

On the basis of Articles 7, 8, 10, 18, 25, 31, 32, 35 and 36 of the Act on Plant Health (Official Gazette of the Republic of Slovenia, no. 45/01) Minister of Agriculture, Forestry and Food hereby issues these

RULES

on protective measures with regard to the introduction and spread of harmful organisms in plants, plant products and other regulated objects

I. GENERAL PROVISIONS

Article 1 (content)

(1) These Rules provide for the implementation of Directive No 2000/29/EC (OJ L 169, 10.07.2000, as amended), Directive No 69/466/EEC (OJ L 323/5, 24.12.1969, as amended) and Directive No 74/647/EGS (OJ L 352/41, 28.12.1974), as amended) measures for the prevention of introduction and spread of harmful organisms in plants, plant products and other regulated objects within the territory of the Republic of Slovenia as a part of the European Community (furtheron: the Community); lists of harmful organisms, plants, plant products and other regulated objects, subject to such measures; procedures at import, export and transit and the mode of official inspection; form and content of phytosanitary certificate and phytosanitary certificate for re-export; content of application and conditions for issuing the phytosanitary certificate and measures in the event of non-complying with phytosanitary requirements.

(2) Provisions of all Community regulations to which references are made in these Rules shall apply in the text in force at that time, which shall be in Slovene and English language, in written and electronic form, accessible at the Phytosanitary Administration of the Republic of Slovenia (furtheron: Administration) and on its website.

Article 2 (meaning of terms)

In addition to terms used in the act regulating plant health also the following terms shall be used in these Rules:

1. consignment or part of consignment (furtheron: consignment) means a quantity of plants, plant products and regulated objects which is accompanied by one phytosanitary certificate or other prescribed equivalent document or a stamp. The consignment consists of one or more lots.

2. lot means number of units of plants, plant products and regulated objects, identified by homogeneity of their composition and provenance, representing a part of the consignment.

3. third countries means all countries other than members of the European Union.

Article 3 (lists)

Lists of harmful organisms and lists of plants, plant products and regulated objects, governed by the act on plant health, are provided for in Annexes I, II, III, IV, V and V of Council Directive 2000/29/EC.

Article 4 (general measures for Community territory)

For the prevention of introduction and spread of harmful organisms in plants, plant products and other regulated objects the following shall apply within the Community territory:

- prohibition of introduction and spread of harmful organisms classified on List I.A, Annex I, Part A of Council Directive 2000/29/EC;

- prohibition of introduction and spread of harmful organisms classified on List II.A, Annex II, Part A of Council Directive 2000/29/EC, if they are present on certain plants and plant products, indicated in this part of Annex;
- prohibition of introduction of plants and plant products classified on List III.A, Annex III, Part A of Council Directive 2000/29/EC, originating in certain countries, indicated in this part of Annex;
- prohibition of introduction and movement of plants, plant products and regulated objects classified on List IV.A, Annex IV, Part A of Council Directive 2000/29/EC, if special requirements, indicated in this part of Annex, are not met;
- mandatory official inspection at the place of production before being moved for plants, plant products and regulated objects classified on List V.A.I, Annex V, Part A, Section I of Council Directive 2000/29/EC, if originating in the Community and must be accompanied by plant passport;
- mandatory official inspection at the point of entry into the Community for plants, plant products and regulated objects classified on List V.B.I, Annex V, Part B, Section I of Council Directive 2000/29/EC, if originating in third countries and must be accompanied by phytosanitary certificate or other due document or a stamp;
- possible application of special measures in accordance with the act governing plant health, which may be provided for by the Administration against harmful organisms which generally attack plants, or plant products in storage, in particular those classified on List IV, Annex VI of Council Directive 2000/29/EC.

