fuq il-parir tal-Bord, jistabbilixxi data differenti sabiex issir id-dikjarazzjoni dwar il-hśad sakemm dik id-data ma tkunx aktar tard mill-31 ta' Diċembru ta' l-istess sena.

(2) Id-Direttur jista', f'kull żmien, jitlob b'avviz lil xi tali għassar biex jibgħatlu, fiż-żmien speċifikat fl-avviz, dikjarazzjoni li turi l-għadd ta' ettolitri ta' nbid u most mutu ta' l-għeneb li kellu fil-pussess tiegħu fil-gurnata partikolari jew fil-granet partikolari kif jista' jkun speċifikat fl-avviz.

Inbejjed ta' kwalità prodotti f'reġjuni speċifikati.

12. (1) Il-Ministru jista', filwaqt li jaġixxi bil-parir tal-Bord, jagħmel regolamenti li bihom jistipula provvedimenti speċifiċi għal inbid ta' kwalità prodott f'reġjuni speċifiċi u għal prodotti li jkunu tajbin biex minnhom jtinissel nbid ta' kwalità.

(2) Kull reġjun speċifiku għandu jkun delineat kemm jista' jkun bil-preċiż abbażi ta' kull għalqa tad-dwieli individwali jew

qasam tad-dwieli; dak id-delineament ghandu jichu konjizzjoni tal-fatturi li jikkontribwixxu għall-kwalità ta' l-inbejjed prodotti f'dawk ir-reġjuni, bhalma huma x-xorta tal-hamrija u s-sottoswol, il-klima u s-sitwazzjoni ta' l-għalqa tad-dwieli individwali jew tal-qasam tad-dwieli.

(3) Il-Ministru, li jaġixxi fuq il-parir tal-Bord, ghandu jawtorizza lid-dipartiment biex -

(a) jelenka lista ta' varjetajiet ta' dwieli awtorizzati jew rakkomandati ta' l-ispeċi *Vitis vinifera* li jkunu tajba biex jagħtu kull wiehed mill-inbejjed ta' kwalità prodotti f'reġjuni speċifikati; u

(b) jistipula l-provvedimenti dwar il-metodi tat-tkabbir tad-dwieli lokali li jkunu mehtieġa biex tiġi żgurata l-aħjar kwalità possibbli għall-inbid ta' kwalità lokali.

13. (1) Nbid ta' kwalità jista' jiġi prodott biss:

Produzzjoni ta' nbid ta' kwalità.

(a) minn għeneb ta' varjetajiet ta' dwieli li jidhru fuq il-listi ta' varjetajiet approvati jew rakkomandati u li l-hsad tagħhom ikun sar fir-reġjun speċifiku; jew

(b) bl-ipproċessar ta' l-għeneb imsemmi fil-paragrafu (a) f'most ta' l-għeneb u l-ipproċessar ta' dan il-most f'nbid, kif ukoll bil-produzzjoni ta' dan l-inbid fir-reġjun speċifiku fejn ikun sar il-hsad ta' l-għeneb;

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1)(b), nbid ta' kwalità jista' jiġi prodott f'żona fil-viċin sew ta' dak ir-reġjun speċifikat, meta dan ikun ġie espressament awtorizzat mill-Bord, bla hsara għal dawk il-kundizzjonijiet li l-Bord jista' jqis xierqa li jimponi.

(3) Il-Bord jista' jawtorizza għassar biex jipproduċi nbid ta' kwalità bl-ipproċessar ta' l-għeneb f'most u most f'nbid, kif ukoll bil-produzzjoni ta' dak l-inbid, ankeé barra minn zona fil-viċin immedjat tar-reġjun speċifikat fejn ikun sar il-hsad ta' l-għeneb li jintuża.

14. Il-Ministru jista', fuq il-parir tal-Bord, jagħmel regolamenti -

Regolamenti dwar l-itikkettjar, eċċ., ta' nbejjed u prodotti relatati.

(a) li jirregolaw it-tikkettjar, l-immarkar, il-presentazzjoni u br-reklamar ta' nbejjed u prodotti relatati, u d-deskrizzjonijiet li jistgħu jiġu applikati għal nbejjed u prodotti relatati li jkunu ġew prodotti lokalment jew ikunu ġew importati; u

(b) li jispeċifikaw l-informazzjoni mehtieġa fid-dokumenti li jakkompanjaw it-trasport ta; nbejjed u prodotti relatati.

Nbid importat.

15. (1) Kull inbid importat bi rfuſ ghandu jitpoġġa f'xi depost tad-Dwana jew depost ieħor u ghandu, qabel ma jiġi rilaxxat, jiġi bbottiljat taht is-superviżjoni u l-kontroll tad-Dwana.

(2) Kull min jirtira mid-Dwana jew minn xi depost ieħor inbid importat li jkun ġie bbottiljat f'Malta, ghandu jzomm reġistru li jkun juri:

(a) l-ghadd ta' flicxken, bil-qies volumetrik tagħhom, li jkunu ġew irtirati u d-data meta jkunu ġew hekk irtirati;

(b) it-tip u s-sahha alkoholika ta' l-inbid hekk irtirat.

Bord biex
Jirregola l-
Inbid.

16. (1) Ghandu jitwaqqaf Bord li jkun magħruf bhala l-Bord li Jirregola l-Inbid, u li jkun magħmul minn *Chairman*. Viċi *Chairman* u seba' membri oħra, li jiġu maħtura mill-Ministru biex joqogħdu fil-Bord għal perjodu ta' tliet snin, kif ġej:

(a) id-Direttur tad-Dipartiment *ex officio*, bhala *Chairman*;

(b) żewġ uffiċjali anzjani, tekniċi jew xjentifiċi, tad-Dipartiment, li wieħed minnhom jiġi maħtur bhala Viċi-*Chairman*;

(ċ) erba' membri mill-ghassara li jagħmlu dan ix-xogħol kummerċjalment u, jew mill-organizzazzjonijiet ta' produtture; u

(d) żewġ membri li jinhatru minn fost il-bdiewa tad-dwieli reġistrati.

