

*These draft Regulations supersede the draft of the same title which was laid before the Scottish Parliament on 20 February 2019 and published on 28 February 2019 (ISBN 978-0-11-104133-8).  
They are being issued free of charge to all known recipients of those draft Regulations.*

*Draft Regulations laid before the Scottish Parliament under paragraph 1(6) of schedule 7 of the European Union (Withdrawal) Act 2018 and section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010, for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2019 No.**

**EXITING THE EUROPEAN UNION**

**FORESTRY**

**PLANT HEALTH**

**The Forestry (EU Exit) (Scotland) (Amendment etc.)  
Regulations 2019**

*Made* - - - - - *2019*

*Coming into force in accordance with regulation 1*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 to the European Union (Withdrawal) Act 2018(a).

**PART 1**

**Introductory**

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Forestry (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 and come into force—

- (a) on the day on which section 81 of the Forestry and Land Management (Scotland) Act 2018(b) comes into force, or
- (b) if exit day(c) is on or after that day, on exit day.

(2) These Regulations extend to Scotland only.

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(a) 2018 c.16.

(b) 2018 asp 8.

(c) Section 20(1) of the European Union (Withdrawal) Act 2018 defines “exit day”.

## PART 2

### Amendment of the Plant Health (Forestry) Order 2005

2. The Plant Health (Forestry) Order 2005(a) is amended as follows.

3. In article 2—

(a) in paragraph (1)—

(i) at the appropriate places insert—

““appropriate UK plant health authority” means—

(a) in relation to timber and forest pests in England, the Forestry Commissioners;

(b) otherwise in relation to England, the Secretary of State;

(c) in relation to Wales, the Welsh Ministers;

(d) in relation to Scotland, the Scottish Ministers;

(e) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

(f) in relation to the Bailiwick of Guernsey, the States of Guernsey;

(g) in relation to the Bailiwick of Jersey, the Department of Environment of the Bailiwick of Jersey;

(h) in relation to the Isle of Man, the Department of Environment, Food and Agriculture of the Isle of Man;”

““CD territory” means the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man;”

““Decision (EU) 2018/1503” means Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann)(b), as amended from time to time, before and after exit day(c);”

““ISPM No. 9” means International Standard for Phytosanitary Measures No. 9 of November 1998 on the guidelines for pest eradication programmes, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(d);”

““ISPM No. 14” means International Standard for Phytosanitary Measures No. 14 of March 2002 on the use of integrated measures in a systems approach for pest risk management, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(e);”

““ISPM No. 31” means International Standard for Phytosanitary Measures No. 31 of April 2008 on methodologies for sampling consignments, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(f);”

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(a) S.I. 2005/2517, as amended by S.I. 2006/2696, S.I. 2008/644, S.I. 2009/594, S.I. 2009/3020, S.I. 2011/1043, S.I. 2012/2707, S.I. 2013/755, S.I. 2013/2691, S.I. 2014/2420, S.I. 2015/1723, S.I. 2016/1167, S.I. 2017/1178 and S.I. 2018/1048.

(b) OJ L 254, 10.10.2018, p.9.

(c) This term is used in schedules 4, 5 and 6, which are substituted by these Regulations. References in these new schedules to the Decision, as it may be modified after exit day, are required in order to ensure the correct phytosanitary measures are applied to imports of the relevant material concerned.

(d) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/int>.

(e) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/int>.

(f) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/int>.

