

## TABLE OF CONTENTS

Rules on protected zones and on official surveys carried out in special regulated areas.....	2
I. GENERAL PROVISIONS .....	2
Article 1 (content) .....	2
Article 2 (definitions) .....	2
Article 3 (lists).....	3
Article 4 (registration of owners, production declaration, issuing plant passports and movement to protected zones).....	3
II. PROTECTED ZONE .....	4
Article 5 (establishment of a protected zone) .....	4
III SPECIAL CONTROL .....	4
Article 6 (providers of special control of harmful organisms).....	4
Article 7 (annual programme) .....	4
IV. SURVEYS .....	5
Article 8 (surveys in the special regulated area) .....	5
Article 9 (mandatory surveys).....	5
Article 10 (programme of mandatory survey).....	5
Article 11 (programme of mandatory surveys for forest plants).....	6
V. SPECIAL CONDITIONS FOR MOVEMENT .....	7
Article 12 (movement to a protected zone).....	7
Article 13 (movement within a protected zone).....	7
Article 14 (movement through a protected zone) .....	7
VI. RECORDS AND NOTIFICATION .....	8
Article 15 (record of special control) .....	8
Article 16 (reporting and notification) .....	8
Article 17 (international obligations) .....	9
VII. COSTS.....	9
Article 18 (costs).....	9
Article 19 (entry into force of these Rules).....	9

On the basis of the third paragraph of Article 12 and fourth paragraph of Article 13 of the Plant health act (Official Gazette RS, No 45/01), the Minister of agriculture, forestry and food hereby issues these

## **Rules on protected zones and on official surveys carried out in special regulated areas**

### **I. GENERAL PROVISIONS**

#### Article 1 (content)

These Rules shall regulate the procedure for obtaining the status of protected area, detailed conditions for carrying out official surveys, requirements for movements of certain plants, plant products and regulated articles within and through a protected area, and the list of protected areas, in accordance with:

- Commission Directive No 93/51/EEC establishing rules for movements of certain plants, plant products or other objects through a protected zone, and for movements of such plants, plant products or other objects originating in and moving within such a protected zone (OJ L No 205 of 17.08.1993, p. 24);
- Commission Directive No 92/70/EEC of 30 July 1992 laying down detailed rules for surveys to be carried out for purposes of the recognition of protected zones in the Community (OJ L No 250 of 29.8.1992, p. 37), and
- Commission Directive No 2001/32/ES of 8 May 2001 recognising protected zones exposed to particular plant health risks in the Community and repealing Directive 92/76/EEC (OJ L No 127 of 9.5.2001, p. 38), as amended.

#### Article 2 (definitions)

For the purposes of these Rules, the definitions used in the act governing plant health, and the following definitions shall apply:

- **special regulated areas** shall mean infected, exposed or pest-free areas in which plant health and special control of harmful organisms is provided in the prescribed manner;
- **protected zones** shall mean pest-free areas and areas with a low level of appearance of harmful organisms, where one or more harmful organisms are not established, despite favourable conditions for their establishment, or zones where the danger exists that certain harmful organisms, given favourable ecological conditions, will establish themselves on certain plants, despite the fact that these organisms are not established. The list of protected zones and their periods of validity shall be available by the Administration of the Republic of Slovenia for plant protection and seeds (hereinafter referred to as: the Administration) and on its website;

- **harmful organisms** shall mean the organisms listed in Annex 1, which forms the integral part of these Rules, and organisms included in lists I.A.I, I.A.II, II.A.I and II.A.II, provided for by regulations governing the procedures for preventing the introduction, spread and suppression of organisms harmful to plants, plant products and regulated articles;
- **special control of harmful organisms** shall mean an official procedure of systematic collection and storing of data concerning the presence of harmful organisms, carried out on the basis of inspections, planned monitoring of plant health, and surveys;
- **survey** shall mean an official procedure for establishing the health status of plants, carried out within a certain period with a view to identifying the characteristics of the population of the harmful organism or species of the harmful organism, present in an area;
- **systematic control of harmful organisms** shall mean special control of harmful organisms, carried out in an area where the presence of harmful organisms has been established, comprising surveys and measures for their eradication and prevention of spread.

### Article 3 (lists)

- (1) The lists which refer to protected zones are the following:
  - Lists I.B and II.B concerning harmful organisms whose introduction into certain protected zones is prohibited;
  - List III.B concerning plants, plant products and regulated articles whose import from certain countries into certain protected zones is prohibited;
  - List IV.B concerning special phytosanitary requirements for certain protected zones;
  - List V.A.II concerning plants, plant products and regulated articles, which shall be issued the plant passport marked with "ZP" and the code of the harmful organism referred to in Annex 1 of these Rules, for which the protected zone is recognised.
- (2) The lists referred to in the preceding paragraph shall be laid down in the rules governing the procedures for preventing the introduction, spread and suppression of organisms harmful to plants, plant products and regulated articles.

