

# TRADUZIONE DI CORTESIA A CURA DI CIVI-ITALIA

THE MINISTRY OF AGRICULTURE, FOOD AND FORESTRY

DECREE of 20 December 2013

Measures to prevent the introduction into and the spread within the Italian territory of *Pseudomonas syringae* pv. *Actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto

## THE MINISTER OF AGRICULTURE, FOOD AND FORESTRY

Having regard to Council Directive 2000/29/EEC of 8 May 2000, as amended, on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;

Having regard to Legislative Decree No 214 of 19 August 2005, as amended and supplemented, implementing Directive 2002/89/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;

Having regard to the Ministerial Decree of 16 October 2006 transposing Commission Directive 2004/103/EC on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks;

Having regard to the Ministerial Decree of 7 February 2011 on emergency measures to prevent, control or eradicate bacterial canker of kiwifruit, caused by *Pseudomonas syringae* pv. *actinidiae*;

Having regard to Commission Implementing Decision 2012/756/EU of 5 December 2012 as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto;

Having considered the need to update national regulations, pursuant to the Ministerial Decree of 7 February 2011 on measures to control and eradicate *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyumu & Goto, in accordance with Commission Decision 2012/756/EU of 5 December 2012;

Having obtained the opinion of the National Plant Protection Committee, pursuant to art. 52 of Legislative Decree No 214 of 19 August 2005, expressed in the meeting of 18 September 2013;

Having obtained the opinion of the Standing Conference for Relations between the State, the Regions and the Autonomous Provinces of Trento and Bolzano, expressed in the meeting of 7 November 2013.

Orders:

Art. 1

*Purpose*

This Decree lays down phytosanitary measures to prevent the introduction into and the spread within the Italian territory of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa,

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Tsuyumu & Goto, hereinafter PSA, the causal agent of bacterial canker of kiwifruit.

## Art.2

### *Definitions*

1. For the purposes of this Decree, the following definitions shall apply:

- a) «the specified plants»: live pollen and plants intended for planting, other than seeds, of *Actinidia* Lindl;
- b) «PSA-free area»: an area in which PSA does not occur or has been officially eradicated, in accordance with the FAO ISPM No 4;
- c) «PSA-free place of production»: a place of production in which PSA does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained for a defined period, in accordance with the FAO ISPM No 10;
- d) «PSA-free production site»: a defined portion of a place of production in which PSA does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained for a defined period and that is managed as a separate unit, in accordance with the FAO ISPM No 10;
- e) «infested area»: a plot which was previously known to be free from the organism but where PSA has been found on one or more plants;
- f) «containment zone»: an area in which short-term eradication is not technically feasible given the spread of PSA and measures are needed to contain the harmful organism and eliminate sources of inoculum;
- g) «buffer zone»: an area with a radius of at least 500 m surrounding the infested area or the containment zone;
- h) «demarcated area»: an area including the infested area and the surrounding buffer zone or the containment zone and the surrounding buffer zone;
- i) «plot»: an area of land with defined boundaries on which a single species is grown;
- j) «lot»: a given amount of a single product, identifiable by its homogeneity of composition and origin.

## Art. 3

### *Import of the specified plants*

1. Specified plants originating in third countries may only be introduced into the Italian territory if they comply with the specific requirements for introduction, as set out in Annex I.
2. Anyone who introduces the specified plants into the Italian territory must be listed in the Official Registry of Producers (*Registro Ufficiale dei Produttori*), pursuant to article 20(1)(c) of Legislative Decree No 214 of 19 August 2005, with the exception of anyone who introduces the specified plants within the meaning of Title X of the aforesaid Decree.

## Art. 4

### *Movement of the specified plants within the Union*

1. The specified plants may only be moved within the Union if they meet the specific requirements, as set out in Annex II.

