

**REGULATION No. 76 OF 31 MAY 2006 SETTING OUT THE IMPLEMENTING
MEASURES CONCERNING THE SUPERVISION AND MONITORING OF
SUPPLIERS AND ESTABLISHMENTS PRODUCING AND MARKETING FRUIT
PLANT PROPAGATING MATERIAL AND FRUIT PLANTS**

Effective date 1 January 2007

Issued by the Minister of Agriculture and Forestry

Promulgated, SG No. 51 of 23 June 2006

Article 1. (1) This Regulation sets out the implementing measures concerning the supervision and monitoring of suppliers and/or establishments producing and/or marketing fruit plant propagating material and fruit plants in relation to:

1. the monitoring and checks by the responsible official bodies pursuant to Article 6(4) of Directive 92/34/EEC, transposed with Article 48(5) of the Seed and Propagating Material Act (SPMA); and
2. the own checks carried out by suppliers in the course of production pursuant to Article 5(2) of Directive 92/34/EEC, transposed with Article 48(1) on the Seed and Propagating Material Act (SPMA).

(2) The provisions of paragraph 1 shall not apply to suppliers whose activity is confined to the placing on the market of propagating material and fruit plants.

Article 2. (1) The Executive Agency for Variety Testing, Field Inspection and Seed Control (IASAS) shall carry out supervision and monitoring of suppliers of fruit propagating material and their establishments in order to ensure continued compliance with the requirements laid down in Article 5(2) of Directive 92/34/EEC and Article 48 SPMA respectively. Account shall be taken of the particular nature of the activity or activities of the supplier.

(2) As far as the identification of critical points in the production process and the keeping of records thereof are concerned, the responsible official body shall supervise and monitor the supplier to ensure that the supplier:

1. continues to take into account the following critical points:

- (a) the quality of propagating material and fruit plants utilized to start the production process (initial material);
- (b) the sowing, pricking-out, potting-up, and planting of propagating material and creation of planted fields in accordance with the relevant propagation schemes;
- (c) compliance with the conditions laid down in Articles 3, 4 and 5 of Council Directive 77/93/EEC (replaced by Directive 2000/29/EC) transposed with Directive No. 1 of 1998 on phytosanitary control (Promulgated, SG. No. 82/1998; Amended, SG No. 91/1999, SG No. 8/2002, SG No. 28/2003, SG No. 7/2006);
- (d) the cultivation plan and methods;
- (e) the agrotechnical treatments and general crop care;
- (f) the multiplication operations;
- (g) the harvesting operations;
- (h) the maintenance of appropriate hygiene;
- (i) the appropriate plant protection treatments;
- (j) packaging;
- (k) storage;
- (l) transport;
- (m) administration.

2. The supplier shall keep records, with a view to having complete information available for the IASAS, on:

- (a) plants or other objects:

- (aa) purchased for storage or planting on the premises;
 - (bb) under production, or
 - (cc) dispatched to other partners;
 - (b) any chemical treatments which have been applied to the plants.
3. is available personally or designates another person technically experienced in plant production and related plant-health matters during the checks, to liaise with the IASAS;
 4. or the person referred to in subparagraph 3 carries out visual inspections as necessary and at appropriate times in a manner established by the IASAS;
 5. or the person referred to in subparagraph 3 allows access by persons entitled to act for the IASAS/NPPS for inspection and sampling purposes, and allows access to the records and related documents referred to in subparagraph 2;
 6. or the person referred to in subparagraph 3 otherwise fully cooperates with the responsible official bodies in the performance of checks and inspections.
- (3) As far as the establishment and implementation of methods for monitoring and checking the critical points are concerned, the responsible official body shall supervise and monitor the supplier to ensure that, where appropriate, such methods continue to be carried out, giving particular attention to:
1. the availability and actual use of methods for checking each of the critical points mentioned in paragraph 2, subparagraph 1;
 2. the reliability of those methods;
 3. their suitability for an assessment of the content of the production and marketing arrangements, including the administrative aspects; and
 4. the competence of the supplier's staff to carry out the checks.
- (4) As far as the taking of samples for analysis in the relevant laboratory is concerned, the responsible official body shall supervise and monitor the supplier to ensure, where appropriate, that:
1. samples are taken during the various stages of the production process and in conformity with the frequency as communicated to the responsible official body when the production methods were verified at the time of approval (or accreditation) and registration of the supplier;
 2. samples are taken in a technically correct manner and using a reliable procedure, regard being had to the kind of analysis to be carried out, in accordance with the sampling rules approved by the responsible official bodies;
 3. the persons who take the samples are qualified to do so;
 4. the analysis of samples is carried out by a laboratory of the IASAS or laboratories of the National Plant Protection Service (NPPS) or a laboratory which is approved pursuant to Article 8 SPMA.

SUPPLEMENTARY PROVISIONS

§ 1. For the purposes of this Regulation, ‘critical points’ means main stages of the production process, defined and implemented by the supplier, with a view to the production and marketing of fruit plant propagating material and fruit plants in compliance with the requirements.

§ 2. This Regulation transposes Commission Directive 93/64/EEC of 5 July 1993 setting out the implementing measures concerning the supervision and monitoring of suppliers and establishments pursuant to Council Directive 92/34/EEC on the marketing of fruit plant propagating material and fruit plants intended for fruit production.

FINAL PROVISIONS

§ 3. This Regulation is issued pursuant to Article 29(6) of the Seed and Propagating Material Act.

§ 4. This Regulation shall enter into force on 1 January 2007.