### Article 4 (registration of owners, production declaration, issuing plant passports and movement to protected zones)

Registration of owners of plants, plant products or regulated articles (furtheron as: owners), production declaration, issuance of plant passports for protected zones, and movements to protected zones shall be subject to the provisions of the rules governing the conditions for registration of owners for the purposes of plant health and the conditions for issuing plant passports.

## **II. PROTECTED ZONE**

### Article 5 (establishment of a protected zone)

- (1) Protected zone in the territory of the Republic of Slovenia shall be declared by the Commission of the European Union (furtheron as: the Commission) upon the request of the Administration for plant protection and seeds, provided that the following conditions are met:
  - that a certain species of harmful organism in Annex 1, which is established in one or more parts of the European Union (furtheron to as: EU), is not endemic or established in the territory of the Republic of Slovenia, despite favourable conditions for its establishment;
  - that there is a danger that certain harmful organisms will establish, given propitious ecological conditions, despite the fact that these organisms are not endemic or established in the EU.
- (2) The Administration shall attach to the application referred to in the first indent of the preceding paragraph, the results of surveys and, in the case referred to in the second indent of the preceding paragraph, risk assessment for the harmful organism.
- (3) Notwithstanding the results of surveys, the Commission may, in agreement with the Administration, organise additional checks and monitor official health inspections of plants within the territory of the Republic of Slovenia.

## **III SPECIAL CONTROL**

### Article 6 (providers of special control of harmful organisms)

- (1) In addition to the Administration and phytosanitary inspection within the Inspectorate of the Republic of Slovenia for agriculture, forestry, hunting and fisheries (furtheron as: phytosanitary inspection), special control of harmful organisms shall be carried out by holders of public authorisations and providers of public services, who may, as part of the provision of special control, take samples of plants, plant products and the growing medium.
- (2) Notwithstanding the preceding paragraph, the inspection control and the ordering of phytosanitary measures shall be carried out by the phytosanitary and forestry inspectorates.

### Article 7 (annual programme)

- (1) The type of special control and harmful organisms subject to such control shall be provided for by the minister responsible for agriculture, in the annual phytosanitary programme for phytosanitary field, upon the proposal of the Head of the Administration.

- (2) On the basis of the annual programme referred to in the preceding paragraph, the Administration shall establish a programme of special control for each harmful organism, comprising:
- determination of the place and the extent of infection;
  - determination of the number, method and time of checks and the taking of samples for the purpose of establishing the health condition of plants with respect to the danger posed by the harmful organism, research findings, statistical principles and the harmful organism's biology.
- (3) The programme of special control shall be drawn up by the coordinator of special control, appointed by the Head of the Administration. The coordinator shall draw up the programme in cooperation with the Administration, phytosanitary inspection and the expert from an authorised laboratory.

## IV. SURVEYS

### Article 8 (surveys in the special regulated area)

Surveys shall be used for:

- official designation of the special regulated area as infected, exposed or pest-free area, where plant health is provided in the prescribed manner;
- official determination of the presence of harmful organisms;
- official determination of the limits of the spread of harmful organisms;
- permanent plant health checks in order to check the characteristics of the population of harmful organisms and to ensure their control.

### Article 9 (mandatory surveys)

- (1) Implementation of surveys shall be mandatory in protected zones.
- (2) In the protected zone of the Republic of Slovenia the Administration shall implement or ensure the implementation of regular surveys pursuant to the programme referred to in Article 10 of these Rules, for the following harmful organisms:
- *Erwinia amylovora* (Burr.) Winsl.,
  - *Globodera pallida* (Stone) Behrens.

### Article 10 (programme of mandatory survey)

- (1) The programme of mandatory survey shall be based on understanding of the biology of the harmful organism(s) of concern and of the agronomy and environment of the relevant zone, using appropriate methods of analysis, including growing medium and crop inspection and, if necessary, laboratory testing.
- (2) The programme referred to in the preceding paragraph shall comprise:

- a permanent regime providing regular and surveys at appropriate times, at least once a year, on the presence of the harmful organism(s) in respect of which the zone is to be recognized as a protected zone;
- a system of keeping records of the results of the surveys.

(3) The survey methodology, the conduct and the results of the surveys, shall be accessible to the Commission and its authorised experts.

