

DECREE of 26 September 2014.

Emergency measures for the prevention, control and eradication of *Xylella fastidiosa* (Well and Raju) within the territory of the Italian Republic.

THE MINISTER OF AGRICULTURAL, FOOD AND FORESTRY POLICY,

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

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

Having regard to Commission Implementing Decision 2014/497/EU of 23 July 2014 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Well and Raju),

Having regard to the Ministerial Decree of 12 September 2014 setting up a technical-scientific committee with the task of further examining aspects related to the management of the plant health emergency caused by *Xylella fastidiosa*,

Having regard to the note of 15 October 2013 of the Plant Health Service of the Apulia Region on the report of *Xylella fastidiosa* in Salento,

Having regard to Decision No 2023 of 29 October 2013 of the Apulia Regional Council on 'Emergency measures for the prevention, control and eradication of the quarantine bacterium *Xylella fastidiosa*, associated with rapid desiccation of olive trees',

Having regard to the note of 21 July 2014 and subsequent notes of the Plant Health Service of the Apulia Region concerning the rapid expansion of areas infested with the bacterium in the territory of the province of Lecce, large areas of which can therefore be considered infested, and the recent identification of new susceptible plant species,

Having regard to Decision No 1842 of 5 September 2014 of the Apulia Regional Council on 'Request for a declaration of a state of extraordinary plant health emergency following the adoption of specific rules for the eradication and containment of *Xylella fastidiosa* infection and the obligations arising therefrom',

Whereas the areas demarcated by the Plant Health Service of the Apulia Region are now to be considered as geographically obsolete in view of the fact that olive trees already infected for some time but which were previously asymptomatic are now likely to display symptoms,

In view of the need to implement Commission Implementing Decision 2014/497/EU and to indicate the intervention measures for any new infected areas and define the specific intervention measures for the infected area in the province of Lecce,

In view of the need to carry out a specific investigation across the national territory to check for any further outbreaks of the bacterial disease,

In view of the observations and proposals of the technical-scientific committee referred to in the Ministerial Decree of 12 September 2014,

In view of the need to redefine the measures to combat *Xylella fastidiosa* implemented by the Apulia Region, through the establishment of both a buffer zone and a plant health cordon stretching from the Ionian coast to the Adriatic coast, outside the infected area of the province of Lecce,

Having obtained a favourable opinion from the National Plant Health Committee, delivered at its session of 15 September 2014, in accordance with Article 52 of Legislative Decree No 214 of 19 August 2005,

Having obtained a favourable opinion from the Standing Committee for relations between Central Government, the regions and the autonomous provinces of Trento and of Bolzano, delivered at its meeting of 25 September 2014,

Hereby decrees:

Article 1
Objectives

1. This Decree establishes the plant health measures to prevent and contain the spread of the pest *Xylella fastidiosa*, which it is necessary to combat in the territory of the Italian Republic.

Article 2
Definitions

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

- a) 'specified plants': all plants, intended for planting, excluding seeds, of *Catharanthus* G. Don, *Nerium* L., *Olea* L., *Prunus* L., *Vinca* L., *Malva* L., *Portulaca* L., *Quercus* L., *Sorghum* L.;
- b) 'specified organism': *Xylella fastidiosa* (Well and Raju).

Article 3

Import of specified plants originating in non-EU countries in which the specified organism is known to be present

1. Specified plants originating in non-EU countries in which the specified organism is known to be present shall be introduced to the territory of the Italian Republic only if they meet the following conditions:

- a) they comply with the specific requirements for introduction referred to in Annex I, section 1;
- b) they are inspected on entry into the territory of the Italian Republic by the regional Plant Health Service as required by Annex I, section 2, to check for the specified organism;
- c) neither the specified organisms nor signs of it are found during the inspection, in accordance with Annex I, section 2.

Article 4

Investigations to check for the specified organism

1. The regional Plant Health Services shall carry out official surveys on the specified plants every year, and on *Acacia saligna*, *Polygala myrtifolia*, *Spartium junceum*, *Westringia fruticosa*, and other potential host plants to check for the specified organism in their areas of geographical responsibility, on

the basis of a specific regional monitoring plan.

