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On the basis of the third paragraph of Article 9, fifth paragraph of Article 10, third paragraph of Article 12, third and fourth indent of Article 73 and for implementation of Articles 53 and 59 of the Plant Health Act (Official Gazette RS, No 45/01, 52/02 - ZDU-1, 45/04 – ZdZPKG and 86/04) the minister of agriculture, forestry and food hereby issues these

## **RULES**

### **on protective measures with regard to prevention of spread and suppression of European Stonefruit Yellows phytoplasma**

#### **I. GENERAL PROVISIONS**

##### Article 1 (content)

(1) These Rules shall regulate specially regulated area for stonefruit leptonecrosis, caused by phytoplasma European Stonefruit Yellows (furtheron as: ESFY), survey of host plants within an endangered area, responsibilities of holders of host plants, phytosanitary measures for prevention of spread and suppression of ESFY, declaration of production of host plants for planting, application for exceptional authorisation and compensation, annual program of systematic control and keeping the record on the extent of determined infection.

(2) ESFY is specified in the List referred to in Annex I, part A, section II, in point 2 (d) of Council Directive 2000/29/EC of 8 May 2000 (OJ L No 169 of 10.7.2000, p. 1, as amended), as mycoplasma Apricot chlorotic leafroll.

##### Article 2 (definitions)

Terms used in these Rules shall have the following meaning:

- **specially regulated area** shall be the territory of the Republic of Slovenia, where Phytosanitary Administration of Slovenia (furtheron as: the Administration) provides for delimitation of infected and pest-free areas, and where plant health of host plants and survey of ESFY are ensured in the prescribed manner;
- **focus** shall mean an area of radius 250 metres around the point of confirmed infection, indicated by rectangular coordinates in metres, where ESFY has been confirmed. List of areas of foci shall be available at the Administration and on its website;
- **infected area** shall mean a part of a specially regulated area, where ESFY has been established. List of infected areas is indicated in Annex 1, which is a constituent part of these Rules;
- **buffer zone** shall mean a part of a pest-free area, where phytosanitary measures are carried out with a view to prevent spread of ESFY, and which surrounds a nursery, mother plantation or a pest-free area or production unit of planting or propagating material of host plants, or a focus;

- **endangered area** shall mean an area with host plants for planting or fruit production, where ecological factors favour the establishment of ESFY, whose presence in the area could result in economically important losses;
- **growing season** shall mean a period of the year when host plants actively grow in an area;
- **pest-free place of production** shall mean a place of production of host plants for planting, where ESFY does not occur, as officially demonstrated by systematic control, and in which this condition is being maintained;
- **pest-free production unit** shall mean a nursery or mother plantation or their completed portion with the status of a pest-free place of production;
- **meristem reproduction** shall mean a manner of reproduction with meristem, which is an undifferentiated, mitotic tissue.

Article 3  
(host plants)

(1) Presence of ESFY shall be determined on the following species from genus *Prunus* L. (furtheron as: host plants) in particular:

- peach and nectarine (*Prunus persica* (L.) Batsch),
- apricot (*Prunus armeniaca* L.),
- Chinese plum / Japanese plum (*Prunus salicina*),
- Plum (*Prunus domestica*),
- damson (*Prunus instititia*),
- cherry plum (*Prunus cerasifera*),
- cherry (*Prunus avium*),
- sour cherry (*Prunus cerasus*) and
- blackthorn (*Prunus spinosa*).

(2) Species of regulated host plants and the extent of foci shall be specified by the Administration in the survey program for ESFY and pursuant to the rules regulating carrying out of official systematic surveys in specially regulated areas.

(3) Besides the Administration and phytosanitary inspection, and for forestry plants forestry inspection, plant health checks shall be carried out also by holders of public authorisations and providers of public services (furtheron as: authorised providers), which may, within the carrying out surveys, take samples of plants, plant products and regulated articles, as provided for in Article 24 of these Rules.

