

THE MINISTRY OF AGRICULTURE, FOOD AND FORESTRY
DECREE OF 28 JULY 2009

Mandatory control of Plum Pox Virus (PPV), causal agent of Sharka

THE MINISTER OF AGRICULTURE, FOOD AND FORESTRY

Having regard to the Ministerial Decree of 29 November 1996 on mandatory control of PPV (Sharka);

Having regard to Presidential Decree No 697 of 21 December 1996, implementing Directive 92/34/EEC on the marketing of fruit plant propagating material and fruit plants intended for fruit production;

Having regard to Council Directive 2000/29/EC 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: implementing Council 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 14 April 1997, on technical protocol for the marketing of fruit plant propagating material and fruit plants intended for fruit production;

Having regard to the Ministerial Decree of 24 July 2003 on the organisation of the national service for voluntary certification of fruit plant propagating material;

Having regard to the Ministerial Decree of 4 May 2006 on general provisions for the production of propagating material of fruit plants and shrubs as well as for agamically-propagated herbaceous species;

Having regard to the Ministerial Decree of 20 November 2006 on Technical Protocol for the Production of Certified Plant Propagating Material of Stone Fruits »;

Whereas Plum Pox Virus (PPV), the causal agent of Sharka is endemic in some areas and plant protection measures need to be put in place to prevent its spread to disease-free areas;

Whereas it is necessary to impose more stringent requirements on the production of propagating material to ensure that the same is not PPV infected;

Whereas economic viability of stone fruit orchards may be guaranteed by the use of certified PPV-free material, constant surveillance and destruction of infected plants and the use of tolerant or resistant varieties;

Whereas it is necessary to amend the aforesaid Ministerial Decree of 29 November 1996, so as to take into account the most recent scientific knowledge and the different phytosanitary status of PPV virus across the Italian territory;

Having obtained the opinion of the National Phytosanitary Committee, pursuant to art. 52 of Legislative Decree No 214/2005, article 49(2)(d), as expressed in the session held on 19 January 2009;

Having received the favourable opinion of the Standing Conference for Relations with the State, Regions and the Autonomous Provinces of Trento and Bolzano as expressed in the session held on 29 April 2009, pursuant to article 2(3) of Legislative Decree No 281 of 28 August 1997;

Orders:

Art. 1

General Purpose

1. Control of Sharka disease caused by Plum Pox virus (PPV) shall be mandatory across the Italian territory.
2. The National Plant Protection Service shall take actions to prevent the spread of the disease within the Italian territory.
3. The Regional Plant Protection Services shall implement control measures and regulate the production of plant propagating material based on the phytosanitary status of the territory and under the conditions laid down in this Decree.

Art. 2

Definitions

1. For the purpose of this Decree, the following definitions shall apply:
 - a) «susceptible stone fruit plants»: apricot, cherry, peach, plum, stone fruit rootstocks and PPV-susceptible species intended for ornamental purposes;
 - b) « PPV-free area »: an area in which PPV has not been reported or has been officially eradicated;
 - c) «infested area»: a field or nursery in which the presence of PPV has been officially confirmed by laboratory testing;
 - d) «infected area»: a territory in which PPV is established and has spread to such an extent to make eradication unlikely;
 - e) «buffer zone»: at least 1km large, separating a PPV-free area from an infested area or a PPV-free area from an infected area;
 - f) «PPV-free place of production»: a place of production in which PPV does not occur, as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained;
 - g) «PPV-free production site»: any premise of a place of production, operated as a separate PPV-free unit;
 - h) «field»: a plot of land with defined boundaries within a place of production on which a specified commodity is grown;
 - i) «self-production»: plant production, also by grafting, and propagating material to be used on the farm and not intended for sale.

Art. 3

Official surveys

1. Regional Plant Protection Services shall conduct official annual surveys for the presence of PPV infections on susceptible plants and fruits in order to define the phytosanitary status of the territory.
2. Surveys shall consist of visual inspections of host plants and fruits for the detection of

symptoms of PPV and laboratory testing, as appropriate.

3. The Central Plant Protection Service shall establish the technical standards to conduct surveys, sampling and testing, pursuant to art. 49(2)(c) of Legislative Decree No 214/2005.

4. Regional Plant Protection Services may avail themselves of External laboratories, provided they comply with the technical protocol, pursuant to subparagraph 3 of this article.

Art. 4

Definition of the phytosanitary status of the territory

1. The Regional Plant Protection Services shall define the phytosanitary status of the territory with respect to PPV and delimit areas, in accordance with the definitions laid down in article 2 and FAO International Standards.

2. The Regional Plant Protection Services shall notify the phytosanitary status of the relevant territory to the Central Plant Protection Service, by 31 December of each year, based on the results of official annual surveys, and provide suitable scale maps of demarcated areas, pursuant to subparagraph 1, so as to document the spread of PPV across the national territory and comply with international information sharing requirements.

3. The Regional Plant Protection Services shall widely disseminate information in the appropriate forms, subject to the limitations laid down in subparagraph 1.

