

*Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 20,062, 28 ta' Settembru, 2018*

*Taqsimha B*

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**L.N. 311 of 2018**

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

**Examination of Varieties of Agricultural Plant Species  
(Amendment) Regulations, 2018**

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

1. The title of these regulations is the Examination of Varieties of Agricultural Plant Species (Amendment) Regulations, 2018, and these regulations shall be read and construed as one with the Examination of Varieties of Agricultural Plant Species Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 433.22.

2. Sub-regulations (2), (3) and (4) of regulation 1 of the principal regulations shall be substituted by the following:

Amends regulation 1 of the principal regulations.

"(2) The scope of these regulations is:

(a) to ensure that varieties of species of agricultural plants which shall be included in the national catalogue of such varieties in Malta shall comply with internationally recognised guidelines as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining such varieties;

(b) to transpose the provisions of:

(i) Commission Directive 2003/90/EC as regards the minimum characteristics and the minimum conditions for examining certain varieties of agricultural plant species, as amended by Commission Directive 2007/48/EC of 26 July 2007;

(ii) Commission Directive 2009/97/EC of 3 August 2009;

(iii) Commission Directive 2010/46/EU of 2 July 2010;

(iv) Commission Implementing Directive 2011/

68/EU of 1 July 2011;

(v) Commission Implementing Directive 2012/8/EU of 2 March 2012;

(vi) Commission Implementing Directive 2012/44/EU of 26 November 2012;

(vii) Commission Directive 2013/57/EU amending Commission Directive 2003/90/EC setting out implementing measures for the purposes Article 7 of Council Directive 2002/53/EC as regards the minimum characteristics to be examined and the minimum conditions for examining certain varieties of agricultural plant species;

(viii) Commission Implementing Directive 2014/105/EU amending Commission Directive 2003/90/EC setting out implementing measures for the purposes Article 7 of Council Directive 2002/53/EC as regards the minimum characteristics to be examined and the minimum conditions for examining certain varieties of agricultural plant species;

(ix) Commission Implementing Directive (EU) 2015/1168 of 15 July 2015 amending Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC and Article 7 of Council Directive 2002/55/EC respectively, as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species;

(x) Commission Implementing Directive (EU) 2016/1914 of 31 October 2016 amending Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC and Article 7 of Council Directive 2002/55/EC respectively, as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species; and

(xi) Commission Implementing Directive (EU) 2018/100 amending Commission Directive 2003/90/EC setting out implementing measures for the purposes Article

7 of Council Directive 2002/53/EC as regards the minimum characteristics to be examined and the minimum conditions for examining certain varieties of agricultural plant species.”.

3. Regulation 2(1) of the principal regulations shall be substituted by the following:

Substitutes regulation 2(1) of the principal regulations.

S.L. 433.30.

"2. (1) Varieties of agricultural plant species shall be officially accepted in the national catalogue within the meaning of regulation 6(1) of the Seeds of Agricultural Plants and Vegetables Regulations, after fulfilling the requirements set out in the paragraph below:"

4. Schedule I of the principal regulations shall be substituted by the following:

Substitutes Schedule I of the principal regulations.

### "SCHEDULE I CPVO guidelines

The following tables list the genera and species for which CPVO guidelines apply. These technical protocols can be found on the CPVO website [www.cpvo.europa.eu](http://www.cpvo.europa.eu).

#### I. Cereals

Table 1.1:

| Scientific name   | Common name  | CPVO protocol                |
|---|--|------------------------------|
| <i>Avena nuda</i> L.  | Small naked oat, Hulless oat   | TP 20/2 of 1.10.2015         |
| <i>Avena sativa</i> L. (includes <i>A. byzantina</i> K. Koch) | Oats and Red oat   | TP 20/2 of 1.10.2015         |
| <i>Hordeum vulgare</i> L.                                     | Barley   | TP 19/4 of 1.10.2015         |
| <i>Secale cereale</i> L.                                      | Rye  | TP 58/1 of 31.10.2002        |
| <i>xTriticosecale</i> Wittm. ex A. Camus                      | Hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i> | TP 121/2 rev. 1 of 16.2.2011 |
| <i>Triticum aestivum</i> L.                                   | Wheat  | TP 3/4 rev.2 of 16.2.2011    |
| <i>Triticum durum</i> Desf.                                   | Durum wheat  | TP 120/3 of 19.3.2014        |
| <i>Zea mays</i> L.  | Maize  | TP 2/3 of 11.3.2010          |

