

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,250, 28 ta' Mejju, 2024

Taqsimha B

A.L. 122 tal-2024

**ATT DWAR L-AGRIKOLTURA
(KAP. 639)**

Regolamenti tal-2024 dwar il-Kategorizzazzjoni tal-Bdiewa

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 7 tal-Att dwar l-Agricoltura, il-Ministru responsabbli għall-agricoltura u affarijiet rurali, għamel dawn ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2024 dwar il-Kategorizzazzjoni tal-Bdiewa. Titolu, għan u bidu fis-seħh.

(2) L-għan ta' dawn ir-regolamenti hu li joħolqu kategoriji ta' azjendi agrikoli u jikkategorizzaw lill-bdiewa skont l-attività ekonomika tagħhom.

(3) Dawn ir-regolamenti għandhom jidhlu fis-seħh f'dik id-data jew dati li l-Ministru responsabbli għall-agricoltura u affarijiet rurali, jista' b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u, jew għanijiet differenti ta' dawn ir-regolamenti, liema dati ma għandhomx ikunu ta' anqas minn xahrejn (2) mill-pubblikazzjoni ta' dawn ir-regolamenti.

2. (1) F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma teħtieġx xort' oħra: Tifsir.

"Att" tfisser l-Att dwar l-Agricoltura; Kap. 639.

"azjendi kummerċjali" tfisser azjendi agrikoli ġestiti minn bidwi bi produzzjoni standard ta' erbat elef euro (€4000) jew aktar fis-sena:

Iżda azjendi agrikoli bi produzzjoni standard ta' anqas minn erbat elef euro (€4000) fis-sena ma għandhomx jiġu kkunsidrati bħala azjendi kummerċjali;

"Bord" tfisser il-Bord ta' Evalwazzjoni ta' Azjenda kif imwaqqaf bir-regolament 5;

"data" tfisser kwalunkwe data relatata mal-aspetti kollha tal-produzzjoni u l-ipproċessar ta' prodotti agrikoli inklużi iżda mhux limitati għall-istruttura tal-azjenda agrikola, il-post, iż-żamma tal-kotba, l-impjiegi u l-prattiki agrikoli u tal-ipproċessar;

"dħul annwali" tfisser il-valur miżjud annwali għal kull taqsima ta' hidma annwali ta' azjenda kummerċjali;

"introjtu annwali derivat" tfisser l-introjtu annwali tal-azjenda kummerċjali kkalkulat abbażi tad-daqs tal-azjenda agrikola;

"Ministru" tfisser il-Ministru responsabbli għall-agrikoltura;

"Ministeru" tfisser il-Ministeru għall-agrikoltura;

Kap. 422.

"Uffiċċju Nazzjonali tal-Istatistika" tfisser l-Uffiċċju Nazzjonali tal-Istatistika kif imwaqqaf skont l-artikolu 9 tal-Att dwar l-Awtorità tal-Istatistika ta' Malta, jew kwalunkwe korp jew persuna oħra li tista', minn żmien għal żmien, taqdi l-funzjonijiet tagħha;

"produzzjoni standard" tfisser il-valur standard ta' produzzjoni gross ta' azjendi kummerċjali kif jista' jiġi kkalkulat skont ir-Regolament tal-Kunsill (KE) Nru 1217/2009 tat-30 ta' Novembru 2009 li jistabbilixxi n-Network tad-*Data* dwar is-Sostenibbiltà tal-Azjendi Agrikoli u, jew ippubblikat mill-Eurostat skont il-leġiżlazzjoni tal-Unjoni Ewropea, kif fis-seħh minn żmien għal żmien;

(2) Kemm-il darba r-rabta tal-kliem ma teħtieġx xort' oħra, kliem u frażijiet użati f'dawn ir-regolamenti li mhumiex imfissra f'dan ir-regolament għandu jkollhom l-istess tifsira mogħtija lilhom fl-Att.

L-istabbiliment tas-Sistema ta' Kategorizzazzjoni tal-Azjendi Agrikoli u l-parametri referenzjarji relatati.

3. (1) Id-Direttur għandu, permezz ta' avviż tal-Gvern fil-Gazzetta, jippubblika f'tabelli l-parametri referenzjarji sabiex jipprovdi għall-kategorizzazzjoni ta' azjendi kummerċjali għal kull kategorija ta' attivitajiet adegwatament definiti u attribwibbli għal azjendi kummerċjali, u dak l-avviż għandu jipprovdi wkoll parametri referenzjarji sabiex jiġi stabbilit l-introjtu annwali derivat ta' azjendi kummerċjali skont il-produzzjoni standard applikabbli għalihom:

Iżda meta jagħmel dan id-Direttur għandu japplika metodologija adegwatament simplifikata sabiex jikkalkula l-introjtu annwali derivat ta' azjendi kummerċjali.