Art. 5

Phytosanitary measures in PPV-free areas

1. In PPV-free areas, official annual surveys, provided for in article 3, shall be conducted as a priority in mother blocks, collection blocks, nurseries and newly established orchards.

2. In the event PPV infections are detected and confirmed by laboratory testing, the relevant Plant Protection Service shall identify the infested area, demarcate the buffer zone and take the phytosanitary measures provided for in article 6.

Art. 6

Phytosanitary measures in infested areas

1. Any host plant showing suspect symptoms of PPV in infested areas shall be grubbed up without any need for confirmatory testing. Diseased plants for which grubbing up has been prescribed shall be cut back or dried out to prevent development of sucker shoots, within 15 days of notice, and removed by the beginning of the following growing season.

2. The aforesaid measures shall be on the owner/grower's responsibility and at their own expense and shall be officially verified by the relevant regional Plant Protection Service. If the owner/grower fails to comply with the provisions, in addition to the penalties laid down in article 17 and, after warning to abide has been disregarded, an enforcement notice may be issued by the regional Plant Protection Service and enforcement fees charged to the defaulting party.

3. The regional Plant Protection Service shall prescribe that the entire orchard be removed if 10% or more of the trees are found to be infected with PPV. For prevention purposes, this measure may apply to areas with lower PPV incidence.

4. Collection of propagating material from PPV-susceptible *Prunus* plants shall be prohibited in infested areas.

5. An infested area shall be considered successfully eradicated if no symptoms of disease caused by Plum Pox Virus have been observed on plants for three consecutive growing cycles during official inspections, or all susceptible stone fruit plants have been removed in the infested area and the surrounding buffer zone.

6. After three consecutive growing cycles, an infested area may be designated as an infected area when disease eradication is deemed ineffective, given the spread of the harmful organism.

Art. 7

Phytosanitary measures in infected areas

1. Regional Plant Protection Services shall officially establish the boundaries of infected areas, which may be modified according to the results of surveys conducted in PPV-free areas, infested areas and buffer zones, pursuant to art. 3.

2. Appropriate information and guidance shall be provided to fruit growers in infected areas to promote voluntary control schemes and the use of tolerant and resistant varieties.

3. Collection of propagating material from PPV-susceptible *Prunus* plants shall be prohibited in infected areas, except as provided in article 9(3).

Art. 8

Phytosanitary measures in buffer zones

1. A buffer zone of at least 1km shall be established around an infected area or an infested area.

2. Regional Plant Protection Services shall conduct official annual surveys in the buffer zone for the presence of PPV. Any suspected occurrence of PPV symptoms on host plants shall entail sampling and laboratory testing. When the presence of the organism is confirmed, an infected area shall be established and measures provided for in article 6 shall apply.

3. No PPV-susceptible nursery stock production shall be permitted in the buffer zone, except as provided in article 9(3) and article 12.

Art. 9

Regulation relating to stone fruit nurseries

1. Nursery production of *Prunus* plants and propagating material shall solely be authorised in PPV-free areas, except as provided in the following paragraphs 3 and 4.

2. Newly planted nursery stocks in PPV-free areas shall be established within a minimum distance of 300m from susceptible stone fruit plants. This distance may be reduced to 20m, as enforced by the regional Plant Protection Service, if PPV absence in the area has been confirmed by a specific inspection prescribed by the same authority and conducted at the grower's expense on all susceptible *Prunus* plants within a 300m radius.

3. Regional Plant Protection Services may authorise plant nursery operations and mother stock growing within infected areas and buffer zones, in accordance with the FAO ISPM No 10, provided that operations are performed in aphid-proof «screenhouses» and in the absence of *Prunus* plants within a 100m radius. This distance may be reduced to 20m, as enforced by the regional Plant Protection Service, if PPV absence in the area has been confirmed by a specific inspection prescribed by the same authority and conducted at the grower's expense on all susceptible *Prunus* plants within a 100m radius.

4. With respect to the production of local varieties, the regional Plant Protection Service may, under

official surveillance, authorise self-production, plant nursery operations and mother stock growing, within infested areas and buffer zones, provided that plants and propagating material are to be used solely in the same production area.

Art. 10

Sources of propagating material

1. Certified material or seedling rootstocks shall be used for nursery production of stone fruit plants, pursuant to Ministerial Decree of 20 November 2006, except as provided in the following 2.
2. When the material referred to in paragraph 1 is not used, the following prescriptions shall apply:
 - a) before any selected plant propagation material is offered for sale, breeders of new stone fruit varieties shall check mother stocks and notify laboratory testing results to the relevant Plant Protection Services, in accordance with the technical protocol issued by the Central Plant Protection Service, pursuant to article 49(2)(c) of Legislative Decree No 214/2005;
 - b) without prejudice to article 9(3 and 4), material shall be derived from mother stocks grown in PPV-free areas, notified to the regional Plant Protection Service, individually marked and visually inspected and tested on the nurseryman's responsibility and at their expense, in accordance with the technical protocol issued by the Central Plant Protection Service, pursuant to article 49(2)(c) of Legislative Decree No 214/2005; the nurseryman shall preliminarily notify the results of laboratory testing and the amount of propagation material to be derived from each marked mother stock to the relevant regional Plant Protection Service;
 - c) if PPV infection is found in mother plants, an infested area shall be established and plants derived from infected mother stock shall be destroyed;
 - d) nurserymen and growers who use propagation material originating from third Countries shall notify the relevant regional Plant Protection Service;
3. Self-production shall solely be permitted if certified propagation material is used, pursuant to Ministerial Decree of 20 November 2006, except as provided in article 9(4).