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## Art. 5

### *Surveys and notifications of PSA*

1. The regional Plant Protection Services shall, directly or through their duly designated representatives, conduct official annual surveys for the presence of PSA on the specified plants and on other plants.
2. Surveys shall consist of visual inspections and bacteriological testing, where appropriate, of mother blocks, plant nurseries, pollen producing units, plant material grown for experimental purposes and fruit orchards.
3. The regional Plant Protection Services shall notify, without delay, the Central Plant Protection Service of any PSA occurrence in a part of their territory in which its presence was previously unknown.
4. The regional Plant Protection Services shall notify the results of those surveys to the Central Plant Protection Service by 31 December of each year.
5. Pursuant to art. 8(1) of Legislative Decree No 214 of 19 August 2005 any suspected or confirmed outbreak within an area, place of production or production site which were considered PSA-free shall be immediately notified to the relevant regional Plant Protection Service, including but not limited to by public and private organisations and any other scientific body. Failure to notify shall be punishable by administrative penalties, as provided for in art. 54 of Legislative Decree No 214 of 19 August 2005.

## Art. 6

### *Definition of the phytosanitary status of the territory*

1. The regional Plant Protection Services shall, based on the surveys referred to in Article 5 and available information, establish PSA-free areas, infested areas, containment zones and buffer zones.
2. Where in a demarcated area PSA is not detected for at least 2 consecutive years, this demarcation shall be lifted.
3. If the presence of PSA is confirmed in a plant or plot, the responsible regional Plant Protection Service shall establish a demarcated area and take the measures referred to in art. 50(1)(i) of Legislative Decree No 214 of 19 August 2005, pursuant to articles 7, 8 and 9.

## Art. 7

### *Measures in infested areas*

1. In an infested area, the regional Plant Protection Service shall conduct systematic surveys and require appropriate phytosanitary treatments to prevent the spread of the disease.
2. If cankers are detected on a plant, the regional Plant Protection Service shall require that all infected plants/plot be grubbed up or infected portions be cut back or removed, making cuts at least 70 cm below the canker areas, as a function of the phytosanitary risk. The regional Plant Protection Service may require that such measures be taken in the absence of cankers on plants for phytosanitary prevention purposes. Any plant material originated from grubbing up or cutting shall be destroyed on site by burning or deep burying, save as otherwise required by the Plant Protection Service.

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## Art. 8

### *Measures in buffer zones*

1. In the buffer zone, the regional Plant Protection Service shall carry out intensive monitoring throughout the growing season during which the disease has been confirmed.
2. If the presence of PSA is confirmed within the buffer zone, the delimitation of the buffer zone shall be reviewed and changed accordingly.

## Art. 9

### *Measures in containment zones*

1. In the containment zone, the regional Plant Protection Service shall implement a specified action plan, in accordance with the technical protocol issued under article 49(2)(c) of Legislative Decree No 214 of 19 August 2005.
2. Appropriate information and guidance shall be provided to fruit growers in the containment zone to promote voluntary control schemes, as required by the action plan.

## Art. 10

### *Measures relating to propagation material*

1. Without prejudice to the provisions of Articles 4 and 6, if PSA infection is found in a mother block, the regional Plant Protection Service shall require that all infected plants be destroyed, all plants in the field be quarantined throughout the following vegetative cycle, and appropriate treatments be applied to the specified plants and the cultivation area.
2. Without prejudice to Articles 4 and 6, if PSA infection is found in a nursery, the regional Plant Protection Service shall require that the whole lot of infected plants be grubbed up and destroyed, all lots in the place of production be quarantined throughout the following vegetative cycle, and appropriate treatments be applied to the specified plants and the cultivation area.
3. At the end of the quarantine period, as provided for in paragraphs 1 and 2 of this article, the regional Plant Protection Service shall carry out spot checks and bacteriological testing, where appropriate, to ascertain the phytosanitary status of the specified plants and confirm freedom from PSA, prior to licensing marketing and movement of the specified plants.
4. Marketing of the specified plants in a licensed nursery falling in a buffer zone shall only be permitted, subject to approval by the regional Plant Protection Service, during dormancy in the growing season following the latest inspection.

