

L.N. 138 of 2005**PLANT QUARANTINE ACT, 2001
(ACT NO. XVIII OF 2001)****Plant Quarantine (National Certification Scheme) Regulations,
2005**

IN exercise of the powers conferred by article 5 of the Plant Quarantine Act, the Minister for Rural Affairs and the Environment has made the following regulations:-

1. The title of these regulations is the Plant Quarantine (National Certification Scheme) Regulations, 2005 and they shall come into force on the 23rd May, 2005. Title and commencement.

2. (1) In the implementation of these regulations, the provisions of the following regulations and their amendments shall also be taken into account: Scope and applicability.

Plant Quarantine (Harmful Organisms) Regulations, 2004; L.N. 97 of 2004.

Vegetable Propagation and Planting Material Regulations, 2004; L.N. 277 of 2004.

Fruit Trees Propagation Material Regulations, 2004; L.N. 271 of 2004.

Propagation Material of Vines Regulations, 2004; L.N. 470 of 2004.

Propagation Material of Ornamental Plants Regulations, 2004. L.N. 275 of 2004.

(2) The scope of these regulations is to make provisions with regards to certification in order to:

(a) regulate the production, marketing and control of propagation material of vegetables (excluding seeds), fruit trees, vines and ornamental plants, and

(b) improve the sanitary and the pomological qualities of propagation material of vegetables (excluding seeds), fruit trees, vines and ornamental plants and other reproductive vegetative species.

Establishment of the National Certification Service.

3. There shall be established a National Certification Service with the aim to regulate the certification of the various vegetatively-propagated species. This National Certification Service is made up of the Plant Health Service and the Seeds and other Propagation Material Unit.

Certifying Authority.

4. The Plant Health Department shall be the Certifying Authority acting on the basis of recommendations of the Plant Protection Board referred to in article 4 of the Plant Quarantine Act, which in turn takes the advice of the Scientific and Technical Committee (hereinafter referred to as the Committee) as referred to in regulation 5 of these regulations.

Scientific and Technical Committee.

5. (1) The Committee is made up of:

(a) two representatives of the Minister responsible for agriculture, hereinafter referred to as “the Minister”;

(b) two qualified persons knowledgeable in plant pathology;

(c) two persons experienced in pomology (in the case of vines, these persons have to be from the Viticulture and Oenology Unit);

(d) a representative of local producers and, or growers;

(e) a representative of the nurserymen.

(2) All members of the above mentioned Committee shall be registered in an official register.

(3) The Committee may, for specialised subjects, rely on national and international experts.

(4) The Minister appoints the Committee which shall serve for a period of five years. The members of the Committee shall be entitled to an honorarium at the discretion of the Minister.

(5) The tasks of the Committee are:

(a) to set up guidelines for the certification of the various vegetatively-propagated species;

(b) to submit to the Plant Protection Board the requests received from establishments to be recognised as centres for conservation, pre-multiplication and multiplication;

(c) to define the necessary schedules for the certification processes;

(d) to formulate the technical protocols for each species or group of species which are then published in the Gazette;

(e) to verify that the propagated variety admitted for certification has already been included in the National Catalogue of Certified Varieties;

(f) to submit the propagation material from the repositories, foundation blocks, mother blocks or *in vitro* laboratories located abroad to the National Certification Service; and

(g) to monitor the activity of the National Certification Service.

6. (1) The inspections and the controls during the certification phases are carried out by the National Certification Service. Inspections and controls.

(2) The National Certification Service is responsible for the verification of:

(a) the suitability of the facilities and the plots employed for growing mother plants and for the production of certified material, according to the technical protocols established for each species or group of species;

(b) the sanitary status of the mother plants and propagation material during each certification phase according to the technical protocols established for each species or group of species;

(c) true-to-type controls of the mother plants during each certification phase according to the technical protocols set up by the Committee as established for each species or group of species.

(3) The activities referred to in sub-regulation (2) may be carried out in collaboration with other scientific institutions.

(4) Every year, the National Certification Service shall report to the Committee, the activities that have been carried out with regards to inspections and information data relating to the certified material according to the species, category and sanitary status.

Certification phases.

7. Certification shall be organised as follows:

- (a) conservation for pre-multiplication;
- (b) pre-multiplication; and
- (c) multiplication.

Classification of propagation material.