2. The monitoring plan referred to in paragraph 1 shall be implemented through official investigations carried out by the regional Plant Health Service or under its official supervision, which consist of visual inspections and taking samples for the relevant analyses, at the appropriate times to detect the specified organism.

3. These investigations shall take account of the available technical and scientific data, the biology of the specified organism and its vectors, the presence and biology of the specified plants or plants likely to host the specified organism, and any other information relevant to the presence of the specified organism.

4. Samples of confirmed or potential vector insects shall also undergo testing to check whether the bacterium is present in the area. If infected vector insect samples are detected, asymptomatic plant material as referred to in paragraph 1 shall be sampled.

5. The investigations referred to in paragraph 1 shall focus on the areas considered to be most at risk of being infected by the specified organism, such as:

- a) areas in which the specified plants show signs of decline;
- b) roads planted with the specified plants as roadside trees;
- c) areas in which the specified plants are produced and traded;
- d) uncultivated land and wastelands, parks and similar areas, tourist areas.

6. The regional Plant Health Services may be assisted in carrying out the investigations provided for in the plan referred to in paragraph 1 by the State Forestry Corps, key regional agencies or other competent regional bodies, by agreement between the parties.

7. The regional Plant Health Services shall notify the Central Plant Health Service in writing of the results of the investigations referred to in paragraph 1 by 30 November of each year in the form of a report containing the following details:

- a) a description of the monitoring carried out and the criteria adopted;
- b) the number and type of sites inspected and their geographical coordinates;
- c) the number of samples analysed and their results;
- d) a map of the area monitored.

8. The Central Plant Health Service shall notify the European Commission and the other Member States of the results of these investigations by 31 December of each year.

Article 5

Information on the specified organism

1. Pursuant to Article 8(1) of Legislative Decree No 214 of 19 August 2005, anyone, including public and private bodies and any other scientific institution, with knowledge of the actual or suspected presence of the specified organism in an area or production site considered disease-free must immediately inform the competent regional Plant Health Service.

Article 6

Scientific research

1. It shall be forbidden for any person to handle or move living *Xylella fastidiosa* material or any

material infected with it.

2. The Central Plant Health Service shall authorise the holding or transfer of the material referred to in the previous paragraph pursuant to Chapter X of Legislative Decree No 214/2005.

3. Without prejudice to the provisions of paragraphs 1 and 2, scientific institutions and other stakeholders which intend to carry out investigations and experiments on the specified organism shall give advance notice to the competent regional Plant Health Service, and shall promptly notify that Service of the results prior to public disclosure.

Article 7

Confirmation of the presence of the specified organism

1. If the regional Plant Health Service is notified of the actual or suspected presence of the specified organism it shall take all the measures necessary to confirm the possible presence of the organism, on the basis of tests carried out by laboratories approved by the National Plant Health Service.

2. If the presence of the specified organism is confirmed in an area in which it was previously unreported, the regional Plant Health Service shall notify the central Plant Health Service in writing within three working days of receiving the confirmation, and the central Plant Health Service shall forward the document to the European Commission and the other Member States in the next two working days.

3. The same provision shall apply in the event of official confirmation of the specified organism on a plant species not previously identified as a host plant.

Article 8

Information campaigns

1. The regional Plant Health Services shall ensure that the dangers of the specified organism, awareness of the symptoms and control and prevention techniques are disseminated as widely as possible so that professionals and citizens are informed of the risks and measures to take in the event of infection by the specified organism.

2. If the presence of the specified organism is confirmed, the regional Plant Health Services responsible for the area shall prepare training plans to train the individuals required to implement the technical measures provided by this Decree.

3. The National Plant Health Committee shall draft further communications providing information on the *Xylella fastidiosa* emergency.

Article 9

Demarcated areas

1. If the presence of the specified organism is confirmed in accordance with paragraph 1 of Article 7, the regional Plant Health Service shall officially establish an area hereinafter referred to as a 'demarcated area'.

