

L.N. 290 of 2004**PLANT QUARANTINE ACT, 2001
(ACT NO. XVIII OF 2001)****Control of Potato Ring Rot Regulations, 2004**

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 Control of Potato Ring Rot Regulations, 2004 and they shall come into force on the 15th May 2004. Title and Commencement.

2. These Regulations concern the measures to be taken against *Clavibacter michiganensis* (Smith) Davis *et al.* ssp. (Spieckermann *et* Kotthoff) Davis *et al.*, the cause of potato ring rot (hereinafter referred to as 'the organism'), in order to: Scope.

(a) locate it and determine its distribution;

(b) prevent its occurrence and spread; and

(c) if found, to prevent its spread and to control it with the aim of eradication.

3. (1) The Plant Health Department shall conduct systematic official surveys for the organism on tubers and, where appropriate, on plants of potato (*Solanum tuberosum* L.) originating in Malta, for the confirmation of absence of the organism. Official Surveys.

(2) For these surveys, in the case of tubers samples of both seed and other potatoes shall be taken, preferably from lots in store and subjected to official or officially supervised laboratory testing using the method set out in Schedule 1 for the detection and diagnosis of the organism. In addition, where appropriate, official or officially supervised visual inspection by cutting of tubers on other samples may be done. In the case of plants, these surveys shall be carried out according to appropriate methods and the samples shall be subjected to appropriate official or officially supervised testing.

Act XVIII of 2001. (3) The number, origin, stratification and timing of collection of samples shall be decided by the Plant Health Department within the meaning of the Plant Quarantine Act based on sound scientific and statistical principles and the biology of the organism, and taking into account the particular potato production systems of Malta. The details thereof shall be submitted annually to the other Member States and the Commission.

(4) The results of the official surveys shall be notified at least once a year to the other Member States and to the Commission.

Reporting of Suspected Cases to the Plant Health Department.

4. (1) The suspected occurrence or confirmed presence of the organism, in potato plants and tubers or harvested, stored or marketed tubers in Malta shall be reported to the Plant Health Department.

(2) In cases of suspected occurrence, the Plant Health Department shall ensure completion of official or officially supervised laboratory testing, using the method set out in Schedule I, and in accordance with the conditions specified in point 1 of Schedule II, in order to confirm or refute the suspected occurrence. In the former case, the requirements laid down in point 2 of Schedule II shall apply.

(3) Pending the confirmation or refutation of the suspected occurrence under paragraph 1, in those cases of suspect occurrence where, either:

(i) suspect diagnostic visual symptoms of the disease have been seen; or,

(ii) a positive immunofluorescence test as specified in Schedule 1 or other appropriate positive test has been identified, the Plant Health Department shall:

(a) prohibit the movement of all lots or consignments from which the samples have been taken, except under their control and provided that it has been established that there is no identifiable risk of the organism spreading;

(b) take steps to trace the origin of the suspected occurrence;

(c) introduce appropriate additional precautionary measures based on the level of estimated risk, in order to

prevent any spread of the organism. These measures may include the official control of the movement of all other tubers or plants within or off premises associated with the suspected occurrence.

5. (1) If official or officially supervised laboratory testing using the method set out in Schedule 1 confirms the presence of the organism in a sample of tubers, plants, or parts of plants, the Plant Health Department, having regard to sound scientific principles, the biology of the organism and the particular production, marketing and processing systems in Malta:

Where the presence of organisms is confirmed.

(a) designate as contaminated the tubers or plants, consignment and/or lot, and the machinery, vehicle, vessel, store, or units thereof, and any other objects including packaging material, from which the sample was taken, and, where appropriate, the place(s) of production and field(s) from which the tubers or plants were harvested;

(b) determine, taking into account the provisions of point 1 of Schedule III, the extent of probable contamination through pre- or post-harvest contact or through production link with the designated contamination;

(c) demarcate a zone on the basis of the designation of contamination under (a), the determination of the extent of probable contamination under (b), and the possible spread of the organism, taking into account the provisions of point 2 of Schedule III.