Article 4  
(suspicion of infection)

(1) A suspected infection with ESFY shall exist, when some of the following symptoms are evident on host plants:

- premature budding and leaf growth in parts of the crown of an infected tree, not so frequently of the whole trees;
- leaves are of pale colour and smaller;

- strong curling of leaves upwards and longitudinally;
- hard and brittle rolled leaves;
- prematurely yellow (apricots and peaches) and reddish (plums) coloured leaves before normal changing of the colour in autumn;
- old leaves may easily be removed and usually drop early;
- veins are swollen, chlorotic and partly necrotic;
- growing of terminal buds in late summer or in autumn;
- infected trees flower less;
- flowering is stimulated outside the phenological period for flowering (in summer or in autumn);
- fertilisation is poor, fruits drop soon after flowering;
- fruits are smaller, irregularly shaped and of bitter taste;
- trees decline progressively and may die in two to five years;
- tangential cut shows necrotic tissue.

(2) Infection with ESFY shall be suspected also if no visible symptoms specified in the previous paragraph are evident on host plants in infected areas, however official findings were the following:

- high frequency of the psyllid *Cacopsylla pruni* on plants during the growing season, or
- production of plants for planting of the species plum (*Prunus domestica*) or cherry plum (*Prunus cerasifera*), which do not derive directly from meristem reproduction.

#### Article 5 (vectors)

(1) Potential vectors of ESFY are adult forms of psyllid (*Cacopsylla pruni*; furtheron as: psyllid).

(2) Psyllid is considered as a regulated article, where the presence of ESFY may be determined from the beginning of March until the end of July.

(3) In intensive plantations and pest-free areas or production units the psyllid shall be subject of regular suppression during the period specified in the previous paragraph.

#### Article 6 (systematic control)

Systematic control shall be carried out in endangered areas, all pest-free areas or production units as well as in surrounding buffer zones, and shall consist of:

- planned official health checks and sampling of host plants pursuant to article 7 of these Rules and annual survey plan referred to in Article 22 of these Rules, and
- ordering measures in cases of confirmed infection with ESFY pursuant to Articles 12 to 16 of these Rules.

## **II. DETERMINATION OF PLANT HEALTH AND OBLIGATIONS OF HOLDERS OF HOST PLANTS**

### **Article 7 (official plant health checks)**

- (1) Providers of surveys referred to in Article 24 of these Rules shall carry out official plant health checks by means of visual checks of host plants in threatened areas in spring, during their shooting and leaf growth or within the period from 1 July until 15 October, as follows:
- mother plants, rootstock nurseries and nurseries twice in a growing season,
  - buffer zones once in a growing season, and
  - intensive plantations of host plants in the vicinity of mother plants, rootstock nurseries and nurseries when there is suspected infection with ESFY.
- (2) In case of suspected infection with ESFY sampling shall be carried out in accordance with the annual survey program for ESFY and may be performed from 1 July to 15 October for upper parts of host plants and for roots throughout the whole year.
- (3) Authorised providers of surveys referred to in Article 24 of these Rules or phytosanitary and forestry inspectors shall, within the framework of systematic control, take official samples in order to make tests for the presence of ESFY:
- in nurseries and mother plantations in an infected area, and
  - in the event of suspected presence of ESFY pursuant to Article 10 of these Rules.
- (4) The checks referred to in the first and the second indents of the first paragraph of this Article shall be considered as compulsory health checks of planting material. When at the same time an official sample is taken, movement and use of the planting material are forbidden during the time of laboratory analysis. In case the ESFY is confirmed, the planting material in the form of representative sample shall be destroyed in accordance with Article 12 of these Rules.
- (5) About checks referred to in this Article, authorised providers shall notify the competent unit of phytosanitary inspection and other participants in the surveys according to the instructions of the Head of the Administration, concerning keeping the records.
- (6) If an authorised provider finds or is provided with a laboratory confirmation of the presence of ESFY, or finds that phytosanitary regulations have been violated, he/she shall assign the case to the competent inspector.

### **Article 8 (nurseries and mother plantations)**

- (1) Nurseries and mother plantations shall be free from ESFY.
- (2) Prior to cultivation, the location of nursery or mother plantation of host plants shall be reported and an authorisation shall be acquired pursuant to Article 18 of these Rules.

(3) Holders of nurseries and mother plantations of host plants in an infected area may move plants for planting only if meeting conditions provided for in respect of a pest-free place of production in accordance with these Rules.

(4) A nursery or mother plantation shall be considered a pest-free place or unit of production, if such status has been acquired in accordance with Article 18 of these Rules and controlled pursuant to Article 7 of these Rules and the first to third paragraphs of this Article.