2. Demarcated areas shall comprise the area in which the specified organism was found, hereinafter referred to as 'infected area', defined in accordance with Annex III, section 1, and a surrounding area,

hereinafter referred to as 'buffer zone', defined in accordance with Annex III, section 1.

3. In demarcated areas the regional Plant Health Services shall adopt, in addition to the measures set out in Annex III, section 2, further measures such as:

a) agronomic and plant health practices established on the basis of the different local soil and climate conditions in order to ensure greater control of the spread of infection and of confirmed or potential vector insects.

4. By way of derogation from paragraph 1, a regional Plant Health Service may decide not to immediately establish a demarcated area, if all the following conditions are met:

- a) there is evidence that the specified organism was introduced recently to the area together with the plants on which it was found;
- b) there is reason to believe that these plants were infested before they were introduced to the area in question;
- c) no relevant confirmed or potential vectors were found in the vicinity of these plants, and therefore the specified organism has not spread further.

5. In this case, the regional Plant Health Service shall carry out a survey to check whether plants other than those on which the specified organism was initially found have been infested. The regional Plant Health Service shall decide whether it is necessary to establish a demarcated area on the basis of this survey. The regional Plant Health Service shall notify the central Plant Health Service, which shall in turn notify the Commission and the other Member States, of the results of such surveys and the reasons for not establishing a demarcated area.

Article 10

Demarcated area of the province of Lecce

1. Within fifteen days of the publication of this Decree, the Plant Health Service of the Apulia Region shall officially notify the changes to the demarcated area of the province of Lecce, identifying the boundaries of the infected area and corresponding buffer zone with geo-referenced points.

2. The buffer zone shall be a band with a width of at least 2 km across the Salento peninsular from the Adriatic to the Ionian coast.

3. In order to build another safety barrier to combat the territorial spread of the specified organism, the Plant Health Service of the Apulia Region shall establish a plant health cordon to the north of the buffer zone and at an appropriate distance from it, with a width of at least 2 km across the Salento peninsular from the Adriatic to the Ionian coast.

4. The Plant Health Service of the Apulia Region shall apply the measures referred to in section 2 of Annex III in the buffer zone.

5. Without prejudice to the provisions of paragraph 4, the Plant Health Service of the Apulia Region shall implement the following actions within the buffer zone and plant health cordon:

- a) insecticide treatment to control confirmed or potential vector insect populations;
- b) agronomic measures against juvenile stages of vectors and control of weeds;
- c) removal of all host plants along roadsides, on traffic islands, in ditches, canals, green areas, etc.;
- d) intensive monitoring of host plants to check for the specified organism at the most appropriate time.

6. By way of derogation from paragraph 3 of Article 9, in the infected area of the province of Lecce referred to in paragraph 1, the Plant Health Service of the Apulia Region shall adopt all plant health measures deemed appropriate in order to contain the specified organism and destroy vector populations.
7. Within the 1 km band of the infected area adjacent to the buffer zone the measures shall include:
- a) insecticide treatment to control confirmed or potential vector insect populations;
 - b) agronomic measures against juvenile stages of vectors and control of weeds;
 - c) removal of all host plants along roadsides, on traffic islands, in ditches, canals, green areas, etc.;
 - d) intensive monitoring to check for the specified organism through the sampling of all productive host plants;
 - e) removal of all infected plants or plants considered to be infected on the basis of visual inspections which show symptoms attributable to *Xylella fastidiosa* without laboratory testing.
8. The Plant Health Service of the Apulia Region shall verify that the measures referred to in this Article are implemented by and at the expense of the owners or tenants of any affected holdings and shall intervene directly or through the relevant regional agency or State Forestry Corps, in accordance with their competences, in the event of non-compliance.
9. Further mandatory plant health measures to be implemented in the infected area of the province of Lecce shall be adopted by subsequent decision of the Ministry of Agricultural, Food and Forestry Policy, in response to proposals by the National Plant Health Committee.
10. The provisions of Article 36(4)(a) of Regulation (EC) No 889/2008 shall apply to organic farms falling within the areas covered by this Article.

Article 11

Movement of specified plants within the Union

1. The movement of any material from specified plants and *Acacia saligna*, *Polygala myrtifolia*, *Spartium junceum*, *Westringia fruticosa* outside or within the demarcated areas, with the exception of pollen and fruits, shall be prohibited.
2. The central Plant Health Service may authorise the movement of such material pursuant to Chapter X of of Legislative Decree No 214/2005.
3. The regional Plant Health Services may authorise the movement under official supervision to different parts of or within demarcated areas of specified plants and *Acacia saligna*, *Polygala myrtifolia*, *Spartium junceum*, *Westringia fruticosa* which have been grown at least part of their life cycle in a demarcated area established pursuant to Article 9 or which have been moved through one of these areas, only if these plants meet the conditions set out in Annex II.
4. For the purposes of issuing the authorisation referred to in paragraph 3, affected nurseries shall apply to the regional Plant Health Service responsible for the area for authorisation to use the plant passport and to check the conditions set out in Annex II. The regional Plant Health Services shall forward the list of authorised nurseries to the central Plant Health Service within ten days of issuing the authorisation.

Article 12

Compliance with provisions

1. The regional Plant Health Services may be assisted in verifying compliance with the provisions of this Decree by the State Forestry Corps and the Central Inspectorate for Quality Controls and Fraud Prevention for Agri-food Products (ICQRF).
2. The checks referred to in paragraph 1 include:
 - a) ensuring that plant material from specified plants and *Acacia saligna*, *Polygala myrtifolia*, *Spartium junceum*, *Westringia fruticosa* are not moved outside demarcated areas, in accordance with paragraph 1 of Article 11, by any means or for any purpose;
 - b) ensuring that producers and traders of specified plants and *Acacia saligna*, *Polygala myrtifolia*, *Spartium junceum*, *Westringia fruticosa* are in possession of the authorisation referred to in paragraph 3 of Article 11;
 - c) ensuring that specified plants and *Acacia saligna*, *Polygala myrtifolia*, *Spartium junceum*, *Westringia fruticosa* are accompanied by the appropriate plant passport as referred to in paragraph 1 of Annex II.

Article 13

Reporting on measures

1. The regional Plant Health Services shall send a report on the measures they have implemented or intend to implement in accordance with paragraph 3 of Article 9 to the central Plant Health Service within twenty days of the notification referred to in paragraph 2 of Article 7.
2. The central Plant Health Service shall send this information to the European Commission and the other Member States within ten days of the notification.
3. The report shall also include the following details:
 - a) information on the location of the demarcated area and a description of features which are potentially relevant in eradicating and preventing the spread of the specified organism;
 - b) a map showing the boundaries of the demarcated area;
 - c) information on the presence of the specified organism and its vectors;
 - d) measures to comply with the requirements relating to the movement of specified plants within the Union as referred to in Article 11.
4. The report shall describe the evidence and criteria on which the measures are based.
5. The regional Plant Health Services shall send a report that includes the updated version of the information referred to in paragraph 1 to the central Plant Health Service by 30 November of each year.
6. The central Plant Health Service shall send this information to the European Commission and the other Member States by 31 December of each year.

Article 14

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.

This Ministerial Decree shall be sent to the supervisory body for registration and shall enter into force the day following its publication in the *Official Gazette* of the Italian Republic.

Rome, 26 September 2014

The Minister: MARTINA

ANNEX I

REQUIREMENTS FOR THE IMPORT OF THE SPECIFIED PLANTS REFERRED TO IN ARTICLE 2

Section 1

STATEMENTS TO BE INCLUDED IN THE CERTIFICATE REFERRED TO IN ARTICLE 36, PARAGRAPH 1, LETTER
D) OF LEGISLATIVE DECREE NO 214/2005

1. Specified plants originating in non-EU countries in which the specified organism is known to be present shall be introduced into the Italian Republic only if accompanied by a plant health certificate as referred to in Article 36(1)(d) of Legislative Decree No 214/2005 which fulfils the conditions referred to in point 2) or 3).
2. Under the heading 'Additional statements', the plant health certificate shall include the statement that the plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation in the country of origin and situated in a pest-free area established by that organisation in accordance with relevant international standards for plant health measures.

