

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 19,918, 12 ta' Diċembru, 2017

Taqsimha B

L.N. 354 of 2017

**PLANT QUARANTINE ACT
(CAP. 433)
Plant Quarantine (Harmful Organisms)
(Amendment) Regulations, 2017**

IN exercise of the powers conferred by article 32 of the Plant Quarantine Act, the Minister responsible for the Environment, Sustainable Development and Climate Change in concurrence with the Minister responsible for Finance has made the following regulations:-

1. (1) The title of these regulations is the Plant Quarantine (Harmful Organisms) (Amendment) Regulations, 2017, and these regulations shall be read and construed as one with the Plant Quarantine (Harmful Organisms) Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 433.03

2. Regulation 2 of the principal regulations shall be substituted by the following:

Substitutes regulation 2 of the principal regulations.

"Scope and applicability.

2. (1) The scope of these regulations is:

(a) to make provision to safeguard against the introduction and spread in Malta of harmful organisms; and

(b) to transpose the following Directives, Decisions and/or their amendments:

(i) Council Directive 2000/29/EC on protective measures against the introduction into the community of organisms harmful to plants and plant products and against their spread within the community and to make provision to safeguard against the introduction and spread in Malta of harmful organisms;

(ii) Commission Implementing Decision 2012/535/EU of 26 September 2012 on emergency measures to prevent the spread within the Union of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. (the pine wood nematode);

(iii) Commission Implementing Decision 2012/270/EU of 16 May 2012 as regards emergency measures to prevent the introduction into and the spread within the Union of *Epitrix cucumeris* (Harris), *Epitrix similaris* (Gentner), *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner);

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(iv) Commission Implementing Decision 2012/138/EU of 1 March 2012 as regards emergency measures to prevent the introduction into and the spread within the Union of *Anoplophora chinensis* (Forster);

(v) Commission Decision 2002/757/EC of 12 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp.nov.;

(vi) Commission Decision 2007/433/EC of 18 June 2007 on provisional emergency measures to prevent the introduction into and the spread within the Community of *Gibberella circinata* Nirenberg & O'Donnell;

(vii) Commission Implementing Decision (EU) 2016/715 of 11 May 2016 setting out measures in respect of certain fruits originating in certain third countries to prevent the introduction into and the spread within the Union of the harmful organism *Phyllosticta citricarpa* (McAlpine) Van der Aa;

(viii) Commission Implementing Decision (EU) 2015/893 of 9 June 2015 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky); and

(ix) Commission Implementing Decision 2011/787/EU of 29 November 2011 authorising Member States temporarily to take emergency measures against the dissemination of *Ralstonia solanacearum* (Smith) Yabuuchi et al. as regards Egypt.

(2) These regulations shall apply to any movement and introduction of plant, plant products and other objects specified in these regulations whether within or into Malta."

Amends
regulation 3 of
the principal
regulations.

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

(a) immediately before the definition "the Act" there shall be added the following new definition:

" "accompanying document" means any document which is normally used for trade purposes;"

(b) in the definition "authorization", the words "Plant Health Clearance Document (PHCD)" shall be substituted by the words "Plant Health Movement Document (PHMD)";

(c) in the definition "consignment" for the word "rmeans" there shall be substituted the word "means";

(d) the definition "Customs" shall be substituted by the following;

" "Customs" means the Comptroller of Customs and includes any officer or employee of his department having the authority to act on his behalf"; and

(e) immediately after the definition "Customs" there shall be added the following new definition:

" "Directorate" means the Directorate or Department responsible for Plant Health".

(f) the definition "wood" shall be substituted by the following;

"Wood" means, save where it is expressly provided otherwise in these regulations, wood that retains all or part of its natural round surface, with or without bark, or as it is in the form of chips, particles, sawdust, wood waste or scrap. Save for the purpose of the provisions relating to Schedule V, wood, whether satisfying the conditions referred to in the first sub-paragraph or not, is also concerned where it is in the form of dunnage, spacers, pallets or packing material which are actually in use in the transport of objects of all kinds, provided that it presents a plant health risk."

4. Sub-paragraph (iii) of the proviso to paragraph (d) of regulation 4 of the principal regulations shall be substituted by the following:

Amends regulation 4 of the principal regulations.

"(iii) constitute of –

- fruit and raw vegetables which do not exceed an aggregate weight of 0.5 kilograms; or
- one bouquet of cut flowers; or
- one original retail packet of seeds, that is a packet of a size normally used to sell seeds in question to consumers for non-commercial use; or
- bulbs, corms, tubers or rhizomes which do not exceed an aggregate weight of 0.5 kilogram."

5. (1) Sub-regulation (4) of regulation 4B of the principal regulations shall be substituted by the following:

Amends regulation 4B of the principal regulations:

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"(4) The territory of Malta may apply the derogations mentioned in sub-regulation (1) to plants imported into the Community in the following periods as follows:

(a) *Pinus*, from 1 January 2011 to 31 December 2020;

(b) *Chamaecyparis*, from 1 January 2011 to 31 December 2020;

(c) *Juniperus*, from 1 November to 31 March of each year until 31 December 2020."

Amends
regulation 4C
of the principal
regulations:

6. Regulation 4C of the principal regulations shall be amended as follows:

(a) sub-regulation (2) thereof shall be deleted; and

(b) sub-regulations (3) and (4) thereof shall be re-numbered as sub-regulations (2) and (3) respectively and sub-regulation (3) as re-numbered shall be substituted by the following:

"(3) The Director may apply the derogations mentioned in sub-regulation (1) to *Pinus* and *Chamaecyparis* plants imported into the Community in the period from 1 January 2011 to 31 December 2020, and to *Juniperus* plants imported into the Community in the period from 1 November to 31 March of each year until 31 December 2020."

Deletes
regulation 4D
of the principal
regulations.

7. Regulation 4D of the principal regulations shall be deleted.

Substitutes
regulation 4E
of the principal
regulations.

8. Regulation 4E of the principal regulations shall be substituted by the following:

"(1) The entry into Malta of tubers of *Solanum tuberosum* L. which originate in Egypt shall be permitted if they have been grown in areas included in the list of pest-free areas for Egypt and if the requirements laid down in Schedule XVI are complied with."

Substitutes
regulation 4H of
the principal
regulations.

9. Regulation 4H of the principal regulations shall be substituted by the following:

"4H. (1) For the purposes of this regulation, the following definitions shall apply:

"the harmful organism" means *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. Nov.; "susceptible bark" means isolated bark of *Acer macrophyllum* Pursh, *Aesculus californica* (Spach) Nutt., *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Quercus* spp. L. and *Taxus brevifolia* Nutt.";

"susceptible plants" means plants, other than fruit and seeds, of *Acer macrophyllum* Pursh, *Acer pseudoplatanus* L., *Adiantum aleuticum* (Rupr.) Paris, *Adiantum jordanii* C. Muell., *Aesculus californica* (Spach) Nutt., *Aesculus hippocastanum* L., *Arbutus menziesii* Pursch., *Arbutus unedo* L., *Arctostaphylos* spp. Adans, *Calluna vulgaris* (L.) Hull, *Camellia* spp. L., *Castanea sativa* Mill., *Fagus sylvatica* L., *Frangula californica* (Eschsch.) Gray, *Frangula purshiana* (DC.) Cooper, *Fraxinus excelsior* L., *Griselinia littoralis* (Raoul), *Hamamelis virginiana* L., *Heteromeles arbutifolia* (Lindley) M. Roemer, *Kalmia latifolia* L., *Laurus nobilis* L., *Leucothoe* spp. D. Don, *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Lonicera hispidula* (Lindl.) Dougl. Ex Torr.&Gray, *Magnolia* spp. L., *Michelia doltsopa* Buch.-Ham. ex DC, *Nothofagus obliqua* (Mirbel) Blume, *Osmanthus heterophyllus* (G. Don) P. S. Green, *Parrotia persica* (DC) C.A. Meyer, *Photinia x fraseri* Dress, *Pieris* spp. D. Don, *Pseudotsuga menziesii* (Mirbel) Franco, *Quercus* spp. L., *Rhododendron* spp. L., other than *Rhododendron simsii* Planch., *Rosa gymnocarpa* Nutt., *Salix caprea* L., *Sequoia sempervirens* (Lamb. Ex D. Don) Endl., *Syringa vulgaris* L., *Taxus* spp. L., *Trientalis latifolia* (Hook), *Umbellularia californica* (Hook. & Arn.) Nutt., *Vaccinium ovatum* Pursch and *Viburnum* spp. L.;

"susceptible wood" means wood of *Acer macrophyllum* Pursh, *Aesculus californica* (Spach) Nutt., *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Quercus* spp. L. and *Taxus brevifolia* Nutt.

(2) The introduction into the Community and spread within the Community of non-European isolates of the harmful organism shall be banned.

(3) (a) (i) susceptible plants and susceptible wood may only be introduced into Malta if they comply with the emergency phytosanitary measures laid down in items 1(a) and 2 of Annex I of Commission Implementing Decision 2002/757/EC as amended, if the formalities referred to in Regulation 19 are completed and if, as a result of those formalities in respect of the presence of non-European isolates of the harmful organism, susceptible plants and susceptible wood are found free from the harmful organism;

(ii) by way of derogation from sub-paragraph (3)(a)(i), until 31 December 2026 bark-free sawn wood of *Quercus* spp. L. originating in the United States of America may be introduced into the Union without complying with item 2 of

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Annex I of Commission Implementing Decision 2002/757/EC as amended, provided that it complies with the conditions set out in Annex II of the same mentioned Decision;

(b) the provisions specified in items 1(a) and 2 of Annex I of Commission Implementing Decision 2002/757/ EC as amended, shall apply only to susceptible plants and susceptible wood originating in the United States of America destined for the Community and leaving on or after 1 November 2002;

(c) the measures laid down in Part A, Section I (3) of Schedule IV as regards wood of *Quercus* L., including wood which has not kept its natural round surface, originating in the United States of America, shall not apply to susceptible wood of *Quercus* L. which satisfies the requirements of item 2(b) of Annex I of Commission Implementing Decision 2002/757/EC as amended;

(d) as of 1 November 2002 plants intended for planting of *Viburnum* spp., *Camellia* spp. and *Rhododendron* spp., other than *Rhododendron simsii* Planch, other than seeds, originating in third countries, other than the United States of America, introduced into the Community may only be moved in the Community if they are accompanied by a plant passport prepared and issued in accordance with to Regulation 10.

