

SUBSIDIARY LEGISLATION 433.15**PROPAGATION MATERIAL OF VINES
REGULATIONS**

15th December, 2004

LEGAL NOTICE 470 of 2004, as amended by Legal Notice 310 of 2006.

1. The title of these regulations is the Propagation Material of Vines Regulations. Title.

2. (1) The scope of these regulations is to make provision for assuring that any seeds produced, placed on the market in Malta or to be exported to the European Community, or being transhipped through Malta prior to its transport to another Member State, meets specified standards of quality. Scope.
*Amended by:
L.N. 310 of 2006.*

(2) These regulations shall apply to plant material utilised for the vegetative propagation of vines, hereinafter referred to as the propagation material as hereinafter defined, produced and marketed within the European Union.

3. For the purpose of these regulations, the following definitions shall apply: Interpretation.
*Amended by:
L.N. 310 of 2006.
Cap. 433.*

"the Act" means the Plant Quarantine Act;

"basic propagation material" refers to propagation material that:

- (a) has been produced under the responsibility of the grower according to accepted practices for the maintenance of the identity of the variety and, where applicable, of the clone, and for the prevention of diseases, and which is obtained by vegetative propagation directly from initial propagation material;
- (b) is intended for the production of certified propagation material;
- (c) satisfies the conditions laid down in Schedules I and II for basic propagation material; and
- (d) has been found by official examination, to satisfy the above mentioned conditions;

"certified propagation material" refers to propagation material that:

- (a) is obtained directly from basic or initial propagation material;
- (b) is intended for -
 - (i) the production of young plants or parts of plants for use in the production of grapes, or
 - (ii) the production of grapes;
- (c) satisfies the conditions laid down in Schedules I and II

for certified propagation material; and

- (d) has been found by official examination, to satisfy the above conditions;

"clones" are the vegetative progeny of a variety that is true to a vine stock chosen on account of its varietal identity, its phenotypic characters and its health status;

"the Department" means the department responsible for plant health;

"the Director" means the Director responsible for the department and includes to the extent of the authority given, any officer authorised by him, in writing, to act in that behalf for any of the purposes of the Act;

"initial propagation material" refers to propagation material that:

- (a) has been produced under the responsibility of the grower according to accepted practices for the maintenance of the identity of the variety and, where applicable, of the clone, and for the prevention of diseases;
- (b) is intended for the production of basic or certified propagation material;
- (c) satisfies the conditions laid down in Schedules I and II for basic propagation material. These Schedules may be amended to alter or set additional or more stringent conditions for the certification of initial propagation material; and
- (d) has been found by official examination, to satisfy the above conditions;

"marketing" refers to the sale, holding with a view to sale, offer for sale and any disposal, supply or transfer, aimed at the commercial exploitation of propagation material to third parties, whether or not for consideration. Trade in propagation material not aimed at commercial exploitation of the variety, such as the following operations, shall not be regarded as marketing:

- (a) the supply of propagation material to official testing and inspection bodies; and
- (b) the supply of propagation material to providers of services for processing or packaging, provided that the provider of services does not acquire title to propagation material thus supplied.

The rules for the application of these provisions shall be adopted in accordance with the procedure established by the European Union;

"National Certification Service" is made up of the Plant Health Service including the Seeds and other Propagation Material Unit;

"nurseries" may be subdivided as follows:

- (a) multiplication nurseries which are nurseries used for the cultivation of rooted cuttings or rooted grafts; and

- (b) stock nurseries which are nurseries utilised for the production of rootstock cuttings for grafting, nursery cuttings or top-graft cuttings;

"official measures" are measures taken -

- (a) by the National Certification Service,
- (b) by any legal person whether governed by public or by private law, acting under the responsibility of the same Service, or
- (c) in the case of ancillary activities which are also subject to the Service's control, by any natural person duly sworn for that purpose:

Provided that the persons mentioned under paragraphs (b) and (c) derive no private gain from such measures;

"propagation material" refers to -

- (a) young vine plants:
 - (i) rooted cuttings which are ungrafted pieces of rooted vine shoot or herbaceous shoot intended for planting ungrafted or for use as rootstocks;
 - (ii) rooted grafts that are pieces of vine shoot or herbaceous shoot joined by grafting, the underground part of which is rooted;
- (b) parts of young vine plants:
 - (i) vine shoots which are one-year old shoots;
 - (ii) herbaceous cuttings which are non-lignified shoots;
 - (iii) rootstock cuttings that can be grafted and that are pieces of vine shoot or herbaceous shoot intended to form the underground part when preparing rooted grafts;
 - (iv) top-graft cuttings which are pieces of vine shoot or herbaceous shoot that are intended to form the part above ground when preparing rooted grafts or when grafting plants *in situ*;
 - (v) nursery cuttings being pieces of vine shoot or herbaceous shoot intended for the production of rooted cuttings;

