

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

*Taqsimha B*

**L.N. 383 of 2020**

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

**Propagation Material of Vines (Amendment) Regulations, 2020**

IN EXERCISE of the powers conferred by article 32 of the Plant Quarantine Act, the Minister responsible for agriculture has made the following regulations:-

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

Citation and scope.

S.L. 433.15.

(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 the principal regulations, the words "the Department", wherever they occur, shall be substituted by the words "the Directorate",.

Amends the principal regulations.

**3.** Regulation 2 of the principal regulations shall be substituted by the following:

Substitutes regulation 2 of the principal regulations.

"2. (1) The scope of these regulations is to make provisions to ensure that any propagation material of vine, produced in Malta or placed on the market in Malta, or intended to be moved to another Member State, meets specified standards of quality.

(2) These regulations shall apply to plant material utilised for the vegetative propagation of vines, hereinafter referred to as the propagation material as hereinafter defined, produced and marketed within the European Union.

(3) These regulations transpose Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation material of the vine."

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Amends  
regulation 3 of  
the principal  
regulations.

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

(a) the definition "the Department" thereof shall be deleted;

(b) the definition "the Director" thereof shall be substituted by the following:

" "the Director" means the Director responsible for the Directorate;"

(c) immediately after the definition "the Director" thereof, there shall be added the following new definition:

" "the Directorate" means the Directorate or Department responsible for plant health;" and

(d) immediately after the definition "propagation material", there shall be added the following new definition:

" "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;"

Substitutes  
regulation 4 of  
the principal  
regulations.

5. Regulation 4 of the principal regulations shall be substituted by the following:

Notification.

"4. (1) Professional operators introducing vine propagation material from another EU Member State shall declare the introduction of such material forty-eight (48) hours prior to its arrival in Malta, through the Supplementary Declaration System of Malta (Intrastat), of each lot received by them.

(2) The non-professional final users being supplied with vine propagation material from another EU Member State shall also inform the Directorate by means of the EU Plant Notification Form (For General Public) available on the

Directorate's website, forty-eight (48) hours prior to the arrival of the plant material in Malta of each lot received by them.

(3) The professional operators and the non-professional final users being supplied with vine propagation material being imported from a third country shall also inform the Directorate by means of the Third Countries Notification Form available on the Directorate's website forty eight hours (48) prior to the arrival, of the plant material in Malta of each lot received by them."

6. Regulations 5 and 6 of the principal regulations shall be deleted.

Deletes regulations 5 and 6 of the principal regulations.

7. Schedule I annexed to the principal regulations shall be substituted by the following:

Substitutes Schedule I annexed to the principal regulations.

### "SCHEDULE I

#### **Conditions relating to the growing crop**

##### **Section A – Identity, purity and cultural conditions**

1. The growing crop shall have identity and purity with regard to the variety and, where applicable the clone.

2. The cultural conditions and the level of development of the growing crop shall be such as to allow sufficient checks on the identity and purity of the growing crop with regards to the variety and, if necessary, the clone, as well as its state of health.

##### **Section B – Health requirements for stock nurseries intended for the production of all categories of propagating material and for cutting nurseries of all categories**

1. This Section shall apply to stock nurseries intended for the production of all categories of propagating material, and to cutting nurseries of all those categories.

2. The stock nurseries and the cutting nurseries shall, by visual inspection, be found free from the regulated non-quarantine pests (RNQPs) listed in Sections F and G, as regards the genus or species concerned.

The stock nurseries and the cutting nurseries shall be sampled and tested for the RNQPs listed in Section G, as regards the genus or species concerned. In case of doubts concerning the

presence of the RNQPs listed in Sections F and G, as regards the genus or species concerned, the stock nurseries and cutting nurseries shall be sampled and tested.

3. Visual inspection and, where appropriate, sampling and testing of the stock nurseries and cutting nurseries concerned shall be carried out pursuant to Section H.

4. Sampling and testing, as provided for in item 2, shall take place in the most appropriate period of the year taking into account the climatic conditions and the growing conditions of the vine, and the biology of the RNQPs relevant for that vine.

As regards sampling and testing, the Directorate shall apply protocols of the European and Mediterranean Plant Protection Organisation (EPPO), or other protocols which are internationally recognised. Where such protocols do not exist, the relevant protocols established for Malta shall be applied. In that case, the Directorate shall, on request, make available those protocols to the other Member States and to the European Commission.

As regards sampling and testing of vines in the stock nurseries intended for the production of initial propagating material, the Directorate shall apply biological indexing on indicator plants to assess the presence of viruses, viroids, virus-like diseases and phytoplasmas, or other equivalent protocols which are internationally recognised.

