

Republic of Latvia

Cabinet

Regulation No. 132

Adopted 10 February 2009

Regulations Regarding Phytosanitary Measures and the Procedures for Application Thereof for Plant and Plant Product Protection against *Phytophthora ramorum*

*Issued pursuant to
Section 5, Paragraph fourteen of the
Plant Protection Law*

I. General Provisions

1. This Regulation prescribes the phytosanitary measures and the procedures for application thereof for plant and plant product protection against the harmful organism *Phytophthora ramorum*, Werres, De Cock & Man in't Veld sp.nov. (hereinafter – organism).

2. This Regulation applies to:

2.1. *Acer macrophyllum* Pursh., *Acer pseudoplatanus* L., *Adiantum aleuticum* (Rupr.) Paris, *Adiantum jordanii* C. Muell., *Aesculus californica* (Spach) Nutt., *Aesculus hippocastanum* L., *Arbutus menziesii* Pursh., *Arbutus unedo* L., *Arctostaphylos* spp. Adans, *Calluna vulgaris* (L.) Hull, *Camellia* spp. L., *Castanea sativa* Mill., *Fagus sylvatica* L., *Frangula californica* (Eschsch.) Gray, *Frangula purshiana* (DC.) Cooper, *Fraxinus excelsior* L., *Griselinia littoralis* (Raoul), *Hamamelis virginiana* L., *Heteromeles arbutifolia* (Lindley) M. Roemer, *Kalmia latifolia* L., *Laurus nobilis* L., *Leucothoe* spp. D. Don, *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Lonicera hispidula* (Lindl.) Dougl.ex Torr. & Gray, *Magnolia* spp. L., *Michelia doltsopa* Buch.-Ham. ex DC, *Nothofagus obliqua* (Mirble) Blume, *Osmanthus heterophyllus* (G. Don) P. S. Green, *Parrotia persica* (DC) C.A. Meyer, *Photinia x fraseri* Dress, *Pieris* spp. D. Don, *Pseudotsuga menziesii* (Mirbel) Franco, *Quercus* spp.L., *Rhododendron* spp. L. (excluding *Rhododendron simsii* Planch), *Rosa gymnocarpa* Nutt., *Salix caprea* L., *Sequoia sempervirens* (Lamb. ex D. Don.) Endl., *Syringa vulgaris* L., *Taxus* spp. L., *Trientalis latifolia* (Hook), *Umbellularia californica* (Hook. & Arn.) Nutt., *Vaccinium ovatum* Pursh. and *Viburnum* spp. L. plants (hereinafter – host plant), excluding fruits and seeds;

2.2. *Acer macrophyllum* Pursh., *Aesculus californica* (Spach) Nutt., *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Quercus* spp. L. un *Taxus brevifolia* Nutt. wood (hereinafter - wood);

2.3. *Acer macrophyllum* Pursh., *Aesculus californica* (Spach) Nutt., *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Quercus* spp. L. and *Taxus brevifolia* Nutt. isolated bark (hereinafter - bark).

3. The State Plant Protection Service (hereinafter – Service):

3.1. shall inspect the host plant during its active period of growth and at a period appropriate for organism development (hereinafter – period appropriate for inspection) at any place of growth of the host plant (hereinafter – place of growth), in a location where the host

plant is grown intended for planting (hereinafter – place of cultivation) and in the location where the host plant intended for planting is marketed (hereinafter – sales location);

3.2. when the visual signs of the organism have been found, shall take a sample and send it for laboratory tests;

3.3. shall perform a laboratory diagnosis of the organism;

3.4. shall apply phytosanitary measures and supervise the implementation thereof;

3.5. shall inform the results of the inspections referred to in Sub-paragraph 3.1. of this Regulation to the European Commission and the other European Union Member States by 1 December each year.

4. A person is prohibited from importing or distribution of the organism, except for the cases specified in regulatory enactments regarding trials or introduction and movement of harmful organisms, plants, plant products and objects, which have come into contact with them, intended for scientific purposes and varietal selection.

II. Importing of Host Plants, Bark and Wood whose Origin is the United States of America

5. It is permitted to import a host plant whose origin is the United States of America, if:

5.1. it is accompanied by the phytosanitary certificate referred to in regulatory enactments regarding plant quarantine (hereinafter – phytosanitary certificate). A phytosanitary certificate is issued following inspection which is performed prior to the shipment of the plants. During the period of inspection, a representative sample is taken for laboratory tests and found free from non-European isolates of the organism. In the column “Additional declaration” of the phytosanitary certificate, the following is indicated: “Found free from non-European isolates of *Phytophthora ramorum* Werres, De Cock & Man in ’t Veld sp. nov.”;

5.2. the phytosanitary certificate conforms to one of the following requirements:

5.2.1. it is indicated therein that the place of origin of the host plant is a territory about which it is known that non-European isolates of the organism are not to occur there, and the name of the territory is indicated in the column “Place of origin” of the phytosanitary certificate;

5.2.2. it has been issued following an inspection performed by the national plant protection organisation (hereinafter - official inspection) at the place of cultivation. Non-European isolates of the organism have not been detected in laboratory tests during the official inspection performed to the host plant (since the beginning of the last complete cycle of vegetation) and for the sample with visual signs of the organism;

5.3. the organism has not been found in the inspection performed on importation.