#### Article 9 (buffer zone)

(1) Nurseries and mother plantations shall be surrounded by a 100 m-wide buffer zone, which shall not:

- be infected with ESFY, and
- cover the intensive plantation of host plants for fruit production, except if mother trees are a part of such plantation.

(2) In the case referred to in the second indent of the previous paragraph the entire plantation shall be inspected pursuant to Article 7 of these Rules.

(3) Buffer zone referred to in the first paragraph of this Article shall be controlled by the competent inspector in a growing season prior to planting and after planting of the nursery or mother plantation, pursuant to Articles 7 and 8 of these Rules.

(4) If officially certified propagating material is produced in a nursery or mother plantation, the unit of production and the buffer zone shall be, after plantation, checked by authorised performers of the certification authority for agricultural seeds and propagating material.

#### Article 10 (health checks of host plants and laboratory testing)

(1) Health checks of host plants shall be carried out visually.

(2) The competent inspector or authorised provider shall take samples of plants to be tested in an authorised laboratory, if visual health check of host plants have given rise to suspicion of infection with ESFY pursuant to Article 4 of these Rules.

(3) If sampling has been done on the basis of suspicion referred to in the first indent of the second paragraph of Article 4 of these Rules, costs of laboratory testing of nurseries and mother plantations shall be borne by the holder of host plants.

(4) A host plant shall be considered as infected if the result of laboratory testing has been positive or if such plant is grown in the focus and shows symptoms specified in the first paragraph of Article 4 of these Rules.

#### Article 11 (obligations of holders)

(1) Holders of plants and bees are liable to provide plant health care and comply with the requirements regarding production and movements, and to provide implementation of phytosanitary measures, plant health checks, including laboratory analyses and other stipulated measures pursuant to the law regulating the plant health and in accordance with these Rules.

(2) Holders of intensive plantations and pest-free places or units of production, as well as owners of land within the endangered area and in buffer zones where host plants grow shall be obliged to, in addition to the obligations referred to in the previous paragraph:

- carry out regular checks of host plants during the growing period, in particular upon every prediction or finding of the wide-spread psyllid *Cacopsylla pruni*,
- regularly suppress the psyllid *Cacopsylla pruni* during the flying period from the winter to summer hosts (from March until April) or whenever their presence has been detected in a production unit;
- immediately notify the phytosanitary inspector or the authorised provider about detection of visible symptoms;
- keep the record of regular health checks, suspicions, samples taken and the measures carried out, if they are engaged in marketing production of cultivated plants and are entered into the register of plant producers.

(3) Holders of intensive plantations and pest-free sites or units of production shall keep record of suppression of the psyllid *Cacopsylla pruni*.

(4) If it is found during the health check of the plantation of host plants that symptoms have already been present for a longer period, in particular if dying of plants is evident in accordance with the thirteenth and fourteenth indent of the first paragraph of Article 4 of these Rules, the holder is considered as not to have carried out all mandatory measures provided for in these Rules.

### **III. MEASURES FOR THE PREVENTION OF SPREAD AND SUPPRESSION**

#### Article 12

##### (destruction of infected host plants)

(1) Destruction of infected host plants shall be carried out by their cutting down or complete uprooting. Stumps shall be covered with concentrated non-selective herbicide in order to prevent further growth and root outgrowths. The treated stumps may be removed only after thirty days following the covering with the concentrated non-selective herbicide.

(2) Plants for planting and other smaller host plants may be treated with a non-selective systemic herbicide instead of cutting. If environmental conditions do not allow spraying with the herbicide, host plants shall be dug out.

(3) Root shoots which have grown again shall be destroyed by means of a non-selective systemic herbicide.

Article 13  
(measures in an infected nursery)

(1) In case of confirmed infection of host plants in a nursery with ESFY, the competent inspector shall order the following measures:

- destruction of all infected host plants;
- suppression of the psyllid *Cacopsylla pruni*;
- carrying out of additional phytosanitary measures;
- prohibition of moving of plants for planting.

(2) With a view of carrying out measures referred to in the previous paragraph, as infected host plants shall be considered also dormant host plants (host plants in physiological rest) and plants of the species plum (*Prunus domestica*) and cherry plum (*Prunus cerasifera*), which do not originate directly from meristem reproduction, which are presented by a representative sample with confirmed infection, as follows:

- plants originating from grafts of the same mother plantation of an individual supplier,
- plants of the same variety, or
- plants of the same origin.