(2) L-istudji li jsejjsu d-determinazzjoni msemmiya fis-subregolament (1) għandhom jiġu aġġornati perġodikament fid-diskrezzjoni tad-Direttur billi jintużaw għodod, strumenti u varjabbli statistiċi adegwati:

Iżda fid-diskrezzjoni tad-Direttur, l-avviż tal-Gvern għandu

jkollu wkoll informazzjoni rilevanti oħra konsistenti mal-metodologija involuta, bħan-numru ta' unitajiet ta' bhejjem u ż-żona ta' art agrikola utilizzata:

Iżda wkoll il-kategorizzazzjoni ta' azjendi kummerċjali msemmija f'dan ir-regolament għandha tiġi riveduta mill-inqas kull hames (5) snin.

(3) It-tabelli msemmija f'dan ir-regolament għandhom jikkategorizzaw l-introjt annwali derivat mill-azjenda agrikola f'erba' (4) klassijiet li jinkludu l-azjendi kummerċjali kollha fil-meded li ġejjin:

(a) inqas minn jew daqs il-paga minima skont il-liġijiet applikabbli;

(b) aktar mill-paga minima u anqas jew daqs il-punt tan-nofs bejn il-paga minima u l-paga bażika medja għall-impjegati kif irrappurtat mill-Uffiċċju Nazzjonali tal-Istatistika;

(ċ) aktar mill-punt tan-nofs bejn il-paga minima u l-paga bażika medja għall-impjegati kif irrappurtat mill-Uffiċċju Nazzjonali tal-Istatistika, u inqas minn jew daqs il-paga bażika medja għall-impjegati kif irrappurtat mill-Uffiċċju Nazzjonali tal-Istatistika; u

(d) aktar mill-paga bażika medja għall-impjegati kif irrappurtat mill-Uffiċċju Nazzjonali tal-Istatistika.

(4) Il-kategoriji ta' attivitajiet għandhom jiddifferenzjaw bejn l-azjendi tal-bhejjem u tal-uċuħ tar-raba', u jinkludu razzjonalizzazzjonijiet sabiex jitqiesu sitwazzjonijiet ta' azjendi ta' attivitajiet imħallta, skont avviż ippubblikat mid-Direttur fil-Gazzetta.

4. (1) Sal-aħħar ta' Marzu ta' kull sena d-Direttur għandu jikkategorizza kull azjenda kummerċjali f'waħda mill-erba' (4) kategoriji ta' introjt derivat mir-razzett skont id-data tal-produzzjoni standard ta' tali azjenda kummerċjali kif disponibbli għall-Ministeru.

Kategorizzazzjoni ta' azjendi kummerċjali.

(2) Il-kategorizzazzjoni għandha tkun ibbażata fuq id-data tas-snin ta' qabel u għandha tqis iċ-ċikli li fihom il-prodott agrikolu partikolari jkun tqiegħed għad-dispożizzjoni tas-suq matul is-sena.

(3) Id-Direttur għandu jikkategorizza l-azjenda kummerċjali billi jattribwixxi l-kategorizzazzjoni bbażata fuq il-produzzjoni standard tas-sena ta' qabel u billi jattribwixxi l-produzzjoni standard tal-medja tat-tliet (3) snin ta' qabel is-sena ta' kategorizzazzjoni.

(4) Bidwi jista' jitlob rikategorizzazzjoni billi jagħmel dikjarazzjoni lill-Bord, li tipprova kif xieraq il-produzzjoni standard tal-azjenda agrikola, permezz tas-sottomissjoni ta' talba lill-Bord bid-dokumentazzjoni ta' sostenn li hija kollha meħtieġa, kif ġej:

(a) id-dokumentazzjoni kollha pprovduta lill-awtoritajiet fiskali fir-rigward tal-attivitajiet agrikoli tal-azjenda agrikola;

(b) pjanti tas-sit tal-biċċiet ta' art li jkunu qed jiġu kkultivati mill-azjenda agrikola;

(ċ) prova li l-azjenda agrikola qed tiġi ġestita mill-bidwi li qed jitlob ir-rikategorizzazzjoni;

(d) pjanijiet tal-uċuħ tar-raba' mill-azjenda agrikola u kwalunkwe ftehim relatat mal-azjenda agrikola; u

(e) kwalunkwe dokumentazzjoni oħra li tista' tintalab mill-Bord, minn żmien għal żmien:

Izda azjendi li l-informazzjoni tagħhom il-bidwi ma jkunx għamel disponibbli għall-Ministeru ma għandhomx jiġu kkunsidrati:

Izda wkoll bdiewa li jagħzlu li jitolbu għar-rikategorizzazzjoni għandhom jipprovdu s-sottomissjonijiet kollha tagħhom sa mhux aktar tard minn Ġunju tal-istess sena.