**Section C - Soil requirements and production conditions for stock nurseries intended for the production of all categories of propagating material, and for cutting nurseries of all categories of propagating material**

1. The vines in stock nurseries and cutting nurseries may only be planted in soil or, where appropriate, in pots with growing media, free from any pests which may host the viruses listed in Section G. Freedom from such pests shall be established by sampling and testing.

That sampling and testing shall be carried out taking into account the climatic conditions and the biology of the pests which may host the viruses listed in Section G.

2. Sampling and testing shall not be carried out when the official control authority concludes on the basis of an official inspection that the soil is free from any pests which may host the

viruses listed in Section G.

Sampling and testing shall also not be carried out where vines have not been grown in the soil of production for a period of at least five years and where there is no doubt concerning the absence in that soil of the pests which may host the viruses listed in Section G.

3. As regards sampling and testing, the Directorate shall apply protocols of the EPPO, or other protocols which are internationally recognised. Where such protocols do not exist, the Directorate shall apply the relevant protocols established for Malta. In that case, the Directorate shall, on request, make available those protocols to the other Member States and to the European Commission.

#### **Section D - Requirements with regard to the production site, place of production or area**

1. The stock nurseries and the cutting nurseries shall be established under appropriate conditions to prevent any risk of contamination by pests which may host the viruses listed in Section G.

2. The cutting nurseries shall not be established within a vineyard or stock nursery. The minimum distance from a vineyard or stock nursery shall be three meters.

3. In addition to the health and soil requirements, and production conditions of Sections B and C, propagating material shall be produced in accordance with the requirements for the production site, place of production, or area as laid down in Section H to limit the presence of the pests listed in that Section.

#### **Section E - Official inspections**

1. The propagating material produced in stock nurseries and cutting nurseries shall be found to comply with the requirements of Sections B to D through annual official crop inspections.

2. Those official inspections shall be carried out by the official control authority in accordance with Section H.

3. Additional official crop inspections shall be carried out in cases of disputes on matters which can be decided without prejudice to the quality of the propagating material.

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**Section F - List of RNQPs for the presence of which visual inspection, and in the case of doubts, sampling and testing are required pursuant to item 2 of Section B**

Genus or species of vine propagating material other than seeds	RNQPs
Non-grafted <i>Vitis vinifera</i> L.	Insects and mites <i>Viteus vitifoliae</i> Fitch (VITEVI)
<i>Vitis</i> L. other than non-grafted <i>Vitis vinifera</i> L.	Insects and mites <i>Viteus vitifoliae</i> Fitch (VITEVI)
<i>Vitis</i> L.	Bacteria <i>Xylophilus ampelinus</i> Willems <i>et al.</i> (XANTAM)
<i>Vitis</i> L.	Viruses, viroids, virus-like diseases and phytoplasmas <i>Candidatus Phytoplasma solani</i> Quaglino <i>et al.</i> [PHYPSO]

**Section G - List of RNQPs for the presence of which visual inspection, and in particular cases, sampling and testing are required pursuant to item 2 of Section B and Section H**

Genus or species	RNQPs
<i>Vitis</i> L. propagating material other than seeds	Viruses, viroids, virus-like diseases and phytoplasmas <i>Arabis</i> mosaic virus (ARMV00) Grapevine fanleaf virus (GFLV00) Grapevine leafroll associated virus 1 (GLRAV1) Grapevine leafroll associated virus 3 (GLRAV3)
Rootstocks of <i>Vitis</i> spp. and their hybrids, except <i>Vitis vinifera</i> L.	Viruses, viroids, virus-like diseases and phytoplasmas <i>Arabis</i> mosaic virus (ARMV00) Grapevine fanleaf virus (GFLV00) Grapevine leafroll associated virus 1 (GLRAV1) Grapevine leafroll associated virus 3 (GLRAV3) Grapevine fleck virus (GFKV00)

**Section H - Requirements concerning measures for *Vitis* L. stock nurseries and, where applicable, cutting nurseries per category, pursuant to item 2 of Section B**

*Vitis* L.

**1. Initial propagating material, basic propagating material and certified material**

**Visual inspections**

The official control authority shall carry out visual inspections on stock nurseries and cutting nurseries at least once per growing season for all RNQPs listed in Sections F and G.

## **2. Initial propagating material**

### **Sampling and testing**

All vines in the stock nurseries intended for the production of initial propagating material, shall be sampled and tested concerning the presence of *Arabis* mosaic virus, Grapevine fanleaf virus, Grapevine Leafroll-associated Virus 1 and Grapevine Leafroll-associated Virus 3. That sampling and testing shall be repeated with subsequent intervals of five years.

