L.N. 246 of 2006

PLANT QUARANTINE ACT (CAP. 433)

Examination of Varieties of Agricultural Plant Species Regulations, 2006

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

Title and scope.

1. (1) The title of these regulations is the Examination of Varieties of Agricultural Plant Species Regulations, 2006.

(2) The scope of these regulations is to ensure that varieties of species of agricultural plants which shall be included in the national catalogue of such varieties in Malta shall comply with internationally-recognised guidelines as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining such varieties.

Conditions for examination of varieties of agricultural plants.

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2. (1) Varieties of the agricultural plant species shall be officially accepted in the national catalogue within the meaning of regulation 8 (1) of the Seeds of Agricultural Plants and Vegetables Regulations, 2006 after fulfilling the requirements set out in the paragraphs below:

(a) As regards distinctness, uniformity and stability,

(i) the species listed in Schedule I to these regulations shall comply with the conditions laid down in the "Protocols for distinctness, uniformity and stability tests" of the Administrative Council of the Community Plant Variety Office, (hereafter referred to as the 'CPVO') which are relevant for the particular species;

(ii) the species listed in Schedule II to these regulations shall comply with the "Guidelines for the conduct of tests for distinctness, homogeneity and stability" of the International Union for the Protection of New Varieties of Plants (hereafter referred to as 'UPOV') which are relevant for the particular species.

(b) As regards the value for cultivation or use, the varieties shall comply with the conditions laid down in Schedule III to these regulations without prejudice to regulation 8 (3) of the Seeds of Agricultural Plants and Vegetables Regulations, 2006.

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(2) All the varietal characteristics within the meaning of sub-regulation (1) (a) (i) of this regulation and any characteristics in the 'UPOV' referred to in sub-regualtion (1) (a) (ii) shall be used, provided that observation of a characteristic is not rendered impossible by the expression of any other characteristics and provided that the expression of a characteristic is not prevented by the environmental conditions under which the test is conducted.

(3) It shall be ensured that in respect of the species listed in Schedules I and II to these regulations, the minimum requirements for carrying out the examinations in respect of trial design and growing conditions, as laid down in the test guidelines referred to in the said Schedules, are fulfilled at the time of the examinations.

SCHEDULE I

Regulation 3(1)(a)(i)

CPVO guidelines

The following tables list the genera and species for which CPVO guidelines apply[1].

I. Cereals

Table 1.1:

Species listed in the Common Catalogue	CPVO protocol
Oats	Oats, TP 20/1 of 6.11.2003
Barley	Barley, TP 19/2 of 6.11.2003
Rye	Rye, TP 58/1 of 31.10.2002
Triticale	Triticale, TP 121/1 of 6.11.2003
Wheat	Wheat, TP 3/3 of 6.11.2003
Durum wheat	Durum wheat, TP 120/2 of 6.11.2003
Maize	Maize, TP 2/2 of 15.11.2001

II. Fodder Plants

Table 1.2:

Species listed in the Common Catalogue	CPVO protocol
Leguminosae (Legumes)	
Field pea	Pea, TP 7/1 of 6.11.2003

III. Potatoes

Table 1.3:

Species listed in the Common Catalogue	CPVO protocol
Potato	Potato, TP 23/1 of 27.3.2002

[1] These technical protocols can be found on the CPVO website www.cpvo.europa.eu

SCHEDULE II

Regulation 3(1)(a)(ii)

UPOV guidelines

The following tables list the genera and species for which UPOV guidelines apply[2].

I. Cereals

Table 2.1:

Species listed in the Common Catalogue	UPOV protocol
Sorghum	Sorghum, guideline TG/122/3 of 6.10.1989

II. Fodder Plants

Table 2.2:

Species listed in the Common Catalogue	UPOV protocol
Gramineae (Grasses)	
Velvet bent	Bent, guideline TG/30/6 of 12.10.1990
Brown top	Bent, guideline TG/30/6 of 12.10.1990
Red top	Bent, guideline TG/30/6 of 12.10.1990
Creeping bent	Bent, guideline TG/30/6 of 12.10.1990
Sheep's fescue	Sheep's fescue, guideline TG/67/4 of 12.11.1980
Meadow fescue	Meadow fescue, guideline TG/39/8 of 17.4.2002
Red fescue	Red fescue, guideline TG/67/4 of 12.11.1980
Italian ryegrass	Ryegrass, guideline TG/4/7 of 12.10.1990
Perennial ryegrass	Ryegrass, guideline TG/4/7 of 12.10.1990
Smooth-stalked meadow grass	Kentucky bluegrass, guideline TG/33/6 of 12.10.1990
Leguminosae (Legumes)	
Lucerne	Lucerne, guideline TG/6/5 of 6.4.2005
Red clover	Red clover, guideline TG/5/7 of 4.4.2001
Field bean	Field bean, guideline TG/8/6 of 17.4.2002
Common vetch	Common vetch, guideline TG/32/6 of 21.10.1988

[2] These technical protocols can be found on the UPOV website www.upov.int

SCHEDULE III

Regulation 3(1)(b)

Examination of the value for cultivation or use

The following are the characteristics as regards the examination of the value for cultivation or use:

1. Yield.
2. Resistance to harmful organisms.
3. Behaviour with respect to factors in the physical environment.
4. Quality characteristics.

The methods used shall be specified when the results are submitted.

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