

# TRADUZIONE DI CORTESIA A CURA DI CIVI-ITALIA

DECREE of 30 October 2007 on provisional emergency measures to prevent the spread within the Italian territory of the Asian gall wasp, *Dryocosmus kuriphilus Yasumatsu*.  
Transposition of Commission Decision 2006/464/EC

## THE MINISTER OF AGRICULTURE 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, 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;

Having regard to the Ministerial Decree of 23 February 2006, on mandatory control measures against the Asian gall wasp, *Dryocosmus kuriphilus Yasumatsu*;

Having regard to Commission Decision 2006/464/EC of 27 June 2006 on provisional emergency measures to prevent the introduction into and the spread within the Community of *Dryocosmus kuriphilus Yasumatsu*;

Given the need to transpose Commission Decision 2006/464/EC, pursuant to art.57 of the foresaid Legislative Decree No 214;

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 7 and 8 May 2007;

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 18 October 2007;

### Orders:

#### Art. 1

##### General purpose

1. This Decree is intended to prevent the introduction and spread into the Italian territory of *Dryocosmus kuriphilus Yasumatsu*, hereinafter referred to as «the organism».

#### Art. 2

##### Definition

1. In this Decree, «plants» shall mean plants or parts of plants of the genus *Castanea* Mill., intended for planting, other than fruit and seeds.

#### Art. 3

##### Bans

1. The introduction, movement or possession of live specimens, at any stage of development of the organism and plants infested by the same shall be prohibited across the Italian territory.

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2. Any movement of plants out of or within demarcated areas referred to in articles 8 and 9 of this decree shall be prohibited

### Art. 4

#### Import of plants

1. Without prejudice to the provisions set out in Annex III, part A, section II and in Annex IV, part A, section. I, points (11.1), (11.2), (33), (36.1), (39) and (40) of Legislative Decree No 214/2005, plants originating in Third Countries may be introduced in Italy provided that:

a) they are accompanied by a certificate, as referred to in art. 36, subparagraph 1, letter d) of Legislative Decree No 214/2005, stating under the rubric « Additional declaration »:

that the plants have been grown throughout their life cycle in countries where the organism is not reported, or

that the plants have been grown throughout their life cycle in areas designated as pest-free by the National Plant Protection Service, in accordance with relevant International Standards for Phytosanitary Measures, and the area identified as pest-free under the rubric 'Country of origin'.

b) they have, upon their entry in the Community, been inspected for the presence of the organism and found free from it pursuant to art. 36 of Legislative Decree No 214/2005.

### Art. 5

#### Production and movement of plants within the national territory

1. Plants shall be subject to phytosanitary control at the level of production and prior to movement, pursuant to articles 11-18 of Legislative Decree No 214/2005.

2. Before any plant and propagation material is offered for sale, nurserymen and traders shall notify any such movement and the identification details of purchasers to the responsible regional body of the place of production and of the place of destination, as per Legislative Decree No 214 of 19 August 2005.

3. Plants originating in the Community or imported into the Community, including the ones intended for use by non professional end-users, pursuant to art. 4 of this Decree, may only be moved from their place of production if they are accompanied by a plant passport in accordance with the provisions of Legislative Decree No 214/2005.

### Art. 6

#### Special provisions

1. Without prejudice to the provisions of point 7 of Annex IV, part A, section II of Legislative Decree No 214/2005, the plant passport referred to in the previous article may solely accompany plants which:

a) have been grown throughout their life cycle or since their introduction in the Community in places of production in a Member State where the organism is not known to occur, or;

b) have been grown throughout their life cycle or since their introduction in the Community in places of production which the entrusted regional body selected pursuant to Legislative Decree No 214 of 19 August 2005, has recognised as pest-free, in accordance with relevant International Standards for Phytosanitary Measures, and of which has notified the Central Plant Protection Service.

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## Art. 7

### Surveys and notifications

1. The regional bodies referred to in Legislative Decree No 214/2005, shall conduct official annual surveys for the presence of the organism in the territories falling under their responsibility, in conjunction with the State Forestry Corp (Corpo forestale dello Stato) or regional forestry services. The results of these surveys shall be notified to the Central Plant Protection Service by 30 October of each year.
2. Any confirmed presence of the organism in previously pest-free areas shall immediately be notified to the Central Plant Protection Service by the regional body referred to in Legislative Decree No 214/2005.
3. Any suspected occurrence or confirmed presence of the organism shall immediately be notified to the relevant regional body referred to in Legislative Decree No 214/2005, pursuant to article 8 of the aforesaid Decree.

## Art. 8

### Establishment of demarcated areas

1. When the presence of the organism is confirmed in an area, the regional bodies referred to in Legislative Decree No 214/2005 shall define demarcated areas and prescribe that official measures be taken, pursuant to art. 50, subparagraph 1, letter i) of Legislative Decree No 214/2005.
2. The establishment of demarcated areas shall immediately be notified to the Central Plant Protection Service, by providing suitable scale maps, and the nature of measures taken to either eradicate or contain the organism.