"standard material" refers to propagation material that:

- (a) has varietal identity and purity;
- (b) is intended for -
 - (i) the production of young plants or parts of plants for use in the production of grapes, or
 - (ii) the production of grapes;
- (c) satisfies the conditions laid down in Schedules I and II for standard material; and
- (d) has been found by official examination, to satisfy the above mentioned conditions;

"variety" means a plant grouping within a single botanical taxon of the lowest known rank that can be:

- (a) defined by the expression of the characters resulting from a given genotype or combination of genotypes;
- (b) distinguished from any other plant grouping by the expression of at least one of the said characters; and
- (c) considered as an entity in view of its ability to be propagated unchanged;

"vines" are plants of the genus *Vitis* (L.) intended either for the production of grapes or to be used as propagation material for such plants.

Certification.
Amended by:
L.N. 310 of 2006.

4. (1) No person shall produce, place on the market in Malta or to the European Community or tranship through Malta prior to its transport to another Member State any vine propagation material unless this has been certified by the National Certification Service for any such purpose.

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(2) No person shall market any vine propagation material prior to registration according to the Plant Quarantine (Harmful Organisms) Regulations.

Notification.
Amended by:
L.N. 310 of 2006.

5. (1) Any person producing, placing on the market in Malta or to the European Community or transhipping through Malta prior to its transport to another Member State any propagation material shall notify the Director.

(2) A notice submitted in accordance with subregulation (1) shall be submitted on such form and in such matter and within such time as the Director may from time to time by notice in the Gazette, establish.

General
certification
procedure.
Amended by:
L.N. 310 of 2006.

6. (1) Upon receipt of a notice in accordance with the provisions of regulation 5, the National Certification Service shall ascertain that the conditions for certification have been met and the National Certification Service shall issue such a certificate only if the propagation material meets such conditions or standards.

(2) Prior to certifying any propagation material in accordance with subregulation (1), the National Certification Service shall inspect, collect and test such sample or samples as may be required to establish that any provisions of these regulations are satisfied.

(3) Any certificate issued in accordance with this regulation shall only be valid for the propagation material for which the inspection, sampling and testing were carried out in accordance with subregulation (2).

Conditions for
listing of varieties.
Amended by:
L.N. 310 of 2006.

7. (1) A catalogue of vine varieties and where applicable, clones, shall be established, maintained, updated and managed by the Seeds and other Propagation Material Unit.

(2) The catalogue shall be divided into three sections:

- (a) one section dedicated to varieties for the production of table grapes;
- (b) one section dedicated to varieties for the production of

grapes for wine production;

(c) one section dedicated to rootstock varieties.

(3) The catalogue shall be open to public inspection.

(4) Each variety registered in the catalogue shall bear an indication as to its official acceptance for certification and for checking as standard propagation material in Malta by the National Certification Service. The varieties and, where applicable clones, accepted, shall be officially checked at regular intervals. If any of the conditions for acceptance for certification or checking is no longer satisfied, acceptance shall be revoked and the variety shall be deleted from the list. All applications or withdrawals of applications for acceptance of a variety, entries in a catalogue of varieties and amendments made to it, shall be immediately communicated to the other Member States and to the European Commission.

(5) The catalogue shall indicate the principal morphological and physiological characters by which the varieties can be distinguished from one another.

(6) No variety shall be accepted unless it is distinct, stable and sufficiently uniform.

(7) A variety shall be deemed to be distinct if it is clearly distinguishable, by reference to the expression of the characteristics resulting from a particular genotype or combination of genotypes, from any other variety whose existence is a matter of common knowledge in the European Union. A variety shall be deemed to be a matter of common knowledge in the European Union if, on the date on which application is duly made for its acceptance, it is either:

(a) entered in the Maltese catalogue or in the catalogue of another Member State, or

(b) the subject of an application for acceptance in Malta or in another Member State,

unless the conditions referred to in this sub-regulation are no longer met in all the Member States concerned before a decision is made regarding the application for acceptance of the new variety being assessed.

(8) A variety shall be regarded as being stable if the expressions of the characters which are included in the examination for distinctness, as well as any others used for the variety description, remain unchanged after repeated propagation.

(9) A variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in the expression of those characters which are included in the examination for distinctness, as well as any others used for describing the variety.

