

Pursuant to Article 12 paragraph 5 of the Law on Plant Protection (Official Gazette of the Republic of Montenegro 28/06 and Official Gazette of Montenegro 28/11), the Ministry of Agriculture and Rural Development adopted the

RULEBOOK

ON PHYTOSANITARY MEASURES FOR PREVENTION OF INTRODUCTION, SPREAD AND SUPPRESSION OF *PHYTOPHTHORA RAMORUM* WERRES, DE COCK & MAN IN 'T VELD. sp. nov. *

Subject
Article 1

This Rulebook prescribes the phytosanitary measures for prevention of introduction, spread, and suppression of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (hereinafter referred to as: harmful organism) on vulnerable plants, vulnerable trees and vulnerable bark.

Meaning of terms
Article 2

Terms used in this Rulebook shall have the following meanings:

Vulnerable plants are plants, except for fruits and seeds, of the genera and species: *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* (Mirbel) Blume, *Osmanthus heterophyllus* (G. Don) P. S. Green, *Parrotia persica* (DC) C.A. Meyer, *Photinia x fraseri* Dress, *Pieris* spp. D. Don, *Psuedotsuga menziesii* (Mirbel) Franco, *Quercus* spp. L., *Rhododendron* spp. L., except for *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.

Vulnerable tree is the tree of genera and species: *Acer macrophyllum* Pursh, *Aesculus californica* (Spach) Nutt., *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Quercus* spp. L. and *Taxus brevifolia* Nutt.

Vulnerable bark is the isolated bark of orders and species: *Acer macrophyllum* Pursh, *Aesculus californica* (Spach) Nutt., *Lithocarpus densiflorus* (Hook & Arn.) Rehd., *Quercus* spp. L. and *Taxus brevifolia* Nutt.

Introduction and movement of vulnerable plants
Article 3

Vulnerable plants originating from the United States of America (hereinafter referred to as: the USA) may be introduced in Montenegro if the phytocertificate accompanying the consignment of plants contains the data:

- that plants originate from an area which is known for the fact that no non-European isolates of harmful organism appear therein and which is entered in the phytocertificate; or
- that it has been issued after it was confirmed that on no vulnerable plant in the place of production during conduction of phytosanitary checks, symptoms of infection with non-European isolates of harmful organism have been found, from the beginning of the last vegetation cycle; the checks comprising also the laboratory analysis in case of finding of any suspicious symptom.

In the phytocertificate issued after conducted check of the representative plant samples, taken prior to loading of the consignment of plants and establishing that plants are not infected with the non-European isolates of harmful organisms, must read: "Plants are free of the non-European isolates of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov."

Vulnerable plants originating from the USA may be introduced in Montenegro if it meets the requirements referred to in paragraphs 1 and 2 of this Article, the requirements referred to in item 2 of the List III.A and items 11.1., 39. and 40. List IV.A, section I. of the regulation on phytosanitary measures for prevention of introduction, spread and suppression of harmful organisms and lists of harmful organisms on plants, plant products and regulated articles and, if on the occasion of introduction, a phytosanitary check for presence of the non-European isolates was conducted, establishing that they are free of the harmful organism.

Introduced vulnerable plants referred to in paragraph 1 of this Article may be moved in the territory of Montenegro only if accompanied by the plant passport.

Plants intended for planting, except for the seeds of genera *Viburnum* spp., *Camellia* spp. and *Rhododendron* spp., except for *Rhododendron simsii* Planch, originating from countries other than the USA, may be moved in the territory of Montenegro only if phytosanitary check was carried out on the occasion of introduction and if it is accompanied by the plant passport.

Introduction of vulnerable trees Article 4

A vulnerable tree originating from the USA may be introduced in Montenegro if accompanied by a phytocertificate containing the following data:

- 1) that the tree originates from an area known for absence of the non-European isolates of the harmful organism and which is entered in the phytocertificate, or
- 2) that it was issued after it was established that the tree is without bark and:
 - that the tree is rectangular (roughly processed) so that its round surface has been completely removed; or
 - that the content of water in the tree does not exceed 20%, expressed in the percentage of dry matter, or
 - that the wood has been appropriately disinfected by hot air or hot water or
- 3) if the tree is sown with or without bark remains, dried in a chamber with humidity content below 20%, expressed in the dry matter percentage, achieved by the appropriate time-temperature regime, and designated by mark »kiln-dried« or »KD« or other international label on the tree or accompanying packaging.

Vulnerable oak tree - *Quercus* spp.L., including a tree which did not retain its naturally round surface, originating from the USA may be introduced in Montenegro if it meets the requirements referred to in item 2 of this Article.

Introduction of vulnerable bark Article 5

Vulnerable bark may be introduced in Montenegro if it does not originate from the USA.

Introduction of isolates of the harmful organism
Article 6

Isolates of harmful organism may be introduced in the territory of Montenegro only for the scientific purposes.

