

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 20,492, 2 ta' Ottubru, 2020

Taqsimha B

L.N. 384 of 2020

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

**Propagation Material of Ornamental Plants (Amendment)
Regulations, 2020**

IN EXERCISE of the powers conferred by article 32 of the Plant Quarantine Act, the Minister for Agriculture, Fisheries and Animal Rights, has made the following regulations:-

1. (1) The title of these regulations is Propagation Material of Ornamental Plants (Amendment) Regulations, 2020 and these regulations shall be read and construed as one with the Propagation Material of Ornamental Plants Regulations, hereinafter referred to as "the principal regulations".

Citation and scope.

S.L. 433.31.

(2) The scope of these regulations is to transpose Commission Implementing Directive (EU) 2020/177 of 11 February 2020 amending Council Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 2002/55/EC, 2002/56/EC and 2002/57/EC, Commission Directives 93/49/EEC and 93/61/EEC and Implementing Directives 2014/21/EU and 2014/98/EU as regards pests of plants on seeds and other plant reproductive material.

2. In regulation 3 of the principal regulations, immediately after the definition "propagation material", there shall be added the following new definition:

Amends regulation 3 of the principal regulations.

" "regulated non-quarantine pests", hereafter referred to as "RNQPs", means a pest that fulfils all the conditions set out under Article 36 of Regulation (EU) 2016/2031 of the European Parliament and the Council as regards protective measures against pests of plants, and is included in the list of Union regulated non-quarantine pests under Annex IV of Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019;"

3. Regulation 6 of the principal regulations, shall be amended as follows:

Amends regulation 6 of the principal regulations.

(a) sub-regulations (1) to (5) thereof, shall be substituted

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by the following new sub-regulations:

"(1) The propagating material of ornamental plants shall at least on visual inspection, be found at the place of production to be practically free from all pests listed in the Schedule I with regards to the respective propagating material of ornamental plants.

(2) The presence of regulated non-quarantine pests ('RNQPs') on propagating material of ornamental plants subject to marketing shall, at least upon visual inspection, not exceed the respective thresholds set out in the Schedule I.

(3) The propagating material of ornamental plants shall, at least on visual inspection, be practically free from any pests, other than the pests listed in the Schedule I with regard to the particular propagating material of ornamental plants, which reduce the usefulness and quality of that material, or from any signs or symptoms thereof.

(4) The material shall also comply with the requirements concerning Union quarantine pests, protected zone quarantine pests and RNQPs provided for in implementing acts adopted pursuant to Regulation (EU) 2016/2031, as well as with the measures adopted pursuant to Article 30(1) of that Regulation.

(5) A schedule is established for a particular genus or species as in Schedule I, laying down additional conditions concerning the quality with which propagation material shall comply when marketed. A genus or species shall only be included in the schedule if there is a demonstrated need for such additional rules. In determining such need the following criteria shall apply:

(a) the existence of problems with the quality of propagation material of the species or genus concerned, which can only be resolved satisfactorily through legislative means;

(b) the economic importance of propagation material of the species or genus concerned; and

(c) the consistency with any international standards on regulated non-quarantine pests."; and

(b) sub-regulation (6) thereof, shall be deleted.

4. Sub-regulation (2) of regulation 7 of the principal regulations, shall be substituted by the following new sub-article:

Amends
regulation 7 of
the principal
regulations.

S.L. 433.03.

"(2) In the case of the appearance, on the premises of a supplier engaged in the production of propagation material, of a harmful organism listed under the Plant Quarantine (Harmful Organisms) Regulations or in any measures established pursuant to regulation 6(5), the supplier shall report this to the Directorate and shall carry out any measures laid down by that Directorate."

5. Regulation 10 of the principal regulations, shall be deleted.
6. Schedule I to the principal regulations, shall be substituted by the following new Schedule:

Deletes
regulation 10 of
the principal
regulations.

Substitutes
Schedule I to
the principal
regulations.