(2) Il-Ministru ghandu jahtar lil xi membru tad-Dipartiment biex jagħmilha ta' Segretarju tal-Bord.

(3) Il-Bord ghandu jkollu s-setgħa li -

(a) jaġixxi minkejja li jista' jkun hemm xi vakanza fost il-membri tiegħu;

(b) jwaqqaf sotto-komitati speċjalizzati bil-ghan li jittratta kwistjonijiet li jehtiegu konoxxenza jew esperjenza speċjalizzata.

(4) Persuna ma tkunx eliġibbli li tiġi maħtura membru tal-

Bord, jew li tkompli sservi bhala membru tal-Bord, jekk dik il-persuna -

- (a) tkun membru tal-Kamra tar-Rappreżentanti; jew
- (b) tkun legalment inabilita; jew
- (c) tkun ġiet dikjarata falluta jew tkun għamlet transazzjoni mal-kredituri taghha; jew
- (d) tkun instabet hatja -
 - (i) ta' xi delitt kontra l-fiduċja pubblika; jew
 - (ii) ta' serq; jew
 - (iii) ta' frodi; jew
 - (iv) li xjentement laqgħet għandha oġġetti ġejjin minn serq jew frodi; jew
 - (v) xi reat kontemplat taħt dan l-Att jew regolamenti magħmulin tahtu.

(5) Minkejja d-disposizzjonijiet ta' tas-subartikolu (4), il-Ministru jista' jtemm in-nomina ta' xi membru mahtur jekk fl-opinjoni tiegħu dak il-membru ma jkunx kapaċi jkompli f'dik il-kariga jew ma jkunx baqa' kapaċi li jaqdi dmirijietu sew.

17. Il-funzjonijiet tal-Bord ikunu dawn li ġejjin:

Funzjonijiet tal-Bord.

- (a) li jagħti parir lill-Ministru fit-tfassil ta' politika li tirregola s-settur tal-vitrikoltura u enoloġija, u dwar ir-regolamenti li jsiru taħt dan l-Att;
- (b) li jibda, jiżvilippa, u jsegwi regolamenti magħmulin jew li jkunu għad iridu jintgħamlu taħt dan l-Att;
- (c) li jissorvelja u jzomm taħt il-konjizzjoni tiegħu l-implimentazzjoni, il-funzjonament jew il-kisba adatti, sa l-ogħla livelli li jistgħu jintlahqu, ta' l-iskopijiet ta' dan l-Att u tal-politika tal-Gvern għas-settur ta' l-inbid;
- (d) li jipparteċipa biex jassigura l-ogħla livell possibbli għal Malta fis-settur ta' l-inbid u biex jikkopera u jikkordina kif ikun meħtieġ ma' dipartimenti tal-Gvern u korpi oħra fil-kisba ta' dawn l-għanijiet;
- (e) biex jipprovdi lill-Ministru pariri tekniċi, xjentifiċi,

legali u oħrajn fil-qasam ta' l-inbid u prodotti mnisla minnu, skond kif jista' l-Ministru jitlob minn żmien għal żmien;

(f) li jippromwovi u jipparteċipa f'riċerka, sondaġġi, programmi, u attivitajiet oħra li jistgħu jitqiesu meħtieġa għall-ksib ta' l-aqwa livell ta' nbid u prodotti mnisla minnu u ta' kontroll u biex iħejji u jsostni r-riżorsi u *data bases* meħtieġa biex ikunu jistgħu jwettqu dawn il-hidmiet;

(g) li jaqdi kull funzjoni jew dover ieħor u li jeserċita dawk il-poteri u responsabbiltajiet ulterjuri kif jiġu assenjati lilu f'dan l-Att jew f'xi liġi oħra u hekk kif il-Ministru jista' minn żmien għal żmien jistabbilixxi.

Proċedura tal-Bord.

18. (1) Bla ħsara għal kull regola li l-Ministru jista' jagħmel, il-Bord għandu jirregola l-proċeduri tiegħu nnifsu.

(2) Mingħajr preġudizzju għal kull regola magħmula taħt is-subartikolu (1), il-Bord għandu jiltaqa' mill-inqas sitt darbiet fis-sena.

(3) Il-Bord għandu jirrapporta lill-Ministru u għandu jħejji u jippreżenta rapport annwali lill-Ministru.

(4) L-ispejjez kollha konnessi mal-Bord għandhom jithallsu mid-Dipartiment.

Matra ta' uffiċjali awtorizzati.

19. (1) Il-Ministru jista', fuq il-parir tal-Bord, jinnomina uffiċjali pubbliċi biex dawn ikunu uffiċjali awtorizzati biex jikkontrollaw l-inbid u l-prodotti mnisla minnu.

(2) Hadd minn fost persuni li għandhom x'jaqsmu b'mod dirett jew indirett ma' xi kummerċ ta' l-inbid jew ta' prodotti mnisla minnu, m'għandu jagħmilha ta' uffiċjal awtorizzat; u ebda uffiċjal pubbliku m'għandu jkollu x'jaqsam b'mod dirett jew indirett ma' xi kummerċ ta' l-inbid jew ta' prodotti mnisla minnu.

(3) Uffiċjal awtorizzat ikollu l-poter, f'kull hin raġonevoli, li jidhol u jispezzjona kull fond li fih jew fejn ikollu tassew għaliex jahseb li jkun hemm inbid li jkun qed jiġi prodott, ibbottiljat, maħżun, mibjugħ jew offrut għall-bejgħ, li jeżamina u jfittex f'dak il-fond, li jispezzjona dak l-inbid u jeleva kampjuni tiegħu:

Iżda m'għandux uffiċjal awtorizzat jidhol go xi abitazzjoni kemm-il darba ma jkunx awtorizzat għaldaqshekk minn Maġistrat.

