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On the basis of the sixth paragraph of Article 14, fifth paragraph of Article 25, eight paragraph of Article 41 and the second and fourth indent of Article 73 of the Plant health act (Official Gazette RS, No 23/05 – unofficial consolidated text and 61/06-ZDru-1) the minister of agriculture, forestry and food hereby issues these

RULES

concerning provisional emergency measures to prevent the introduction and spread of Chestnut gall wasp *Dryocosmus kuriphilus* Yasumatsu

I. GENERAL PROVISIONS

Article 1 (content)

- (1) These Rules shall regulate, for the implementation of Commission Decision of 27 June 2006 on provisional emergency measures to prevent the introduction into and spread within the Community of *Dryocosmus kuriphilus* Yasumatsu (OJ L No 183 of 5. 7. 2006,

p. 29), special requirements for the introduction and movement of host plants, official annual surveys, delimitations of infested areas, phytosanitary measures in infested, focus and safety zone, measures for plants from the infested lot, liabilities of the owner of plants, tasks, authorisations and obligations of informing and reporting.

- (2) Harmful organism, the introduction and spread of which is forbidden, shall be Chestnut gall wasp *Dryocosmus kuriphilus* Yasumatsu (furtheron as: Chestnut gall wasp).

Article 2 (definitions)

- (1) The terms used in these Rules shall have the following meaning:
- **demarcated zone** shall mean the area, which includes infested, focus and safety zone for Chestnut gall wasp;
 - **infested zone** shall mean the area where the presence of Chestnut gall wasp has been confirmed and which includes all plants showing symptoms caused by the organism, and, where appropriate, all plants belonging to the same lot at the time of planting;
 - **focus zone** shall mean the area with a boundary at least 5 km beyond the boundary of the infested zone;
 - **buffer zone** shall mean the area with a boundary at least 10 km beyond the boundary of the focus zone.

Article 3 (host plants)

- (1) Host plants of Chestnut gall wasp shall be the following species of *Castanea* and their hybrids:
- *Castanea crenata* Sieb. et Zucc. (Japanese chestnut);
 - *Castanea dentata* (Marsh.) (American chestnut);
 - *Castanea mollissima* Blume (Chinese chestnut);
 - *Castanea sativa* Mill. (sweet chestnut).
- (2) Fruit and seeds of the plants referred to in the previous paragraph shall not be considered as host plants.

Article 4 (symptoms of infestation)

- (1) Host plants shall be suspected as infested with Chestnut gall wasp when they show the following symptoms:
- round or oval thickenings of the tissue (galls) of 0,5 to 4 cm in diameter on shoots, at the base of male inflorescences or on thicker leaf veins, which are formed in spring two to three weeks after starting to grow;
 - each gall has one to several chambers with larvae or pupae, which are empty at a later stage;
 - empty thickenings (galls), which dry in summer and stay on branches for several years.
- (2) Infestation with Chestnut gall wasp shall be confirmed if laboratory tests have been positive or if the host plant grows in an infested or focus zone and shows symptoms of infestation referred to in the previous paragraph.

II. INTRODUCTION AND MOVEMENT

Article 5 (introduction of host plants)

- (1) Introduction of host plants originating in third countries shall be permitted if:
- they are accompanied by a valid plant passport or plant passport for re-export;
 - the consignment is identical with statements in documents referred to in the previous indent;
 - the consignment is free from harmful organisms included in Lists I.A, II.A or from Chestnut gall wasp;
 - the consignment does not include plants, plant products and regulated articles included in Lists III.A;
 - the consignment meets special phytosanitary requirements set out in List IV.A; and
 - the additional declaration on meeting special phytosanitary requirements has been completed.
- (2) In the rubric “Additional declaration” of the phytosanitary certificate referred to in the previous paragraph the following shall be stated:
- that the plants have been grown throughout their life in places of production in countries where the organism is not known to occur; or
 - that the plants have been grown throughout their life in places of production in a pest-free area established by the national plant protection organisation in the country of origin in accordance with relevant International Standards for Phytosanitary Measures and under the rubric "place of origin" the name of the pest-free area.