Article 5 (general measures for protected zones)

For the prevention of introduction and spread of harmful organisms in plants, plant products and other regulated objects the following shall apply within the Community protected zones:

- prohibition of introduction and spread of harmful organisms classified on List I.B, Annex I, Part B of Council Directive 2000/29/EC;
- prohibition of introduction and spread of harmful organisms classified on List II.B, Annex II, Part B of Council Directive 2000/29/EC, if they are present on certain plants and plant products, indicated in this part of Annex;
- prohibition of introduction of plants and plant products classified on List III.B, Annex III, Part B of Council Directive 2000/29/EC;
- prohibition of introduction of plants, plant products and regulated objects classified on List IV.B, Annex IV, Part B of Council Directive 2000/29/EC, if special requirements, indicated in this part of Annex, are not met;
- mandatory official inspection at the place of production before being moved for plants, plant products and regulated objects classified on List V.A.II, Annex V, Part A, Section II of Council Directive 2000/29/EC, if originating in the Community and must be accompanied by plant passport, valid for a certain protected zone;
- mandatory official inspection at the point of entry into the Community for plants, plant products and regulated objects classified on List V.B.II, Annex V, Part B, Section II of Council Directive 2000/29/EC, if originating in third countries and must be accompanied by phytosanitary certificate or other due document or a stamp.

(2) Individual measures specified in a certain Annex shall only refer to a certain protected zone, indicated in a corresponding part of such Annexes.

Article 6 (additional measures)

(1) In addition to the special phytosanitary requirements indicated in List IV.A. of Council Directive 2000/29/EC which should be met if importing and moving plants, plant products and regulated articles, plants of *Dianthus L.* shall be put on market if not contaminated by carnation leaf-roller *Cacocimorpha pronubana* Hb and *Epichoristodes acerbella* (Walk.) (Diak.) or if the plants have been subjected to the treatment against this harmful organism.

(2) Notwithstanding the provisions of the previous paragraph, cut flowers of carnations slightly contaminated by the carnation leaf-roller can be put to market during the period from 16 October to 30 April.

(3) In addition to the phytosanitary requirements set out in list IV.A.II of Council Directive 2000/29/EC, which shall be satisfied by plants so as to be moved, the plants for planting from genera: *Acer L.*, *Cotoneaster Ehrh.*, *Crataegus L.*, *Cydonia Mill.*, *Euonymus L.*, *Fagus L.*, *Juglans L.*, *Ligustrum L.*, *Malus Mill.*, *Populus L.*, *Prunus L.*, *Pyrus L.*, *Ribes L.*, *Rosa L.*, *Salix L.*, *Sorbus L.*, *Syringa L.*, *Tilia L.*, *Ulmus L.*, *Vitis L.*, may be put on market if they are free from San Jose Scale (*Quadraspidiotus perniciosus* Comst.). If this requirement is not met, the phytosanitary inspector shall order the following in order to prevent the spread:

- all severely contaminated plants in nurseries or cutting nurseries shall be destructed,

- all other plants growing in a contaminated area or which are contaminated or are suspected to be contaminated, shall be subjected to chemical treatment.«.

Article 7 (decision of the European Commission)

(1) Besides the measures and procedures provided for with these Rules, also the following provisions of Decisions of the European Commission shall apply at import from third countries:

- 98/109/EC of 2 February 1998 authorising Member States temporarily to take emergency measures against the dissemination of *Thrips palmi* Karny as regards Thailand (OJ L No 27 of 3. 2. 1998, p. 47, as amended),
- 1999/355/EC of 26 May 1999 on emergency measures against the dissemination of *Anoplophora glabripennis* (Motschulsky) as regards China (except Hong Kong) (OJ L No 137 of 1. 6. 1999, p. 45, as amended),
- 2001/219/EC of 12 March 2001 on temporary emergency measures in respect of wood packing comprised in whole or in part of non-manufactured coniferous wood originating in Canada, China, Japan and the United States of America (OJ L No 81 of 21. 3. 2001, p. 39, as amended),
- 2002/499/EC of 26 June 2002 authorising derogations from certain provisions of Council Directive 2000/29/EC in respect of naturally or artificially dwarfed plants of *Chamaecyparis Spach*, *Juniperus L.* and *Pinus L.*, originating in the Republic of Korea (OJ L No 168 of 27. 6. 2002, p. 53, as amended),
- 2003/63/EC of 28 January 2003 authorising Member States to provide for temporary derogations from Council Directive 2000/29/EC in respect of potatoes, other than potatoes intended for planting, originating in certain provinces of Cuba (OJ L No 24 of 29. 1. 2003, p. 11, as amended),
- 2003/248/EC of 9 April 2003 authorising Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of plants of strawberry (*Fragaria L.*), intended for planting, other than seeds, originating in Argentina (OJ L No 93 of 10. 4. 2003, p. 28, as amended),
- 2003/249/EC of 9 April 2003 authorising Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of plants of strawberry (*Fragaria L.*), intended for planting, other than seeds, originating in Chile (OJ L No 93 of 10. 4. 2003, p. 32, as amended),
- 2003/250/EC of 9 April 2003 authorising Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of plants of strawberry (*Fragaria L.*), intended for planting, other than seeds, originating in the Republic of South Africa (OJ L No 93 of 10. 4. 2003, p. 36, as amended),
- 2004/4/EC of 22 December 2003 authorising Member States temporarily to take emergency measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards Egypt (OJ L No 2 of 6. 1. 2004, p. 50, as amended),
- 2004/95/EC of 20 January 2004 authorising the Member States to provide for derogations from the phytosanitary certificate requirement of Council Directive 2000/29/EC in respect of heat-treated wood of conifers originating in Canada (OJ L No 28 of 31. 1. 2004, p. 22, as amended),
- 2004/416/EC of 29 April 2004 on temporary emergency measures in respect of certain citrus fruits originating in Argentina or Brasil (OJ L No 151 of 30. 4. 2004, p. 76, as amended).