(4) Uffiċjal awtorizzat għandu jkollu dritt ta' aċċess għal, u spezzjonar ta' registri, registrazzjonijiet u notamenti miżmuma skond id-disposizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin

tahtu.

(5) Kull uffiċjal awtorizzat li jeserċita xi poter moghti lilu bis-sahha tas-subartikolu (3) jista' -

(a) jissekkwestra u jikseb kull reġistrazzjoni li ghandu tassew għaliex jahseb li tista' tkun mehtieġa bhala prova fi proċeduri taht xi wahda mid-disposizzjonijiet ta' dan l-Att jew regolamenti maghmula tahtu; u

(b) fil-kas li r-reġistrazzjonijiet jinżammu f'*computer*, jitlob li dawk ir-reġistrazzjonijiet ghandhom jiġu stampati.

(6) Uffiċjal awtorizzat li jiżvela lil xi persuna ohra xi taghrif li huwa jkun kiseb fit-twettiq ta' dmirijietu għar-rigward ta' xi sigriet kummerċjali, jkun, minghajr pregudizzju għal kull responsabbiltà ohra taht xi liġi ohra, u sakemm l-iżvelar neċessarjament isir waqt il-qadi ta' dmirijietu, hati ta' reat.

(7) Kull min -

(a) xjentement ifixkel jew jikkaġuna t-tfixkil ta' xi persuna li tkun qieghda taġixxi kif dovut fl-esekuzzjoni tal-funzjonijiet taghha taht dan l-Att, jew

(b) minghajr kawża raġonevoli, jonqos milli jaghti lil xi persuna li tkun qeġghda taġixxi fit-twettiq tal-funzjonijiet taghha taht dan l-Att, xi għajnuna jew taghrif li huwa jkun mehtieġ li jaghti taht dan l-Att jew taht kull liġi ohra, jew jaghti taghrif falz jew qarrieqi,

ikun hati ta' reat.

20. (1) Kull meta jittiehed kampjun ta' xi nbid jew ta' xi prodott immisiel mill-inbid għal skop ta' analizi, dak il-kampjun għandu jittiehed bla ma jsir ebda hlas, u għandha tinhareġ riċevuta uffiċjali għal dan.

Tehid ta' kampjuni.

(2) Minn żmien għal żmien, il-Ministru għandu, jekk ikun mehtieġ, jistabbilixxi l-proċedura li għandha tiġi segwita għat-tehid ta' kampjuni.

(3) Kampjuni mehudin skond is-subartikolu (2) għandhom ikunu sugġetti għall-analizi permezz ta' xi metodu jew metodi uffiċjali ta' analizi kif jiġu stabbiliti mill-Ministru għal dak l-għan, bil-parir tal-Bord.

Dati tal-hsad u kif jiġu stabbiliti l-inqas prezzijiet għall-prodott lokali.

21. (1) Id-Direttur jista', fuq il-parir tal-Bord, b'ordni pubblikat fil-Gazzetta, jistabilixxi dwar kull varjetà u għal kull sena, d-data jew id-dati meta jkun jista' jibda l-hsad ta' l-gheneb imkabbar lokalment għall-produzzjoni ta' l-inbid:

Iżda, f'każijiet speċjali, id-Direttur jista' fid-diskrezzjoni tiegħu, jawtorizza bil-miktub lil xi bniedem partikolari li jkabbar l-uċuħ li jibda l-hsad f'xi data differenti.

(2) Id-Direttur jista' jieħu dawk il-passi li jistgħu jidhrulu li jkunu mehtieġa għas-superviżjoni tax-xiri ta' l-gheneb mill-ghassara u, jew biex jassigura konformità ma' kull ordni li huwa jagħmel.

Jeddijiet ta' tahwil u rikonverżjoni għal inbid b'isem l-ghenba minnha magħsur.

22. Il-Ministru jista' jagħmel regolamenti sabiex jiġu stabbiliti jeddijiet ta' tahwil bl-iskop li jiġu stabbiliti oqsma tad-dwieli ġodda, għar-rikonverżjoni għal inbid b'isem l-ghenba minnha magħsur u għat-tiġdid ta' dwieli bil-ghan li -

(a) jithawwlu aktar dwieli li jkunu orjentati lejn iswieq biex jiġu prodotti iktar inbejjed ta' kwalità li jimxu fis-suq;

(b) jkun hemm rilokazzjoni ta' l-ghelieqi tad-dwieli;

(ċ) jiġu adottati teknikalitajiet ġodda ta' produzzjoni u maniġġ;

(d) jinkoraġġixxi produttori iżghazagh f'dan is-settur;

(e) jippromwovi r-rwol ta' organizzazzjonijiet ta' produttori fis-settur bil-ghan li jara li jkun hemm provvista daqs kemm tkun id-domanda, inaqqs l-ispejjeż tal-produzzjoni u jippromwovi l-użu ta' pratki li ma jagħmlux hsara lill-ambjent;

(f) jintroduċi miżuri għall-konsolidazzjoni ta' l-art li jkunu kompatibbli mal-harsien u t-titjib ta' l-ambjent, il-pajsagġ u l-karatteristiċi tiegħu, ir-risorsi naturali u d-diversità ġenetika.

Inventarju nazzjonali tal-potenzjal għall-produzzjoni ta' l-inbid.

23. Il-Ministru jista' jagħmel regolamenti sabiex jiġi stabbilit inventarju nazzjonali tal-potenzjal għall-produzzjoni ta' l-inbid inkluż inventarju dwar dan li ġej -

(a) l-uċuħ tad-dwieli;

(b) il-varjetajiet imhawwla;

(ċ) il-jeddijiet ta' tahwil;

(d) it-teknikalitajiet ta' maniġġ; u

(e) il-medja ta' gheneb prodott.

