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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 575

Adopted 21 July 2008

Procedures for the Control of Fire Blight and Containing its Spread

*Issued pursuant to
Section 5, Clause 13
of the Plant Protection Law*

I. General Provisions

1. This Regulation prescribes the procedures by which the plant quarantine organism - fire blight *Erwinia amylovora* (Burr.) Winsl. et al. (hereinafter - the organism) - shall be controlled and how its spread shall be contained.

2. This Regulation shall apply to the following host plants of the organism - the apple tree *Malus* Mill., the pear tree *Pyrus* L., the hawthorn *Crataegus* L., the rowan *Sorbus* L., the cotoneaster *Cotoneaster* Ehrh., the quince *Cydonia* Mill., the Japanese quince *Chaenomeles* Lindl., the junberry *Amelanchier* Medik., the loquat *Eriobotrya* Lindl., the medlar *Mespilus* L., the firethorn *Pyracantha* M.Roem., and Chinese Stranvaesia *Photinia davidiana* (Decne.) Cardot - (hereinafter - the host plant), excluding the fruit and seeds.

3. The State Plant Protection Service (hereinafter - the Service):

3.1. shall inspect host plants;

3.2. shall take a sample from the host plant to determine the organism in accordance with the annex to this Regulation and send it for laboratory tests;

3.3. shall perform a laboratory diagnosis of the organism;

3.4. shall apply the measures for containment and eradication of the spread of the organism (hereinafter - the phytosanitary measure) and supervise their performance;

3.5. shall perform the necessary measures in order to determine the probable origin of the organism.

4. A person shall register in the register of persons involved in the circulation of plants and plant products subject to phytosanitary control in accordance with the laws and regulations regarding plant quarantine, if there is a commercial garden in their ownership or tenure - a garden that has been established in order to make a profit from the retail of fruits and is being gardened (cultivated alleys between tree rows, beds around tree trunks, pruned crowns).

5. The area of a commercial garden shall be:

5.1. for apple-trees - not less than one hectare;

5.2. for pear-trees and Japanese quinces - not less than 0.5 hectares.

II. Specification of Phytosanitary Measures

6. If during the inspection of the host plant the Service detects visual symptoms of the organism, the Service shall:

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

6.2. to prevent the risk of the organism spreading, prohibit a person from moving host plants and their propagating material from their growing or cultivation sites for a time period of up to 15 working days.

7. If, in performing the laboratory tests, the organism is not detected in the sample, the Service shall remove the restrictions referred to in Sub-paragraph 6.2 of this Regulation.

8. If, in performing the laboratory tests, the organism is detected in the sample, the Service shall, within five working days after receipt of results of the tests, take a decision regarding implementing phytosanitary measures in accordance with Paragraphs 9 and 11 of this Regulation.

9. The Service shall:

9.1. declare the host plant from which the sample was taken as infected (hereinafter - the 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 infected. All plants in a nursery and rootstock propagating field that are growing in the area from which the sample has been taken in order to detect the latent form of the organism shall be declared as infected. Of container plants, those shall be considered as infected that by their composition and origin are a homogenous quantity, which has been documented in the Tree Nursery Book or for which a plant passport has been issued (hereinafter - the lot), from which a sample has been taken in order to determine the latent form of the organism;

9.2. declare the outbreak of the organism in the territory in which the infected host plant is growing:

9.2.1. nursery - area where planting material is grown (irrespective of the utilisation objective);

9.2.2. mother plant (a plant which is utilised for obtaining seed and propagating material (excluding rootstocks)) plantation;

9.2.3. rootstock propagation field - an area in which rootstock is grown and obtained;

9.2.4. commercial garden;

9.2.5. orchard - a garden which has been established in order to utilise the fruit grown for personal needs or to profit from the sale of fruit, but which is not a commercial garden;

9.2.6. home garden - a garden that has been established in order to utilise the fruit grown for personal needs;

9.2.7. gene pool - the host plant genetic resource collection which belongs to a person who in accordance with the laws and regulations regarding the specialisation of institutions and commercial companies in the collection of genetic resources of agricultural plant species has specialised in the collection, storage, characterisation, evaluating and utilising of genetic resources;