(3) For carrying out the measures specified in the first paragraph of this Article for peach and nectarine (*Prunus persica* (L.) Batsch), apricot (*Prunus armeniaca* L.), Chinese plum / Japanese plum (*Prunus salicina*), damson (*Prunus institia*), cherry (*Prunus avium*) and sour cherry (*Prunus cerasus*) as infected host plants shall be considered plants in the focus, which show symptoms specified in the first paragraph of Article 4 of these Rules.

(4) When the infected host plants referred to in the previous paragraph are scattered around a unit or a place of production, inspector shall order the extent of destruction by origin of plants, in relation to:

- all plants for planting, which originate from the grafts of the same mother plantation of an individual supplier,
- all plants for planting of the same variety, or
- all plants for planting of the same origin.

(5) If the competent inspector orders a destruction of only a part of a nursery, the Administration shall allow sale of the remaining host plants for planting when:

- the infected plants have been destroyed,
- no psyllid *Cacopsylla pruni* was present in the nursery and/or regular pest suppression is evidenced,
- traceability of plant origin is provided,
- visual checks or a sampling laboratory test had confirmed that the remaining plants are not infected with ESFY,
- there was no other risk of spreading of ESFY.

(6) In the nurseries where the ESFY infection has not been determined, but foci have been determined in the buffer zone of the nursery, the Administration shall allow movement of host plants for planting, when:

- the infected plants in the buffer zone were destroyed,
- no psyllid *Cacopsylla pruni* was present in the nursery and/or regular pest suppression is evidenced,
- no suspicious symptoms of ESFY have been found in the nursery or a sampling laboratory test had confirmed that plants are not infected with ESFY,
- there was no other risk of spreading of ESFY.

(7) The competent inspector shall carry out regular checks of compliance with requirements referred to in the first and second indent of the fifth paragraph of this Article and the first and the second indent of the preceding paragraph.

#### Article 14

(measures in infected mother plantations)

(1) In case of confirmed infection of plants with ESFY in a mother plantation, the competent inspector shall order the following measures:

- destruction of all infected host plants;
- testing of trees in direct vicinity of infected trees or trees showing symptoms of infestation by ESFY, if these are not in the same focus;
- prohibition of cutting stocks or grafts until, on the basis of regular visual health checks during the next vegetation period or testing of mother plants directly before cutting, grafts prove the plants to be infection-free;
- carrying out additional phytosanitary measures.

(2) Without prejudices to the provision referred to in the third indent of the first paragraph of this Article, the Administration may, upon a request of the holder of plants, exceptionally permit cutting of rootstocks or grafts of healthy mother plants during the same growing period, if:

- the infected plants have been destroyed,
- the results of analysis confirm that mother plants are pest-free,
- no psyllid *Cacopsylla pruni* was present in the nursery and/or regular pest suppression is evidenced, and
- there was no other risk of spreading of ESFY.

(3) The competent inspector shall carry out checks of compliance with the requirements referred to in the first and third indent of the preceding paragraph.

#### Article 15

(measures in case of infection in the buffer zone of a nursery or mother plantation)

(1) In case of confirmed ESFY infection of plants within the buffer zone of a nursery within the endangered area or other place of production, and within the buffer zone of a nursery within the endangered area, measures laid down in Article 13 of these Rules shall be carried out.

(2) If measures referred to in the preceding paragraph prove as professionally non-suitable, in particular if costs for their carrying out exceed the value of the nursery, the inspector shall prohibit plantation of planting material of host plants at the same location

(3) The inspector may permit the holder of mother plantation, where infection with ESFY has been found in the buffer zone of the mother plantation within the endangered area, to cut rootstocks or grafts, if:

- visual checks had confirmed that plants in the buffer zone during the last growing season have not been infected with ESFY, or
- the infected plants in the buffer zone were timely destroyed and no psyllid *Cacopsylla pruni* was present in the nursery and/or regular pest suppression is evidenced.

(4) Without prejudices to the preceding paragraph, if laboratory test has confirmed that immediately before cutting grafts mother plants had not been infected with ESFY, cutting of rootstocks and grafts shall be permitted.