6. It is prohibited to import bark whose origin is the United States of America.

7. It is permitted to import wood, excluding *Quercus* L. wood, whose origin is the United States of America, if it is accompanied by the phytosanitary certificate, which conforms to one of the following requirements:

7.1. it is indicated therein that the place of origin of the wood is a territory about which it is known that non-European isolates of the organism are not to occur there, and the name of the territory is indicated in the column “Place of origin” of the phytosanitary certificate; or

7.2. it has been issued following an official inspection, in which it has been established that the wood has been stripped of its bark and it conforms to one of the following requirements:

- 7.2.1. the wood has been squared so as to remove entirely the rounded surface;
or
7.2.2. the water content of the wood, expressed in percentages of dry matter, does not exceed 20%; or
7.2.3. the wood is disinfected, being treated with hot air or hot water as appropriate.

8. If sawn wood with or without bark residue is being imported, the wood shall be artificially dried (the water content of the wood, expressed in percentages of dry matter, does not exceed 20% and is achieved during the production process, taking into account the appropriate regime of time and temperature). The wood or wood packaging is marked with the marking “kiln-dried” or “KD”.

9. It is permitted to import *Quercus* L. wood, whose origin is the United States of America if it is accompanied by the phytosanitary certificate. The phytosanitary certificate has been issued following an official inspection, in which it has been established that the wood has been stripped of its bark and the wood conforms to one of the following requirements:

- 9.1. the wood has been squared so as to remove entirely the rounded surface; or
9.2. the water content of the wood, expressed in percentages of dry matter, does not exceed 20%; or
9.3. the wood is disinfected, being treated with hot air or hot water as appropriate.

III. Movement of Host Plants

10. *Rhododendron* spp. (excluding *Rhododendron simsii* Planch.), *Camellia* spp. and *Viburnum* spp. host plants intended for planting, whose origin is Latvia, another European Union Member State or a third country, excluding the United States of America, may be moved, if they are accompanied by a plant passport, which has been issued in accordance with regulatory enactments regarding plant quarantine (hereinafter – plant passport).

11. It is permitted to move imported host plants, whose origin is the United States of America, if they have a plant passport.

12. A grower of host plants *Rhododendron* spp. (excluding *Rhododendron simsii* Planch.), *Camellia* spp. and *Viburnum* spp. intended for planting, shall register in the register of persons involved in the circulation of plants and plant products subject to phytosanitary control in accordance with the regulatory enactments regarding plant quarantine.

13. The Service shall permit the use of plant passport for the host plants referred to in Paragraph 10 of this Regulation, whose origin is Latvia, if:

13.1. the Service has performed inspections at the place of cultivation at least twice during a period appropriate for examination during the vegetation period and the organism has not been detected during these inspections; and

13.2. on detection of the organism, the phytosanitary measures referred to in Paragraph 18 of this Regulation and the inspections referred to in Paragraph 19 of this Regulation have been performed at the place of cultivation.

IV. Specification of Phytosanitary Measures

14. If during the inspection of the host plant the Service finds visual signs of the organism, the Service shall:

- 14.1. take a sample for laboratory tests and mark the host plant;

14.2. in order to prevent the risk of spread of the organism, take a decision regarding the prohibition for a person to move:

14.2.1. from the place of cultivation for a period up to 15 working days – host plants which are located in a belt of 10 metres in width around the potentially infected plant, and the propagation material thereof;

14.2.2. from the place of growth for a period up to 15 working days – host plants from which a sample has been taken, and the propagation material thereof; and

14.2.3. from the sales location for a period up to five working days – host plants from which a sample has been taken, and the propagation material thereof.

15. If, in performing the laboratory tests, the organism is not detected in the sample, the Service shall cancel the decision referred to in Sub-paragraph 14.2 of this Regulation.

16. If, in performing the laboratory tests, the organism is detected in the sample, the Service shall take a decision regarding the performance of phytosanitary measures in accordance with Paragraphs 17 and 18 of this Regulation.

17. The Service shall, following the detection of the organism:

17.1. declare the host plant from which the sample was taken as being infected (hereinafter – infected host plant). If the sample is made up of several host plants, all the host plants from which this sample was taken shall be declared as being infected; and

17.2. declare the territory in which the organism was detected as the focus of the organism.

18. The Service shall determine the following phytosanitary measures at the focus of the organism:

18.1. at the place of cultivation of the host plant:

18.1.1. the destruction of the infected host plant and the host plants within a belt of two metres in width around the infected host plant, as well as the plant debris by burning;

18.1.2. the prohibition of moving the host plants which are growing within a belt of 10 metres in width around the growing site of the destroyed host plant;

18.1.3. within a belt of 10 metres in width around the growing place of the eliminated host plant, the prohibition of the use of plant protection products for three months;

18.1.4. the application of phytosanitary measures to the soil and growing substrate within a belt of two metres in width around the infected host plant, in order to prevent the further spread of the organism; and

18.2. in the place of growth and sales location of the host plant - the destruction of the infected host plant by burning.

19. Following the determination of phytosanitary measures at the focus of the organism, the Service shall, within a period appropriate for inspection, perform:

19.1. at the place of cultivation of the host plant:

19.1.1. at least two inspections during the period of the next three months within a belt of 10 metres in width around the growing place of the destroyed host plant;

19.1.2. at least one additional inspection of all the host plants; and

19.2. at the place of growth of the host plants – at least one inspection of the host plants.

20. If during the inspections referred to in Paragraph 19 of this Regulation the organism is not found, the Service shall take a decision regarding the cancellation of phytosanitary measures.

21. If during the inspections referred to in Paragraph 19 of this Regulation the organism is found, the Service shall apply phytosanitary measures in accordance with Paragraphs 17 and 18 of this Regulation.

22. The host plants shall be destructed under the supervision of the Service no later than 15 days after receipt of the decision referred to in Paragraph 16 of this Regulation.

Prime Minister

I. Godmanis

Acting for the
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