(4) Susceptible bark originating in the United States of America shall not be permitted entry in the Community.

(5) (a) plants intended for planting of *Viburnum* spp., *Camellia* spp. and *Rhododendron* spp., other than *Rhododendron simsii* Planch, other than seeds, originating in the Community may not be moved within the Community unless they meet the conditions laid down in item 3 of Schedule XXVIII. The producers of these plants shall be registered in accordance with the provisions laid down in regulation 6.

(b) registered producers shall notify the Directorate of every suspected occurrence or confirmed presence of the harmful organism on the place of production.

(6) The Director may take appropriate measures to carry out official monitoring of movements of susceptible plants to ascertain whether they comply with the conditions set out in this regulation and Commission Implementing Decision 2002/757/ EC as amended."

10. Regulation 4J of the principal regulations shall be deleted.

Deletes
regulation 4J of
the principal
regulations.

11. Regulations 4K and 4L of the principal regulations shall be re-numbered as regulations 4J and 4K respectively. Amends regulations 4K and 4L of the principal regulations.
12. Regulation 4M of the principal regulations shall be deleted. Deletes regulation 4M of the principal regulations.
13. Immediately after regulation 4K as renumbered, there shall be added the following new regulations: Adds new regulations 4L to 4P to the principal regulations.
- "Emergency Measures issued in terms of Commission Implementing Decision 2012/535/EU, amended by Commission Implementing Decision (EU) 2015/226 and Commission Implementing Decision (EU) 2017/427.
- 4L. (1) For the purpose of this regulation:
- "susceptible bark" means bark of conifers (Coniferales);
- "susceptible plants" means plants (other than fruit and seeds) of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. And *Tsuga* Carr.;
- "susceptible wood" means wood of conifers (Coniferales), which falls under one of the following points:
- (i) wood within the meaning of these regulations;
 - (ii) wood which has not retained its round surface;
 - (iii) wood in the form of beehives and bird nesting boxes; Susceptible wood does not mean sawn wood and logs of *Taxus* L. and *Thuja* L., and wood which has undergone processing eliminating the risk of hosting PWN;
- "vector" means beetles belonging to the genus *Monochamus* Megerle in Dejean, 1821;
- "wood packaging material" means wood or wood products used in supporting, protecting or carrying a commodity, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars and dunnage, whether or not actually in use in the transport of objects. Processed wood produced by glue, heat or pressure or a combination thereof and packaging material entirely composed of wood of 6mm of thickness or less are excluded.
- (2) The following are the conditions for movement of susceptible plants and susceptible wood and bark within the Union;

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(a) susceptible plants and susceptible wood and bark shall only be moved from demarcated areas into areas other than demarcated areas and from infested zones into buffer zones, as established in terms of Commission Implementing Decision 2012/535/ EU, if the conditions, as set out in Section 1 of Annex III of Commission Implementing Decision 2012/535/EU are fulfilled;

(b) susceptible plants and susceptible wood and bark shall only be moved within the above-mentioned infested zones subject to eradication measures if the conditions, as set out in Section 2 of Annex III to Commission Implementing Decision 2012/535/EU are fulfilled; and

(c) the Director may restrict the movement of susceptible plants and susceptible wood and bark within the above-mentioned infested zones subject to containment measures.

(3) Inspectors of the Directorate shall carry out frequent random checks on susceptible plants and susceptible wood and bark being moved from the above-mentioned demarcated areas situated in Malta to areas other than the demarcated areas and from the above-mentioned infested zones situated in Malta to buffer zones as established in terms of the said Commission Implementing Regulation.

When deciding in a specific case where to carry out the checks, inspectors shall base their decision on the risk that the plants or wood and bark to be checked carry live pine wood nematode, taking into account the provenance of the consignments, the degree of susceptibility of the plants and wood and bark concerned, and past compliance with Commission Implementing Decision 2012/535/EU and decision 2006/133/EC by the operator responsible for the movement.

Checks of the above-mentioned plants and wood and bark shall be carried out in the following places:

(a) at the points where they are moved from infested zones into buffer zones;

(b) at the points where they are moved from buffer zones into non-demarcated areas;

(c) at their place of destination in the buffer zone; and

(d) at their place of origin in the infested zone, such as sawmills, from which they are moved out of the infested zone:

Provided that the Director may decide to carry out checks additionally in other places than those referred to in paragraphs (a) to (d).

These checks shall include a documentary check as regards the requirements laid down in Section 1 of Annex III to Commission Implementing Decision 2012/535/EU, an identity check and, in the case of non-compliance or a suspicion of non-compliance or a suspicion of non-compliance with those requirements, a plant health check which includes testing for the presence of pine wood nematode.

(4) Inspectors of the Directorate shall carry out random checks on the above-mentioned plants and wood and bark being moved from demarcated areas as mentioned above situated outside Malta into areas in Malta other than demarcated areas.

These checks shall include a documentary check as regards the requirements laid down in Section 1 of Annex III to Commission Implementing Decision 2012/535/EU, an identity check and a plant health check which includes testing for the presence of pine wood nematode.

(5) The Directorate shall, by 30 April of each year, communicate to the other Member States and the Commission the time and results of the checks referred to in sub-regulations (3) and (4) carried out during the preceding year.

Where the results of the checks show that pine wood nematode is present in susceptible plants and susceptible wood and bark, the Director shall immediately notify the Commission and the other Member States of the finding.

(6) Where the checks referred to in sub-regulations (4) and (5) show that Section 1 or 2 of Annex III to Commission Implementing Decision 2012/535/EU is not complied with, the Inspector of the Directorate which carried out those checks shall immediately subject the non-compliant material to one of the following measures:

(a) destruction;

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(b) movement under official supervision to a treatment facility specifically authorised for this purpose, where it is subjected to a heat treatment to achieve a minimum temperature of 56°C for at least 30 minutes throughout the above-mentioned wood and bark ensuring freedom from live pine wood nematode and live vectors; and

(c) where the non-compliant material consists of wood packaging material actually in use in the transport of objects, and without prejudice to Annex III to Commission Implementing Decision 2012/535/EU, return under official supervision to the place of dispatch, or a location nearby the location of interception, for repackaging of those objects and destruction of that wood packaging material, while avoiding any risk of spreading pine wood nematode.

(7) (a) in the case where a demarcated area is established in the Maltese Islands, the Director shall authorise treatment facilities adequately equipped to carry out one or more of the following tasks, as set out in Annex III of Commission Implementing Decision 2012/535/EU:

(i) treatment of susceptible wood and bark, as set out in item 2(a) of Section 1 of that Annex and item (c) of the first sub-paragraph of item 2 of Section 2 of that Annex;

(ii) issuing of plant passports referred to in Regulation 10 for susceptible wood and bark treated by the treatment facility concerned in accordance with item (a) of this sub-paragraph, as set out in item 2(b) of Section 1 of Annex III and item (b) of the second sub-paragraph of item 2 of Section 2 of that Annex;

(iii) treatment of wood packaging material, as set out in item 3(a) of Section 1 of that Annex and item 3 of Section 2 of that Annex; and

(iv) marking in accordance with Annex II to the FAO International Standard for Phytosanitary Measures No 15, as set out in items 2(b) and 3(b) of Section 1 of Annex III and item 3 of Section 2 of that Annex, of beehives, bird nesting boxes and wood packaging material treated by the treatment facility concerned in accordance with, respectively, sub-paragraphs (i) and (iii).

Those facilities are referred to hereinafter as "authorised treatment facilities".

(b) authorised treatment facilities shall ensure the traceability of the treated susceptible wood, bark and wood packaging material.

(8) (a) in the case where a demarcated area is established in the Maltese Islands, the Director shall authorise producers of wood packaging material, beehives and bird nesting boxes adequately equipped to mark, in accordance with Annex II to the FAO International Standard for Phytosanitary Measures No 15, the wood packaging material, beehives and bird nesting boxes they assemble from wood treated by an authorised treatment facility and accompanied by the plant passport referred to in schedule VI to these Regulations. Those products are referred to hereinafter in this regulation as "authorised wood packaging material producers";

(b) authorised wood packaging material producers shall exclusively use wood from treatment facilities specifically authorised for this purpose and accompanied by the plant passport referred to in Directive 92/105/EEC for the production of wood packaging material and shall ensure that the wood used for that purpose can be traced back to those treatment facilities.

Emergency Measures issued in terms of Commission Implementing Decision 2012/270/ EU amended by Commission Implementing Decision 2014/679/ EU and Commission Implementing Decision (EU) 2016/1359.

4M. (1) For the purpose of this regulation, "the specified organisms" means *Epitrix cucumeris* (Harris), *Epitrix papa* sp. n., *Epitrix subcrinita* (Lec.) and *Epitrix tuberis* (Gentner).

(2) (a) tubers of *Solanum tuberosum* L., including those intended for planting, hereinafter "potato tubers", originating in third countries where one or more of the specified organisms are known to be present may only be introduced into the Union if they comply with the specific import requirements, as set out in item (1) of Section 1 of Annex I to Commission Implementing Decision 2012/270/EU as amended by Commission Implementing Decision 2014/679/EU;

(b) on entry into the Union potato tubers shall be inspected by the inspectors of the Directorate in accordance with item (5) of Section 1 of Annex I to Commission Implementing Decision 2012/270/EU as amended by Commission Implementing Decision 2014/679/ EU.

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(3) (a) potato tubers originating in demarcated areas within the Union established in accordance with Article 5 of Commission Implementing Decision 2012/270/EU, packed within those areas or at the facilities referred to in 3b of Commission Implementing Decision 2012/270/EU, may be moved within the Union only if they meet the conditions, as set out in item (1) of Section 2 of Annex I of that Decision;

(b) potato tubers originating in a demarcated area, may be moved from that demarcated area to a packing facility fulfilling the requirements of Article 3b of Commission Implementing Decision 2012/270/EU which is in the vicinity of that demarcated area provided that the conditions set out in item (2) of Section 2 of Annex I are fulfilled. Potato tubers may be stored at that facility;

(c) in the case of the second subparagraph, the Directorate shall carry out the following actions:

(i) intensive monitoring for the presence of the specified organisms through appropriate inspections on potato plants and, where appropriate, other host plants, including fields where those plants are growing, within at least a radius of 100 m of the packing facility; and

(ii) activities to raise public awareness concerning the threat of the specified organisms and the measures adopted to prevent its introduction into and spread within the Union in the vicinity of the packing facility;

(d) potato tubers introduced into the Union in accordance with Article 2 of Commission Implementing Decision 2012/270/ EU from third countries where one or more of the specified organisms are known to be present, may be moved within the Union only if they meet the conditions, as set out in item (3) of Section (2) of Annex I of that Decision.

