

2015 No. 129

PLANT HEALTH

**The Plant Health (Wood and Bark) (Amendment) Order
(Northern Ireland) 2015**

Made - - - - *6th March 2015*

Coming into operation - *27th March 2015*

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

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 references to the European Union instrument mentioned in article 3(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) 2015, and comes into operation on 27 March 2015.

Amendment of The Plant Health (Wood and Bark) Order (Northern Ireland) 2006

2. The Plant Health (Wood and Bark) Order (Northern Ireland) 2006^(e) is amended in accordance with articles 3 to 11.

Article 2 (general interpretation)

3. In article 2(1)—

(a) after the definition of “area of plant health control”, insert—

“associated controlled dunnage”, in items 1, 3, 5, 6, 9, 10a, 11, 12a and 13 of Part A of Schedule 4, means dunnage which supports a consignment of wood of a genus or species specified in the relevant item and which—

(a) The Ministry of Agriculture became known as the Department of Agriculture by virtue of section 7(5) of the Northern Ireland Constitution Act 1973 (c.36) and was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I.1)).

(b) 1967 c.28 (N.I.) Sections 2(1) and 3(1) were amended by S.R. & O (N.I.) 1972 No. 351, article 3 and Schedule 2. Section 2(2) was amended by 1979 c.2 section 177(1) and Schedule 4, Part II. Sections 2 and 3 were also amended by S.I. 1984/702 (N.I.2), Articles 15, 24 and Schedule.

(c) 1972 c.68 (N.I.). Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) and amended by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(d) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

(e) S.R. 2006 No.66; amending instruments are S.R. 2009 No.340, S.R. 2010 No.48 and S.R. 2012 No.400.

- (a) is constructed from wood of the same type and quality as the wood in the consignment; and
- (b) meets the same European Union phytosanitary requirements as the wood in the consignment;”;
- (b) for the definition of “dunnage” substitute—
 - “”dunnage” means wood used to wedge or support cargo”;
- (c) for the definition of “ISPM No. 15” substitute—
 - “”ISPM No. 15” means International Standard for Phytosanitary Measures No. 15 of March-April 2009 on regulation of wood packaging material in international trade, prepared by the Secretariat of the International Plant Protection Convention (IPPC) established by the Food and Agriculture Organisation of the United Nations, as last revised in April 2013;”(a);
- (d) for the definition of “protected zone” substitute—
 - “”protected zone” means a member State or an area in a member State which is recognised as a protected zone exposed to particular plant health risks for the purposes of the Directive, as listed in Annex 1 to Regulation No 690/2008;”(b)
- (e) after the definition of “registered”, insert—
 - “”Regulation No 690/2008” means Commission Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community, as last amended by Commission Implementing Regulation (EU) No 707/2014 and as amended from time to time;”(c);
- (f) in the definition of “wood”, for paragraph (c) substitute—
 - “(c) whether or not satisfying the requirements of paragraph (a) or (b), wood packaging material;” and
- (g) for the definition of “wood packaging material” substitute—
 - “”wood packaging material” means wood in the form of packing cases, boxes, crates, drums or similar packings, pallets, box pallets or other load boards, pallet collars or dunnage, whether or not actually in use in the transport of objects of any kind;”.

Article 5 (advance notification of landing)

4. In article 5(2)(b), for paragraphs (ii) and (iii), substitute—
- “(ii) listed in the second column of Annex II Part B of the Directive and in the course of its consignment to a protected zone that is recognised as a protected zone for the pest listed in the first column of that Annex opposite the reference to the relevant material; or
 - (iii) listed in the first column of Annex IV Part B of the Directive and in the course of its consignment to a protected zone that is recognised as a protected zone for the pest specified in the second column of that Annex opposite the reference to the relevant material”.