9.2.8. mother plant plantation and rootstock propagation field, from which propagation material has been taken, which has been utilised to obtain planting material for the nursery, which has been declared the outbreak of the organism. The origin of the propagating material and the clonal relationship of the propagating material and the planting material shall be indicated in the Tree Nursery Book. The grower shall have a mother plant plantation scheme in which the mother plants utilised for obtaining propagating material are indicated;

9.2.9. a nursery in which planting material is grown for the obtaining of which propagating material from the mother plant plantation or rootstock from the rootstock propagation field was utilised, which has been declared as the outbreak of the organism. The origin of the graft, rootstock and other propagating material and the clonal relationship of the propagating material and the planting material which has been utilised to obtain the plant shall be indicated in the Tree Nursery Book. The grower shall have a mother plant plantation scheme, in which the mother plants utilised for obtaining propagating material are indicated;

9.2.10. the host plants existing in the wild - an area in a 10 m radius around the infected host plant;

9.2.11. surrounding host plant growing areas (nursery, mother plant plantation and rootstock propagation field) in a 100 m wide zone, if they are managed by one and the same person;

9.2.12. if it has been determined that in an inhabited area there is an infected host plant in a home garden and the Service detects the organism in more than 20% of home gardens in which the host plants are growing - all of the

inhabited territory;

9.2.13. other locations not referred to in this Sub-paragraph - all the plantation;

9.3. shall declare that it is possible that the rest of the host plants located at the outbreak of the organism are infected;

9.4. shall determine a three kilometre wide buffer zone territory around the outbreak of the organism and perform inspections of the host plants.

10. The Service shall publish a decision to determine the buffer zone, and also general administrative acts regarding phytosanitary measures and their cancellation in the official gazette *Latvijas Vēstnesis* and on the website of the Service.

[9 March 2010]

11. The Service shall determine the following phytosanitary measures at the outbreak of the organism:

11.1. prohibit movement of the host plants from the outbreak of the organism;

11.2. destroy by burning at the nursery:

11.2.1. all the planting material within the area where the sample was taken for determining the latent form of the organism, if the organism was found to be present in the sample;

11.2.2. the infected host plant lot, if the organism was found to be present in the container plant;

11.2.3. the infected host plant lot, if visual symptoms of the organism have been found and the organism has been found in the sample;

11.3. at the rootstock propagation field by burning destroy the infected host plants, the host plants with visual symptoms of the organism, as well as the host plants, which are growing within a 10 metre radius of the infected host plant or host plant with visual symptoms of the organism (the distance shall be measured from the trunk of the host plant);

11.4. for mother plants - by burning destroy the infected host plant and the host plant with visual symptoms of the organism, as well as at least the next two host plants in the same row on each side of the infected host plant or host plant with visual symptoms of the organism, but not less than five metres on each side of the infected host plant or host plant with visual symptoms of the organism, as well as the surrounding host plants, the crowns of which are in contact with the infected host plant or with the host plant, which has visual symptoms of the organism;

11.5. in the case referred to in Sub-paragraph 9.2.8 of this Regulation:

11.5.1. prohibit spread of propagating material from the mother plant plantation and rootstock propagation field during the year, when the organism was determined, and during the following year;

11.5.2. in the year following detection of the organism a visual inspection shall be made of the mother plant plantation and rootstock propagation field and a sample shall be taken from the mother plants and host plants of the rootstock propagation field, that have a clonal relationship with the infected plant lot, for determining the latent form of the organism. If the organism is not detected by the laboratory tests, the Service shall cancel the phytosanitary measures and permit the spread of the propagating material;

11.5.3. if the propagating material was obtained from another person, in the year in which the organism was detected a visual inspection shall be made of the mother plant plantation and rootstock propagation field, in the following year a visual inspection shall be made of the mother plant plantation and rootstock propagation field and a sample shall be taken from the host plants of the rootstock propagation field, that have a clonal relationship with the infected plant lot, for determining the latent form of the organism. If the organism is not detected in the laboratory tests, the Service shall cancel the phytosanitary measures;

11.6. in the case referred to in Sub-paragraph 9.2.9 of this Regulation, in the year in which the organism was detected it shall be prohibited to distribute planting material, in the following year a sample shall be taken for determining the latent form of the organism. If the organism is not detected in the laboratory tests, the Service shall cancel the phytosanitary measures and permit the spread of the planting material;