Emergency
Measures
issued in terms
of
Commission
Implementing
Decision 2012/
138/EU,
amended by
Commission
Implementing
Decision 2014/
356/EU.

4N. (1) For the purpose of this regulation the following definitions shall apply:

"place of production" means the place of production as defined in the FAO International Standard for Phytosanitary Measures (hereinafter "ISPM") No 5;

"specified organism" means *Anoplophora chinensis* (Forster);

"specified plants" means plants for planting that have a stem or root collar diameter of 1 cm or more at their thickest point, other than seeds, of *Acer* spp., *Aesculus hippocastanum*, *Alnus* spp., *Betula* spp., *Carpinus* spp., *Citrus* spp., *Cornus* spp., *Corylus* spp., *Cotoneaster* spp., *Crataegus* spp., *Fagus* spp., *Lagerstroemia* spp., *Malus* spp., *Platanus* spp., *Populus* spp., *Prunus laurocerasus*, *Pyrus* spp., *Rosa* spp., *Salix* spp. and *Ulmus* spp..

(2) As regards imports originating in third countries where the specified organism is known to be present, other than China, specified plants may only be introduced into the Union if they fulfil the following conditions:

(a) they comply with the specific import requirements, as set out in item 1 of Section 1A of Annex I to Commission Implementing Decision 2012/138/EU; and

(b) on entry into the Union they are inspected by an Inspector of the Directorate in accordance with item 2 of Section 1(A) of Annex I to Commission Implementing Decision 2012/ 138/ EU for the presence of the specified organism, and no signs of that organism have been found.

(3) As regards imports originating in China, specified plants may only be introduced into the Union if they fulfil the following conditions:

(a) they comply with the specific import requirements as set out in item 1 of Section 1(B) of Annex I to Commission Implementing Decision 2012/138/EU;

(b) on entry into the Union they are inspected by an inspector of the Directorate in accordance with item 2 of Section 1(B) of Annex I to Commission Implementing Decision 2012/ 138/ EU for the presence of the specified organism, and no signs of that organism have been found; and

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(c) the place of production of those plants:

(i) is designated by a unique registration number assigned by the national plant protection organisation of China;

(ii) is included in the most recent version of the register communicated by the Commission to the Member State in accordance with sub-regulation (5);

(iii) has not, within the previous two years, been the subject of a communication by the Commission to the Member States of the removal from the register in accordance with sub-regulation (5); and

(iv) has not, within the previous two years, been the subject of a communication by the Commission to the Member States as referred to in sub-regulation (6) and (7).

(4) The Commission shall communicate to the Member States the register of places of production in China which its national plant protection organisation has established as in compliance with item 1(b) of Section 1(B) of Annex I to Commission Implementing Decision 2012/138/EU:

Provided that where that organisation updates the register by removing a place of production either because that organisation has found that that place of production no longer complies with item 1(b) of Section 1(B) of Annex I to Commission Implementing Decision 2012/138/EU or because the Commission has informed China of evidence of the presence of the specified organism at import of specified plants from that place of production, and China makes the updated version of the register available to the Commission, the Commission shall communicate the updated version of the register to the Member States:

Provided further that where that organisation updates the register by including a place of production because that organisation has found that that place of production complies with item 1(b) of Section 1 (B) of Annex I to Commission Implementing Decision 2012/138/EU and China makes the updated version of the register available to the Commission as well as the necessary explanatory information, the Commission shall communicate that updated version and, where appropriate, that explanatory information to the Member States:

Provided further that through internet based information pages, the Commission shall make the register and its updates available to the public.

(5) Where during an inspection at a registered place of production, as set out in sub-paragraphs (ii), (iii) and (iv) of item 1(b) of Section 1 (B) of Annex I to Commission Implementing Decision 2012/138/EU, the Chinese plant protection organisation finds evidence of the presence of the specified organism and the Commission is notified of that finding by China, the Commission shall immediately communicate that finding to the Member States:

Provided that through internet based information pages, the Commission shall also make this information available to the public.

(6) Where the Commission has evidence from sources other than those referred to in sub-regulations (4) and (5) that a place of production listed in the register does not comply with item 1(b) of Section 1(B) of Annex I to Commission Implementing Decision 2012/138/EU or that the specified organism has been found on specified plants imported from such a place of production, it shall communicate the information concerning that place of production to the Member States:

Provided that through internet based information pages, the Commission shall also make this information available to the public.

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(7) Specified plants originating in demarcated areas within the Union established in accordance with Article 6 of Commission Implementing Decision 2012/138/EU may be moved within the Union only if they meet the conditions set out in item 1 of Section 2 of Annex I to Commission Implementing Decision 2012/138/EU:

Provided that specified plants which have not been grown in demarcated areas but are introduced into such areas may be moved within the Union only if they meet the conditions set out in item 2 of Section 2 of Annex I to Commission Implementing Decision 2012/138/EU:

Provided further that specified plants imported in accordance with sub-regulation (2) and (3) from third countries where the specified organism is known to be present may be moved within the Union only if they meet the conditions set out in item 3 of Section 2 of Annex I to Commission Implementing Decision 2012/138/EU.

Measures issued in terms of Decision (EU) 2015/893 of 9 June 2015 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky) (notified under document C(2015) 3772).

40. (1) For the purpose of this regulation, the following definitions shall apply:

"host plants" means plants belonging to species listed in Annex I to Commission Implementing Decision (EU) 2015/893;

"place of production" means the place of production as defined in the FAO International Standard for Phytosanitary Measures (hereinafter "ISPM") No 5;

"specified organism" means *Anoplophora glabripennis* (Motschulsky);

"specified plants" means plants for planting that have a stem diameter of 1 cm or more at their thickest point, other than seeds, of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp.;

"specified wood" means wood, obtained in whole or in part of the specified plants, which fulfils all of the following points:

(a) it is wood within the meaning of these regulations, other than wood packaging material including wood that has not retained its natural round surface; and

(b) it is listed among the following descriptions laid down in Annex I, Part Two to Council Regulation (EEC) No 2658/87, as it stood on 1 January 2015:

CN code Description

4401 10 00 Fuel wood, in logs, in billets in twigs, in faggots or in similar forms

4401 22 00 Non-coniferous wood, in chips or particles

ex 4401 39 80 Other wood waste and scrap, not agglomerated in logs, briquettes, pellets or similar forms

4403 10 00 Wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared

4403 92 Wood of beech (*Fagus* spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared ex 4403 99 Non-coniferous wood (other than, beech (*Fagus* spp.), poplar (*Populus* spp.) or birch (*Betula* spp.)), in the rough, whether or not stripped of bark or sapwood, or roughly squared

4403 99 10 Wood of poplar (*Populus* spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared

4403 99 51 Sawlogs of birch (*Betula* spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared

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4403 99 59 Wood of birch (*Betula* spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than sawlogs

ex 4404 20 00 Non-coniferous split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise

4406 Railway or tramway sleepers (cross-ties) of wood

4407 92 00 Wood of beech (*Fagus* spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm

4407 93 Wood of maple (*Acer* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm

4407 95 Wood of ash (*Fraxinus* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm

ex 4407 99 Non-coniferous wood (other than beech (*Fagus* spp.) maple (*Acer* spp.), ash (*Fraxinus* spp.) or poplar (*Populus* spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm

4407 99 91 Wood of poplar (*Populus* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm

9406 00 20 Prefabricated buildings of wood;

"specified wood packaging material" means packaging material obtained in whole or in part of the specified plants.

(2) As regards imports originating in third countries where the specified organism is known to be present, specified plants may only be introduced into Malta if they fulfil the following conditions:

(a) they comply with the specific import requirements, as set out in item 1 of Section 1(A) of Annex II to Commission Implementing Decision (EU) 2015/893; and

(b) on entry into the Union they are inspected by the responsible official body in accordance with item 2 of Section 1(A) of Annex II to Commission Implementing Decision (EU) 2015/893 for the presence of the specified organism, and no signs of that organism have been found.

(3) As regards imports originating in third countries where the specified organism is known to be present, specified wood may only be introduced into Malta if it fulfils the following conditions:

(a) it complies with the specific import requirements, as set out in items 1 and 2 of Section 1 (B) of Annex II to Commission Implementing Decision (EU) 2015/893; and

(b) on entry into the Union it is inspected by the responsible official body in accordance with item 3 of Section 1(B) of Annex II to Commission Implementing Decision (EU) 2015/ 893 for the presence of the specified organism, and no signs of that organism have been found.

(4) Specified plants originating in demarcated areas established in accordance with Article 7 may be moved within the Union only if they meet the conditions set out in item 1 of Section 2(A) of Annex II to Commission Implementing Decision (EU) 2015/893:

Provided that specified plants which have not been grown in demarcated areas but are introduced into such areas may be moved within the Union only if they meet the conditions set out in item 2 of Section 2(A) of Annex II to Commission Implementing Decision (EU) 2015/893:

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Provided further that specified plants imported in accordance with sub-regulation (2) from third countries where the specified organism is known to be present may be moved within the Union only if they meet the conditions set out in item 3 of Section 2(A) of Annex II to Commission Implementing Decision (EU) 2015/893.

(5) Specified wood originating in demarcated areas as established in accordance with Article 7 of Commission Implementing Decision (EU) 2015/893 may be moved within the Union only if it meets the respective conditions set out in items 1, 2 and 3 of Section 2(B) of Annex II to Commission Implementing Decision (EU) 2015/893:

Provided that specified wood retaining all or part of its round surface not originating in demarcated areas but introduced into such areas, may be moved within the Union only if it meets the respective conditions set out in items 1 and 3 of Section 2(B) of Annex II to Commission Implementing Decision (EU) 2015/893:

Provided further that specified wood packaging material originating in demarcated areas established in accordance with Article 7 of Commission Implementing Decision (EU) 2015/893 may be moved within the Union only if it meets the conditions set out in Section 2(C) of Annex II to Commission Implementing Decision (EU) 2015/893.