(2) More detailed instructions as the implementation of provisions indicated in the previous paragraph shall be determined by the director of the Administration.

Article 8 (phytosanitary certificate)

(1) Phytosanitary certificate is a certificate on plant health status issued by the state plant health organization or the competent authority acting in the name thereof.

(2) Phytosanitary certificate must fulfil the following requirements:

- it may be issued no more than 14 days prior to the plant dispatch of the consignment;
- it should be printed on forms prescribed by the International Plant Protection Convention, completed in in one of the official languages of the European Union;
- in addition to the commercial name it must contain also the botanical name of the plants and plant products, printed in Latin,
- nothing may be erased; text which has been crossed out must be verified and legible; no additions or changes may be made on an undersigned phytosanitary certificate;
- a copy must be marked as a copy and identical with the original;
- it should contain an "Additional declaration", if so provided for with the lists IV.A.I or IV.B of Council Directive 2000/29/EC; in such case the additional declaration should be a reference to such special phytosanitary requirement from these lists which is subject to the certification of the phytosanitary certificate.

(3) Certificate in electronic form may be recognised if satisfying the conditions laid down in respect of such form of certificate in compliance with phytosanitary standards under international convention on plant health.

(4) Notwithstanding provisions of the second indent of the first paragraph of this Article, original phytosanitary certificate shall be considered every document with no regard to the form, if containing information laid down in forms, provided for in the international convention on plant health, or if containing data pursuant to Commission Directive 2004/105/EC of 15 October 2004 determining the models of official phytosanitary certificates or phytosanitary certificates for re-export accompanying plants, plant products or other objects from third countries and listed in Council Directive 2000/29/EC (OJ L No 319 of 20. 10. 2004, p. 9).

II. IMPORT OF CONSIGNMENTS

Article 9 (import)

(1) Consignments from Lists V.B.I and V.B.II of Council Directive 2000/29/EC, which are imported into the Community, shall be inspected and accompanied by original phytosanitary certificate, issued pursuant to the previous Article.

(2) Phytosanitary certificate shall be issued in the country of origin of plants, plant products and regulated objects. Phytosanitary certificate shall be issued exceptionally also in a country other than the country of origin in case if importing wood and in other cases if such country is possible to assure meeting the special phytosanitary requirements specified in List IV.A.I or in case of import into a certain protected zone also from List IV.B of Council Directive 2000/29/EC from Annex 6.4.

Article 10 (import of small quantities)

(1) Provisions of the first paragraph of previous Article shall not be apply when natural persons import into the Republic of Slovenia small quantities of plants, plant products and regulated objects from Lists V.B.I and V.B.II of Council Directive 2000/29/EC, originating in European countries.

(2) Small quantities shall be considered to be:

- fruit and raw vegetables (except potato): together 5 kg;
- cut flowers and plant parts tied up as bouquet or wreaths: 1 bouquet or wreath;
- seeds (except seed potato) in original packaging, not intended for sale: together 0,5 kg;
- ornamental bulb and tuber plants: together 5 kg;
- Christmas trees without roots: 1 piece;
- in-door plants, plants in pots (except bonsai): together 3 plants;
- balcony plants, non-lignificated ornamental shrubs: together 10 plants.

(3) Provisions of this Article shall not apply to plants, plant products and regulated objects, included in List III.A or III.B of Council Directive 2000/29/EC.

