

COURTESY TRANSLATION

Ordinance No 3

Definition of areas free from the harmful organism *Xylella fastidiosa* (Wells et al.) within the territory of the Italian Republic.

HAVING REGARD TO the legislative decree 30th July 1999, No 300, about the Government organizational reform pursuant to article 11 of law 15th March 1997, No 59;

HAVING REGARD TO legislative decree 30th March 2001, No 165, relating to the general rules on the organization of work employed by public administrations, in particular article 4, paragraphs 1 and 2 and article 16, paragraph 1;

HAVING REGARD TO the Decree of the Minister of Agriculture, Food and Forestry Policies of 6th June 2019 on Definition of areas free from the harmful organism *Xylella fastidiosa* (Wells et al.) within the territory of the Italian Republic;

HAVING REGARD TO the Regulation (EU) 2016/2031 of the European Parliament of the Council of 26th October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC;

HAVING REGARD TO the Regulation (EU) 2017/625 of the European Parliament and of the Council of 15th March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/ EC and Council Decision 92/438/EEC (Official Controls Regulation);

HAVING REGARD TO the Commission Delegated Regulation (EU) 2019/1702 of 1st August 2019 supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council by establishing the list of priority pests;

HAVING REGARD TO the Commission Implementing Regulation (EU) 2019/2072 of 28th November 2019 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 of the European Parliament and the Council, as regards protective measures against pests of plants, and repealing Commission Regulation (EC) No 690/2008 and amending Commission Implementing Regulation (EU) 2018/2019;

HAVING REGARD TO the Commission Implementing Regulation (EU) 2020/1201 of 14th August 2020 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.);

HAVING REGARD TO the departmental decree of 3rd December 2020, No 9357219, by which Mr. Bruno Caio Faraglia was awarded the role of Director of the non-general management office DISR V (Central Phytosanitary Service) of the General Directorate of Rural Development of the Department of European and International Policies and Rural Development;

HAVING REGARD TO the ministerial decree 4th December 2020, No 9361300, containing "Identification of non-general management offices of the Ministry of Agricultural, Food and Forestry Policies";

HAVING REGARD TO the legislative decree 2nd February 2021, No 19, containing "Regulations for the protection of plants from harmful organisms pursuant the article 11 of law 4 October 2019, No 117, for the transposition of national legislation to the provisions of Regulation (EU) 2016/2031 and Regulation (EU) 2017/625";

HAVING REGARD in particular to the article 7, paragraph 5, of the legislative decree of 2nd February 2021, No 19, which provides that the implementation of the acts approved by the National Phytosanitary Committee is carried out through ordinances of the director of the Central Phytosanitary Service, published in the Official Journal of the Italian Republic;

HAVING REGARD TO the Lazio Region Act No G14573 of 25th November 2021, subject "Execution Regulation (EU) 2020/1201 of the Commission of 14 August 2020 and subsequent amendments. on measures to prevent the introduction and spread of *Xylella fastidiosa* in the Union. ESTABLISHMENT DEMARCATED AREA";

HAVING REGARD TO the Lazio Region Act No G00397 of 19th January 2022, subject "Execution Regulation (EU) 2020/1201 of the Commission of 14 August 2020 and subsequent amendments. on measures to prevent the introduction and spread of *Xylella fastidiosa* in the Union. MODIFICATION OF THE DEMARCATED AREA";

HAVING REGARD TO the Lazio Region Act No G16786 of 30th November 2022, subject "Execution Regulation (EU) 2020/1201 of the Commission of 14th August 2020 and subsequent amendments. on measures to prevent the introduction and spread of *Xylella fastidiosa* in the Union. ESTABLISHMENT DEMARCATED AREA";

HAVING REGARD TO the Lazio Region Act No G16787 of 30th November 2022, subject "Execution Regulation (EU) 2020/1201 of the Commission of 14th August 2020 and subsequent amendments. on measures to prevent the introduction and spread of *Xylella fastidiosa* in the Union. ESTABLISHMENT DEMARCATED AREA";

HAVING REGARD TO the Puglia Region Act 17th November 2022, No 127, regarding "*Xylella fastidiosa* subspecies *Pauca* ST53 - Update of the areas demarcated pursuant to art. 4 of EU Reg. 2020/1201.";

HAVING REGARD TO the Tuscany Region Act No 3249 of 25th February 2022, regarding "Legislative Decree. n. 19/2021 – Phytosanitary service – Delimitation of infected areas and buffer for *Xylella fastidiosa*, Multiplex Subspecies: new delimitation and revocation of Act No 2227 of 16th February 2021.";

HAVING REGARD TO the decree of the Minister of Agriculture, Food Sovereignty and Forestry 22nd May 2023, No 0263989, containing "Repeal of the ministerial decree of 6th June 2019 concerning the definition of areas free from the harmful organism *Xylella fastidiosa* (Wells et al.) in the territory of the Italian Republic", under registration;

HAVING REGARD TO the International Standard for Phytosanitary Measures No. 4 as regards requirements for the establishment of pest-free areas (ISPM 4);

HAVING REGARD TO the International Standard for Phytosanitary Measures No. 5 "*Glossary of phytosanitary terms*" (ISPM 5);