24. (1) Fi proċeduri kriminali li jsiru mill-Pulizija quddiem il-Qorti tal-Maġistrati ghal xi reat taht dan l-Att, sew id-Direttur sew kull uffiċjal, avukat jew prokurator legali awtorizzat ghaldaqshekk mid-Direttur jew minn xi awtorità ta' l-infurzar ohra jista', minkejja xi ligi li tiddisponi xort'ohra, jressaq l-imputazzjoni quddiem il-qorti, igib il-provi, jagħmel sottomissjonijiet u xort'ohra jmexxi l-prosekuzzjoni minflok il-Pulizija. Proċeduri legali.

(2) L-istqarrija mahlufa ta' uffiċjal, avukat jew prokurator legali fejn jinghad li huwa jkun għe mogħti dik l-awtorità skond ma hemm provdut fis-subartikolu (1) għandha tkun prova konkluziva tal-fatt, li kieku prova ta' dan tkun meħtieġa mill-akkużat.

25. L-azzjonijiet kriminali għal akkuża taht l-artikolu 19(7) jaqghu bi preskrizzjoni bl-gheluq ta' tliet xhur. Preskrizzjoni għal reat taht l-artikolu 19(7).

26. (1) Persuna li tinsab hatja ta' reat taht dan l-Att tista' tehel multa ta' mhux inqas minn mitejn lira u mhux iktar minn elfejn lira. Pieni.

(2) Persuna li tinsab hatja għal xi reat sussegwenti taht dan l-Att tista', meta tinsab hekk hatja, tehel multa ta' mhux inqas minn hames mitt lira u mhux iktar minn hamest elef lira.

(3) Meta xi persuna tinsab hatja ta' reat kommess taht dan l-Att, hliet għal sejbien ta' htija dwar xi reat taht l-artikolu 19(7), il-qorti tista' wkoll, fuq talba tal-prosekuzzjoni, tirrevoka jew tissospendi xi regjistrazzjoni mahruġa għar-rigward ta' dik il-persuna hekk misjuba hatja, jew ta' dak il-l-fond li dwaru jkunu ttiehdu l-proċeduri.

(4) Meta persuna tinsab hatja ta' xi reat taht l-artikolu 19(7), tista', b'żjieda mal-pieni stipulati fis-subartikoli (1) jew (2), tehel penali ta' mhux inqas minn hamsin lira għal kull għurnata mid-data meta tkun insabet hatja sad-data meta dik il-persuna tieqaf tostruwixxi jew tikkaguna ostruzzjoni jew tagħti l-ghajjnuna jew l-informazzjoni meħtieġa, skond il-kas.

(5) Persuna li tinsab hatja ta' reat taht dan l-Att għandha, wara li jsirilha rikors mill-awtorità dwar l-infurzar wara s-sentenza, tiġi ordnata mill-qorti li thallas lill-awtorità dwar l-infurzar l-ispejjeż li hi stess tkun għamlet għall-prosekuzzjoni u biex jingiebu l-provi dwar ir-reat, magħduda kull spezzjoni li wasslet għall-prosekuzzjoni.

(6) M'għandu jsir ebda appell minn deċiżjoni tal-qorti taht is-subartikolu (5). Kull ammont li jingħata bhala spejjeż minn b'dik id-deċiżjoni għandu jingabar bhala dejn ċivili u dik id-deċiżjoni għandha tkun titolu esekuttiv bl-istess mod bhallikieku kienet inkluża fost it-titoli esekuttivi li hemm fl-artikolu 253 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

27. Mingħajr preġudizzju għal kull disposizzjoni oħra ta' dan l-Att, il-Ministru jista' jagħmel regolamenti sabiex jagħti effett lil xi wahda mid-disposizzjonijiet ta' dan l-Att u, mingħajr preġudizzju għall-ġeneralità ta'dak li jidher hawn aktar qabel, ir-regolamenti jistgħu, b'mod partikolari -

(a) jippreskrivu d-drittijiet li għandhom jithallsu għar-registrazzjoni taht dan l-Att;

(b) jippreskrivu l-kondizzjonijiet li taħthom ir-registrazzjoni tista' tingħata jew tiġi mġedda;

(ċ) jikkontrollaw l-importazzjoni, l-produzzjoni, l-ibbottiljar u l-bejgħ ta' l-inbejjed;

(d) jistabbilixxi regoli li jipprojbixxu l-għasir żejjed ta' l-għeneb u l-għasir tal-morga ta' l-inbid kif ukoll il-fermentazzjoni mill-ġdid tal-ħliefa ta' l-għeneb;

(e) jistabbilixxi regoli għad-distillazzjoni ta' kwantitajiet żejda ta' nbejjed tal-mejda li ma jkunx hemm suq għalihom;

(f) jipprovdu għall-ħatra u l-poteri ta' l-analisti u l-proċedura għat-tehid ta' kampjuni u l-mod kif isiru l-analisi;

(g) jippreskrivu r-rekwiżiti, minbarra dawk preskritti minn jew taht l-Att dwar Hwejjeġ ta' l-Ikel, Mediċinali u l-Hma tax-Xorb, li magħhom għandu jikkonforma kull fond użat għall-produzzjoni ta' l-inbid; u

(h) jippreskrivi kull haġ'ohra li tista' jew li għandha tiġi preskritta taht dan l-għan.

28. Il-Ministru jista' jorog kodiċijiet ta' prattika rakkomandata u ta' l-ahjar prattika għar-rigward ta' l-eskuzzjoni u l-infurzar ta' dan l-Att u tar-regolamenti u l-ordnijiet magħmulin tahtu għall-ahjar gwida tal-Bord, jew ta' xi persuna jew persuni, jew ta' xi klassi jew grupp ta' persuni, involuti fl-eskuzzjoni u l-infurzar ta' dan l-Att u tar-regolamenti u l-ordnijiet magħmulin tahtu.

