L.N. 196 of 2005

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

Standardization and Issue Procedures of Plant Passports Regulations, 2005

IN exercise of the powers conferred by article 32 of the Plant Quarantine Act, the Minister for Rural Affairs and the Enviroment has made the following regulations:-

Title and scope.

1. (1) These regulations shall be known as Standardization and Issue Procdures of Plant Passports Regulations, 2005.

(2) The scope of these regulations is to transpose the provisions found in European Union Directive 1992/105/EEC, as amended by Directive 2005/17, on the establishment of a degree of standardisation for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement.

Interpretation.

2. For the purposes of these regulations –

"accompanying document" shall mean any document which is normally used for trade purposes. This document shall not be necessary if the required information as laid down in the Schedule is set out on the said label:

"the 2004 regulations" means the Plant Quarantine (Harmful Organisms) Regulations, 2004:

Conditions to be met.

3. (1) The Director shall ensure that the conditions laid down in sub-regulation (2) are met when a plant passport referred to in regulation 8 of the 2004 regulations is prepared by their responsible official bodies for use in accordance with the provisions of regulations 4 and 5 of these regulations.

(2) The following conditions shall be met:

(a) the plant passport shall consist of an official label and an accompanying document containing the required information as laid down in the Schedule hereto. The label shall not have previously been used and shall be of suitable material. The use of official adhesive labels shall be authorized.

(b) the required information shall preferably be printed and shall be in the Maltese or English languages:

(c) in the case of tubers of *Solanum tuberosum* L. intended for planting, as listed in point 18.1 of Section II of Part A of Schedule IV to the 2004 regulations, the official label defined in Annex III to Council Directive 2002/56/EC may be used in place of a plant passport provided that the label provides evidence that the requirements referred to in regulation 8(c) of the 2004 Regulations are complied with : after the 31st of December 2005, this label must indicate the words "EC plant passport": compliance with the provisions governing the introduction of tubers of *Solanum tuberosum* L., intended for planting into, and their movement within, a protected zone recognised in respect of harmful organisms relating to those tubers, shall be noted either on the label or on any other trade document.

(d) in the case of seeds of *Helianthus annuus* L., listed in point 26 of Section II of Part A of Schedule IV to the 2004 regulations, the official label defined in Annex IV to Council Directive 2002/57/EC may be used in place of a plant passport provided that the label provides evidence that the requirements referred to in Article 6(4) of Directive 2000/29/EC are complied with. After the 31st of August 2005, this label must indicate the words "EC plant passport".

(e) in the case of seeds of *Lycopersicon lycopersicum* (L.) Karsten ex Farw. and *Phaseolus* L., listed in points 27 and 29 of Section II of Part A of Schedule IV to the 2004 regulations, the official label defined in Annex IV A to Council Directive 2002/55/EC may be used in place of a plant passport provided that the label provides evidence that the seeds be officially examined in order to comply with the provisions of Schedule IV to The 2004 Regulations. After the 31st of August 2005, this label must indicate the words "EC plant passport".

(f) in the case of seeds of *Medicago sativa* L., listed in points 28.1 and 28.2 of Section II of Part A of Schedule IV to the 2004 regulations, the official label defined in Schedule V to the Seeds of Agricultural Plants and Vegetable Regulations, 2004, may be

used in place of a plant passport provided that the label provides evidence that the requirements referred to in Schedule IV to the 2004 Regulations are complied with :after the 31st of August 2005, this label must indicate the words "EC plant passport".

(3) The Director shall require that when the plant passport consists of the label and the accompanying document:

(a) the part of the plant passport consisting of the label shall provide at least the particulars required under points 1 to 5 of the Schedule: and

(b) the part of the plant passport consisting of the accompanying document shall provide at least the particulars required under items 1 to 10 of the Schedule.

Production, printing and storage of plant passports.

4. (1) The Director shall ensure that the conditions laid down in sub-regulation (2) hereof are met when a plant passport is produced, printed and stored.

