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FINAL REPORT OF A SPECIFIC AUDIT

CARRIED OUT IN

ITALY

FROM 01 TO 12 MARCH 2010

IN ORDER TO EVALUATE AND FOLLOW-UP THE SITUATION AND CONTROL FOR
ANOPLOPHORA CHINENSIS AND GLABRIPENNIS, DIABROTICA VIRGIFERA
VIRGIFERA, DRYOCOSMUS KURIPHILUS, RHYNCHOPHORUS FERRUGINEUS AND
EVALUATE THE SYSTEM OF SURVEILLANCE FOR HARMFUL ORGANISMS

IN THE CONTEXT OF A GENERAL AUDIT

In response to information provided by the Competent Authority, any factual error noted in the draft report has been corrected; any clarification appears in the form of a footnote.

Executive Summary

This report describes the outcome of a Food and Veterinary Office (FVO) specific audit in Italy, which took place between 1 March to 12 March 2010, as part of the general audit of Italy carried out under the provisions of Regulation (EC) No 882/2004 on official food and feed controls.

*The specific audit evaluated the implementation of national measures, aimed at the evaluation and follow-up of the situation and control for *Anoplophora chinensis* and *Anoplophora glabripennis*, *Diabrotica virgifera virgifera*, *Dryocosmus kuriphilus* and *Rhynchophorus ferrugineus* and evaluate the system of surveillance for harmful organisms*

It is concluded that:

Italy has made significant progress since previous FVO missions in 2006, 2008 and 2009 and a substantial number of recommendations has been addressed. In particular the cooperation and communication between the central and the regional level have improved, although further progress is required to ensure that EU requirements are implemented in full and in a timely fashion in the whole territory of Italy.

The regions visited had also a good system in place for the surveillance of organisms covered by EU emergency measures, including good planning, recording and reporting.

*Substantial efforts have been in particular made in order to remove infested trees in the outbreak areas for *A. chinensis* and *A. glabripennis*. Veneto had finalised the felling plan in the *A. glabripennis* outbreak area in November 2009 and Lombardy showed progress in the demarcated areas for *A. chinensis*. Both regions have improved their monitoring systems, in particular as regards *A. glabripennis*.*

However, some shortcomings were still found by the mission team:

- The situation on *R. ferrugineus* has not significantly changed since the 2008 FVO mission, but the pest has spread further and the number of infested trees is thus that it is unlikely that the pest can be eradicated in these regions. Therefore, in so-called "settlement areas" the control measures aim at containment only. Although this may reflect the reality, this principle is not in compliance with EU emergency measures.*
- The establishment of containment zones and programmes for *D. virgifera* has been delayed.*
- The national law still allows for the movement of chestnut plants within and out of the demarcated area for *D. kuriphilus*, which is not permitted under EU emergency measures.*

The report makes a number of recommendations to the Italian competent authorities, aimed at rectifying the shortcomings identified and enhancing the implementing and control measures in place.

Table of Contents

1	INTRODUCTION	1
2	OBJECTIVES OF THE MISSION	1
3	LEGAL BASIS FOR THE MISSION	2
4	BACKGROUND	2
4.1	CONTRIBUTION TO THE GENERAL AUDIT	2
4.2	SUMMARY OF PREVIOUS FVO MISSION RESULTS	2
5	FINDINGS AND CONCLUSIONS RELATED TO IMPLEMENTATION OF REGULATION (EC) no 882/2004	3
5.1	COMPETENT AUTHORITIES	3
5.1.1	DESIGNATION OF COMPETENT AUTHORITIES	3
5.1.2	CO-OPERATION BETWEEN COMPETENT AUTHORITIES	4
5.1.3	CO-OPERATION WITHIN COMPETENT AUTHORITIES	5
5.1.4	DELEGATION OF SPECIFIC TASKS RELATED TO OFFICIAL CONTROLS	5
5.1.5	CONTINGENCY PLANNING	6
5.2	RESOURCES FOR PERFORMANCE OF CONTROLS	7
5.2.1	LEGAL BASIS FOR CONTROLS	7
5.2.2	STAFFING PROVISION AND FACILITIES	7
5.2.3	STAFF QUALIFICATIONS AND TRAINING	8
5.3	ORGANISATION AND IMPLEMENTATION OF OFFICIAL CONTROLS	9
5.3.1	REGISTRATION / APPROVAL OF FOOD BUSINESS ESTABLISHMENTS	9
5.3.2	PRIORITISATION OF OFFICIAL CONTROLS	9
5.3.3	CONTROL ACTIVITIES, METHODS AND TECHNIQUES	10
5.3.4	SAMPLING AND LABORATORY ANALYSIS	11
5.3.5	PROCEDURES FOR PERFORMANCE AND REPORTING OF CONTROL ACTIVITIES	11
5.3.6	TRANSPARENCY AND CONFIDENTIALITY	12
5.4	ENFORCEMENT MEASURES	13
5.4.1	MEASURES IN THE CASE OF NON-COMPLIANCE	13
5.4.2	SANCTIONS	13
5.5	VERIFICATION AND REVIEW OF OFFICIAL CONTROLS AND PROCEDURES	14
5.5.1	VERIFICATION PROCEDURES	14
5.5.2	AUDIT	15
5.6	MULTI ANNUAL NATIONAL CONTROL PLAN	15
6	SECTOR SPECIFIC FINDINGS AND CONCLUSIONS	16
6.1	ANOPLOPHORA CHINENSIS	16
6.1.1	NATIONAL AND REGIONAL LEGISLATION	16
6.1.2	NATIONAL SURVEY AND NOTIFICATION	17
6.1.3	OUTBREAKS AND CONTROL MEASURES	18
6.1.4	GENERAL CONCLUSION ON A. CHINENSIS	21
6.2	ANOPLOPHORA GLABRIPENNIS	22
6.2.1	NATIONAL AND REGIONAL LEGISLATION	22
6.2.2	OUTBREAKS AND CONTROL MEASURES	22
6.2.3	GENERAL CONCLUSION ON A. GLABRIPENNIS	26
6.3	DIABROTICA VIRGIFERA VIRGIFERA	26
6.4	DRYOCOSMUS KURIPHILUS	28
6.5	RHYNCHOPHORUS FERRUGINEUS	30
6.5.1	NATIONAL AND REGIONAL LEGISLATION	30
6.5.2	NATIONAL SURVEY AND NOTIFICATION	31
6.5.3	OUTBREAKS AND CONTROL MEASURES	32

6.5.4	<i>SPECIFIC SURVEYS AND INFORMATION CAMPAIGNS</i>	33
6.5.5	<i>CONTROL MEASURES</i>	34
6.5.6	<i>CONTROL OF MOVEMENT OF HOST PLANTS INTENDED FOR PLANTING</i>	35
6.6	SYSTEM FOR THE SURVEILLANCE OF HARMFUL ORGANISM	36
7	OVERALL CONCLUSION	37
8	CLOSING MEETING	38
9	RECOMMENDATIONS	38
ANNEX 1	LEGAL REFERENCES	40

ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

Abbreviation	Explanation
<i>A. chinensis</i>	Chinese longhorn beetle (<i>Anoplophora chinensis</i> (Forster)
<i>A. glabripennis</i>	Asian longhorn beetle (<i>Anoplophora glabripennis</i> (Motschulsky))
CA	Competent Authority
CCA	Central Competent Authority
CRA	Plant Pathology Research Centre
<i>D. kuriphilus</i>	O riental chestnut gall wasp (<i>Dryocosmus kuriphilus</i> Yasumatsu)
<i>D. virgifera</i>	Western corn rootworm (<i>Diabrotica virgifera virgifera</i> LeConte)
DG(SANCO)	Health and Consumers Directorate-General
EC	European Community
ERSAF	Regional Service of Agriculture and Forestry (Lombardy)
EU	European Union
FVO	Food and Veterinary Office
GA	General Audit
GPS	Global positioning system
MANCP	Single Integrated Multi-Annual National Control Plan
MIPAAF	Ministry of Agricultural and Forestry Policies
MS	Member State
NPHC	National Planth Health Committee
PCR	Polymerase Chain Reaction
<i>R. ferrugineus</i>	<i>Rhynchophorus ferrugineu s</i> (Olivier) (Red palm weevil)
RPS	Regional Phytosanitary Service
SA	Specific Audit
SOP	Standard Operating Procedure

1 INTRODUCTION

The Specific Audit formed part of the FVO's planned mission programme. It took place in Italy from 1 March to 12 March 2010. The audit team comprised 2 inspectors from the Food and Veterinary Office (FVO) and one expert from a Member State. Representatives from the central competent authority accompanied the audit team for the duration of the audit. An opening meeting was held on 1 March 2010 with the central competent authority. At this meeting, the objectives of, and itinerary for, the specific audit were confirmed by the audit team and the control systems were described by the authorities.

2 OBJECTIVES OF THE MISSION

The objectives of the specific audit were to:

- verify in relation to the sector evaluated and to the extent of which these provisions apply to the plant health sector that official controls are organised and carried out in accordance with relevant provisions of Regulation (EC) No 882/2004, and the national multi-annual control plan (MANCP) prepared by Italy.
- evaluate and follow-up the situation and control for *Anoplophora chinensis* and *glabripennis*, *Diabrotica virgifera virgifera*, *Dryocosmus kuriphilus*, *Rhynchophorus ferrugineus* and to evaluate the system of surveillance for harmful organisms

In terms of **scope**, the audit concentrated primarily on:

- Regulation (EC) No 882/2004, the organisation of official controls (Artt. 3-7,) control and verification procedures and methods (Artt. 8-10), enforcement (Artt. 54-55), and MANCP (Artt. 41-42) in relation to the sector evaluated and to the extent these provisions apply to the plant health sector ;
- Follow-up of the situation and controls concerning the above mentioned pests and the system of performing general surveillance as well as specific surveillance within the context of EU emergency measures.

The table below lists sites visited and meetings held in order to achieve that objective:

MEETINGS/VISITS		n	COMMENTS
COMPETENT AUTHORITIES	Central	1	MIPAAF
	Regional	4	RPS of Lombardy, Veneto, Campania, Lazio
OTHER RESPONSIBLE BODIES		7	Regional Forest Service of Veneto, regional office of the Corpo Forestale dello Stato (National Forest Service) in Lazio, municipalities in Lombardia (2), Veneto (1), Campania (1),
LABORATORIES		2	Diagnostic Laboratory of the Region of Campania, Plant Pathology Research Center
NURSERIES/GARDEN CENTRES		4	Lombardy (1), Veneto (1), Campania (1), Lazio (1)
OUTBREAK SITES <i>A. chinensis</i>		2	Lombardy (2)
OUTBREAK SITES <i>A. glabripennis</i>		2	Veneto (2)
OUTBREAK SITES <i>R. ferrugineus</i>		6	Campania (3), Lazio (3)

3 LEGAL BASIS FOR THE MISSION

The mission was carried out under the general provisions of Community legislation, and in particular:

- Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules;

A full list of the legal instruments referred to in this report is provided in the Annex and refers, where applicable, to the last amended version.

4 BACKGROUND

4.1 CONTRIBUTION TO THE GENERAL AUDIT

Article 45 of Regulation (EC) No 882/2004 requires the Commission to carry out general and specific audits in member States. The main purpose of such audits is to verify that, overall, official controls take place in Member States in accordance with the multi-national national control plans referred to in Article 41 and in compliance with Community law.

