Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,775, 8 ta' Lulju, 2011

Taqsima B

L.N. 270 of 2011

PLANT QUARANTINE ACT
(CAP. 433)

Fruit Trees Propagation Material (Amendment) Regulations, 2011

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

Title and scope.

1. (1) The title of these regulations is the Fruit Trees Propagation Material (Amendment) Regulations, 2011 and they shall be read and construed as one with the Fruit Trees Propagation Material Regulations, 2010, hereinafter referred to as "the principal regulations".

L.N. 223 of 2010.

(2) These regulations transpose Commission Decision 2010/781/EU as regards the extension of the period of validity of equivalence relating to import conditions for fruit plant propagating material and fruit plants intended for fruit production from third countries amending Council Directive 92/34/EEC on marketing of fruit plant propagating material and fruit plants intended for fruit production which in the interests of clarity owing to several substantial amendments should be recast by Council Directive 2008/90/EC as amended by Commission Decision 2010/777/EC as regards the extension of the period of validity of equivalence relating to import conditions for fruit plant propagating material and fruit plants intended for fruit production from third countries.

Amends regulation 3 of the principal regulations.

2. Regulation 3 of the principal regulations shall be amended as follows:

(a) the definition "the Department" shall be deleted;

(b) immediately after the definition "the Director" there shall be inserted the following new definition:

" "the Directorate" means the Directorate responsible for plant health;"; and

(c) for the words "the Department", wherever they occur in the principal regulations, there shall be substituted the words "the Directorate".

Substitutes regulation 16 of the principal regulations.

3. Regulation 16 of the principal regulations shall be substituted as follows:

"Equivalence.

16. (1) In order to prevent trade patterns from being disrupted, Malta when importing fruit plant propagating material and fruit plants from third countries shall be allowed to apply conditions equivalent to those applicable to similar Union products in accordance with sub-regulation (3) hereof. The application of such conditions for importation of propagating material and fruit plants produced in a third country affording the same guarantees complying with these regulations and to which the derogation mentioned in sub-regulation (3) hereof refers shall be allowed for a period which is consistent with the transitional period referred to in regulation 18 of these regulations.

(2) In accordance with the Standing Committee procedure on Propagating Material and Plants of Fruit Genera and Species, it shall be decided by the Commission whether propagating material and fruit plants produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, are equivalent in all these respects to propagating material and fruit plants produced in the Community and complying with the requirements and conditions of these regulations.

(3) Pending the decision referred to in sub-regulation (2) hereof, the Directorate may, until 31st December, 2018 and without prejudice to the provisions of the Plant Quarantine (Harmful Organisms) Regulations, 2004, apply to the import of propagating material and fruit plants from third countries conditions at least equivalent to those indicated, on a temporary or permanent basis, in the specific requirements adopted pursuant to regulation 5 of these regulations. If such conditions are not laid down in the specific requirements, the conditions for importation must be at least equivalent to those applicable to production in Malta.

(4) Propagating material and fruit plants imported by Malta in accordance with a decision taken by the Directorate in accordance with sub-regulation (3) hereof shall not be subject to marketing restrictions in the other Member States as regards the matters referred to in sub-regulation (2) hereof:

Provided that notwithstanding the entry into force of these regulations, the Directorate may until 31st December, 2018, allow the importation from third countries of propagation material and fruit plants which existed prior to 30th September, 2012, which satisfy the conditions for importation prescribed in regulation 5 of these regulations before 31st December, 2018.".

VERŻJONI ELETTRONIKA

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