- “the list of controlled material” means schedule 6;”,
- “the list of pest free area controlled material” means schedule 7;”,
- “the list of prohibited imported material” means schedule 3;”,
- “the list of prohibited infested material” means schedule 2;”,
- “the list of prohibited tree pests” means schedule 1;”,
- “the list of regulated material” means schedule 4;”,
- “list of *Xylella* host plants” means the list of relevant material contained in the database maintained by the European Commission of host plants found to be susceptible to *Xylella fastidiosa* in the EU, as amended from time to time<sup>(a)</sup>;”,
- “nursery” means premises wholly or partly used for the cultivation or keeping of plants for the purpose of transplantation or removal to other premises;”,
- “OPM excluded zone” means the local authority areas mentioned in column 3 of item 1 of Part B of the list of prohibited tree pests (which are listed as exceptions to the UK pest free area in relation to *Thaumetopoea processionea* L.);”,
- “OPM pest free area” means the area described in column 3 of item 1 of Part B of the list of prohibited tree pests;”,
- “pest free area” means that part of a UK pest free area that is in Scotland or, where the UK pest free area includes two or more separate parts of Scotland, each such part;”,
- “the Plant Health Regulations” means the Plant Health (EU Exit) Regulations 2019<sup>(b)</sup>;”,
- “point of entry” means—
- (a) in the case of relevant material which arrives by air, the airport at which the material first arrives in the United Kingdom;
  - (b) in the case of relevant material which arrives by maritime or fluvial transport, the port at which the material first arrives in the United Kingdom;
  - (c) in the case of relevant material which arrives by rail, the rail freight terminal at which the material first arrives in the United Kingdom;
  - (d) in the case of relevant material which arrives by road, the initial destination of the material after its arrival in the United Kingdom;”,
- “regulated tree pest” means—
- (a) a tree pest of a description specified in Part A or C of the list of prohibited tree pests;
  - (b) a tree pest of a description specified in Part B of the list of prohibited tree pests which relates to a pest free area;
  - (c) a tree pest of a description specified in column 2 of Part A, B or D of the list of prohibited infested material;
  - (d) a tree pest of a description specified in column 2 of Part C of the list of prohibited infested material which relates to a pest free area;”,
- “relevant Plant Health Order” means—
- (a) in relation to relevant material destined for England, the Plant Health (England) Order 2015<sup>(c)</sup> or this Order in its application to England;

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(a) A copy of the list is available at [https://ec.europa.eu/food/plant/plant\\_health\\_biosecurity/legislation/emergency\\_measures/xylella-fastidiosa/susceptible\\_en](https://ec.europa.eu/food/plant/plant_health_biosecurity/legislation/emergency_measures/xylella-fastidiosa/susceptible_en).

(b) S.I. 2019/XXX.

(c) S.I. 2005/2530.

- (b) in relation to relevant material destined for Wales, the Plant Health (Wales) Order 2018(a) or this Order in its application to Wales;
  - (c) in relation to relevant material destined for Scotland, the Plant Health (Scotland) Order 2005(b) or this Order in its application to Scotland;
  - (d) in relation to relevant material destined for Northern Ireland, the Plant Health (Wood and Bark) (*Phytophthora ramorum*) Order (Northern Ireland) 2005(c), the Plant Health (Wood and Bark) Order (Northern Ireland) 2006(d) or the Plant Health Order (Northern Ireland) 2018;”,
- ““UK pest free area” means an area in the United Kingdom which has been established as a pest free area in accordance with ISPM No. 4;”,
- ““UK plant passport” means a label and, where appropriate, an accompanying document that meets the relevant requirements set out in schedule 9, issued by or with the authority of the appropriate UK plant health authority, and includes any replacement of such a passport;”,
- ““UK territory” means England, Wales, Scotland or Northern Ireland;”,
- (ii) omit the definitions of “area of plant health control” and “associated controlled dunnage”,
  - (iii) in the definition of “authorised officer”, for paragraphs (a) to (c) substitute—
    - “(a) in relation to a UK plant passport, an inspector acting under the authority of the appropriate UK plant health authority; or
    - (b) in relation to a phytosanitary certificate or phytosanitary certificate for re-export, an authorised representative of, or a public officer acting under, the national plant protection organisation of the country in which a phytosanitary certificate or phytosanitary certificate for re-export or a translation of a phytosanitary certificate or phytosanitary certificate for re-export is issued;”,
  - (iv) for the definition of “consignment” substitute—
    - ““consignment” means a quantity of goods covered by a single document required for customs or other formalities;”,
  - (v) omit the definitions of “Decision 2002/757/EC” and “Decision 2007/433/EC”,
  - (vi) for the definition of “Decision 2012/138/EU”(e) substitute—
    - ““Decision 2012/138/EU” means Commission Implementing Decision 2012/138/EU as regards emergency measures to prevent the introduction into and the spread within the Union of *Anoplophora chinensis* (Forster)(f), as amended from time to time, before and after exit day;(g)”,
  - (vii) for the definition of “Decision 2012/535/EU”(h) substitute—
    - ““Decision 2012/535/EU” means Commission Implementing Decision 2012/535/EU on emergency measures to prevent the spread within the Union *Bursaphelenchus*

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(a) S.I. 2018/1064 (W. 223).