29. (1) Il-Ministru jista', b'regolamenti jippreskrivi l-format ta' xi dokument li ghandu jintuza għall-iskopijiet ta' dan l-Att. Dokumentazzjoni.

(2) Dokument li ghandu jkun iġib fuqu l-firma ta' xi uffiċjal, li huwa mifhum li jkollu xi kariga li bis-sahha tagħha huwa jkollu taht dan l-artikolu s-setgħa li jiffirma dak id-dokument jew li jkun debitament awtorizzat mill-Awtorità dwar l-Infurzar li jiffirma dak id-dokument, għandu, għall-finijiet ta' dan l-Att, u tar-regolamenti jew l-ordnijiet kollha magħmulin tahtu, jitqies bħala debitament mogħti, magħmul jew mahruġ bis-setgħa ta' l-Awtorità dwar l-Infurzar.

30. Il-Ministru jista' jagħmel regolamenti li jirrikjedu jew jawtorizzaw il-hlasijiet li għandhom jiġu imposti mill-awtorità dwar l-Infurzar għar-rigward ta' l-azzjonijiet meħudin mill-awtorità dwar l-Infurzar taht dan l-Att jew regolamenti magħmulin tahtu, jew regolamenti fis-settur tal-kontroll ta' l-inbid u l-prodotti mnissla mill-inbid. Regolamenti li jawtorizzaw il-hlasijiet imposti.

31. (1) Id-disposizzjonijiet ta' dan l-Att għandhom japplikaw, dwar is-settur li jirregola, mingħajr preġudizzju għall-provvedimenti ta' xi trattat jew ftehim internazzjonali ieħor li Malta tkun dahlet fihom jew aċċediet għalihom, u mad-disposizzjonijiet ta' kull att li s-setgħa tiegħu li jorbot fitnissel minn dak it-trattat jew ftehim. Applikabilità tad-disposizzjonijiet ta' dan l-Att.

(2) Il-Ministru għandu, fl-eżerċizzju tas-setgħat mogħtija lilu b'dan l-Att, jiżgura, dwar is-settur regolat minn dan l-Att, li Malta thares id-disposizzjonijiet ta' trattati u ftehim oħra internazzjonali li Malta tkun dahlet fihom, u mad-disposizzjonijiet ta' kull liġi li s-setgħa tagħha li torbot fitnissel minn dak it-trattat jew ftehim.

(3) Il-Ministru jista', fl-osservanza ta' xi hteġa li tinqala' taht is-subartikolu (2), jagħmel regolamenti li jagħtu drittijiet lil, u jimponu dmirijiet fuq, kull enti jew korp jew assoċjazzjoni ta' persuni, kemm jekk din ikollha jew ma jkollhiex personalità legali distinta minn dik tal-membri tagħha.

32. (1) L-Att dwar l-Inbid, qiegħed b'dan jiġi mhassar.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1), kull leġislazzjoni sussidjarja magħmula taht id-disposizzjonijiet ta' l-Att dwar l-Inbid hemm imsemmi għandhom, sakemm ma jsirx xi provvediment ieħor taht jew bis-sahha ta' dan l-Att, jibqgħu ischhu u jkollhom effett daqslikieku kienu saru taht l-Att. Thassir u riservi, Kap.211.

A 1398

Mghoddi mill-Kamra tad-Deputati fis-Scduta Nru. 621 tas-17
ta' Ottubru, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

23rd October, 2001

ACT No. XXII of 2001

AN ACT to provide for the control of the production, importation, marketing and advertising of wine and wine related products.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. (1) The short title of this Act is Wine Act, 2001.

Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for Agriculture may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and for different provisions of this Act.

2. In this Act, and in any regulations made thereunder, unless the context otherwise requires -

Interpretation.

"analyst" means any duly qualified person or persons or any duly qualified institution on whom the Minister may, by regulation, on the advice of the Board, from time to time, allocate the responsibilities of analyses or examination of wines and wine related products and "analysis" shall be construed accordingly;

"artificial wine" means a beverage which fails to conform with the provisions of this Act and with any regulation or order made thereunder in one or more aspects;

"Authority" means the Malta Standards Authority established by the Malta Standards Authority Act;

Cap. 419.

"Board" means the Wine Regulation Board established under article 16;

"Department" means the Department 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 this Act;

"Enforcement Authority" means the Board or the Department or any other Government department as may be allocated responsibility by regulations made under this Act, or is otherwise responsible, for the control of wine and wine related products;

"importation" includes withdrawal from bond and "imported" shall be construed accordingly;

"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 this Act;

"oenological practices and processes" means those practices and processes used in the production of wine and wine related products specified under this Act;

"person" includes any partnership, association of persons, or legal entity;

"planting rights" means the right given to a grower to plant vines for the purpose of establishing new vineyards, for varietal reconversion and for the renewal of vines, in specific areas over a determined period of time;

"producers' organisation" means an organisation which is recognised as such, being a voluntary legally constituted body of producers of particular wine and wine products or persons engaged in the viticultural and, or in oenological industries, acting together to produce, harvest, process, store, package and market their products;

"public weigher" means a person licensed under Part III of the Weights and Measures Ordinance;

"quality wines" includes wines produced in specified regions;

"registration" includes a trading licence or any registration required by the Board or by the Department and any other licence as may be required by regulations made under this Act;

"sale" means the disposal of possessions or of ownership under any title whatsoever, and "to sell" shall be construed accordingly;

"specified region" means a vine-growing area or a combination of vine-growing areas which produces wine grapes with particular quality characteristics and whose name is used to designate quality wine;

"vintner" means any person who produces wine and must to be sold, and includes, where applicable, with reference to the marketing of wine and must, any merchant other than a retailer;

"wine" and "wine related products" are the products obtained exclusively from the total or partial alcoholic fermentation of fresh grapes, whether or not crushed, or of grape must, officially certified to be produced exclusively from authorised or recommended grape varieties;

"winery" means any premises in which wine is prepared, processed and stored before it is sold or offered for sale.