HAVING REGARD TO the International Standard for Phytosanitary Measures No. 6 "*Guidelines for surveillance*" (ISPM 6);

HAVING REGARD TO the annual official investigations carried out by the Regional Phytosanitary Services on their territories, in compliance with the national program for the investigation of plant harmful organisms referred to in article 27 of the legislative decree of 2nd February 2021, No19;

HAVING REGARD TO the outcome of the investigations carried out by the Regional Phytosanitary Services pursuant the article 2 of the Implementing Regulation (EU) 2020/1201, which demonstrate the absence of *Xylella fastidiosa* throughout the national territory with the exception of the demarcated areas established in Puglia, Tuscany and Lazio regions;

HAVING REGARD TO the EFSA phytosanitary surveillance sheet for *Xylella fastidiosa* and the Mipaaf-CREA technical sheet on the national investigation procedure for *Xylella fastidiosa*;

HAVING REGARD TO the list of demarcated areas established in the territory of European Union for the presence of *Xylella fastidiosa*, published on the website of the EU Commission;

WHEREAS the scientific evidence provided by the official surveys and the general information on *Xylella fastidiosa*, as well as the specific monitoring plan as laid down in Article 4 of the decree dated 13 February 2018 for the permanent check of the phytosanitary status of the free areas, respond to the requirements of the International Standard ISPM No.4;

WHEREAS the pest status may evolve and therefore the current situation should be consulted on the dedicated web pages;

CONSIDERED it necessary to provide Member States and Third Countries with official and detailed information on the presence of the harmful organism *Xylella fastidiosa* and to officially declare the phytosanitary status of the national territory in relation to this organism, in order to assess the phytosanitary risk related to the spread of the harmful organism and to ensure the safety of national products to be moved and to be exported;

TAKEN NOTE of the list of areas free from the harmful organism *Xylella fastidiosa* in the territory of the Italian Republic, approved on 8th February 2023 by the National Phytosanitary Committee, referred to in Article 7 of Legislative Decree 2nd February 2021, No 19;

DECLARES

Article 1

1. The areas of the territory of the Italian Republic, listed in Annex I, an integral part of this decree, are declared free from the harmful organism *Xylella fastidiosa*.
2. The regional phytosanitary services comply with the provisions indicated in the (EU) regulation 2020/1201, for the purpose of maintaining the status of an area free from *Xylella fastidiosa* of the relevant portions of its territory.
3. The list of areas free from the harmful organism, referred to in paragraph 1, is revised on the basis of the results of the annual official investigations.

This ordinance will be sent to the supervisory body for registration and will come into force on day following its publication in the Official Gazette of the Italian Republic

Signature
Mr. Bruno Caio Faraglia
Director of the Central Phytosanitary Service

ANNEX 1

Areas of the Italian territory considered free from *Xylella fastidiosa*

ABRUZZO - Entire regional territory

BASILICATA - Entire regional territory

CALABRIA - Entire regional territory

CAMPANIA - Entire regional territory

EMILIA ROMAGNA - Entire regional territory

FRIULI VENEZIA GIULIA - Entire regional territory

LAZIO - Entire regional territory with the exception of the delimited areas, *mutatis mutandis*, communicated by the Regional Phytosanitary Service and available on the website of the Central Phytosanitary Service (<https://www.protezionedellepiante.it/emergenze-fitosanitarie/xylella-fastidiosa/>) and on the European Commission website (https://food.ec.europa.eu/plants/plant-health-and-biosecurity/legislation/control-measures/xylellafastidiosa/latest-developments-xylella-fastidiosa-eu-territory_en)

LIGURIA - Entire regional territory

LOMBARDIA - Entire regional territory

MARCHE - Entire regional territory

MOLISE - Entire regional territory

PIEMONTE - Entire regional territory

PUGLIA - Entire regional territory with the exception of the delimited areas, *mutatis mutandis*, communicated by the Regional Phytosanitary Service and available on the website of the Central Phytosanitary Service (<https://www.protezionedellepiante.it/emergenze-fitosanitarie/xylella-fastidiosa/>) and on the European Commission website (https://food.ec.europa.eu/plants/plant-health-and-biosecurity/legislation/control-measures/xylellafastidiosa/latest-developments-xylella-fastidiosa-eu-territory_en)

SARDEGNA - Entire regional territory

SICILIA - Entire regional territory

TOSCANA - Entire regional territory with the exception of the delimited areas, *mutatis mutandis*, communicated by the Regional Phytosanitary Service and available on the website of the Central Phytosanitary Service (<https://www.protezionedellepiante.it/emergenze-fitosanitarie/xylella-fastidiosa/>) and on the European Commission website (https://food.ec.europa.eu/plants/plant-health-and-biosecurity/legislation/control-measures/xylellafastidiosa/latest-developments-xylella-fastidiosa-eu-territory_en)

UMBRIA - Entire regional territory

VALLE D'AOSTA - Entire regional territory

VENETO - Entire regional territory

PROVINCIA AUTONOMA di BOLZANO - Entire province territory

PROVINCIA AUTONOMA di TRENTO - Entire province territory