**II. Fodder Plants**

Table 1.2:

| Scientific name                             | Common name                 | CPVO protocol             |
|---|-----------------------------|---------------------------|
| Poaceae (Gramineae)                         |                             |                           |
| <i>Festuca filiformis</i> Pourr.            | Fine-leaved sheep's fescue  | TP 67/1 of 23.6.2011      |
| <i>Festuca ovina</i> L.                     | Sheep's fescue              | TP 67/1 of 23.6.2011      |
| <i>Festuca pratensis</i> Huds.              | Meadow fescue               | TP 39/1 of 1.10.2015      |
| <i>Festuca rubra</i> L.                     | Red fescue                  | TP 67/1 of 23.6.2011      |
| <i>Festuca trachyphylla</i> (Hack.) Krajina | Hard fescue                 | TP 67/1 of 23.6.2011      |
| <i>Lolium multiflorum</i> Lam.              | Italian ryegrass            | TP 4/1 of 23.6.2011       |
| <i>Lolium perenne</i> L.                    | Perennial ryegrass          | TP 4/1 of 23.6.2011       |
| <i>Poa pratensis</i> L.                     | Smooth-stalked meadow grass | TP 33/1 of 15.3.2017      |
| Fabaceae (Leguminosae)                      |                             |                           |
| <i>Pisum sativum</i> L.                     | Field pea                   | TP 7/2 Rev.2 of 15.3.2017 |
| <i>Vicia sativa</i> L.                      | Common vetch                | TP 32/1 of 19.4.2016      |

**III. Potatoes**

Table 1.3:

| Scientific name             | Common name | CPVO protocol        |
|-----------------------------|-------------|----------------------|
| <i>Solanum tuberosum</i> L. | Potato      | TP 23/3 of 15.3.2017 |

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Substitutes  
Schedule II of  
the principal  
regulations.

5. Schedule II of the principal regulations shall be substituted by the following:

**"SCHEDULE II  
UPOV guidelines**

The following tables list the genera and species for which UPOV guidelines apply. These guidelines can be found on the UPOV website [www.upov.int](http://www.upov.int).

**I. Cereals**

Table 2.1:

| Scientific name   | Common name   | UPOV protocol         |
|---|---|-----------------------|
| <i>Sorghum bicolor</i> (L.) Moench                                    | Sorghum   | TG/122/4 of 25.3.2015 |
| <i>Sorghum sudanese</i> (Piper) Stapf.                                | Sudan grass   | TG/122/4 of 25.3.2015 |
| <i>Sorghum bicolor</i> (L.) Moench x <i>S. sudanese</i> (Piper) Stapf | Hybrids resulting from the crossing of <i>Sorghum bicolor</i> and <i>Sorghum sudanese</i> | TG 122/4 of 25.3.2015 |

**II. Fodder Plants**

Table 2.2:

| Scientific name                             | Common name               | UPOV protocol         |
|---|---------------------------|-----------------------|
| Poaceae (Gramineae)                         |                           |                       |
| <i>Agrostis canina</i> L.                   | Velvet bent               | TG/30/6 of 12.10.1990 |
| <i>Agrostis capillaris</i> L.               | Brown top                 | TG/30/6 of 12.10.1990 |
| <i>Agrostis gigantea</i> Roth.              | Red top                   | TG/30/6 of 12.10.1990 |
| <i>Agrostis stolonifera</i> L.              | Creeping bent grass       | TG/30/6 of 12.10.1990 |
| Fabaceae (Leguminosae)                      |                           |                       |
| <i>Medicago doliata</i> Carmign.            | Straight-spined medic     | TG 228/1 of 5.4.2006  |
| <i>Medicago italica</i> (Mill.) Fiori       | Disc medic                | TG 228/1 of 5.4.2006  |
| <i>Medicago littoralis</i> Rohde ex Loisel. | Shore medic/ Strand medic | TG 228/1 of 5.4.2006  |
| <i>Medicago murex</i> Willd.                | Sphere medic              | TG 228/1 of 5.4.2006  |
| <i>Medicago polymorpha</i> L.               | Bur medic                 | TG 228/1 of 5.4.2006  |
| <i>Medicago rugosa</i> Desr.                | Wringled medic/Gama medic | TG 228/1 of 5.4.2006  |
| <i>Medicago sativa</i> L.                   | Lucerne                   | TG/6/5 of 6.4.2005    |
| <i>Medicago scutellata</i> (L.) Mill.       | Snail medic/Shield medic  | TG 228/1 of 5.4.2006  |
| <i>Medicago truncatula</i> Gaertn.          | Barrel medic              | TG 228/1 of 5.4.2006  |
| <i>Trifolium pratense</i> L.                | Red clover                | TG/5/7 of 4.4.2001    |
| <i>Vicia faba</i> L.                        | Field bean                | TG/8/6/of 17.4.2002   |

**III. Vegetables**

Table 2.3:

| Scientific name         | Common name | UPOV protocol         |
|-------------------------|-------------|-----------------------|
| <i>Beta vulgaris</i> L. | Fodder beet | TG/150/3 of 4.11.1994 |

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