

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,082, 7 ta' Lulju, 2023

Taqsimha B

L.N. 152 of 2023

**PLANT QUARANTINE ACT
(CAP. 433)**

Fruit Trees Propagation Material (Amendment) Regulations, 2023

IN EXERCISE of the powers conferred by article 32 of the Plant Quarantine Act, the Minister responsible for agriculture, has made the following regulations:-

1. (1) The title of these regulations is the Fruit Trees Propagation Material (Amendment) Regulations, 2023 and these regulations shall be read and construed as one with the Fruit Trees Propagation Material Regulations, hereinafter referred to as "the principal regulations".

Citation and scope.

S.L. 433.08.

(2) The scope of these regulations is to transpose Commission Implementing Directive (EU) 2022/2438 of 12 December 2022 amending Directive 93/49/EEC and Implementing Directive 2014/98/EU as regards Union regulated non-quarantine pests on propagating material of ornamental plants, fruit plant propagating material and fruit plants intended for fruit production.

2. Regulation 18 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 18 of the principal regulations.

"18. Malta may, until 31 December 2029, allow the marketing in its territory of seeds and seedlings produced from pre-basic, basic and certified mother plants or CAC material which existed before 1 January 2017 and have been officially certified or meet the conditions to be qualified as CAC material before 31 December 2029. When marketed such materials shall be identified by a reference to this regulation on the label and a document."

3. In the first column of Schedule I to the principal regulations the words "*Prunus amygdalus* Batsch" shall be substituted by the words "*Prunus dulcis* (Mill.) D. A. Webb".

Amends Schedule I to the principal regulations.

4. Schedule IV to the principal regulations shall be amended as follows:

Amends Schedule IV to the principal regulations.

(a) paragraph (5) of item 9 of Part I thereof shall be substituted by the following new paragraph:

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"(5) Paragraph (1) shall not apply to:

(a) pre-basic mother plants and pre-basic material during cryopreservation;

(b) pre-basic material where that material has been produced in areas known to, or established to, be free from the relevant pests in accordance with the relevant international standards for phytosanitary measures (Requirements for the establishment of pest free areas. ISPM No 4 (1995), Rome, IPPC, FAO 2017).";

(b) paragraph (5) of item 15 of Part II thereof shall be substituted by the following new paragraph:

"(5) Paragraph (1) shall not apply to:

(a) basic mother plants and basic material during cryopreservation;

(b) basic material where that material has been produced in areas known to, or established to, be free from the relevant pests in accordance with the relevant international standards for phytosanitary measures (Requirements for the establishment of pest free areas. ISPM No 4 (1995), Rome, IPPC, FAO 2017).";

(c) paragraph (5) of item 20 of Part III thereof shall be substituted by the following new paragraph:

"(5) Paragraph (1) shall not apply to:

(a) certified mother plants and certified material during cryopreservation;

(b) certified material where that material has been produced in areas known to, or established to, be free from the relevant pests in accordance with the relevant international standards for phytosanitary measures (Requirements for the establishment of pest free areas. ISPM No 4 (1995), Rome, IPPC, FAO 2017).";

(d) paragraph (2) of item 25 of Part IV thereof shall be substituted by the following new paragraph:

"(2) Paragraph 1 shall not apply to:

(a) CAC material during cryopreservation;

(b) CAC material where that material has been produced in areas known to, or established to, be free from the relevant pests in accordance with the relevant international standards for phytosanitary measures (Requirements for the establishment of pest free areas. ISPM No 4 (1995), Rome, IPPC, FAO 2017).".

5. In the second column of Schedule A, in the item for "***Fragaria* L**" under the sub-heading "Viruses, viroids, virus-like diseases and phytoplasmas" the words "*Candidatus* Phytoplasma *australiense* Davis *et al.* [PHYPAU]" shall be deleted.

Amends
Schedule A to
the principal
regulations.

6. Schedule B to the principal regulations shall be amended as follows:

Amends
Schedule B to
the principal
regulations.

(a) immediately before the item "*Citrus* L., *Fortunella* Swingle and *Poncirus* Raf" thereof there shall be added the following new item:

" <i>Castanea sativa</i> Mill.	Fungi and oomycetes <i>Phytophthora ramorum</i> (EU isolates) Werres, De Cock & Man in 't Veld [PHYTRA]";
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(b) immediately before the sub-heading "Viruses, viroids, virus-like diseases and phytoplasmas" in the second column of item "*Vaccinium* L." thereof there shall be added the following new item:

"Fungi and oomycetes <i>Phytophthora ramorum</i> (EU isolates) Werres, De Cock & Man in 't Veld [PHYTRA]".