Article 11 (plant health discharge)

5. In article 11(2)—
- (a) after sub-paragraph (a), insert—

(a) Available from the IPPC Secretariat, AGPP-FAO, Viale DFelle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/core-activities/standards-setting/ispm#>

(b) OJ L 193, 22.7.2008

(c) OJ L 186, 26.6.2014

- “(aa) in the case of relevant material in the course of its consignment to a protected zone, that the relevant material is free from any pest listed in the first column of Annex I to Regulation No 690/2008 opposite the reference to the protected zone;”;
- (b) for sub-paragraph (c) substitute—
- “(c) in the case of relevant material which is listed in the second column of Annex II Part B of the Directive and in the course of its consignment to a protected zone that is recognised as a protected zone for the pest listed in the first column of that Annex opposite the reference to the relevant material, that the relevant material is not carrying or infected with the pest;”;
- (c) for sub-paragraph (e) substitute—
- “(e) in the case of relevant material which is listed in the first column of Annex IV Part B of the Directive and in the course of its consignment to a protected zone that is recognised as a protected zone for the pest specified in the second column of that Annex opposite the reference to the relevant material, that the relevant material complies with the requirements specified in the second column of that Annex opposite the reference to the relevant material and, where there is one or more alternative requirements, the requirement declared in the phytosanitary certificate or phytosanitary certificate for export;”.

Schedule 1 (pests which shall not be landed in or spread within Northern Ireland)

6. In Schedule 1(a) under the heading “Insects, mites and nematodes”—

(a) after item 1, insert—

“1a.	<i>Agrilus anxius</i> Gory, the Bronze Birch Borer
1b.	<i>Agrilus planipennis</i> Fairmaire, the Emerald Ash Borer”;

(b) after item 3, insert—

“3a	<i>Bursaphelenchus xylophilus</i> (Steiner and Buhrer) Nickle <i>et al.</i> , the Pine Wood Nematode”.
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Schedule 2 (prohibitions on the landing in and movement within Northern Ireland of infected relevant material)

7.—(1) In Part A (relevant material which may not be landed in or moved within Northern Ireland if the material is carrying or infected with pests) of Schedule 2(b)—

- (a) omit items 1 and 1a;
- (b) for the entry in the third column of item 7, substitute “*Ceratocystis platani* (J.M.Walter) Engelbr. & T.C. Harr., the cause of Canker Stain of plane”.

(2) In Part B (relevant material which may not be landed in or moved within Northern Ireland (as a protected zone) if that material is carrying or infected with pests) of Schedule 2, for item 7 substitute—

“7.	Wood, excluding wood which is bark-free, or isolated bark of <i>Castanea Mill</i>	<i>Cryphonectria parasitica</i> (Murrill) Barr, a cause of Sweet Chestnut Blight
8	Wood of <i>Platanus</i> L. including wood which has not kept its natural round surface	<i>Ceratocystis platani</i> (J. M. Walter) Engelbr. & T.C. Harr.”.

- (a) There are amendments to Schedule 1, but none is relevant.
- (b) Item 1a was inserted by S.R. 2009 No.340, article 4(2). There are other amendments to Schedule 2 but none is relevant.

Schedule 4 (restrictions on the landing in and movement within Northern Ireland of relevant material)

8.—(1) In Part A (relevant material, from third countries, which may only be landed in Northern Ireland if special requirements are satisfied) of Schedule 4(a)—

(a) for items 1 to 3 substitute—

“1.	Wood of conifers (Coniferales), except that of <i>Thuja</i> L. or <i>Taxus</i> L., other than in the form of : - chips, particles, sawdust, shavings, wood waste or scrap obtained in whole or in part from these conifers, - wood packaging material, except associated controlled dunnage, - wood of <i>Libocedrus decurrens</i> Torr. where there is evidence that the wood has been processed or manufactured for pencils using heat treatment to achieve a minimum temperature of 82°C for a seven to eight day period, but including that which has not kept its natural round surface, originating in Canada, China, Japan, the Republic of Korea, Mexico, Taiwan or the USA, where <i>Bursaphelenchus xylophilus</i> (Steiner and Bührer) Nickle <i>et al.</i> is known to occur	The wood shall be accompanied by an official statement that: (a) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core) and there shall be evidence of that heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate or phytosanitary certificate for re-export; and (b) subsequent to its treatment the wood was transported, until leaving the country issuing that statement outside of the flight season of the vector <i>Monochamus</i> , taking into account a safety margin of four additional weeks at the beginning and at the end of the expected flight season or, except in the case of wood free from any bark, with a protective covering ensuring that infestation with <i>Bursaphelenchus xylophilus</i> (Steiner et Bührer) Nickle <i>et al.</i> or its vector cannot occur
2.	Wood of conifers (Coniferales) in the form of chips, particles, sawdust, shavings, wood waste or scrap obtained in whole or in part from these conifers, originating in Canada, China, Japan, the Republic of Korea, Mexico, Taiwan or the USA,	The wood shall be accompanied by an official statement that: (a) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout

(a) Item 8 was amended by S.R. 2009 No.340, article 4(3)(a). Item 10a was inserted by S.R. 2009 No.340, 4(3)(b). Item 14a was inserted by S.R. 2009 No.340, article 4(3)(c). Item 16a was inserted by S.R. 2009 No.340, article 4(3)(d). Item 17 was amended by S.R. 2009 No.340, article 4(3)(e). There are other amendments to Part A of Schedule 4, but none is relevant.

	<p>where <i>Bursaphelenchus xylophilus</i> (Steiner and Bühner) Nickle <i>et al.</i> is known to occur</p>	<p>the entire profile of the wood (including at its core) the latter to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export; and</p> <p>(b) subsequent to its treatment the wood was transported, until leaving the country issuing that statement, outside of the flight season of the vector <i>Monochamus</i>, taking into account a safety margin of four additional weeks at the beginning and at the end of the expected flight season or, except in the case of wood free from any bark, with a protective covering ensuring that infestation with <i>Bursaphelenchus xylophilus</i> (Steiner et Bühner) Nickle <i>et al.</i> or its vector cannot occur</p>
<p>3.</p>	<p>Wood of <i>Thuja</i> L. or <i>Taxus</i> L., other than in the form of:</p> <ul style="list-style-type: none"> - chips, particles, sawdust, shavings, wood waste or scrap obtained in whole or part from these conifers, - wood packaging material, except associated controlled dunnage, <p>but including wood which has not kept its natural round surface, originating in Canada, China, Japan, the Republic of Korea, Mexico, Taiwan or the USA, where <i>Bursaphelenchus xylophilus</i> (Steiner and Bühner) Nickle <i>et al.</i> is known to occur</p>	<p>The wood shall be accompanied by an official statement that it:</p> <ul style="list-style-type: none"> (a) is bark-free; (b) has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, and there shall be evidence of that kiln-drying by a mark “kiln-dried” or “KD” or another internationally recognised mark, put on the wood or on any wrapping in accordance with current usage; or (c) has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core) and there shall be evidence of that treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate or phytosanitary certificate for re-export”;

- (b) omit item 4;
(c) for items 5 and 6 substitute—

<p>“5. Wood of conifers (Coniferales), other than in the form of: - chips, particles, sawdust, shavings, wood waste or scrap obtained in whole or part from these conifers, - wood packaging material, except associated controlled dunnage, but including that which has not kept its natural round surface, originating in Russia, Kazakhstan or Turkey</p>	<p>The wood shall be accompanied by an official statement that it: (a) originates in an area or areas known to be free from: - <i>Monochamus</i> spp. (non-European) - <i>Pissodes</i> spp. (non-European) - <i>Scolytidae</i> spp. (non-European), and the area or areas shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “place of origin”; (b) is bark-free and free from grub holes, caused by the genus <i>Monochamus</i> spp. (non-European), defined for this purpose as those which are larger than 3mm across; (c) has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, and there shall be evidence of that kiln-drying by a mark “kiln-dried” or “KD” or another internationally recognised mark, put on the wood or on any wrapping in accordance with current usage; or (d) has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core) and there shall be evidence of that treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate or phytosanitary certificate for re-export</p>
<p>6. Wood of conifers (Coniferales), other than in the form of: - chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or part from these conifers, - wood packaging material, except associated controlled dunnage, but including that which has not kept its natural round surface, originating in any third country other than: - Russia, Kazakhstan or Turkey;</p>	<p>The wood shall be accompanied by an official statement that it: (a) is bark-free and free from grub holes caused by the genus <i>Monochamus</i> spp. (non-European) defined for this purpose as those which are larger than 3mm across; (b) has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an</p>