3. (1) No person shall prepare, make or bottle locally produced or imported wine and wine related products for sale, without a valid licence issued by the Director against payment of the fee as may be prescribed by regulations made under this article by the Minister on the advice of the Board.

Licensing of
vintners.

(2) Any licence issued under subarticle (1) shall be valid up to the 31st December of the year of its issue and shall be renewed from year to year unless such licence is cancelled or revoked under the provisions of this Act.

(3) Any application for the issue of a licence under subarticle (1) shall be made to the Director on the prescribed form obtainable from the Department and shall contain all such information as the Director may require.

(4) The Director may, before granting or refusing any licence or any renewal thereof, consult the Board.

(5) Any licence issued under subarticle (1) shall refer to one particular winery only

(6) Any person who engages in the operation of an unlicensed

winery shall be guilty of an offence.

(7) Any licensed person who fails to comply with the provisions of this Act shall be guilty of an offence.

Appeal to
Appeals Board.

4. Where the issue or renewal of a licence has been refused, the Director shall inform the applicant forthwith of such refusal and the applicant may appeal therefrom to an Appeals Board constituted of three persons as may be appointed by the Minister.

Registration of
vineyards and
growers.

5. (1) A Register of Vineyards shall be kept by the Director and shall be periodically up-dated to provide accurate information on areas under vine production and to estimate the wine potential.

(2) The Department shall establish a graphic reference base covering the entire area under vine production in the form of a map indicating the exact location and area of vineyards, and this graphic base shall be kept regularly up-dated to show the trends in areas under vine production.

(3) No person shall produce grapes for wine production or use any land for the growing of grapes for wine production unless the person is registered as a grower and the land under vine is registered with the Department.

(4) The Minister may, acting on the advice of the Board, make rules for the registration of vine varieties providing for the classification of such vine varieties into recommended varieties, authorised varieties and temporarily authorised varieties.

(5) Only grapes belonging to varieties listed in the classification established in accordance with subarticle (4) as recommended or authorised varieties, or production derived therefrom, may be used for the manufacture of -

- (a) grape must with fermentation arrested by the addition of alcohol;
- (b) concentrated grape must;
- (c) rectified concentrated grape must;
- (d) tablewine;
- (e) quality wine (produced in specified regions);
- (f) liqueur wine;

(g) sparkling wine:

Provided that the Director may, on the advice of the Board, authorise that grapes from varieties classified as temporarily authorised shall also be regarded as suitable for yielding the products listed in this subarticle.

(6) Fresh grapes, grape must, grape must in fermentation, new wines still in fermentation and wine from vine varieties not included in the classification may not be placed in circulation or used in the production of wine and wine-related products.

6. The Minister may, by regulation and with the advice of the Board, determine the types of wines and wine related products that may be produced, imported or sold as well as the constituents thereof and the minimum alcoholic strength of each type. Types of wines.

7. No beverage shall be imported or sold in Malta as wine or under the designation of wine unless it conforms with the provisions of this Act and with any regulations made thereunder. Beverages under the designation of wine.

8. No person may produce, import, sell or offer for sale as wine any artificial wine. Artificial wine.

9. The Minister may, with the advice of the Board, make rules Rules governing oenological practices and other processes.

(a) governing oenological practices and processes that may be used for production and preservation of wines and wine-related products:

(b) governing the blending and mixing of musts and wines:

(c) establishing purity and identification specifications for substances to be used in oenological practices and processes:

(d) setting up the practices and processes which are to be carried out only under the responsibility of a person recognised by the Department with sufficient oenological knowledge to ensure the quality and wholesomeness of the wine or wine product:

(e) establishing the conditions under which unauthorised practices and processes may be applied for experimental purposes:

(f) establishing practices and processes concerning the enrichment, acidification, deacidification and sweetening, and

concerning the sulphur dioxide content and the maximum volatile acid content in wines.

Weighing of grapes

10. (1) Owners of locally harvested grapes for pressing shall cause the grapes to be weighed by a public weigher on harvesting.

(2) Public weighers shall, immediately after having weighed any grapes in accordance with the provisions of subarticle (1), furnish the party or parties concerned with a note on the appropriate prescribed form obtainable from the Department.

(3) A copy of every note of weight furnished as provided in subarticle (2) shall be forwarded by the public weigher concerned to the Director within thirty days from the date of weighing.

(4) Records submitted by a public weigher must include information on variety and origin.

Records, returns and statements by vintners and growers.

11. (1) Producers of grapes for wine-making registered with the Department shall, each year before the 31st October, on the appropriate prescribed form obtainable from the Department, declare the quantities of the different varieties of grapes produced from the last harvest:

Provided that the Minister may, on the advice of the Board, fix a different date for harvest declaration provided it is not later than the 31st December of the year in question.

(2) The Director may, at any time, require by notice any vintner to furnish him, within such time prescribed in the notice, with a statement showing the number of hectolitres of wine and of muted grape must held by him on the particular day or on particular days as may be specified in the notice.

Quality wines produced in specified regions

12. (1) The Minister may, acting on the advice of the Board, make regulations laying down specific provisions for quality wine produced in specified regions and for products suitable for yielding a quality wine

(2) Each specified region shall be precisely demarcated, as far as possible, on the basis of the individual vineyard or vineyard plot; such demarcation shall take into account the factors which contribute towards the quality of the wines produced in those regions, such as the nature of the soil and sub-soil, the climate and the situation of the individual vineyard or vineyard plot.

(3) The Minister, acting on the advice of the Board, shall

authorise the department to -

(a) draw up a list of authorised or recommended vine varieties of the species *Vitis vinifera* suitable for producing each of the quality wines produced in specified regions; and

(b) lay down the provisions regarding local vine-growing methods which are required to ensure the best possible quality for local quality wine.