This Specific Audit was carried out as a component of a General Audit to Italy. Section 5 below contains findings and conclusions relating to the implementation of Regulation (EC) No 882/2004; Section 6 below contains findings and conclusions relating to sector specific issues.

4.2 SUMMARY OF PREVIOUS FVO MISSION RESULTS

Since 2004, the FVO has completed 7 inspections in Italy in relation to plant health. There were 33 recommendations contained in the reports of these inspections identified in the country profile 2009 for follow-up (for details see country profile 2009: http://ec.europa.eu/food/fvo/country_profiles_en.cfm).

This mission follows-up on the recommendations made by the following mission reports are available on the FVO website:

DG(SANCO)/8272/2006 http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=1745

DG(SANCO)/8273/2006 http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=1743

DG(SANCO)/8274/2006 http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=1744

DG(SANCO)/ 2008-7870 (http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=1985)

DG(SANCO)/ 2009-8179 (http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2385)

General aspects

Pest outbreaks and measures taken had not always been notified to the Commission and EU

legislation was not always properly transposed into national law. It was also stated that cooperation between the Single Authority and the Competent Authorities in regions, and among the latter, has to be strengthened as well as the harmonisation of measures, including national surveys.

Rhynchophorus Ferrugineus (Oliver) (DG(SANCO)/ 2008-7870)

Extensive control measures were put in place, however despite these, the pest had continued to spread. The control measures were hindered by a number of factors and it had not been ensured that infested trees were destroyed within an appropriate time frame. Not all regions visited by the mission team had established the demarcated areas fully in accordance with Decision 2007/365/EC.

Anoplophora chinensis and glabripennis (DG(SANCO)/8272/2006 and DG(SANCO)/ 2009-8179)

Report of mission DG (SANCO)/ 8272/2006 concludes that the control programme for *A. chinensis* was impeded by a lack of resources and in spite of the measures taken the pest continued to spread. Report of mission DG(SANCO)/ 2009-8179 draws similar conclusions and states that the measures against *A. chinensis* in Lombardy and *A. glabripennis* in Veneto were not found efficient, in particular as the enforcement of the felling plan for symptomatic trees had not been finalised by Lombardy before end of April 2009 and , as in Veneto, the the felling activities had be interrupted in summer 2009.

Dryocosmus kuriphilus DG(SANCO)/8274/2006

The national measures in place were non-compliant to the requirements of the Commission Decision 2006/464/EC in respect of establishment of demarcated zones and movement of host plants within the demarcated zone.

Diabrotica virgifera virgifera DG(SANCO)/8273/2006

Several regions were not surveyed. There was a lack of coordination of measures at national level. Improvements are necessary in the survey, in particular in containment zones (yet to be designated).

5 FINDINGS AND CONCLUSIONS RELATED TO IMPLEMENTATION OF REGULATION (EC) NO 882/2004

5.1 COMPETENT AUTHORITIES

5.1.1 Designation of Competent Authorities

Legal Requirements

Article 4(1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for official controls. This Article does not apply to plant health, however Article 1(4) of Council Directive 2000/29/EC requires that Member States establish or designate a Single Authority, which shall be responsible, at least, for the co-ordination and contact in relation to matters covered by the Directive.

Article 2(1)(g) of the same Directive defines "responsible official bodies" as being either the Single Authority or any State authority established at national level, or under the supervision within the

limits set by the constitution of the Member State concerned, of national authorities at regional level.

Findings

- The structure of the control system for plant health is described in the 2009 country profile (http://ec.europa.eu/food/fvo/country_profiles/CP_italy.pdf).
- The Single Authority (SA), within the meaning of Article 1(4) of Council Directive 2000/29/EC is Ministry of Agriculture, Foodstuffs and Forest Policies, (MIPAAF).
- Plant health responsibilities are assigned to the Regional Plant Health Services (RPS) who are normally attached to the agriculture departments of the Regions and directly responsible for the implementation of controls.
- The organisation of plant health services at national and regional level, is set out in Article 49 and 50 of Decree No 214 of 19 August 2005.

5.1.2 Co-operation between Competent Authorities

Legal Requirements

Article 4(3) of Regulation (EC) No 882/2004 provides for efficient and effective co-ordination and co-operation between competent authorities. This Article does not apply to plant health; however Article 2(1)(g) of Council Directive 2000/29/EC requires that Member States shall ensure close cooperation between their official plant protection organisation (SA) and the responsible official bodies.

Findings

- Meetings of the National Plant Health Committee (NPHC), chaired by MIPAAF, are held at least once a month. This body provides the main platform for the co-ordination between the MIPAAF and RPSs. It allows for the consultation of new legislative drafts before being forwarded to the State-Region Conference as well as exchange of information on various topics. The mission team examined minutes of NPHC meetings and found that regular meetings are held and that, where required, decisions are taken by the Committee, such as the nomination of regional experts for the coordination of national surveillances.
- In the regions visited by the mission team it was noted that RPSs had established good cooperation with other services, in particular with regional offices of the National Forests Service (NFS - Corpo Forestale dello Stato) and regional forest services (RFS) forming part of agricultural departments. Cooperation had also been established with services in charge of managing national parks.
- In Veneto and in Lazio the RFS and the NFS, respectively, were involved in the surveillance for harmful organism (e.g. *D. kuriphilus* and *A. chinensis* and *glabripennis*). In Veneto the RFS had been entrusted with the eradication measures in the *A. glabripennis* outbreak area. In Lazio the NFS supported the RPS in surveillance.
- Good cooperation had also been established between RPSs and municipalities. In particular

in the establishment areas for *R. ferrugineus* municipalities carry out surveillance and support RPSs in enforcing imposed eradication measures (e.g. coercive measures)

- MIPAAF stated that a reform of the national plant health system, including the cooperation between central and regional level, is planned. A proposal that was agreed by the NPHC was sent to the State-Regions Conference for political discussion. In addition MIPAAF has started a project to establish a web based instrument to facilitate the exchange of information between regions.
- The mission team noted that coordinators for national surveys had been appointed by the NPHC.

5.1.3 Co-operation within Competent Authorities

Legal Requirements

Article 4(5) of Regulation (EC) No 882/2004 requires that, when, within a competent authority, more than one unit is competent to carry out official controls, efficient and effective co-ordination and co-operation shall be ensured between the different units. This Article does not apply to plant health and there are no equivalent requirements for cooperation *within* Competent Authorities.

Findings

- At central level only MIPAAF is entrusted with the coordination of national plant health related matters.
- RPSs usually have provincial offices, in addition to the regional headquarters. In Lombardy ERSAF, which is a state owned agency, is entrusted with implementing tasks of plant health legislation.
- The mission team was informed by RPS representatives of the regions visited, that coordination is ensured by annual plans, regular meetings and day to day contacts by e-mail or phone between head quarters and provincial offices. In Lazio the annual work plan is complemented by monthly plans.

5.1.4 Delegation of specific tasks related to official controls

Legal Requirements

Article 5 of Regulation (EC) No 882/2004 sets out the scope of possible delegation to control bodies, the criteria for delegation, and the minimum criteria which must be met by control bodies. Where such delegation takes place, the delegating competent authority must organise audits or inspections of the control bodies as necessary. The Commission must be notified about any intended delegation.

This Article does not apply to plant health, however Article 2(1)(g) of Council Directive 2000/29/EC allows responsible official bodies in a Member State to delegate the tasks provided for in the Directive to be accomplished under their authority and supervision to a legal person, whether governed by public or private law, provided that such person, and its members, has no personal interest in the outcome of the measure it takes. The responsible official bodies in the Member States

shall ensure that such legal person is, under its officially approved constitution, charged exclusively with specific public functions. Laboratory testing is exempted from the clause on public function exclusivity; however, it may be delegated only if the responsible official body ensures that the legal person in question can assure impartiality, quality and protection of confidential information, and that no conflict of interest exists between the exercise of the tasks delegated to it and its other activities.

Findings

- None of the regions visited by the mission team had delegated tasks.

5.1.5 Contingency planning

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 also requires that competent authorities have contingency plans in place, and are prepared to operate such plans in the event of an emergency. Article 13 of Regulation (EC) No 882/2004 requires Member States to draw up operational contingency plans setting out measures to be implemented without delay when feed or food is found to present a serious risk.

Articles 4 and 13 do not apply to plant health and there are no equivalent requirements for contingency planning.

Findings

- The regions visited by the mission team had not established specific contingency plans for any specific pest.
- Lombardy has, based on the experience with the eradication programme for *A. chinensis*, developed a general contingency plan for outbreaks of new pests.
- The RPSs of the regions visited by the mission team stated that the regional budget foresees funds for emergencies such as new pest outbreaks.

Conclusions on Competent Authorities

The cooperation between MIPAAF and the RPSs has improved compared to the findings of previous FVO missions and real efforts have been made to make the coordination more efficient. This includes a reform proposal for the plant health sector sent to the State-Region Conference for political discussion, a project to establish a web based instrument to facilitate the exchange of information between regions and the central level as well as the nomination of coordinators for national surveys.

There is good cooperation between regional headquarters and their provincial offices, including regular meetings and at least annual work plans. The same applies in Lombardy to the cooperation between RPS and ERSAF. Where other services (e.g. forest services) are involved there is a clear division of tasks.

5.2 RESOURCES FOR PERFORMANCE OF CONTROLS

5.2.1 *Legal basis for controls*

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires that the necessary legal powers to carry out controls are in place and that there is an obligation on food business operators to undergo inspection by the competent authorities. Article 8 of the above Regulation requires that competent authorities have the necessary powers of access to food business premises and documentation.

Articles 4 and 8 do not apply to plant health, however, Article 12(2) of Directive 2000/29/EC establishes that inspectors shall have access to plants, plant products or other objects at all stages in the production and marketing chain and that they shall be entitled to make any investigation necessary for the official checks concerned, including those related to the plant passports and the records.

Article 2 paragraph 2(e) of Commission Directive 92/90/EC, obliges registered establishments to ensure access for inspectors to records/documents and for inspection and/or sampling.

Findings

- The national plant health act (Decree No 214 of 19 August 2005) gives the official bodies and their staff the necessary legal powers to enter premises and to have access to relevant documents.
- The Italian legal system requires that EU Decisions be transposed into national law. This is the responsibility of MIPAAF. MIPAAF stated that the transposition process is time consuming and had led to a delay in implementing the emergency measures in the past. In order to overcome this problem NPHC had agreed some years ago that the regions may directly apply EU emergency measures in the absence of national legislation.
- The mission team was informed that the enforcement of control measures (e.g. removal of symptomatic palm trees for *R. ferrugineus* in “settlement zones” – see chapter 6.5) can be delayed if an appeal is made against the decision of the RPS. However, in this case municipalities have the power to take contingency measures in order to address an immediate risk.

5.2.2 *Staffing provision and facilities*

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the competent authority to ensure that they have access to a sufficient number of suitably qualified and experienced staff; that appropriate and properly maintained facilities and equipment are available; and that staff performing controls are free of any conflict of interest.