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(10) Acceptance of varieties to the catalogue shall be requested through an official application addressed to the Seeds and other Propagation Material Unit. Acceptance to the catalogue shall be based on the results of official examinations, particularly growing trials, covering a sufficient number of characters for the variety to be described as indicated in Schedules V and VI. The methods used for determining characters must be exact and reliable and shall also comply with the regulations prescribed under the Wine Act.

(11) The following shall be determined by the Viticulture and Oenology Unit, with the advice of the Seeds and other Propagation Material Unit, in accordance with the procedures adopted by the European Union:

- (a) the characters to be covered as a minimum by the examinations; and
- (b) the minimum requirements for carrying out the examinations.

(12) Synonyms and, or, homonyms shall also be indicated in the catalogue.

(13) Varieties and clones accepted in the catalogues of the other Member States are also accepted for certification and for the checking of standard propagation material in Malta without prejudice to Council Regulation No 1493/1999 of the 17th May, 1999 on the common organisation of the market of wine.

(14) Varieties, and where applicable, clones coming from other Member States are subject to the same requirements as those which apply to domestic varieties or clones, in particular as regards the acceptance procedure.

(15) If and when genetically-modified varieties within the meaning of Article 2 of Directive 2001/18/EC of 12th March, 2001 of the European Parliament and of the Council are available, such varieties shall only be accepted if all appropriate measures have been taken to avoid adverse effects on human health and the environment. Those varieties accepted must be clearly indicated as such in the catalogue of varieties. The National Certification Service shall further ensure that any person marketing such a variety clearly indicates in the vine sales catalogue that the variety is genetically-modified and states the purpose of the modification.

Maintenance of varieties.

8. (1) It shall be required that varieties and where applicable, clones, accepted in the catalogue are maintained by selection for conservation.

(2) Maintenance must always be verifiable on the basis of records made by those responsible for maintenance of a variety and, where applicable, of a clone. Samples may be requested from those responsible for the maintenance of a variety. Where necessary, samples may be taken officially.

(3) Maintenance may be carried out in another Member State with the authorisations of both the Seeds and other Propagation Material Unit and the Viticulture and Oenology Unit.

Certification.

9. (1) Vine propagation material may not be placed on the

market unless:

- (a) it has been officially certified as initial propagation material, basic propagation material or certified propagation material or, in the case of propagation material not intended for use as rootstocks, is officially checked as standard material and satisfies the conditions laid down in Schedule II;
- (b) notwithstanding paragraph (a) as a transitional measure up to 1st January 2005, the marketing in Malta's territory of standard material intended for use as rootstocks and taken from parent plants in existence on 23rd February, 2002, shall be allowed;
- (c) notwithstanding paragraph (a), the National Certification Service may authorise local producers to place on the market appropriate quantities of propagation material:
 - (i) for trials or scientific purposes;
 - (ii) for selection work; or
 - (iii) intended to help preserve genetic diversity;
- (d) the conditions under which the authorisation is granted in respect of paragraph (c) shall be determined in accordance with the procedures of the European Union. If and when genetically-modified material is available, such authorisation may be granted only if all the appropriate measures have been taken to avoid endangering human health and the environment. Environmental risk assessments and other checks have to be carried out in this respect;
- (e) in the case of propagation material produced by means of *in vitro* propagation techniques, the following provisions may be adopted in accordance with the procedures of the European Union:
 - (i) derogation from specific provisions of these regulations;
 - (ii) conditions applicable to such propagation material;
 - (iii) designations that may be used for such propagation material; and
 - (iv) conditions to guarantee that the varietal authenticity has first been verified.

10. While growing, during lifting or removal from the parent vine, packaging, storage and transportation, propagation material shall be kept in separate batches and shall be marked with the variety and, where applicable, in the case of original propagation material, basic material and certified material, with the clone.

Packaging, storage and transportation of propagation material.

11. (1) Packages and bundles of propagation material shall be sealed officially or under official supervision, in such a manner that they cannot be opened without damaging the seal or without the official label referred to in regulation 12(1) or, in the case of packaging, the packaging showing signs of tampering. To ensure

Packaging of propagation material.
Amended by:
L.N. 310 of 2006.

proper sealing, the sealing device must comprise at least either the official label or an official seal. Further sealing may take place only officially or under official supervision.

(2) The sealing method or methods referred to in subregulation (1) shall be determined and authorised by the National Certification Service.

Labelling of
packages.
Amended by:
L.N. 310 of 2006.

12. (1) It shall be required that an official label in Maltese or in English, conforming to the specifications of Schedule IV be affixed on the outside of packages and bundles of propagation material by means of the sealing device. The colour of the label shall be white with a diagonal violet stripe for initial material, white for basic material, blue for certified material and dark yellow for standard material. Delible printing shall not be permitted.