"SCHEDULE I
(Regulation 6)

**Conditions to be met by ornamental plant propagation
material and whole ornamental plants**

- (1) The material shall have adequate identity and purity relative to the genus or species in question, or where appropriate, group of plants, and, where marketed or intended to be marketed with a reference to the variety, shall also have identity and purity as to the variety.
- (2) This Schedule is without prejudice to the provisions laid down in the Regulation (EEC) No 316/68 of the Council fixing quality standards for fresh cut flowers and fresh ornamental foliage.

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RNQPs concerning propagation material of ornamental plants

Bacteria		
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of the ornamental plant
<i>Erwinia amylovora</i> (Burill) Winslow et al. [ERWIAM]	Propagating material of ornamental plants other than seeds <i>Amelanchier</i> Medik., <i>Chaenomeles</i> Lindl., <i>Cotoneaster</i> Medik., <i>Crataegus</i> Tourn. ex L., <i>Cydonia</i> Mill., <i>Eriobrya</i> Lindl., <i>Malus</i> Mill., <i>Mespilus</i> Bosc ex Spach, <i>Photinia davidiana</i> Decne., <i>Pyracantha</i> M. Roem., <i>Pyrus</i> L., <i>Sorbus</i> L.	0%
<i>Pseudomonas syringae</i> pv. <i>persicae</i> (Prunier, Luisetti & Gardan) Young, Dye & Wilkie [PSDMPE]	Propagating material of ornamental plants other than seeds <i>Prunus persica</i> (L.) Batsch, <i>Prunus salicina</i> Lindl.	0%
<i>Spiroplasma citri</i> Saglio et al. [SPIRCI]	Propagating material of ornamental plants other than seeds <i>Citrus</i> L., <i>Citrus</i> L. hybrids, <i>Fortunella Swingle</i> ., <i>Fortunella Swingle</i> . hybrids, <i>Poncirus</i> Raf., <i>Poncirus</i> Raf. hybrids	0%
<i>Xanthomonas arboricola</i> pv. <i>pruni</i> (Smith) Vauterin et al. [XANTPR]	Propagating material of ornamental plants other than seeds <i>Prunus</i> L.	0%
<i>Xanthomonas euvesicatoria</i> Jones et al. [XANTEU]	<i>Capsicum annuum</i> L.	0%
<i>Xanthomonas gardneri</i> (ex Šutič) Jones et al. [XANTGA]	<i>Capsicum annuum</i> L.	0%

<i>Xanthomonas perforans</i> Jones et al. [XANTPF]	<i>Capsicum annuum</i> L.	0%
<i>Xanthomonas vesicatoria</i> (ex Doidge) Vauterin et al. [XANTVE]	<i>Capsicum annuum</i> L.	0%

Fungi and oomycetes		
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of the ornamental plant
<i>Cryphonectria parasitica</i> (Murrill) Barr [ENDOPA]	Propagating material of ornamental plants other than seeds <i>Castanea</i> L.	0%
<i>Dothistroma pini</i> Hulbary [DOTSPI]	Propagating material of ornamental plants other than seeds <i>Pinus</i> L.	0%
<i>Dothistroma septosporum</i> (Dorogin) Morelet [SCIRPI]	Propagating material of ornamental plants other than seeds <i>Pinus</i> L.	0%
<i>Lecanosticta acicola</i> (von Thümen) Sydow [SCIRAC]	Propagating material of ornamental plants other than seeds <i>Pinus</i> L.	0%
<i>Plasmopara halstedii</i> (Farlow) Berlese & de Toni [PLASHA]	Seeds <i>Helianthus annuus</i> L.	0%
<i>Plenodomus tracheiphilus</i> (Petri) Gruyter, Aveskamp & Verkley [DEUTTR]	Propagating material of ornamental plants other than seeds <i>Citrus</i> L., <i>Citrus</i> L. hybrids, <i>Fortunella</i> Swingle, <i>Fortunella</i> Swingle hybrids, <i>Poncirus</i> Raf., <i>Poncirus</i> Raf. hybrids	0%
<i>Puccinia horiana</i> P. Hennings [PUCCHN]	Propagating material of ornamental plants other than seeds <i>Chrysanthemum</i> L.	0%

