L.N. 302 of 2003

PRODUCT SAFETY ACT, 2001
(ACT NO. V OF 2001)

Fresh Flowers (Marketing Standards) Regulations, 2003

IN exercise of the powers conferred by article 39 of the Product Safety Act, 2001, the Minister for Finance and Economic Affairs has, on the advice of the Malta Standards Authority, made the following regulations:

Citation and commencement.

1.1 The title of these regulations is the Fresh Flowers (Marketing Standards) Regulations, 2003.

1.2 These regulations shall come into force on such date as the Minister may, by notice in the Gazette, determine.

Applicability.

2.1 These regulations lay down quality standards for:

- fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, falling within subheading N 06.03 A of the common customs tariff,

- fresh ornamental foliage, leaves, branches and other parts of plants falling within subheading N 06.04 A II of the common customs tariff.

2.2 The quality standards referred to in regulation 2.1 are defined in the schedules to these regulations.

Marketing of fresh flowers.

3.1 Produce specified in regulation 2.1 which does not comply with the quality standards may not be:

(a) displayed for sale, put on sale, sold, delivered or otherwise marketed at the wholesale stage either by traders or directly by the producers,

(b) imported,
(c) exported.

3.2 The Director may, on the advice of the Director of Agriculture, take measures derogating from the provisions of paragraph (c) of regulation 3.1 in respect of certain requirements of the quality standards in order to allow exporters to meet the trade requirements of certain countries. These measures shall take the form of a specific authorization and conditions which may be attached thereto.

FIRST SCHEDULE

Common quality standards for cut flowers.

I. DEFINITION OF PRODUCE

These standards shall apply to fresh cut flowers and flowers buds of a kind suitable for bouquets or for ornamental purposes, falling within subheading N 06.03 A of the common customs tariff.

II. QUALITY REQUIREMENTS.

A. Minimum Requirements.

Produce must have been carefully cut or picked, according to the species, and have reached an appropriate stage of growth.

B. Classification.

(I) CLASS I.

Produce in this class must be of good quality. It must have the characteristics of the species and, where appropriate, of the variety (cultivar).

All parts of the cut flowers must be:
-whole,
- fresh,
-free of animal or vegetable parasites and from damage caused by such,
-free of residues of pesticides and other extraneous matter affecting the appearance,
-unbruised,
-free of defects of development; for carnations a split calyx is not considered a defect of development.

However, in respect of American carnations, flowers with a split calyx must be ringed, put up separately in uniform lots and the packages marked accordingly.

The stems must, according to species and variety (cultivar) be rigid and strong enough to support the flower (s).

(II) CLASS II

This class shall include all produce which does not meet all the requirements of Class I.

All parts of the cut flowers must be:
-whole,
-fresh,

-free of animal parasites.
-The flowers may, however, have the following defects:
-slight malformation,
-slight bruising,
-slight damage caused, for example, by disease or by animal parasites,
-weaker, less rigid stems,
-small marks caused by treatment with pesticides.

The permitted defects must not impair the keeping quality, appearance or utility of the products.

C. Extra Class

Produce which qualifies for class I without the aid of any quality tolerance may be marked extra. However, this classification may not be used for American carnations with a split calyx.

III. SPECIAL PROVISIONS

The special provisions for certain types of flowers set out in Schedule I A shall override the provisions of this Schedule.

IV. SIZING

For cut flowers, sizing must comply at least with the following scale :

code	length
0	less than 5 centimetres or flowers marketed without stems
5	5-10 centimetres
10	10-15 centimetres
15	15 - 20 centimetres
20	20 - 30 centimetres
30	30 - 40 centimetres
40	40 - 50 centimetres
50	50 - 60 centimetres
60	60 - 80 centimetres
80	80 - 100 centimetres
100	100 - 120 centimetres
120	more than 120 centimetres

These lengths include the flower head.