13. (1) Quality wine may be produced only -

Production of quality wine.

(a) from grapes of vine varieties which appear on the approved or recommended lists and which are harvested within the specified region; or

(b) by processing grapes referred to in paragraph (a) into grape must and processing the must thus obtained into wine, as well as by the production of such wine within the specified region where the grapes used were harvested.

(2) Notwithstanding the provisions of subarticle (1)(b), a quality wine may be produced in an area in close proximity to the specified region concerned, where this has been expressly authorised by the Board, subject to conditions which the Board may deem fit to impose.

(3) The Board may authorise a vintner to produce quality wine by processing grapes into must and must into wine, as well as by producing such wine, even outside an area in immediate proximity to the specified region where grapes used were harvested

14. The Minister may, acting on the advice of the Board, make regulations -

Regulations regarding labelling, etc., of wine and wine related products.

(a) governing the labelling, marking, presenting and advertising of wine and wine related products and the descriptions which may be applied to wine and wine related products produced locally or imported; and

(b) specifying the information required in documents accompanying the transport of wine and wine related products.

15. (1) All wine imported in bulk shall be entered in a Customs or other bonded warehouse and shall, prior to its release, be bottled under Customs supervision and control.

Imported wine.

(2) Every person who withdraws from Customs or other bonded warehouse any imported wine bottled in Malta, shall keep a register showing -

(a) the number of bottles, with their capacity, withdrawn and the date of withdrawal;

(b) the type and the alcoholic strength of the wine withdrawn.

Wine
Regulation
Board.

16. (1) There shall be a Board to be known as the Wine Regulation Board, which shall consist of a Chairman, a Deputy Chairman and seven other members, who shall be appointed by the Minister to sit on the Board for a period of three years, as follows:

(a) the Director of the Department *ex officio*, as Chairman;

(b) two senior technical or scientific officers of the Department, one of whom shall be appointed Deputy Chairman;

(c) four members from among commercial vintners and, or from producers organisations; and

(d) two members from among registered vine growers.

(2) The Minister shall designate an officer of the Department to act as Secretary to the Board.

(3) The Board shall have the power to -

(a) act notwithstanding any vacancy in its composition;

(b) set up specialised sub-committees for the purpose of dealing with matters requiring specialised knowledge or experience.

(4) A person shall not be eligible to be appointed a member of the Board, or to continue to be a member of the Board, if such person -

(a) is a member of the House of Representatives; or

(b) is legally incapacitated; or

(c) has been declared bankrupt or has made a composition with his creditors; or

(d) has been convicted of -

- (i) any crime affecting public trust; or
- (ii) theft; or
- (iii) fraud; or
- (iv) knowingly receiving property obtained by theft or fraud; or
- (v) any offence against this Act or any regulations made thereunder.

(5) Notwithstanding any of the provisions of subarticle (4), the Minister may terminate the appointment of an appointed member, if in his opinion, such member is unfit to continue in office or is or has become incapable of properly performing his functions.

17. The functions of the Board shall be:

Functions of the Board.

- (a) to advise the Minister in the making of policies regulating the viticultural and oenological sector, and on any regulations made under this Act;
- (b) to initiate, develop and keep under review regulations made or to be made under this Act;
- (c) to monitor and keep under review the proper implementation, functioning or attainment, to the highest standards achievable, of the purposes of this Act and of Government policy for the wine sector;
- (d) to participate in ensuring the highest standard possible for Malta in the wine sector and to co-operate and co-ordinate as necessary with Government departments and other bodies in the achievement of these aims;
- (e) to provide the Minister with technical, scientific, legal and other advice in the field of wine and wine related products, as the Minister may from time to time request;
- (f) to initiate and participate in research, surveys, programmes, and other activities as may be deemed necessary for the attainment of the optimum level of wine and wine related products and control and to prepare and maintain the necessary resources and data bases for carrying out this task; and
- (g) to perform any other functions or duties and to exercise such further powers or responsibilities as are assigned

to it in this Act or any other law and as the Minister may from time to time determine.

Procedure of the Board.

18. (1) Subject to any rules which the Minister may prescribe, the Board shall regulate its own procedure.

(2) Without prejudice to any rules prescribed under subarticle (1) the Board shall meet at least six times a year.

(3) The Board shall report to the Minister and shall prepare and present to the Minister an annual report.

(4) All expenses in respect of the Board shall be met by the Department.

Appointment of authorised officers.

19. (1) The Minister may, on the advice of the Board, designate public officers to be authorised officers for the control of wine and wine related products.

(2) No person, who is engaged directly or indirectly in any business related to wine or wine related products, shall act as an authorised officer; and no public officer shall be engaged directly or indirectly in any business related to wine or wine 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 wine is being produced, bottled, stored, sold or offered for sale, to examine and search such premises, to inspect any such wine 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, any registers, records and notes kept in accordance with the provisions of this Act or of regulations made thereunder.

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

(a) seize and obtain any records which he has reason to believe may be required as evidence in proceedings under any of the provisions of this Act or of regulations made thereunder; 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 this Act; or

(b) without reasonable cause, fails to give to any person acting in the exercise of his functions under this Act, any assistance or information which he may be required to give under this or any other law, or gives false or misleading information,

shall be guilty of an offence.

20. (1) Whenever any sample of wine or of a wine 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) From time to time, the Minister shall, should it be deemed necessary, determine the procedure to be followed for the taking of samples.

(3) Samples taken in accordance with subarticle (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 Board.

21. (1) The Director may, on the advice of the Board, by order published in the Gazette, establish in respect of each variety and for each year the date or dates on which the harvesting of locally grown grapes intended for the production of wine may commence: Harvesting dates and fixing of minimum prices for local harvests.

