L.N. 274 of 2004

PLANT QUARANTINE ACT, 2001
(ACT NO. XVIII OF 2001)

Plant Health Checks 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:-

Title and Commencement.

1. The title of these regulations is the Plant Health Checks Regulations, 2004 and they shall come into force on the 15th May, 2004.

Scope.

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2. The scope of these regulations is to establish the minimum conditions to be satisfied when the plant health checks, referred to in the Plant Quarantine (Harmful Organisms) Regulations 2004, of plants, plant products or other objects listed in Schedule V, part B of the said regulations and coming from third countries, are carried out at the inspection posts other than those at the place of destination.

Interpretation.

3. In these regulations, unless the context otherwise requires:

"the Act" means the Plant Quarantine Act, 2001;

"the Community" means the European Community;

"consignment" means a quantity of goods covered by a single document required either for customs formalities on entering Malta or for other formalities for internal movement, and includes a single phytosanitary certificate and a single alternative document or mark; a consignment may comprise of one or more lots;

"the Department" means the Plant Health Department;

"harmful organism" means any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products;

"third country" means any country which is not a Member State of the European Union.

Competences of the Plant Health Department.

4. (1) The Plant Health Department shall have:

(a) authority to carry out the duties,

(b) technical abilities, especially in the detection and diagnosis of harmful organisms,

(c) expertise in identification of harmful organisms, or access to such expertise,

(d) access to appropriate administrative, inspection and testing facilities, tools and equipment, as specified in regulation 5 below,

(e) access to facilities for proper storage and quarantine of consignments and, when necessary, for destruction or other suitable treatment, of all or part of the intercepted consignment.

(2) The said Department shall also have available:

Act No. XVIII of 2001.

(a) written, up-to-date national inspection guidelines based on the Plant Quarantine Act; and

(b) an up-to-date set of Community guidelines for the experts and for national inspectors;

(c) up-to-date Community plant health legislation,

(d) an up-to-date list including addresses and telephone numbers of specialised laboratories which have been officially approved for carrying out tests for determining the presence of harmful organisms or for the identification of harmful organisms. Suitable procedures must be in place to ensure the integrity and security of samples when moved to the laboratory and during the testing process, and

(e) up-to-date information on consignments of plants, plant products or other objects coming from third countries which have undergone:

(i) official interception,

(ii) official tests in specialised laboratories together with their results, provided at least that this information is relevant to the plant health checks for the place at which they are carried out.

(3) The Authority shall be able to adapt the established programme of plant health checks as quickly as possible in such a way as to meet actual needs, in the light of new plant health risks or any changes in the quantity and or volume of the plants, plant products or other objects offered for introduction at the inspection posts referred to in regulation 2 hereof.

Inspectors.

5. The inspectors as referred to in the Plant Quarantine Act and the Plant Quarantine (Harmful Organisms) Regulations, 2004 actually in charge of carrying out the inspections at the inspection posts referred to in the Plant Quarantine (Harmful Organisms) Regulations, 2004 shall have:

Act No. XVIII of 2001.

L.N. 97 of 2004.

(a) technical competence, especially in the detection of harmful organisms,

(b) expertise in the identification of harmful organisms, or access to such expertise, as part of their qualifications required under the said regulation, and shall have directly available the information referred to in regulation 4, sixth indent.

Facilities available to inspectors.

6. The facilities, tools and equipment as referred to in regulation 4 shall be made up of at least:

(a) in respect of administrative facilities:

(i) a rapid communication system,

(ii) the specialised laboratories referred to in Regulation 4,

(iii) the customs authorities,

(iv) the Commission,

(v) other Member States,

(vi) a document duplication system;

(b) in respect of inspection facilities:

(i) suitable areas for inspection, as appropriate,

(ii) adequate lighting,

(iii) inspection table or tables,

(iv) equipment suitable for:

(1) visual checks,

(2) disinfecting the premises and equipment used for plant health checks,

(3) the preparation of samples for possible further tests in the specialised laboratories referred to in Regulation 4;

(c) in respect of facilities for the sampling of consignments:

(i) appropriate material for the individual identification and packaging of each sample,

(ii) adequate packaging material for sending samples to the specialised laboratories referred to in regulation 4,

(iii) seals,

(iv) official stamps,

(v) adequate lighting.

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