

2019 No. 162

PLANT HEALTH

**The Plant Health (Wood and Bark) (Amendment No. 2) Order
(Northern Ireland) 2019**

Made - - - - - *28th August 2019*

Coming into operation - *1st September 2019*

The Department of Agriculture, Environment and Rural Affairs(**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**) and section 2(2) of the European Communities Act 1972(**c**).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Agriculture, Environment and Rural Affairs that it is expedient for references to the European instrument mentioned in article 3 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 No. 2) Order (Northern Ireland) 2019 and comes into operation on 1st September 2019.

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

2. The Plant Health (Wood and Bark) Order (Northern Ireland) 2006(**d**) is amended as follows.

Article 2 (general interpretation)

3. In article 2(1)—

- (a) in the definition of “associated controlled dunnage”, for “11, 12, 12a, 13 or 13c of Part A” substitute “10b, 11, 12, 12a, 13, 13c or 13e of Part A, and item 1e of Part B”;
- (b) omit the definition of “Decision (EU) 2018/1203”;
- (c) after the definition of “Decision (EU) 2018/1203” insert—

““Decision (EU) 2018/1503” means Commissioning Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia Bungii* (Faldermann), as amended from time to time(**a**)”;

(a) The Ministry of Agriculture became known as the Department of Agriculture by virtue of section 7(5) of the Northern Ireland Constitution Act (c. 36), was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/583 (N.I. 1) and was renamed the Department of Agriculture, Environment and Rural Affairs by section 1 of the Departments Act (Northern Ireland) 2016 (c. 5)(N.I.).

(b) 1967 c. 28 (N.I.)

(c) 1972 c. 68.

(d) S.R. 2006 No. 66

- (d) in the definition of “relevant material”, at the end insert “or any machinery or vehicle which has been operated for agricultural or forestry purposes”.

Schedule 1

4. In the table in Schedule 1—

- (a) under the heading “Insects, mites and nematodes”—
 (i) after item 2 insert—

“2a. *Aromia bungii* (Faldermann), the Red-Necked Longhorn Beetle”;

- (ii) after item 5 insert—

“5a. *Pityophthorus juglandis* Blackman, the Walnut Twig Beetle”;

- (b) under the heading “Fungi”—
 (i) after item 1 insert—

“1za. *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., the cause of Canker Stain of Plane”;

- (ii) after item 4 insert—

“4a. *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat, the causal agent, together with *Pityophthorus juglandis* Blackman, of the Thousand Cankers Disease”.

Schedule 2

5. In Schedule 2 in the table in Part A, omit item 7.

Schedule 4

6. In Schedule 4—

- (a) in the table in Part A—
 (i) in item 10a, in the entry in the third column, in paragraph (a), at the beginning insert “except in the case of wood originating in Canada or the USA,”;
 (ii) after item 10a insert—

<p>“10b. Wood of <i>Juglans L.</i> or <i>Pterocarya Kunth</i>, other than wood in the form of: —chips, particles, sawdust, shavings, wood waste or scrap; or —wood packaging material which is not associated controlled dunnage, but including wood which has not kept its natural round surface, originating in the USA</p>	<p>The wood must be accompanied by an official statement that:</p> <p>(a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Geosmithia morbida</i> Kolarik, Freeland, Utley & Tisserat and its vector <i>Pityophthorus juglandis</i> Blackman;</p> <p>(b) it has undergone an appropriate</p>
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heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 40 continuous minutes throughout the entire profile of the wood; or

- (c) it has squared to entirely remove the rounded surface.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also 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 certificate”;

- (i) for item 12 substitute—

“12. Wood of *Platanus* L., other than wood packaging material that is not associated controlled dunnage, but including wood which has not kept its natural round surface or is in the form of chips, particles, sawdust, shavings, wood waste or scrap, originating in Albania, Armenia, Switzerland, Turkey or the USA

The wood must be accompanied by an official statement that:

- (a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.; or
- (b) it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also 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”;

(i) after item 13c insert—

“13d.	Specified wood within the meaning of Article 1(c) of Decision (EU) 2018/1503 originating in any third country where <i>Aromia bungii</i> (Faldermann) is known to be present, other than China, Democratic People’s Republic of Korea, Mongolia, Japan, Republic of Korea or Vietnam	The wood must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which: <ul style="list-style-type: none">(a) in the case of wood in the form of chips, particles, shavings, wood waste or scrap:<ul style="list-style-type: none">(i) includes an official statement under the heading “Additional declaration” that it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Aromia bungii</i> (Faldermann), and the name of the pest-free area under the heading “place of origin”;(ii) includes an official statement under the heading “Additional declaration” that it is debarked and 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; or(iii) includes an official statement that it has been processed into pieces of not more than 2.5 cm thickness and width;(b) in any other case:<ul style="list-style-type: none">(i) includes an official statement under the heading “Additional declaration” that it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Aromia bungii</i>
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		(Faldermann), and the name of the pest-free area under the heading “place of origin”;
		(ii) includes an official statement that it is debarked and 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 which is evidenced by a mark “HT” put on the wood or any wrapping in accordance with current usage; or
		(iii) includes an official statement that it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1kGy throughout the wood
13e.	<p>Wood of <i>Prunus</i> L., other than in the form of:</p> <p>—chips, particles, sawdust, shavings, wood waste or scrap; or</p> <p>—wood packaging material which is not associated controlled dunnage,</p> <p>but including wood which has not kept its natural round surface, originating in China, Democratic People’s Republic of Korea, Mongolia, Japan, Republic of Korea or Vietnam</p>	<p>The wood must be accompanied by an official statement that:</p> <p>(a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Aromia bungii</i> (Faldermann);</p> <p>(b) 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; or</p> <p>(c) it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1kGy throughout the wood.</p> <p>Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.</p> <p>Where the phytosanitary certificate or phytosanitary certificate for re-export</p>

		includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark “HT” on the certificate”;
	(v) omit item 14b; (vi) after item 15a insert—	
“15b.	Isolated bark of <i>Juglans</i> L. or <i>Pterocarya</i> Kunth, or wood of <i>Juglans</i> L. or <i>Pterocarya</i> Kunth in the form of chips, particles, sawdust, shavings, wood waste or scrap, originating in the USA	<p>The bark or wood must be accompanied by an official statement that:</p> <p>(a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Geosmithia morbida</i> Kolarik, Freeland, Utley & Tisserat and its vector <i>Pityophthorus juglandis</i> Blackman; or</p> <p>(b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 40 continuous minutes throughout the profile of the bark or wood.</p> <p>Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.</p> <p>Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark “HT” on the certificate</p>
15c.	Wood of <i>Prunus</i> L. in the form of chips, particles, sawdust, shavings, wood waste or scrap, originating in China, Democratic People’s Republic of Korea, Mongolia, Japan, Republic of Korea or Vietnam	<p>The wood must be accompanied by an official statement that:</p> <p>(a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Aromia bungii</i> (Faldermann);</p> <p>(b) it has been processed into pieces of not more than 2.5 cm thickness and width; or</p> <p>(c) it has undergone an appropriate heat treatment to achieve a</p>

minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the profile of the wood.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (c), there must also be evidence of that heat treatment by a mark “HT” on the certificate”;

(i) after item 18 insert—

“19.	Machinery or vehicles which have been operated for agricultural or forestry purposes, imported from any third country other than Switzerland	The machinery or vehicles must be accompanied by an official statement that they have been cleaned and are free from soil and plant debris
20.	Machinery or vehicles which have been operated for agricultural or forestry purposes, imported from Switzerland	The machinery or vehicles must be accompanied by an official statement that: <ul style="list-style-type: none">(a) they have been exported from an area established by the national plant protection organisation for Switzerland in accordance with ISPM No. 4 as an area that is free from <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr.; or(b) in the case of any machinery or vehicles exported from an area infested with <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr., they have been cleaned and are free from soil and plant debris prior to export”;

(c) in the table in Part B—

(i) after item 1 insert—

“1e.	Wood of <i>Juglans</i> L. or <i>Pterocarya</i> Kunth, other than in the form of: —chips, particles, sawdust, shavings, wood waste or scrap; or —wood packaging material which is not associated controlled dunnage,	The wood must be accompanied by an official statement that: <ul style="list-style-type: none">(a) it originates in an area known to be free from <i>Geosmithia morbida</i> Kolarik, Freeland, Utley & Tisserat and its vector <i>Pityophthorus juglandis</i>
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but including wood which has not kept its natural round surface

Blackman;

- (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 40 continuous minutes throughout the entire profile of the wood; or
- (c) it has been squared to entirely remove the natural rounded surface.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage

- 1f. Isolated bark of *Juglans* L. or *Pterocarya* Kunth, or wood of *Juglans* L. or *Pterocarya* Kunth in the form of chips, particles, sawdust, shavings, wood waste or scrap

The bark or wood must be accompanied by an official statement that:

- (a) it originates in an area established in accordance with ISPM No. 4 as an area that is free from *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman; or
- (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 40 continuous minutes throughout the entire profile of the bark or the wood.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark “HT” put on any wrapping in accordance with current usage

- 1g. Wood packaging material of *Juglans* L. or *Pterocarya* Kunth, except:
—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 item 1e

The wood packaging material:

- (a) must originate in an area established in accordance with ISPM No. 4 as an area that is free from *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman; or
- (b) must:
 - (i) be made of debarked wood,

as specified in Annex 1 to ISPM No. 15;

- (ii) have been subject to one of the approved treatments as specified in Annex 1 to ISPM No. 15; and
- (iii) display a mark as specified in Annex 2 to ISPM No. 15, indicating that it has been subjected to an approved phytosanitary treatment in accordance with this standard”;