Article 2(1)(g) of Council Directive 2000/29/EC establishes that responsible official bodies may delegate tasks provided for in that Directive to a legal person “...*provided that such person, and its members, has no personal interest in the outcome of the measures it takes*”. Article 2(1)(i) of the same Directive establishes that a statement or measure shall be considered to be official if made or

taken either by representatives of the official plant protection organisation or public servants or by qualified agents employed by one of the responsible official bodies of a Member State, in all other cases, provided that such agents have no personal interest in the outcome of the measures they take and satisfy minimum standards of qualification. Member States shall ensure that their public servants and qualified agents have the qualifications necessary for the proper application of this Directive.

Findings

- MIPAAF had increased the number of staff in 2009 with one permanent staff and one person with a temporary contract (for one year). In addition one other temporary staff supported the plant health team part time (25%).
- The mission team was informed that it is planned to recruit additional staff on the basis of temporary contracts.
- The mission team was informed that at the time of the mission 350 full time and 49 part time plant health inspectors were employed by the regions.

5.2.3 Staff qualifications and training

Legal Requirements

Article 6 of Regulation (EC) No 882/2004 requires competent authorities to ensure that staff receive appropriate training, and are kept up-to-date in their competencies. This Article does not apply to plant health and there are no equivalent legal requirements.

Findings

- The mission team noted that inspectors and technical staff (e.g. survey teams) met were qualified and had received regular training. New inspectors recruited by RPSs visited must have a university degree in agriculture or forestry or have to have a similar degree.
- Inspectors met by the mission team confirmed that they attend at least one specific training course per year and that refresher courses are part of the training programme. Some inspectors mentioned that some of the courses were held by other regions.
- MIPAAF stated that there is an exchange of information on the training courses provided by the regions in order to allow participation of inspectors of all regions.

Conclusions on Resources for Performance of Controls

National legislation gives the official bodies and their staff the power to act. Inspectors met by the mission team were competent and well trained. The number of staff at central as well as regional level was considered to be appropriate to fulfil the tasks as defined in the annual plans. However, the staffing situation does not allow for any flexibility (e.g. new outbreaks). It is also questionable whether the coordination work of MIPAAF can be sustained with staff working on temporary contracts.

5.3 ORGANISATION AND IMPLEMENTATION OF OFFICIAL CONTROLS

5.3.1 *Registration / approval of food business establishments*

Legal Requirements

Article 31 of Regulation (EC) No 882/2004 requires Member States to establish procedures for the registration/approval of food and feed business establishments, for reviewing compliance with conditions of registration and for the withdrawal of approvals. This Article does not apply to plant health and there are no equivalent general legal requirements, however there are, in specific cases, similar requirements:

Articles 6.5, 6.6 and 13c(1)(b) of Council Directive 2000/29/EC require that, subject to certain exemptions, producers, collective warehouses, dispatching centres and importers of certain plants and plant products be registered.

Commission Directive 92/90/EEC establishes obligations for producers and importers of certain plants and plant products and establishes details for their registration. Article 4 of that Directive requires that Member States ensure compliance with the obligations referred in its Article 2(2) by examining periodically, at least once a year, records and related documents.

Findings

- The obligations of registered entities are laid down in national legislation.
- The mission team visited 7 places of production and found that all establishments were registered in the official register and were at least once a year subject to official inspections. This was confirmed by RPS inspectors as well as the representatives of the establishments.
- The persons responsible for the registered entities visited by the mission team were familiar with their obligations and relevant requirements. They stated that they had good cooperation with the RPS and the mission team noted that in the 2 cases of outbreaks of *R. ferrugineus* in places of production in Campania and Lazio the producers had informed the RPS immediately.

5.3.2 *Prioritisation of official controls*

Legal Requirements

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency. Controls shall be carried out at any of the stages of the production and processing chain and, in general, are to be carried out without prior warning. Controls shall be applied with the same care to exports from the Community, imports into the Community and to product placed on the Community market. This Article does not apply to plant health and there are no equivalent general legal requirements especially regarding exports, however in certain specific cases, there are similar requirements:

Article 6(5) of Council Directive 2000/29/EC requires that the official examinations referred to in that Article shall be made regularly at appropriate times at least once a year and at least by visual observation. Article 12(1) of the same Directive establishes that Member States shall organise official checks to ensure compliance with the provisions of this Directive, in particular with Article

10(2) which shall be carried out at random and without any discrimination in respect of the origin of the plants, plant products or other objects, and in accordance with the following provisions:

- occasional checks, at any time and at any place where plants, plant products or other objects are moved,
- occasional checks on premises where plants, plant products or other objects are grown, produced, stored or offered for sale, as well as on the premises of purchasers,
- occasional checks at the same time as any other documentary check, which is carried out for reasons other than plant health.

The checks must be regular in premises listed in an official register in accordance with Article 10(3) and Article 13c(1)(b), and may be regular in premises listed in an official register in accordance with Article 6(6). The checks must be targeted if facts have come to light to suggest that one or more provisions of this Directive have not been complied with.

Findings:

- The mission team noted that the official controls are planned and that the plans take into account the most important local agricultural production and the capacity of the relevant unit, in particular human resources.
- All regions visited by the mission team planned their work at least on an annual basis and set priorities taking the actual plant health situation in the EU, Italy and the regions into consideration (e.g. new outbreaks, notifications, etc.).
- RPS of Veneto stated that human resources did not allow for occasional checks of retail shops.
- Inspectors met by the mission team stated that regularly checks are carried out at premises of official registered producers at least once a year and that these checks comprise of documentary checks as well as plant health checks. This was confirmed by representatives of the nurseries visited.

5.3.3 Control activities, methods and techniques

Legal Requirements

Article 10 of Regulation (EC) No 882/2004 specifies the control activities, methods and techniques that should be deployed. This Article does not apply to plant health and there are no equivalent general legal requirements.

Findings

- In Lombardy as well as Veneto tree climbers were involved in 2009 in the surveillance for *A. glabripennis* in the demarcated area in order to improve the quality of the survey results.
- In Campania a project is ongoing to detect symptomatic palm trees with the help of aerial platforms (unmanned aerial vehicle).
- Lombardy carries out intensive and well planned surveys for *A. chinensis* in the infested zones and parts of the buffer zone. However, in the outer part of the buffer zone (1,500m) the survey is limited to public areas and thus, does not allow for a representative survey

result.

5.3.4 *Sampling and Laboratory analysis*

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires competent authorities to have, or to have access to, adequate laboratory capacity. Article 11 of the Regulation establishes requirements for sampling and analysis and Article 12 requires the competent authority to designate laboratories that may carry out analysis of samples taken during official controls. It also lays down accreditation criteria for laboratories so designated.

Articles 4, 11 and 12 do not apply to plant health and there are no equivalent general legal requirements.

Findings

The scope of the mission did not allow for a thorough evaluation of the diagnostic capacities of the laboratories visited.

- The mission team visited the Diagnostic Laboratory of Campania and the Laboratory of the Plant Pathology Research Centre in Rome (CRA), is a National Research Organisation which operates under the supervision of the Ministry of Agriculture.
- The mission team noted that laboratories had good diagnostic facilities in house and that specialists provide a high level of expertise. The laboratories were well organised.
- However, the mission team found that cooperation and communication between laboratories was limited, in particular as regards the procedures in place for carrying out a Pest Risk Analysis (PRA) in case of finding new pests. The Diagnostic Laboratory of Campania informed the mission team that PARs assess the risk related to new findings of harmful organism for the region but not for the whole territory of Italy and the EU.
- Ring test and proficiency tests are not organised at national level.
- MIPAFF and CRA stated that there is an ongoing project with the aim of strengthening the network of official laboratories and allowing the CRA to act as the national reference laboratory.

5.3.5 *Procedures for performance and reporting of control activities*

Legal Requirements

Article 8 of Regulation (EC) No 882/2004 requires that competent authorities carry out their official controls in accordance with documented procedures, containing information and instructions for staff performing official controls.

Article 9 of the above Regulation requires competent authorities to draw up reports on the official controls carried out, including a description of the purpose of official controls, the methods applied, the results obtained and any action to be taken by the business operator concerned.

Articles 8 and 9 do not apply to plant health and there are no equivalent general legal requirements.

Findings

- The mission team had a demonstration of the national data base for registered producers and importers, which is a compilation of the official registers of the regions. It contains information on the registered establishments and the inspections carried out and allows for specific queries.
- The mission team examined inspection reports in all regions visited and found that the reporting, documentation and record keeping was well organised.
- Experts of the RPSs have been nominated by the NPHC for the coordination of the national surveys. The mission team received a list of coordinators for the different surveys.
- Italy sent survey reports for the 2009 surveys as required under EU emergency with a negligible delay.

5.3.6 Transparency and confidentiality

Legal Requirements

Article 7 of Regulation (EC) No 882/2004 requires that competent authorities carry out their activities with a high degree of transparency, in particular by giving relevant information to the public as soon as possible. However, information covered by professional secrecy and personal data protection is not to be disclosed. This Article does not apply to plant health and there are no equivalent legal requirements.

Findings

- All regions visited had good websites with information relevant to producers as well as to the wider public.
- The mission team noted that in all regions visited good information campaigns had been carried out, in particular as regards a harmful organism considered as a high threat (e.g. from outbreaks); this concerns, for example, *R. ferrugineus*, *A. chinensis*, *A. glabripennis*.
- The mission team saw examples of leaflets and press releases as well as a newsletter, and representatives of the municipalities and the the national and regional forest services stated that they had been involved in these campaigns.
- The RPS of the regions visited by the mission team stated that national Decree No. 196 is providing the legal basis for the protection of personal data and that appointed persons within the regional administration control the application of the provisions.

Conclusions on Organisation and Implementation of Official Controls

Producers are registered in the official register and are at least once a year subject to official inspections.

The mission team noted that the official controls are planned. The plan takes into account the most important local agricultural production and risks. However, not all regions carry out occasional checks on premises where plants, plant products or other objects are grown, produced, stored or offered for sale, including retail shops as required by Article 12(1) of Directive 2000/29/EC.

The mission team noted that laboratories had good diagnostic facilities in house. However, the mission team found that the cooperation and communication between the laboratories was limited, in particular as regards the procedures in place for carrying out a pest risk analysis (PRA) in case of finding new pests.

All regions visited had published information on topics relevant to the mission on the official website of the regions and had carried out good information campaigns.

The protection of personal data is ensured by national legislation.

5.4 ENFORCEMENT MEASURES

5.4.1 Measures in the case of non-compliance

Legal Requirements

Article 54 of Regulation (EC) No 882/2004 requires a competent authority which identifies a non-compliance to take appropriate action to ensure that the operator remedies the situation. This Article does not apply to plant health and there are no equivalent general legal requirements, however in specific cases, there are similar requirements:

Article 11 of Council Directive 2000/29/EC specify measures to be taken where non-compliance is found during official inspections.

Article 1(6) of Directive 92/90/EEC requires that Member States ensure that responsible official bodies take the necessary measures if the obligations referred to in Article 2(2), and, where appropriate, Articles 2(3) and 3 of the same Directive, cease to be met.

Findings

- National Decree no 214 provides legal basis to take administrative measures.
- RPSs of the regions visited by the mission team stated that in cases of non compliance a report is issued and the responsible person is notified about the required measures and the deadlines.
- Mission team noted that in the case of the nurseries with outbreaks of *R. ferrugineus* the RPSs notified the producers and had supervised the implementation of the ordered measures.

5.4.2 Sanctions

Legal Requirements

Article 55 of Regulation (EC) No 882/2004 states that Member States shall lay down the rules on

sanctions applicable to infringements of feed and food law and other Community provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

This Article does not apply to plant health and there are no equivalent legal requirements.