(2) However, producers may be authorised to market more than one package or bundle of grafted or rooted vines with the same characteristics using a single label conforming to the specifications in Schedule IV. In such cases, the packages or bundles shall be attached together in such a way that the attachment is damaged on separation and can no longer be put back. The label shall be affixed by means of the attachment. No resealing shall be authorised.

(3) In the case of genetically-modified material, any label and document, official or otherwise, which is affixed to or accompanies the batch of material under these regulations shall clearly indicate that the variety has been genetically-modified and shall name the genetically-modified organisms.

(4) Without prejudice to Article 23(2) of Council Regulation No 1493/1999, it may be required that each delivery of material produced in Malta also be accompanied by a uniform document featuring the following particulars *inter alia*:

- (a) the nature of the goods;
- (b) the variety and, where applicable, the clone;
- (c) category;
- (d) quantity;
- (e) consignor; and
- (f) recipient.

The conditions to be set regarding this accompanying document shall be established by the National Certification Service, upon the advice of the Viticulture and Oenology Unit, in accordance with the rules of the European Union.

(5) The official label provided for under subregulation (1) may also include the phytosanitary accompanying document provided for in the Act regarding plant passports. However, all of the conditions applicable to the official labelling and plant passports are defined and must be recognised as equivalent.

(6) The National Certification Service may indicate that the official labels must be preserved by the recipient of the material for the vegetative propagation of the vine for at least one year and made available to the official control authority.

13. (1) It shall be required that propagation material be marketed only in sufficiently homogeneous batches and in sealed packages or bundles bearing, as prescribed in regulation 12, a sealing device and markings. Packaging shall comply with the provisions of Schedule III.

Marketing of propagation material

(2) By derogation from subregulation (1) as regards packaging, sealing and marking, the National Certification Service may determine the provisions applicable to the sale of small quantities to final consumers and also to market vines in pots, crates or boxes.

14. (1) The National Certification Service shall ensure that the identity of the propagation material is preserved, from the time of its lifting, or its removal from the parent vines until its delivery to the final consumer, by a system of official controls laid down by the National Certification Service. The Service shall make suitable arrangements for propagation material to be officially controlled during marketing, at least by check sampling, as regards its compliance with the requirements of these regulations.

Identity of propagation material.

(2) Without prejudice to the free movement of material within the European Union, all the necessary measures shall be taken to ensure that the competent authorities are supplied with the following particulars during the marketing of propagation material imported from a third country:

- (a) species (botanical name);
- (b) variety and, where applicable, clone; in the case of rooted grafts, such information shall apply both to the rootstock and to the top-graft cutting;
- (c) category;
- (d) nature of propagation material;
- (e) country of production and official control authority;
- (f) country of despatch, if different from the country of production;
- (g) importer; and
- (h) quantity of material.

The manner in which these particulars are to be presented may be determined by the National Certification Service in accordance with the procedures established by the European Union.

15. It shall be provided that propagation material obtained directly from basic material certified in a Member State and grown in another Member State, may be certified in the State which produced the basic material if the propagation material has undergone field inspection satisfying the conditions laid down in Schedule I and if official examination has shown that the conditions stated in Schedule II are satisfied.

Propagation material certified and grown in different countries.

16. (1) To eliminate any temporary difficulties in the supply of propagation material that cannot be overcome in any other way the National Certification Service may authorise for a specified period, the marketing of such quantity of propagation material of a category satisfying less stringent requirements.

Less stringent requirements.

(2) For a category of propagation material of any given variety, the colour of the label shall be that provided for the corresponding category. In all other cases it shall be brown. The label shall always state that the propagation material in question is of a category satisfying less stringent requirements.

Additional or more stringent requirements.

17. The National Certification Service may, as regards the conditions laid down in Schedules I and II, impose additional or more stringent requirements for the certification of propagation material or the checking of standard material produced in Malta.

Marketing restrictions.

18. (1) Propagation material of vine varieties and where applicable, clones, which have been officially accepted in one or more Member States for certification and for checking as standard propagation material in accordance with these regulations, shall not be subject to any marketing restrictions as regards its characteristics, examination arrangements, marking and sealing, other than those laid down in these regulations, and are not subjected to any marketing restrictions based on the variety, and, where applicable, clones, without prejudice to Council Regulation No. 1493/1999.

(2) The National Certification Service, upon the advice of the Viticulture and Oenology Unit, may provide that after specified dates, propagation material of certain vine varieties may not be placed on the market unless it has been officially certified as basic material or certified material.

Equivalence.

