

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

**SR 2015 No. 129**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 2 and 3(1) of the Plant Health Act (Northern Ireland) 1967 and paragraph 1A of Schedule 2 to the European Communities Act and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. This Order amends the Plant Health (Wood and Bark) Order (Northern Ireland) 2006 ('the principal Order') which contains measures to prevent the introduction and spread of harmful pests and diseases and implements Commission Implementing Directives 2014/78/EU and 2014/83/EU.

**3. Background**

- 3.1. Council Directive 2000/29/EC on protective measures against the introduction into the European Union of organisms (serious pests and diseases) harmful to plants or plant products and against their spread within the EU ('the Plant Health Directive') establishes the EU plant health regime. The Plant Health Directive (and therefore the principal Order) is updated frequently, to take account of new or revised risk assessments, pest interceptions, changes in distribution of pests and other developments. In Northern Ireland the Plant Health Directive is implemented in respect of wood and bark matters by Forest Service through the principal Order and similar but separate legislation implements the Plant Health Directive for non-wood and bark matters. In England, Wales and Scotland similar legislation implements the Plant Health Directive in respect of forestry and non- forestry matters.
- 3.2. The implementing Directives adopted modify the annexes of the Plant Health Directive as a result of technical changes in the assessment of risks presented by particular pests and diseases and introduce new measures to address risks presented by other pests and diseases. These amendments are to be implemented through this instrument which comes into force on the 27 March 2015.
- 3.3. Key changes include: the establishment of Northern Ireland as a protected zone for canker stain of plane (*Ceratocystis platani* (J.M.Walter) Engelbr. & T.C. Harr., formerly known as *Ceratocystis fimbriata* f. spp. *platani* Walter), requiring that plants and plant produce that are hosts of these

pests must reach higher plant health standards before entering Northern Ireland;

- 3.4. Additional national control measures to prevent the introduction and spread of sweet chestnut blight;
- 3.5. Bronze birch borer (*Agrilus anxius*) is added as a new pest and new landing requirements are introduced for wood of birch from Canada and the USA. New strengthened measures are introduced in respect of the Emerald ash borer (*Agrilus planipennis*) and the pinewood nematode (*Bursaphelenchus xylophilus*);
- 3.6. The requirements for wood packaging from outside of the EU are amended to make those for material in use the same as those for material not in use. These also apply to the wood which is used to wedge or support cargo (dunnage) although an exception is made for dunnage which is associated with controlled timber consignments and which is constructed from wood of the same type and quality as the wood in the consignment and meets the same EU phytosanitary requirements as the wood in the consignment; and
- 3.7. The requirements for heat treatment of conifer wood and bark from outside of the EU are strengthened. This wood must be heat-treated 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).
- 3.8. Articles 8(1)(i) and (l) amend Part A of Schedule 4 to include implementation of Points 2.4 and 2.5 of Commission Implementing Directive 2014/78/EU in relation to the pest *Agrilus planipennis* Fairmaire. This amendment prohibits imports of relevant material originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan and USA. Under article 18(2) of Council Directive 2000/29/EC, the Commission will recognise pest free areas or countries from which imports of the relevant material will be permitted.

#### **4. Consultation**

- 4.1. This legislation implements EU legislation. The views of stakeholders were sought and taken into account during negotiations with the Commission and other Member States.

#### **5. Equality Impact**

- 5.1. The Department has screened the legislation for equality and human rights issues, including consideration for compliance with Section 75 of the Northern Ireland Act 1998, and as the implementing Directives 2014/78/EU and 2014/83/EU will apply in equal measure to all Section 75 groups, a full Equality Impact Assessment is not required.

#### **6. Regulatory Impact**

- 6.1. An impact assessment has not been prepared as the Order has no impact on the costs for business.

## **7. Financial Implications**

7.1. The Order has no impact on the costs for business.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1. The implementing Directives 2014/78/EU and 2014/83/EU, which will apply in equal measure to all Section 75 groups, do not have any human rights implications nor are they incompatible with EU law. The Order is therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

9.1. A transposition note is attached.

## **10. Parity or Replicatory Measure**

10.1. This legislation is required to maintain parity with other EU Member States.

## **11. Additional Information**

11.1. Not applicable.

**Transposition Note for the transposition of Commission Implementing Directives 2014/78/EU and 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**