(2) The plant passport shall be produced, printed and, or, subsequently stored either by the responsible official bodies referred to in regulation 3 (1) directly, or , under their control, by the producer, or person , or importer .

Issuing of plant passports.

5. (1) The Director shall ensure that the conditions laid down in sub-regulation (2) are met when a plant passport is issued and attached to plants, plant products or other objects, to their packaging or to the vehicles transporting them.

The issuing includes the preparation of the passport, in particular the filling-in of the information, and the action necessary to make the plant passport available for use by the applicant.

(2) For the purpose of sub-regulation (1), the responsible official bodies referred to in regulation 2 shall, without prejudice to the requirements laid down in The 2004 regulations:

(a) ensure that the producer, person or importer referred to in regulation 3 (2) applies to them for the issuance of a plant passport, or for the replacement of a plant passport:

(b) determine, where appropriate, on the basis of inspections as provided for in regulation 5 (c) and (d) of the 2004 regulations and carried out in accordance with regulation 8 of the 2004 regulations or on the basis of the requirements laid down in Article

10 (3) or 12 (6) of the 2004 regulations, the restrictions applicable to the plants, plant products or other objects, and accordingly the territorial validity of the plant passport, or determine the replacement of the said plant passport, as well as the information to be filled in.

If the producer, person or importer referred to in regulation 3 (2) intends to dispatch a plant, plant product or other object into a protected zone for which he does not have a valid plant passport, the said responsible official bodies shall take the necessary steps and determine accordingly whether the product is qualified for the relevant protected zone. The said responsible official bodies shall ensure that the producer, person or importer shall notify the abovementioned intention to them within a reasonable period of time prior to dispatch and shall apply simultaneously for the corresponding plant passport:

(c) ensure that the information is filled in, either entirely in capital letters if the plant passport is pre-printed, or in capital letters or entirely in typescript in all other cases. The botanical name of the plants or plant products shall be indicated in Latin characters: uncertified alterations or erasures shall invalidate the said plant passport:

(d) ensure that if a plant, plant product or other object has received the qualification by them for a specific protected zone or zones, the code for the protected zone or zones shall be indicated on the plant passport, against the distinctive marking "ZP" (zona protecta) indicating that the said plant passport covers a plant, plant product or other object qualified for a protected zone or zones:

(e) ensure that if a plant passport is to be delivered for a plant, plant product or other object originating outside the Community, the plant passport shall be used, with the indication of the name of the country of origin or, where appropriate, the consignor country on the said plant passport:

(f) ensure that if a plant passport is to be replaced by another plant passport, the plant passport referred to in regulation 2 (1) shall be used: the code for the originally registered producer or importer shall be indicated on the said plant passport, against the distinctive marking "RP" ("replacement passport") indicating that the said plant passport replaces another plant passport:

(g) depending on where the said plant passport is physically stored, either deliver the said plant passport, or authorize the

producer, person or importer referred to in regulation 3 (2) to use it accordingly:

(h) ensure that the part of the said plant passport consisting of the label be attached under the responsibility of the producer, person or importer referred to in regulation 4 (2), to the plants, plant products or other objects, to their packaging or to the vehicles transporting them in such a manner that it cannot be reused.

6. The system whereby the labels referred to in regulation 3(1) are used shall be reviewed by the 31st of December, 2006. Review of system.

SCHEDULE

REQUIRED INFORMATION

1. "EC plant passport" (for a transitional period expiring on 1 January 2006, the wording "EEC plant passport" may be used)

2. Indication of EC Member State code.

3. Indication of responsible official body or its distinguishing code.

4. Registration number.

5. Individual serial, or week or batch number.

6. Botanical name.

7. Quantity.

8. The distinctive marking "ZP" for the territorial validity of the passport and, where appropriate, the name of the protected zone(s) for which the product is qualified.

9. The distinctive marking "RP" in case of replacement of a plant passport and, where appropriate, the code for the originally registered producer or importer.

10. Where appropriate, the name of the country of origin or consignor country, for third country products.

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