

L.N. 310 of 2006**PLANT QUARANTINE ACT, 2001
(ACT NO. XVIII OF 2001)****Propagation Material of Vines (Amendment) Regulations, 2006**

IN exercise of the powers conferred by article 32 of the Plant Quarantine Act, 2001, the Minister for Rural Affairs and the Environment has made the following regulations:-

1. The title of these regulations is the Propagation Material of Vines (Amendment) Regulations, 2006 and they shall be construed as one with the Propagation Material of Vines Regulations, 2004, hereinafter referred to as “the principal regulations”.

Title.

L.N. 470 of 2004.

2. For sub-regulation (1) of regulation 2 of the principal regulations, there shall be substituted the following:

Amends regulation 2 of the principal regulations.

“(1) The scope of these regulations is to make provision for assuring that any seeds produced, placed on the market in Malta or to be exported to the European Community, or being transhipped through Malta prior to its transport to another Member State, meets specified standards of quality.”.

3. In regulation 3 of the principal regulations, for the word “including” in the definition “National Certification Service” there shall be substituted the word “including”.

Amends regulation 3 of the principal regulations.

4. Regulation 4 of the principal regulations shall be amended as follows:

Amends regulation 4 of the principal regulations.

(a) for sub-regulation (1) thereof, there shall be substituted the following:

“(1) No person shall produce, place on the market in Malta or to the European Community or tranship through Malta prior to its transport to another Member State any vine propagation material unless this has been certified by the National Certification Service for any such purpose.”; and

(b) for sub-regulation (2) thereof, there shall be substituted the following:

L.N. 97 of 2004.

“(2) No person shall market any vine propagation material prior to registration according to the Plant Quarantine (Harmful Organisms) Regulations, 2004.”.

Amends regulation 5 of the principal regulations.

5. (1) Regulation 5 of the principal regulations shall be amended as follows:

(a) for sub-regulation (1) thereof, there shall be substituted the following:

“(1) Any person producing, placing on the market in Malta or to the European Community or transshipping through Malta prior to its transport to another Member State any propagation material shall notify the Director.”; and

(b) for sub-regulation (2) thereof, there shall be substituted the following:

“(2) A notice submitted in accordance with sub-regulation (1) of this regulation shall be submitted on such form and in such matter and within such time as the Director may from time to time by notice in the Gazette, establish.”.

Amends regulation 6 of the principal regulations.

6. In sub-regulation (3) of regulation 6 of the principal regulations, for the word “sample”, there shall be substituted the word “sampling”.

Amends regulation 7 of the principal regulations.

7. Regulation 7 of the principal regulations shall be amended as follows:

(a) in sub-regulation (13) thereof, for the words “Council Regulation No 1493/1999, there shall be substituted the words “Council Regulation No. 1493/1999”; and

(b) in sub-regulation (15) thereof, for the words “Directive 2001/18/EC”, there shall be substituted the words “Directive 2001/18/EC”.

Amends regulation 11 of the principal regulations.

8. In sub-regulation (2) of regulation 11 of the principal regulations, for the words “sub-regulation (a)”, there shall be substituted the words “sub-regulation (1)”.

Amends regulation 12 of the principal regulations.

9. Regulation 12 of the principal regulations shall be amended as follows:

(a) in sub-regulation (3) for the words “this legislation, there shall be substituted the words “these regulations”; and

(b) in sub-regulation (4) thereof, for the words “Council Regulation No 1493/1999, there shall be substituted the words “Council Regulation No. 1493/1999”.

10. Immediately after regulation 19 of the principal regulations, there shall be added the following new regulation:

Adds new regulation 20 to the principal regulations.

“Experimentation to improve certain provisions in these regulations.

20. (1) For the purpose of seeking improved alternatives to certain provisions set out in these regulations, temporary experiments may be organised under specified conditions at Community level.

(2) Community comparative tests and trials shall be carried out within the Community for the post-control of samples of vine propagation material placed on the market under the provisions of these regulations, whether mandatory or discretionary, including those relating to plant health and taken during sampling. These tests and trials may include the following:

(a) propagation material produced in third countries;

(b) propagation material suitable for organic farming; and

(c) propagation material marketed in relation to measures intended to help preserve genetic diversity.

These tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply and the Commission shall make the necessary arrangements for the comparative tests and trials to be carried out.”.

Substitutes Schedule I to the principal regulations.