#### Article 16

(measures in case of infection in gardens and nurseries)

(1) In case of laboratory-confirmed ESFY infection of plants in nurseries or in gardens within an endangered area, the competent inspector shall order the following measures:

- destruction of individual infected host plants, if less than 30% of host plants are infected;
- destruction of all host plants if more than 30% of host plants are infected.

(2) In case referred to in the first indent of the preceding paragraph, the holder of plants shall provide regular monitoring of phytosanitary condition of other host plants. Dates and findings of checks shall be entered in his/her own records.

(3) In case referred to in the first paragraph of this Article the competent inspector shall monitor carrying out of the stipulated measures and check phytosanitary condition of host plants:

- to the boundary of the buffer zone, in the radius of at least 10 m from the determined place of infection with ESFY in case of gardens and individual host plants,
- the whole dense plantation in case of intensive nurseries.

(4) In case referred to in the second paragraph of this Article, the holder of plants may seek compensation pursuant to Article 21 of these Rules, save for cases referred to in the fourth paragraph of Article 11.

#### Article 17

(derogation measures)

(1) To carry out research and scientific work and plant breeding, the Administration may, upon the proposal of the holder of plants, permit derogation from the measures laid down in these Rules, if all measures providing control of ESFY and prevention of its spreading, pursuant to regulations governing the introduction and movement of harmful organisms for scientific purposes, have been carried out.

(2) The Administration may permit derogation from the measures laid down in these Rules also in other cases, when these are professionally grounded and when there is no risk of harmful organisms spreading.

(3) In order to recheck that there is no risk of ESFY spreading in cases referred to in the preceding paragraph and in Article 21 of these Rules, the Administration can require expert opinion and/or additional testing of host plants. Costs shall be borne by the holder of plants, provided that the Administration had preliminary inform the holder of plants on the decision to elaborate the expert opinion or to perform additional testing, and fixed the time limit for reply. If the holder of plants does not agree with elaboration of the opinion or additional testing, or does not reply in the fixed time limit, the application for permission of derogation shall be refused.

#### **IV. NOTIFICATION OF PRODUCTION AND APPLICATION FOR EXCEPTIONAL PERMIT**

##### Article 18

(pest-free places and units of production)

(1) The producer of host plants for planting shall notify a new location of the nursery or mother plantation to the competent unit of phytosanitary inspection until 31 March in a year prior to the year of planting, pursuant to regulations governing registration of producers of certain plants for the purposes of plant health.

(2) The competent inspector shall approve planting of host plants, if:

- the host plants at the planned location and in the buffer zone are not infected with ESFY or the holder has carried out all the ordered measures to destroy such plants in accordance with Article 12 of these Rules, and
- spatial isolation from the foci is possible, so that each production unit is located at least 250 m away from the edge of the intensive plantation of host plants for fruit production.

(3) The holder of plants intending to use the nursery as a mother plantation shall declare such nursery until 31 March in a year prior to the year of using grafts or other plant parts for planting. The competent inspector shall approve the use of the mother plantation only if the nursery and the surrounding buffer zone are not infected with ESFY.

(4) If the conditions laid down in the first and third paragraph of this Article are not met and the removal of infected plants is not professionally grounded, the competent inspector shall prohibit planting or cutting of grafts or other plant parts for planting at the same location.

Article 19  
(alternative location)

- (1) The producer of host plants for planting who has declared the location of the nursery or mother plantation to the competent inspection within the time limit specified in the first paragraph of the preceding Article, however infection with ESFY has been found at such location, which may not be eradicated, may lodge an application for an alternative location until 31 March in the year of planting at the latest.
- (2) The competent inspector shall permit planting at the alternative location if suspicion of infection with ESFY may still be checked during the growing season or if no host plants are growing on the alternative location in the buffer zone.

Article 20  
(exceptional permit)

- (1) For the issuance of exceptional permit referred to in the fifth and sixth paragraph of Article 13 and the second paragraph of Article 14 of these Rules, the holder shall submit an application with the Administration, stating basic data on the kind of production and reasons for the exceptional permit.
- (2) To the application, referred to in the preceding paragraph, the holder must enclose the following documents:
  - a copy of annual production declaration, including the plan of production where he/she shall indicate the spot of infection with ESFY,
  - analysis results of testing for ESFY.
- (3) In order to clarify the matter, the Administration may require additional necessary data from the holder of plants, the competent inspector or the holder of public authorisations.