The stock nurseries intended for the production of rootstocks shall be, in addition to the sampling and testing of the viruses referred to in the first indent, sampled and tested once concerning the presence of Grapevine fleck virus.

The results of sampling and testing shall be available before acceptance of the stock nurseries concerned.

## **3. Basic propagating material**

### **Sampling and testing**

All vines in the stock nurseries intended for the production of basic propagating material shall be sampled and tested concerning the presence of *Arabis* mosaic virus, Grapevine fanleaf virus, Grapevine Leafroll-associated Virus 1 and Grapevine Leafroll-associated Virus 3.

Sampling and testing shall start from six-year-old stock nurseries and with subsequent intervals of six years.

The results of sampling and testing shall be available before acceptance of the stock nurseries concerned.

## **4. Certified material**

### **Sampling and testing**

A representative portion of vines in a stock nursery intended for the production of certified material shall be sampled and tested concerning the presence of *Arabis* mosaic virus, Grapevine fanleaf virus, Grapevine Leafroll-associated Virus 1 and Grapevine Leafroll-associated Virus 3.

Sampling and testing shall start from ten-year-old stock nurseries and with subsequent intervals of ten years.

The results of sampling and testing shall be available before acceptance of the stock nurseries concerned.

**5. Initial propagating material, basic propagating material, and certified material**

**Requirements with regard to the production site, place of production or area and according to the RNQPs concerned:**

**(a) *Candidatus Phytoplasma solani* Quaglino *et al.***

(i) Vines shall be produced in areas known to be free from *Candidatus Phytoplasma solani* Quaglino *et al.*; or

(ii) no symptoms of *Candidatus Phytoplasma solani* Quaglino *et al.* have been observed on vines in the production site over the last complete growing season; or

(iii) the following conditions shall be fulfilled with regard to the presence of *Candidatus Phytoplasma solani* Quaglino *et al.*:

— all vines in the stock nurseries intended for the production of initial propagating material and basic propagating material showing symptoms of *Candidatus Phytoplasma solani* Quaglino *et al.* have been rogued out; and

— all vines in the stock nurseries intended for the production of certified material showing symptoms of *Candidatus Phytoplasma solani* Quaglino *et al.* have been at least excluded from propagation; and

— in the case where propagating material which is intended for marketing shows symptoms of *Candidatus Phytoplasma solani* Quaglino *et al.*, the entire lot of that material shall be subjected to hot water treatment, or another appropriate treatment in accordance with protocols of EPPO, or other protocols which are internationally recognised to ensure freedom from *Candidatus Phytoplasma solani* Quaglino *et al.*

**(b) *Xylophilus ampelinus* Willems *et al.***

(i) Vines shall be produced in areas known to be free from *Xylophilus ampelinus* Willems *et al.*; or

(ii) no symptoms of *Xylophilus ampelinus* Willems *et al.* have been observed on vines in the production site over the last complete growing season; or

(iii) the following conditions shall be fulfilled with regard to the presence of *Xylophilus ampelinus* Willems *et al.*:

— all vines in the stock nurseries intended for the production of initial propagating material, basic propagating material, and certified material showing symptoms of *Xylophilus ampelinus* Willems *et al.* have been rogued out and appropriate hygiene measures shall be taken, and

— vines in the production site showing symptoms of *Xylophilus ampelinus* Willems *et al.* shall be treated with a bactericide after pruning to ensure freedom from *Xylophilus ampelinus* Willems *et al.*; and

— in the case where propagating material which is intended for marketing shows symptoms of *Xylophilus ampelinus* Willems *et al.*, the entire lot of that material shall be subjected to hot water treatment or another appropriate treatment in accordance with protocols of EPPO, or other internationally recognised protocols to ensure freedom from *Xylophilus ampelinus* Willems *et al.*

**(c) *Arabis* mosaic virus, Grapevine fanleaf virus, Grapevine Leafroll-associated Virus 1 and Grapevine Leafroll-associated Virus 3**

(i) The following conditions shall be fulfilled with regard to the presence of *Arabis* mosaic virus, Grapevine fanleaf virus, Grapevine Leafroll-associated Virus 1 and Grapevine Leafroll-associated Virus 3:

— no symptoms of any of those viruses have been observed on vines in stock nurseries intended for the production of initial propagating material and

basic propagating material; and

— symptoms of those viruses have been observed on no more than 5% of vines in stock nurseries intended for the production of certified material, and those vines have been rogued out and destroyed; or

(ii) all vines in the stock nurseries intended for the production of initial propagating material, and initial propagating material shall be maintained in insect proof facilities to ensure freedom from Grapevine Leafroll-associated Virus 1 and Grapevine Leafroll-associated Virus 3.