Article 6 (movement of host plants)

- (1) Host plants may be moved from the place of production or sale outlet if they or their packaging is attached by a plant passport.
- (2) Prior to being issued a plant passport, host plants shall be subjected to plant health inspection in order to find out in particular:
- that they are free from harmful organisms included in Lists I.A, II.A, I.B, II.B and from Chestnut gall wasp,
 - that they meet special phytosanitary requirements set out in Lists IV.A or IV.B and special requirements in relation to Chestnut gall wasp, namely:
 - (a) the plants originating in the said place of production have been grown throughout their life or since their introduction into the Community in a place of production in a Member State where the organism is not known to occur; or
 - (b) the plants have been grown throughout their life or since their introduction into the Community in a place of production in a pest-free area, established by the national plant protection service in a Member State, in accordance with relevant International Standards for Phytosanitary Measures.
- (3) Owners of host plants at whom the plants grow or who move such plants with the purpose of further distribution shall keep a record of receivers of host plants, which shall contain at least the following information:
- on the quantities of host plants, which have been grown, introduced, sold, planted or left to a third person,

- on the recipient of host plants (personal name and address of the place of residence or stay, of natural person or the registered company name and address of natural person) and the date of the receipt of host plants.

Article 7
(providing information on receivers of host plants)

Owners of host plants referred to in the third paragraph of the previous Article shall communicate to the Phytosanitary administration of the Republic of Slovenia (furtheron as: the Administration) in written form information contained in the record of receivers of host plants, until 30 April of the current year at the latest, for the period from 1 April of the past year until 31 March of the current year.

Article 8
(obligations of owners)

- (1) All owners of host plants who find any suspicious symptoms on such plants shall immediately inform thereof the Administration, competent inspector, provider of public authorisations or provider of public services in the field of plant health.
- (2) All owners of host plants shall keep the plant passport referred to in the first paragraph of Article 6 of these Rules for at least 1 year following their planting.

III. SPECIAL CONTROL AND DELIMITATION OF ZONES

Article 9
(survey)

- (1) The Administration shall, pursuant to the regulation governing protected zones and carrying out of official surveys in special regulated areas, provide for special control as an official annual survey of the presence of Chestnut gall wasp (furtheron as: survey) with a view of its eradication.
- (2) Plant health checks within the framework of survey referred to in the previous paragraph shall be performed in endangered areas, determined by the Administration in accordance with the International Standards for Phytosanitary Measures.

Article 10
(delimitation of areas)

- (1) When Chestnut gall wasp has been found and confirmed during carrying out a survey, the head of the Administration shall define a demarcated zone by a decision. The decision shall be served as a public referral on the notice board of the relevant community.
- (2) The exact delimitation of the zones shall be based on sound scientific principles, the biology of the organism, the level of infestation, the period of the year and the particular distribution of plants.
- (3) If the presence of the organism is confirmed outside the infested zone, delimitation of demarcated zones shall be changed accordingly.

- (4) In cases where several buffer zones overlap or are geographically close, a wider demarcated area shall be defined which includes the relevant demarcated zones and the zones between them.
- (5) If the organism is not detected in the demarcated zone for a period of three years after the first finding, the Administration shall revoke these zones by decision and the measures referred to in Articles 11 and 12 of these Rules shall no longer be necessary.
- (6) The list of demarcated zones shall be announced in the manner commonly practised in their local area and shall be available at the Administration and on its website.

IV. PHYTOSANITARY MEASURES

Article 11

(measures in a demarcated zone)

- (1) When infestation with the Chestnut gall wasp is confirmed, the competent inspector or the provider of public authorities of provider of public services in the field of plant health shall:
 - specify the way of protection of host plants,
 - clearly mark plants showing symptoms,
 - on a new locality or in the event of a repeated inspection take an official sample for determination of Chestnut gall wasp in a laboratory,
 - note down the findings and the form of action, referred to in the previous indents,
 - record the findings and the form of action of the owner of plants,
 - notify the owner on the necessary measures, and
 - inform the Administration, which provides for delimitation of infested, focus and buffer zone.
- (2) The competent phytosanitary or forestry inspector shall order further measures, such as:
 - prohibition of movement of plants out of or within the demarcated zones,
 - immediate destruction of all host plants with visible signs within the infested area, by cutting down and burning of such branches;
 - further observation of the focus zone, every two weeks during the period from the end of May until the end of July;
 - destruction of the whole plantation of host plants or young forest host plants if more than 30 % of plants are infected in the plantation or in a distinct forestry rejuvenated area;
 - destruction of all host plants for planting in the plantation if more than 30 % of plants are infected.
- (3) Measures laid down in the previous paragraph may also be ordered by the Slovenian forest service in accordance with authorisations which comply with regulations governing forests.
- (4) During the period of potential presence of the inhabited galls, from the middle of May until the end of July, the phytosanitary or forestry inspector or the Slovenian forest service shall carry out regular monitoring of:
 - all host plants within the infested area, and
 - all host plants from the same lot where the Chestnut gall wasp has been found.

