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D'Onghia A.M. (ed.), Brunel S. (ed.), Valentini F. (ed.).
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Bari : CIHEAM

Options Méditerranéennes : Série A. Séminaires Méditerranéens; n. 121

2017

pages 107-108

Article available on line / Article disponible en ligne à l'adresse :

<http://om.ciheam.org/article.php?IDPDF=00007229>

To cite this article / Pour citer cet article

Di Rubbio P. **EU Legislation on *Xylella fastidiosa***. In : D'Onghia A.M. (ed.), Brunel S. (ed.), Valentini F. (ed.). *Xylella fastidiosa* & the Olive Quick Decline Syndrome (OQDS). A serious worldwide challenge for the safeguard of olive trees. Bari : CIHEAM, 2017 . p. 107-108 (Options Méditerranéennes : Série A. Séminaires Méditerranéens; n. 121)



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EU Legislation on *Xylella fastidiosa*

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Xylella fastidiosa (*Xf*) is a vector-borne bacterium, regulated in the EU as quarantine organism under the Council Directive 2000/29/EC (“plant health directive”) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community. As such, the introduction of this organism into, and spread within all Member States, shall be banned. The plant health directive provides Member States with the legal obligations to take, once the organism is known to be present and irrespective of the symptoms, all necessary measures to eradicate it, or if that is impossible, inhibit its further spread.

Following the first outbreak of *Xylella fastidiosa*, subspecies *pauca*, notified by the Italian Authorities in the region of Puglia, in October 2013, preliminary EU emergency measures were taken in February 2014, detailed in July 2014 and further strengthened in May 2015 (Decision (EU) 2015/789) with the aim to prevent the further spread of the bacterium within the EU. Emergency measures have been updated in several occasions, taking into account new scientific and technical evidence to ensure they are well targeted and based on latest scientific evidences.

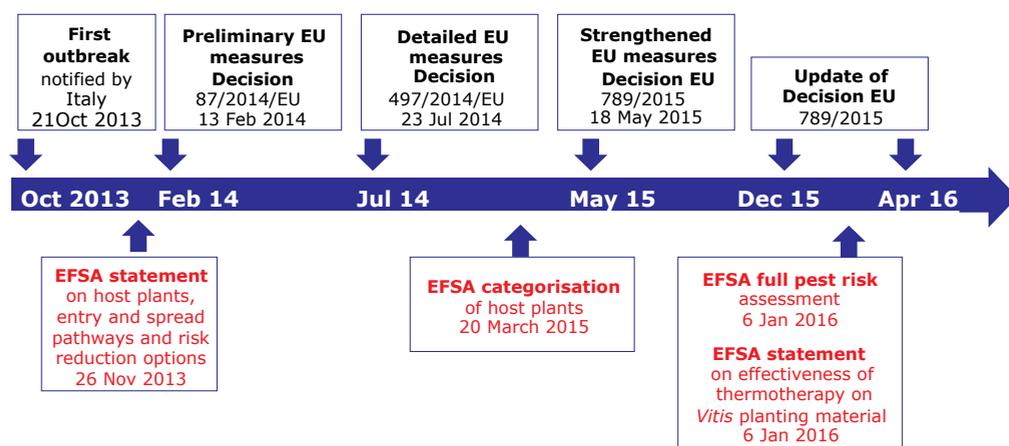


Figure 1. EU Regulatory framework of *X. fastidiosa* from its first outbreak in EU (2013), following scientific developments.

Emergency measures laid down under Decision (EU) 2015/789 are applicable to all Member States and are applicable to any subspecies of *Xylella fastidiosa*. Among others, general obligations are in place for all Member States to implement regular surveys activities (Art. 3); awareness raising campaigns (Art. 13a); mandatory Contingency plans (Art. 3a) and intensified controls on import in case of specified plants imported from infected non-EU Member States (Art. 18). Regulated plant species are divided into two categories: (1) “host plants”, indicating those plant species found infected in the Union territory, and (2) “specified plants”, indicating those plant species, including the host plants, found infected worldwide.

When the presence of *Xylella fastidiosa* is confirmed, Member States shall immediately proceed with the establishment of a demarcated area (DA) (Art. 4), consisting of an infected zone and a 10 km surrounding buffer zone. In this latest zone, intensive monitoring of specified plants is applied, vector control practices implemented and movement restrictions in place for all specified plants. In the infected zone, instead, eradication measure consist in the removal of all host plants located within a 100 m radius around the infected plants, plus removal of any symptomatic plants, intensive monitoring, phytosanitary treatments and implementation of agricultural practices against the vector population. Containment measures (Art. 7) are applied only in the infected zone of Puglia, Italy, and consist in intensive survey and felling activities of at least infected plants located in proximity of: (1) nurseries and growing sites; (2) plants with cultural, social or scientific value; (3) within the upper 20km adjacent to the buffer zone. Movement of specified plants within the infected zone is possible without any restriction.

Strict conditions are applied for movement of specified plants originating in a demarcated area/infected non-EU Member States. Specified plants shall indeed be grown under insect proof conditions, in a site surrounded by a 200 m buffer zone free from *Xf*, subject to sampling, testing and phytosanitary treatment prior to movement, with traceability requirements. Specific derogations are in place for dormant *Vitis* planting material which have undergone hot water treatment, or in case of *in-vitro* planting material. On a precautionary approach, plant passport is also mandatory for all host plants grown outside the demarcated areas and moved within the Union territory. On import side, a declaration of the *Xf* status is mandatory by non-EU Countries wishing to export to the EU, informing the Commission whether import will take place from a Pest Free Country, a Pest Free Area, or Pest Free Production Site, established in accordance with Decision (EU) 789/2015. Import of Coffee plants from Costa Rica and Honduras is banned due to their level of risk.

As regards the state of play of *Xf* in the Union territory, at the present time, based on official survey activities carried out by all EU Member States, the bacterium is only present in some limited parts of the Union territory. More particularly, it is considered to be established in South of Puglia (Italy) where containment measures are currently applied, while it is under eradication in Corsica and PACA region (France) as well as in Germany, where an isolated case was detected in June 2016 on 4 ornamental potted plants. Lastly, on 10 November, 2016, an outbreak of *Xf* was detected in Mallorca (Spain) in a garden centre where strict eradication measures in place. Based on current knowledge, different subspecies have been detected so far in the different demarcated areas of the Union: subsp. *pauca* in Italy, and in one outbreak in France (Menton); subsp. *multiplex* in all remaining outbreaks of France; subsp. *fastidiosa* in Germany and Spain. Trace-back activities are still ongoing to confirm the source of the infection, while movement of all specified plants remains prohibited. A list of demarcated areas established in the Union territory is available at the following http://ec.europa.eu/food/sites/food/files/plant/docs/ph_biosec_pwn_demarcated-areas.pdf

Finally, EU co-financing possibilities exist for the implementation of general survey activities and emergency measures (e.g. felling and removal of plants, monitoring, sampling and testing, etc.), as well as the compensation to operators for the value of the destroyed plant material (from January 2017). This is complementary to funding activities of DG AGRI as part of the Rural Development Programmes (e.g. advisory service, restoration of the agricultural production potential damaged by *Xylella*). Moreover, dedicated funding for research on *Xylella* has been also available in the framework of the HORIZON 2020 EU Programme (POnTE, *Xf*-Actors).

Further information is available at the following link: http://ec.europa.eu/food/plant/plant_health_biosecurity/legislation/emergency_measures/xylella-fastidiosa_en