(2) The Plant Health Department shall immediately notify the other Member States and the Commission, in accordance with the provisions of point 3 of Schedule III, of any contamination designated under paragraph 1 (a) of this regulation and the details of the zone demarcation under paragraph 1 (c) of this regulation.

(3) Where tubers or plants have been designated to be contaminated under Regulation 5 (1) (a), testing in accordance with Regulation 4 (2) shall be carried out on potato stocks which are closely related to those involved in the contamination. The testing shall be carried out on as many such tubers or plants as are needed to determine the probable primary source of infection and the extent of the probable contamination, preferably in order of degree of risk. As a result of the testing, further designation of contamination, determination of the extent of probable contamination and

demarcation of a zone shall be conducted, as appropriate, under Regulations 5 (1) (a), (b) and (c) respectively.

(4) Tubers or plants, designated to be contaminated under Regulation 5 (1) (a) may not be planted and under the control of the Plant Health Department, they shall be:

- destroyed, or
- otherwise disposed of, subject to officially supervised measure(s), in accordance with the provisions of point 1 of Schedule IV, provided that it is established that there is no identifiable risk of the organism spreading.

(5) Tubers or plants determined as probably contaminated under Regulation 5 (1) (b) may not be planted and, without prejudice to the outcome of the testing referred to in regulation 5(3) for closely related stocks shall, under the control of the Plant Health Department, be put to appropriate use or disposal as specified in point 2 of Schedule IV, in such a way that it is established that there is no identifiable risk of the organism spreading.

(6) Any machinery, vehicle, vessel, store, or units thereof, and any other objects including packaging material, designated as contaminated under Regulation 5(1)(a) or determined as probably contaminated under regulation 5(1)(b), shall either be destroyed or cleansed and disinfected using appropriate methods as specified in point 3 of Schedule IV. After disinfection, any such objects shall no longer be considered contaminated.

(7) Without prejudice to the measures implemented under regulations 5(4), (5) and (6), in the zone demarcated under regulation 5 (1) (c), the measures, as specified in point 4 of Schedule IV, shall be implemented.

Seed Potatoes to meet the requirements of the Plant Quarantine Act.

6. Seed potatoes shall meet the requirements of the Plant Quarantine Act and shall derive in direct line from material obtained under an officially approved programme which has been found free of the organism in official or officially supervised testing using the method set out in Schedule I. The aforesaid testing shall be carried out:

- in cases where the contamination affects seed potato production, on the plants of the initial clonal selection,

– in other cases, either on the plants of the initial clonal selection or on representative samples of the basic seed potatoes or earlier propagations.

7. The holding and handling of the organism is hereby banned. Prohibition of holding *etc* of the organism.

8. Without prejudice to the provisions of the Plant Quarantine Act the Plant Health Department may authorise derogations from the measures referred to in regulations 5 and 7 of these Regulations for experimental or scientific purposes, and for work on variety selection, provided that such derogations do not prejudice the control of the organism and create no risk of spread of the organism. Derogations for experimental or scientific purposes.

9. The Plant Health Department may adopt such additional or stricter measures as may be required to combat the organism or to prevent it from spreading, in so far as they are in compliance with the provisions of the Plant Quarantine Act. The additional measures may include the prescription that only seed potatoes may be planted that are either officially certified or officially inspected to meet the required plant health standards. The latter may apply in particular in case farmers are authorised to use, on their own holding, seed potatoes which they have obtained from their own harvest and in other cases that own-produced seed potatoes are planted. The details of these measures shall be notified to the other Member States and to the Commission. Additional Measures.

B 5024

SCHEDULES 22 PAGES PASTE UP

B 5030

B 5032

B 5034

B 5036

B 5040

B 5042

B 5044