Findings

- Article 54 of National Decree no 214 provides for a range of sanctions for different cases of non-compliance. In the event that a non-compliance is also considered to be a crime, in addition to the sanctions the legal authorities are informed.
- Relevant bodies of sanctions are the regions and autonomous provinces of Trento and Bolzano. Revenues generated from the penalties imposed goes into the regional budget.
- The RPS of the regions visited stated that 4-10 sanctions were imposed in 2009 and that they are mainly related to plant passporting issues. The fines imposed were up to 5000 Euro.

Conclusions on Enforcement Measures

National Decree no 214 provides legal basis to take administrative measures in cases of non-compliances, including sanctions. Measures are taken following non-compliance and sanctions are imposed.

5.5 VERIFICATION AND REVIEW OF OFFICIAL CONTROLS AND PROCEDURES

5.5.1 Verification procedures

Legal Requirements

Article 4 of Regulation (EC) No 882/2004 requires the competent authorities to ensure the impartiality, consistency and quality of official controls at all levels and to guarantee the effectiveness and appropriateness of official controls. Article 8 states that they must have procedures in place to verify the effectiveness of official controls, to ensure effectiveness of corrective action and to update documentation where needed.

Articles 4 and 8 do not apply to plant health and there are no general equivalent legal requirements. When laboratory tasks are delegated, Article 2(1)(g) of Directive 2000/29/EC requires that the responsible official body ensures throughout the time of the delegation that the legal person to which it delegates can assure impartiality, quality and protection of confidential information, and that no conflict of interest exists between the exercise of the tasks delegated to it and its other activities.

Findings

- The RPSs visited by the mission team stated that the work of the inspectors is verified on the basis of the reports issued and sent to the head quarters.
- The mission team noted that in the region of Lazio inspections are carried out by alternating

teams of inspectors. This facilitates the inspectors to verify the work of the previous inspection team, which gives further guarantees that the inspections are properly performed.

5.5.2 *Audit*

Legal Requirements

Under Article 4 of Regulation (EC) No 882/2004 competent authorities are required to carry out internal audits, or have external audits carried out. These must be subject to independent scrutiny and carried out in a transparent manner.

This Article does not apply to plant health and there are no equivalent legal requirements.

Findings

Only the region of Lombardy had started in 2009 to carry out internal audits.

Conclusions on Verification Procedures

In general, all regions visited by the mission team had a system in place to verify the work of the inspectors, but only Lombardy had started an internal audit of the plant health sector.

5.6 MULTI ANNUAL NATIONAL CONTROL PLAN

Legal Requirements

Article 41 of Regulation (EC) No 882/2004 requires that each Member State prepares a single integrated multi-annual national control plan (MANCP). According to Article 42 it should be implemented for the first time no later than 1 January 2007 and be regularly updated in light of developments. Details on the type of general information on the structure and organisation of the systems of feed and food control and of animal health and welfare control in the Member State concerned are provided.

Findings

- The mission team noted that the MANCP only contains general information on the organisation of the national plant health system and that the annual report did not contain any information on plant health.
- MIPAAF stated that Regulation (EC) No 882/2004 had not yet been implemented in the plant health sector at the time of the mission.

Conclusions on Multi-Annual National Control Plan

The annual report on the MACP does not contain any information on plant health and therefore, Italy has not fully implemented Article 44 of Regulation (EC) No 882/2004.

6 SECTOR SPECIFIC FINDINGS AND CONCLUSIONS

6.1 ANOPLOPHORA CHINENSIS

Background

The biology of *A. chinensis* and *A. glabripennis* is very similar. Both species are polyphagous longhorn beetles that attack trees and shrubs belonging to various plant families, but they have a clear affinity to maple trees (*Acer*). Larvae of *A. chinensis* are found in the roots and lower parts of the trunk. Larvae of *A. glabripennis* occur mostly in the upper part of the trunk and branches of the tree. Females lay single eggs underneath the bark of the tree. One female can lay more than a hundred eggs.

The life cycle of the two species depends on the climatic conditions and may range between one and three years. In the northern parts of Italy, the life cycle is two years.

Damage can be significant as a direct result of larvae activity in the wood and secondary attack by other insects and diseases.

Further information on these pests is available from the web-site of the European and Mediterranean Plant Protection Organisation (EPPO): www.eppo.org.

A. chinensis was found in Lombardy in 2000 for the first time and in Lazio in 2008.

Based on the high number of interceptions of *A. chinensis* from third countries and the results of a Pest Risk Analysis, the Commission introduced emergency measures by Decision 2008/840/EC of 7 November 2008.

The workshop "management of Anoplophora" was held on 22-24 November 2006 in Wageningen (The Netherlands) (hereafter "the workshop of 2006"), the report of which can be found at: www.minlnv.nl/cdlpub/servlet/CDLServlet?p_file_id=22662. Other expert workshops on this issue were organised by Italy, but did not provide specific recommendations concerning the control of the pest.

6.1.1 National and regional legislation

Legal Requirements

Decision 2008/840/EC provides emergency measures to prevent the introduction into and the spread within the community of *A. chinensis*. The measures concern the import controls, the movements within the EU, the surveys to be carried out by the Member States and the demarcated areas to be defined.

Findings

- There has been no change to the national legislation (National Decree of 9 November 2007) since the previous FVO mission. It provides for the possibility to establish "settlement zones" where the control strategy is aiming at containment of the pest.
- In Lombardy new regional legislation had been prepared since the previous FVO mission.

ERSAF stated that regional Decree n. 506 of 26 January 2010 was adopted in order to address the trade of host plants within the demarcated area by small scale producers and retail shops. It allows such establishments to trade susceptible plants without plant passport in the demarcated area if they fulfil the same requirements as professional producers (appropriate treatment or physical protection, regular inspections by RPS, documentation of movement of plants, etc.). Establishments operating within the framework of this simplified procedure are not authorised to issue plant passports.

- ERSAF also stated that a new regional Decree is currently being prepared aiming at the extension of the period for appropriate treatment of host plants as a precautionary measure.

Conclusions

The National Decree of 2007 provides for the possibility to establish settlement zones where the control strategy is aiming at containment of the pest. This principle is not in compliance with Annex II, point 2(a) of Decision 2008/840/EC.

The new regional Decree no. 506 of Lombardy allows for sale of plants without plant passport from small scale producers and retail shops located within the demarcated area and without applying a 2 year quarantine period, which is not in compliance with Annex I, Section II of Decision 2008/840/EC (see also section 6.1.3.4).

6.1.2 National Survey and notification

Legal Requirements

Article 4 of Decision 2008/840/EC provides that Member States shall conduct official annual surveys for the presence of *A. chinensis* and for the evidence of infestation by that organism on host plants in their territory. The same Article requires that Member States notify the results of those surveys together with the list and delimitation of demarcated areas to the Commission and to the other Member States by 30th April of each year.

Findings

Two recommendations of a 2006 mission report concerned this subject:

DG (SANCO)/ 8272/2006, recommendation 4. The Commission and other Member States are kept regularly informed of the control measures and up-to-date situation of A. chinensis.

DG (SANCO)/ 8272/2006, recommendation 6.: Carrying out specific surveys in regions other than Lombardy, focussing on high-risk areas, in order to ensure that the pest has not spread outside of Lombardy.

- No changes have occurred since the last FVO mission 2009-8179
- All regions visited by the mission team carried out surveillance for the presence of the pest in their territory.
- Italy transmitted the results of the national survey 2008 for the presence of *A. chinensis* without a list or delimitation of demarcated areas and with a delay.

Conclusions

A national survey for the presence of *A. chinensis* is carried out. *Recommendation 6 (8272/2006 DG (SANCO))* had been addressed.

Recommendation 4 can only be assessed after the deadline for the transmission of the survey results 2009 which is 30 April 2010.

6.1.3 Outbreaks and control measures

Legal Requirements

Article 5 of Decision 2008/840/EC provides that when there is confirmation or evidence of the presence of the organism Member States shall define a demarcated area in accordance with Section 1 of Annex II to the same Decision and shall take official measures as laid down in Section 2 of Annex II. Annex II (2) (b) of the same Decision provides for the need to carry out intensive monitoring in the infested zone and the buffer zone.

6.1.3.1 Outbreaks and establishments of demarcated areas

Findings

No changes have occurred since the last FVO mission 2009-8179.

Conclusions

Lombardy and Lazio have established demarcated areas for the outbreaks of *A. chinensis* in accordance with Annex II (1) of Decision 2008/840/EC.

6.1.3.2 Specific surveys and information campaigns

Findings

Situation in Lombardy:

One recommendation of the 2009 mission report concerned this subject:

DG(SANCO)/ 2009-8179, recommendation 11 : ensure intensive monitoring in the infested zone and the buffer zone as required by Article 5 of Decision 2008/840/EC.

- During the 2009 survey, 3,259 infested trees were found in addition to the 1,581 trees left over from the survey in 2008. All these infested trees and in addition, based on the individual decision of the RPS inspector, trees in a 20 meter radius around infested trees have to be felled by end of April 2010.
- The mission team met 2 temporary agents of ERSAF entrusted with the surveillance in the demarcated areas. Both agents stated that they would carry out an intensive survey in the demarcated area from April to November. Symptomatic trees are recorded with their GPS coordinates and a report is issued once a week and sent to the ERSAF head quarter. Both agents also stated that at least in the initial phase of the felling activities in November they had close contact with the operational team of ERSAF entrusted with the felling of the trees. The agents, as well as ERSAF, stated that the survey in the buffer zone has not changed since the previous FVO mission 2009-8179 and that the survey in the outer part of the buffer

zone (1500 m) is limited to public green.

- The mission team noted that the spread of the pest has slowed down and that only two municipalities were newly infested. Both outbreaks were located in the buffer zone. In the outbreak in the municipality of Settimo Milanese two infested trees were found in October 2009 in the outer part of the buffer zone. Also at the end of the flight period of *A. chinensis* 34 infested trees were found in a private park in Ossoana, only 200 m away from the infested zone.

Situation in Lazio:

In February 2010 6 trees with exit holes were found in the *A. chinensis* outbreak area in Rome. Although the holes were not typical for *A. chinensis* the removal of the trees had been ordered while awaiting the laboratory result.

Conclusions

Lombardy and Lazio both have, in principle, a well organised surveillance programme in place in the demarcated areas. However, in Lombardy the monitoring in the buffer zone had still been limited to the public areas, which is considered not to be appropriate to get a comprehensive survey result for the area as required by Article 5 of Decision 2008/840/EC. Recommendation 11 of the previous FVO mission (2009-8179) had not yet been addressed.

6.1.3.3 Control measures

Findings

Four recommendations of previous mission reports concerned this subject:

DG (SANCO)/ 8272/2006, recommendation 1: The current control strategy for A. chinensis, including funding, is reviewed in order to ensure that all necessary measures can and are being taken to eradicate or inhibit the spread of this pest as required by Article 16(1) of Directive 2000/29/EC.

DG (SANCO)/ 8272/2006, recommendation 5. The Single Authority in Italy is advised to consider: In light of the review recommended above, whether a national strategy, funding or contingency plans should be developed and implemented.

DG(SANCO)/ 2009-8179 , recommendation 12: regarding A. chinensis, ensure the felling and destruction of all symptomatic plants, including the roots, annually before 30 April, in accordance with Article 5 of Decision 2008/840/EC.

