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On the basis of the fifth paragraph of Article 10, third paragraph of Article 12 and fourth indent of Article 73, and in connection with the first paragraph of Article 14 of the Plant Health Act (Official Gazette of the RS No 45/01), the minister of agriculture, forestry and food hereby issues these

RULES¹
on phytosanitary measures with regard to the spread of *Diabrotica virgifera* Le Conte

I. GENERAL PROVISIONS

Article 1
(content)

These Rules shall regulate phytosanitary measures with regard to the prevention of spread of *Diabrotica virgifera* Le Conte (furtheron as: the organism) in delimited zones, special control of the organism, as well as notifying and reporting for the implementation of Commission Decision 2003/766/ES of 24 October 2003 on emergency measures to prevent the spread within the Community of *Diabrotica virgifera* Le Conte (OJ L No 275 of 25 October 2003, p. 49, as amended).

Article 2
(meaning of terms)

Terms, used in these Rules, shall have the following meaning:

- **demarcated zone** shall mean an area, where the presence of the organism is determined and includes a focus zone and the appertaining safety zone. The list of demarcated zones shall be published in the local manner and shall be available at the website of the Phytosanitary Administration of the Republic of Slovenia (furtheron as: the Administration);
- **focus zone** shall mean an area around the confirmed point of interception, of at least 1 km radius;
- **safety zone** shall mean a zone of between at least 1 km and 6 km from the confirmed point of interception, surrounding the focus zone;
- **buffer zone** shall mean an area of between 6 km and 10 km from the confirmed point of interception, separating the delimited zone from the pest-free zone where the presence of the organism has not been confirmed;
- **infested zone** shall mean a part of the demarcated zone where the presence of the organisms has been confirmed for more than two consecutive years;
- **endangered area** shall mean the area where production of maize (*Zea Mays* L.) for grain and silage takes place (furtheron as: maize);
- **sex pheromone trap** shall mean the trap for the attraction of adults of the organism with a view to their capturing, for the establishment of their spread;

¹These Rules take over the substance of the Commission Decision No 2003/766/EC.

- **period of occurrence** shall mean the period of occurrence of the organism in its adult development phase;
- **crop rotation** shall mean the cultivation of plants whereby during a period of more consecutive years a range of different species of agricultural plants are grown in the same field in the specified sequence;
- **containment zone** shall mean a joint demarcated zone, bordering on the infested zone and where the threat of permanent spread of the organism exists; it shall be rounded to the width of at least 40 km and shall extend for at least 10 km within the infested zone and at least 30 km into the non-infested zone.

II. SPECIAL CONTROL

Article 3 (survey)

- (1) The Administration shall ensure that special control is carried out as an official survey, in order to determine presence of the organism, boundaries of spread or population features, and ensure control in accordance with regulation on protected areas and carrying out of official surveys at special regulated areas.
- (2) Official examinations shall be carried out within special control referred to in the previous paragraph on endangered areas every year, as provided for in Article 12 of these Rules.
- (3) Besides the Administration and phytosanitary inspection, health examinations of maize and official examinations of sex pheromone traps shall be carried out by public bodies entrusted with the task by the State and performers of public services in the field of plant health, which may take samples, within the framework of the carrying out of special control, in accordance with the authorisations and instructions of the Head of the Administration with regard to taking samples and Article 12 of these Rules.

Article 4 (monitoring of the organism)

- (1) The performers of official survey, referred to in the previous Article, shall establish and monitor the organism using appropriate sex pheromone traps, which shall be subjected to regular checking, for the capturing the organism after sowing maize, in particular in a newly demarcated zone and in a containment zone.
- (2) On the basis of the captured organisms, a designated laboratory shall establish the level of infestation as well as the beginning and the end of the occurrence of the harmful organism, set on the basis of the biology of the organism, the development stage of the captured organism, level of captures of the organism, and the climatic conditions in respect of a certain area.
- (3) The performers shall arrange the sex pheromone traps like a grid in accordance with the provisions of the program laid down in the first paragraph of Article 12 of these Rules. The type and the method of trapping shall take into account the local, geographical, ecological and other

circumstances, and the characteristics of the areas, in particular of demarcated zones. Not authorised persons shall not be permitted to remove the traps or to perform any other operation whatsoever.

(4) When the presence of the organism is determined during the checking of the traps, a performer shall provide for concentrating the traps in the focus zone and in the appertaining safety zone.

III. DELIMITATION OF AREAS AND MEASURES

Article 5 (delimitation of areas)

(1) When the results of a special control determine and confirm the presence of the organism in areas that were previously known to be free from the organism, the Administration shall issue a decision in order to define the demarcated zone, which consists of the focus zone and the appertaining safety zone. The Administration may also define a buffer zone around the demarcated zone, with regard to the risk of further spread of the organism. The decision shall be published in the local manner and handed as a public announcement on a notice board of the corresponding municipality.