7. Schedule D to the principal regulations shall be amended as follows:

Amends
Schedule D to
the principal
regulations.

(a) paragraphs (b), (c) and (d) of item 1 thereof shall be substituted by the following new paragraphs:

"(b) Pre-basic category

Requirements with regards to the production site, place of production or area

In the case where a derogation is allowed to produce pre-basic material in the field under non-insect proof

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conditions pursuant to Commission Implementing Decision (EU) 2017/925, the following requirements shall apply:

(i) *Cryphonectria parasitica* (Murrill) Barr:

— propagating material and fruit plants of the pre-basic category shall be produced in areas established by the Directorate as being free from *Cryphonectria parasitica* (Murrill) Barr in accordance with relevant international standards for phytosanitary measures; or

— no symptoms of *Cryphonectria parasitica* (Murrill) Barr shall be observed at the production site on propagating material and fruit plants of the pre-basic category over the last complete cycle of vegetation.

(ii) *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld:

— propagating material and fruit plants of the pre-basic category shall be produced in areas established by the Directorate as being free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in accordance with relevant international standards for phytosanitary measures; or

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on propagating material and fruit plants of the pre-basic category at the production site over the last complete cycle of vegetation.

(c) Basic category

Requirements with regard to the production site, place of production or area

(i) *Cryphonectria parasitica* (Murrill) Barr:

— propagating material and fruit plants of the basic category shall be produced in areas established by the Directorate as being free from *Cryphonectria parasitica* (Murrill) Barr in accordance with relevant international

standards for phytosanitary measures; or

— no symptoms of *Cryphonectria parasitica* (Murrill) Barr shall be observed at the production site on propagating material and fruit plants of the basic category over the last complete cycle of vegetation.

(ii) *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld:

— propagating material and fruit plants of the basic category shall be produced in areas established by the Directorate as being free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in accordance with relevant international standards for phytosanitary measures; or

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on propagating material and fruit plants of the basic category at the production site over the last complete cycle of vegetation.

(d) Certified and CAC categories

Requirements with regards to the production site, place of production or area

(i) *Cryphonectria parasitica* (Murrill) Barr:

— propagating material and fruit plants of the certified and CAC categories shall be produced in areas established by the Directorate as being free from *Cryphonectria parasitica* (Murrill) Barr in accordance with relevant International Standards for Phytosanitary Measures; or

— no symptoms of *Cryphonectria parasitica* (Murrill) Barr shall be observed at the production site on propagating material and fruit plants of the certified and CAC categories over the last complete cycle of vegetation; or

— propagating material and fruit plants of

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the certified and CAC categories showing symptoms of *Cryphonectria parasitica* (Murrill) Barr shall be rogued out, the remaining propagating material and fruit plants shall be inspected at weekly intervals and no symptoms shall be observed at the production site for at least three weeks before dispatch.

(ii) *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld:

— propagating material and fruit plants of the certified and CAC categories shall be produced in areas established by the Directorate as being free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in accordance with relevant international standards for phytosanitary measures; or

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on propagating material and fruit plants of the certified and CAC categories at the production site over the last complete cycle of vegetation; or

— propagating material and fruit plants of the certified and CAC categories showing symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld at the production site and all plants within a 2m radius of the symptomatic propagating material and fruit plants, shall be rogued out and destroyed, including adhering soil; and

— for all plants located within a 10m radius of symptomatic propagating material and fruit plants and any remaining propagating material and fruit plants from the affected lot:

— within three months following the detection of symptomatic propagating material and fruit plants, no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants in at least two inspections at appropriate times

to detect the pest and during that three-month period no treatments suppressing symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be carried out; and

— after that three-month period:

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld are observed on that propagating material and those fruit plants at the production site; or

— a representative sample of that propagating material and those fruit plants to be moved shall be tested and found free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld; and

— for all other propagating material and fruit plants at the production site:

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants at the production site; or

— a representative sample of that propagating material and those fruit plants to be moved has been tested and found free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld.";

(b) the sub-heading "Requirements with regards to the production site, place of production or area", including the items thereof, in paragraph (b) in item 4 thereof shall be deleted in its entirety;

(c) in the indent "1 % in the case of:" in item (iii), under the sub-heading "Requirements with regards to the production site, place of production or area" in paragraph (d), in item 6 thereof the words "*Candidatus Phytoplasma australiense* Davis et al." shall be deleted.