DG(SANCO)/ 2009-8179, recommendation 13: consider the immediate felling and destruction of symptomatic tree found during the growing period to avoid the further spread of the pest;

No substantial changes, except for the implementation of the annual felling plan, have occurred since the last FVO mission 2009-8179.

Situation in Lombardy:

ERSAF stated that the felling plan of winter 2009/2010 is implemented and the working progress is

150 trees per day. It was also stated that it can be guaranteed that the felling plan will be implemented before the end of April 2010.

- The mission team visited two outbreak sites and saw three teams in the Milan area involved with the felling activities. The team leader of one of the operational units stated that his work plan for a day would be some 50 trees and that he gets instructions and is supervised during the day by one of the ERSAF inspectors. He also confirmed that not only symptomatic trees but also in many cases trees in the surroundings of these infested trees would be felled based on instructions of the ERSAF inspector.
- The mission team saw one operational team removing roots with a grinder.
- The mission team noted that some of the trees marked by the survey team as being symptomatic did not even have exit holes. It was stated by ERSAF that the intensive monitoring allows for identifying symptomatic trees by saw dust. For this reason the number of exit holes counted can be less than the number of symptomatic trees identified during the survey.
- The mission team was informed that the 2 trees found in the outbreak in the municipality of Settimo M.SE as well as the 34 symptomatic trees in the outbreak of the municipality of Ossona were immediately felled in order to restore the pest freedom of the buffer zone. Within a radius of 20m asymptomatic trees were felled .

Situation in Lazio:

Although the holes found in 6 trees in the demarcated area of the outbreak in Rome were not typical for *A. chinensis* the removal of the trees had been ordered by RPS while awaiting the laboratory results.

Conclusions

Lombardy has established a felling plan for the trees to be removed in the demarcated area before 30 April 2010. Efforts had been made to finalise the felling plan before the deadline and fast work progress had been noted by the mission team. Concrete efforts were made by Lombardy to address recommendation 1 (DG (SANCO)/ 8272) and recommendation 12 (DG(SANCO)/ 2009-8179). Recommendation 5 (DG (SANCO)/ 8272/2006) has not been addressed. However, this recommendation is considered to be of advisory nature. Recommendation 13 (DG(SANCO)/ 2009-8179) has not been addressed. Felling takes place in autumn and winter according to the plan and not after new symptom are detected. In particular, no action is taken if symptoms are detected at the beginning of the flight of the beetle.

Although a precautionary felling of susceptible trees had been practised in Lombardy within a radius of 20m, this is not considered to be sufficient to restore the pest freedom in the buffer zone. It was concluded at the scientific conference in November 2006 in Wageningen that preventive clear cutting of host species around the infested points is necessary for eradication of a similar harmful organism, *Anoplophora glabripennis*. It is stated: " *all participants agree that all host trees within a certain radius (150-400m) around trees with exit holes should be removed for eradication of Anoplophora glabripennis. [...] The radius may depend on the level of infestation and host plant density.*" There is no substantial biological difference between *A. glabripennis* and *A. chinensis* that would justify a difference in approach with regards to removal of all host species in a certain radius

for eradication to be successful.

6.1.3.4 Control of movement of host plants intended for planting

Findings

The mission team visited a bonsai nursery in an infested zone in Lombardy. The nursery representative stated that all host plants which had been kept by the end of 2008 in his premise had to be placed under quarantine conditions for 2 years.

- The mission team noted that the inspector had good documentation of the plants placed under quarantine (physical protection), including maps.
- The nursery representative stated that he had been allowed to bring host plants from non-infested areas into the infested zones and had been authorised to issue plant passport for these plants. The ERSAF inspector as well as the nursery representative confirmed that inspections take place at least every three months and that ERSAF is notified if plants are purchased from outside the demarcated area in order to ensure that the plants are not exposed to any risk of infestation during transport and before being placed under physical protection.
- The mission team examined the quarantine facility and carried out documentary checks and found that the establishment was well managed from a plant health perspective.
- The mission team also revisited a nursery in Lazio and found that the plants placed under quarantine in 2009 were still subject to the same measures as at the time of the previous FVO mission 2009-8179.
- ERSAF stated that small scale producers and retail shops, which are authorised in accordance with the new regional Decree no. 506, are regularly inspected.

Conclusions

The regions of Lombardy and Lazio have taken appropriate measures to avoid any risk of spreading the pest with host plants intended for planting. This includes the latest initiative of Lombardy addressing sales in retail shops. However, although the plant health risk has been addressed sales in demarcated areas by others than registered producers and without issuance of plant passports is not in compliance with Annex I, Section II of Decision 2008/840/EC.

According to Annex I, Section II of the same Decision host plants originating from demarcated areas have to comply with the 2 years quarantine conditions. Lombardy does not comply with these provisions. However, appropriate safety measures against infestation of host plants are taken (see also point 6.1.1).

6.1.4 General conclusion on A. chinensis

Since the previous FVO mission 2009-8179 no significant changes have occurred, except for the substantial efforts made by Lombardy to implement the felling plan in the demarcated areas.

6.2 ANOPIPHORA GLABRIPENNIS

Background

The biology of *A. chinensis* and *A. glabripennis* is very similar. Both species are polyphagous longhorn beetles that attack trees and shrubs belonging to various plant families, but they have a clear affinity to maple trees (*Acer*). Larvae of *A. chinensis* are found in the roots and lower parts of the trunk. Larvae of *A. glabripennis* occur mostly in the upper part of the trunk and branches of the tree. Females lay single eggs underneath the bark of the tree. One female can lay more than a hundred eggs.

Further information on these pests is available from the web-site of the European and Mediterranean Plant Protection Organisation (EPPO): www.eppo.org and in chapter 6.1.

A. glabripennis was found in 2007 in Lombardy and in 2009 in Veneto.

The organism is not subject to community specific emergency measures.

6.2.1 National and regional legislation

Legal Requirements

A. glabripennis is listed in Annex I Part A Section I to Directive 2000/29/EC, its introduction into and spread within the European Union is prohibited. Article 16(1) of the same Directive requires the immediate notification of its presence and that all necessary measures to eradicate, or if that is impossible, to inhibit the spread of the pest must be taken.

Findings

- Veneto adopted regional decree no.30 of 3 November 2009 concerning the extension of the demarcated area.
- No changes have occurred since the last FVO mission in Lombardy in 2009.

Conclusions

Both Lombardy and Veneto adopted regional Decrees on the control of the pest after the outbreaks were discovered.

6.2.2 Outbreaks and control measures

Legal Requirements

Article 16(1) of Directive 2000/29/EC requires the immediate notification of its presence to the Commission and the other Member States and that all necessary measures to eradicate, or if that is impossible, to inhibit the spread of the pest must be taken.

6.2.2.1 Outbreaks and establishments of demarcated areas

Findings

One recommendation of the 2009 mission report concerned this subject:

DG(SANCO)/ 2009-8179, recommendation 14 : ensure that all necessary measures to eradicate or, if that is impossible, inhibit the spread of the pest are taken, in line with Article 16(1) of Directive 2000/29/EC and based on the last scientific developments on this matter (e.g. the recommendations of the workshop "management of Anoplophora" held on 22-24 November 2006 in Wageningen (The Netherlands)): a) extending the demarcated area in the outbreak in Lombardy.

- The mission team noted that Veneto had extended the buffer zone of the demarcated area from 1km to 2km.
- ERSAF and the mission team clarified a misunderstanding, which had occurred during the previous FVO mission 2009-8179. The demarcated area in Lombardy had a radius of 1km beyond the infested area and not 500m as previously understood. An additional survey zone had been established with a radius of 500m beyond the demarcated area for precautionary reasons.

Conclusions

Veneto has extended the buffer zone of the demarcated area. This is an additional, important precautionary measure to avoid the spread of the pest.

The demarcated area in Lombardy has a radius with 1km beyond the infested zone, which is considered to be appropriate, in particular as the survey area was extended by 500m. Recommendation 14(a) of the previous FVO mission of 2009 (2009-8179) is considered to be obsolete.

6.2.2.2 Specific surveys and information campaigns

Findings

Two recommendations of the 2009 mission report concerned this subject:

DG(SANCO)/ 2009-8179, recommendation 14 : ensure that all necessary measures to eradicate or, if that is impossible, inhibit the spread of the pest are taken, in line with Article 16(1) of Directive 2000/29/EC and based on the last scientific developments on this matter (e.g. the recommendations of the workshop "management of Anoplophora" held on 22-24 November 2006 in Wageningen (The Netherlands)): c) intensifying surveys in order to take into consideration that there is a high risk of overlooking symptoms by visual inspection from the ground (e.g. use of tree climber or higher monitoring frequency).

*DG(SANCO)/ 2009-8179, recommendation 14 : ensure that all necessary measures to eradicate or, if that is impossible, inhibit the spread of the pest are taken, in line with Article 16(1) of Directive 2000/29/EC and based on the last scientific developments on this matter (e.g. the recommendations of the workshop "management of Anoplophora" held on 22-24 November 2006 in Wageningen (The Netherlands)): e) updating the website of the region of Lombardy in order to include information on *A. glabripennis*.*

Lombardy

- ERSAF representatives stated that the survey area had been extended in 2009 by 500m

(total radius of 1,500m beyond the infested area) and that no infested trees were found during the 2009 survey.

- It was also stated that the information concerning the demarcated area will be soon available on the website of the service.

Veneto

The survey had been carried out in the initial phase by trained RPS technicians at ground level. Any doubtful trees or trees which were difficult to assess from the ground were reported to the tree climbers, who then carried out a thorough examination of the crown and the upper part of the trunk. The tree climbers, who were also entrusted with the felling of trees, inspected all trees in a wider area around the symptomatic trees.

- The mission team met representatives of the survey teams and the tree climbers. They confirmed the above survey approach.
- Representatives of the municipality Crocetta del Montello stated that they had a good cooperation with RPS and with the regional forest service, in particular concerning the information campaigns performed so far. They also stated that municipal workers had been trained to detect symptomatic trees by RPS.
- The mission team noted that the municipalities within as well as in the surrounding of the demarcated area had organised good information campaigns in cooperation with RPS and RFS, including seminars open to the public, round table meetings with producers and gardeners, direct mailing campaigns, leaflets distributed, press campaigns and newsletters in the municipal journals. The mission team saw examples of information material and letters.

Conclusions

There is a good survey system in place in the demarcated areas which has been improved by the involvement of tree climbers. Recommendation 14 c) of the previous FVO mission of 2009 (2009-8179) has been addressed. The information concerning the delimitation of demarcated areas is still not available on the official website of ERSAF. Recommendation 14(e) of the previous FVO mission of 2009 (2009-8179) had not been addressed.

6.2.2.3 Control measures

Findings

Two recommendations of the 2009 mission report concerned this subject:

DG(SANCO)/ 2009-8179, recommendation 14 b): ensure that all necessary measures to eradicate or, if that is impossible, inhibit the spread of the pest are taken, in line with Article 16(1) of Directive 2000/29/EC and based on the last scientific developments on this matter (e.g. the recommendations of the workshop "management of Anoplophora" held on 22-24 November 2006 in Wageningen (The Netherlands): removing and destroy all the remaining infested trees which are still present in Veneto.