Article 11 (application for inspection)

(1) The importer of consignments from the first paragraph of Article 9 of these Rules shall lodge an application with the phytosanitary inspector for inspection at the point of entry of import.

(2) The application shall be lodged in written form and shall be attached by all documents, accompanying the consignment, and should state in particular:

- name or company and address or registered office of the exporter of the consignment,
- name or company and address or registered office of the consignee of the consignment,
- type and registration number of means of conveyance,
- origin of plants,
- species of plants, method and number of packaging and the quantity (kg, m³, piece),
- registration number of importer,
- reference mark of phytosanitary certificate or equivalent document.

Article 11
(inspection of the consignment)

(1) Inspection of consignment from the first paragraph of Article 9 shall encompass:

- inspection of documents,
- inspection of identity of consignment,
- health inspection of consignment and means of transport.

(2) More detailed extent of inspection shall be prescribed by the head inspector of the Inspectorate of the Republic of Slovenia for Agriculture, Forestry and Food (furtheron: Inspectorate) with instructions in form of a manual.

(3) In the manual referred to in the previous paragraph the following shall be taken into account:

- instructions of the head of the Administration in relation to the reduced frequency of inspections of identity of consignment and health inspections for certain consignments, in respect of which such provision was made by the European Commission,
- opinions of authorised providers of plant health and the Administration as regards the level of danger for the spread of harmful organisms, which is assessed on the basis of scientific, professional and technical data available,
- experience and findings of phytosanitary inspection as regards the data on the origin of consignment and the presence of harmful organisms in the country of origin, the credibility of the phytosanitary certificate, and similar.

(4) After the inspection is finished, phytosanitary inspector shall issue a decision on permission or refusal of import. On the accompanying documents, he shall state the information on place and date of inspection which shall be signed and verified with the seal of the phytosanitary inspection.

Article 13
(review of documents and identity of consignment)

(1) Review of documents shall be executed to verify in particular:

- if the importer is entered into the register of producers, processors, importers and distributors of plants, plant products and regulated objects, in compliance with the act governing plant health;
- if the consignment is accompanied by valid phytosanitary certificate or other equivalent original document or a stamp, provided for as appropriate in compliance with phytosanitary standards under the international convention on plant health;
- if the consignment does not contain plants, plant products and regulated objects from List III.A, or in case of import into a certain protected zone also from list III.B of Council Directive 2000/29/EC;
- if the consignment intended for use of trials and research purposes and for work on varietal selections, meets the prescribed conditions under the act regulating plant health.

(2) Provisions of the first indent of the previous paragraph shall not apply in cases of a single import of consignments referred to in the first paragraph of Article 9 of these Rules, if representing personal property of natural persons or individuals, returning to the Republic of Slovenia after having lived abroad for more than 6 months.

(3) Identity of consignment shall be checked by comparing the content of the consignment with the data stated in accompanying documents and with marks on package and packing.

Article 14
(health inspection)

(1) Health inspection is to establish in particular:

- that plants, plant products and regulated objects, their package or means of transport are not infected with harmful organisms from List I.A or in case of import into certain protected zone also from lists I.B of Council Directive 2000/29/EC;
- that if imported, plants, plant products and regulated objects from List II.A of Council Directive 2000/29/EC these are not infected with harmful organisms included in this List, or in case of import of plants, plant products and regulated objects from List II.B of Council Directive 2000/29/EC into a certain protected zone also that these are not infected with harmful organisms included in this List;

- that plants, plant products and regulated objects meet special phytosanitary requirements from list IV.A.I or in case of import into certain protected zone also from list IV.B of Council Directive 2000/29/EC.

(2) The phytosanitary inspector shall take samples of plants, plant products and regulated objects for laboratory examinations without any obligation to compensate for their value and shall issue a receipt form for the samples taken. If necessary, the samples shall be sealed with sealing tongs. One side of the seal shall carry the sign of the Republic of Slovenia with the initials "SI", sign of the Ministry of Agriculture, Forestry and Food with the initials "MKGP", the national coat-of-arms of the Republic of Slovenia and the sign of the Inspectorate of the Republic of Slovenia for Agriculture, Forestry and Food with the initials "IRSKGH", the other side shall carry the sign of the Republic of Slovenia with the initials "SI", sign of the Ministry of Agriculture, Forestry and Food with the initials "MKGP", sign of the Inspectorate of the Republic of Slovenia for Agriculture, Forestry and Food with the initials "IRSKGH" and the serial number of the sealing tongs.