## Art. 11

### *Bans*

1. Without prejudice to the provisions laid down in Article 4, movement of *Actinidia* Lidl plant material out of demarcated areas shall be prohibited, including wood and plant residues, and excluding fruit. This provision shall not apply to transport to licenced heat treatment plants. Destruction by heat treatment shall be made as soon as plants are cut and plant material shall be covered by canvas during transport to prevent spread of the pathogen.

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2. The Central Plant Protection Service may permit movement of plant material, as referred to in Title X of Legislative Decree No 214 of 19 August 2005.

3. Self-production of propagation material of *Actinidia* Lindl derived from sources which do not comply with the provisions contained in this Decree shall be prohibited.

### Art. 12

#### *Penalties*

1. The administrative penalties laid down in Article 54 of Legislative Decree No 214 of 19 August 2005 shall apply to anyone breaching the provisions of this Decree.

### Art. 13

#### *Repeal*

1. Ministerial Decree of 7 February 2011 on emergency measures to prevent, control or eradicate bacterial canker of kiwifruit, caused by *Pseudomonas syringae* pv. *Actinidiae* is repealed.

### Art. 14

#### *Financial invariance*

1. No further or higher charges on public finance may arise as a consequence of the enforcement of this Decree. The stipulated obligations shall be fulfilled with the human and material resources available under an unchanged legislation scenario.

This decree shall be sent to the Court of Auditors for registration and shall enter into force the day after its publication in the Italian Official Journal.

Rome, 20 December 2013

The Minister: De Girolamo

Registered at the Court of Auditors on 3 February 2014

Supervisory Body of the Italian Ministry of Economic Development – Ministry of Agriculture, Food and Forestry, Page No. 441

## Annex I

### Specific requirements for introduction into the Italian territory, as referred to in article 3

#### Section I

##### Phytosanitary certificate

1) Specified plants originating in third countries shall be accompanied by a phytosanitary certificate, as referred to in the first subparagraph of Article 13(1)(ii) of Directive 2000/29/EC (hereinafter «the certificate»), which includes under the heading « Additional declaration» the information set out in points (2) and (3).

2) The certificate shall include the information that one of the following points is fulfilled:

a) The specified plants have been grown throughout their life in a country where PSA is known not to occur;

b) The specified plants have been grown throughout their life in a PSA-free area, established by the National Plant Protection Organisation (hereinafter ‘the NPPO’) of the country of origin in accordance with the FAO International Standard for Phytosanitary Measures (hereinafter ‘ISPM’) No 4;

c) The specified plants have been produced in a PSA-free place or a PSA-free site of production, established by the NPPO in accordance with the FAO ISPM No 10. The specified plants have been grown in a structure with a degree of isolation and protection from the outside environment that effectively excludes PSA. At that place the specified plants have been officially inspected twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and found free from PSA. That place of production is surrounded by a zone with a radius of at least 500 m, where official inspections were carried out twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export and any plants showing symptoms of infection which were found during those inspections and all adjacent specified plants within the distance of 5 m were immediately destroyed;

d) The specified plants have been produced in a PSA-free place of production established by the NPPO in accordance with the FAO ISPM No 10. That place of production is surrounded by a zone with a radius of 4 500 m. Official inspections, sampling and testing have been carried out at that place of production and throughout that zone twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the export. PSA has not been found during the official inspections, sampling and testing.

3) Where the information set out in point (2)(c) or (2)(d) is given, the certificate shall, in addition, include the information that one of the following points is satisfied:

a) The specified plants have been directly derived from mother plants grown under conditions compliant with point (2)(a) or (2)(b) or 2(c);

b) The specified plants have been directly derived from mother plants, which were subject to prior individual testing confirming their freedom from PSA;

c) The specified plants have been tested according to a sampling scheme able to confirm with 99 % reliability that the level of presence of PSA in the specified plants is below 0,1 %.