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Insects and mites		
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of the ornamental plant
<i>Aculops fuchsiae</i> Keifer [ACUPFU]	Propagating material of ornamental plants other than seeds <i>Fuchsia</i> L.	0%
<i>Opogona sacchari</i> Bojer [OPOGSC]	Propagating material of ornamental plants other than seeds <i>Beaucarnea</i> Lem., <i>Bougainvillea</i> Comm. ex Juss., <i>Crassula</i> L., <i>Crinum</i> L., <i>Dracaena</i> Vand. ex L., <i>Ficus</i> L., <i>Musa</i> L., <i>Pachira</i> Aubl., <i>Palmae</i> , <i>Sansevieria</i> Thunb., <i>Yucca</i> L.	0%

<i>Rhynchophorus ferrugineus</i> (Olivier) [RHYCFE]	Propagating material of ornamental plants other than seeds <i>Palmae</i> , as regards the following genera and species <i>Areca catechu</i> L., <i>Arenga pinnata</i> (Wurmb) Merr., <i>Bismarckia Hildebr. & H. Wendl.</i> , <i>Borassus flabellifer</i> L., <i>Brahea armata</i> S. Watson, <i>Brahea edulis</i> H. Wendl., <i>Butia capitata</i> (Mart.) Becc., <i>Calamus merrillii</i> Becc., <i>Caryota maxima</i> Blume, <i>Caryota cumingii</i> Lodd. ex Mart., <i>Chamaerops humilis</i> L., <i>Cocos nucifera</i> L., <i>Corypha utan</i> Lam., <i>Copernicia</i> Mart., <i>Elaeis guineensis</i> Jacq., <i>Howea forsteriana</i> Becc., <i>Jubaea chilensis</i> (Molina) Baill., <i>Livistona australis</i> C. Martius, <i>Livistona decora</i> (W. Bull) Dowe, <i>Livistona rotundifolia</i> (Lam.)	0%
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	Mart., <i>Metroxylon sagu</i> Rottb., <i>Phoenix</i> <i>canariensis</i> Chabaud, <i>Phoenix dactylifera</i> L., <i>Phoenix reclinata</i> Jacq., <i>Phoenix</i> <i>roebelenii</i> O'Brien, <i>Phoenix sylvestris</i> (L.) Roxb., <i>Phoenix</i> <i>theophrasti</i> Greuter, <i>Pritchardia</i> Seem. & H. Wendl., <i>Ravenea</i> <i>rivularis</i> Jum. & H. Perrier, <i>Roystonea</i> <i>regia</i> (Kunth) O.F. Cook, <i>Sabal</i> <i>palmetto</i> (Walter) Lodd. ex Schult. & Schult.f., <i>Syagrus</i> <i>romanzoffiana</i> (Cham.) Glassman, <i>Trachycarpus fortunei</i> (Hook.) H. Wendl., <i>Washingtonia</i> H. Wendl.	
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Nematodes		
RNQP or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of the ornamental plant
<i>Ditylenchus dipsaci</i> (Kuehn) Filipjev [DITYDI]	<i>Allium</i> L.	0%