Provisional emergency measures to prevent the introduction into and the spread within the Community of *Gibberella circinata* Nirenberg & O'Donnell, Commission Decision 2007/433/ EC.

4P. (1) For the purposes of this regulation, the following definitions shall apply:

"specified organism" means *Gibberella circinata* Nirenberg & O'Donnell;

"specified plants" means plants of the genus *Pinus* L. and the species *Pseudotsuga menziesii*, intended for planting, including seeds and cones for propagation purposes.

(2) The specified plants may be introduced into the Community only if:

(a) they comply with the requirements laid down in section I of Annex I to Commission Decision 2007/433/EC; and

(b) they are, on entry into the Community, inspected and, where appropriate, tested for the presence of the specified organism, in accordance with the provisions of these regulations, and found free from it.

14. Regulation 5 of the principal regulations shall be amended as follows:

Amends
regulation 5 of
the principal
regulations.

(a) in paragraph (a)(i) thereof, for the words "not contaminated by" there shall be substituted the words "free from";

(b) in paragraph (a)(ii) thereof, for the words "not contaminated by" there shall be substituted the words "free from"; and

(c) in paragraph (c) thereof, the word "but" shall be deleted.

15. Regulation 6 of the principal regulations shall be amended as follows:

Amends
regulation 6 of
the principal
regulations.

(a) paragraph (a) thereof shall be substituted by the following:

"(a) No person shall carry out any of the following activities unless such person is registered in the Malta Official Register (MOR), established and held by the Directorate, under the provisions of these regulations:"; and

(b) paragraph (b) thereof shall be substituted by the following:

"(b) The Director may, in cases where there is no risk of any spreading of harmful organisms, following a request for registration, exempt any person who qualifies as a small producer or processor as defined in paragraph (c) from the requirements of registration under these regulations."; and

(c) paragraph (c) thereof shall be substituted by the following:

"(c) For the purposes of this regulation a small producer or processor shall satisfy all the following requirements, namely that he -

(i) carries out the activity of propagating, growing, and, or selling of plant material on a part time basis, and

(ii) sells to or trades directly with the consumer, and

(iii) is not involved in the movement of plant material to and from other Member States, and

(iv) does not carry out any importation activities of plant and plant products."; and

(d) paragraph (d)(vii) thereof shall be substituted by the

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following:

"(vii) the trade licence number where applicable";

(e) immediately paragraph (d)(vii) as substituted, there shall be added the following new sub-paragraph:

"(viii) such other information as the Director may require";

(f) paragraph (i) thereof shall be substituted by the following:

"(i) Any registered person shall notify the Director, within ten working days, of any change in any of the particulars submitted in the application for registration and with any changes in circumstances which may affect their registration.";

(g) immediately after paragraph (i) thereof, there shall be added the following new paragraph (j):

"(g) the authorised person as referred to in regulation 6 (d)(v) shall follow obligatory training organised by the Directorate on ongoing issues related to plant health:

Provided that if authorised person does not follow such training, the Director may revoke the MOR compliance certificate or refuse to issue such certificate as the case may be, for that particular year for which training was not followed."

Amends
regulation 7 of
the principal
regulations.

16. In regulation 7(v) of the principal regulations, for the words "to give" shall be substituted by the word "give".

Amends
regulation 9 of
the principal
regulations.

17. Regulation 9 of the principal regulations shall be amended as follows:

(a) immediately after the words "in accordance with these regulations." in paragraph (c) thereof there shall be added the words "Such inspections may be subject to fees as stipulated under Schedule XXVI to these regulations."; and

(b) immediately after paragraph (g) thereof, there shall be added the following new paragraph (h):

"(h) The Director shall ensure that the plant passport shall be produced, printed and stored, by the producer, person or importer under the control of the Directorate."

Adds new
regulation 9A to
the principal
regulations.

18. Immediately after regulation 9 of the principal regulations,

there shall be added the following new regulation 9A:

"Issuing of
plant
passports.

9A. (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 Director shall, without prejudice to the other requirements laid down in these regulations:

(a) ensure that the producer, person or importer referred to in regulation 10 (b) 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) and carried out in accordance with regulation 8, 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:

Provided that if the producer, person or importer referred to in regulation 10 (b) 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 Director shall take the necessary steps and determine accordingly whether the product qualifies for the relevant protected zone. The said responsible official bodies shall ensure that the producer, person or importer shall notify the above mentioned 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 as stipulated in regulation 10(c);

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(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, the code for the protected one 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 10 (b) to use it accordingly; and

(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 9(h) 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 re-used."

Substitutes
regulation 10 of
the principal
regulations.

19. Regulation 10 of the principal regulations shall be substituted by the following:

"General
provisions
relating to
plant
passports.

10. (a) the Director may establish the form of the plant passport. However the plant passport shall contain the information as established in Schedule (VI).

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

(i) the accompanying document contains at least the information required under items 1 to 10 of Schedule VI; and

(ii) the information contained on the plant passport label can be limited to the information required under items 1 to 5. In such a case the plant passport shall be deemed to be complete if accompanied by the said commercial document. Where in the movement of plants, plant products or other objects the authorized person or inspector requires to insert information in addition to that contained in Schedule VI, the authorized person or inspector shall insert such information on the commercial accompanying document and not on the plant passport label. In such a case such information shall be clearly and distinctly separated from the information listed in said Schedule (VI);

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

(c) the required information shall preferably be printed in typescript and in capital letters if the plant passport is pre-printed, but may be handwritten in capital letters and shall be in Maltese or English. The botanical name of the plants or plant products shall be indicated in Latin characters. Alterations, obliterations and erasures which are not signed by the authorized person or inspector shall invalidate the said plant passport;

(d) any plant passport affixed to any plant material specified in accordance with paragraph (a) shall be produced, stored and affixed to such plant material, by or under the supervision of an authorized person or an inspector;

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(e) the authorized person or inspector referred to in paragraph (d), as appropriate, shall ensure that in relation to any plant, plant product or object listed under Part A of Schedule V a valid passport appropriate for the destination within the Community of such plant, plant product or other object is issued. Where relevant, this shall include an indication as specified in Schedule VI that the plant, plant product or other object meets the appropriate requirements of any protected zone to which the plant, plant product or other object is being moved;

(f) commercial purchasers of plants, plant products or other objects, as final users professionally engaged in plant production, shall retain the related plant passports for at least one year, and enter the references in their records. The Director may by notice in the Gazette specify the format in which records shall be kept;

S.L. 433.21

(g) in the case of tubers of *Solanum tuberosum* L. intended for planting, as listed in item 18.1 of Section II of Part A of Schedule VI to these regulations, the official label defined in Schedule V to the Seeds of Agricultural Plants and Vegetables Regulations may be used in place of a plant passport provided that the label provides evidence that the requirements referred to in regulation 8(c) are complied with; compliance with the provisions governing the introduction of tubers of *Solanum tuberosum* L., intended for planting into and their movement within a protected zone recognized in respect of harmful organisms relating to those tubers, shall be noted either on the label or on any other trade document;

(h) in the case of seeds of *Helianthus annuus* L., listed in item 26 of Section II of Part A of Schedule IV to these regulations, the official label defined in Annex IV to Council Directive 2002/57/EC on the marketing of seed of oil and fibre plants may be used in place of a plant passport provided that it complies with the relevant special requirements listed in Section II of Part A of Schedule IV to these regulations;

S.L. 433.21 (i) in the case of seeds of *Solanum lycopersicum* (L.) Karsten ex Farw. and *Phaseolus* L., listed in items 27 and 29 of Section II of Part A of Schedule IV to these regulations, the official label defined in Schedule V to the Seeds of Agricultural Plants and Vegetables Regulations 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 these regulations;

S.L. 433.21 (j) in the case of seeds of *Medicago sativa* L., listed in items 28.1 and 28.2 of Section II of Part A of Schedule IV to these regulations, the official label defined in Schedule V to the Seeds of Agricultural Plants and Vegetables Regulations may be used in place of a plant passport provided that the label provides evidence that the requirements referred to in Schedule IV to these regulations are complied with;

(k) the labels referred to in paragraphs (g), (h), (i) and (j) must indicate the words "EC plant passport".

20. Immediately after regulation 12 there shall be added the following new title and new regulations:

Adds new Title and regulations to the principal regulations.

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"RECOGNITION OF PROTECTED ZONES

Request for
recognition of
a protected
zone.

12A. (1) When requesting the recognition of a protected zone as referred to in article 32(1)(s) of the Act, the following conditions shall be met:

(a) an official action programme shall be established to seek confirmation that one or more of the harmful organisms referred to in these Regulations, in respect of which zone is to be recognized as a protected zone, are not endemic or established there; and

(b) the programme referred to in paragraph (a) shall be monitored by persons entitled to act for the Directorate.

(2) The programme referred to in sub-regulation (1) shall comprise:

(a) a survey based on an understanding of the biology of any harmful organism of concern and of the agronomy and environment of the relevant zone using appropriate methods of analysis including growing medium and crop inspection and, if necessary, laboratory testing;

(b) a permanent regime providing regular and systematic surveys, at appropriate times, at least once a year, on the presence of any harmful organism in respect of which the zone is to be recognized as a protected zone; and

(c) a system of keeping records of the results of the surveys.

(3) The surveys referred to in sub-regulation (1) shall be carried out by persons entitled to act for the Directorate.

(4) The survey methodology and conduct shall be notified to the Commission. The Commission shall forward this information to the other Member States.

Guidelines for
surveys for the
purposes of the
recognition of
protected
zones.

