

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 19,735, 3 ta' Marzu, 2017

Taqsimha B

L.N. 73 of 2017

**PLANT QUARANTINE ACT
(CAP. 433)**

**Fruit Trees Propagating Material (Amendment)
Regulations, 2017**

IN exercise of the powers conferred by article 32 of the Plant Quarantine Act, the Minister for Sustainable Development, the Environment and Climate Change has made the following regulations:-

1. (1) The title of these regulations is the Fruit Trees Propagating Material (Amendment) Regulations, 2017, and these regulations shall be read and construed as one with the Fruit Trees Propagating Material Regulations, hereinafter referred to as "the principal regulations".

Citation and scope.

S.L. 433.08

(2) The scope of these regulations is to transpose Commission Implementing Directive 2014/96/EU as regards the requirements for the labelling, sealing and packaging of fruit plant propagating material and fruit plants intended for fruit production, falling within the scope of the principal regulations.

2. Sub-regulation (1) of regulation 8 of the principal regulations shall be substituted by the following:

Amends regulation 8 of the principal regulations.

"(1) Propagation material and fruit plants shall be marketed only in sufficiently homogeneous lots and if they have:

(a) qualified as CAC material and accompanied by a document issued by the supplier in accordance with the specific requirements established pursuant to regulation 5. If an official declaration appears on this document, it shall be clearly separate from all other information in the document; or

(b) qualified as pre-basic, basic or certified material and certified as such by the responsible official body, in accordance with the specific requirements established pursuant to regulation 5:

Provided that the requirements in respect of propagation material or fruit trees with regard to labelling, sealing and packaging provided in Schedule II to the principal regulations shall be respected."

Adds new schedule to the principal regulations.

3. Immediately after Schedule I to the principal regulations there shall be added the following new schedule:

"SCHEDULE II

Labelling, sealing and packaging requirements

1. The responsible official body shall ensure that fruit plant propagating material, hereinafter "propagating material", officially certified as pre-basic material, basic material or certified material, and fruit plants intended for fruit production, hereinafter "fruit plants", officially certified as certified material, are only marketed if they comply with the labelling, sealing and packaging requirements set out in Section I and III of this Schedule. Where appropriate, an accompanying document, as provided for in Section II, may be used to complement the label.

2. The responsible official body shall ensure that propagating material and fruit plants which qualify as CAC (*Conformitas Agraria Communitatis*) material are only marketed if they comply with the requirements for the supplier's document set out in Section IV.

I. Label for pre-basic, basic or certified material

(1) The responsible official body shall ensure that for pre-basic, basic or certified material a label complying with paragraphs (2) to (5) of this Section is prepared and affixed by such body to the plants or parts of plants to be marketed as propagating material or fruit plants. Suppliers may be allowed to prepare and affix the label under the responsible official body's supervision. The design of the label shall be established by the responsible official body, in accordance with paragraphs (2), (3) and (4).

Propagating material or fruit plants forming part of the same lot may be marketed with a single label where such material or such plants are part of the same package, bundle or container, and that label is affixed in accordance with the second sub-paragraph of paragraph (5).

The responsible official body may provide that fruit plants, which are one or more years old, are to be labelled individually. In this case, labelling may be carried out in the field before or during uprooting or later. Where labelling is carried out later, plants of the same lot shall be uprooted together and be kept separate from other lots in labelled containers until those plants are labelled.

(2) The label shall contain the following information:

- (a) the indication "EU rules and standards";
- (b) Member State of labelling or the respective code;
- (c) responsible official body or the respective code;
- (d) name of supplier or its registration number/code issued by the responsible official body;
- (e) reference number of package or bundle, individual serial number, week number or batch number;
- (f) botanical name;
- (g) category, and for basic material also the generation number;
- (h) denomination of the variety and, where appropriate, the clone. In the case of rootstocks not belonging to a variety, the name of the species or the interspecific hybrid concerned. For grafted fruit plants, such information shall be given for the rootstock and the top-graft. For varieties for which an application for official registration or for a plant variety right is pending, such information shall indicate: "proposed denomination" and "application pending";
- (i) the indication "variety with an officially recognised description", where appropriate;
- (j) quantity;
- (k) country of production and the respective code, where different from the Member State of labelling;
- (l) year of issue;
- (m) in case the original label is replaced by another label: the year of issue of the original label.