#### Article 11 (programme of mandatory surveys for forest plants)

In carrying out mandatory surveys of harmful insects and arachnids, relevant to forestry plants or plant products, which attack forest plants normally grown in the open air, the following guidelines shall be followed:

- a) the survey shall be carried out in the protected zone;
- b) the survey methodology shall be based on a recording-plot method, comprising the establishment of a network of observation points (observation points may be marked in the environment, and a plan of observation points may be drawn up for transparency) following a systematic grid covering the entire relevant zone and a specification of the following parameters for each point:
  - actual latitude and longitude coordinates;
  - topography;
  - where appropriate, site descriptions;
  - where appropriate, additional information;
- c) the following criteria shall be used to decide the suitability of an observation point:
  - the area surrounding the point must be sufficiently large to allow selection of the point;
  - in general the point shall be located in the aforementioned area to allow the appropriate assessment operations;
  - in special cases, where appropriate, other points shall be selected, e.g. on sites where the risk of potential introduction of the harmful organism(s) of concern in an area is high;
- d) where appropriate, meteorological, especially precipitation and temperature, and edaphic data shall be recorded, preferably on the site of the observation point, but may also be obtained from a nearby station where these variables are regularly measured. Extreme events (i.e. drought, heavy rain, etc.) which are likely to influence the observations shall also be recorded;
- e) the survey, at each observation point, shall be:
  - concentrated on a representative number of units of plants or plant products;
  - concentrated on one or more of the main host plants or plant products of the harmful organism(s) of concern; where appropriate, other hosts shall also be included;
  - include visual inspections to determine the presence of symptoms or signs of the harmful organism(s) of concern, carried out at a time when such symptoms or signs would be expected to be at their maximum;
  - in cases of suspected occurrence of the harmful organism carry out laboratory testing of samples;
- f) where appropriate, at the observation points, traps to attract the relevant harmful organisms shall be used; the type and number of traps to be used as well as the method of trapping shall take into account the biology of the pest.

## **V. SPECIAL CONDITIONS FOR MOVEMENT**

### Article 12 (movement to a protected zone)

- (1) If the plants, plant products or regulated articles in List V.A.II originate in a protected zone or in an officially designated zone of the area of at least 50 km<sup>2</sup>, and are moved to another protected zone, these shall be issued plant passports, marked "ZP" and the code of the harmful organism for which the protected zone was recognised.
- (2) The owner shall declare the intended movement to the protected zone 48 hours before loading at the latest. The declaration shall be lodged in writing, specifying the destination, plant species, the number and description of packaging, and the quantity (kg, m<sup>3</sup>, piece).
- (3) Plant passports marked "ZP" shall be issued by the owner or provider of public service of plant health on the basis of official record of the performed plant health inspections and the records pursuant to the regulations governing inspections at the place of production.
- (4) In the case of plants or plant products that do not meet the phytosanitary requirements for protected zone, however do comply with the requirements of the provisions governing the movements, the owner may issue an ordinary plant passport on the basis of the findings of the competent phytosanitary inspector and the authorization of the Administration.

### Article 13 (movement within a protected zone)

- (1) If the plants, plant products and regulated articles in List V.A.II originate in and are moved within the protected zone, the owner shall not be liable to declare the intended movement into the protected zone.
- (2) The owner or the provider of the public service of plant health may issue a plant passport if special phytosanitary requirements referred to in List IV.B, in respect of which individual protected zones were recognized, are satisfied, and if at least one official inspection has been carried out during the growing season.
- (3) Movement under the conditions laid down in this article shall be permitted only if mandatory surveys are conducted in the relevant protected zone pursuant to these Rules.

### Article 14 (movement through a protected zone)

- (1) When plants, plant products and regulated articles in List V.A.II originating outside a protected zone are moved through such zone for final destination outside the zone and without a plant passport valid for that zone, they shall meet the following requirements:

- a) the packaging used or, where appropriate, the vehicles transporting the plants, plant products or regulated articles, shall be clean and free from the relevant organisms, and of such a nature as to ensure that there is no risk of harmful organisms spreading;
  - b) immediately after packaging, the packaging or, where appropriate, the vehicles transporting the said plants, plant products or regulated articles shall be secured according to phytosanitary standards laid down in the international convention governing plant protection in such a manner as to ensure:
    - that there is no risk of harmful organisms spreading in the relevant protected zone;
    - that the identity of the consignment remains unchanged;
    - that the consignment complies with the required official control conditions pursuant to the regulations governing the prevention of introduction, spread and suppression of organisms harmful to plants, plant products and regulated articles;
    - that the consignment remains secured during transportation through the relevant protected zone;
  - c) the plants, plant products and regulated articles shall be accompanied by a document that is normally used for trade purposes, indicating that the said products originate outside the relevant protected zone and have a destination outside the relevant protected zone.
- (2) If during an official check organised within the survey, planned monitoring, or other regular or random checks of the health condition of plants within the protected zone, it is found that the requirements laid down in the preceding paragraph are not met, the phytosanitary or forestry inspector shall immediately order sealing of the packaging and transportation, under official control, of the plants, plant products and regulated articles to a destination outside the relevant protected zone.