DG(SANCO)/ 2009-8179, recommendation 15: consider the felling and removal of all symptomatic or asymptomatic host plants in a wider radius to avoid the further spread of the pest, in line with

the recommendations of the workshop "management of Anoplophora" held on 22-24 November 2006 in Wageningen (The Netherlands).

- The RPS of Veneto informed the mission team, that from 10 to 30 November all 368 symptomatic trees were felled, but that no precautionary felling in the surrounding of these trees were carried out. The material was chipped and will be burned.

Conclusions

Veneto has finalised the felling plan in the demarcated area. However, as already addressed by the previous FVO mission 2009-8179, only symptomatic trees were removed and destroyed while the recommendation of the workshop of 2006 in Wageningen was to fell all susceptible trees, whether symptomatic or not, within a radius of 150-400m (see also section 6.1.3.3).

Thus, recommendation 14 b) (DG(SANCO)/ 2009-8179) has been addressed and recommendation 15 has not been addressed.

6.2.2.4 Control of movement of host plants intended for planting

Findings

Two recommendations of the 2009 mission report concerned this subject:

DG(SANCO)/ 2009-8179, recommendation 14 d): ensure that all necessary measures to eradicate or, if that is impossible, inhibit the spread of the pest are taken, in line with Article 16(1) of Directive 2000/29/EC and based on the last scientific developments on this matter (e.g. the recommendations of the workshop "management of Anoplophora" held on 22-24 November 2006 in Wageningen (The Netherlands)): banning any movement of host material (including firewood) outside the demarcated area without prior authorisation by the responsible official body.

Movement of host plants and material had been prohibited. The mission team visited a nursery in the demarcated area. The representative of the nursery stated that he had been notified to stop trade and that he had have the choice either to apply at least 2 treatments per year or to destroy his plants. He decided the latter and plants will be destroyed as a precautionary measure before the flight period of *A. glabripennis* begins.

- The mission team also visited a sawmill in the demarcated area. The representative of the sawmill confirmed that he had been notified by RPS that he was not allowed to move host material and that regular documentary checks and inspections are carried out on the premises.
- Representatives of RPS and municipalities stated that so far no firewood merchant was identified and that there is very limited risk that fire wood would be moved within the areas as a) citizens are informed, b) municipality workers are alerted in general and c) the regional forest service has to authorise any felling activities within or outside the demarcated area.

Conclusions

Appropriate measures were taken to control the movement of host plants and material within and out of the demarcated area. Recommendation 14(d) of the previous FVO mission of 2009 (2009-

8179) had been adequately addressed.

6.2.3 General conclusion on *A. glabripennis*

Since the previous FVO mission 2009-8179 additional measures were taken by Lombardy and Veneto to eradicate the pest. Lombardy and Veneto have involved tree climbers in the survey and in addition Lombardy has extended the survey area by 500m. Veneto has extended the demarcated area to 2km and finalised the felling plan by the end of 2009. However, no precautionary fellings were carried out in the surrounding of infested trees in Veneto.

6.3 DIABROTICA VIRGIFERA VIRGIFERA

Background

D. virgifera is a quarantine pest of maize listed in Council Directive 2000/29/EC, Annex I, Part A, Section I.

Both adults and larvae attack maize, but it is larval feeding that damages the roots and causes weakening of plants and makes them more susceptible to lodging (which is the main reason of economic losses).

The mission team visited the Regions of Lombardy, Veneto and Lazio in order to evaluate the situation.

Legal Requirements

Commission Decision 2003/766/EC as last amended by Commission Decision 2008/644/EC provides emergency measures to prevent the spread within the community of *D. virgifera*, including general surveillance for the presence of the organism in the Member States, measures to control the spread within the Community of the organism, the delimitation of demarcated the movement of host plants, soil and machinery, as well as to crop rotation in demarcated zones.

Article 2 of Commission Decision 2003/766/EC requires that Member States shall each year conduct official surveys for the presence of the organism in areas in their territory, where maize is grown.

Article 3 of Commission Decision 2003/766/EC as last amended by Commission Decision 2008/644/EC requires Member States to define a demarcated area if the pest presence of the organism is confirmed in an area which was previously known to be free from the organism and Article 4 provides for the requirements in the demarcated areas.

Article 4a of the same Decision provides for the establishment of infested zones covering that part of the territory where the presence of the organism was confirmed in more than two consecutive years and provides for the measures to be taken including the possibility for a containment programme.

Article 4b of the same Decision requires Member States to take measures in a zone of at least 2 500 m around areas where aircraft are moved where there is evidence that the risk for introduction of the organism is high.

Commission recommendation 2006/565/EC provides technical guidance for the establishment of containment programmes.

Findings

Three recommendations of the 2009 mission report concerned this subject:

DG (SANCO)/8273/2006 recommendation 1: implement, before the next growing season of maize, the provisions of Commission Decision 2006/564/EC of 11 August 2006 amending Commission Decision 2003/766/EC.

DG (SANCO)/8273/2006 recommendation 2: improve the coordination within the country of the Diabrotica surveillance and control in order to satisfy the provisions of Article 1(4) of Council Directive 2000/29/EC.

DG (SANCO)/8273/2006 recommendation 3: ensure that relevant provisions of Commission Decision 2003/766/EC, as amended by Commission Decision 2006/564/EC, are applied, and in particular that:

- (a) Articles 3 and 4 are applied when Diabrotica is found in an area previously known to be free from the organism,*
 - (b) infested zones are defined, to comply with Article 4a(1),*
 - (c) containment programmes are organised to limit the spread of Diabrotica from all infested zones to comply with Article 4a(2).*
- The mission team was informed by MIPAAF that the organism is present practically in the whole area of the main maize production and that the National Decree of 8 April 2009 transposes the requirements for the establishment of the containment zone and the containment measures.
 - Details of the establishment of containment areas and programmes are laid down in a national, technical note and a coordinator was appointed for the ongoing national survey.
 - The RPS of Lombardy and Veneto stated that intensive surveillance with traps is continued in the infested area, in particular to recommend to farmers control measures in order to avoid economic damage if the population is exceeding critical thresholds (indicated by average number of catches by traps).
 - The RPS of Veneto stated that nearly the whole territory of the region had been declared infested area in 2006, but that a containment zone and programme will only be established in 2010 after the adoption of the national decree.
 - The RPS of Veneto also stated that in maize fields in the surroundings of the airports no specific measures are taken, as the territory is considered to be infested.
 - The Region of Lombardy stated that no containment zone had been established as the whole territory is surrounded by infested areas or natural barriers, the Alps.
 - The mission team also visited Lazio which has an isolated outbreak of *D. virgifera*. The mission team noted that a demarcated area has been established and control measures were

taken in compliance with EU emergency measures

Conclusions

The National Decree of 2009 transposing Article 4a Commission Decision 2003/766/EC as last amended by Commission Decision 2008/644/EC was implemented with a substantial delay. Consequently containment areas and programmes were also established with a delay or have not yet been established by the regions. This is considered not to be in compliance with EU emergency measures. Recommendation 1, 3 (c) of the previous FVO mission of 2006 (8273/2006) has not been addressed.

In Lazio, where an isolated outbreak had been found, the area was demarcated in accordance with Article 3 of Commission Decision 2003/766/EC as last amended by Commission Decision 2008/644/EC. Recommendations 3 (a) and (b) of the previous FVO mission of 2006 (8273/2006) have been addressed.

The existence of the legal framework and the technical note for the establishment of containment programmes as well as of the nomination of a coordinator for the national surveillance is considered to be an improvement and is the result of the cooperation between central and regional level. Recommendation 2 (DG (SANCO)/8273/2006) has been addressed.

6.4 DRYOCOSMUS KURIPHILUS

Background

Dryocosmus kuriphilus is not listed among the harmful organisms in Annex I and Annex II to Directive 2000/29/EC. However, a pest-risk assessment based on available scientific information demonstrated that it may be one of the most damaging insects to chestnut (*Castanea* Mill.).

Legal Requirements

Commission Decision 2006/464/EC provides for emergency measures concerning the introduction or the spread of *D. kuriphilus*, the production and movement of chestnut plants within the Community, the control of the organism and to a survey for the presence or continued absence of the said harmful organism in the Member States.

Article 4 of Commission Decision 2006/464/EC requires that plants originating in the Community or imported into the Community may only be moved from their place of production in the Community, including, when appropriate, garden centres, if they meet specific conditions and have to be accompanied by a plant passport.

Article 5 of the same Decision requires that Member States shall conduct official annual surveys for the presence of the organism or evidence of infestation by the organism in their territory and Article 6 provides for the need to establish demarcated areas when the presence of the organism is confirmed or there is evidence of the establishment of the organism.

Findings

Five recommendations of the 2006 mission report concerned this subject:

DG (SANCO)/8274/2006 recommendation:2: Movement of plants of Castanea Mill. intended for planting, other than fruit and seed, from their place of production, meet the conditions laid down in Article 4 of Commission Decision 2006/464/EC.

DG (SANCO)/8274/2006 recommendation 3: Demarcated zones are established in accordance with Article 6 of Commission Decision 2006/464/EC.

DG (SANCO)/8274/2006 recommendation 4: Information on the establishment of demarcated zones according to the Annex II section I point 1. (5) to the Commission Decision 2006/464/EC, is sent to the Member States and the Commission.

DG (SANCO)/8274/2006 recommendation 5: Movement of plants within the demarcated zones is prohibited as laid down in Annex II section II first indent to the Commission Decision 2006/464/EC.

- The mission team noted that annual surveys are carried out for the presence of the organism. The RPS visited had maps with the distribution of chestnuts trees which are used to organise the annual survey. The survey results of 2009, which were notified to the Commission in January 2010, were presented to the mission team.
- The mission team noted that Italy did not provide scale maps together with the notifications of pest outbreaks.
- National Decree of 30 October 2007 transposes Commission Decision 2006/464/EC into national law, including the systematic survey for the presence of the organism, the establishment of demarcated areas and the movement of host plants.
- The mission team noted that the National Decree differs from the requirements provided by Commission Decision 2006/464/EC in the following points:
 - The demarcated areas consists of an infested area where the presence of the organism was confirmed and a buffer zone with a radius of 15km beyond the infested zone, while Annex II, Section I, point 1 provides for a infested zone, a focus zone (5 km) and a buffer zone (10 km).
 - The movement of plants within and out of the demarcated areas, which is prohibited according to Annex II, Section II of Commission Decision 2006/464/EC, may be authorised by the plant health service under certain conditions. Host plants may be moved (i) into the demarcated area for temporary storage between November and April, (ii) outside the demarcated areas if produced under physical protection and (iii) for local sales within the demarcated area. Producers selling plant within the demarcated area have to record the identity of the buyer and have to notify the RPS.
- The mission team visited a retail shop in Lombardy outside of the demarcated area. The mission was informed that the demarcated area had to be extended as the pest had spread and the retail shop would be located in the demarcated area soon. The mission team noted that the retail shop was registered in the official register and had been inspected at least once per year. The representative of the establishment stated that he was authorised to issue plant passports. He had to record the contact details of buyers of host plants and notify the sales to the RPS. He stated that for this reason, the sales had dropped drastically as people did not like to give their contact details. The mission team noted that in the shop a note for customers had been placed providing information on the organism and the requirements for

movement of plants.