**(d) *Viteus vitifoliae* Fitch**

(i) Vines shall be produced in areas known to be free from *Viteus vitifoliae* Fitch, or

(ii) vines shall be grafted on rootstocks resistant to *Viteus vitifoliae* Fitch, or

— all vines in the stock nurseries intended for the production of initial propagating material, and all initial propagating material shall be maintained in insect proof facilities and no symptoms of *Viteus vitifoliae* Fitch have been observed on those vines over the last complete growing season; and

— in the case where propagating material which is intended for marketing shows symptoms of *Viteus vitifoliae* Fitch, the entire lot of that material shall be subjected to fumigation, hot water treatment, or another appropriate treatment in accordance with protocols of EPPO, or other protocols which are internationally recognised to ensure freedom from *Viteus vitifoliae* Fitch.

**6. Standard material**

**Visual inspections**

The official control authority shall carry out visual inspections on stock nurseries and cutting nurseries at least once per growing season for all RNQPs listed in Sections F and G.

**Requirements with regard to the production site, place**

**of production or area and according to the RNQP(s) concerned:**

**(a) *Candidatus Phytoplasma solani* Quaglino *et al.***

(i) Vines shall be produced in areas known to be free from *Candidatus Phytoplasma solani* Quaglino *et al.*; or

(ii) no symptoms of *Candidatus Phytoplasma solani* Quaglino *et al.* have been observed on vines in the production site over the last complete growing season; or

(iii) all vines in the stock nurseries intended for the production of standard material showing symptoms of *Candidatus Phytoplasma solani* Quaglino *et al.* have been at least excluded from propagation; and

— in the case where propagating material which is intended for marketing shows symptoms of *Candidatus Phytoplasma solani* Quaglino *et al.*, the entire lot of that material shall be subjected to hot water treatment, or another appropriate treatment in accordance with protocols of EPPO, or other protocols which are internationally recognised to ensure freedom from *Candidatus Phytoplasma solani* Quaglino *et al.*

**(b) *Xylophilus ampelinus* Willems *et al.***

(i) Vines shall be produced in areas known to be free from *Xylophilus ampelinus* Willems *et al.*; or

(ii) no symptoms of *Xylophilus ampelinus* Willems *et al.* have been observed on vines in the production site over the last complete growing season; or

(iii) the following conditions shall be fulfilled with regard to the presence of *Xylophilus ampelinus* Willems *et al.*:

— all vines in the stock nurseries intended for the production of standard material showing symptoms of *Xylophilus ampelinus* Willems *et al.* have been rogued out and appropriate hygiene measures shall be taken; and

— vines in the production site showing

symptoms of *Xylophilus ampelinus* Willems *et al.* shall be treated with a bactericide after pruning to ensure freedom from *Xylophilus ampelinus* Willems *et al.*; and

— in the case where propagating material which is intended for marketing shows symptoms of *Xylophilus ampelinus* Willems *et al.*, the entire lot of that material shall be subjected to hot water treatment or another appropriate treatment in accordance with protocols of EPPO, or other protocols which are internationally recognised to ensure freedom from *Xylophilus ampelinus* Willems *et al.*

**(c) *Arabis* mosaic virus, Grapevine fanleaf virus, Grapevine Leafroll-associated Virus 1 and Grapevine Leafroll-associated Virus 3**

Symptoms of all viruses (*Arabis* mosaic virus, Grapevine fanleaf virus, Grapevine Leafroll-associated Virus 1 and Grapevine Leafroll-associated Virus 3) have been observed on no more than 10% of vines in the stock nurseries intended for the production of standard material and those vines have been eliminated from propagation.

**(d) *Viteus vitifoliae* Fitch**

(i) Vines shall be produced in areas known to be free from *Viteus vitifoliae* Fitch, or

(ii) vines shall be grafted on rootstocks resistant to *Viteus vitifoliae* Fitch, or:

(iii) in the case where propagating material which is intended for marketing showing signs or symptoms of *Viteus vitifoliae* Fitch, the entire lot of that material shall be subjected to fumigation, hot water treatment, or another appropriate treatment in accordance with protocols of EPPO, or other protocols which are internationally recognised to ensure freedom from *Viteus vitifoliae* Fitch."

Substitutes  
Schedule II  
annexed to the  
principal  
regulations.

**8.** Item 2 of Section A of Schedule II annexed to the principal regulations shall be substituted by the following:

"2. Health of propagation material

Propagating material shall be practically free from any pests which reduce the usefulness and quality of the propagating

material.

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

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