Article 15 **(transport to an appropriate storage place within the country)**

(1) If the point of destination referred to in the first paragraph of Article 9 of these Rules is in the Republic of Slovenia and the laboratory examination of the samples from the second paragraph of the previous Article of these Rules is lengthy and an appropriate storage place does not exist at the point of entry, the phytosanitary inspector may, in agreement with the customs authority, issue a decision ordering transportation of the consignment to an officially assigned place or to an appropriate storage place within the country, where the consignment shall remain under customs control until the results of the analysis are known. Such transportation shall be subject to all preventive measures for the prevention of spread of harmful organisms.

(2) If the point of destination referred to in the first paragraph of Article 9 of these Rules is in the Republic of Slovenia and, at the point of entry, all parts of consignment are not accessible, the phytosanitary inspector shall inspect only accompanying documents and if finding them corresponding, he shall order transportation, in agreement with the customs authorities, to the officially assigned place or to the appropriate storing place within the country, where the plant health inspection shall take place. At officially designated places within the country, the importer shall ensure an adequate place, where the plant health inspection shall take place, provided with appropriate lighting and an inspection working table.

(3) In case of the first and second paragraph of this Article, the phytosanitary inspector shall check suitability of storing place and the place, where the plant health inspection shall take place.

(4) In case of the first and second paragraph of this Article, the phytosanitary inspector shall equip the accompanying document with the following wording: "Not inspected. Transportation of consignment permitted, under customs control, to storing place (place). Immediately after arrival, inform the phytosanitary inspector in (place)."

Article 16 **(confirmation or refusal of import)**

(1) If the inspection establishes that conditions stipulated in Articles 13 and 14 of these Rules are met, the phytosanitary inspector shall permit the consignment to be imported into the Community. The mark "UVOZ DOVOLJEN" ("IMPORT PERMITTED") shall be inscribed on one of the accompanying documents.

(2) If the conditions or one of the conditions from Articles 13 or 14 of these Rules are not met, phytosanitary inspector shall ban the import of consignment with a decision and order one or more measures provided for in these Rules. On one of the accompanying documents the words "UVOZ PREPOVEDAN" ("IMPORT PROHIBITED") shall be inscribed. In such case phytosanitary inspector shall mark clearly the front side of the original phytosanitary certificate or phytosanitary certificate for re-export with red triangular stamp, making the certificate invalid.

(3) Red triangular stamp shall be printed by: Republic of Slovenia, Ministry of Agriculture, Forestry and Food, Inspectorate of the Republic of Slovenia and the inscription "SPRIČEVALO NI VELJAVNO" ("CERTIFICATE NOT VALID"). Wording shall have the form of capital letters and shall be in one of the European Union's official languages.

Article 17 **(import of partly infected consignments)**

(1) If it is established by the inspection specified in Article 14 of these Rules that a part of the consignment is infected with harmful organisms from Lists I.A and II.A, or in case of import of consignment into a certain protected zone also from Lists I.B and II.B of Council Directive 2000/29/EC, phytosanitary inspector may permit import of the rest of the consignment if it is not suspected to be infected and if no danger of spread of harmful organisms exists.

(2) For the infected part, phytosanitary inspector shall ban the import and order one or more measures from these Rules.

Article 18
(interception of a harmful organism)

(1) If the phytosanitary inspector suspects that a dangerous species of harmful organism which is not on Lists I.A, II.A, I.B and II.B of Council Directive 2000/29/EC has been detected at the plant health inspection upon import, he shall intercept the consignment and inform the seat of inspectorate who shall inform the Administration thereof. On the basis of assessed risk of harmful organisms, the Director of the Administration shall then decide on further measures.

(2) If the phytosanitary inspector carrying out health inspection at import establishes presence of a species of harmful organism from Lists II.A or II.B of Council Directive 2000/29/EC, on plants, plant products and regulated objects, not specified in these Lists, or harmful organism from Lists I.A, II.A, I.B and II.B of Council Directive 2000/29/EC in isolated state, the phytosanitary inspector shall order necessary measures, if these are provided for in respect of such harmful organisms.