19. The National Certification Service may, as a transitional measure, after the entry into force of these regulations, provide that propagation material which has been used for establishing stock nurseries or multiplication nurseries is equivalent to propagation material certified or checked in accordance with the provisions of these regulations, if before being so used it afforded the same assurances as propagation material certified or checked in accordance with these regulations.

Experimentation to improve certain provisions in these regulations.
Added by:
L.N. 310 of 2006.

20. (1) For the purpose of seeking improved alternatives to certain provisions set out in these regulations, temporary experiments may be organised under specified conditions at Community level.

(2) Community comparative tests and trials shall be carried out within the Community for the post-control of samples of vine propagation material placed on the market under the provisions of these regulations, whether mandatory or discretionary, including those relating to plant health and taken during sampling. These tests and trials may include the following:

- (a) propagation material produced in third countries;
- (b) propagation material suitable for organic farming; and
- (c) propagation material marketed in relation to measures intended to help preserve genetic diversity.

These tests and trials shall be used to harmonise the technical methods of certification and to check satisfaction of the conditions with which the seed must comply and the Commission shall make

the necessary arrangements for the comparative tests and trials to be carried out.

Substituted by:
L.N. 310 of 2006.

SCHEDULE I

Conditions relating to the growing crop

Section A - General conditions

1. Varietal identity and purity

The growing crop shall have varietal identity and purity with regards to the variety and, if necessary, the clone. The cultural conditions and the level of development of the plants shall be such as to permit adequate checks on the identity and purity of the growing crop with regard to the variety and, if necessary, the clone, as well as its state of health.

2. Crop health

2.1 The greatest care shall be taken to ensure that the soil or if necessary the substrate of the culture shall not be infected with harmful organisms or their vectors, in particular nematodes (especially *Xiphinema index*) which carry viral diseases. The stock nurseries and the cutting nurseries shall be established under appropriate conditions to avoid any risk of contamination by harmful organisms.

2.2 Harmful organisms that reduce the usefulness of the propagation material shall be present at the lowest possible level. In particular, the conditions set out in points 3.1 to 3.5 below shall apply to the following organisms, subject to point 7 of this Schedule:

- 2.2.1 complex of infectious degeneration: grapevine fanleaf virus (GFLV) and arabis mosaic virus (ArMV);
- 2.2.2 grapevine leafroll disease: grapevine leafroll-associated virus 1 (GLRaV-1) and grapevine leafroll-associated virus 3 (GLRaV-3);
- 2.2.3 grapevine fleck virus (GFkV) (only for rootstocks).

3. Failure Rate

3.1 The stock nurseries intended for the production of initial propagating material shall have been found free from the harmful organisms listed under 2.2.1, 2.2.2 and 2.2.3 by means of an official inspection. This inspection is based on the results of plant health tests carried out by indexing or an internationally accepted equivalent testing method referring to all plants. These tests shall be confirmed by results of plant health tests carried out on all plants every five years for the organisms listed under points 2.2.1 and 2.2.2.

Infected plants must be eliminated. Reasons for failure ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

3.2 The stock nurseries intended for the production of basic propagating material shall have been found free from the harmful organisms listed under 2.2.1 and 2.2.2 by means of an official inspection. This inspection is based on the results of plant health tests referring to all plants. These tests shall be carried out at least every six years starting from three year old stock nurseries.

In those cases where official annual crop inspections are carried out on all plants, the plant health tests shall be carried out at least every six years starting from six year old stock nurseries. Infected plants must be eliminated. Reasons for failure ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

3.3 The stock nurseries intended for the production of certified material shall

have been found free from all the harmful organisms listed under point 2.2.1 and 2.2.2 by an official inspection. This inspection is based on the results of plant health tests carried out by survey according to methods of analysis/control procedures which comply with generally accepted and standardized norms. These tests shall be carried out at least every ten years starting from five year old stock nurseries.

In those cases where official annual crop inspections are carried out on all plants, the plant health tests shall be carried out at least every ten years starting from ten year old stock nurseries.

The failure rate of stock nurseries attributable to the harmful organisms listed under points 2.2.1 and 2.2.2 shall not exceed 5%. Infected plants must be eliminated. Reasons for failures ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

3.4 In the stock nurseries intended for the production of standard material, the failure rate attributable to the harmful organisms listed under points 2.2.1 and 2.2.2 shall not exceed 10%. Infected plants must be eliminated from propagation. Reasons for failure ascribed to the above harmful organisms or other factors shall be entered in the file where records concerning stock nurseries are kept.

3.5 The cutting nurseries shall have been found free from the harmful organisms listed under points 2.2.1 and 2.2.2 by means of an annual crop inspection based on visual methods and, if necessary, supported by suitable tests and/or a second crop inspection.