12B. (1) In carrying out surveys for the purposes of the recognition of protected zones, the Directorate shall, in respect of harmful organisms of the animal kingdom other than nematodes, relevant to forestry plants or plant products, which attack crops normally grown in the open air, take account of the following guidelines:

(a) the survey shall be carried out in the relevant zone;

(b) the survey methodology shall be based on a recording plot method, comprising the following elements: a network of observation points shall be established following a systematic grid covering the entire relevant zone; the following parameters of each point shall be registered: number, actual latitude and longitude coordinates, topography, and, where appropriate, a site description shall be made. Where appropriate, additional information may be collected; the observation points may be marked; maps for representation of observation points may be produced;

(c) the following criteria shall be used to decide the suitability of an observation point:

(i) in general the point must be sufficiently large to allow selection of a point;

(ii) in general the point shall be located in the above-mentioned area to allow the appropriate assessment operations; and

(iii) in special cases, where appropriate, other points shall be selected, such as on sites where the risk of potential introduction of any harmful organism of concern in an area is high;

(d) where appropriate, meteorological, especially precipitation and temperature, and edaphic data shall be recorded, preferably on the site of the observation point, but may also be obtained from a nearby station where these variables are regularly measured. Extreme events, such as drought, heavy rain, and other similar extreme meteorological occurrences, which are likely to influence the observations shall also be recorded;

(e) the survey, at each observation point shall be at least:

(i) concentrated on a representative number of units of plants or plant products;

(ii) concentrated on one or more of the main host plants or plant products of any harmful organism of concern; where appropriate other hosts shall also be included;

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(iii) comprising visual inspections to determine the presence of symptoms or signs of any harmful organism of concern, carried out at a time when such symptoms or signs would be expected to be at their maximum; and

(iv) in cases of doubt, laboratory testing of samples; and

(f) where appropriate, at the observation points, traps which attract the relevant organisms shall be used; the type and number of traps to be used as well as the method of trapping shall take into account the biology of the pest.

(2) Any future measure, which is appropriate to ensure that the conditions laid down in regulation 4 are met, may be taken.

(3) The Director may issue guidelines in respect of harmful organisms other than those referred to therein, once the necessary technical information is available.

Surveys for the purposes of the recognition of protected zones.

12C. The Director may by notice published in the Gazette lay down the minimum measures to be taken to be able to carry out surveys for purposes of the recognition of protected zones."

Amends regulation 13 of the principal regulations.

21. Regulation 13 of the principal regulations shall be amended as follows:

(a) in paragraph (c) thereof the words "into a protected zones" shall be substituted by the words "into a protected zone"; and

(b) in paragraph (d) thereof the word "move" shall be substituted by the word "moved".

Adds new regulation 13A to the principal regulations.

22. Immediately after regulation 13 there shall be added the following new title and new regulation 13A:

"MOVEMENT THROUGH A PROTECTED ZONE

Movement through a protected zone.

13A. (1) When plants or plant products or other objects listed in Schedule V, Part A, Section II to these Regulations, originating outside a protected zone established in respect of one or more harmful organisms, are moved through such protected zone for final destination outside the zone, and without a plant passport valid for that zone, the following conditions are to be met:

(a) the packaging used or, where appropriate, the vehicles transporting the plants, plant products or other objects referred to in sub-regulation (1) to this regulation, shall be clean and of such a nature as to ensure that there is no risk of harmful organisms spreading;

(b) immediately after, the packaging referred to in sub-article (a) shall be secured according to stringent plant health standards to ensure that there is no risk of harmful organisms spreading in the relevant protected zone and that the identity will remain unchanged and to the satisfaction of the Director, and remain secured during transportation through the relevant protected zone; and

(c) the plants, plant products or other objects referred to in sub-regulation (1) to this regulation, shall be accompanied by a document which is normally used for trade purposes, indicating that the said products originate outside the relevant protected zone and have a destination outside the relevant protected zone.

(2) If during an official check, organised pursuant to regulations under the Act, and carried out at a place within the relevant zone, it is found that the requirements laid down under Article 3 of the Act are not met, the following official measures shall be taken immediately, as appropriate, and without prejudice to the measures to be taken if the plants, plant products or other objects do not meet the conditions laid down under the Act:

(a) sealing of the packaging; and

(b) transportation, under official control of the plants, plant products or other objects to a destination outside the relevant protected zone.

(3) Less stringent conditions shall apply to those plants, plant products or other objects listed in Schedule V, part A, section II to these Regulations originating in and moving within a protected zone established for the said plants, plant products or other objects in respect of one or more harmful organisms."

23. Regulation 14 of the principal regulations shall be amended as follows:

Amends regulation 14 of the principal regulations.

(a) paragraph (a) thereof shall be substituted by the following:

"(a) the Director may as he deems necessary request, by a

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notice in the gazette, that certain plants, plant products and other objects listed in Part A of Schedule V to these regulations, be meticulously examined in their entirety and for this purpose any person introducing into Malta from other Member States such plants, plant products and other objects shall notify the Directorate at least forty eight hours to their expected time of arrival. The Director shall be informed as soon as reasonably possible, of any changes to the expected time or date of arrival into Malta of the notified consignment.";

(b) paragraph (b) shall be substituted by the following:

"(b) any person who, in the course of any commercial activity, intends to import into Malta any plant, plant product or any other object listed in Part B of Schedule V shall, by not later than forty eight hours before the expected date and time of arrival of the consignment, make a request with the Directorate, through means established by the Director by notice in the gazette, for the issue of the Plant Health Movement Document, hereinafter referred to as a PHMD. Where there is any change in the expected time or date of arrival, any such person shall inform the Director immediately of such change.";

(c) paragraph (c) thereof shall be deleted and paragraph (d) shall be re-numbered as paragraph (c);

(d) immediately after paragraph (c) as re-numbered there shall be added the following new paragraph (d):

"(d) the Directorate shall fill the details of the consignment in accordance with the form shown in Schedule VIII upon presentation of a valid phytosanitary certificate and any other documents providing the details on the form. The plant health movement document shall be issued in triplicate after compliance to a plant health check.";

(e) in paragraph (f) thereof for the word "PHCD" shall be substituted by the word "PHMD" and the word "terns" shall be substituted the word "terms"; and

(f) in paragraph (g), the word "PHCD" shall be substituted by the word "PHMD".

Amends
regulation 15 of
the principal
regulations.

24. In paragraph (b)(ii) of regulation 15 of the principal regulations, the words "Plant Health Clearance Document" shall be substituted by the words "Plant Health Movement Document".

Amends
regulation 16 of
the principal
regulations.

25. Regulation 16 of the principal regulations shall be amended as follows:

(a) the marginal note to regulation 16 shall be substituted by the following:

"General requirements for all checks on imported plants, plant products and other objects.";

(b) in paragraph (a)(ii)(i) thereof, the word "PHCD" shall be substituted by the word "PHMD", and the word "docurnentary" shall be substituted by the word "documentary";

(c) in paragraph (a)(ii)(iv) thereof, the word "PHCD" shall be substituted by the word "PHMD";

(d) immediately after paragraph (a) thereof, there shall be added the following new paragraph (aa):

"(aa) Inspections carried out under regulation 16(a) shall be subject to fees as stipulated under Schedule (XXV) to these regulations.";

(e) paragraph (c) thereof, shall be substituted by the following:

"(c) Where it is satisfied that the requirements under regulation 15 have been complied with, the Director shall issue a Plant Health Movement Document in terms of Schedule VIII. Such document shall contain a document reference number to be provided by the Directorate. All information provided under Documentary check, identity check and Plant Health Check in the Document, shall be filled by the inspector followed by his authorisation by means of an official rubber stamp. Upon the granting of the authorisation, one copy of the Plant Health Movement Document shall be forwarded to Customs, another copy shall be forwarded to the importer and another copy shall be retained by the Directorate.".

26. Immediately after regulation 16 of the principal regulations there shall be added the following new regulation 16A:

Adds new regulation 16A to the principal regulations.

"Checks at places of destination.

16A. (1) Without prejudice to regulation 16, the following provisions shall apply only for checks carried out at places of destination:

(a) identity and Plant Health Checks of Plants, Plant Products or other Objects listed in Part B of Schedule V to these Regulations may be carried out at a Place other than point of entry. In case of transit of non-Community goods the inspection may take place at the premises of the official body of destination, or at any place close by, when the conditions referred to in paragraph (b) are met. The inspection may take place at the place of destination such as place of production, when the conditions referred to in sub-regulation (b) are met;

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(b) the conditions referred to in subparagraph (a) shall be:

(i) when the official bodies of the point of entry and of destination decide, where appropriate by agreement between the responsible official bodies of the Member States, that identity checks and plant health checks (hereinafter referred to as "checks") could more meticulously be carried out at a place other than the point of entry into the Community or at a place close by; and

(ii) when any importer or other person responsible for the places or the premises where the checks are to be carried out (hereinafter referred to as "the applicant") of a consignment composed of the products concerned has the approval, through an approval procedure defined in sub-regulation (2)(b) for checks to be carried out at "an approved place of inspection" which is either:

(A) in the case of transit of non-Community goods at -

(1) the premises of the official body of destination; or

(2) a place close by those premises and designated or approved by the customs authorities and by the responsible official body; or

(B) at a place of destination approved by the official body and the customs authorities responsible for the area where that place of destination is located; and

(C) when specific guarantees and documents as regards the transport of a consignment composed of the products concerned to the approved place of inspection are met, and, where appropriate, minimum conditions concerning the storage of these products on these places of inspection are fulfilled; and

(c) the specific guarantees, documents and minimum conditions referred to in sub-regulation (1)(b)(C) of this regulation shall be:

(i) the packaging of the consignment or the means of transport used for this consignment shall be closed or sealed in such a way that the products concerned cannot cause infestation or infection during their transport to the approved place of inspection and will be such that their identity will remain unchanged. In duly reasoned cases the relevant official bodies of the Member States may allow consignments which are not closed or sealed, provided that the products concerned cannot cause infestation or infection during their transport to the approved place of inspection;

(ii) the consignment shall be sent to the approved place of inspection. No change of the place of inspection is allowed, except following approval by the relevant official bodies of the point of entry and of the requested destination, and the customs authorities responsible for the area where the requested place of inspection is located;

(iii) the consignment shall be accompanied by aPHMD, and contain the required information in accordance with the model in Schedule VIII to these regulations; the document shall be completed by typing or in handwritten legible capital letters or by electronic means in agreement with the relevant official bodies of point of entry and of destination and shall be in at least one of the official languages of the Community;

(iv) the relevant headings of the document referred to in paragraph (iii) shall be filled in and signed by the importer of the consignment under the supervision of the relevant official body of point of entry; and

(v) in the cases referred to in sub-regulation (b)(ii)(A)(1) of this regulation, the storage of the consignment at the approved place of inspection shall be such that it is separated from both Community goods and from consignments infested or suspected to be infested by harmful organisms.