<ul style="list-style-type: none"> - a European country; - Canada, China, Japan, the Republic of Korea, Mexico, Taiwan or the USA, where <i>Bursaphelenchus xylophilus</i> (Steiner and Bühner) Nickle <i>et al.</i> is known to occur 	<p>appropriate time/temperature schedule, and there shall be evidence of that kiln-drying by a mark “kiln-dried” or “KD” or another internationally recognised mark, put on the wood or on any wrapping in accordance with current usage; or</p> <p>(c) has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), and there shall be evidence of that treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate or phytosanitary certificate for re-export”;</p>
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(d) in the third column of item 7, for paragraph (d) substitute—

“(d) has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), the latter to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export”;

(e) for items 8 and 9 substitute—

<p>“8. Wood packaging material, except:</p> <ul style="list-style-type: none"> - raw wood of 6mm thickness or less, - processed wood produced by glue, heat or pressure or a combination thereof, or - dunnage which is associated controlled dunnage for the purposes of items 1, 3, 5, 6, 9, 10a, 11, 12a or 13 of Part A of Schedule 4, coming from any third country, except Switzerland 	<p>The wood packaging material shall:</p> <ul style="list-style-type: none"> (a) be subject to one of the approved treatments as specified in Annex I to ISPM No. 15; and (b) display a mark as specified in Annex II to ISPM No. 15, indicating that it has been subjected to an approved phytosanitary treatment in accordance with this standard
<p>9. Wood of <i>Acer saccharum</i> Marsh., including wood which has not kept its natural round surface, other than in the form of:</p> <ul style="list-style-type: none"> -wood intended for the production of veneer sheets, -chips, particles, sawdust, shavings, wood waste or scrap, or -wood packaging material, except associated controlled dunnage, originating in the USA or Canada 	<p>The wood shall be accompanied by an official statement that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, and there shall be evidence of that kiln-drying by a mark “kiln-dried” or “KD” or another internationally recognised mark, put on the wood or on any wrapping in accordance with current usage”;</p>

(f) for items 10a and 11 substitute—

<p>“10a. Wood of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurcia</i> Maxim., <i>Ulmus davidiana</i> Planch or <i>Pterocarya rhoifolia</i> Siebold & Zucc., other than in the form of:</p> <ul style="list-style-type: none"> - chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or part from these trees; or - wood packaging material, except associated controlled dunnage, but including wood which has not kept its natural round surface, furniture or other objects made of untreated wood, originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA 	<p>The wood shall be accompanied by an official statement that:</p> <ul style="list-style-type: none"> (a) its bark and at least 2.5 cm of the outer sapwood have been removed in a facility authorised and supervised by the national plant protection organisation; or (b) the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood
<p>11. Wood of <i>Quercus</i> L., other than in the form of :</p> <ul style="list-style-type: none"> - chips, particles, sawdust, shavings, wood waste or scrap; - casks, barrels, vats, tubs or other coopers’ products or parts thereof, of wood, including staves, where there is documented evidence that the wood has been produced or manufactured using heat treatment to achieve a minimum temperature of 176°C for 20 minutes; or - wood packaging material, except associated controlled dunnage, but including wood which has not kept its natural round surface, originating in the USA 	<p>The wood shall be accompanied by an official statement that it:</p> <ul style="list-style-type: none"> (a) is squared so as to remove entirely the rounded surface; (b) is bark-free and the water content is less than 20% expressed as a percentage of the dry matter; (c) is bark-free and has been disinfected by an appropriate hot-air or hot water treatment; or (d) in the case of sawn wood, with or without residual bark attached, has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, and there shall be evidence of that kiln-drying by a mark “kiln-dried” or “KD” or another internationally recognised mark, put on the wood or on any wrapping in accordance with current usage”;