4. Crop inspections

Without prejudice to the official inspection provided under point 3 above, there shall be at least one official crop inspection. Additional inspections shall be carried out in cases of disputes on matters which can be decided without prejudice to the quality of the propagation material.

Section B - Special conditions

5. Isolation distances

Multiplication nurseries shall not be established within a vineyard or a stock nursery. The minimum distance from a vineyard or a stock nursery shall be three meters. In the case of terraced fields, a multiplication nursery should always be established on the top terrace when vineyards for fruit production already exist.

6. Production of rooted cuttings and rooted grafts

The propagation material used for the production of graftable rootstock cuttings, top-graft cuttings, nursery cuttings, rooted cuttings and rooted grafts shall be taken from stock nurseries that have been inspected and approved.

7. Entry into force of the above conditions

7.1 With regards to stock nurseries which were already in existence for the production of initial or basic propagation material at the date of publication of this legal notice, the points 3.1 and 3.2 may not be applied until the 31st July 2011.

7.2 In respect of stock nurseries which were already in existence for the production of certified propagation material at the date of publication of this legal notice, the points 3.3 may not be applied until the 31st July 2012.

7.3 When the conditions of points 3.1, 3.2 or 3.3 as described in points 7.1 and 7.2 above are not applied, the following rules shall be applied:

Harmful viral diseases, especially grapevine fanleaf and leafroll must be eliminated from crops intended for the production of initial propagation material and

basic material. Crops intended for the production of propagation material of the other categories shall be kept free from plants showing symptoms of harmful viral diseases.

*Substituted by:
L.N. 310 of 2006.*

SCHEDULE II

Conditions relating to propagation material

Section A - General conditions

1. Varietal identity and purity

Propagation material shall have varietal identity and purity, and if necessary clonal purity. A 1% tolerance shall be accepted at the time of the marketing of standard material. The minimum technical purity shall be 96%.

The following shall be regarded as technical impurities:

- (i) wholly or partly desiccated propagation material, even when it has been seeped in water after desiccation;
- (ii) damaged, bent or injured propagation material, in particular when damaged by hail or frost or when crushed or broken;
- (iii) material not meeting the requirements under section C of this Schedule.

2. Health of propagation material

The presence of harmful organisms which reduce the usefulness of the propagation material especially those indicated in Section A paragraph 2.2 of Schedule I shall be tolerated only at the lowest possible level. Propagation material presenting clear signs or symptoms ascribable to harmful organisms for which there are no efficient treatments shall be eliminated.

3. State of maturity of the wood

Vine shoots shall have reached a sufficient state of maturity of the wood.

Section B - Special conditions

1. Rooted grafts

Rooted grafts consisting of a combination of the same category of reproduction material shall be classified in that category. The rooted grafts consisting of a combination of different categories of reproductive material shall be classified in the lower category of the elements of which it is composed.

2. Temporary derogation

It may be decided that the provisions of point 1 above are not applied until 31st July 2010 in respect of rooted grafts consisting of initial propagation material grafted on to basic propagation material. If this is the case, the following rule is applicable:

Rooted grafts consisting of initial propagation material grafted on to basic propagation material shall be classified as initial propagation material.

Section C - Grading

1. Graftable rootstock cuttings, nursery cuttings and top-graft cuttings

Diameter

This concerns the largest diameter of the section. This standard does not apply to herbaceous cuttings:

1.1 graftable rootstock cuttings and top-graft cuttings:

- (i) top diameter, 6.5 to 12mm;
- (ii) maximum butt end diameter, 15mm, except if this involves top-graft cuttings intended for grafting *in situ*;

1.2 nursery cuttings:

minimum top diameter, 3.5mm.

2. Rooted cuttings:

2.1 Diameter

The diameter measured at the middle of the internode under the extension growth and along to the longest axis, shall be at least equal to 5mm. This standard is not applicable to the rooted cuttings derived from herbaceous propagation material.

2.2 Length

The distance from the lowest point at which the roots emerge to the base of the extension growth, shall be not less than:

- 2.2.1 30cm for rooted cuttings, intended for grafting, however, for rooted cuttings intended for Sicily, this length shall be 20cm;
- 2.2.2 20cm for other rooted cuttings. This standard is not applicable to the rooted cuttings derived from herbaceous propagation material.

2.3 Roots

Each plant shall have at least three well-developed and well-spaced roots. However, the variety 420A may have only two well-developed roots, provided that they are on opposite sides.

2.4 Heel

The cut shall be made at a sufficient distance below the diaphragm so as not to damage it but not more than 1cm below it.