11. For Schedule I to the principal regulations, there shall be substituted the following:

“SCHEDULE I

Conditions relating to the growing crop

Section A - General conditions

1. Varietal identity and purity

The growing crop shall have varietal identity and purity with regards to the variety and, if necessary, the clone. The cultural conditions and the level of development of the plants shall be such as to permit adequate checks on the identity and purity of the growing crop with regard to the variety and, if necessary, the clone, as well as its state of health.

2. Crop health

2.1 The greatest care shall be taken to ensure that the soil or if necessary the substrate of the culture shall not be infected with harmful organisms or their vectors, in particular nematodes (especially *Xiphinema index*) which carry viral diseases. The stock nurseries and the cutting nurseries shall be established under appropriate conditions to avoid any risk of contamination by harmful organisms.

2.2 Harmful organisms that reduce the usefulness of the propagation material shall be present at the lowest possible level. In particular, the conditions set out in points 3.1 to 3.5 below shall apply to the following organisms, subject to point 7 of this Schedule:

- 2.2.1 complex of infectious degeneration: grapevine fanleaf virus (GFLV) and arabis mosaic virus (ArMV);
- 2.2.2 grapevine leafroll disease: grapevine leafroll-associated virus 1 (GLRaV-1) and grapevine leafroll-associated virus 3 (GLRaV-3);
- 2.2.3 grapevine fleck virus (GFkV) (only for rootstocks).

3. Failure Rate

3.1 The stock nurseries intended for the production of initial propagating material shall have been found free from the harmful organisms listed under 2.2.1, 2.2.2 and 2.2.3 by means of an official inspection. This inspection is based on the results of plant health tests carried out by indexing or an internationally accepted equivalent testing method referring to all plants. These tests shall be confirmed by results of plant health tests carried out on all plants every five years for the organisms listed under points 2.2.1 and 2.2.2.

Infected plants must be eliminated. Reasons for failure ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

3.2 The stock nurseries intended for the production of basic propagating material shall have been found free from the harmful organisms listed under 2.2.1 and 2.2.2 by means of an official inspection. This inspection is based on the results of plant health tests referring to all plants. These tests shall be carried out at least every six years starting from three year old stock nurseries.

In those cases where official annual crop inspections are carried out on all plants, the plant health tests shall be carried out at least every six years starting from six year old stock nurseries. Infected plants must be eliminated. Reasons for failure ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

3.3 The stock nurseries intended for the production of certified material shall have been found free from all the harmful organisms listed under point 2.2.1 and 2.2.2 by an official inspection. This inspection is based on the results of plant health tests carried out by survey according to methods of analysis/control procedures which comply with generally accepted and standardized norms. These tests shall be carried out at least every ten years starting from five year old stock nurseries.

In those cases where official annual crop inspections are carried out on all plants, the plant health tests shall be carried out at least every ten years starting from ten year old stock nurseries.

The failure rate of stock nurseries attributable to the harmful organisms listed under points 2.2.1 and 2.2.2 shall not exceed 5%. Infected plants must be eliminated. Reasons for failures ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

3.4 In the stock nurseries intended for the production of standard material, the failure rate attributable to the harmful organisms listed under points 2.2.1 and 2.2.2 shall not exceed 10%. Infected plants must be eliminated from propagation. Reasons for failure ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

3.5 The cutting nurseries shall have been found free from the harmful organisms listed under points 2.2.1 and 2.2.2 by means of an annual crop inspection based on visual methods and, if necessary, supported by suitable tests and/or a second crop inspection.

4. Crop inspections

Without prejudice to the official inspection provided under point 3 above, there shall be at least one official crop inspection. Additional inspections shall be carried out in cases of disputes on matters which can be decided without prejudice to the quality of the propagation material.

Section B - Special conditions

5. Isolation distances

Multiplication nurseries shall not be established within a vineyard or a stock nursery. The minimum distance from a vineyard or a stock nursery shall be three meters. In the case of terraced fields, a multiplication nursery should always be established on the top terrace when vineyards for fruit production already exist.

6. Production of rooted cuttings and rooted grafts

The propagation material used for the production of graftable rootstock cuttings, top-graft cuttings, nursery cuttings, rooted cuttings and rooted grafts shall be taken from stock nurseries that have been inspected and approved.

7. Entry into force of the above conditions

7.1 With regards to stock nurseries which were already in existence for the production of initial or basic propagation material at the date of publication of this legal notice, the points 3.1 and 3.2 may not be applied until the 31st July 2011.