(g) for items 12 and 13 substitute—

<p>“12. Wood of <i>Platanus</i> L., other than in the form of chips, particles, sawdust, shavings, wood waste or scrap, but including wood which has not kept its natural round surface, originating in Armenia, Switzerland or the USA</p>	<p>The wood shall be accompanied by an official statement that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, and there shall be evidence of that kiln-drying by a mark “kiln-dried” or “KD” or another internationally recognised mark, put on the wood or on any wrapping in accordance</p>
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		with current usage
12a.	Wood of <i>Betula</i> L., other than in the form of: - chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or part from these trees; or - wood packaging material, except associated controlled dunnage, but including wood which has not kept its natural round surface, furniture or other objects made of untreated wood, originating in Canada or the USA where <i>Agrilus anxius</i> Gory is known to occur	The wood shall be accompanied by an official statement that: (a) its bark and at least 2.5cm of the outer sapwood have been removed in a facility authorised and supervised by the national plant protection organisation; or (b) the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood
13.	Wood of <i>Populus</i> L., other than in the form of: - chips, particles, sawdust, shavings, wood waste or scrap; - wood packaging material, except associated controlled dunnage, but including wood which has not kept its natural round surface, originating in any country of the American continent	The wood shall be accompanied by an official statement that it: (a) is bark-free; or (b) has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, and there shall be evidence of that kiln-drying by a mark “kiln-dried” or “KD” or another internationally recognised mark, put on the wood or on any wrapping in accordance with current usage”;

(h) for item 14 substitute—

“14.	Wood in the form of chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or in part from: - <i>Acer saccharum</i> Marsh., originating in the USA or Canada, or - <i>Populus</i> L., originating in any country of the American continent	The wood shall be accompanied by an official statement that it: (a) has been produced from debarked round wood; (b) has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule; or (c) has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration for 30 continuous minutes throughout the entire profile of the wood (including at its core), the latter to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export”;
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(i) for item 14a substitute—

“14a.	Wood in the form of chips, particles, sawdust, shavings, wood waste and	The wood shall be accompanied by an official statement that:
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	<p>scrap obtained in whole or in part from <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA</p>	<p>(a) it originates in an area recognised as being free from <i>Agrilus planipennis</i> Fairemaire in accordance with the procedure referred to in Article 18(2) of the Directive, the area to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export</p>
14b.	<p>Wood in the form of chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or in part from <i>Platanus</i> L., originating in Armenia, Switzerland or the USA</p>	<p>The wood shall be accompanied by an official statement that it:</p> <p>(a) has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter achieved through an appropriate time/temperature schedule; or</p> <p>(b) has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), the latter to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export</p>
14c.	<p>Wood in the form of chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or in part from <i>Betula</i> L.</p>	<p>The wood shall be accompanied by an official statement that it originates in a country known to be free from <i>Agrilus anxius</i> Gory”;</p>
(j) in the third column of item 15, for paragraph (b) substitute—		
<p>“(b) has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), the latter to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export”;</p>		
(k) for item 16 substitute—		
“16.	<p>Isolated bark of conifers (Conferales), originating in any country outside Europe</p>	<p>The isolated bark shall be accompanied by an official statement that:</p> <p>(a) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the bark (including at its core), the latter to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export; and</p> <p>(b) subsequent to its treatment the bark was transported until leaving the country issuing that statement outside of the flight season of the</p>

vector *Monochamus*, taking into account a safety margin of four additional weeks at the beginning and at the end of the expected flight season, or with a protective covering ensuring that infestation with *Bursaphelenchus xylophilus* (Steiner et Bühner) Nickle *et al.* or its vector cannot occur”;

(l) for item 16a substitute—

<p>“16a. Isolated bark and objects made of bark of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA</p>	<p>The isolated bark shall be accompanied by an official statement that the bark originates in an area recognised as being free from <i>Agrilus planipennis</i> Fairemaire in accordance with the procedure referred to in Article 18(2) of the Directive, the area to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export</p>
<p>16b. Bark or objects made out of bark of <i>Betula</i> L., originating in Canada or the USA where <i>Agrilus anxius</i> Gory is known to occur</p>	<p>The bark or objects made out of bark shall be accompanied by an official statement that the bark is free from wood”;</p>

(m) omit item 17.

(2) In Part B (relevant material, from another part of the European Community, which may only be landed in or moved within Northern Ireland if special requirements are satisfied) of Schedule 4(a)—, in the third column of item 1, for “*Ceratocystis fimbriata* f sp. *Platani* Walter” substitute “*Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.”.