Article 19
(import of an unregistered consignment)

(1) If the phytosanitary inspector establishes that a consignment from the first paragraph of Article 9 of these Rules is present within the territory of the Republic of Slovenia, which has not been declared and inspected at the point of entry, he shall notify thereof the seat of inspectorate and the nearest customs authority. Place of inspection shall be determined by the seat of inspectorate.

(2) If it is established by the customs authority that an import consignment which has not been declared as a consignment from Lists III.A, III.B, V.B.I or V.B.II of Council Directive 2000/29/EC, contains plants, plant products and regulated objects from these Lists, it shall notify the responsible phytosanitary inspector thereof.

Article 20
(undeclared plant consignments inside the country)

Internal affairs bodies which inside the country discover and temporarily or permanently confiscate an undeclared import consignment or consignment conveyed in transit from the first paragraph of Article 9 of these Rules shall inform the nearest phytosanitary inspection and customs authority thereof.

III. EXPORT OF CONSIGNMENTS

Article 21

The Phytosanitary inspection shall, on behalf of the state organization for plant health, issue phytosanitary certificates provided for in Annexes 1 and 2, which are constitutional parts of these Rules.

Article 22
(application for issuing phytosanitary certificate)

(1) If the importing state or the transit state of consignment requires the consignment to be accompanied by phytosanitary certificate, the exporter shall present a written request for the issue of phytosanitary certificate for the intended export to the phytosanitary inspector at least 24 hours prior to loading.

(2) Application is to be lodged in written form together with all accompanying documents of the consignment and shall include the following information:

- name or company and address or registered office of the exporter;
- name or company and address or registered office of the consignment;
- kind and number of means of transport;

- species, number and description of packaging and quantity (kg, m³, piece);
- point of entry of importing country;
- place and time of loading;
- procedures of deinsectification or disinfecting, if executed (date, kind of agent, concentration, duration and temperature);

(3) In addition to the information from the previous paragraph consignments for re-export shall be added the following:

- information on place and country of origin;
- phytosanitary certificate, which was accompanying the consignment during the import or the copy of the same, verified by phytosanitary inspector in case of consignment, import of which is obligatory to be issued the phytosanitary certificate;
- place and manner of storage of the consignment, eventual re-packaging, completion, etc. until re-export.

Article 23

(conditions for issuing the phytosanitary certificate)

(1) Prior to issuing the phytosanitary certificate, the competent phytosanitary inspector shall perform official inspection of consignment at the place of loading or exceptionally at the point of exit. If the requirements of the importing country or transition country are established to be met by the phytosanitary inspector, he shall issue the phytosanitary certificate.

(2) If it is found by plant health inspection that the consignment does not meet the phytosanitary requirements of the importing country or transition country, or that the means of transport and the packaging do not meet the export conditions, the inspector shall not issue the phytosanitary certificate and additionally order some other necessary measures.

Article 24

(form of phytosanitary certificate)

(1) Phytosanitary certificate shall be issued on the form of green colour for exported consignments. Form is laid down in Annex 1 of these Rules.

(2) Phytosanitary certificate for re-export shall be issued on the form of brown colour. Form is laid down in Annex 2 of these Rules.

(3) The forms from the first and second paragraph of this Article shall bear the coat-of-arms of the Republic of Slovenia, undertitled with the following wording in the rubric under the number 4: "REPUBLIKA SLOVENIJA, MINISTRSTVO ZA KMETIJSTVO, GOZDARSTVO IN PREHRANO, INŠPEKTORAT REPUBLIKE SLOVENIJE ZA KMETIJSTVO, GOZDARSTVO IN HRANO, FITOSANITARNA INŠPEKCIJA" ("REPUBLIC OF SLOVENIA, MINISTRY OF AGRICULTURE, FORESTRY AND FOOD, INSPECTORATE OF THE REPUBLIC OF SLOVENIA FOR AGRICULTURE, FORESTRY AND FOOD, PHYTOSANITARY INSPECTION").

(4) The forms shall be printed in English, French, German or Slovene language or in languages of the Slovene neighbouring countries, in capital or printed letters, and fulfilled in three copies, first page of which being the original, second and third page being the copies to this original. Original and the first copy shall be received by the exporter and the second copy shall be kept by the phytosanitary inspector.

IV. TRANSIT OF CONSIGNMENTS

Article 25

(transit of consignments)

(1) Consignments from the first paragraph of Article 9 of these Rules which are in transit, are not to be reported to the phytosanitary inspection when entering the country and are not compulsory to be inspected, except in cases of consignment of wood from third countries transported in an open means of conveyance.