Art. 11

Measures applying to PPV infection in the nursery

1. If PPV infection is found in a plant nursery, all plants belonging to the same lot shall be destroyed. As to the remaining stone fruit propagating material in the nursery, the EC plant passport shall be suspended until eradication is declared, pursuant to article 6(5).
2. Pursuant to article 15 of Legislative Decree No 214/2005, movement or trade of the remaining nursery plants may be licenced to PPV-infected areas by regional Plant Protection Services, after a pest risk assessment for phytosanitary purposes has been conducted, provided that plants are solely used in such areas and asymptomatic samples officially collected by the regional Plant Protection Service, in accordance with the technical protocol issued by the Central Plant Protection Service, pursuant to article 49(2)(c) of Legislative Decree No 214/2005, have tested negative.

Art. 12

Measures applying to pre-existing nurseries falling within a buffer zone

1. If a previously established nursery falls within the buffer zone of an infested area, the EC plant passport shall be suspended for all nursery plants and propagating material until eradication is declared.
2. In derogation from the previous subparagraph and pursuant to article 15 of Legislative Decree

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No 214/2005, movement or trade of plants may be licenced by regional Plant Protection Services to PPV-infected areas or areas authorised by the relevant plant Protection Services of the place of destination and border, after a pest-risk assessment for phytosanitary purposes has been conducted, provided that:

- a) no infected plant has been found in the production nursery, nor within a 300m radius and asymptomatic samples officially collected by the regional Plant Protection Service, in accordance with the technical protocol issued by the Central Plant Protection Service, pursuant to article 49(2)(c) of Legislative Decree No 214/2005, have tested negative; or
- b) stone fruit plants have been grown in aphid-proof «screenhouses».

Art. 13

Information sharing and notification of suspected occurrence

1. Regional Authorities shall, via regional Plant Protection Services, keep nurserymen, fruit-growers and fruit and vegetables traders informed about:

- a) disease symptoms and virus danger;
- b) phytosanitary status of the territory and limitations imposed, pursuant to article 3;
- c) mandatory control provisions and prophylaxis applicable to each area, pursuant to this Decree;
- d) production of stone fruit plants and propagating material and limitations which may be imposed to nursery operations, pursuant to this Decree.

2. Any suspected occurrence of PPV outside an infected area shall be notified to the relevant regional Plant Protection Service, which shall arrange for visual inspections and virological tests to be conducted.

3. Trading and processing businesses, which purchase stone fruits shall report to the relevant regional Plant Protection Service any consignment of fruits showing PPV symptoms and provide copy of commercial documents thereof.

4. Fruit and vegetables quality certifying bodies shall report to

the relevant regional Plant Protection Service any consignment of fruits showing PPV symptoms and provide copy of commercial documents thereof.

5. Regional Plant Protection Services shall notify without delay the occurrence of a PPV infection in a PPV-free area to:

- the Central Plant Protection Service;
- Regional Plant Protection Services;
- nurserymen, fruit-growers and fruit and vegetables traders in the relevant territory.

6. Public and private laboratories, including research laboratories, which confirm the occurrence of a PPV infection shall promptly notify the relevant regional Plant Protection Service.

Art. 14

Provisional measures

1. Nursery plant material, which was under production at the time of the entry into force of this Decree, may be marketed within two years, in accordance with previous provisions and subject to approval by the regional Plant Protection Service.

Art. 15

Holding of infected plants

1. Pursuant to Directive 2008/61/EC, the Central Plant Protection Service may, after consulting the relevant local Plant Protection Service and as prescribed in title X of Legislative Decree 214/2005, authorise the introduction, movement and holding of PPV-infected plants for trial or scientific purposes and for work on varietal selections.

Art. 16

Aid schemes for grubbing up and crop substitution

1. In order to prevent significant damage to the economy of an agricultural area, regions may set up aid schemes to compensate fruit growers and nurseries for removed acreage, as a result of a PPV infection.

Art. 17

Penalties

1. Failure to comply with the provisions contained in this Decree shall be punishable by administrative penalties, pursuant to article 54 of Legislative Decree 214/2005.

Art. 18

Final provisions

1. The Ministerial Decree of 29 November 1996 on «on mandatory control of PPV (Sharka)» shall be repealed.

2. 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, 28 July 2009

IL MINISTRO *ZAIA*

Registered at the Court of Auditors on 7 September 2009.

Supervisory Body of the Italian Ministry of Productive Activities, Reg. No. 3, Page No. 174.