(2) In the decision referred to in the previous paragraph the Administration shall determine the existence of the risk of permanent spread of the organism, and decide whether the demarcated zone represents delimitation of isolated interceptions or of an containment zone. At accurate delimitation of zones the Head of the Administration shall take into account sound scientific principles, which include in particular:

- the biology of the organism,
- the level of infestation of a certain area,
- production system of maize,
- present land distribution according to the cadaster or graphic units of the use of agricultural land (furtheron as: LPIS), so that:
 - a) a cadastral community falls within the demarcated zone, provided that more than 50% of the surface falls within the demarcation line,
 - b) the LPIS surface falls within the demarcated zone, provided to be intersected by the demarcation line.

(3) If the presence of the organism is confirmed in another point than the original point of capture, the Administration shall provide for the delimitation of the demarcated zones to be changed accordingly or demarcated zones to be subject to joining or reasonable rounding-up.

(4) In the cases referred to in the previous paragraph the performers of special control shall set new sex pheromone traps in the buffer zone within the period of occurrence in the same year, perpendicular to the boundary of the demarcated zone in the direction of the spread of the organism.

(5) If no captures of the organism are detected two years after the last year of capture, the demarcated zones shall cease to exist and no further eradication measures referred to in Articles 7 and 8 shall be necessary.

(6) If the presence of the organism is confirmed in a demarcated zone also more than two consecutive years after the first year of capture, such zone may be considered as infested zone if evidences indicate that the organisms may no longer be eradicated. Infested zone shall be determined by the Administration, issuing a decision. Delimitation and the extent of infested zone shall be revised every two years.

(7) An area between the infested and pest-free zone shall be considered as containment zone, which shall be determined by the Administration, issuing a decision.

Article 6 (measures)

Producers of maize and holders of land in demarcated zones shall carry out:

- **eradication measures**, laid down in Articles 7 and 8 of these Rules in the case of a delimited isolated interception of the organism, or
- **containment measures** for the spread of the organism referred to in Article 10 of these Rules in the containment zone, or
- **suppression measures** in respect of the organism referred to in Article 10 of these Rules within the infested zone, so as to decrease population level and prevent damage to maize.

Article 7 (measures in the focus zone of isolated interceptions)

In the focus zone of isolated interceptions the following measures shall be implemented with a view to eradicate the organism:

- a) there is no movement of fresh plants of *Zea mays* L., or fresh parts thereof out of this zone within the period, set on the basis of the biology of the organism, development stage of the organism at capture, the number of captured organisms, and the climatic conditions prevailing in the focus zone,
- b) there is no movement of soil of maize fields from inside the focus zone to outside the focus zone, which shall apply for the whole year,
- c) maize is not harvested between the dates set on the basis of the biology of the organism, development stage of the organism at capture, the number of captured organisms, and the climatic conditions prevailing in the focus zone,,
- d) in the maize fields a crop rotation takes place whereby during any period of three consecutive years maize is only grown once,
- e) an appropriate procedure for insecticide suppression of the organism on maize fields until the end of the oviposition period is carried out in the year of its interception and the year thereafter,
- f) agricultural machinery used on maize fields is cleaned of all soil and debris before leaving the focus zone,
- g) volunteer maize plants are removed in non-maize fields.

Article 8
(measures in the safety zone of isolated interceptions)

In the safety zone of isolated interceptions one of the two measures shall be applied:

- a) a crop rotation takes place whereby during any period of two consecutive years maize is only grown once; or
- b) an appropriate procedure for insecticide suppression of the organism on maize fields in the year of its interception and the year thereafter.

Article 9
(measures in buffer zone)

In the buffer zone the performer of official survey shall monitor the organism by the means of concentrated arrangement of sex pheromone traps.

Article 10
(measures in a containment zone)

In the containment zone the Administration shall, pursuant to the recommendation of the European Commission 2006/565/EC of 11 August 2006 on containment programmes to limit the further spread of *Diabrotica virgifera* Le Conte in Community areas where its presence is confirmed (OJ L No 255 of 17 August 2006, p. 30), draw up an annual containment programme, providing for the implementation of one of the following measures for the containment of spread of the organism:

- a) crop rotation is organised in such a way that maize is grown not more than once during any period of two consecutive years, or
- b) crop rotation takes place in such a way that maize can be grown twice in any period of three consecutive years and, linked to a local prediction system for the development of the organism, at least one of these maize crops is sown only after the emergence of the larvae, or
- c) crop rotation takes place in such a way that maize can be grown twice in any period of three consecutive years, each time in combination with efficient insecticide treatments against adults or any other measures or treatments resulting in a similar level of control of the organism.