**V. COSTS AND COMPENSATION**

Article 21  
(payment of costs and right to compensation)

- (1) The holder of host plants shall cover the costs of destruction of host plants under these Rules.
- (2) The holder of host plants shall have the right to compensation for destroyed plants pursuant to rules governing compensations in the field of plant health, provided to have carried out all the prescribed measures in accordance with these Rules.
- (3) In order to seek compensation referred to in the preceding paragraph, the holder of host plants shall submit an application with the Administration, stating basic data on destroyed plants and personal data for identification of the holder of plants, and tax number.
- (4) To the application, referred to in the preceding paragraph, the holder must enclose the following documents:

- decision or decisions of phytosanitary inspector on destruction of plants,
- a report and/or reports by the phytosanitary inspector about the carried out destruction of plants,
- the number of transaction account or savings book and bank name.

(5) In order to clarify the matter, the Administration may require additional necessary data from the holder of plants, the competent inspector or the holder of public authorisations.

## **VI. RECORD AND ANNUAL PROGRAM**

### Article 22 (records and annual program)

(1) The Administration shall keep record on the number of determined infections with ESFY and on infected places or units of production and on issued permits as provided for in these Rules, on the basis of its own data and data provided by phytosanitary and forestry inspection, certification authority for agricultural seeds and propagating material, and by authorised providers.

(2) Phytosanitary and forestry inspection shall regularly provide data referred to in Articles 7 to 10 and 12 to 15 of these Rules, at least in relation to time, location and holder of plants by units of production.

(3) On the basis of the findings of the research, statistical principles and biology of ESFY, the Administration shall, upon decision, approve the annual programme of systematic control, submitted by the coordinator of the control. This programme shall first of all lay down the number, the origin, the method and the time of collecting samples for determining health condition of host plants or infections with ESFY.

## **VII. NOTIFICATIONS, CONTROL AND AUTHORISATIONS**

### Article 23 (public information)

(1) The Administration shall notify the authorised providers and holders of host plants about detailed measures in the endangered area via its website and periodic independent publication regarding the ESFY control.

(2) Within the framework of surveys the Administration shall inform the public about the characteristics of the disease, risks and measures, involving also the cooperation of phytosanitary inspectors, authorised providers and other experts.

### Article 24 (performers of duties and authorisations)

- (1) Visual checks and taking samples under the surveys shall be carried out by:
- phytosanitary inspectors, in particular in nurseries, mother plantations, buffer zone,
  - authorised providers, in particular in nurseries and mother plantations for production of officially certified material and in the surrounding buffer zones, orchards and gardens,
  - Administration's authorised officials.
- (2) Laboratory tests shall be carried out by the approved laboratory in accordance with the technical and organisational requirements that shall be met by the laboratories for carrying out diagnostic analyses of plant health.
- (3) The inspection of implementation of these Rules shall be carried out by the phytosanitary inspectors in accordance with the act governing plant health.
- (4) The Administration shall provide coordination, reporting, exchange of information between the authorities and authorised providers.
- (5) Head of the Administration shall issue instructions regarding the organisation of checks and reporting according to this Article.

## **VIII. FINAL PROVISION**

Article 25  
(entry into force of these Rules)

These Rules shall enter in force on the fifteenth day after their publication in the Official Gazette of the Republic of Slovenia.

No. 327-01-316/2004  
Ljubljana, 17 December 2004.  
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Marica LUKAČIČ l.r.  
Minister of agriculture,  
forestry and food

Annex 1: List of **infected areas** where phytoplasma European Stonefruit Yellows - ESFY – is established.

2000 Maribor
3301 Petrovče
3320 Velenje
5000 Nova Gorica
5211 Kojsko
5212 Dobrovo v Brdih
5261 Šempas
5263 Dobravlje
5290 Šempeter pri Gorici
5291 Miren
5293 Volčja Draga
5294 Dornberk
5295 Branik
6000 Koper
6243 Obrov
6255 Prem
6310 Izola
6333 Sečovlje
8256 Sromlje
9000 Murska Sobota
9207 Prosenjakovci
6310 Izola
3301 Kasaze