7.2 In respect of stock nurseries which were already in existence for the production of certified propagation material at the date of publication of this legal notice, the points 3.3 may not be applied until the 31st July 2012.

7.3 When the conditions of points 3.1, 3.2 or 3.3 as described in points 7.1 and 7.2 above are not applied, the following rules shall be applied:

Harmful viral diseases, especially grapevine fanleaf and leafroll must be eliminated from crops intended for the production of initial propagation material and basic material. Crops intended for the production of propagation material of the other categories shall be kept free from plants showing symptoms of harmful viral diseases.”.

Substitutes Schedule II to the principal regulations.

12. For Schedule II to the principal regulations, there shall be substituted the following:

“SCHEDULE II

Conditions relating to propagation material

Section A - General conditions

1. Varietal identity and purity

Propagation material shall have varietal identity and purity, and if necessary clonal purity. A 1% tolerance shall be accepted at the time of the marketing of standard material. The minimum technical purity shall be 96%.

The following shall be regarded as technical impurities:

- (i) wholly or partly desiccated propagation material, even when it has been seeped in water after desiccation;
- (ii) damaged, bent or injured propagation material, in particular when damaged by hail or frost or when crushed or broken;
- (iii) material not meeting the requirements under section C of this Schedule.

2. Health of propagation material

The presence of harmful organisms which reduce the usefulness of the propagation material especially those indicated in Section A paragraph 2.2 of Schedule I shall be tolerated only at the lowest possible level. Propagation material presenting clear signs or symptoms ascribable to harmful organisms for which there are no efficient treatments shall be eliminated.

3. State of maturity of the wood

Vine shoots shall have reached a sufficient state of maturity of the wood.

Section B - Special conditions

1. Rooted grafts

Rooted grafts consisting of a combination of the same category of reproduction material shall be classified in that category. The rooted grafts consisting of a combination of different categories of reproductive material shall be classified in the lower category of the elements of which it is composed.

2. Temporary derogation

It may be decided that the provisions of point 1 above are not applied until 31st July 2010 in respect of rooted grafts consisting of initial propagation material grafted on to basic propagation material. If this is the case, the following rule is applicable:

Rooted grafts consisting of initial propagation material grafted on to basic propagation material shall be classified as initial propagation material.

Section C - Grading

1. Graftable rootstock cuttings, nursery cuttings and top-graft cuttings

Diameter

This concerns the largest diameter of the section. This standard does not apply to herbaceous cuttings:

1.1 graftable rootstock cuttings and top-graft cuttings:

- (i) top diameter, 6.5 to 12mm;

B 4208

(ii) maximum butt end diameter, 15mm, except if this involves top-graft cuttings intended for grafting *in situ*;

1.2 nursery cuttings:

minimum top diameter, 3.5mm.

2. Rooted cuttings:

2.1 Diameter

The diameter measured at the middle of the internode under the extension growth and along to the longest axis, shall be at least equal to 5mm. This standard is not applicable to the rooted cuttings derived from herbaceous propagation material.

2.2 Length

The distance from the lowest point at which the roots emerge to the base of the extension growth, shall be not less than:

2.2.1 30cm for rooted cuttings, intended for grafting, however, for rooted cuttings intended for Sicily, this length shall be 20cm;

2.2.2 20cm for other rooted cuttings. This standard is not applicable to the rooted cuttings derived from herbaceous propagation material.

2.3 Roots

Each plant shall have at least three well-developed and well-spaced roots. However, the variety 420A may have only two well-developed roots, provided that they are on opposite sides.

2.4 Heel

The cut shall be made at a sufficient distance below the diaphragm so as not to damage it but not more than 1cm below it.

3. Rooted grafts:

3.1 Length

The stem shall be at least 20cm long. This standard is not applicable to the rooted grafts derived from herbaceous propagation material.

3.2 Roots:

Each plant shall have at least three well-developed and well-spaced roots. However, the variety 420A may have only two well-developed roots, provided that they are on opposite sides.

3.3 Union:

Each plant shall have an adequate, regular and secure union.

3.4 Heel

The cut shall be made at a sufficient distance below the diaphragm so as not to damage it but not more than 1cm below it.”.

Substitutes Schedule III to the principal regulations.