Article 10.a
(measures in an infested zone)

- (1) In the part of the infested zone, which is not covered by the containment zone, the measures for the suppression of the organisms shall be implemented, equivalent to those applying in the containment zone referred to in the previous Article.

- (2) Notwithstanding provisions of the previous paragraph, maize can exceptionally be grown twice in the same field for more than two consecutive years, each time in combination with efficient insecticide treatments against adults, provided that the producer applying such kind of production depends on his own livestock production and to have limitations as to natural and economic factors which provide this the only way to produce sufficient quantities of fodder for his own needs.

Article 10.b
(measures in the area of airport)

In maize fields in a zone of at least 2 500 m around the runways or any other areas where aircraft move within an airport where there is evidence that the risk for introduction of the organism is high, the following measures shall be taken:

- a) crop rotation in such way that maize is only grown once during any period of two consecutive years, or
- b) an intensive monitoring for the presence of the organism using appropriate sex pheromone traps is carried out and, when the organism is detected, the area is delimited and measures are taken according to Articles 7, 8 and 9 or Article 10 of these Rules.

Article 11
(exceptions)

On the basis of the results of the monitoring of the organism in the Republic of Slovenia, referred to in Article 4 of these Rules, and taking into account international information with regard to the monitoring of the organism, in particular from the neighbouring countries where the organism occurs near the border with the Republic of Slovenia, the Administration shall, by way of exception, permit the following derogations:

- with no regard to the provisions of point a) of Article 7 of these Rules no movement of fresh plants of *Zea mais* L., or fresh parts thereof shall be permitted only during the period of the most intensive occurrence of the harmful organism, set by the designated laboratory;
- with no regard to the provisions of point d) of Article 7 of these Rules the maize may be grown only once in two consecutive years in the same field, provided that cultivation is supplemented by the application of appropriate plant protection products, registered for the treatment of larvas of the organism;
- with no regard to the provisions of point e) of Article 7 and point b) of Article 8 of these Rules an appropriate suppression procedure shall only be carried out in the following year by the means of appropriate plant protection products registered for the treatment of larvas of the organism;
- with no regard to the provisions of Article 8 of these Rules maize may be grown every year in the same field, provided that cultivation is supplemented by the application of appropriate plant protection products, registered for the treatment of larvas of the organism, and if maize is sown as secondary crop not before 1 July.

IV. TASKS, AUTHORISATIONS AND NOTIFICATION

Article 12 (tasks and authorisations)

(1) Program of the special control of the organisms shall be approved by the Head of the Administration in accordance with the rules governing official surveys carried out in special control zones, specifying the zones and the extent of the monitoring of the organism.

(2) Surveys or special control laid down in this Article shall be carried out in accordance with the third paragraph of Article 3 of these Rules by:

- public bodies entrusted with the task by the State under the act governing plant health,
- authorised performers of public services in the field of plant health,
- phytosanitary inspectors,
- authorised officials from the Administration.

(3) Laboratory tests of the organism and of sex pheromone traps shall be carried out by a designated laboratory in accordance with the regulation governing technical and organisational conditions to be satisfied by laboratories for carrying out diagnostic examinations in the field of plant health.

(4) The Administration may engage other bodies, organisations and services from the field of agriculture to cooperate in the monitoring of the organism, in accordance with the act governing plant health.

(5) Inspection supervision of the carrying out of these Rules shall be performed by phytosanitary inspectors in accordance with the act on plant health.

(6) Coordination, reporting and exchange of information shall be taken care for by the Administration.

Article 13 (notifying and reporting)

(1) Performers of an official survey shall notify each occurrence of the organism to the Administration, which shall regularly publish such information on its website and provide the information to delimited zones in the local manner, in particular with regard to spread of the organism, period of occurrence and measures introduced for the spread or eradication thereof.

(2) Each year until 31 December the Administration shall provide the European Commission and other Member States of the European Union with the following information:

- on the results of surveys referred to in Article 3 of these Rules,
- on the delimited and infested zones by providing suitable scale maps,

- on the days of occurrence with grounding the determination of such period in accordance with Article 4 of these Rules,
- on an appropriate procedure for the suppression in delimited zones in accordance with point (e) of Article 7 and point (b) of Article 8 of these Rules,
- on containment programmes referred to in Article 10 of these Rules.

V. FINAL AND TRANSITIONAL PROVISIONS

Article 14 (transitional provision)

Inspection procedures which started prior to these Rules taking effect shall be completed pursuant to the Rules on phytosanitary measures to prevent the spread of *Diabrotica virgifera* Le Conte (Official Gazette RS, No 21/04).

Article 15 (effective date of the Rules)

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

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Minister of Agriculture,
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