11.7. in a commercial garden - by burning destroy the infected host plant and host plant with visual symptoms of the organism, as well as at least two host plants in the same row on each side of the host plant or the host plant with visual symptoms of the organism, but not less than five metres on each side of the host plant or host plant with visual symptoms of the organism;

11.8. in the gene pool:

11.8.1. by burning destroy the infected host plant, the host plant with visual symptoms of the organism, as well as the surrounding host plants that are in direct contact with the infected host plant or host plant with visual symptoms of the organism;

11.8.2. if the host plant subject to destruction is the only specimen of the variety in Latvia, it shall be allowed to obtain rehabilitated planting material and a time period shall be prescribed for their acquisition, the host plant shall be destroyed after this term and the Service shall prescribe the following:

11.8.2.1. to cut out and burn host plant branches with visual symptoms of the organism;

11.8.2.2. every year destroy the flowers of the host plant;

11.8.2.3. it shall be prohibited to utilise the host plant and the host plants present within a 10 metre radius around it as mother plants;

11.9. the infected host plant, host plant with visual symptoms of the organism in a plant collection (in botanical gardens, dendraria, tree nurseries, scientific institutions, arboreta) shall be destroyed by burning, as well as the surrounding host plants, the crowns of which are in contact with the infected host plant or a host plant with visual symptoms of the organism;

11.10. in orchards, home gardens and other sites - the infected host plant, host plant with visual symptoms of the organism and host plants within a 10 metre radius around the infected host plant or host plant with visual symptoms of the organism, shall be destroyed by burning;

11.10.¹ all host plants of the organism in a commercial garden or in an orchard shall be destroyed by burning in the area from which a sample has been taken in order to determine the latent form of the organism in accordance with Paragraph 13.³ of this Regulation, if the organism was found to be present in the sample;

11.11. after destruction of the host plant, the tools and materials utilised for destroying the host plant shall be disinfected with household chemicals containing chlorine;

11.12. the grafts of the destroyed host plant shall be treated with a plant protection product in accordance with the laws and regulations regarding plant protection.

[9 March 2010; 28 November 2017]

12. The host plants shall be destroyed under the supervision of the Service no later than 15 days after receipt of the decision referred to in Paragraph 8 of this Regulation.

13. If the Service, upon performing a repeat inspection of the outbreak of the organism, during the same vegetation period detects visual symptoms of the organism on host plants suspected of being infected, the phytosanitary measures shall be applied in accordance with Paragraph 11 of this Regulation.

13.¹ If the Service, upon performing an inspection of the outbreak of the organism in the commercial garden or orchard, detects an organism in any of the two years following the taking of the decision regarding application of phytosanitary measures, it shall determine the following tasks for a person:

13.¹ 1. to prepare and, within two weeks, submit to the Service the action plan for eradication of the organism. The action plan shall include the information on:

13.¹ 1.1. regular visual observations from 15 May until 15 September in the plantations of the organism host plants in all the territory of the outbreak. Visual observations shall be carried out at least once every two weeks;

13.¹ 1.2. maintenance of plantations to be performed, indicating the date when the specific maintenance work will be done, and the disinfection of tools to be used for maintenance of plantations, indicating a specific disinfection product and disinfection technique;

13.¹ 1.3. purchase of the planned host plants of the organism intended for planting, indicating the place of purchase thereof and the scheme of the planting site;

13.¹ 1.4. the persons responsible for implementation of the works referred to in Sub-paragraphs 13.¹ 1.1, 13.¹ 1.2, and 13.¹ 1.3 of this Regulation;

13.¹ 2. indicate in the observation log the implementation of the works referred to in Sub-paragraphs 13.¹ 1.1, 13.¹ 1.2, and 13.¹ 1.3 of this Regulation;

13.¹ 3. until cancellation of the phytosanitary measures, in the beginning of each calendar year by 1 April update the information referred to in Sub-paragraph 13.¹ 1 of this Regulation.

[28 November 2017]

13.² The Service shall, within five working days after submitting the action plan referred to in Paragraph 13.¹ of this Regulation, evaluate its compliance with the requirements referred to in Sub-paragraph 13.¹ 1 of this Regulation. If the requirements are not complied with, the Service shall determine a time period of five working days for rectification of non-conformities. If non-conformities are not rectified within the specified period of time, the liability provided for in laws and regulations shall set in.