Provided that, in special cases, the Director may at his discretion, authorise in writing any particular grower to start harvesting on a different date

(2) The Director may take such steps as he may deem necessary for the supervision of the purchase of grapes by vintners and or ensuring compliance with any order made by him.

22. The Minister may make regulations for the establishment of planting rights for the purpose of establishing new vineyards, for Planting rights and varietal reconversion.

varietal reconversion and for the renewal of vines aimed at -

- (a) planting more market oriented vines to produce more marketable quality wine;
- (b) relocation of vineyards;
- (c) adopting new production and management techniques;
- (d) encouraging young entrants to the sector;
- (e) promoting the role of producer organisations in the sector to target supply to demand, reduce production costs and promote the use of environmentally sound practices; and
- (f) introducing measures for land consolidation compatible with the protection and improvement of the environment, the landscape and its features, natural resources and genetic diversity.

National
inventory of
wine-growing
potential.

23. The Minister may make regulations for the establishment of a national inventory of wine-growing potential comprising an inventory of the following -

- (a) areas under vines;
- (b) varieties planted;
- (c) planting rights;
- (d) management techniques; and
- (e) average yields.

Legal
proceedings.

24. (1) In any criminal proceedings instituted by the Police before the Court of Magistrates for an offence under this Act, the Director or any officer, lawyer or legal procurator deputed by the Director or any other enforcement authority 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 subarticle (1) shall be conclusive evidence of the fact, should proof thereof be required by the accused.

25. Criminal action for an offence under article 19(7) shall be barred by the lapse of three months. Prescription for offence under article 19(7).

26. (1) A person found guilty of an offence under this Act shall be liable to a fine (*multa*) of not less than two hundred liri and not exceeding two thousand liri. Penalties.

(2) A person found guilty of a subsequent offence under this Act, shall on conviction, be liable to a fine (*multa*) of not less than five hundred liri and not exceeding five thousand liri.

(3) Upon conviction for any offence under this Act, other than a conviction for an offence under article 19(7), the court may also, at the request of the prosecution, revoke or suspend any registration issued in respect of the person so found guilty, or the premises forming the subject of the proceedings.

(4) Where any person is found guilty of an offence under article 19(7), he shall, in addition to the punishment laid down in subarticles (1) or (2), be liable to a penalty of not less than fifty liri per day from the date of the conviction to the date in which such person desists from obstructing or causing obstruction or gives the assistance or information required, as the case may be.

(5) Any person found guilty of an offence under this Act shall, upon an application by the enforcement authority after the sentence, be ordered by the Court to pay the enforcement authority the costs incurred by it for the prosecution and proving of the offence, including any inspection which led to the prosecution.

(6) No appeal shall lie from a decision of the court under subarticle (5). Any sum awarded by way of costs by such a decision shall be recoverable as a civil debt and that decision shall be an executive title in like manner as if it were included among the executive titles contained in article 253 of the Code of Organization and Civil Procedure. Cap 13

27. Without prejudice to any other provision of this Act, the Minister may make regulations for giving effect to any of the provisions of this Act and, without prejudice to the generality of the foregoing, any regulations may, in particular - Power to make regulations.

(a) prescribe the fees payable for registration under this Act;

(b) prescribe the conditions under which registration may be granted or renewed;

(c) control the importation, production, bottling and sale of wines:

(d) lay down rules to prohibit the over-pressing of grapes and the pressing of wine lees and the refermentation of grape marc:

(e) lay down rules for the distillation of surplus unmarketable quantities of table wine:

(f) provide for the appointment and power of analysts and the procedure for taking samples and the methods of analysis:

Cap. 231

(g) prescribe the requirements, in addition to those prescribed by or under the Food, Drugs and Drinking Water Act, to which any premises used for the production of wine have to conform: and

(h) prescribe any other thing that may or is to be prescribed under this Act.

Codes of Practice and guidelines.

28. The Minister may issue codes of recommended or best practice as regards the execution and enforcement of this Act and of regulations and orders made thereunder for the guidance of the Board, or of any person or persons, or class or group of persons, who is or are engaged in the execution and enforcement of this Act and of regulations and orders made thereunder.

Documentation.

29. (1) The Minister may by regulations prescribe the form of any document to be used for the purposes of this Act.

(2) Any document purporting to bear the signature of an officer, who is expressed to hold an office by virtue of which he is under this article empowered to sign such a document or to be duly authorised by the Enforcement Authority to sign such a document shall, for the purposes of this Act, and of any regulations or orders made thereunder, be deemed to have been duly given, made or issued by authority of the Enforcement Authority.

Regulations authorising charges to be imposed

30. The Minister may make regulations requiring or authorising charges to be imposed by the enforcement authority with regards to actions taken by the enforcement authority under this Act or regulations made thereunder, or regulations in the field of wine and wine related products control.

Applicability of provisions of this Act.

31. (1) The provisions of this Act shall apply, in respect of the sector which it governs, without prejudice to the provisions of any

treaties or other international agreements entered into or acceded to by Malta, and with the provisions of any acts binding force of which derives from any such treaty or agreement.

(2) The Minister shall, in the exercise of the powers conferred to him by this Act, ensure, with respect to the sector governed by this Act, Malta's compliance with the provisions of treaties or other international agreements entered into by Malta and with the provisions of any laws, the binding force of which derives from any such treaty or agreement.

(3) The Minister may, in the observance of any requirements arising under subarticle (2), make regulations granting rights to, and imposing obligations upon, any entity or body or association of persons whether it has a legal personality distinct from that of its members or not.

32. (1) The Wine Act is hereby repealed.

Repeal and
saving,
Cap. 211.

(2) Notwithstanding the provisions of subarticle (1), any subsidiary legislation made under the provisions of the Wine Act therein mentioned shall, until other provision is made under or by virtue of this Act, continue in force and have effect as if made under this Act.

Passed by the House of Representatives at Sitting No. 621 of
17th October, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives