

## TABLE OF CONTENTS

<b>RULES on additional measures with regard to the prevention of introduction and spread of the pinewood nematode</b> .....	2
I. GENERAL PROVISIONS.....	2
Article 1 (content) .....	2
Article 2 (definitions).....	2
Article 3 (control and authorisations).....	2
II. SPECIAL PHYTOSANITARY REQUIREMENTS WHICH SHALL BE COMPLIED WITH FOR INTRODUCTION AND MOVEMENT.....	3
Article 4 (introduction).....	3
Article 5 (movement from contaminated areas).....	4
Article 6 (movement within demarcated areas and measures).....	5
Article 7 (registration of processing plants).....	7
III. SURVEYS AND REPORTING.....	7
Article 8 (surveys).....	7
Article 9 (delimitation of areas) .....	8
Article 10 (notification).....	8
IV. FINAL PROVISION.....	9
Article 11 .....	9

On the basis of Articles 10 and 12 and the third and fourth indent of Article 73 of the Plant Health Act (Official Gazette of the RS, No. 45/01), the minister of agriculture, forestry and food hereby issues these

**RULES**  
**on additional measures with regard to the prevention of introduction and spread of the  
pinewood nematode<sup>1</sup>**

**I. GENERAL PROVISIONS**

Article 1  
(content)

These Rules shall regulate additional measures with regard to prevention of introduction and spread of the pinewood nematode, *Bursaphelenchus xylophilus* (Steiner in Buhrer) Nickle et al; special phytosanitary requirements for the introduction and movements; species of susceptible plants, wood and bark which are issued phytosanitary certificate and plant passport with a view to preventing the introduction and spread of a harmful organism; surveys for the presence of a harmful organism; and notification.

Article 2  
(definitions)

Terms used in these Rules shall have the following meaning:

- a) pinewood nematode (PWN) shall mean the harmful organism *Bursaphelenchus xylophilus* (Steiner in Buhrer) Nickle et al. from list II.A.I;
- b) susceptible wood and bark shall mean the wood, isolated bark and other plant products of conifers (Coniferales), except that of *Thuja* L.;
- c) susceptible plants shall mean plants, other than fruit and seeds, of the species: *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. and *Tsuga* Carr.;
- d) special regulated area shall mean the whole territory of the Republic of Slovenia within which the infected and pest-free areas shall be delimited, when necessary, and where in accordance with the regulations the plant health of susceptible plants and special control of the PWN shall be provided.

Article 3  
(control and authorisations)

- (1) The pinewood nematode has not been found within the territory of the Republic of Slovenia, which has been confirmed on the basis of a surveillance of the harmful organism in accordance with the regulation governing the procedure for the prevention of

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<sup>1</sup> These Rules take over the substance of the Commission Decision No. 2001/218/EC of 21 March 2001, as amended with Commission Decisions 2002/124/EC and 2003/127/EC

introduction, spread and suppression of organisms harmful to plants, plant products and regulated articles. Introduction into and spread within the Republic of Slovenia of the pinewood nematode is prohibited, if it is present on susceptible plants or plant products.

- (2) Presence of the PWN shall be determined on susceptible plants, wood and bark:
- within regular control in accordance with the regulation governing the procedures for the prevention of introduction, spread and suppression of organisms harmful to plants, plant products and regulated articles;
  - within special control in accordance with the regulation governing protected zones and carrying out of official systematic surveys in special regulated areas, including visual examinations, sampling and laboratory testing.
- (3) Interception of the PWN shall result in the Head of the Phytosanitary Administration of the Republic of Slovenia (furtheron as: the Administration) providing for, by way of a decision, demarcation of a special regulated area on the basis of the results of the control referred to in the previous paragraph, notifying thereof other performers of control, holders of plants and local community in the local manner and on the website of the Administration.
- (4) In addition to the Administration and phytosanitary inspection, health examinations of susceptible plants, wood and bark shall be carried out also by holders of public authorisations and by performers of public services in the field of plant health and forestry, which may, within the carrying out of special control, take samples of plants and plant products in accordance with the authorisation and instructions of the Head of the Administration on the taking of samples and with Article 8 of these Rules.

## II. SPECIAL PHYTOSANITARY REQUIREMENTS WHICH SHALL BE COMPLIED WITH FOR INTRODUCTION AND MOVEMENT

### Article 4 (introduction)

- (1) The Head of the Administration shall approve program for the special control of the PWN in accordance with the rules governing the carrying out of official surveys in the special regulated areas. The program shall specify species of the regulated plants and the extent of testing for the presence of the PWN in respect of a consignment of susceptible wood, bark and susceptible plants from demarcated areas. The list of contaminated areas shall be available at the Administration and on its website.
- (2) The Head of the Administration may issue a decision for adoption of further appropriate measures for the carrying out of official monitoring of consignments referred to in the previous paragraph, in order to check their compliance with the requirements laid down in Articles 5 and 6 of these Rules, and notify thereof other performers of control and holders of plants in the local manner and on the website of the Administration.

Article 5  
(movement from contaminated areas)

When moving susceptible wood and bark and susceptible plants from contaminated areas to pest free areas, the following requirements shall be met:

- (1) susceptible plants shall be accompanied by a plant passport prepared and issued in accordance with the regulation governing the conditions for registration of owners of certain plants, plant products and regulated articles for the purposes of plant health, and the conditions for issuing plant passports, after:
  - the plants have been officially inspected and found to be free from signs or symptoms of the PWN, and
  - no symptoms of the PWN have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.
- (2) Susceptible wood and isolated bark, other than wood in the form of chips, particles, wood waste or scrap obtained in whole or part from these conifers, packing cases, crates or drums, pallets, box pallets or other load boards, dunnage, spacers and bearers, but including that which has not kept its natural round surface, shall be accompanied by the plant passport referred to in point 1, after the wood or the isolated bark has undergone an appropriate heat-treatment to achieve a minimum wood-core temperature of 56 °C for 30 minutes in order to ensure freedom from live PWNs.
- (3) Susceptible wood, in the form of chips, particles, wood waste or scrap obtained in whole or part from these conifers shall be accompanied by the said plant passport after having undergone an appropriate fumigation-treatment in order to ensure freedom from live PWNs.
- (4) Susceptible wood, in the form of dunnage, spacers and bearers, including that which has not kept its natural round surface, shall:
  - be stripped of its bark,
  - be free from grub holes which are larger than 3 mm across,
  - have a moisture content expressed as a percentage of dry matter of less than 20 % achieved at time of manufacture.
- (5) Susceptible wood in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, whether or not actually in use in the transport of objects of all kinds shall undergo either an appropriate heat treatment to achieve a minimum wood-core temperature of 56 °C for 30 minutes, pressure (impregnated) treatment, or fumigation, in order to ensure freedom from live PWNs, and either display an officially approved marking of treatment in accordance with the regulation governing the phytosanitary requirements for wood packaging material in international trade, enabling the identification of where and by whom the treatment has been carried out, or be accompanied by the plant passport attesting to the measures carried out.

Article 6  
(movement within demarcated areas and measures)

Susceptible wood and bark and susceptible plants may be moved within the demarcated areas providing to meet the following requirements:

(1) Susceptible plants:

- a) grown in places of production where no symptoms of PWN have been observed, or in its immediate vicinity since the beginning of the last complete cycle of vegetation and found free from signs or symptoms of PWN during special control, shall be accompanied by the said plant passport when moved from the place of production;
- b) grown in places of production where symptoms of the PWN have been observed, or in its immediate vicinity, since the beginning of the last complete cycle of vegetation or identified as infested by the PWN, shall not be moved from the place of production and shall be destroyed by burning;
- c) grown in places, such as forests, public or private gardens, which were either identified as infested by the PWN, or showing any symptoms of poor health or situated in salvage areas, shall:
  - if identified during the period from 1 November to 1 April - be felled within that period,
  - if identified during the period from 2 April to 31 October - be felled immediately, and
  - if located in the part of demarcated areas designated as buffer zones in accordance with the provisions of Article 9, tested for the presence of PWN. If the presence is confirmed, the delimitation of the demarcated areas shall be changed accordingly.

(2) During the period from 1 November to 1 April, susceptible wood in the form of roundwood or sawnwood, with or without bark, including that which has not kept its natural round surface, obtained from trees identified as infested by PWN, or situated in salvage areas, or showing any symptoms of poor health, shall before 2 April either be:

- a) destroyed by burning under official control at appropriate places, or
- b) moved under official control to either:
  - a processing plant to be chipped and utilised within this plant, or
  - an industrial plant for use as fuel wood within this plant, or
  - a processing plant, where the wood shall either be heat treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved, or chipped and fumigated in order to ensure freedom from live PWNs.

(3) During the period from 1 November to 1 April, susceptible wood in the form of roundwood or sawnwood, with or without bark, including that which has not kept its natural round surface and has not been obtained from trees referred to in point 2 shall be officially tested for the presence of PWN and of *Monochamus* spp. If the presence is confirmed, the wood shall be subjected to the provisions referred to in point 2. If the presence is refuted, the wood may be moved under official control to a processing plant for further use as construction timber, or by way of derogation moved into pest-free areas, under official control to approved processing plants, registered under Article 7 of these Rules, where the wood or chips from such wood, within the period between 1 November and 1 April, shall either be:

- heat treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved. Further movement of this heat-treated wood is allowed when the wood is accompanied by the said plant passport, or
- chipped and fumigated in order to ensure freedom from live PWNs. Further movement of this fumigated wood is allowed when it is accompanied by the said plant passport, or
- chipped and used for industrial purposes within this plant, or
- moved under official control to a plant, where the wood shall either be heat treated in such a way that a minimum wood core temperature of 56 °C for 30 minutes has been achieved, or chipped and fumigated in order to ensure freedom from live PNWs, or chipped and used for industrial purposes.

(4) During the period from 2 April to 31 October, susceptible wood in the form of roundwood or sawnwood, with or without bark, including that which has not kept its natural round surface, obtained from trees identified as infested by PWN, or situated in salvage areas, or showing any symptoms of poor health, shall either be:

- a) immediately destroyed by burning under official control at appropriate places, or
- b) immediately stripped of bark at appropriate places outside the forest before being moved under official control to storage places where the wood is treated with an appropriate insecticide or which have appropriate and approved wet storage facilities, available at least during the above period, with a view to a further movement to an industrial plant:

- to be immediately chipped and used for industrial purposes,
- for immediate use as fuel within this plant,
- or to be immediately heat-treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved,
- or to be immediately chipped and fumigated in order to ensure freedom from live PWNs.

(5) During the period from 2 April to 31 October, susceptible wood in the form of roundwood or sawnwood, with or without bark, including that which has not kept its natural round surface, which has not been obtained from trees referred to in point 4, shall be immediately stripped of bark at the place of felling or in the immediate vicinity and either be:

- a) officially tested for the presence of PWN and of *Monochamus* spp. If the presence is confirmed the wood shall be subjected to the provisions referred to in point 4. If the presence is refuted, the wood may be moved under official control to a processing plant for further use as construction timber, or
- b) moved under official control to a plant where the wood:

- shall either be: chipped and used for industrial purposes, or
- heat-treated in such a way that a minimum wood-core temperature of 56 °C for 30 minutes has been achieved, or
- chipped and fumigated in order to ensure freedom from live PWNs.

(6) Susceptible bark shall be:

- destroyed by burning or used as fuel at an industrial processing plant, or

- heat-treated in such a way that a minimum temperature of 56 °C for 30 minutes has been achieved throughout the bark, or
  - fumigated in order to ensure freedom from live PWNs.
- (7) Susceptible wood in the form of waste produced at the time of felling, shall be burned at appropriate places under official control:
- during the period from 1 November to 1 April - within that period, or
  - during the period from 2 April to 31 October - immediately.
- (8) Susceptible wood, in the form of waste produced during wood processing, shall either be immediately burned at appropriate places under official control, used as fuel wood at the processing plant or fumigated in order to ensure freedom from live PWNs.
- (9) Susceptible wood, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, dunnage, spacers and bearers, including that which has not kept its natural round surface, shall:
- be stripped of its bark,
  - be free from grub holes which are larger than 3 mm across,
  - have a moisture content expressed as a percentage of dry matter of less than 20 % achieved at time of manufacture.

Article 7  
(registration of processing plants)

- (1) Processing plants for susceptible wood shall be liable to register with the Administration in accordance with the regulation governing phytosanitary requirements for wood packaging material in international trade.
- (2) Notwithstanding the previous paragraph, the holders engaged in treatment and processing of susceptible wood shall not be liable for entry in the register provided that the whole production is intended for his self-supply or the sale is intended for unprofessional final use.

III. SURVEYS AND REPORTING

Article 8  
(surveys)

- (1) The Administration shall provide for official annual surveys for PWN within special control on a special regulated area on susceptible wood and bark and susceptible plants, to determine the presence, borders of eventual spread or characteristics of population of PWN or to ensure control.
- (2) The Head of the Administration shall approve the program for special control of the PWN in accordance with the rules regulating carrying out of official surveys in the special

regulated areas. The program shall specify the species of regulated plants and the extent of testing for the presence of the PWN.

- (3) Surveys or special control laid down in this Article shall be carried out in accordance with the fourth paragraph of Article 3 of these Rules, by:
  - performers of forest public service in forests,
  - authorised performers of plant health, in particular in gardens, on public surfaces and in processing plants and sawmills,
  - phytosanitary inspectors, in particular on border points of entry, processing plants and sawmills,
  - authorised officials of the Administration.
- (4) Laboratory tests for PWN, blue stain fungi and insects, carriers of the PWN, shall be carried out by authorised laboratories in accordance with the regulation on technical and organisational conditions to be met by laboratories in order to carry out diagnostic examinations in the field of plant health.
- (5) Inspection of the carrying out of these Rules shall be performed by phytosanitary inspectors, or forestry inspectors for forest plants, forest nurseries and forest trees outside the forest, in accordance with the act governing plant health.
- (6) Coordination, reporting and exchange of information between bodies and performers of plant health shall be provided for by the Administration.

#### Article 9 (delimitation of areas)

- (1) In cooperation with the forest public service, which performs tasks in relation to the protection of forests, the Administration shall designate endangered areas with susceptible plants, where occurrence of the PWN would result in severe economic disadvantages.
- (2) In the event of confirmed presence of PWN in a special regulated area, the Administration shall, in accordance with the third paragraph of Article 3 of these Rules, provide for:
  - the focus of infestation, which shall be the area surrounding the point of confirmation, determined with right-angled coordinates in metres at places of known occurrence of the PWN, with the radius up to 1 km, and
  - buffer zone of 20 km surrounding that part, in which phytosanitary measures are carried out with a view to prevent spread.
- (3) List of the areas referred to in the previous paragraph shall be available at the Administration and published on its website.

#### Article 10 (notification)

- (1) The Head of the Administration may, in accordance with the act governing plant health and with these Rules, issue a decision for the adoption of the suppression plan for PWN, in the event of its occurrence within the territory of the Republic of Slovenia, and provide information thereof to other performers of control and holders of plants and plant products in the local manner and on the website of the Administration.
- (2) The Administration shall, in accordance with the act governing plant health and with international conventions and agreements, binding upon the Republic of Slovenia, provide information with regard to the results of surveys and the measures introduced against PWN, to the European Commission, Member States and international organisations in the field of plant health, each year until 15 November at the latest.

#### IV. FINAL PROVISION

##### Article 11

These Rules shall take effect fifteen days after publication in the Official Gazette of the Republic of Slovenia.

No.: 327-01-552/2003  
Ljubljana, 27 February 2003  
EVA: 2003-2311-0249

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Franc BUT  
Minister of agriculture,  
forestry and food

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AMENDMENT shall take effect on the following day after publication in the Official Gazette of the Republic of Slovenia.

Št. 327-01-552/2003-3  
Ljubljana, dne 15. septembra 2004  
EVA 2004-2311-0334

Minister of agriculture,  
forestry and food  
Dr. Milan Pogačnik

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