- (5) Destruction of host plants may be carried out by qualified legal or natural persons or by the holder himself/herself under the supervision of the competent inspector or in forests under the supervision of the competent employee of the Slovenian forest service, in accordance with regulations governing fire safety.

Article 11
(measures in focus and buffer zone)

- (1) In the focus and buffer zone the host plants shall not be moved, which grow or have grown in such zones.
- (2) The following phytosanitary measures shall be carried out in the focus or buffer zone:
- removal of host plants in accordance with the second and fifth paragraph of Article 11 of these Rules;
 - sampling of individual host plants and determination of the Chestnut gall wasp in the authorised laboratory;
 - monitoring of the presence of the Chestnut gall wasp.

Article 13
(measures for plants from an infested lot)

Movement of host plants, which belonged to a lot during planting, which has been found as infested with Chestnut gall wasp, or which originate in a demarcated zone for the Chestnut gall wasp, shall be prohibited.

Article 14
(obligations of the owner of host plants)

The owner shall check the marked host plants of the same lot, which are under inspection monitoring, and inform phytosanitary or forestry inspector on each new or repeated occurrence of the symptoms of the harmful organism on host plants.

V. TASKS, AUTHORISATIONS AND INFORMING

Article 15
(tasks and authorisations)

- (1) The head of the Administration shall accept a program of special control of the Chestnut gall wasp pursuant to rules governing official surveys carried out in special regulated areas, which is to define in detail the areas and the extent of monitoring of the Chestnut gall wasp.
- (2) Surveys referred to in Article 9 of these Rules shall be carried out by:
- providers of public authorities pursuant to act governing plant health,
 - authorised providers of public plant health service,
 - providers of public forestry service, appointed pursuant to act governing forests,
 - phytosanitary inspectors,
 - forestry inspectors, and
 - authorised officials of the Administration.

- (3) Laboratory tests for Chestnut gall wasp shall be performed by an authorised laboratory pursuant to regulation governing technical and organisational conditions to be met by laboratories for carrying out diagnostic examinations in the field of plant health.
- (4) The Administration may include other bodies, organisations and services in the survey of the Chestnut gall wasp, which operate in the field of agriculture and forestry in accordance with act governing plant health.
- (5) The Administration shall provide for the coordination of the work of providers referred to in the second paragraph of this Article, their reporting and exchange of information.

Article 16
(informing and reporting)

- (1) Providers of survey shall regularly inform the Administration on found infestations with Chestnut gall wasp, which shall publish the results of the survey on its website and notify these to the communities in demarcated zones, concerning in particular the spread of the Chestnut gall wasp and measures introduced for the prevention of spread or its suppression.
- (2) Each year until 31 December the Administration shall communicate to the European Commission and to other EU Member States the following information:
 - on the results of surveys referred to in Article 8 of these Rules,
 - on demarcated zones of infestation in form of maps in appropriate scales,
 - on each new finding of the Chestnut gall wasp,
 - on corresponding measures for the eradication of the Chestnut gall wasp.

Article 17
(inspection)

Inspection of the implementation of provisions of these Rules shall be performed by phytosanitary and forestry inspectors pursuant to act governing plant health.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 18
(demarcated area)

- (1) Settlements Bilje, Merljaki, Zgornja Pohanca and Znojile pri Krki, which had been determined as demarcated zones pursuant to the existing regulations, shall be considered as demarcated zones pursuant to these Rules.
- (2) Settlements referred to in the previous paragraph shall be determined a new infested, focus and buffer zone within one month following the entry into force of these Rules.

Article 19
(expiry of validity)

As of the date these Rules enter into force, the Decision concerning emergency measures to protect against Chestnut gall wasp *Dryocosmus kuriphilus* Yasumatsu (Official Gazette RS, No 60/05) shall cease to be valid.

Article 20
(validity)

These Rules shall enter into force on the day following its publication in the Official Gazette of the Republic of Slovenia.

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Marija Lukačič
Ministry of agriculture, forestry and food