## **VI. RECORDS AND NOTIFICATION**

### Article 15 (record of special control)

The Administration shall keep the record of the results of special control, particularly of the results of surveys, on the basis of its own data, data provided by the owners of plants, providers of public service and public authorisations, and by the phytosanitary inspection.

### Article 16 (reporting and notification)

- (1) Coordinator of special control, who provides for the coordination of the implementation of surveys and coordination between all providers shall, whenever necessary during the year, notify the Administration of unusual phenomena and particulars, and draw up a mid-term partial report and a summary annual report on the implementation of the survey, which shall be submitted in writing to the Administration by 30 November of the current year.
- (2) Notwithstanding the provisions of Articles 10 and 11 of these Rules, the providers of special control shall, for all types of special control, record the parameters of each point of official check and sampling, including the actual latitude and longitude coordinates, site

description, and results of each survey, and submit these, in the electronic form appropriate for data processing, to the Administration together with the summary annual report.

Article 17  
(international obligations)

- (1) Pursuant to the act governing plant health and international conventions and agreements binding upon the Republic of Slovenia, the Administration shall report on the findings of special control.
- (2) The Administration shall officially notify the Commission of the results of mandatory surveys at least once a year.
- (3) The Administration shall immediately notify the Commission of each finding of the harmful organisms referred to in the second paragraph of Article 9 of these Rules.

**VII. COSTS**

Article 18  
(costs)

- (1) The costs of taking samples and of laboratory tests within the framework of the survey shall be borne by the budget of the Republic of Slovenia, irrespective of the outcome of the laboratory analyses.
- (2) Notwithstanding the preceding paragraph, the costs of taking samples and of laboratory tests within the framework of the systematic control at the places of production of plants for planting, and the costs of laboratory tests, shall be covered by the owner of the plants, irrespective of the outcome of laboratory analyses, if so provided for in the rules governing the suppression and prevention of spread of harmful organisms.
- (3) The costs of laboratory tests shall not exceed the highest permissible price set by the Administration in the contract concluded with providers of tests.

**VIII. TRANSITIONAL AND FINAL PROVISION**

Article 19  
(entry into force of these Rules)

These Rules shall enter into force on the fifteenth day following their publication in the Official Gazette of the Republic of Slovenia, and the provisions of Articles 5, 12, 13 and 14 of these Rules, which refer to protected zones, shall begin to apply on the day of accession of the Republic of Slovenia to the European Union.

No. 327-01-225/2003  
Ljubljana, 17 July 2003  
EVA: 2002-2311-0050

Franc But  
Minister of agriculture, forestry and food

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**AMENDMENT (Official Gazette RS, No 82/2005)**

Entry into force the next day to the publication in the Official Gazette of the Republic of Slovenia.

No. 327-01-281/2005  
Ljubljana, 27 July 2005  
EVA: 2005-2311-0191

Marija Lukačič  
Minister of agriculture, forestry and food

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## ANNEX 1: HARMFUL ORGANISMS

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ZP Harmful organisms  
code

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### (a) Insects, mites and eelpouts at all stages of growth

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1. *Anthonomus grandis* (Boh.)
  2. *Bemisia tabaci* Genn. (European populations)
  3. *Cephalcia lariciphila* (Klug.)
  - 3.1 *Dactylosphaera vitifoliae* (Fitch)
  4. *Dendroctonus micans* Kugelan
  5. *Gilpinia hercyniae* (Hartig)
  6. *Globodera pallida* (Stone) Behrens.
  7. *Gonipterus scutellatus* Gyll.
  8. *Ips amitinus* Eichhoff
  9. *Ips cembrae* Heer
  10. *Ips duplicatus* Sahlberg
  11. *Ips sexdentatus* Boerner
  12. *Ips typographus* Heer
  13. *Leptinotarsa decemlineata* Say
  14. *Liriomyza bryoniae* (Kaltenbach)
  15. *Sternochetus mangiferae* Fabricius
  16. *Thaumetopoea pityocampa* (Den. & Schiff.)
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### (b) Bacteria

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1. *Curtobacterium flaccumfaciens* pv. *flaccumfaciens* (Hedges) Col. & Jones
  2. *Erwinia amylovora* (Burr.) Winsl. et al.
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### (c) Fungi

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01. *Cryphonectria parasitica* (Murrill) Barr
  1. *Glomerella gossypii* Edgerton
  2. *Gremmeniella abietina* (Lagerb.) Morelet
  3. *Hypoxylon mammatum* (Wahl.) J. Miller
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### d) Viruses and virus-like organisms

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1. Beet necrotic yellow vein virus
  2. Tomato spotted wilt virus
  3. Citrus tristeza virus (European strains)
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