(ii) after item 1b insert—

“1ba.	Specified wood within the meaning of Article 1(c) of Decision (EU) 2018/1503 which: —originates in an area established in accordance with Article 5 of Decision (EU) 2018/1503; or —retains all or part of its round surface and has been introduced into such an area	The wood must: <ul style="list-style-type: none">(a) in the case of wood in the form of chips, particles, shavings, wood waste or scrap originating in an area established in accordance with Article 5 of Decision (EU) 2018/1503, be accompanied by an official statement that it meets the requirements in point (a) or (b) of Article 8(3) of that Decision;(b) in any other case, be accompanied by an official statement that it meets the requirements in point (a) or (b) of Article 8(2) of that Decision and, where point (a) applies, bear evidence of the appropriate heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage”;
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(i) after item 1c insert—

“1ca.	Specified wood packaging material within the meaning of Article 1(d) of Decision (EU) 2018/1503 originating in an area established in accordance with Article 5 of Decision (EU) 2018/1503	The wood packaging material must meet the requirements specified in points (a) and (b) of Article 9(2) of Decision (EU) 2018/1503”;
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(ii) after item 2 insert—

“3.	Machinery and vehicles which have been operated for agricultural or forestry purposes	The machinery or vehicles must: <ul style="list-style-type: none">(a) have been moved from an area established in accordance with ISPM No. 4 as an area that is
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free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr. or a protected zone which is recognised a protected zone for *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.;
or

- (b) in the case of any machinery or vehicles being moved out of an area infested with *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., have been cleaned and be free from soil and plant debris prior to being moved out of the area”;
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Schedule 5

7. In Schedule 5, in Part A—

- (a) in paragraph 1(c)—
- (i) for “*Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim” substitute “*Juglans* L.”;
 - (ii) for “*Pterocarya rhoifolia* Siebold & Zucc.” substitute “*Pterocarya* L.”;
- (b) in paragraph 2(a)—
- (i) in paragraph (ii), for “Armenia, Switzerland or the USA” substitute “Albania, Armenia, Switzerland, Turkey or the USA”;
 - (ii) in paragraph (vi)—
 - (aa) for “*Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim.” substitute “*Juglans* L.”;
 - (bb) for *Pterocarya rhoifolia* Siebold & Zucc.” substitute “*Pterocarya* L.”;
 - (iii) in paragraph (viii), omit “*Prunus* L.” and the “and” at the end;
 - (iv) after paragraph (viii) insert—
 - “(ix) *Prunus* L., including wood which has not kept its natural round surface, originating in Canada, China, Democratic People’s Republic of Korea, Mongolia, Japan, Republic of Korea, the USA or Vietnam; and”;
- (c) after paragraph 4 insert—

“5. Specified wood within the meaning of Article 1(c) of Decision (EU) 2018/1503 originating in any third country where *Aromia bungii* (Faldermann) is known to be present.

6. Machinery or any vehicle, imported from any third country, which has been operated for agricultural or forestry purposes and meets one of the descriptions specified in point 7.1 of Annex 5, Part B, Section 1 to the Directive.”.

Schedule 6

8. In Schedule 6 in Part A—

- (a) in paragraph 1, for “*Platanus* L.” substitute “*Juglans* L, *Platanus* L., or *Pterocarya* L.”;
- (b) after paragraph 3 insert—

“4. Specified wood within the meaning of Article 1(c) of Decision (EU) 2018/1503 which—

- (a) originates in a third country where *Aromia bungii* (Faldermann) is known to be present; or
- (b) originates in an area which has been established in accordance with Article 5 of Decision (EU) 2018/1503 or, in the case of wood retaining all or part of its round surface, has been introduced into such an area.”.

Schedule 7

9. In Schedule 7 in Part A—

- (a) in paragraph 1, for “*Platanus* L.” substitute “*Juglans* L., *Platanus* L., or *Pterocarya* L.”;
- (b) after paragraph 3 insert—

“4. Specified wood within the meaning of Article 1(c) of Decision (EU) 2018/1503 which—

- (a) originates in a third country where *Aromia bungii* (Faldermann) is known to be present;
- (b) originates in an area which has been established in accordance with Article 5 of Decision (EU) 2018/1503 or, in the case of wood retaining all or part of its round surface, has been introduced into such an area.”.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 28th August 2019.



John Joe O’Boyle
A senior officer of the
Department of Agriculture, Environment and Rural Affairs

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) to implement—

- (a) Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann) (OJ No. L 254, 10.10.2018, p. 9);
- (b) Commission Implementing Decision (EU) 2018/1959 derogating from Council Directive 2000/29/EC as regards measures to prevent the introduction into and the spread within the Union of the harmful organism *Agrilus Planipennis* (Fairmaire) through wood originating in Canada and in the United States of America (OJ No. L 315, 12.12.2018, p. 27); and
- (c) Commission Implementing Directive (EU) 2019/523 amending Annexes I to 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 86, 28.3.2019, p.41).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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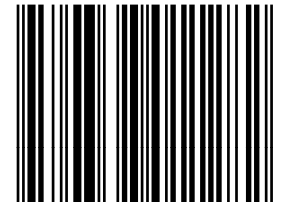
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