4) Where the information set out in point (2)(b) is given, the name of the PSA-free area shall be included under the heading «Place of Origin» of the certificate.

## Section II Inspection

Specified plants introduced into the Italian territory accompanied by a phytosanitary certificate complying with Section I shall be rigorously inspected and, where appropriate, tested for the presence of PSA at the point of entry or at the place of destination established in accordance with Legislative Decree No 214 of 19 August 2005, art. 42(1-ter).

In case the specified plants are introduced into the Italian territory through a Member State or Italian region other than the Member State or the Italian region of destination of those plants, the responsible official body of the Member State/region of entry shall notify the responsible official body of the Member State/region of destination.

**Specific requirements for introduction into the Union, as referred to in article 4**

1) Specified plants originating in the Union may only be moved within the Union if they are accompanied by a plant passport prepared and issued in accordance with Commission Directive 92/105/EEC, transposed into national law by Legislative Decree No. 214 of 19 August 2005, Title V, and if they meet the requirements set out in point 2.

2) The specified plants shall satisfy one of the following points:

a) The specified plants have been grown throughout their life in a Member State where PSA is not known to occur;

b) The specified plants have been grown throughout their life in a protected zone recognised as regards PSA in accordance with Article 2(1)(h) of Directive 2000/29/EC, transposed into national law by Legislative Decree No. 214 of 19 August 2005, Title VI;

c) The specified plants have been grown throughout their life in a PSA-free area, established by the responsible official body of the Member State of origin in accordance with the FAO ISPM No 4;

d) The specified plants have been produced in a PSA-free place or a PSA-free site of production, established by the responsible official body of the Member State of origin in accordance with the FAO ISPM No 10. The specified plants have been grown in a structure with a degree of isolation and protection from the outside environment that effectively excludes PSA, having at least the following characteristics:

i. insulated roof and walls, head house with insulated walls and a double door;

ii. floor which ensures isolation between containers and the ground.

At that place the specified plants have been officially inspected twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement and found free from PSA.

That place is surrounded by a zone with a radius of at least 500 m, where official inspections were carried out twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement and any plants showing symptoms of infection which were found during those inspections and all adjacent specified plants within the distance of 5 m were immediately destroyed;

e) The specified plants have been produced in a PSA-free place of production, established by the responsible official body of the Member State of origin in accordance with the FAO ISPM No 10.

That place of production is surrounded by a zone with a radius of 500 m, hereinafter the 'surrounding zone'. Official inspections, sampling and testing have been carried out at that place of production and throughout the surrounding zone twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement. PSA has not been found during the official inspections, sampling and testing.

The surrounding zone is surrounded by a zone with a width of 4 km, where following official inspections, sampling and testing that have been carried out throughout that zone twice at the most appropriate times for detecting symptoms of infection during the last complete cycle of vegetation prior to the movement, eradication measures were taken in all cases when PSA has been identified on the specified plants. These measures consisted of the immediate destruction of the infected specified plants and all adjacent specified plants within a radius of 5 m.

3) Where the requirements set out in point (2)(d) or (2)(e) are met, the specified plants shall, in addition, satisfy one of the following requirements:



- a) The specified plants have been directly derived from mother plants grown under conditions compliant with point (2)(a) or (2)(b) or (2)(c) or 2(d);
  - b) The specified plants have been directly derived from mother plants, which were subject to prior individual testing confirming their freedom from PSA;
  - c) The specified plants have been tested according to a sampling scheme able to confirm with 99 % reliability that the level of presence of PSA in the specified plants is below 0,1 %..
- 4) The specified plants introduced into the Italian territory in accordance with Annex I from third countries may be moved within the Union only if they are accompanied by the plant passport referred to in point (1).