The difference per unit of presentation (bunch, bouquet, box and the like) between the maximum and minimum lengths of the flowers in the unit may not exceed:

-2.5 centimetres for flowers in codes 15 and below,
-5.0 centimetres for flowers in codes 20 (inclusive) to 50 (inclusive),
-10.0 centimetres for flowers in codes 60 and above.

This difference may be doubled for flowers presented in fan shape. For chrysanthemums with large flowers presented in fan shape this difference may go up to 20 centimetres for flowers in codes 20 to 50 (inclusive).

The size scale and the uniform lengths set out above are not applicable to mimosa.

The minimum length for branches of mimosa shall be fixed at 20 centimetres. However, bundles and bouquets composed exclusively of small sprigs of a length less than 20 centimetres may be permitted subject to the words “short stem” or an equivalent term being marked on the packages.

V. QUALITY TOLERANCES

Quality tolerances shall be permitted in each unit of presentation as follows:

(I) Class I

5 % of the cut flowers may have slight defects, on condition that the uniformity of the flowers in a unit of presentation is not affected.

(II) Class II

10 % of the cut flowers may vary from the requirements of the class. Half of this percentage may have been attacked by parasites of animal or vegetable origin. The defects in question must not impair the utility of the products.

VI. PACKAGING AND PRESENTATION

A. Presentation

A unit of presentation (bunch, bouquet, box and the like) must consist of 5, 10 or a multiple of 10 pieces.

However this rule does not apply to:

(a) flowers normally sold singly,

(b) flowers normally sold by weight,

(c) flowers for which seller and buyer agree expressly to derogate from the provisions concerning the number of flowers in a unit of presentation. This derogation is admissible solely for transactions outside wholesale markets on condition that

-the goods are the subject of a direct sale, based on a fixed selling-price per unit of presentation, at wholesale level to a retailer or a person acting on behalf of a retailer,

-the goods are accompanied by a bill, delivery note or similar document showing the above-mentioned selling-price,

-the unit of presentation is in the packaging required by the buyer for the ultimate purchaser. This packaging must be such as to permit identification of the goods

B. Uniformity

Each unit of presentation (bunch, bouquet, box and the like), must contain flowers of the same genus, species or variety (cultivar) and of the same quality class, and must have reached the same stage of development. Mixtures of flowers or mixtures of flowers with foliage of different genus, species or variety (cultivar) are however permitted so long as products of the same quality class are used and that they are appropriately marked.

C. Packaging

Packaging must protect the produce adequately. Paper or other materials in direct contact with the cut flowers must be new.

VII. MARKING

The following particulars must accompany the goods:

A. Identification

Despatcher or packer { name and address or code mark }

B. Nature Of Produce

-genus,
-species or variety (cultivar) or colour of flowers,
-where appropriate, the word “ mixture” (or equivalent term).

C. Origin Of Produce (Optional)

Region of origin, or national, regional or local name.

D. Commercial Specifications (Optional)

-Class,
-size (length code) or minimum and maximum lengths,
-number or net weight.

E. Official Control Mark (Optional)

F. Presentation

If the number of flowers per unit of presentation does not correspond to the provisions of section IV A, packages must be marked to show the exact composition of the units of presentation contained therein.

SCHEDULE I A

Common quality standards for fresh cut flowers

special provisions for mimosa

Mimosa must satisfy the quality requirement of class I.

However, for this flower, the rigidity requirement does not apply to the upper ends of the flower stems.

The base of the branches must not be too woody.

Mimosa must also meet the following quality requirements:

-stems well furnished with flowers;

-unbroken or untrimmed tips.

However stems with broken tips are permitted where the broken section has a diameter of less than 2 millimetres.

Mimosa may be presented in bloom or not.

For mimosa in bloom, the blossom should be normal for the variety and the number of green flowering heads not yet in bloom must not exceed:

-60 % for floribunda,

-20 % for other species and varieties.

The flowering heads must be of normal colour, unspotted and firmly fixed to the inflorescence.