(2) The consignment from the first paragraph of Article 8 of these Rules should be packed so that no danger for spread of harmful organisms is existing and should not be divided or jointed with other consignments or repacked on the customs territory of the Republic of Slovenia.

(3) If it is established by the customs authority the consignment from the first paragraph not being packed in accordance with the previous paragraph or being divided or jointed with other consignments or repacked, it should inform the competent phytosanitary inspector thereof. Such consignment should be treated as importing in accordance with Article 9 of these Rules.

(4) In case of an accident occurring during the transportation of the transit consignment resulting in reloading inside the country, the transporter or internal affairs bodies should inform the nearest phytosanitary inspection thereof. Costs arising thereof shall be born by the transporter.

V. MEASURES AND REQUIREMENTS

Article 26 (requirements during official inspection)

With the intention to prevent introduction and spread of harmful organisms during the official inspection, the importers, exporters, or owners of consignment, their transporters and forwarding agencies, and customs and inspection authorities, shall respect the following preventive measures:

- consignment as well as sample taken from such consignment shall be treated, until the plant health inspection is concluded, as suspicious regarding presence of harmful organisms;
- consignment of plants must not be opened, inspected and sampled without presence and permission of the phytosanitary inspector, with the exception of the post consignments, the contents of which is established by the custom authorities;
- samples of plants shall be researched inside the working place with conditions assured for preventive action to be taken against spread of harmful organisms;
- not-inspected samples should not be transferred without being correspondingly packed so to prevent spread of harmful organisms;
- samples of plants to be sent to the laboratory analysing should be packed correspondingly so as to prevent spread of harmful organisms, and should be transferred or sent as urgent consignments or consignments with value declared.

Article 27 (measures at import)

If during official inspection at import at point of entry into the Community a consignment is established to not meet the prescribed phytosanitary requirements, phytosanitary inspector shall intercept the consignment and order one or more of the following measures:

- refusal of introduction and re-sending to the consigner;
- re-direction of the consignment to a destination outside the Community, if phytosanitary requirements of the importing country are met; re-direction shall be carried out under supervision and in accordance with customs procedures;
- removal of infected/infested part of the consignment;
- destruction of the consignment;
- imposition of a quarantine as official confinement until the results of the examinations or official tests are available;
- remedy of irregularities and deficiencies as regards corresponding documents within a specified time limit;
- exceptionally, appropriate treatment where it is considered that, as a result of the treatment, the conditions for import shall be fulfilled and the risk of spreading harmful organisms is prevented. The measure of appropriate treatment may also be taken in respect of harmful organisms not listed in I.A, II.A, I.B and II.B of Council Directive 2000/29/EC.

Article 28 (measures at movement)

If during official inspection at movement between Member States of the European Union a consignment is established to not meet the prescribed phytosanitary requirements, phytosanitary inspector shall intercept the consignment and order one or more of the following measures:

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Article 29

(treatment)

- (1) Measures such as deinfestation, disinfecting and deratting of the consignments, shall be performed only by a legal or natural entity, registered for such activity.
- (2) Other measures of treatment may be carried out by providers of plant health in accordance with the act regulating plant protection products.
- (3) Performance of measures from this Article shall be supervised by competent inspector.

**Article 30
(destruction of plants)**

- (1) Plants, plant products and regulated objects for which a destruction has been ordered by competent inspector shall be destroyed by burning, application of plant protection products, burying or ploughing down, or in some other manner aiming at preventing spread of harmful organisms and assuring that harmful organisms are not spread by the remains.
- (2) Destruction with burning shall be used for seeds, wooden plants for planting, wood and packaging. Burning should be carried out in burning devices or in special pits or at such places where the fire is not possible to be spread into the environment.
- (3) Plant protection products shall be used for destruction of green plants or leaf plants which should be then ploughed down or buried.
- (4) Burying should be used for destruction of root- and tuber-plants, bulb-plants, packaging and other plants not possible to be destroyed in any other way. Plants or packaging should be buried into a pit and covered with at least 1 m layer of soil which should be pressed down and levelled with the surrounding ground. The pit with buried plants or packaging should be sufficiently distant from water sources and streams, which should be assessed by the competent inspector with regard to the risk factor of transmission of harmful organisms, evaluated on the basis of scientific, professional and technical data available with regard to the nature of harmful organism and the soil type. The place of burying should be marked visibly and not allowed to be cultivated for at least three years.
- (5) Destruction with ploughing down or in some other mechanical way shall be used in particular for the plants, which do not yet form the reproduction organs and are multiplying in a vegetative way.
- (6) The competent inspector shall order the manner, place and time limit of destruction from the previous paragraphs of this Article.