<b>Commission Implementing Directive 2014/78/EU</b>		
<b>Provision in Annex</b>	<b>Amendment to Directive 2000/29/EC (“the Plant Health Directive”)</b>	<b>Provision in the Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2015</b>
(1)(a)(i) Points 1.1 and 1.2	Amendments to Section I, Part A, Annex I to the Plant Health Directive	Article 6(a) for amendments in relation to pests (amending Schedule 1 to the Plant Health (Wood and Bark) Order (Northern Ireland) 2006 (“the principal Order”))
(1)(a)(i) Points 1.3, 10.5 and 0.1	Amendments to Section I, Part A, Annex I to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(1)(a)(ii) Heading (a) Point 0.01	Amendments to Section II, Part A, Annex I to the Plant Health Directive	Article 6(b) for amendments in relation to pests (amending Schedule 1 to the principal Order)
(1)(a)(ii) Heading (a) Point 10 and Heading (b) Point 2	Amendments to Section II, Part A, Annex I to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(1)(b)(i)	Amendment to Part B, Annex I to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(1)(b)(ii)	Amendment to Part B, Annex I to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(2)(a)(i) Heading (a) Points 1.1 and 8	Amendments to Section I, Part A, Annex II to the Plant Health Directive	Article 7(1)(a) for amendments in relation to wood and bark matters (amending Part A of Schedule 2 to the principal Order)
(2)(a)(i) Heading (a) Points 10 and 31 and Headings (b), (c) and (d)	Amendments to Sections I and II, Part A, Annex II to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(2)(a)(ii)	Amendments to Section II, Part A, Annex II to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(2)(b)(i)	Amendment to Part B, Annex II to the Plant Health Directive	Nothing required (no change to UK’s status as a protected zone)
(2)(b)(ii)	Amendment to Part B, Annex II to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)

		matters)
(2)(b)(iii)	Amendment to Point 0.1, Heading (c), Part B, Annex II to the Plant Health Directive	Article 7(2) (amending Part B of Schedule 2 to the principal Order)
(2)(b)(iv)	Amendment to Part B, Annex II to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(3)(a) and (b)	Amendment to Part B, Annex III to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(4)(a)(i) Point 1.1 to Point 8	Amendments to Section I, Part A, Annex IV to the Plant Health Directive	Article 8(1)(a) to (l) for amendments in relation to wood and bark matters (amending Part A of Schedule 4 to the principal Order)
(4)(a)(i) Points 11.4 to 49.1	Amendments to Section I, Part A, Annex IV to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(4)(a)(ii)	Amendments to Section II, Part A, Annex IV to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(4)(b)	Amendments to Part B, Annex IV to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(5)(a)(i)	Amendments to Section I, Part A, Annex V to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(5)(a)(ii)	Amendments to Section II, Part A, Annex V to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(5)(b)(i) Points 1, 2, 3 and 6(b)	Amendments to Section I, Part B, Annex V to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(5)(b)(i) Points 5 and 6(a)	Amendments to Section I, Part B, Annex V to the Plant Health Directive	Article 9(1)(a) and (b) for amendments in relation to wood and bark matters (amending Part A of Schedule 5 to the principal Order)
(5)(b)(ii)	Amendments to Section II, Part B, Annex V to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
<b>Commission Implementing Directive 2014/83/EU</b>		
(1)	Amendment to Part B, Annex I to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(2)(a)	Amendment to Section II, Part A, Annex II to the Plant Health Directive	Article 7(1)(b) amending Part A of Schedule 2 to the principal Order)
(2)(b)	Amendment to Part B, Annex II	Nothing required (amendments

	to the Plant Health Directive	relate to non-wood and bark matters)
(2)(c)	Amendment to Part B, Annex II to the Plant Health Directive	Article 7(2) (amending Part B of Schedule 2 to the principal Order)
(3)(a) and (b)	Amendments to Part B, Annex III to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(4)(a)(i) and (ii)	Amendments to Section I, Part A, Annex IV to the Plant Health Directive	Article 8(1)(g) and (h) (amending Part A of Schedule 4 to the principal Order)
(4)(a)(iii)	Amendment to Section I, Part A, Annex IV to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(4)(b)(i)	Amendment to Section II, Part A, Annex IV to the Plant Health Directive	Article 8(2) (amending Part B of Schedule 4 to the principal Order)
(4)(b)(ii)	Amendment to Section II, Part A, Annex IV to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(4)(c)(i)	Amendment to Part B, Annex IV to the Plant Health Directive	Article 8(3) (amending Part C of Schedule 4 to the principal Order)
(4)(c)(ii)	Amendment to Part B, Annex IV to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(4)(c)(iii) to (vii)	Amendments to Part B, Annex IV to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(5)(a)(i)	Amendment to Section II, Part A, Annex V to the Plant Health Directive	Nothing required (amendments relate to non-wood and bark matters)
(5)(a)(ii)	Amendment to Section II, Part A, Annex V to the Plant Health Directive	Articles 10 and 11 (amending Part B of Schedules 6 and 7 to the principal Order)
(5)(b)	Amendments to Section I, Part B, Annex V to the Plant Health Directive	Article 9(b) (amending Part A of Schedule 5 to the principal Order)