8. Propagation material (seeds, buds, bulbs, cuttings, rhizomes, rootstocks, *in vitro* cultures, etc at different stages of development, grafted trees and self-rooted plants) is classified in the following categories:

- (a) primary source: the material of origin produced by the breeder and kept by the breeder or by the successor of such breeder;
- (b) pre-basic: material produced from the first multiplication of the primary source and grown in the repository. At least two mother plants must be maintained for each variety;
- (c) basic: material produced from the first multiplication of pre-basic material. The material is grown in the foundation block and used for the establishment of mother blocks. At least two specimens shall be kept for each variety;
- (d) certified: material produced from the first multiplication of the basic material from mother blocks to be utilised for the commercial production of certified material. At least two specimens shall be maintained for each variety.

Primary source and registration.

9. (1) The acquisition of the primary source involves the pomological and sanitary selection and, if necessary, the sanitation of ecotypes of Maltese cultivars or those grown in the country for a long period of time. These activities are carried out by the national scientific institutions. Foreign scientific institutions may also collaborate, if need be, upon approval of the Plant Protection Board based on the advice of the Committee.

(2) For the registration procedure, the breeder must:

- (a) keep the primary source under healthy conditions;
- (b) submit to the National Certification Service, the appropriate application form with:

(i) an authentic copy of the plant variety right in the case of protected varieties;

(ii) a data sheet of the varietal characteristics;

(iii) documents regarding the health status with respect to the diseases indicated in the technical protocols for the relevant species or group of species;

(iv) in the case of unprotected varieties, a declaration stating that the variety can be multiplied freely;

(v) in case the registration is accepted, the breeder shall provide two specimens of the primary source to the centre of conservation for pre-multiplication (repository).

(3) The primary sources submitted for certification shall be reported in the National Catalogue of Certified Varieties.

(4) In the case of new cultivars and, or selections, the breeder must declare, under his responsibility, the origin of the material, for such breeder to be authorised to introduce such material in the various phases of certification.

10. (1) The phase of conservation for pre-multiplication is carried out in the repository. It can be either governmental, or if privately owned, it shall be recognised by the Minister upon the proposal of the Plant Protection Board based on the advice of the Committee.

Conservation for pre-multiplication: functions, material and location.

(2) The phase of conservation for pre-multiplication consists of:

(a) the conservation of at least two specimens of the primary source under healthy conditions;

(b) the production *in vivo* and, or *in vitro* of pre-basic material under healthy conditions.

(3) To be recognised by the Minister, the repository must :

(a) submit to the National Certification Service an appropriate application for the recognition of the centre;

(b) have adequate facilities for the conservation of the pre-basic material according to the technical protocols established for every species or group of species; and

(c) have a responsible person with appropriate qualifications and having the necessary skills.

(4) The pre-basic propagation material must undergo:

(a) sanitary controls by the Plant Health Service according to the technical protocols issued for every species or group of species;

(b) true-to-type controls by the Seeds and other Propagation Material Unit according to the technical protocols established for every species or group of species.

(5) Grafted or self-rooted plants will be certified as pre-basic plants after they have taken root and have been inspected.

(6) The pre-basic material may originate from repositories located abroad upon the approval of the Committee.

Pre-multiplication:
functions, material
and location.

11. (1) The pre-multiplication phase is carried out in a foundation block. This can be either governmental or, if privately owned, it has to be recognised by the Minister upon the proposal of the Plant Protection Board based on the advice of the Committee.

(2) The pre-multiplication phase consists of:

(a) the conservation of plants of the basic category according to the technical protocols concerning each species or group of species;

(b) the production *in vivo* and, or *in vitro* of plants of the basic category by grafting or self-rooting according to the technical protocols established for each species or group of species.

(3) To be recognised by the Minister, the pre-multiplication centre must:

(a) submit to the National Certification Service an appropriate application for the recognition of the centre;

(b) have adequate facilities for the conservation of pre-basic material according to the technical protocols established for every species or group of species; and

(c) have a responsible person with appropriate qualifications and having the necessary skills.

(4) The pre-basic plants will be certified after verifying that grafted plants or self-rooted plants have taken root.

(5) The basic material may originate from foundation blocks located abroad upon the approval of the Committee.

(6) In particular cases, upon the approval of the Committee, plants produced directly from the primary source can be used to establish the foundation block. In this case, the breeder must submit a document regarding the origin of the plants to the National Certification Service.