VII. NOTIFICATION, TASKS AND AUTHORISATIONS

**Article 31
(notification)**

- (1) Holder of plants, providers of plant health and other persons, finding or suspecting of harmful organisms and plants indicated in the first, second and third indent of Article 4 of these Rules, shall inform competent inspector and the Administration in accordance with act governing plant health.
- (2) As long as the risk of the interception of a harmful organism exists, specified in Article 18 of these Rules, the competent phytosanitary inspector shall inform holders of host plants within the infested area in the local manner on all measures, risks for occurrence, visible signs and obligations of notifying.
- (3) If the cases specified in the previous paragraph refer to plants in forests, forest nurseries and forest trees outside forest, holders of host plants shall be informed by forest inspectors pursuant to act governing plant health.
- (4) The competent phytosanitary inspector shall notify regularly in written form the seat of the inspectorate and the Administration of measures from Articles 27 and 28 of these Rules, in printed or electronic form in accordance with regulation governing notification in relation to interception of consignments of plants, plant products and regulated articles or isolated harmful organisms from import, which constitute risk for introduction and spread of harmful organisms.

(5) The Administration shall notify of all measures indicated in Articles 4, 5, 6, 7, 18, 27 and 28 of these Rules:

- the ministry competent for agriculture, forestry and food and other bodies to which the measures are of concern;
- public and providers of plant health through website, official gazette and periodic independent publications, in particular as regards symptoms, risk and measures, in cooperation of phytosanitary inspectors, providers of public service for plant health and other experts;
- European Commission, Member States and international organisations in accordance with the regulation governing notification of intercepted consignments of plants, plant products and regulated objects or isolated harmful organisms from import, which constitute risk for the introduction and spread of harmful organisms, and with these Rules.

Article 32 (tasks and authorisations)

(1) Official inspections of plants in relation to Articles 4, 5, 6 and 7 of these Rules, including taking official samples, shall be performed, within regular and special control, in accordance with act governing plant health, by:

- phytosanitary inspectors, in particular on import, movement or production in nurseries, stock nurseries, buffer zones and source of inspection,
- authorised providers of public service for plant health, in particular in tree nurseries for the production of officially certified material, forestry nurseries, orchards, vineyards and similar plantations and gardens,
- providers of public forestry service in forests,
- authorised officials of the Administration.

(2) Notwithstanding provisions of the previous paragraph, the competent phytosanitary or forestry inspector shall perform official inspections randomly at any place, where these are moved, produced, processed, stored, placed to market or otherwise used in accordance with act governing plant health.

(3) Laboratory examinations shall be carried out by an authorised laboratory pursuant to regulation on technical and organisational conditions to be satisfied by laboratories for the carrying out of diagnostic analysis in the field of plant health.

(4) Inspection supervision over the carrying out of these Rules shall be performed by phytosanitary inspectors, or for forest plants forest inspectors, pursuant to act governing plant health.

(5) Coordination, notification and exchange of information between bodies and providers of plant health shall be provided for by the Administration.

(6) The Administration may include also the following in the surveillance of harmful organisms:

- other bodies and organisations which operate in the field of agriculture and forestry, in accordance with act governing plant health,
- bodies and organisations, providing for remedy of consequences of natural disasters, in accordance with act governing plant health, and with act governing remedy of consequences of natural disasters.

(7) The director of the Administration shall issue instructions concerning the organisation of inspections and notification from this Article.

VII. TRANSITORY AND FINAL PROVISIONS

Article 33 (termination of effect)

With the effective date of these Rules, the Rules on protective measures with regard to the introduction, spread and suppression of harmful organisms to plants, plant products and other regulated articles (Official Gazette of Rs, No 69/01, 109/01 and 93/03), shall cease to apply.

Article 34 (effective date of the Rules)

These Rules shall become effective on 1 May 2004.

No. 327-01-72/2001

Done at Ljubljana, 25 March 2004

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