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(2) (a) the Directorate shall ensure that an approval procedure be established as specified in sub-regulations (2)(b), (2)(c) and (2)(d) of this regulation to evaluate, and where appropriate to approve, the suitability in phytosanitary terms, of carrying out checks at places proposed as approved places of inspection;

(b) the procedure referred to in sub-regulation (2)(a) of this regulation shall indicate that, if the checks are to be carried out at approved places of inspection, any applicant shall apply to the responsible official bodies in charge of carrying out such checks, requesting that checks be carried out at places mentioned in the request;

(c) the application shall include a technical dossier supplying the information necessary for evaluating the suitability of proposed places as an approved place of inspection, and covering, in particular information relating to the products concerned intended to be imported and the places in which the imported products concerned will be stored or kept awaiting the final results of the checks, and in particular how separation referred to in sub-regulation (1)(c)(v) of this regulation is to be secured; and

(d) the Directorate shall ensure that the application referred to in sub-regulation (2)(b) of this regulation shall be recorded and that:

(i) the information supplied in the application is examined;

(ii) the suitability for carrying out checks at the proposed places of inspection is evaluated, which should fulfil minimum requirements which are at least those laid down in paragraphs (3)(b) and (3)(c) of regulation 16B, or any further requirements which the Director may impose in a non-discriminatory manner and which are justified in order to allow efficient inspections are evaluated; and

(iii) the Director shall respond to the applicant by either:

(A) indicating that the application is acceptable and that the places concerned are designated as approved place of inspection; or

(B) indicating that the application is not acceptable and the reason thereof;

(e) the Director shall keep and provide to the Commission and to the Member States on request, the updated list of the approved places of inspection;

(f) the Director shall ensure that the necessary measures are taken if it is found that there are elements which would militate against the proper functioning of carrying out checks at the approved places of inspection:

Provided that the Director shall notify the Commission and the Member States concerned of all significant cases of non-compliance with the conditions which apply to an approved place of inspection.

(3) Plant Health Inspectors shall ensure that the importer of the consignments for which it was decided that checks of these consignments may be carried out at an approved place of inspection, shall be subject to the following obligations, without prejudice to those already laid down in regulations 6 and 7:

(a) the importer shall notify the introduction of the products concerned sufficiently in advance to the relevant official body of destination, which notification shall contain in particular:

(i) the name, address and the location of the approved place of inspection;

(ii) the scheduled date and time of arrival at the approved place of inspection of the products concerned;

(iii) if available, the individual serial number of the plant health movement document referred to in sub-regulation (1)(c)(iii);

(iv) if available, the date and place at which the plant health movement document referred to in sub-regulation (1) (c)(iii) was drawn up; and

(v) details of the importer and phytosanitary certificate or phytosanitary certificate for re-export as requested in the PHMD as per Schedule VIII; and

(b) the importer shall notify to the relevant official body of destination any changes as regards the information supplied pursuant to paragraph (3)(a).

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(4) The Directorate shall ensure that the checks of the products concerned carried out at the approved place of inspection satisfy minimum conditions which are at least those laid down in paragraphs 1, 2 and 3(a) of Regulation 16B, or any further requirements which the Director may impose in a non-discriminatory manner and which are justified in order to allow efficient inspections.

(5) The Directorate may lay down additional requirements deemed necessary to designate a proposed place as an approved place of inspection.

(6) (1) Malta shall ensure co-operation, where applicable, between:

(a) the official body of point of entry and the official body of destination;

(b) the official body of point of entry and the customs office of point of entry;

(c) the official body of destination and the customs office of destination;

(d) the official body of point of entry and the customs office of destination by means of exchange of relevant information on the plants, plant products or other objects intended to be imported, their packaging and means of transport in written or electronic form using the Plant health movement document referred to in sub-regulation 1(b)(c)(iii).

(2) (a) If the point of entry into Malta of the products concerned and the approved place of inspection are situated in different Member States, the consignment may be sent to and the checks may be carried out at an approved place of inspection on the basis of an agreement between the responsible official bodies of the Member States concerned. Evidence of the agreement between the responsible official bodies of the Member States concerned shall be recorded on the Plant health movement document.

(b) after the products have been inspected at the approved place of inspection, the Directorate shall certify on the PHMD, using a service stamp and a date, that the relevant identity and plant health checks referred to in sub-regulation 16 (a) (ii) (ii) and 16 (a) (ii) (iii) have been carried out. The final outcome of these checks shall be shown in the box headed "Decision". This provision applies, *mutatis mutandis*, if the documentary checks referred to in regulation 15 (b)(ii) have also been complied with;

(c) if the outcome of the checks referred to in sub-regulation (6)(b) is "Release", the consignment and the accompanying PHMD shall be presented to the Customs authorities responsible for the area of the "approved place of inspection" enabling the consignment to be placed under the relevant customs procedure referred to in regulation 15.

The PHMD shall no longer be required to accompany the consignment and this document or a copy thereof shall be kept for at least one year by the Directorate;

(d) if the outcome of the checks referred to in sub-regulation (6)(b) leads to the obligation to move the products concerned within the Community to a destination outside the Community, such products shall remain under Customs supervision until the re-export of the products has taken place."

27. Immediately after the new regulation 16A there shall be added a new regulation 16B:

Adds new regulation 16B to the principal regulations.

"Checks at inspection posts other than places of destination.

16B. (1) When the plant health checks, listed in Schedule V Part B and coming from third countries, are carried out at the inspection posts other than those at the place of destination, the following minimum conditions shall be satisfied:

- (a) the Directorate shall have:
 - (i) authority to carry out the duties;
 - (ii) technical abilities, especially in the detection and diagnosis of harmful organisms;
 - (iii) expertise in identification of harmful organisms, or access to such expertise;
 - (iv) access to appropriate administrative, inspection and testing facilities, tools and equipment, as specified in sub-regulation (2); and
 - (v) 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;
- (b) the Director shall also have available:
 - (i) written, up-to-date national inspection guidelines based on the Act;

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

(iii) up-to-date Community plant health legislation;

(iv) 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

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

(A) official interception; and

(B) 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; and

(c) the Directorate 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 other than those at the place of destination.

(2) The inspectors as referred to in the Act and in these regulations actually in charge of carrying out the inspections at the inspection posts referred to in these regulations, shall have:

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

(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 1(b)(iv) and (v).

(3) The facilities, tools and equipment as referred to in sub-regulation (1) 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 sub-regulation (1);
 - (iii) the customs authorities;
 - (iv) the Commission;
 - (v) other Member States; and
 - (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 visual checks, disinfecting the premises and equipment used for plant health checks; and
 - (v) the preparation of samples for possible further tests in the specialised laboratories referred to in sub-regulation (1); and
- (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 sub- regulation (1);
 - (iii) seals;
 - (iv) official stamps; and
 - (v) adequate lighting."

28. Regulation 19 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 19 of the principal regulations.

"Phytosanitary certificates and Phytosanitary certificates for re-export.

19. (1) (a) phytosanitary certificates and phytosanitary certificates for re-export shall be in compliance with the provisions of the International Plant Protection Convention, hereinafter also referred to as IPPC;

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(b)the phytosanitary certificates and phytosanitary certificates for re-export for any imported plants, plant products or other objects shall be designated the Directorate;

(c)where a phytosanitary certificates or phytosanitary certificates for re-export is issued in a language other than Maltese or English it shall incorporate or be accompanied by a translation into the Maltese or English language, which translation, if it is a document separate from the certificate, shall be authenticated by an authorized person of the country of origin;

(d)the certificate shall not be made out more than fourteen days before the date on which the plants, plant products or other objects left the country of origin or consignor country;

(e)the certificates, in the case of plants, plant products or other objects listed in Section I of Part A or Part B of Schedule IV, shall specify, under the heading "Additional Declaration" the special relevant requirements listed as alternatives in the different parts in relation thereto in the said Schedule IV that has been complied with. This specification shall be given through reference to the relevant number and, or letter in the said Schedule:

Provided that, where a special request cannot be fulfilled in a consignor country, the official Phytosanitary certificate may only be issued in relation to the said special requirements by the country of origin;

(f)the issuance of a Phytosanitary certificate for export or re-export shall be subject to fees as stipulated under regulation 19A-and Schedule XXVI-.

(2) (a) the Director shall accept official phytosanitary certificates or phytosanitary certificates for re-export accompanying plants, plant products or other objects listed in Part B of Schedule V to these regulations coming from contracting third countries to the International Plant Protection Convention (IPPC) which are issued in accordance with the models as specified in Schedule X;

(b) the Director shall only accept the certificates referred to in sub-regulation (2)(a) provided that they have been completed taking into account the FAO International Standard for Phytosanitary Measures No 12 on Guidelines for phytosanitary certificates."

29. Immediately after regulation 19 there shall be added the following new regulation 19A:

Adds new regulation 19A to the principal regulations.

"Fees.

19A. (1) Where inspections are carried out for documentary, identity, and plant health checks, as well as for certification of plant propagation material or whole plants that fall under the Act, and regulations made thereunder, fees shall be levied by the director for such inspections. These fees which are specified in Schedule XXV and Schedule XXVI to these regulations shall be;

(a) charged and paid to the Director, Financial Management at the Ministry for the Environment, Sustainable Development and Climate Change; and

(b) paid on the date of inspection or on filling an application for any type of testing:

Provided that where the checks and the tests for confirmation require supplementary checks and testing beyond what is normally carried out, an additional charge to cover the costs of such additional services shall be levied by the Director.

(2) When the services specified in sub- regulation (1) are rendered outside the official business hours of the Directorate, the importer or exporter, as the case may be, shall pay to the Director an additional charge equivalent to the overtime paid to the inspectors, calculated at the rates which the Government from time to time pays to such inspectors on overtime, together with an administrative charge of ten per centum calculated on the charge and expenses if any. Such charge shall be at the rate per hour or part thereof, subject to a minimum of two hours.

(3) For the purposes of this regulation, the official business hours of the Directorate shall be as follows:

From 1st October to the 15th June:

Monday to Fridays (except public holidays):

7.00 a.m. to 4.00 p.m.;

From 16th June to 30th September:

Monday to Fridays (except public holidays):

7.00 a.m. to 1.00 p.m..

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(4) (a) when the services are provided at any premises outside the Directorate, there shall be a charge for transport at the rate of fifty cents (€0.50) per kilometre for the distance between the Directorate's offices and the place of inspection, provided that:

(i) no charges shall be demanded in respect of any ferry fares between Malta and Gozo; or

(ii) when attendance by an inspector is given outside official business hours, transport charges shall be calculated as specified above with an additional charge of three euro and fifty cents (€3.50) and this additional charge shall be reduced to one euro and seventy-five cents (€1.75) whenever attendance commences or ends during the period when the officer is on-duty;

(b) such fees shall be paid to the Director.