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(d) item 8 thereof shall be amended as follows:

(i) immediately before the sub-heading "Sampling and Testing" in paragraph (c) thereof, there shall be added the following new sub-heading:

"Requirements with regards to the production site, place of production or area

(i) *Candidatus* Phytoplasma *mali*
Seemüller & Schneider

— propagating material and fruit plants of the basic category shall be produced in areas known to be free from *Candidatus* Phytoplasma *mali* Seemüller & Schneider; or

— no symptoms of *Candidatus* Phytoplasma *mali* Seemüller & Schneider shall be observed on propagating material and fruit plants of the basic category at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity shall be rogued out and immediately destroyed;

(ii) *Erwinia amylovora* (Burrill)
Winslow *et al.*

— propagating material and fruit plants of the basic category shall be produced in areas known to be free from *Erwinia amylovora* (Burrill) Winslow *et al.*; or

— propagating material and fruit plants of the basic category in the production site shall be inspected over the last complete growing season and any propagating material and fruit plants showing symptoms of *Erwinia amylovora* (Burrill) Winslow *et al.* and any surrounding host plants shall be immediately rogued out and destroyed.";

(ii) immediately before the sub-heading "Sampling

and testing" in item (d) thereof, there shall be added the following new sub-heading:

"Requirements with regards to the production site, place of production or area

(i) *Candidatus* Phytoplasma *mali*
Seemüller & Schneider

— propagating material and fruit plants of the certified category shall be produced in areas known to be free from *Candidatus* Phytoplasma *mali* Seemüller & Schneider; or

— no symptoms of *Candidatus* Phytoplasma *mali* Seemüller & Schneider shall be observed on propagating material and fruit plants of the certified category at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity shall be rogued out and immediately destroyed; or

— symptoms of *Candidatus* Phytoplasma *mali* Seemüller & Schneider shall be observed on not more than 2 % of propagating material and fruit plants of the certified category at the production site over the last complete growing season, and that propagating material and those fruit plants, and any symptomatic plants in the immediate vicinity shall be rogued out and immediately destroyed, and a representative sample of the remaining asymptomatic propagating material and fruit plants in the lots in which symptomatic propagating material and fruit plants were found has been tested and found free from *Candidatus* Phytoplasma *mali* Seemüller & Schneider;

(ii) *Erwinia amylovora* (Burrill)
Winslow *et al.*

— propagating material and fruit

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plants of the certified category shall be produced in areas known to be free from *Erwinia amylovora* (Burrill) Winslow *et al.*; or

— propagating material and fruit plants of the certified category in the production site shall be inspected over the last complete growing season, and any propagating material and fruit plants showing symptoms of *Erwinia amylovora* (Burrill) Winslow *et al.* and any surrounding host plants shall be immediately rogued out and destroyed.";

(iii) paragraph (e) thereof shall be deleted.

(e) item 12 thereof shall be amended as follows:

(i) in paragraph (b) the sub-heading "Requirements with regards to the production site, place of production or area" and point (i) shall be substituted by the following new sub-heading and point:

"Requirements with regards to the production site, place of production or area

(i) *Candidatus* Phytoplasma *pyri* Seemüller & Schneider

— propagating material and fruit plants of the pre-basic category shall be produced in areas established by the Directorate as being free from *Candidatus* Phytoplasma *pyri* Seemüller & Schneider in accordance with relevant International Standards for Phytosanitary Measures; or

— no symptoms of *Candidatus* Phytoplasma *pyri* Seemüller & Schneider shall be observed on propagating material and fruit plants of the pre-basic category at the production site during the last three growing seasons, and any symptomatic plants in the immediate vicinity shall be rogued out and immediately destroyed;"

(ii) in paragraph (e) thereof, the sub-heading "Requirements with regards to the production site, place of production or area" and point (i) shall be substituted by the following new sub-heading and point:

"Requirements with regards to the production site, place of production or area

(i) *Candidatus* Phytoplasma *pyri* Seemüller & Schneider

— propagating material and fruit plants of the basic and certified categories shall be produced in areas established by the Directorate as being free from *Candidatus* Phytoplasma *pyri* Seemüller & Schneider in accordance with relevant international standards for phytosanitary measures; or

— no symptoms of *Candidatus* Phytoplasma *pyri* Seemüller & Schneider shall be observed on propagating material and fruit plants of the basic and certified categories at the production site over the last complete growing season and any symptomatic plants in the immediate vicinity shall be rogued out and immediately destroyed; or

— propagating material and fruit plants of the basic and certified categories at the production site and any plants in the immediate vicinity, which have shown symptoms of *Candidatus* Phytoplasma *pyri* Seemüller & Schneider during visual inspections during the last three growing seasons, shall be rogued out and destroyed immediately;"

(iii) in paragraph (f) thereof, the sub-heading "Requirements with regards to the production site, place of production or area" and point (i), shall be substituted by the following new sub-heading and point:

"Requirements with regards to the production site, place of production or area

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(i) *Candidatus* Phytoplasma *pyri*
Seemüller & Schneider