(3) In Part C (relevant material, from a third country or another part of the European Community, which may only be landed in or moved within Northern Ireland (as a protected zone) if special requirements are satisfied) of Schedule 4, after item 7, insert—

<p>“7a. Wood of <i>Platanus</i> L., including wood which has not kept its natural round surface, originating in the European Union or in Armenia, Switzerland or the USA</p>	<p>The wood shall be accompanied by an official statement that it:</p> <p>(a) originates in an area free from <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr., established in accordance with ISPM No. 4;</p> <p>(b) has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule, and there shall be evidence of that kiln-drying by a mark “kiln-dried” or “KD” or another internationally recognised mark, put on the wood or its packaging in accordance with</p>
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(a) There are no relevant amendments to Part B of Schedule 4.

current commercial usage; or
(c) originates in a protected zone
which is recognised as a protected
zone for the pest mentioned in
paragraph (a)”.

Schedule 5 (relevant material from a third country for which a phytosanitary certificate may be required)

9. In Part A (relevant material which may only be landed in Northern Ireland if accompanied by a phytosanitary certificate) of Schedule 5(a)—

- (a) for paragraph (1)(b) and (c) substitute—
- “(b) *Acer saccharum* Marsh., *Populus* L., *Quercus* L., other than *Quercus suber* L.;
 - (c) *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA; or
 - (d) *Betula* L., originating in Canada or the USA”;
- (b) for heads (ii) to (vi) of paragraph 2(a) substitute—
- “(ii) *Platanus* L., including wood which has not kept its natural round surface, originating in Armenia, Switzerland or the USA;
 - (iii) *Populus* L., including wood which has not kept its natural round surface, originating in any country of the American continent;
 - (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;
 - (vi) *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., including wood which has not kept its natural round surface, originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA; or
 - (vii) *Betula* L., including wood which has not kept its natural round surface, originating in Canada or the USA; and”.

Schedule 6 (prohibitions on the landing in and movement within Northern Ireland of relevant material without a plant passport)

10. In Part B (relevant material, from another part of the European Community, which may only be landed or moved in Northern Ireland if accompanied by a plant passport which is valid for Northern Ireland (as a protected zone) of Schedule 6, for paragraph 1(a)(ii) substitute—

- “(ii) *Castanea* Mill., excluding wood which is bark-free; or
- (iii) *Platanus* L., including wood which has not kept its natural round surface; and
”.

(a) Paragraph 1 was amended by S.R. 2009 No.340, article 4(4)(a). Paragraph 2(a) was amended by S.R. 2009 No.340, article 4(4)(b).

Schedule 7 (prohibitions on the consignment of relevant material to another part of the European Community without a plant passport)

11. In Part B (relevant material which may only be consigned to a protected zone in another part of the European Community if accompanied by a plant passport which is valid for that protected zone) of Schedule 7, for paragraph 1(a)(ii), substitute—

- “(ii) *Castanea* Mill., excluding wood which is bark-free; or
- (iii) *Platanus* L., including wood which has not kept its natural round surface; and

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 6th March 2015



Malcolm Beatty
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 (S.R. 2006 No.66) (“the principal Order”) to implement—

- (a) Commission Implementing Directive 2014/78/EU amending Annexes I, II, III, 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 L 183, 24.6.2014, p23); and
- (b) Commission Implementing Directive 2014/83/EU amending Annexes I, II, III, 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 L 186, 26.6.2014, p64).

Articles 6 to 11 amend Schedules 1, 2 and 4 to 7 to the principal Order so as to implement various amendments made by Commission Implementing Directives 2014/78/EU and 2014/83/EU to technical Annexes I, II, IV and V to Council Directive 2000/29/EC (OJ No L 169, 10.7.2000, p1) in so far as they relate to wood and bark.

Articles 3 to 5 amend articles 2, 5 and 11 of the principal Order so as to implement the amendments made by Commission Implementing Directives 2014/78/EU and 2014/83/EU to Annexes I, II, IV and V to Council Directive 2000/29/EC in so far as they relate to wood and bark. The amendments are consequential upon the amendments described in the second paragraph.

Article 3(e) provides for references to Commission Regulation (EC) No 690/2008 (OJ No L 193, 22.7.2008, p1) to be read as references to that Regulation as amended from time to time.

An impact assessment has not been produced for this instrument as no impact on business or the private or voluntary sector is foreseen. The Explanatory Memorandum for this instrument, together with a transposition note, is available alongside the instrument at www.legislation.gov.uk.

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2015 No. 129

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