(5) Where in the rendering of services on the importation of plants, plant products and other articles in accordance with any regulations under the Act, there is a delay in the arrival of such plants, plant products and other objects beyond one hour from the advised time of arrival, a charge shall be paid by the importer at the rate per hour established under sub-regulation (3)."

Amends
regulation 23 of
the principal
regulations.

30. Regulation 23 of the principal regulations shall be amended as follows:

(a) immediately after paragraph (c) thereof, there shall be added the following new paragraph (d):

"(d) (i) in those cases where the Director has reasonable cause to believe that an offence against these regulations has been committed by any person and it results that such person has not previously committed an offence against the Act, he may serve an enforcement notice on such person in accordance with sub-regulation (ii) below;

(ii) an enforcement notice served upon a person in terms of sub-regulation (i) shall:

(A) require the person upon whom it is served to carry out such works or to take such steps as the Director may determine in order to remedy, or to prevent the continuation or repetition of, any contravention to which the enforcement notice relates; and

(B) state the period within which any such requirement is to be complied with;

(iii) the period stated in the enforcement notice for compliance with any such requirement shall be such period as is reasonable in the circumstances;

(iv) the Director may at any time:

(A) withdraw the enforcement notice;

(B) extend the period for compliance with any requirement of the enforcement notice; or

(C) modify the requirements of the enforcement notice."

31. In paragraph (a) of Part B of Schedule 1 thereof, immediately after item 1, there shall be added a new item 1.1 which therein under the heading "Species" there shall be inserted the word "Daktulosphaira vitifoliae (fitch)" and under the heading "Protected zone(s)" there shall be inserted the abbreviation "CY".

Amends
Schedule I of
the principal
regulations.

32. Schedule II of the principal regulations shall be amended as follows:

Amends
Schedule II of
the principal
regulations.

(a) item 6.1 of paragraph (a) of Section I of Part A thereof shall be deleted;

(b) item 14 of paragraph (a) of Section I of Part A thereof shall be deleted;

(c) in item 5.1 of paragraph (d) of Section I of Part A thereof, the word "Dendramhema" should be substituted by the word "Dendranthema";

(d) in item 6A. of paragraph (a) of Section II of Part A thereof, the word "Eutetranyehus" shall be substituted by the word "Eutetranychus";

(e) in item 6B of paragraph (a) of Section II of Part A thereof, the words "Dendranthema (Dc.)" shall be substituted by the words "Dendranthema (DC)."; and

(f) item 2 of paragraph (c) of Section II of Part A thereof shall be deleted.

33. Schedule IV of the principal regulations shall be amended as follows:

Amends
Schedule IV of
the principal
regulations.

(a) in the second column of item 2.2 of section I of Part A thereof the words "The first indent, requiring wood packaging material to be made from debarked round wood, shall only apply from the 1st March, 2006." shall be deleted.

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(b) in the first column of item 3 of section I of Part A thereof, the word "scarp" shall be substituted by the word "scrap";

(c) in the second column of item 8.1 of section I of Part A thereof the words "(non-European)". The first line of point (a), requiring wood packaging material to be made from debarked round wood, shall only apply from the 1st March, 2006." shall be deleted;

(d) in the first column of item 23.1 of section I of Part A thereof, for the words "Prunus sinosa L." there shall be substituted the words " Prunus spinosa L.";

(e) in the first column of item 23.1 of section I of Part A thereof, for the words "Prunus triloba Liddl." there shall be substituted the words " Prunus triloba Lindl.";

(f) immediately after item 21.1 of Part B thereof, there shall be added the following new item 21.2 under which in the first column there shall be inserted the words "Fruits of Vitis L.", under the second column there shall be inserted the words "The fruits shall be free from leaves and official statement that the fruits:

(a) originate in an area known to be free from *Daktulosphaira vitifoliae* (Fitch) or

(b) have been grown at a place of production which has been found free from *Daktulosphaira vitifoliae* (Fitch) on official inspections carried out during the last two complete cycles of vegetation; or

(c) have been subject to fumigation or other appropriate treatment against *Daktulosphaira vitifoliae* (Fitch)" and under the third column there shall be inserted the abbreviation "CY".

Amends
Schedule VI to
the principal
regulations.

34. In item 1 of Schedule VI of the principal regulations, the words "EC-plant passport" shall be substituted by the words "EC-Plant Passport".

Substitutes
Schedule VIII to
the principal
regulations.

35. Schedule VIII of the principal regulations shall be substituted by the following:

"SCHEDULE VIII

1. Plant health movement document as referred to in Article 1(3)(c) of Commission Directive 2004/103	2. PLANT HEALTH MOVEMENT DOCUMENT NO. EC. /.../... ¹
--	--

3. Identification of consignment ² - <i>This consignment contains produce of phytosanitary relevance</i> Plant, plant product or other object (TARIC code): Reference number(s) of required phytosanitary documentation: Country of issue: Date of issue: Distinguishing mark(s), numbers, number of packages, amount (weights/units) Reference number of required customs documentation:		
4. Official registration number of importer: I, the undersigned importer, hereby request the responsible official body to carry out the official identity checks and plant health checks of the above mentioned plants, plant products or other objects at the approved place of inspection listed below and I undertake to respect the rules and procedures set by the official responsible body. Date, name and signature of importer		
5.1 Point of entry:	5.2 Countersigning by official body of point of entry (date, name, service stamp and signature)	
6. Approved places of inspection ³ A. B (replaces A)		
The plants, plant products or other objects are moved to the above mentioned place(s) of inspection in accordance with the agreement concluded between ⁴		
This consignment may not be moved to places other than those listed above unless this has been officially approved.		

7.Documentary check ☐	8.Identity check ☐	9.Plant health check ☐
Place/date:	Place/date:	Place/date:
Name:	Name:	Name:
Service stamp/signature	Service stamp/signature	Service stamp/signature

10. Decision:

☐ Release

Place/date:
 Name:
 Service/stamp/signature

Indicate EC plant passport (serial or week or batch) number where appropriate:

☐ Official measure

☐ Refusal of entry
☐ Movement outside the Community
☐ Removal of infected/infested produce

☐ Destruction
☐ Quarantine period
☐ Appropriate treatment

Remark:

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- (1) Make reference to country code/number.
- (2) Fill in box or make reference to information on Phytosanitary certificate which must be attached.
- (3) Make reference to 'C' (Article 13c(2)(c) of Directive 2000/29/EC or 'D' (Article 13c(2) 9(d) of Directive 2000/29/EC).
- (4) When appropriate, give details on agreement between Member States' official services, either on a case-by-case agreement or on the basis of a longer-term agreement.

".

Substitutes
schedule XVI of
the principal
regulations.

36. Schedule XVI of the principal regulations shall be substituted by the following:

**"SCHEDULE XVI
(Regulation 4E)**

Requirements to be complied with, as referred to in regulation 4E (1), in addition to the requirements for tubers of *Solanum tuberosum* L. laid down in parts A and B of Schedules I, II and IV to these regulations:

1. Requirements concerning the pest-free areas

The pest-free areas referred to in regulation 4E (1) shall comprise either a 'sector' (administrative unit already established which covers a group of 'basins') or a 'basin' (irrigation unit) and shall be identified by their individual official code numbers.

2. Requirements concerning the tubers of *Solanum tuberosum* L. to be imported

2.1. The tubers of *Solanum tuberosum* L. to be imported into Malta shall have been submitted in Egypt to an intensive control regime ensuring the absence of *Ralstonia solanacearum* (Smith) Yabuuchi et al. The intensive control regime shall cover the growing conditions, field inspections, transport, packing, pre-export inspections and testing.

2.2. The tubers of *Solanum tuberosum* L. to be imported into Malta shall have been:

- (a) prepared in lots, each of which shall be made up exclusively of tubers of *Solanum tuberosum* L. which were harvested in one single area as specified in point 1;
- (b) clearly labelled on each bag which is sealed, under the control of the competent Egyptian authorities, with an indelible indication of the relevant individual official code number given in the list of pest-free areas referred to regulation 4E(1), and of the relevant lot number;

- (c) accompanied by the official phytosanitary certificate required under regulation 15(b)(ii) to these regulations, indicating the lot number(s) under the section 'Distinguishing marks' of the certificate, and the official individual code number(s), referred to in point 2.2(b), under the section 'Additional declaration' of the certificate;
 - (d) exported by an officially registered exporter, the name or trademark of which shall be indicated on each consignment.
3. Requirements concerning points of entry
- 3.1. The Directorate shall have notified to the Commission the points of entry authorised for the import of tubers of *Solanum tuberosum* L. originating in Egypt and the name and address of the responsible official body in charge of each point. The Commission shall inform the other Member States and Egypt thereof.
- 3.2. The responsible official body in charge of the point of entry shall have been notified in advance of the likely time of arrival of consignments of tubers of *Solanum tuberosum* L. originating in Egypt, as well as of the amount thereof.
4. Requirements concerning inspections
- 4.1. At the point of entry the tubers of *Solanum tuberosum* L. shall be subjected to the inspections required by regulation 16 to these regulations, and such inspections shall be carried out on cut tubers of samples of at least 200 tubers each, samples being taken from each lot in a consignment, or if the lot exceeds 25 tonnes, from every 25 tonnes or part thereof in such a lot.
- 4.2. Each lot of the consignment shall remain under official control and may not be marketed or used until it has been established that the presence of *Ralstonia solanacearum* (Smith) Yabuuchi et al. was not suspected or detected during those inspections. In addition, in cases where typical or suspect symptoms of *Ralstonia solanacearum* (Smith) Yabuuchi et al. are detected in a lot, all remaining lots in the consignment and lots in other consignments which originate in the same area shall be held under official control until the presence of *Ralstonia solanacearum* (Smith) Yabuuchi et al. has been confirmed or refuted in the lot concerned.
- 4.3. If typical or suspect symptoms of *Ralstonia solanacearum* (Smith) Yabuuchi et al. are detected during the inspections, the confirmation or refutation of *Ralstonia solanacearum* (Smith) Yabuuchi et al. shall be determined by testing in accordance with the test scheme laid down in Directive 98/57/EC. If the

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presence of *Ralstonia solanacearum* (Smith) Yabuuchi et al. is confirmed, the lot from which the sample has been taken shall be subjected to either refusal or permission to send products to a destination outside the Union, or to destruction, and all remaining lots in the consignment from the same area shall be tested in accordance with point 5.