- The mission team also visited a retail shop in Veneto and interviewed inspectors in Lombardy, Veneto, Campania and Lazio. The mission team noted that the control measures taken strictly followed the National Decree and movement of plants within the demarcated areas had been allowed in all these Regions.
- The coordinator for the national survey informed the mission team that in Piedmont nurseries are authorised to issue plant passports for chestnut plants for planting produced under physical protection and are allowed to move the plants out of demarcated areas.

Conclusions

Italy carries out an annual survey for the presence of the organism on their territory and notified the Commission about the 2009 survey results as required by Article 5 of Commission Decision 2006/464/EC. However, no scale-maps concerning the demarcated areas were provided together with the notifications of pest outbreaks as required by Annex II, Section I, point 5 of the same Decision. Recommendation 4 of the previous FVO mission of 2006 (8274/2006) has not been addressed fully.

The establishment of the demarcated area in Italy is considered to be equivalent to the requirements of Commission Decision 2006/464/EC, in particular as the size is the same as required in EU emergency measures. Recommendation 3 of the previous FVO mission of 2006 (8274/2006) has been addressed.

The movement of plants within and out of the demarcated areas is permitted under certain conditions according to the national legislation. This is considered not to be in compliance with Annex II, section II of Commission Decision 2006/464/EC. Recommendation 2 and 5 of the previous FVO mission of 2006 (8274/2006) have not been addressed.

6.5 RHYNCHOPHORUS FERRUGINEUS

Background

Rhynchophorus ferrugineus (Olivier) (*R. ferrugineus*) is an insect from Order Coleoptera. It has the common name red palm weevil and is originating from Asia. It attacks essentially palms trees.

It was first discovered in 1996 in Spain. In Italy, it was first found in 2004, in the region of Tuscany and afterwards, in Sicily and Campania (2005), Lazio and Puglia (2006), Sardinia, Marche, Liguria and Calabria (2007).

The FVO has previously carried out 2008 a mission on the same topic. The report is available on the FVO web-site: http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=1985

The mission team visited two regions with outbreaks of *R. ferrugineus* (Lazio and Campania).

6.5.1 National and regional legislation

Legal Requirements

Decision 2007/365/EC provides emergency measures to prevent the introduction into and the spread within the community of *R. ferrugineus*. The measures concern the import controls, the movements within the EU, the surveys to be carried out by the Member States and the demarcated areas to be defined.

Findings

One recommendation of the 2008 mission report concerned this subject:

DG (SANCO)/2008-7870, recommendation 4: The measures that have been adopted to prevent the introduction and spread of the pest are amended so as to comply with those in Commission Decision 2007/365/EC, as required by Article 7 of that Decision. This relates in particular to the establishment of demarcated areas and the measures taken in these.

National Decree of 9 November 2007 transposes Decision 2007/365/EC into national law and provides a framework for the surveillance and control of the pest. It is complemented by technical guidelines adopted by the NPHC on January 2010 and by regional decrees. In addition the regions refer to national legislation on public security in urban areas, which defines the competences and responsibilities of municipalities when they act under certain conditions.

- The mission team noted that Campania and Lazio had implemented the National Decree of 9 November 2007, which allow for the establishment of “settlement zones” where eradication is not considered possible any more and where the control measures aim at containment of the pest.
- The mission team noted that the most recent Regional Decree on the delimitation of the demarcated area in the regions visited by the mission team is dating from February 2010 (Campania) and March 2010 (Lazio).

Conclusions

Italy has transposed Decision 2007/365/EC into national law, which has been implemented by the regions and is complemented by Regional Decrees. However, the principle of containment introduced by the national legislation is not in compliance with Annex II, point 2 of Decision 2007/365/EC, which provides that the aim shall be eradication in the demarcated area.

Recommendation 4 DG ((SANCO)/2008-7870) has not been fully addressed.

6.5.2 National Survey and notification

Legal Requirements

Article 5 (1) of Commission Decision 2007/365/EC provides that the Member States shall conduct official surveys for the presence of *R. ferrugineus*, and Article 5 (2) provides that any suspected occurrence or confirmed presence of the pest shall be notified to the responsible official body.

Findings

- The mission team noted that all regions visited carry out surveys for the presence of *R. ferrugineus* in their territory.

- The coordinator of the national survey from Campania stated that all regions carry out annual surveys.
- RPS of Lombardy stated that the survey is an integral part of the planning and 15 traps are used for monitoring in risk areas between May and November.
- MIPAFF has informed the Commission of the 2009 survey results, including scale maps, within the deadline.

Conclusions

A national survey is carried out in compliance with Decision 2007/365/EC and the Commission was notified of the 2009 survey results.

6.5.3 Outbreaks and control measures

Legal Requirements

Article 4 of Commission Decision 2007/365/EC provides that susceptible plants originating from the Community or imported from third countries may be moved within the community only if they are accompanied with a plant passport and have been grown under certain conditions.

Article 6 of Decision 2007/365/EC provides that when the presence of *R. ferrugineus* is confirmed or there is evidence of their presence, the Member States shall define a demarcated area. Annex II, point 1 of the same Decision provides that the demarcated area will consist of an infested zone, where the occurrence of the insect has been confirmed and a buffer zone with a radius of 10 km beyond the infested area. Annex II, point 2 provides measures to be applied in the demarcated area.

6.5.3.1 Outbreaks and establishments of demarcated areas

Findings

In 2005 only 8 infested palm trees were recorded in Campania. In 2006 the number of infested trees had drastically increased to 3,421 trees. Since 2005 some 13,000 infested palm trees were recorded and to date 120 municipalities are located in settlement zones, 79 municipalities in infested zones and 227 municipalities in the buffer zones.

The number of infested palm trees in has increased in Lazio from from 30 in 2006 to 713 in 2009. At the time of the mission 75 municipalities were located in the settlement zone and 136 in the buffer zone.

- A representative of Ligiuria informed the mission team at the opening meeting about the situation concerning *R. ferrugineus* and the most recent outbreak in the municipality of Albenga. The mission team noted that Liguria had notified MIPAAF about the outbreak and that the Commission had been notified (notification of 19 November 2009 and 26 February 2010).
- MIPAAF stated that the National Decree of 9 November 2007 provides for the possibility to establish an infested zone with a radius of 1km around infested trees, a settlement zone where the the eradication of the pest is considered not to be possible any more and a buffer

zone with a radius of 10km beyond the infested and settlement zone.

- RPSs of Campania and Lazio provided the mission team with a copy of the latest Regional Decree on the delimitation of the demarcated areas. Both regions have established settlement zones surrounded by a buffer zone with a 10km radius beyond the settlement zone.
- RPS of Campania and Lazio both stated that in accordance with the national technical note of 2010 the settlement zone is made up of an infested part and a containment areas with a radius of 1km beyond this. In the containment area RPS carries out the most intensive survey and takes stricter measures when a infested palm tree is found than in other parts of the settlement zone.

Conclusions

The RPSs visited by the mission team have not established demarcated areas fully in compliance with Decision 2007/365/EC in the outbreak areas visited by the mission team due to the establishment of “settlement zones” (see 6.5.1). Therefore, recommendation 4 of the previous FVO mission of 2008 (2008-7870) had only partly been addressed

6.5.4 Specific surveys and information campaigns

Findings

- The mission team noted that Lazio and Campania had organised good information campaigns, including booklets, press releases, public seminars, etc.
- The mission team met representatives of two municipalities located in the settlement zone in Campania. Both confirmed that they were involved in the information campaigns. They also confirmed that they had good cooperation with the PRS and that municipalities organise the surveillance of palm trees in the settlement zones. Municipality workers are trained by RPS to carry out the surveys. In the two municipalities all palm trees had been recorded by GPS and monitoring is ongoing. They also stated that they had set up a hotline in order to allow citizens to notify symptomatic trees.
- RPSs of Campania and Lazio confirmed that the municipalities and also professionals (e.g. gardeners) support the surveillance approach, which allows the RPS inspectors to focus their survey efforts on the containment zone and buffer zone.
- The mission team noted that the national technical note of 2010 does not provide for the need to carry out systematic surveys in the settlement zone.
- The mission team also visited the green surrounding a conference centre in Campania. One agronomist, employed by the conference centre, was in charge of organising the surveillance and coordinating the control measures. This person stated that there is continuous cooperation with RPS inspector.
- RPS of Campania stated that traps are only used in the infested area and the pest free area, while Lazio stated that usually no traps would be used for the survey.

Conclusions

Given the large surface area where the pest is present and the high number of palm trees, the survey system in place in Lazio and Campania is considered to be in compliance with Decision 2007/365/EC. However, the national technical note does not require a systematic survey in the settlement zone, which bears the risk that other regions do not perform the survey in these areas at all.

6.5.5 Control measures

Findings

Two recommendations of the 2008 mission report concerned this subject:

DG (SANCO)/2008-7870, recommendation 1: To ensure that, there are adequate resources available to ensure that appropriate measures aiming at eradicating the pest are taken following occurrences of the pest, as required by Article 6 of Commission Decision 2007/365/EC. In particular, in order to meet the objective of eradication, these measures should be taken within an appropriate time frame .

The measures of controlling the pest differ between the zones within the demarcated area. In the settlement zone, where eradication is considered not to be possible any more, the aim is to contain the pest and to save as many palm trees as possible. Therefore, the preferred cause of action is the application of dendro-surgery in combination with the application of appropriate treatment (e.g. pesticides or nematodes). In cases where the level of infestation is high, the only option applied is the removal of at least the upper part of the crown (Campania) or the whole palm tree (Lazio).

In the containment zone (outer part of the settlement zone, 1km width) the preferred option is removal of infested trees. Dendro-surgery, in combination with treatment, would be the exception.

- The mission team visited 6 outbreak sites in Campania and Lazio including two nurseries where infested trees had been found. The mission team noted that different control methods had been tested including the removal of trees, dendro-surgery and treatment as well as endo-therapy with pesticides. The RPS inspectors met stated that each case is decided individually.
- The RPS inspectors met in Campania and Lazio stated that each infested tree that is notified to RPS will be inspected, an official report is issued and the owner is then notified by RPS about the measures to be taken. The implementation of the measures is controlled by the PRS inspector. The control measures have to be carried out by professionals (either municipality workers or professional gardeners). The RPSs has set up a list of recommended companies with experience in this kind of work.
- The RPS inspectors met by the mission team stated that private owners obliged to remove trees would get a 15 days deadline but that on average, it would take 4 weeks. They also stated that in some cases private persons refuse to remove trees. In these cases municipalities in the settlement zone have the possibility to take action and claim the costs back.
- The mission team was present when a specialised company removed palm trees in a private garden in Lazio. The felling and the safety measures applied were appropriate. However,

representatives of the company as well as the RPS inspector stated that precautionary treatment of surrounding palm trees is not applied for environmental reasons.

Conclusions

Campania and Lazio have adapted their control measures in the demarcated areas to the needs of the situation, with a view to containing the organism in areas where it had been present for at least three years and where eradication is considered impossible. The measures taken by the two regions are in general considered to be appropriate to achieve this realistic goal. The control strategy had been enforced in accordance with national legislation. However, the EU emergency measures do not allow for this principle (see point 6.5.1). Thus, recommendation 1 (DG (SANCO)/2008-7870) has not been fully addressed.

The involvement of the municipalities in the control measures and, in particular, their possibility to issue municipal decisions and to impose contingency measures provides guarantees that symptomatic trees in private gardens are removed without significant delay.