13. For Schedule III to the principal regulations, there shall be substituted the following:

“SCHEDULE III

Packaging

Composition of packages or bundles

Table 1.1:

Type	Number of individuals	Maximum quantity
Rooted grafts	25, 50, 100 or multiples of 100	500
Rooted cuttings	50, 100 or multiples of 100	500
Top-graft cuttings		
- with at least five usable eyes	100 or 200	200
- with one usable eye	500 or multiples of 500	5000
Graftable rootstock cuttings	100 or multiples of 100	1000
Nursery cuttings	100 or multiples of 100	500

Special conditions

1. Small quantities

Where necessary, the size (number of individuals) of packages and bundles of all types and categories of propagation material listed in column 1 above may be smaller than the minimum quantities indicated in column 2 above.

2. Plants of vine with roots in any substrate in pots, crates and boxes
The number of individuals and the maximum quantity do not apply.”.

Substitutes Schedule IV to the principal regulations.

14. For Schedule IV to the principal regulations, there shall be substituted the following:

“Schedule IV

Official Labelling

A. Label

1. Required information

- (i) “EC standards”;
- (ii) Country of production;
- (iii) Authority responsible for certification or checking and Member State or their initials;
- (iv) Name and address of the person responsible for sealing or his identification number;
- (v) Species;
- (vi) Type of material;
- (vii) Category;
- (viii) Variety and, where appropriate, the clone (for rooted grafts, this indication applies for the rootstock and the top-graft);
- (ix) Reference number of batch;
- (x) Quantity;
- (xi) Length (only for graftable rootstock cuttings; the minimum length of the cuttings of the batch concerned);
- (xii) Crop year.

2. Minimum conditions

The label shall comply with the following requirements:

- (i) the label shall be indelibly printed and clearly legible;
- (ii) the label shall be affixed in a conspicuous place in such a way as to be easily visible;
- (iii) information set out in point A (1) shall not in any way be hidden, obscured or interrupted by other written or pictorial matter;
- (iv) the information set out in point A (1) shall appear in the same field of vision.

3. Derogation as regards small quantities to the final consumer

(a) More than one unit

The required information for the label under point (1) (x) reads: “Exact number of units per package or bundle”.

(b) One unit only

The following information set out in point A (1) is not required:

- type of material;
- category;
- reference number of batch;
- quantity;
- length for the graftable rootstock cuttings;
- crop year.

4. Derogations as regards vines in pots, crates or boxes

In case of vines with roots in any substrate in pots, crates and boxes when the packages of such material cannot fulfil the requirements for sealing (including labelling) due to its composition:

- (a) the propagation material shall be kept in separate batches appropriately identified per variety and where relevant per clone and per number of individuals;
- (b) the official label is not compulsory;

- (c) the propagation material shall be accompanied by the accompanying document as laid down under point B.

B. Accompanying document

1. Conditions to be fulfilled

When Member States require that an accompanying document should be delivered, the document:

- shall be delivered in at least two copies (consignor and recipient);
- shall (recipient copy) accompany the delivery from the place of the consignor to the place of recipient;
- shall indicate all information set out under the following point 2 concerning the individual batches of the delivery;
- shall be preserved for at least one year and made available to the official control authority.

2. List of information to be included

- (i) "EC standards";
- (ii) Country of production;
- (iii) Authority responsible for certification or checking and Member State or their initials;
- (iv) Progressive number;
- (v) Consignor (address, registration number);
- (vi) Recipient (address);
- (vii) Species;
- (viii) Type(s) of material;
- (ix) Category(ies);
- (x) Variety(ies) and, where appropriate, the clone(s) (for rooted grafts, this indication applies for the rootstock and the top-graft);
- (xi) Number of individuals per batch;
- (xii) Total number of batches;
- (xiii) Date of delivery.

1. Minimum dimensions

110 X 67mm for rootstock cuttings for grafting, top-graft cuttings, nursery cuttings, rooted cuttings and rooted grafts.

2. Colour of the label

It shall be white for basic material, blue for certified material and dark yellow for standard material.”.

Substitutes Schedule V to the principal regulations.