(7) To satisfy certain particular necessities, *in vitro* propagation or other rapid propagation techniques may be applied to speed up the propagation of the basic material, upon the approval of the Committee and according to the technical protocols established for every species or group of species.

12. (1) The multiplication phase is carried out in the multiplication centres which include mother blocks or *in vitro* laboratories and nurseries. These can be either governmental, or if privately owned, these have to be recognised by the Minister upon the proposal of the Plant Protection Board based on the advice of the Committee.

Multiplication:
functions, material
and location.

(2) The multiplication phase consists of:

(a) growing of certified mother plants in compliance with the technical protocols established for each species or group of species;

(b) *in vitro* multiplication of certified material in compliance with the technical rules for each species or group of species;

(c) production of propagation material which has been certified.

(3) The mother blocks and the *in vitro* laboratories must meet the requirements included in the technical protocols established for each species or group of species.

(4) To be approved by the Minister, the multiplication centre shall:

(a) submit to the National Certification Service an appropriate application for the recognition of the centre;

(b) have plots and facilities in compliance with the protocols for each plant species or group of species; and

(c) have a responsible person with appropriate qualifications and having the necessary skills.

(5) To satisfy certain particular necessities, *in vitro* propagation or other rapid propagation techniques may be applied to speed up the propagation of the basic material, upon the approval of the Plant Protection Board based on the advice of the Committee and according to the technical protocols established for every species or group of species.

(6) In particular cases, upon the approval of the Plant Protection Board based on the advice of the Committee, plants produced directly from the primary source or from pre-basic plants can be used to establish the foundation block. In the first case, the breeder must submit a document regarding the origin of the plants to the National Certification Service.

Nursery activity.

13. (1) The phase concerning nursery activity is carried out under the responsibility of the nurserymen.

(2) It consists of the production of plant material (rootstocks, grafted plants, self-rooted plants, etc) which has been certified and is in compliance with the protocols for each plant species or group of species.

(3) The plants (grafted or self-rooted) that are present at the nurseries will be certified after they have taken root and after fulfilling the conditions of certification during inspections. The National Certification Service will then release the official certificates in terms of regulation 16.

Sanitary status of the propagation material.

14. For the categories referred in regulation 8, two sanitary status are envisaged:

(a) virus-free (v.f): refers to material free from all viruses, viroids, phytoplasmas and systemic pathogens known at the moment of the official publication of the protocols concerning the certification of virus-free material;

(b) virus-tested (v.t): refers to material free from certain serious viruses, viroids, phytoplasmas and systemic pathogens specifically mentioned in the certification protocols and stated in the official certificates in terms of regulation 16.

In the case of plants grafted with plant material of a different health status, the final product shall be certified as the lowest state, that is, virus-tested.

15. (1) Propagation material shall be certified for the persons or their representatives authorised to operate a nursery, in compliance with the laws in force, where they declare that they utilise the multiplied plant material offered by the National Certification Service, in accordance with the requirements specified in the technical protocols for each species or group of species.

Certification of propagation material in the nursery.

(2) The certified plants that are free from harmful organisms indicated in the Plant Quarantine (Harmful Organisms) Regulations, 2004 and its amendments and that are in conformity with the regulations referred to in sub-regulation 2(1), shall be accompanied by official certificates in terms of regulation 16.

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(3) The persons or their representatives as well as the institutions, agencies and inspectors shall undergo inspections and shall be requested to supply to the National Certification Service and to the Plant Protection Board, all the necessary information to verify the proper functioning of their activities.

16. In respect of the rules concerning certification, official certificates in the form of labels as approved by the National Certification Service have to accompany the certified propagation material.

Official certificates.

17. (1) In derogation to these regulations, plant material from any Member State may be submitted to the national certification scheme.

Transitory rules.

(2) The propagation material should be introduced in the following circumstances:

- (a) the rapid activation of the certification system in Malta;
- (b) inclusion of new cultivars in the Maltese-certification system;
- (c) counteraction to particular necessities that might arise within the context of the certification system.

(3) The introduction of propagation material shall be permitted from time to time upon the advice of the Committee.

(4) Alternatively, propagation material produced from mother plants derived from propagation material obtained from a

certification system of another Member State may be certified accordingly.

(5) The establishments, to be recognised, must undergo checks according to the protocols of certification of the respective Member State on the advice of the Committee.