Il-Bord ta' Evalwazzjoni tal-Azjenda.

5. (1) Il-Ministru għandu jahtar Bord li għandu jkun responsabbli sabiex jevalwa t-talba magħmula skont ir-regolament 4(4).

(2) Il-Bord għandu jkun magħmul minn:

(a) President, li għandu jkun uffiċjal pubbliku li jkollu grad sostantiv ta' skala hamsa (5) jew oghla fi hdan is-servizz pubbliku u li jservi fi hdan il-Ministeru;

(b) espert agronomiku li jkun uffiċjal pubbliku fi hdan il-Ministeru; u

(ċ) uffiċjal tal-ekonomija li jkun uffiċjal pubbliku fi hdan il-Ministeru.

(3) Uffiċjal tad-Direttorat għandu wkoll jinħatar mid-Direttur sabiex jaġixxi ta' segretarju tal-Bord.

(4) Il-Bord għandu joħroġ id-deċiżjonijiet tiegħu lill-bdiewa

bil-miktub sa mhux aktar tard minn disgħin (90) jum minn meta l-bdiewa li jitolbu għar-rikategorizzazzjoni jipprovdu s-sottomissjonijiet tagħhom, iżda jekk l-aħħar jum ta' dak it-terminu ma jkunx jum ta' xogħol id-deċiżjoni għandha tiġi kkomunikata lill-bdiewa mhux aktar tard mill-jum ta' xogħol sussegwenti:

Iżda d-deċiżjoni tad-Direttur għandha *inter alia* tinkludi l-kategorizzazzjoni attribwita lill-azjenda kummerċjali.

6. Bidwi jista' jikkontesta deċiżjoni skont ir-regolament 5(4) billi jippreżenta rikors quddiem it-Tribunal ta' Reviżjoni Amministrattiva imwaqqaf skont l-artikolu 5(1) tal-Att dwar il-Ġustizzja Amministrattiva fi żmien tletin (30) jum mid-data tan-notifika lill-bidwi bid-deċiżjoni tal-Bord.

Kontestazzjoni
quddiem it-
Tribunal ta'
Reviżjoni
Amministrattiva.
Kap. 490.

L.N. 122 of 2024**AGRICULTURE ACT
(CAP. 639)****Categorisation of Farmers Regulations, 2024**

IN EXERCISE of the powers conferred by article 7 of the Agriculture Act, the Minister responsible for agriculture and rural affairs has made the following regulations:-

Citation, scope
and
commencement.

1. (1) The title of these regulations is the Categorisation of Farmers Regulations, 2024.

(2) The scope of these regulations is to create categories of agricultural holdings and categorise farmers according to their economic activity.

(3) These regulations shall come into force on such date or dates as the Minister responsible for agriculture and rural affairs, may by notice in the Gazette establish, and different dates may be so established for different provisions and, or purposes of these regulations, which dates shall not be less than two (2) months from the publication of these regulations.

Interpretation.

2. (1) In these regulations, unless the context otherwise requires:

Cap. 639.

"Act" means the Agriculture Act;

"annual income" means the annual value added per annual working unit of a commercial holding;

"Board" means the Holding Evaluation Board as established by regulation 5;

"commercial holdings" means agricultural holdings managed by a farmer with a standard output of four thousand euro (€4000) or more *per annum*:

Provided that agricultural holdings with a standard output of less than four thousand euro (€4000) *per annum* shall be not be considered commercial holdings:

"data" means any data related to all aspects of the production and processing of agricultural products, including but

not limited to agricultural holding structure, location, accountancy, employment and agricultural and processing practices;

"derived annual income" means the annual income of the commercial holding calculated on the basis of the size of the agriculture holding;

"Minister" means the Minister responsible for agriculture;

"Ministry" means the Ministry for agriculture;

"National Statistics Office" means the National Statistics Office as established according to article 9 of the Malta Statistics Authority Act, or any other body or person which may, from time to time perform its functions; Cap. 422.