(3) The label shall be indelibly printed in one of the official languages of the Union, easily visible and legible.

(4) If a coloured label is used in respect of any category of plants or parts of plants, the colour of the label shall be:

- (a) white with a diagonal violet stripe for pre-basic-material;

- (b) white for basic material;
- (c) blue for certified material.

(5) The label shall be affixed to the plants or parts of plants to be marketed as propagating material or fruit plants. Where such plants or parts of plants are to be marketed in a package, bundle or container, the label shall be affixed to that package, bundle or container.

Where, in accordance with the second sub-paragraph of paragraph (1), propagating material or fruit plants are marketed with a single label, that label shall be affixed to the package, bundle or container formed by that propagating material or those fruit plants.

II. Accompanying document for pre-basic, basic or certified material

(1) It may be provided that an accompanying document may be made by the responsible official body, or by the supplier concerned under the supervision of this body, for lots of different varieties or types of pre-basic, basic or certified material to be marketed together to complement the label referred to in Section I.

(2) The accompanying document shall fulfil the following requirements:

- (a) include the information set out in Section I(2) and as indicated on the respective label;
- (b) be written in one of the official languages of the Union;
- (c) be delivered at least in duplicate (supplier and recipient);
- (d) accompany the material from the place of the supplier to the place of the recipient;
- (e) include the name and address of the recipient;
- (f) include the date of issue of the document;
- (g) include, where appropriate, additional information relevant to the lots concerned.

(3) Where the information in the accompanying document contradicts the information on the label referred to in Section I, the

information on that label shall prevail.

III. Sealing and packaging requirements for pre-basic, basic or certified material

(1) It shall be ensured that, where pre-basic, basic or certified material is marketed in lots of two or more plants or parts of plants, those lots are sufficiently homogeneous.

Plants or parts of plants making up such lots shall fulfil the requirements of points (a) or (b):

(a) plants or parts of plants are in a package or container sealed as defined in paragraph (2); or

(b) plants or parts of plants form part of a bundle sealed as defined in paragraph (2).

(2) For the purposes of these regulations, "sealing" means: in the case of a package or container, closing in such a way that it cannot be opened without damaging the closure, in the case of a bundle, tying up in such a way that the plants or parts of plants forming part of the bundle cannot be separated without damaging the tie or ties. The package, the container or bundle shall be labelled in such a way that the removal of the label renders it invalid.

IV. Supplier's document for CAC material

(1) The responsible official body shall ensure that CAC material is marketed with a document prepared by the supplier and complying with paragraphs (2) and (3) of this Schedule, hereinafter "the supplier's document".

The responsible official body shall ensure that the supplier's document does not resemble a label referred to in Section I or an accompanying document referred to in Section II, so as to avoid any possible confusion between the supplier's document and those two documents.

(2) The supplier's document shall contain at least the following information:

(a) the indication "EU rules and standards";

(b) Member State where the supplier's document has been prepared, or the respective code;

- (c) responsible official body or the respective code;
 - (d) name of supplier or its registration number/code issued by the responsible official body;
 - (e) individual serial number, week number or batch number;
 - (f) botanical name;
 - (g) CAC material;
 - (h) denomination of the variety and, where appropriate, the clone. In the case of rootstocks not belonging to a variety, the name of the species or the interspecific hybrid concerned. For grafted fruit plants such information shall be given for the rootstock and the top-graft. For varieties for which an application for official registration or for a plant variety right is pending, such information shall indicate: "proposed denomination" and "application pending";
 - (i) quantity;
 - (j) country of production and the respective code, where different from the Member State where the supplier's document has been prepared;
 - (k) date of issue of the document.
- (3) The supplier's document shall be indelibly printed in one of the official languages of the Union and easily visible and legible."
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