5. Requirements concerning testing for latent infection

5.1. In addition to the inspections referred to in point 4, testing for latent infection shall be carried out on samples taken from each area as specified in point 1 in accordance with the test scheme laid down in Directive 98/57/EC. During the import season at least one sample from each sector or basin per area as specified in point 1 shall be taken at a rate of 200 tubers per sample from a single lot. The sample selected for latent infection shall also be subjected to an inspection of the cut tubers. For each sample tested and confirmed positive there shall be retention and appropriate conservation of any remaining potato extract.

5.2. Each lot from which the samples have been taken shall remain under official control and may not be marketed or used until it has been established that the presence of *Ralstonia solanacearum* (Smith) Yabuuchi et al. was not confirmed during the testing. If the presence of *Ralstonia solanacearum* (Smith) Yabuuchi et al. is confirmed, the lot from which the sample has been taken shall be subjected to either refusal or permission to send products to a destination outside the Union, or to destruction.

6. Requirements concerning notifications

In the case of suspect and confirmed findings of *Ralstonia solanacearum* (Smith) Yabuuchi et al. the Directorate shall notify immediately the Commission and Egypt thereof. The notification of a suspect finding shall be on the basis of a positive result in the rapid screening test(s), as specified in point 1 of section I and section II of Annex II to Directive 98/57/EC, or screening test(s) as specified in point 2 of section I and section III of Annex II to that Directive.

7. Labelling requirements

Appropriate labelling requirements shall be laid down by the Directorate with regards to tubers of *Solanum tuberosum* L., including a requirement to indicate the Egyptian origin, with the aim of preventing the tubers of *Solanum tuberosum* L. from being planted. The Directorate shall also take appropriate measures for the disposal of waste after packaging or processing of the tubers of *Solanum tuberosum* L. to prevent any spread of

Ralstonia solanacearum (Smith) Yabuuchi et al. as a result of a possible latent infection.

37. Immediately after Schedule XXIII there shall be added the following new Schedules XXIV, XXV and XXVI:

"SCHEDULE XXIV
(Regulation 20)

LETTER OF AUTHORITY FOR THE INTRODUCTION
AND/OR MOVEMENT OF HARMFUL ORGANISMS,
PLANTS, PLANT PRODUCTS AND OTHER OBJECTS FOR
TRIAL OR SCIENTIFIC PURPOSES AND FOR WORK ON
VARIETAL SELECTIONS EUROPEAN COMMUNITIES
LETTER OF AUTHORITY

[Name of Ministry]

[Name of Competent Authority]

Malta

NUMBER:

LETTER OF AUTHORITY

For the introduction and/or movement of harmful organisms,
plants, plant products and other objects for trial or scientific
purposes and for work on varietal selections

1. Name and address of Consignor/Plant Protection Organisation of the country of origin
2. Name and address of person responsible for the approved activities
3. Name of the responsible official body of the Member State of Issue Plant Protection Directorate Malta
4. Address and description of the specific site or sites for quarantine containment
5. Place of origin
6. Phytosanitary Certificate
No:.....
Plant Passport
No:.....
7. Declared point of entry for material introduced from a third country

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8. Scientific name(s) of the material, including the harmful organisms concerned
9. Quantity of material
10. Type of material
11. Additional declaration

This material is [introduced into / moved within]* the Community under Directive 2008/61/EC

Delete as applicable

12. Additional Information
13. Endorsement by the responsible official body of the Member State of origin of the material

Place of Endorsement:

Date:

Name and signature of authorised officer:

14. Stamp of the Plant Protection Directorate, Malta

Place of Issue:

Date:

Name and signature of authorised officer:

*Delete if not applicable

SCHEDULE XXV
(Regulation 19A)
FEES TO COVER THE COSTS FOR DOCUMENTARY, IDENTITY,
PLANT HEALTH AND QUALITY CHECKS AT THE POINT OF
IMPORTATION

Item	Quantity	Fee (EURO)
(a) for documentary checks	Per consignment	7.00
(b) for identity checks	Per consignment	
	- Up to a size of a truck load, or the load of a container of comparable size	7.00
	- Bigger than the above size	14.00
(c) for plant health and quality checks, in accordance with the following specifications:		
- Cuttings and seedlings (except forest reproductive material), young plants of strawberries or of vegetables	Per consignment	
	- Up to 10,000 in number	17.50
	- For each additional 1,000 units	0.70
	- Maximum price	140.00
- Shrubs, trees (other than cut Christmas trees) and, other woody nursery plants including forest reproductive material (other than seed)	Per consignment	
	- Up to 1,000 in number	17.50
	- For each additional 100 units	0.44
	- Maximum price	140.00
- Bulbs, corms, rhizomes and tubers, intended for planting (other than tubers of potatoes)	Per consignment	
	- Up to 200 kg of weight	17.50
	- For each additional 10 kg	0.16
	- Maximum price	140.00
- Seeds, tissue cultures	Per consignment	
	- Up to 200 kg of weight	7.50
	- For each additional 10 kg	0.175
	- Maximum price	140.00
- Other plants intended for planting, not specified elsewhere in this table	Per consignment	
	- Up to 5,000 in number	17.50
	- For each additional 100 units	0.18
	- Maximum price	140.00

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- Cut flowers	Per consignment	
	- Up to 20,000 in number	17.50
	- For each additional 1,000 units	0.14
	- Maximum price	140.00
- Branches with foliage and parts of conifers (other than cut Christmas trees)	Per consignment	
	- Up to 100 kg of weight	17.50
	- For each additional 1,000 kg	1.75
	- Maximum price	140.00
- Cut Christmas trees	Per consignment	
	- Up to 1,000 in number	17.50
	- For each additional 100 units	1.75
	- Maximum Price	140.00
- Leaves of plants, such as herbs, spices and leafy vegetables	Per consignment	
	- Up to 100 kg of weight	17.50
	- For each additional 10 kg	1.75
	- Maximum price	140.00
- Fruits and vegetables (other than leafy vegetables)	Per consignment	
	- Up to 25,000 kg of weight	17.50
	- For each additional 1,000 kg	0.70
- Tubers of potatoes	Per lot	
	- Up to 25,000 kg of weight	52.50
	- For each additional 25,000 kg	52.50
- Wood (other than bark)	Per consignment	
	- Up to 1,000m ³ of volume	17.50
	- For each additional m ³	0.175
- Soil and growing medium and Bark	Per consignment	
	- Up to 25,000 kg of weight	17.50
	- For each additional 1,000 kg	0.70
	- Maximum Price	140.00
- Grain	Per consignment	
	- Up to 25,000 kg of weight	17.50

- Other plants or plant products not specified elsewhere in this table	- For each additional 1,000 kg	0.70
	- Maximum Price	700.00
	Per consignment	17.50

Where a consignment does not consist exclusively of products falling under the description of the relevant indent, those parts thereof consisting of products coming under the description of the relevant indent (lot or lots) shall be treated as separate consignment.

SCHEDULE XXVI

(Regulation 19A)

FEES TO COVER THE COSTS FOR INSPECTIONS CARRIED OUT FOR THE ISSUING OF PLANT PASSPORTS, PHYTOSANITARY CERTIFICATES, SUPPLIERS DOCUMENTS AND CERTIFICATION LABELS

Item	Quantity	Fee (EURO)
(a) for documentary checks	Per consignment	7.00
(b) for identity checks	Per consignment	
	- Up to a size of a truck load, or the load of a container of comparable size	7.00
	- Bigger than the above size	14.00
(c) for plant health and quality checks, in accordance with the following specifications:	Per consignment	
	- Cuttings and seedlings (except forest reproductive material), young plants of strawberries or of vegetables	17.50
	- Up to 10,000 in number	
	- For each additional 1,000 units	0.70
	- Maximum price	140.00
	Per consignment	
	- Shrubs, trees (other than cut Christmas trees) and other woody nursery plants including forest reproductive material (other than seed)	17.50
	- Up to 10,000 in number	
- Bulbs, corms, rhizomes and tubers, intended for planting (other than tubers of potatoes)	- For each additional 100 units	0.44
	- Maximum price	140.00
	Per consignment	
	- Up to 200 kg of weight	17.50
	- For each additional 10 kg	0.16
	- Maximum price	140.00

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- Seeds and plant tissue cultures	Per consignment	
	- Up to 200 kg of weight	7.50
	- For each additional 10 kg	0.175
	- Maximum price	140.00
- Other plants intended for planting, not specified elsewhere in this table	Per consignment	
	- Up to 5,000 in number	17.50
	- For each additional 100 units	0.18
	- Maximum price	140.00
- Cut flowers	Per consignment	
	- Up to 20,000 in number	17.50
	- For each additional 1,000 units	0.14
	- Maximum price	140.00
- Tubers of potatoes (for export including inspection and tests but excluding the cost of the phytosanitary certificate)	Per lot	
	- Up to 25,000 kg of weight	52.50
	- For each additional 25,000 kg	52.50
- Grain (for re-export including tests but excluding the cost of the phytosanitary certificate and transport)	Per consignment	
	- Up to 100,000 kg of weight	46.00
	- For each additional 100,000 kg	1.50
- Other plants or plant products not specified elsewhere in this table including fumigated wood packaging material (excluding transport)	- Minimum charge inspection for	
	the first 2 hours	23.00
	- Each additional hour	5.00
(d) Issue of a Phytosanitary Certificate for:		
Export or re-export	Per consignment of less than a container	7.00
Grain for re-export	Per container	12.00
	Per Ship	17.00

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38. The Plant Quarantine (Fees) Regulations, the Recognition of Protected Zones (Surveys) Regulations, the Protected Zones (Movement) Regulations, the Plant Health Checks Regulations, the Identity and Plant Health Checks of Plants, Plant Products and other Objects carried out at a place other than point of entry into the European Community Regulations, the Model Phytosanitary Certificates Regulations and the Standardization and Issue Procedures of Plant Passports Regulations are hereby being revoked.

Revocation.
S.L. 433.01.
S.L. 433.02.
S.L. 433.09.
S.L. 433.11.
S.L. 433.17.
S.L. 433.19.
S.L. 433.20.