For mimosa which is not in bloom, 80 % of the flowering heads must be yellow (slightly open).

Presentation

Branches of mimosa must be arranged in layers or presented in bunches of:

-150 grammes, 250 grammes or multiples of 250 grammes.

Mimosa not in bloom must be packed in small bags made of polyethylene or a similar substance.

Each unit of presentation, even when offered in bulk, must be of uniform composition and only contain branches of the same species and variety.

Marking

In addition to indicating the packer or despatcher on each package, the marking must include the following particulars:

-the genus,

-the species or variety (cultivar),

-the words “ in bloom “ or “ not in bloom “,

-where appropriate, the words “ short stemmed “ or equivalent term,

-the total net weight or the number of bunches and the weight of each.

SECOND SCHEDULE

Common quality standards for fresh ornamental foliage

I. DESCRIPTION OF PRODUCE

These standards shall apply to fresh ornamental foliage, leaves, branches and other parts of plants falling within subheading N 06.04 A II of the common customs tariff.

II. QUALITY REQUIREMENTS

Produce must be:

-of fresh appearance,

-free of residues of pesticides and other extraneous matter affecting the appearance,

-free of animal or vegetable parasites and damage caused by such which impair the general appearance,

-free of defects, such as bruising or withering, which impair the general appearance,

-free of excessive external moisture,

-having the colouring typical of the species of variety.

Produce must be carefully cut and have reached a sufficient stage of maturity.

III. SPECIAL PROVISIONS

The special provisions relating to asparagus fern set out in Schedule II A supplement the provisions of this Annex.

IV. QUALITY TOLERANCES

Quality tolerances shall be permitted in each unit of presentation as follows: 10 % of fresh ornamental foliage may vary from the requirements listed under II.

V. MARKING

The following particulars must accompany the goods:

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A. Identification

Despatcher or packer { name and address or code mark }

B. Nature Of Produce

“fresh ornamental foliage”, or genus or species.

SCHEDULE IIA

Common quality standards for fresh ornamental foliage

Special Provisions For Foliage Of Asparagus Sprengeri

I. DESCRIPTION OF PRODUCE

These special provisions apply to the foliage of *Asparagus densiflorus* (Kunth) Jeasop "Sprengeri" (Syn. *Asparagus L. sprengeri* Rgl.).

II. QUALITY REQUIREMENTS

(i) Class I

The foliage of *Asparagus sprengeri* in this class must be:

- well developed, not broken and without side growth,

- well furnished with firmly attached cladodes,

- free of yellowing,

- free of fruits.

(ii) Class II

This class includes all foliage of *Asparagus sprengeri* not meeting the requirements of Class I but meeting the quality requirements laid down for fresh foliage particularly regarding the typical colouring which should exclude any yellowing.

III. SIZING

Length shall be measured from the end of the stem to the tip. For *Asparagus sprengeri* this sizing must comply with the following scale:

Code	*Length*
10	10 to 30 cm
30	30 to 50 cm
50	More than 50 cm

Shoots of Asparagus sprengeri forming a bunch must be of more or less uniform length.

IV. TOLERANCES

A. Quality tolerances

The following tolerances shall be permitted in each unit of presentation:

(i) *Class I*

10 % of the stems may vary from the requirements of this class but they must comply with those of Class II. No tolerance shall be permitted for stems which are broken or which have a side growth.

(ii) *Class II*

10 % of the stems may vary from the requirements of this class. Any defects must not impair the utility of the products.

B. Length tolerances

10 % of the number of stems which exceed the fixed limits is permitted; the shortest stems may in no case be more than 5 cm shorter than the code given.

V. PACKAGING AND PRESENTATION

A. Presentation

The foliage of Asparagus sprengeri shall be made up into bunches of 100 g, 250 g or multiples of 250 g.

B. Uniformity

Broken stems shall be made up into separate bunches. Stems in the same bunch must be uniform in shape and colour.