Relocation of the vulnerable plants originating from Montenegro
Article 7

Plants intended for planting, except for seeds of the genera *Viburnum* spp., *Camellia* spp. and *Rhododendron* spp., except for *Rhododendron simsii* Planch, originating from Montenegro may be moved within Montenegro, if:

- 1) it is accompanied by the plant passport;
- 2) producers of such plants are entered in the register of producers and
- 3) one of the following conditions is met:
 - plants originate from an area known for absence of the harmful organism; or
 - on the occasion of phytosanitary checks, at appropriate time when plants are in the active growth phase, at least two times during vegetation, depending on the specific character of production, in the places from the beginning of the last full vegetation cycle, no symptoms of infection with harmful organism were detected; the checks comprising also the laboratory analysis in case of finding of every suspicious symptom; or
 - in the place of production where infection with harmful organism was established, the procedures of eradication of harmful organism referred to in Article 10 paragraph 1 of this Rulebook were conducted.

Monitoring of health status
Article 8

For the purpose of establishment of presence and prevention of the spread of harmful organism as well as monitoring of the health status of vulnerable plants on the occasion of movement, special surveillance shall be conducted.

Suspicion of infection
Article 9

In case of suspected infection, the phytosanitary inspector shall take sample and send it for the laboratory analysis in compliance with the law.

Until obtaining of the laboratory analysis results, the phytosanitary inspector shall forbid relocation of vulnerable plants.

Measures in case of established infection in the place of production
Article 10

If infection with harmful organism is established in the place of production, at least the following phytosanitary measures shall be conducted:

- a) destroying of the infected plants and all vulnerable plants at least 2 m away from the infected plants, including the substrate for plant growing and plant remains;
- b) all vulnerable plants in the radius of 10 m from infected plants as well as all other plants originating from the infected batch:

- are kept in the place of production;
 - additional phytosanitary checks are conducted after conducted measures of eradication, at least two times in the period of three months during active growth of plants, establishing that the plants are free of the harmful organism;
 - treatment with agents which could cover the symptoms of infection with harmful organism in the period referred to in indent 2 of this paragraph is forbidden;
- c) phytosanitary checks are conducted on other vulnerable plants in the place of production, by which it is established that plants are not infected by the harmful organism;
- d) take other appropriate phytosanitary measures on the growing area 2 m away from the infected plants.

If in the place of production, infected plants are planted in the soil, in a permanent place, the phytosanitary inspector shall, in addition to measures referred to in paragraph 1 of this Article:

- forbid growing of vulnerable plants 4 m away from the infected plants in the three-year period; or
- order treatment of soil by appropriate means for plant protection in the radius of 4 m from the place where infected plant was growing and
- other measures in compliance with the law.

If infected plants are planted in containers, the phytosanitary inspector shall, in addition to measures referred to in paragraph 1 of this Article, order destruction or disinfection of containers as well as disinfection of the surface where containers were located (working table, concrete or plastic surface etc.).

Measures in case of established infection in the place of distribution Article 11

When infection with harmful organism is established in the place of destruction, the phytosanitary inspector shall order destruction of infected plants and conduction of phytosanitary measures on its vulnerable plants, destruction or disinfection of containers as well as disinfection of surface where containers were located (working table, concrete or plastic surface etc.).

Measures in the place other then place of production Article 12

If infection with harmful organism is established in the grown or wild-growing vulnerable plants, in the place other then place of production, the phytosanitary inspector shall:

- forbid movement of protected plants or parts thereof;
- order destruction of infected plans, vulnerable plants and plant remains in radius 2 m from the infected plants or removal and destruction of infected parts of vulnerable plants, if destruction of entire plants is difficultly feasible;
- conduct two additional checks of vulnerable plants located near the place of infection (in case of infection of woody plants in the radius of 100 m from the infected woody plants) in the period three months after destruction of infected plants;
- forbid application of agents for plant protection or some other agents which can cover symptoms of infection in the period referred to in indent 3 of this paragraph;
- forbid growing of vulnerable plants in the period of three years 4 m away from the infected plants or within area which is equal in size to the double radius of the crown of an infected woody plant;
- order the measures in compliance with the law.

Destruction
Article 13

Destroying of infected plants shall be conducted after establishment of infection, by combustion in the place determined by the phytosanitary inspector or by another procedure.

Hygienic measures
Article 14

When possible, phytosanitary inspector shall in addition to measures prescribed by this Rulebook, order the following hygienic measures:

- prohibition of access to the unauthorized persons into area suspected of being infected or where infection was established;
- closing into impermeable bags of infected plants or plant parts until destruction,
- cleaning of used equipment and transportation means from soil and plant parts and destroying of plant parts and remaining soil after cleaning, so that the spread of harmful organisms does not occur;
- disinfection of cleaned equipment and transportation means;
- after destruction, washing of used garments and hands and disinfection of footwear.

Transitional provision
Article 15

Provision of Article 3 paragraphs 4 and 5 and Article 7 paragraph 1 item 1 of this Rulebook shall be applicable as of 1 January 2013.

Final provision
Article 16

This Rulebook shall enter into force on the eighth day from the day of publication in the Official Gazette of Montenegro.

No.:
Podgorica, 9 February 2012

MINISTER

Tarzan Milošević

* Commission Decision of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld. sp. nov. amended by: Commission Decision 2004/426/EC of 29 April 2004 and Commission Decision 2007/201/EC of 27 March 2007 was transposed into this Rulebook.