

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,043, 5 ta' Marzu, 2013*

*Taqsimha B*

**L.N. 98 of 2013**

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

**Control of the Red Palm Weevil (Amendment) Regulations, 2013**

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

**1.** The title of these regulations is the Control of the Red Palm Weevil (Amendment) Regulations, 2013 and these regulations shall be read and construed as one with the Control of the Red Palm Weevil Regulations, hereinafter referred to as "the principal regulations".

Citation.

S.L. 433.24

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

Amends regulation 3 of the principal regulations.

(a) immediately after the definition "the Directorate" there shall be added the following new definition:

" "Member State" means a state which is a member of the European Union;"

(b) in the definition "susceptible plants" the words "and Washingtonia spp." shall be substituted by the words "and Washingtonia spp."; and

(c) immediately after the definition "susceptible plants" there shall be added the following new definition:

" "third country" means a country which is not a member of the European Union."

**3.** Regulation 10 of the principal regulations shall be amended as follows:

Amends regulation 10 of the principal regulations.

(a) sub-regulation (1) thereof shall be substituted by the following:

"(1) The importation of susceptible plants shall only be allowed after the required written approval has been issued by the Directorate at least twenty-four hours before such importation takes place. Such importation shall be in conformity with relevant Maltese legislation

and relative EU Directives and Commission Decision 2007/365/EC on emergency measures to prevent the introduction into and the spread within the Community of *Rhynchophorus ferrugineus* (Olivier).";

(b) sub-regulation (2) thereof shall be re-numbered as sub-regulation (3);

(c) immediately after sub-regulation (1) thereof, there shall be added the following new sub-regulation:

"(2) The movement of susceptible plants shall only be allowed after the required written approval has been issued by the Directorate at least twenty-four hours prior to such movement, except when such movement is made after the selling of such plants within an activity centre, approved by, and registered in, the Malta Official Register. In such case, the Directorate shall be informed about any movement which occurs after such sale within twenty-four hours from the occurrence of such movement. The movement of susceptible plants shall be in conformity with relevant Maltese legislation and relevant EU Directives and Commission Decision 2007/365/EC on emergency measures to prevent the introduction into and the spread within the Community of *Rhynchophorus ferrugineus* (Olivier)."; and

(d) immediately after sub-regulation (3) thereof, as renumbered, there shall be added the following new sub-regulation:

"(4) Without prejudice to preceding sub-regulations, movement of susceptible plants from local registered nurseries and, or garden centres, and, or other approved entities shall only be allowed if such entities are registered with the Directorate to sell palm trees in terms of the Act and any subsidiary legislation made thereunder, and if:

(a) the susceptible plant has been introduced in Malta from another Member State in accordance with the requirements in point 2 of Annex I of Commission Decision 2007/365/EC on emergency measures to prevent the introduction into and the spread within the Community of *Rhynchophorus ferrugineus* (Olivier), and shall be:

(i) accompanied by a plant passport prepared and issued in accordance with Commission Directive 92/105/EEC establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement; and

(ii) kept in a designated area of complete physical protection of appropriate mesh size in which these plants shall be kept until they are sold in the local market; and

(iii) subject to any other control measure or obligations in terms of any guidelines issued by the Directorate, or which the Director may, from time to time, deem necessary to issue; or

(b) the susceptible plants have been grown locally in a place of production during a period of two years prior to their movement during which:

(i) the susceptible plants were placed in a site with complete physical protection against the introduction of the specified organism or treated with appropriate preventive chemical treatment; and

(ii) no signs of the specified organism have been observed in official inspections carried out at least every three months; and

(iii) the susceptible palms were tagged as part of a tagging scheme under the Directorate; and

(iv) susceptible plants were subjected to any other control measure or obligation in terms of any guidelines issued by the Directorate, or which the Director may, from time to time, deem necessary to issue. The susceptible plants shall also be accompanied by a plant passport prepared and issued in accordance with Commission Directive 92/105/

EEC establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement; or

(c) the susceptible plants have been imported from a third country, in accordance with requirements of the Act and relative EU Directives and Commission Decision 2007/365/EC on emergency measures to prevent the introduction into, and the spread within, the Community of *Rhynchophorus ferrugineus* (Olivier) and Commission Decision 2010/467/EU as regards the susceptible plants and the measures to be taken in cases where *Rhynchophorus ferrugineus* (Olivier) is detected, and shall be grown locally since their importation in an approved place of production during which:

(i) the susceptible plants are kept in a designated area of complete physical protection of appropriate mesh size for one year; and

(ii) no signs of the specified organism have been observed in official inspections carried out at least every three months; and

(iii) the susceptible palms are tagged as part of a tagging scheme under the Directorate; and

(iv) the susceptible plants are subject to any other control measure or obligation in terms of any guidelines issued by the Directorate, or which the Director may, from time to time, deem necessary to issue."