6.5.6 Control of movement of host plants intended for planting

Findings

One recommendation of a 2006 mission report concerned this subject:

DG (SANCO)/2008-7870, recommendation 5: All establishments that produce susceptible plants are identified in order to ensure that all movements of such plants take place in accordance with Article 4 of Commission Decision 2007/365/EC.

- The mission team visited two nurseries, one in Campania and one in Lazio. Both companies being located in the demarcated area, had requested authorisation to issue plant passports and were awaiting the end of the 2 year quarantine when the outbreaks recently occurred. They had followed the treatment protocol of the RPS for nearly 2 years.
- RPS inspectors and nursery owners confirmed that regular checks at least every 3 months are performed by RPS, including documentary and plant health checks and the nurseries had not yet been authorised to sell plants or to issue plant passports.
- Both nursery owners informed RPS after they had found symptomatic trees. In Campania the RPS had ordered the removal and destruction of all infested trees in the production area. In the nursery in Lazio, only older trees in the garden and not in the production area were infested. Therefore, dendro-surgery and appropriate treatment according to the treatment protocol had been ordered. RPSs stated that as a general rule once the control measures are applied a new 2 year quarantine period has to commence before sales can be authorised.
- RPS of Lazio stated that retail shops are not allowed to trade palm trees if the plants are moved from a pest free area into the demarcated area, while Campania allows for this. The RPS of Campania considers this issue not covered by EU emergency measures.
- RPSs of Campania and Lazio stated that they had undertaken efforts to identify all producers of susceptible plants.

Conclusions

The control system for the movement of susceptible plants is in principle in compliance with Decision 2007/365/EC. However, Campania allows sale from retail shops located in the demarcated area, where it cannot be ensured that the requirements for movement of plants set out in Annex I, point 2 (c) of Decision 2007/365/EC are met. Therefore, recommendation 5 of the previous mission (2008-7870) has only been partly addressed.

The outbreaks in the two nurseries which have applied the official treatment protocol, raise doubts about the appropriateness of the treatment.

General conclusion on *R. ferrugineus*

The pest has fast spread and the number of municipalities with infested palm trees has rapidly increased in recent years in Campania and Lazio despite the implementation of control measures.

In some areas it is considered not to be possible any more to eradicate the pest. Therefore, settlement zones were established where measures are aiming at containment. However, the concept introduced by the National Decree of 2007 is not in compliance with Decision 2007/365/EC and the national technical note of 2010 does not provide for the requirement to perform intensive monitoring in the settlement zone.

The outbreaks in two nurseries which had applied the official treatment protocol raise doubts about the appropriateness of the treatment.

6.6 SYSTEM FOR THE SURVEILLANCE OF HARMFUL ORGANISM

Legal Requirements

The components of survey and monitoring systems for the purpose of pest detection and the establishment of pest free areas is describe in ISPM N° 6.

Specific surveys are to be carried out by the Member States and be in line with a series of Commission Decisions on emergency measures for certain harmful organism.

Findings

- The mission team noted that the regions with outbreaks of harmful organism had undertaken good information campaigns in order to inform stakeholders and the public. RPSs cooperated closely with other services (e.g. forest service) and municipalities to reach their objectives. The campaigns included direct mail to citizens in outbreak areas, newsletters, websites, posters, press campaigns, etc.
- All regions visited had at least an annual work plan which also included general and specific surveys. Lombardy had an addition a multi-annual work plan and Lazio provide a good example of monthly planning of inspections. Only Veneto had not covered the surveillance for all pests in its plan.
- The Regions visited confirmed that for each of the national survey a coordinator from a Region had been appointed by the National Plant Health Committee. Each survey inspection

for the surveillance required under EU emergency measures is recorded and is sent to the regional headquarters of the RPS, where the results are analysed. The regional results are sent to the national coordinator.

- Within the scope of the mission a thorough examination of the survey reports was not possible. The mission team noted that Italy had provided the 2009 survey results as required under EU emergency measures to the Commission in January and February 2010. However, in some cases information concerning the distribution of the pest had been missing (e.g. *D. kuriphilus* – see chapter 6.4).
- The mission team paid special attention to the surveillance for *Bursaphelenchus xylophilus* (Steiner et Buhrer) (the pine wood nematode) and noted that all regions visited carry out the surveillance for the presence of organism on their territory. The survey design is risk based. Samples are taken near risk areas or in forests, which showed symptoms.

Conclusions

The regions visited have a good system for the surveillance of organisms covered by EU emergency measures in place, including good planning, recording and reporting.

Italy had informed the Commission of the 2009 survey results that were due at the time of the mission, in compliance with EU emergency decisions.

7 OVERALL CONCLUSION

Italy has made significant progress since previous FVO missions in 2006, 2008 and 2009 and a substantial number of recommendations has been addressed. In particular the cooperation and communication between the central and the regional level have improved, although further progress is required to ensure that EU requirements are implemented in full and in a timely fashion in the whole territory of Italy.

The regions visited had also a good system in place for the surveillance of organisms covered by EU emergency measures, including good planning, recording and reporting.

Substantial efforts have been in particular made in order to remove infested trees in the outbreak areas for *A. chinensis* and *A. glabripennis*. Veneto had finalised the felling plan in the *A. glabripennis* outbreak area in November 2009 and Lombardy showed progress in the demarcated areas for *A. chinensis*. Both regions have improved their monitoring systems, in particular as regards *A. glabripennis*.

However, some shortcomings were still found by the mission team:

- The situation on *R. ferrugineus* has not significantly changed since the 2008 FVO mission, but the pest has spread further and the number of infested trees is thus that it is unlikely that the pest can be eradicated in these regions. Therefore, in so-called “settlement areas” the control measures aim at containment only. Although this may reflect the reality, this principle is not in compliance with EU emergency measures.

- The establishment of containment zones and programmes for *D. virgifera* has been delayed.
- The national law still allows for the movement of chestnut plants within and out of the demarcated area for *D. kuriphilus*, which is not permitted under EU emergency measures.

8 CLOSING MEETING

A closing meeting was held on 12 February 2010 with representatives of the central competent authority. At this meeting, the audit team presented the main findings and preliminary conclusions of the mission. The SA provisionally accepted these.

9 RECOMMENDATIONS

The competent authorities are invited to provide details of the actions taken and planned, including deadlines for their completion ('action plan'), aimed at addressing the recommendations set out below, within twenty five working days of receipt of this specific audit report.

N°.	Recommendation
1.	ensure that the annual report provided to the Commission in accordance with Article 44 of Regulation (EC) 882/2004 includes details on the controls carried out in the plant health sector.
2.	regarding <i>A. chinensis</i> , ensure measures are always taken aiming at the eradication of the organism in accordance with Annex II, point 2 of Decision 2008/840/EC and in particular that relevant national legislation is in compliance with EU provisions.
3.	regarding <i>A. chinensis</i> , ensure plants originating in demarcated areas are moved within the Community only if the conditions required by Annex I, Section II of Decision 2008/840/EC are fulfilled, including plants that have been introduced into the demarcated area from areas free from the pest.
4.	regarding <i>A. chinensis</i> , ensure that intensive monitoring in the demarcated area as required by Article 5 of Decision 2008/840/EC, including private gardens.
5.	regarding <i>A. chinensis</i> and <i>A. glabripennis</i> , consider the felling and removal of all symptomatic or asymptomatic host plants in a wider radius to avoid the further spread of the pest, in line with the recommendations of the workshop "management of Anoplophora" held on 22-24 November 2006 in Wageningen (The Netherlands) in infested areas and ensure the same measures if symptomatic trees are detected in the buffer zone in order to ensure the pest freedom of the zone as required by Annex II, point 1(c) of Decision 2008/840/EC.
6.	regarding <i>A. glabripennis</i> , ensure that all necessary measures to eradicate or, if that is impossible, inhibit the spread of the pest are taken, in line with Article 16(1) of

N°.	Recommendation
	Directive 2000/29/EC and based on the last scientific developments on this matter (e.g. the recommendations of the workshop "management of Anoplophora" held on 22-24 November 2006 in Wageningen (The Netherlands)), in particular updating the website of the region of Lombardy in order to include information on <i>A. glabripennis</i> ;
7.	regarding <i>D. virgifera</i> , ensure that Article 4a of Commission Decision 2003/766/EC as last amended by Commission Decision 2008/644/EC is implemented concerning control measures in infested areas, taking Commission recommendation 2006/565/EC on the establishment of containment areas and programmes into consideration.
8.	regarding <i>D. kuriphilus</i> , ensure that the survey results required in accordance with Article 5 of Decision 2006/464/EC contains information on the distribution of the pest (e.g. Scale maps).
9.	regarding <i>D. kuriphilus</i> , ensure that the movement of host plants within and out of the demarcated area is prohibited in accordance with Annex II, section II of Decision 2006/464/EC.
10.	regarding <i>R. ferrugineus</i> , ensure that appropriate measures are taken in the demarcated area aiming at eradication in accordance with Annex II, point 2(a) of Decision 2007/365/EC and in particular that relevant national legislation is in compliance with EU provisions.
11.	regarding <i>R. ferrugineus</i> , ensure that for all movement of host plants within and out of demarcated areas, the requirements set out in Annex I, point 2(c) of Decision 2007/365/EC are met, including also for movement from retail shops, garden centres, etc..
12.	regarding <i>R. ferrugineus</i> , consider assessing the effectiveness of the treatment protocol for producers in order to ensure that the treatment of susceptible plants is in compliance with Annex I, point 2(c) of Decision 2007/365/EC.

The competent authority's response to the recommendations can be found at:

http://ec.europa.eu/food/fvo/ap/ap_it_2010-8601.pdf

ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
Dir. 2000/29/EC	OJ L 169, 10.7.2000, p. 1-112	Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Dir. 92/90/EEC	OJ L 344, 26.11.1992, p. 38-39	Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration
Dec. 2002/757/EC	OJ L 252, 20.9.2002, p. 37-39	2002/757/EC: Commission Decision of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of <i>Phytophthora ramorum</i> Werres, De Cock & Man in 't Veld sp. nov.
Dec. 2003/766/EC	OJ L 275, 25.10.2003, p. 49-50	2003/766/EC: Commission Decision of 24 October 2003 on emergency measures to prevent the spread within the Community of <i>Diabrotica virgifera</i> Le Conte
Dec. 2006/464/EC	OJ L 183, 5.7.2006, p. 29-32	2006/464/EC: Commission Decision of 27 June 2006 on provisional emergency measures to prevent the introduction into and the spread within the Community of <i>Dryocosmus kuriphilus</i> Yasumatsu
Dec. 2007/365/EC	OJ L 139, 31.5.2007, p. 24-27	2007/365/EC: Commission Decision of 25 May 2007 on emergency measures to prevent the introduction into and the spread within the Community of <i>Rhynchophorus ferrugineus</i> (Olivier)

Legal Reference	Official Journal	Title
Dec. 2007/433/EC	OJ L 161, 22.6.2007, p. 66-69	2007/433/EC: Commission Decision of 18 June 2007 on provisional emergency measures to prevent the introduction into and the spread within the Community of <i>Gibberella circinata</i> Nirenberg & O'Donnell
Dec. 2008/840/EC	OJ L 300, 11.11.2008, p. 36-41	2008/840/EC: Commission Decision of 7 November 2008 on emergency measures to prevent the introduction into and the spread within the Community of <i>Anoplophora chinensis</i> (Forster)