

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 20,850, 3 ta' Mejju, 2022

Taqsimha B

L.N. 127 of 2022

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

**Seeds of Agricultural Plants and Vegetables (Amendment)
Regulations, 2022**

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 the Seeds of Agricultural Plants and Vegetables (Amendment) Regulations, 2022 and these regulations shall be read and construed as one with the Seeds of Agricultural Plants and Vegetables Regulations, hereinafter referred to as "the principal regulations".

Citation and scope.

S.L. 433.30.

(2) The scope of these regulations is to transpose Commission Implementing Directive (EU) 2021/1927 of 5 November 2021 amending Annexes I and II to Council Directive 66/402/EEC as regards the requirements for seeds of hybrid wheat produced by means of cytoplasmic male sterility.

2. Schedule II to the principal regulations shall be amended as follows:

Amends Schedule II to the principal regulations.

(a) point C of Section 1, Part I, Cereals, thereof shall be substituted by the following new Point:

"C. Crops to produce certified seed of hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa* and self-pollinating *xTriticosecale* and crops to produce certified seed of hybrids of *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta* and *Triticum turgidum* subsp. *durum*, by means of a technique other than Cytoplasmic Male Sterility (CMS):"; and

(b) immediately after point 3 of Point C of Part I of Section 1 thereof there shall be added the following new point:

"4. Crops to produce basic and certified seed of hybrids of *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta* and *Triticum turgidum* subsp. *durum* by means of CMS:

(a) The crop shall conform to the following standards as regards distances from neighbouring sources of pollen, which may result in undesirable foreign pollination:

Crop	Minimum distance
1	2
For the CMS female component for the production of basic seed	300m
For the production of certified seed	25m

(b) The crop shall have sufficient varietal identity and purity as regards the characteristics of the components.

In particular, the crop shall conform to the following standards:

(i) The percentage by number of plants, which are obviously not true to type, shall not exceed:

— for the crops used to produce basic seed, 0.1% for the maintainer and the restorer line and 0.3% for the CMS female component, and

— for the crops used to produce certified seed, 0.3% for the restorer and 0.6% for the CMS female component and 1% in case the CMS female component is a single hybrid;

(ii) The level of male sterility of the female component shall be at least:

— 99.7% for crops used to produce basic seed, and

— 99% for crops used to produce certified seed;

(iii) The conformity with the requirements of points (i) and (ii) shall be examined by official post-control test.

(c) Certified seed may be produced in mixed cultivation of a female male-sterile component with a male component, which restores fertility.

The Directorate shall report by 28 February of each year to the Commission and the other Member States the results of the preceding year concerning the quantity of produced hybrid seeds, compliance of the field inspections with the respective requirements, the percentage of seed lots, which have been rejected due to insufficient quality parameters, and any further information justifying that rejection. This reporting obligation shall be applicable until 28 February 2030."

3. Schedule III to the principal regulations shall be amended as follows:

Amends
Schedule III to
the principal
regulations.

(a) point C of Part I of Section 1 thereof shall be substituted by the following new Point:

"C. Hybrids of *Avena nuda*, *Avena sativa*, *Avena strigosa*, *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta*, *Triticum turgidum* subsp. *durum* and self-pollinating *xTriticosecale*:

The minimum varietal purity of the seed of the category certified seed shall be 90%.

In case of *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta* and *Triticum turgidum* subsp. *durum* produced by means of CMS, it shall be 85%. Impurities other than the restorer shall not exceed 2%.

The minimum varietal purity shall be examined in official post-control test on an appropriate proportion of samples.

The Directorate shall report by 28 February of each year to the Commission and the other Member States the results of the preceding year concerning the quantity of produced hybrid seeds of *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta* and *Triticum turgidum* subsp. *durum*, and the percentage of seed lots which have been rejected due to insufficient quality parameters, results of the post-control test and any further information justifying that rejection. This reporting obligation shall be applicable until 28 February 2030."; and

(b) the heading of Point E of Part I of Section 1 thereof shall be substituted by the following new heading:

"E. Hybrids of *Secale cereale* and CMS-hybrids of *Hordeum vulgare*, *Triticum aestivum* subsp. *aestivum*, *Triticum aestivum* subsp. *spelta* and *Triticum turgidum* subsp. *durum*:".
