

# TRADUZIONE DI CORTESIA A CURA DI CIVI-ITALIA

M.D. of 23 February 2006

(1)

## General provisions for the mandatory control of Apple Proliferation Phytoplasma

<sup>(1)</sup> Published in the Italian Official Journal of 14 March 2006, No 61.

### THE MINISTER OF AGRICULTURE AND FORESTRY

Having regard to Law No 987 of 18 June 1931, as amended and supplemented, laying down provisions for the protection of cultivated plants and agricultural produce against harmful organisms, and the management of associated services

Having regard to the implementing regulation of the aforesaid Law, approved by Royal Decree N. 1700 of 12 October 1933 and amended by Royal Decree No 2504 of 2 December 1937;

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 Presidential Decree No 616 of 24 July 1977, confirming that it is up to the State to establish mandatory plant protection actions (art. 71, subparagraph 1, letter c);

Having regard to Legislative Decree No 536 of 30 December 1992, implementing Council Directive

91/683/ECC, on the establishment of the National Plant Protection Service encompassing the Central Plant Protection Service and Regional Plant Protection Services;

Having regard to the Ministerial Decree of 31 January 1996, published in Regular Supplement No 33 to the Italian Official Journal of 19 February 1996, as amended, on protective measures against the introduction into the territory of the Italian Republic of organisms harmful to plants or plant products and against their spread within the Country;

Having regard to Legislative Decree No 143 of 4 June 1997 on the «Attribution of administrative functions to regions in the areas of agriculture and fisheries and the reorganisation of the central administrative unit»;

Having regard to Legislative Decree No 300 of 30 June 1999;

Having regard to Legislative Decree No 214 of 19 August 2005, published in Regular Supplement No 169/L to Italian Official Journal No 248 of 24 October 2005, on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;

Whereas the term «Apple proliferation phytoplasma» describes the phytoplasma formerly known as «Apple proliferation mycoplasma», associated with «Witches' broom» disease;

Whereas Apple proliferation phytoplasma is transmitted by grafting and by insects belonging to the genus *Cacopsylla*;

Whereas the disease is reported in Italy in some fruit-growing areas where it has caused significant economic damage;

Whereas Apple proliferation phytoplasma presents a potential hazard to fruit production and pome tree nurseries;

Whereas the combined containment of insect vectors belonging to the genus *Cacopsylla* and of any other vectors of the disease, and the suppression of potential reservoirs of the pathogen ensures

# TRADUZIONE DI CORTESIA A CURA DI CIVI-ITALIA

the eradication of the pathogen in areas of recent establishment;

Whereas in order to address losses resulting from the spread of Apple Proliferation Phytoplasma it is advisable to adopt phytosanitary measures to eradicate the disease and contain it wherever it is long established;

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 26 January 2006, pursuant to Legislative Decree No 281 of 28 August 1997, art. 2, subparagraph 4;

Orders:

Art. 1

## General Purpose

1. Control strategies of Apple proliferation phytoplasma (hereinafter “APP”) and its vectors shall be mandatory throughout the territory of the Italian Republic, in order to combat its spread.

Art. 2

## Inspections

1. Regional Plant Protection Services shall detect the presence of APP in the territories for which they are responsible and advise the Central Plant Protection Service on inspection results by 28 February each year.

2. If an outbreak is detected in an area, regional Plant Protection Services shall, at the same time as notification is given to the Central Plant Protection Service pursuant to subparagraph 1 of this paragraph, designate the area as focus area or infected area, as referred to in articles 4 and 5.

Art. 3

## Outreach Initiatives

1. Regional Plant Protection Services shall promote outreach initiatives to disseminate information on the disease, its symptoms and damage as well as on strategies to be adopted and control measures available.

Art. 4

## Phytosanitary measures in the focus area

1. Within the area designated as a «focus» area, extending for at least 0.5Km radius, where APP has been officially reported and its eradication is deemed technically feasible, owners/growers shall promptly uproot any plants exhibiting suspicious symptoms of Apple proliferation phytoplasma without any need for confirmatory testing.

2. Within the same areas, the relevant regional Plant Protection Service may adopt additional phytosanitary measures to eradicate the disease or control its spread, including the mandatory uprooting of the whole infected plot, the establishment of a restricted area or bans on nursery activities.

3. Regional Plant Protection Services shall consider the focus area as eradicated after three consecutive years of confirmed absence of symptoms.

# TRADUZIONE DI CORTESIA A CURA DI CIVI-ITALIA

## Art. 5

### Phytosanitary measures in infected areas

1. If eradication measures prove to be ineffective, the focus area shall be redesignated as an «infected area» by the relevant regional Plant Protection Service.
2. The relevant regional Plant Protection Service shall prescribe containment measures in infected areas.
3. In the event of abandoned fruit orchards, which have not been subject to any agricultural nor plant protection practice in the previous two years, where presence of Apple proliferation phytoplasma has been officially confirmed, located within the infected area, the relevant regional Plant Protection Service may adopt mandatory phytosanitary measures, including the uprooting of the whole infected plot or the ban on nursery activities.

## Art. 6

### Mandatory measures for nurseries

1. Producers of apple propagation material shall ensure absence of insect vectors of genus *Cacopsylla* or of any other vectors in mother blocks, by means of specific measures to be adopted as per instructions given by the relevant regional Plant Protection Service. Similar actions shall be taken in the nurseries located in areas where the disease is present or as prescribed by the relevant regional Plant Protection Service.
2. The relevant regional Plant Protection Service may prescribe laboratory testing for mother blocks and nurseries, on a yearly basis, to detect the presence of Apple proliferation phytoplasma.
3. In mother blocks and nurseries where Apple proliferation phytoplasma has been detected, mandatory removal of infected plants and restrictions on the use of propagation material shall be imposed until subsequent analyses prescribed by the relevant Plant Protection Service confirm absence of the disease in the following three consecutive years.

## Art. 7

### Financial measures

1. Any mandatory measures arising from the application of this decree shall be on the owner/grower's responsibility and at their own expense.
2. In order to prevent significant economic damage to an agricultural area, regions may grant aids to fruit growers and nursery owners for losses resulting from actions taken under this provision.

## Art. 8

### Non-compliance

1. Without prejudice to the application of Article 500 of the Criminal Code, regions shall be entitled to establish administrative sanctions for failure to comply with the provisions herein set forth.

Rome, 23 february 2006

*MINISTRO ALEMANN*O