"standard output" means the standard value of gross production of commercial holdings as may be calculated according to Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up the Farm Sustainability Data Network" and, or published by Eurostat according to European Union legislation, as in force from time to time;

(2) Unless the context otherwise requires, words and phrases used in these regulations which are not defined in this regulation shall have the same meaning as assigned to them in the Act.

3. (1) The Director shall publish, by means of a Government notice in the Gazette, tables indicating the benchmarks to provide for the categorization of commercial holdings for each category of suitably defined activities attributable to commercial holdings, and said notice shall also provide benchmarks for determining the derived annual income of commercial holdings according to the standard outputs applicable to them; Setting the Farm Categorisation System and related benchmarks.

Provided that in so doing the Director shall apply a suitably simplified methodology of calculating the derived annual income of commercial holdings.

(2) The studies underlying the determination referred to in sub-regulation (1) shall be updated periodically at the discretion of the Director by utilising suitable statistical tools, instruments and variables:

Provided that at the discretion of the Director, the Government notice shall also have other relevant information consistent with the methodology involved, such as the number of

livestock units and the area of utilised agricultural land;

Provided further that the categorization of commercial holdings referred in this regulation shall be revised at least every five (5) years.

(3) The tables referred in this regulation shall categorise the annual income derived from an agricultural holding into four (4) classes including all the commercial holdings in the following ranges:

(a) less than or equal to the minimum wage according to applicable laws;

(b) more than the minimum wage and less or equal to the midpoint between the minimum wage and the average basic wage for employees as reported by the National Statistics Office;

(c) more than the midpoint between the minimum wage and the average basic wage for employees as reported by the National Statistics Office, and less than or equal to the average basic wage for employees as reported by the National Statistics Office; and

(d) more than the average basic wage for employees as reported by the National Statistics Office.

(4) The activity categories shall differentiate between livestock and crop holdings, and include rationalisations to properly account for situations of mixed activity holdings, according to a notice published by the Director in the Gazette.

Categorising
commercial
holdings.

4. (1) By the end of March of every year the Director shall categorise each commercial holding into one of the four (4) categories of derived farm income according to the standard output data of such commercial holding as available to the Ministry.

(2) The categorisation shall be based on the data of the previous years and shall take into account cycles in which the particular agricultural product was made available to the market during the year.

(3) The Director shall categorise the commercial holding by attributing the categorisation based on the standard output of the previous year and by attributing the standard output of the average of the three (3) years preceding the year of categorisation.

(4) A farmer may request a re-categorisation by making a declaration to the Board, duly proving the agricultural holding's

standard output, through the submission of a request to the Board with all the following necessary supporting documentation:

- (a) all documentation supplied to the fiscal authorities in relation to the agricultural activity of the agricultural holding;
- (b) site plans of the parcels being cultivated by the agricultural holding;
- (c) proof that the agricultural holding is being managed by the farmer who is requesting the re-categorisation;
- (d) crop plans by the agricultural holding and any agreements relating to the agricultural holding; and
- (e) any further documentation as may be requested by the Board, from time to time:

Provided that holdings whose information is not made available to the Ministry by the farmer shall not be considered:

Provided further that farmers requesting a re-categorisation shall provide all their submissions by not later than June of the same year.

5. (1) The Minister shall appoint a Board which shall be responsible for evaluating the request made in terms of regulation 4(4). The Holding Evaluation Board.

(2) The Board shall be composed of:

- (a) a Chairperson, who shall be a public officer having a substantive grade of scale five (5) or higher within the public service and serving within the Ministry;
- (b) an agronomic expert being a public officer within the Ministry; and
- (c) an economics officer being a public officer within the Ministry.

(3) An officer of the Directorate shall also be appointed to act as a secretary to the Board by the Director.

(4) The Board shall issue its decisions to farmers in writing by not later than ninety (90) days from when the farmers requesting re-categorisation provide their submissions, but if the last day of that term is not a working day then the decision shall be communicated to

farmers not later than the next working day:

Provided that the decision of the Director shall *inter alia* include the categorisation attributed to the commercial holding.

Contestation
before the
Administrative
Review Tribunal.
Cap. 490.

6. A farmer may contest a decision according to regulation 5(4) by filing an application before the Administrative Review Tribunal established according to article 5(1) of the Administrative Justice Act within thirty (30) days from date of service on the farmer of the Board's decision.