The name of the pest-free area shall be mentioned under the rubric 'Place of origin'.

3. Under the heading 'Additional statements', the plant health certificate shall include the following statements:
 - a) the plants have been grown throughout their life in a place of production which fulfils the following conditions:
 - i) is free of the specified organism and its vectors in accordance with relevant international standards for plant health measures;
 - ii) is registered and supervised by the national plant protection organisation in the country of origin;
 - iii) is equipped with physical protection against the introduction of the specified organism through its vectors;
 - iv) is subject to appropriate preventive plant health treatments against the vectors of the specified organism;
 - v) is subjected annually to at least two official surveys carried out at appropriate times. No symptoms connected to the specified organism or its vectors were found during the previous surveys or, if suspicious symptoms were found, tests were carried out which confirmed the absence of the specified organism;
 - b) plant health treatments against the vectors of the specified organism were applied in the vicinity of the place of production;
 - c) lots of specified plants are subjected to annual testing on the basis of samples, and the asymptomatic presence of the specified organism has been excluded;
 - d) the specified plants were transported outside the flight season of known vectors of the specified organism or in sealed containers or packaging designed to prevent infection by the specified organism

or its known vectors.

e) immediately prior to export the lots of specified plants underwent a visual inspection, sampling and official testing, using a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified organism in those plants was below 1 %, specifically targeted to plants showing suspected symptoms of the specified organism.

4. Points 2) and 3) shall apply *mutatis mutandis* to specified plants grown both within and outside a pest-free area.

Section 2

INSPECTION

The specified plants shall be inspected thoroughly by the competent regional Plant Health Service at the point of entry or place of destination, established pursuant to Legislative Decree No 214 of 19 August 2005, Article 42(1-ter). The inspection takes the form of a visual inspection and, if the presence of the specified organism is suspected, sampling and testing of each lot of specified plants. The sample size shall be sufficient to confirm with 99 % reliability that the level of presence of the specified organism in those plants is below 1 %.

ANNEX II

CONDITIONS FOR THE MOVEMENT WITHIN THE UNION OF THE SPECIFIED PLANTS REFERRED TO IN ARTICLE 10

1. Specified plants which have been grown for at least part of their life in a demarcated area shall be moved to different parts of infected areas or within such areas only if accompanied by a plant passport prepared and issued in accordance with Legislative Decree No 214/2005.

2. Specified plants which have been grown for at least part of their life in a demarcated area shall be moved to different parts of infected areas or within such areas only if, in addition to the provisions of point 1, the following requirements have been complied with for the entire period spent within a demarcated area:

a) the place of production within a demarcated area in which they were grown fulfils the following conditions:

i) is free of the specified organism;

ii) is registered in accordance with the provisions of Legislative Decree No 214/2005;

iii) is equipped with physical protection against the introduction of the specified organism

through its vectors;

iv) is subject to appropriate preventive plant health treatments against the vectors of the specified organism;

v) is subjected annually to at least two official surveys carried out at appropriate times. No symptoms connected to the specified organism or its vectors were found during the previous surveys or, if suspicious symptoms were found, tests were carried out which confirmed the absence of the specified organism;

b) representative samples of each specified plant species from each place of production have been tested annually and the asymptomatic presence of the specified organism has been excluded;

c) plant health treatments against the vectors of the specified organism were applied in the vicinity of the place of production.

3. Specified plants which are moved through or within demarcated areas shall be transported outside the flight season of known vectors of the specified organism or in sealed containers or packaging designed to prevent infection by the specified organism or its known vectors.