3. Rooted grafts:

3.1 Length

The stem shall be at least 20cm long. This standard is not applicable to the rooted grafts derived from herbaceous propagation material.

3.2 Roots:

Each plant shall have at least three well-developed and well-spaced roots. However, the variety 420A may have only two well-developed roots, provided that they are on opposite sides.

3.3 Union:

Each plant shall have an adequate, regular and secure union.

3.4 Heel

The cut shall be made at a sufficient distance below the diaphragm so as not to damage it but not more than 1cm below it.

Substituted by:
L.N. 310 of 2006.

SCHEDULE III
Packaging

Composition of packages or bundles

Table 1.1:

Type	Number of individuals	Maximum quantity
Rooted grafts	25, 50, 100 or multiples of 100	
Rooted cuttings	50, 100 or multiples of 100	
Top-graft cuttings - with at least five usable eyes - with one usable eye	100 or 200 500 or a multiples of 500	
Graftable rootstock cuttings	100 or a multiples of 100	
Nursery cuttings	100 or a multiples of 100	

Special conditions

1. Small quantities

Where necessary, the size (number of individuals) of packages and bundles of all types and categories of propagation material listed in column 1 above may be smaller than the minimum quantities indicated in column 2 above.

2. Plants of vine with roots in any substrate in pots, crates and boxes

The number of individuals and the maximum quantity do not apply.

Substituted by:
L.N. 310 of 2006.

SCHEDULE IV
Official Labelling

A. Label

1. Required information

- (i) "EC standards";
- (ii) Country of production;
- (iii) Authority responsible for certification or checking and Member State or their initials;
- (iv) Name and address of the person responsible for sealing or his identification number;
- (v) Species;
- (vi) Type of material;
- (vii) Category;
- (viii) Variety and, where appropriate, the clone (for rooted grafts, this indication applies for the rootstock and the top-graft);
- (ix) Reference number of batch;
- (x) Quantity;
- (xi) Length (only for graftable rootstock cuttings; the minimum length of the cuttings of the batch concerned);

(xii) Crop year.

2. Minimum conditions

The label shall comply with the following requirements:

- (i) the label shall be indelibly printed and clearly legible;
- (ii) the label shall be affixed in a conspicuous place in such a way as to be easily visible;
- (iii) information set out in point A (1) shall not in any way be hidden, obscured or interrupted by other written or pictorial matter;
- (iv) the information set out in point A (1) shall appear in the same field of vision.

3. Derogation as regards small quantities to the final consumer

(a) More than one unit

The required information for the label under point (1) (x) reads: "Exact number of units per package or bundle".

(b) One unit only

The following information set out in point A (1) is not required:

- type of material;
- category;
- reference number of batch;
- quantity;
- length for the graftable rootstock cuttings;
- crop year.

4. Derogations as regards vines in pots, crates or boxes

In case of vines with roots in any substrate in pots, crates and boxes when the packages of such material cannot fulfil the requirements for sealing (including labelling) due to its composition:

- (a) the propagation material shall be kept in separate batches appropriately identified per variety and where relevant per clone and per number of individuals;
- (b) the official label is not compulsory;
- (c) the propagation material shall be accompanied by the accompanying document as laid down under point B.

B. Accompanying document

1. Conditions to be fulfilled

When Member States require that an accompanying document should be delivered, the document:

- shall be delivered in at least two copies (consignor and recipient);
- shall (recipient copy) accompany the delivery from the place of the consignor to the place of recipient;
- shall indicate all information set out under the following point 2 concerning the individual batches of the delivery;
- shall be preserved for at least one year and made available to the official control authority.

2. List of information to be included

- (i) "EC standards";
- (ii) Country of production;
- (iii) Authority responsible for certification or checking and Member State or their initials;
- (iv) Progressive number;
- (v) Consignor (address, registration number);
- (vi) Recipient (address);
- (vii) Species;
- (viii) Type(s) of material;
- (ix) Category(ies);
- (x) Variety(ies) and, where appropriate, the clone(s) (for rooted grafts, this indication applies for the rootstock and the top-graft);
- (xi) Number of individuals per batch;
- (xii) Total number of batches;
- (xiii) Date of delivery.

1. Minimum dimensions

110 X 67mm for rootstock cuttings for grafting, top-graft cuttings, nursery cuttings, rooted cuttings and rooted grafts.

2. Colour of the label

It shall be white for basic material, blue for certified material and dark yellow for standard material.