15. For Schedule V to the principal regulations, there shall be substituted the following:

“SCHEDULE V

**Characteristics considered in the examination for
distinctness, stability and homogeneity**

Section A - Morphological characteristics

1. Leaf-bud formation on a growing branch 10 to 20cm long:
 - 1.1 shape
 - 1.2 colour (on opening to allow observation of the anthocyanins)
 - 1.3 pilosity.
2. Herbaceous branch at time of flowering:
 - 2.1 transversal cross-section (shape and contour)
 - 2.2 pilosity.
3. Ligneous shoot:
 - 3.1 surface
 - 3.2 merithallus.
4. Distribution of tendrils
5. Young leaves at the top on a growing branch 10 to 30cm long (first three leaves clear of the leaf-bud formation counted from that point):
 - 5.1 colour
 - 5.2 pilosity.
6. Mature leaf (situated between the 8th and the 11th node):
 - 6.1 photograph
 - 6.2 drawing or direct print with scale
 - 6.3 general shape
 - 6.4 number of foliar lobes
 - 6.5 petiolar sinus
 - 6.6 depth of the upper and lower lateral sinus
 - 6.7 pilosity of the lower surface
 - 6.8 surface
 - 6.9 lateral serration.
7. Flower:
 - 7.1 apparent sex.
8. Bunch of grapes at industrial maturity (as regards wine grape varieties and table grape varieties)
 - 8.1 photograph (with scale)
 - 8.2 shape
 - 8.3 size
 - 8.4 peduncle (length)
 - 8.5 average weight in grams
 - 8.6 picking off
 - 8.7 compactness of bunch.

9. Berry at industrial maturity (as regards wine grape varieties and table grape varieties):
 - 9.1 photograph (with scale)
 - 9.2 shape
 - 9.3 shape with indication of average weight
 - 9.4 colour
 - 9.5 skin (as regards table grape varieties)
 - 9.6 number of pips (as regards table grape varieties)
 - 9.7 pulp
 - 9.8 juice
 - 9.9 flavour.
10. Seeds (as regards wine grape varieties and table grape varieties):
 - 10.1 photograph of the two sides and profile (with scale).

Section B - Physiological characteristics

1. Vegetative phenomena:
 - 1.1 Establishment of phenological dates:

These are established in comparison with one or more of the control varieties:

 - 1.1.1 white grape varieties
 - 1.1.2 black grape varieties
 - 1.1.3 table grape varieties.
 - 1.2 Date of opening:

Date on which half the eyes of a normally pruned vine have burst open, showing their internal pilosity in relation to that of control varieties.
 - 1.3 Date of full flowering:

Date when for a certain number of plants, half the flowers are open compared with control varieties.
 - 1.4 Maturity (as regards wine grape varieties and table grape varieties):

In addition to the period of maturity, an indication shall be given of the density or probable degree of the must, its acidity and the corresponding yield of grapes expressed in kilograms per hectare, compared with one or more control varieties, giving if possible yields of a similar size.
2. Cultivation characteristics:
 - 2.1 Vigour
 - 2.2 Habit of growth (position of first fruit-bearing bud, preferred size)
 - 2.3 Production:
 - 2.3.1 regularity
 - 2.3.2 yield
 - 2.3.3 anomalies.
 - 2.4 Resistance or sensitivity:
 - 2.4.1 to unfavourable conditions
 - 2.4.2 to pests
 - 2.4.3 proneness to bursting of the grape.
 - 2.5 Behaviour during vegetative propagation:
 - 2.5.1 grafting
 - 2.5.2 propagation by cuttings.
3. Utilisation:
 - 3.1 wine grapes
 - 3.2 table grapes
 - 3.3 as rootstocks
 - 3.4 for industrial uses.”.

Substitutes Schedule VI to the principal regulations.

16. For Schedule VI to the principal regulations, there shall be substituted the following:

“SCHEDULE VI

Minimum conditions for carrying out the growing trials on vine varieties

1. Ecological information:
 - 1.1 Place
 - 1.2 Geographical conditions:
 - 1.2.1 longitude
 - 1.2.2 latitude
 - 1.2.3 altitude
 - 1.2.4 exposure and slope
 - 1.3 Climatic conditions
 - 1.4 Type of soil.
2. Technical procedure:
 - 2.1 For wine grapes and table grapes:
 - 2.1.1 twenty-four vines if possible on several different rootstocks
 - 2.1.2 at least 3 years of production
 - 2.1.3 at least two places having different ecological conditions
 - 2.1.4 the taking of the graft should be examined with at least three varieties of rootstocks.
 - 2.2 For rootstock varieties:
 - 2.2.1 five vines with at least two forms of growth habits
 - 2.2.2 five years after planting
 - 2.2.3 three places having different ecological conditions
 - 2.2.4 the taking of the graft should be examined with at least three varieties of scion.

The National Certification Service may authorise any changes to this Schedule and such changes shall be reported in the catalogue.”.