

2009 No. 340

PLANT HEALTH

**The Plant Health (Wood and Bark) (Amendment) Order
(Northern Ireland) 2009**

Made - - - - - *6th October 2009*

Coming into operation - *30th October 2009*

The Department of Agriculture and Rural Development (**a**), in exercise of the powers conferred by sections 2(1) and 3(1) of the Plant Health Act (Northern Ireland) 1967 (**b**) and paragraph 1A of Schedule 2 to the European Communities Act 1972(**c**), hereby makes the following Order.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(**d**) and it appears to the Department that it is expedient for the references in the following Order to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(**e**) to be construed as references to that instrument as amended from time to time.

Citation and commencement

1. This Order may be cited as The Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2009 and shall come into operation on 30th October 2009.

Amendments to The Plant Health (Wood and Bark) Order (Northern Ireland) 2006

2.—(1) The Plant Health (Wood and Bark) Order (Northern Ireland) 2006(**f**) is amended as follows:

(2) In Article 2(1)

for the definition of “the Directive” substitute—

““the Directive” means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;”

3. In Article 6—

for paragraph (3) substitute—

(a) Formerly the Department of Agriculture: see SI 1999/283 (N.I. 1) Art. 3(4)
(b) 1967 c.28 (N.I.)
(c) 1972 c.68
(d) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51)
(e) OJ No L169, 10.7.2000, p1, as last amended by Commission Directive 2009/7/EC, OJ No L 40, 11.2.2009, p12
(f) S.R. 2006 (No 66)

“Where relevant material consigned to Northern Ireland via any third country by way of transit—

- (a) has or may have been exposed to infection or contamination by any pest;
- (b) no longer remains the same material specified in the phytosanitary certificate which accompanies it; or
- (c) has been processed so as to change its nature,

the phytosanitary certificate required to accompany it shall be issued in the country of transit”.

4.—(1) In Schedule 1, in the section “Insects, mites and nematodes”—

after item 4 insert “4a *Dendrolimus sibericus* Tschetverikov, the Siberian Coniferous Silk Moth”.

(2) In Part A of Schedule 2—

after item 1 insert—

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| “1a | Wood and bark of <i>Fraxinus</i> L., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch., <i>Ulmus parvifolia</i> Jacq. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and the USA | <i>Agrilus planipennis</i> Fairmaire, the Emerald Ash Borer”; |
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(3) In Part A of Schedule 4—

(a) for the text in column (3) of item 8 substitute—

“The wood packaging material shall:

- (a) from 1st July 2009, be free from bark with the exception of any number of individual pieces of bark if they are either less than 3 cm in width (regardless of the length) or, if greater than 3 centimetres in width, of not more than 50 square centimetres in area;
- (b) be subject to one of the approved treatments as specified in Annex I to ISPM No. 15; and
- (c) display a mark as specified in Annex 11 to ISPM No. 15, indicating that the wood packaging material has been subjected to an approved phytosanitary treatment”;

(b) after item 10 insert—

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| “10a | Wood of <i>Fraxinus</i> L., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch., <i>Ulmus parvifolia</i> Jacq. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., other than in the form of <ul style="list-style-type: none">(i) chips, obtained in whole or part from these trees,(ii) wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, actually in use in the transport of objects of all kinds,(ii) wood used to wedge or support non-wood cargo, | The wood shall be accompanied by an official statement that the wood: <ul style="list-style-type: none">(a) originates in an area established by the national plant protection organisation in the country of export as being free from <i>Agrilus planipennis</i> Fairmaire; or(b) is squared so as to remove entirely the rounded surface”; |
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but including wood which has not kept its natural round surface, originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA

(c) after item 14 insert—

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| “14a | Wood in the form of chips obtained in whole or part from <i>Fraxinus</i> L., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch., <i>Ulmus parvifolia</i> Jacq. and <i>Pterocarya rhoifolia</i> Siebold & Zucc. originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA | The wood shall be accompanied by an official statement that it: (a) originates in an area established by the national plant protection organisation in the country of export as being free from <i>Agrilus planipennis</i> Fairmaire; or (b) has been processed into pieces of not more than 2.5 cm thickness and width”; |
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(d) after item 16 insert—

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| “16a | Isolated bark of <i>Fraxinus</i> L., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch., <i>Ulmus parvifolia</i> Jacq. and <i>Pterocarya rhoifolia</i> Siebold & Zucc. originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and the USA | The bark shall be accompanied by an official statement that the consignment: (a) originates in an area established by the national plant protection organisation in the country of export as being free from <i>Agrilus planipennis</i> Fairmaire; or (b) has been processed into pieces of not more than 2.5 cm thickness and width”; |
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(e) for the text in column (3) of item 17 substitute—

“The dunnage shall:

(a) from 1st July 2009, be free from bark with the exception of any number of individual pieces of bark if they are either less than 3 cm in width (regardless of the length) or, if greater than 3 centimetres in width, of not more than 50 square centimetres in area;

(b) be subject to one of the approved treatments as specified in Annex I to ISPM No. 15; and

(c) display a mark as specified in Annex II to ISPM No. 15, indicating that the wood has been subjected to an approved phytosanitary treatment”;

(4) In Part A of Schedule 5—

(a) for item 1 substitute

“1. Isolated bark of—

- (a) conifers (Coniferales), originating in any country outside Europe;
- (b) *Acer saccharum* Marsh., *Populus* L. or *Quercus* L. other than *Quercus suber* L.; or
- (c) *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA.”; and

(b) for items 2(a)(iv) and (v) substitute—

“(iv) *Acer saccharum* Marsh., including wood which has not kept its natural round surface, originating in the USA or Canada;

- (v) Conifers (Coniferales), including wood which has not kept its natural round surface, originating in any country outside Europe, Kazakhstan, Russia or Turkey; or
- (vi) *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., including wood which has not kept its natural round surface, originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA; and”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 6th October 2009



David Small

A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends The Plant Health (Wood and Bark) Order (Northern Ireland) 2006 ('the principal Order') so as to implement

- Commission Directive 2009/7/EC amending Annexes I, II, IV and V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L40, 11.2.2009, p12);

- Commission Directive 2008/109/EC amending Annex IV to Council Directive 2000/29/EC (OJ No L 319, 29.11.2008, p68);

Articles 1, 2 and 4 of the Order amend Schedules 1, 2, 4 and 5 to the principal Order so as to apply new restrictions on the introduction into Northern Ireland of certain forest products (wood, wood packaging material and bark) and tree pests so as to prevent the introduction into and spread within Northern Ireland of, in particular, the following pests *Dendrolimus sibiricus* Tschetverikov (the Siberian Coniferous Silk Moth) and *Agilus planipennis* Fairmaire (the Emerald Ash Borer).

Article 3 adjusts the paragraphing and punctuation of Article 6 to increase clarity.

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