— propagating material and fruit plants of the CAC category shall be produced in areas established by the Directorate as being free from *Candidatus* Phytoplasma *pyri* Seemüller & Schneider in accordance with relevant international standards for phytosanitary measures; or

— no symptoms of *Candidatus* Phytoplasma *pyri* Seemüller & Schneider shall be observed on propagating material and fruit plants of the CAC category at the production site over the last complete growing season, and any symptomatic plants in the immediate vicinity shall be rogued out and immediately destroyed; or

— propagating material and fruit plants of the CAC category at the production site and any plants in the immediate vicinity, which have shown symptoms of *Candidatus* Phytoplasma *pyri* Seemüller & Schneider during visual inspections during the last three growing seasons, shall be rogued out and destroyed immediately;";

(f) item 15 thereof shall be amended as follows:

(i) in paragraph (b) thereof in the sub-heading "Requirements with regards to the production site, place of production or area", immediately after point (iii) *Exobasidium vaccinii* (Fuckel) Woronin and *Godroniacassandrae* (anamorph *Topospora myrtilli*) Peck there shall be added the following new point:

"(iv) *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld:

— propagating material and fruit plants of the basic category shall be produced in areas established by the Directorate as being free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in

accordance with relevant international standards for phytosanitary measures; or

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on propagating material and fruit plants of the basic category at the production site over the last complete cycle of vegetation.";

(ii) in paragraph (d) thereof, in the sub-heading "Requirements with regard to the production site, place of production or area", immediately after point (ii) *Agrobacterium tumefaciens* (Smith & Townsend) Conn, *Exobasidium vaccinii* (Fuckel) Woronin and *Godronia cassandrae* (anamorph *Topospora myrtilli*) Peck there shall be added the following new point:

"(iii) *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld:

— propagating material and fruit plants of the certified category shall be produced in areas established by the Directorate as being free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in accordance with relevant international standards for phytosanitary measures; or

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on propagating material and fruit plants of the certified category at the production site over the last complete cycle of vegetation; or

— propagating material and fruit plants of the certified category showing symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld at the production site and all plants within a 2m radius of the symptomatic propagating material and fruit plants, shall be rogued out and destroyed, including adhering soil; and

— for all plants located within a 10m radius of symptomatic propagating material and

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fruit plants and any remaining propagating material and fruit plants from the affected lot:

— within three months following the detection of symptomatic propagating material and fruit plants, no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants in at least two inspections at appropriate times to detect the pest and during that three-month period no treatments suppressing symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be carried out; and

— after that three-month period:

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants at the production site; or

— a representative sample of that propagating material and those fruit plants to be moved has been tested and found free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld; and

— for all other propagating material and fruit plants at the production site:

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants at the production site; or

— a representative sample of that propagating material and those fruit plants to be moved has been tested and found free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld.";

(iii) immediately after paragraph (d) thereof, as amended, there shall be added the following new paragraph:

"(e) CAC category

Requirements with regards to the production site, place of production or area

(i) *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld:

— propagating material and fruit plants of the CAC category shall be produced in areas established by the Directorate as being free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld in accordance with relevant international standards for phytosanitary measures; or

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on propagating material and fruit plants of the CAC category at the production site over the last complete cycle of vegetation or;

— propagating material and fruit plants of the CAC category showing symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld at the production site and all plants within a 2m radius of the symptomatic propagating material and fruit plants, shall be rogued out and destroyed, including adhering soil; and

— for all plants located within a 10m radius of symptomatic propagating material and fruit plants and any remaining propagating material and fruit plants from the affected lot:

— within three months following the detection of symptomatic

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propagating material and fruit plants, no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants in at least two inspections at appropriate times to detect the pest and during that three-month period no treatments suppressing symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be carried out; and after that three-month period:

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants at the production site; or

— a representative sample of that propagating material and those fruit plants to be moved has been tested and found free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld; and

— for all other propagating material and fruit plants at the production site:

— no symptoms of *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld shall be observed on that propagating material and those fruit plants at the production site; or

— a representative sample of that propagating material and those fruit plants to be moved has been tested and found free from *Phytophthora ramorum* (EU isolates) Werres, De Cock & Man in 't Veld."

8. In Schedule E, the item "*Prunus amygdalus Batsch., P. armeniaca L., P. domestica L., P. persica (L.) Batsch. and P. salicina Lindley*" shall be substituted by the following new item:

Amends
Schedule E to
the principal
regulations.

"*Prunus armeniaca L., Prunus domestica L., Prunus dulcis (Mill.) D. A. Webb, Prunus persica (L.) Batsch and Prunus salicina Lindl.*".