<i>Ditylenchus dipsaci</i> (Kuehn) Filipjev [DITYDI]	Propagating material of ornamental plants other than seeds <i>Camassia</i> Lindl., <i>Chionodoxa</i> Boiss., <i>Crocus flavus</i> Weston, <i>Galanthus</i> L., <i>Hyacinthus</i> Tourn. ex L., <i>Hymenocallis</i> Salisb., <i>Muscari</i> Mill., <i>Narcissus</i> L., <i>Ornithogalum</i> L., <i>Puschkinia</i> Adams, <i>Scilla</i> L., <i>Sternbergia</i> Waldst. & Kit., <i>Tulipa</i> L.	0%
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Viruses, viroids, virus-like diseases and phytoplasmas		
RNQPs or symptoms caused by RNQPs	Genus or species of propagating material of ornamental plants	Threshold for the presence of RNQPs on the propagating material of the ornamental plant
<i>Candidatus</i> Phytoplasma <i>mali</i> Seemüller & Schneider [PHYPPMA]	Propagating material of ornamental plants other than seeds <i>Malus</i> Mill.	0%
<i>Candidatus</i> Phytoplasma <i>prunorum</i> Seemüller & Schneider [PHYPPR]	Propagating material of ornamental plants other than seeds <i>Prunus</i> L.	0%
<i>Candidatus</i> Phytoplasma <i>pyri</i> Seemüller & Schneider [PHYPPY]	Propagating material of ornamental plants other than seeds <i>Pyrus</i> L.	0%
<i>Candidatus</i> Phytoplasma <i>solani</i> Quaglino et al. [PHYPSO]	Propagating material of ornamental plants other than seeds <i>Lavandula</i> L.	0%
Chrysanthemum stunt viroid [CSVD00]	Propagating material of ornamental plants other than seeds <i>Argyranthemum</i> Webb ex Sch.Bip., <i>Chrysanthemum</i> L.	0%

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<i>Citrus exocortis</i> viroid [CEVD00]	Propagating material of ornamental plants other than seeds <i>Citrus</i> L.	0%
<i>Citrus tristeza</i> virus [CTV000] (EU isolates)	Propagating material of ornamental plants other than seeds <i>Citrus</i> L., <i>Citrus</i> L. hybrids, <i>Fortunella</i> Swingle, <i>Fortunella</i> Swingle hybrids, <i>Poncirus</i> Raf., <i>Poncirus</i> Raf. Hybrids.	0%
<i>Impatiens</i> necrotic spot tospovirus [INSV00]	Propagating material of ornamental plants other than seeds <i>Begonia x hiemalis</i> Fotsch, <i>Impatiens</i> L. New Guinea Hybrids	0%
Potato spindle tuber viroid [PSTVD0]	<i>Capsicum annuum</i> L.,	0%
Plum pox virus [PPV000]	Propagating material of ornamental plants other than seeds <i>Prunus armeniaca</i> L., <i>Prunus blireiana</i> Andre, <i>Prunus</i> <i>brigantina</i> Vill., <i>Prunus cerasifera</i> Ehrh., <i>Prunus cistena</i> Hansen, <i>Prunus</i> <i>curdica</i> Fenzl and Fritsch., <i>Prunus</i> <i>domestica</i> L., <i>Prunus</i> <i>domestica</i> ssp. <i>insititia</i> (L.) C.K. Schneid, <i>Prunus domestica</i> ssp. <i>italica</i> (Borkh.) Hegi., <i>Prunus dulcis</i> (Miller) Webb, <i>Prunus</i> <i>glandulosa</i> Thunb., <i>Prunus holosericea</i> Batal., <i>Prunus</i> <i>hortulana</i> Bailey, <i>Prunus</i> <i>japonica</i> Thunb., <i>Prunus mandshurica</i>	0%

	(Maxim.) Koehne, <i>Prunus maritima</i> Marsh., <i>Prunus mume</i> Sieb. and Zucc., <i>Prunus nigra</i> Ait., <i>Prunus persica</i> (L.) Batsch, <i>Prunus salicina</i> L., <i>Prunus sibirica</i> L., <i>Prunus simonii</i> Carr., <i>Prunus spinosa</i> L., <i>Prunus tomentosa</i> Thunb., <i>Prunus triloba</i> Lindl. — other species of <i>Prunus</i> L. susceptible to Plum pox virus	
Tomato spotted wilt tospovirus (TSWV00)	Propagating material of ornamental plants other than seeds <i>Begonia x hiemalis</i> Fotsch, <i>Capsicum</i> <i>annuum</i> L., <i>Chrysanthemum</i> L., <i>Gerbera</i> L., <i>Impatiens</i> L. New Guinea Hybrids, <i>Pelargonium</i> L.	0%

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