## Art. 9

### Demarcated areas

1. Demarcated areas referred to in the previous article shall consist of:
  - a) a focus area, within which eradication of the organism is deemed still feasible, consisting of the infested area where the presence of the organism has been confirmed and which includes all plants showing symptoms caused by the organism, and, where appropriate, all plants belonging to the same lot at the time of planting, plus a buffer zone with a boundary at least 15 km beyond the boundary of the infested area;
  - b) an infected area, within which eradication is deemed ineffective given the spread of the organism, consisting of the infested area where the presence of the organism has been confirmed and which includes all plants showing symptoms caused by the organism, and, where appropriate, all plants belonging to the same lot at the time of planting, plus a buffer zone with a boundary at least 15 km beyond the boundary of the infested area.
2. In cases where several buffer areas overlap or are geographically close, a wider demarcated area shall be defined which includes the relevant demarcated areas and the areas between them.
3. If, based on the annual surveys referred to in Article 7, the organism is not detected in any of the focus areas, where eradication measures have been taken, for a period of three years, these areas shall cease to exist and the envisioned measures shall no longer be applied.

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## Art. 10

### Measures in demarcated areas

1. Official measures to be taken in the demarcated areas, shall include at least:

a) in focus areas:

any movement of plants out of or within such areas shall be prohibited, pursuant to art. 3, subparagraph 2 of this Decree;

appropriate measures shall be taken to eradicate the harmful organism, such as destruction of infested plants, of plants showing symptoms and, where appropriate, of plants belonging to the same lot at the time of planting and close inspections to detect the organism during the period of potential presence of the inhabited galls;

b) in infected areas:

any movement of plants out of or within such areas shall be prohibited, pursuant to art. 3, subparagraph 2 of this Decree.

## Art. 11

### Notifications to the Commission and to the other Member States

1. The Central Plant Protection Service shall notify to the Commission and to the other Member States:

a) the results of official annual surveys, pursuant to art. 7, by 31 December of each year;

b) any confirmed presence of the organism in previously pest-free areas, pursuant to art. 16 Of Directive 2000/29 EC, upon receiving the relevant communication by the relevant regional body referred to in Legislative Decree No 214 of 19 August 2005;

c) the establishment of demarcated areas, by providing suitable scale maps, and the nature of measures taken to either eradicate or contain the organism, upon receiving the relevant communication by the relevant regional body referred to in Legislative Decree No 214 of 19 August 2005.

## Art. 12

### Authorisations

1. The Central Plant Protection Service may authorise the introduction, movement or possession of live specimens, at any stage of development of the organism and plants infested by the same, for trial or scientific purposes and for work on varietal selections, pursuant to articles 45, 46 and 47 of Legislative Decree No 214/2005.

2. In accordance with International Standards for Phytosanitary Measures, the regional bodies referred to in Legislative Decree No 214/2005 may authorise movement of plants produced in demarcated areas falling under their responsibility and adopt specific suitable provisions endorsed by the National Phytosanitary Committee, pursuant to art. 52 of the aforesaid Legislative Decree.

3. Based on the results of a specific assessment of the phytosanitary risk, the regional bodies referred to in Legislative Decree No 214/2005 may authorise movement of plants within the areas referred to in art. 9, subparagraph 1, letter b), falling under their responsibility.

4. From 1<sup>st</sup> November to 30<sup>th</sup> April of the following year, plants produced in accordance with art. 6 of this Decree may be provisionally introduced in the demarcated areas for storage and packaging purposes, following specific authorisation by the relevant regional body referred to in

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Legislative Decree No 214/2005.

## Art. 13

### 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 damage to the economy, the environment and the landscape, regions may grant aids in connection with the implementation of this Decree.

## Art. 14

### Sanctions

1. Without prejudice to the application of Article 500 of the Criminal Code, failure to comply with the phytosanitary measures prescribed by the regional bodies referred to in Legislative Decree No 214/2005 shall, shall be punishable by administrative penalties, pursuant to art. 54 of the aforesaid Decree.

## Art. 15

### Repeal

1. The Ministerial Decree of 23 February 2006 on provisional emergency measures to prevent the spread within the Italian territory of the Asian gall wasp, *Dryocosmus kuriphilus Yasumatsu* shall be repealed.
2. Any other provision in contrast with this Decree shall hereby be repealed.

This decree shall be sent to the Court of Auditors for registration and shall be published in the Italian Official Journal.

Rome, 30 October 2007

*MINISTRO De Castro*

Registered at the Court of Auditors on 5 December 2007

Supervisory Body of the Italian Ministry of Productive Activities, Reg. N. 4 Page N. 218