*Substituted by:
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SCHEDULE V

Characteristics considered in the examination for distinctness, stability and homogeneity

Section A - Morphological characteristics

1. Leaf-bud formation on a growing branch 10 to 20cm long:
 - 1.1 shape
 - 1.2 colour (on opening to allow observation of the anthocyanins)
 - 1.3 pilosity.
2. Herbaceous branch at time of flowering:
 - 2.1 transversal cross-section (shape and contour)
 - 2.2 pilosity.
3. Ligneous shoot:
 - 3.1 surface
 - 3.2 merithallus.

4. Distribution of tendrils
5. Young leaves at the top on a growing branch 10 to 30cm long (first three leaves clear of the leafbud formation counted from that point):
 - 5.1 colour
 - 5.2 pilosity.
6. Mature leaf (situated between the 8th and the 11th node):
 - 6.1 photograph
 - 6.2 drawing or direct print with scale
 - 6.3 general shape
 - 6.4 number of foliar lobes
 - 6.5 petiolar sinus
 - 6.6 depth of the upper and lower lateral sinus
 - 6.7 pilosity of the lower surface
 - 6.8 surface
 - 6.9 lateral serration.
7. Flower:
 - 7.1 apparent sex.
8. Bunch of grapes at industrial maturity (as regards wine grape varieties and table grape varieties)
 - 8.1 photograph (with scale)
 - 8.2 shape
 - 8.3 size
 - 8.4 peduncle (length)
 - 8.5 average weight in grams
 - 8.6 picking off
 - 8.7 compactness of bunch.
9. Berry at industrial maturity (as regards wine grape varieties and table grape varieties):
 - 9.1 photograph (with scale)
 - 9.2 shape
 - 9.3 shape with indication of average weight
 - 9.4 colour
 - 9.5 skin (as regards table grape varieties)
 - 9.6 number of pips (as regards table grape varieties)
 - 9.7 pulp
 - 9.8 juice
 - 9.9 flavour.
10. Seeds (as regards wine grape varieties and table grape varieties):
 - 10.1 photograph of the two sides and profile (with scale).

Section B - Physiological characteristics

1. Vegetative phenomena:
 - 1.1 Establishment of phenological dates:

These are established in comparison with one or more of the control varieties:

 - 1.1.1 white grape varieties
 - 1.1.2 black grape varieties
 - 1.1.3 table grape varieties.
 - 1.2 Date of opening:

Date on which half the eyes of a normally pruned vine have burst open, showing their internal pilosity in relation to that of control varieties.
 - 1.3 Date of full flowering:

Date when for a certain number of plants, half the flowers are open compared with control varieties.
 - 1.4 Maturity (as regards wine grape varieties and table grape varieties):

In addition to the period of maturity, an indication shall be given of the density or probable degree of the must, its acidity and the corresponding yield of grapes expressed in kilograms per hectare, compared with one or more control varieties, giving if possible yields of a similar size.
 2. Cultivation characteristics:
 - 2.1 Vigour
 - 2.2 Habit of growth (position of first fruit-bearing bud, preferred size)
 - 2.3 Production:
 - 2.3.1 regularity
 - 2.3.2 yield
 - 2.3.3 anomalies.
 - 2.4 Resistance or sensitivity:
 - 2.4.1 to unfavourable conditions
 - 2.4.2 to pests
 - 2.4.3 proneness to bursting of the grape.
 - 2.5 Behaviour during vegetative propagation:
 - 2.5.1 grafting
 - 2.5.2 propagation by cuttings.
 3. Utilisation:
 - 3.1 wine grapes
 - 3.2 table grapes
 - 3.3 as rootstocks
 - 3.4 for industrial uses.
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SCHEDULE VI

Minimum conditions for carrying out the growing trials on vine varieties

*Substituted by:
L.N. 310 of 2006.*

1. Ecological information:
 - 1.1 Place
 - 1.2 Geographical conditions:
 - 1.2.1 longitude
 - 1.2.2 latitude
 - 1.2.3 altitude
 - 1.2.4 exposure and slope
 - 1.3 Climatic conditions
 - 1.4 Type of soil.
2. Technical procedure:
 - 2.1 For wine grapes and table grapes:
 - 2.1.1 twenty-four vines if possible on several different rootstocks
 - 2.1.2 at least 3 years of production
 - 2.1.3 at least two places having different ecological conditions
 - 2.1.4 the taking of the graft should be examined with at least three varieties of rootstocks.
 - 2.2 For rootstock varieties:
 - 2.2.1 five vines with at least two forms of growth habits
 - 2.2.2 five years after planting
 - 2.2.3 three places having different ecological conditions
 - 2.2.4 the taking of the graft should be examined with at least three varieties of scion.

The National Certification Service may authorise any changes to this Schedule and such changes shall be reported in the catalogue.