[28 November 2017]

13.³ In the case referred to in Paragraph 13.¹ of this Regulation the Service shall, at least once in a vegetation period, take samples from possibly infected host plants in the outbreak of the organism and send them for laboratory tests.

[28 November 2017]

14. In order to restrict the spread of the organism, it shall be prohibited to move bee hives from the outbreak of the organism or buffer zone or to bring in bee hives into the outbreak of the organism or buffer zone during the time period which commences with blossoming by the host plant and finishes at least two weeks after the end of blossoming by the host plant.

15. It shall be prohibited to move or distribute propagating material from a nursery, mother plant and rootstock propagating field that is located in a buffer zone. If, in performing an inspection, the Service does not detect the host plant with visual symptoms of the organism, it shall allow the propagating material to be moved and distributed.

16. The Service shall take a decision regarding cancellation of the phytosanitary measures referred to in Paragraphs 9, 11, and 14 of this Regulation if the Service has not detected the organism at the outbreak of the organism for two successive vegetation periods or visual symptoms of the organism have not been detected in a home garden for two successive vegetation periods. The Service shall, within five working days of receipt of results of the analyses, take a decision regarding cancellation of the phytosanitary measures.

[9 March 2010]

17. If visual symptoms of the organism are detected for the host plants at trading places, the Service shall:

17.1. at markets - destroy the lot of host plants in which the host plants have been detected to have visual symptoms of the organism;

17.2. at other trading places - take samples for laboratory tests and until their completion prohibit the sale of the consignment of host plants in which the host plants have been detected to have visual symptoms of the organism. If the organism is detected, the Service shall take a decision to destroy the host plant lot in which the organism of the host plant was detected.

18. If a person requests to take more samples than prescribed in the Annex to this Regulation, he or she shall pay for the taking of samples and laboratory tests in accordance with the price list of the paid services provided by the State Plant Protection Service as prescribed in laws and regulations.

Prime Minister I. Godmanis

Minister for Agriculture M. Roze

Annex

Cabinet Regulation No. 575

21 July 2008

Taking Samples for Organism Detection

[28 November 2017]

1. Samples shall be taken:

1.1. from the host plants with visual symptoms of the organism at the growing and cultivation sites of the plants;

1.2. from the propagating material (planting material, rootstock, mother plants) without visual symptoms of the organism for determining latent forms;

1.3. in the case referred to in Paragraph 13.³ of this Regulation, without visual symptoms of the organisms for determining latent forms.

2. The following shall be taken as samples from host plants with visual symptoms of the organism:

2.1. branches with leaves, by cutting the branch off approximately 10 centimetres below the damaged area in such a way that a living undamaged section of the tree is included;

2.2. branches from one or more host plants of the same genus:

2.2.1. in the gene pool - one sample from each host plant;

2.2.2. in a commercial garden and orchard:

2.2.2.1. one sample from each hectare if the area of the garden is up to three hectares;

2.2.2.2. one sample from every three hectares if the area of the garden exceeds three hectares;

2.2.3. in a home garden - not more than one sample per genus;

2.2.4. in a nursery - one sample from each lot;

2.2.5. in trading places - one sample from each lot;

2.2.6. in other host plant cultivation sites - one sample;

2.3. a sample may be formed from several host plants of one genus. If the host plants have different growing conditions or the host plants with visual symptoms of the organism are growing dispersed, an individual sample shall be taken from these sites.

3. A sample that shall be taken for determining the latent forms for propagating material without visual symptoms of the organism:

3.1. 10-20 centimetres long bare branches;

3.2. 100 branches of the same host plant genus for each 0.1 hectares of area if there are more than 1000 plants of this genus in the plant nursery;

3.3. branches in the amount of 5 % of the number of host plants of this genus, but not less than 30 branches, if there are less than 1000 plants of this genus in the nursery;

3.4. from container plants - 100 branches from one genus host plants for every 1000 plants of this genus in the nursery, branches in the amount of 5 % of the number of host plants of the one genus, but not less than 30 branches, if there are less than 1000 plants of this genus in the nursery.

4. From possibly infected host plants in the outbreak of the organism (in a commercial garden or orchard) without visual symptoms of the organism for determining latent forms one sample shall be taken from the host plants of one genus in each 0.5 hectares. The sample shall consist of 10-20 centimetres long 100 bare branches.

Minister for Agriculture M. Roze

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