C. Packaging

Packaging must be such as to protect the produce adequately. Paper or other materials in direct contact with the produce must be new; when printed matter is used, the printing must be on the outside only so as not to come into contact with the produce.

VI. MARKING

The following particulars must accompany the goods:

A. Identification

Dispatcher or packer {name and address or code mark}

B. Nature of produce

Asparagus sprengeri or Asparagus densiflorus and possibly the variety.

C. Origin of product (optional)

Region of origin or national, regional or local name.

D. Commercial specifications

- class,
- minimum and maximum length or code of size,
- number of bunches and unit weight of each bunch.

E. Official control mark (optional).

Special Provisions For Asparagus Plumosus

I. DESCRIPTION OF PRODUCT

These special provisions apply to the foliage of Asparagus setaccus (Kunth) Jessop (Syn. Asparagus L. plumosus Bak.).

II. QUALITY REQUIREMENTS

A. Special requirements

The typical colouring of the species comprises a range of varying shades of green ([1]). The products must not, however, be clorotic; they must be furnished with cladodes having an equal colouring.

Foliage of Asparagus plumosus may be presented in the form of:

-fern (shoots of regular growth having the appearance of palm leaves),

[1] Asparagus plumosus foliage bearing the description “blond” or “biondo” is also admissible, provided that it conforms to the requirements of the quality standard applicable for this product.

-clipped fern (shoots of which the upper ends have been cut off, having the appearance of a garland of greenery).

B. Classification

(i) Class I

The foliage of Asparagus Plumosus in this class must:

-be well developed,

-have a stem well garnished with foliage,

-be furnished with firmly attached cladodes.

Fern must not be broken and must be without side growth. Clipped fern may be included in this class.

(ii) Class II

This class includes all foliage of Asparagus plumosus not meeting the requirements of Class I but meeting the quality requirements laid down for fresh foliage and the special requirements above. Nevertheless, produce having certain defects of appearance may be included in this class. Broken fern or fern with side growth should be presented separately.

III. SIZING

The length shall be measured from the end of the stem to the tip. For fern the sizing must comply with the following scale:

Code	Length
10	10 to 30 cm
30	30 to 40 cm
40	40 to 60 cm
60	More than 60 cm

For clipped fern the sizing must comply with the following scale:

Code	*Length*
10	10 to 30 cm
30	30 to 50 cm
50	More than 50 cm

IV. TOLERANCES

A. Quality tolerances

The following tolerances shall be permitted in each unit of presentation:

(i) Class I

10 % of the stems may vary from the requirements of this class but they must comply with those of Class II. No tolerance shall be permitted for stems which are broken or which have a side growth.

(ii) Class II

10 % of the stems may vary from the requirements of this class. Any defects must not impair the utility of the products.

B. Length tolerances

10 % of the number of stems which exceed the fixed limits is permitted; the shortest stems may in no case be more than 5 cm shorter than the code given.

V. PACKAGING AND PRESENTATION

A. Presentation

The foliage of Asparagus plumosus shall be made up into bunches of 10 stems or multiples of 10.

B. Uniformity

Fern in one bunch must be of uniform colouring. Fern, clipped fern and fern without points of growth, exclusively classified in Class II, shall be made up into separate bunches.

C. Packaging

Packaging must be such as to protect the produce adequately. Paper or other materials in direct contact with the produce must be new; when printed matter is used, the printing must be on the outside only so as not to come into contact with the produce.

VI. MARKING

The following particulars must accompany the goods:

A. Identification.

Dispatcher or packer {name and address or code mark}

B. Nature of produce (optional)

Asparagus plumosus or Asparagus setaccus.

C. Origin of produce (optional)

Region of origin or national, regional or local name.

D. Commercial specifications

- class,

- the indication “fern” or “clipped fern”,

- number of bunches and number of stems per bunch,

- minimum and maximum length or code of size,

- the indication “blond” or “biondo” should the occasion arise.

E. Official control mark (optional).

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