ANNEX III

ESTABLISHMENT OF THE DEMARCATED AREAS AND MEASURES REFERRED TO IN ARTICLE 9

Section 1

ESTABLISHMENT OF DEMARCATED AREAS

1. The infected area shall include all plants identified as infected with the specified organism, all plants showing symptoms which could indicate potential infection with the specified organism and all other plants which could be infected with that organism due to their proximity to infected plants or because they come from the same place of production, if known, as the infected plants, or because they are plants obtained from infected plants.

2. The buffer zone shall be at least 2 km wide.

The width of the buffer zone may be reduced to at least 1 km if all the following conditions are fulfilled:

a) the infected plants have been removed along with all plants showing symptoms which could indicate potential infection with the specified organism and all other plants which have been identified as probably infected. The removal is carried out in such a way as to ensure that no material belonging to the removed plants remains;

b) a demarcation survey has been carried out which includes testing using a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified organism in plants located within 2 km of the boundary of the infected area is below 0.1 %.

3. The exact demarcation of the areas shall be based on sound scientific principles, the biology of the specified organism and its vectors, the level of infection, the presence of vectors and the distribution of potential host plants in the area concerned.

4. If the presence of the specified organism is confirmed outside the infected area, the delimitation of the infected area and buffer zone shall be reviewed and changed accordingly.

5. If, based on the surveys referred to in Article 4(1) and on the monitoring referred to in section 2, letter *h)* of this Annex, the specified organism is not detected in a demarcated area for a period of five years, the demarcation may be lifted.

Section 2

MEASURES TO BE TAKEN IN DEMARCATED AREAS

The regional Plant Health Service is required to adopt the following measures in demarcated areas in order to eradicate the specified organism:

- a)* removal of all plants infested with the specified organism as soon as possible, along with all plants showing symptoms which could indicate potential infection with the specified organism and all other plants which have been identified as probably infected. The removal is carried out in such a way as to ensure that no material belonging to the removed plants remains and taking all the necessary precautions to prevent the specified organism from spreading during and after removal;
- b)* sampling and testing of the specified plants, plants belonging to the same genus as the infested plants and all other plants showing symptoms of the specified organism within a 200 m radius around the infested plants, using a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified organism in such plants is below 0.1 %;
- c)* destruction on site or in a place nearby located within the demarcated area designated for this purpose, of any whole plants, parts of plants or wood that could facilitate the spread of the specified organism. Destruction shall be carried out in such a way as to prevent the spread of the specified organism;
- d)* destruction on site or in a place nearby of any plant material resulting from the pruning of specified plants and plants belonging to the same genus as the infested plants. Destruction shall be carried out in such a way as to prevent the spread of the specified organism by its vectors;
- e)* subjecting the specified plants and plants that could host vectors of the specified organism to appropriate plant health treatments to prevent such vectors from spreading the specified organism;
- f)* identification of the source of the infection and tracing of specified plants linked to the infections in question which may have been moved prior to demarcation of the demarcated area. All relevant information concerning such movements shall be notified to the relevant authorities of the destination area of such plants to ensure that the plants are examined and the appropriate measures are taken where necessary;
- g)* prohibition on planting specified plants and plants belonging to the same genus as the infested plants at sites that are not resistant to the vector;
- h)* implementation of intensive monitoring to check for the specified organism, carrying out at least annual surveys at the appropriate times and including testing, paying particular attention to the buffer zone and to specified plants and plants belonging to the same genus as the infested plants, in particular for any plant showing symptoms; The number of samples shall be indicated in the report referred to in Article 13;
- i)* raising public awareness of the threat posed by the specified organism, as well as providing information on the measures adopted to prevent its introduction and spread in the Union, including the conditions relating to the movement of specified plants from the demarcated area pursuant to Article 9;
- j)* where necessary, implementing specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication, in particular those related to the accessibility and adequate eradication of all plants that are infested or suspected to be infested, irrespective of their location, public or private ownership or the person or entity responsible for them;
- k)* adoption of any other measure that could help to eradicate the specified organism, taking into account FAO standard ISPM No 9 and applying an integrated approach in accordance with the principles of FAO standard ISPM n. 14.