(b) S.S.I. 2005/613, as amended by S.S.I. 2006/474, S.S.I. 2007/415, S.S.I. 2007/498, S.S.I. 2008/300, S.S.I. 2008/350, S.S.I. 2009/153, S.S.I. 2010/206, S.S.I. 2010/342, S.S.I. 2012/266, S.S.I. 2012/326, S.S.I. 2013/5, S.S.I. 2013/187, S.S.I. 2013/366, S.S.I. 2014/140, S.S.I. 2015/10, S.S.I. 2016/83, S.S.I. 2018/112 and S.S.I. 2018/283.

(c) S.R. 2005 No. 252.

(d) S.R. 2006 No. 66.

(e) The definition of “Decision 2012/138/EU” was inserted by S.S.I. 2012/266.

(f) OJ L 64, 3.3.2012, p.38, as amended by Commission Implementing Decision 2014/356/EU (OJ L 175, 14.6.2014, p.38).

(g) This term is used in schedules 4, 5 and 6, which are substituted by these Regulations. References in these new schedules to the Decision, as it may be modified after exit day, are required in order to ensure the correct phytosanitary measures are applied to imports of the relevant material concerned.

(h) The definition of “Decision 2012/535/EU” was inserted by S.S.I. 2016/1167.

*xylophilus* (Steiner et Buhner) Nickle et al. (the pinewood nematode)(a), as amended from time to time, before and after exit day;(b)”,

(viii) for the definition of “Decision (EU) 2015/789”(c) substitute—

““Decision (EU) 2015/789” means Commission Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.)(d), as amended from time to time, before and after exit day(e);”,

(ix) for the definition of “Decision (EU) 2015/893”(f) substitute—

““Decision (EU) 2015/893” means Commission Implementing Decision (EU) 2015/893 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky)(g), as amended from time to time, before and after exit day(h);”,

(x) omit the definitions of “the Directive”, “dunnage” and “EC transit goods”,

(xi) in the definition of “European Union”(i), omit “including the Isle of Man and the Channel Islands”,

(xii) in the definition of “importer”, for “landing” substitute “consignment”,

(xiii) omit the definition of “landed”,

(xiv) for the definition of “lot” substitute—

““lot” means a number of units of a single commodity, identifiable by its homogeneity of composition and origin, which form part of a consignment;”,

(xv) in the definition of “national plant protection organisation”, for “European Commission”, substitute “national plant protection organisation of the United Kingdom”,

(xvi) in the definition of “official”, for “responsible official body” substitute “appropriate UK plant health authority.”,

(xvii) omit the definitions of “official body of destination”, “official body of point of entry” and “official documentation”,

(xviii) in the definition of “official label”, for the words from “responsible” to the end substitute “appropriate UK plant health authority”,

(xix) in the definition of “official statement”, for “plant passport” substitute “UK plant passport”,

(xx) omit the definition of “the OPM protected zone”(j),

(xxi) in the definitions of “phytosanitary certificate” and “phytosanitary certificate for re-export” for “articles 7 and” substitute “article”,

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(a) OJ L 266, 2.10.2012, p.42, as last amended by Commission Implementing Decision (EU) 2018/618 (OJ L 102, 23.4.2018, p.17).

(b) This term is used in schedules 4, 5 and 6 of the Plant Health (Forestry) Order 2005 (“the 2005 Order”), which are substituted by these Regulations. References in these new schedules to the Decision, as it may be modified after exit day, are required in order to ensure the correct phytosanitary measures are applied to imports of the relevant material concerned.

(c) The definition of “Decision (EU) 2015/789” was inserted by S.S.I. 2016/83.

(d) OJ L 125, 21.5.2015, p.36, as last amended by Commission Implementing Decision (EU) 2018/1511 (OJ L 255, 11.10.2018, p.16).

(e) This term is used in schedules 4, 5 and 6 of the 2005 Order, which are substituted by these Regulations. References in these new schedules to the Decision, as it may be modified after exit day, are required in order to ensure the correct phytosanitary measures are applied to imports of the relevant material concerned.

(f) The definition of “Decision (EU) 2015/893” was inserted by S.S.I. 2016/83.

(g) OJ L 146, 11.6.2015, p.16.

(h) This term is used in schedules 4, 5 and 6 of the 2005 Order, which are substituted by these Regulations. References in these new schedules to the Decision, as it may be modified after exit day, are required in order to ensure the correct phytosanitary measures are applied to imports of the relevant material concerned.

(i) The definition of “European Union” was inserted by S.I. 2011/1043.

(j) The definition of “the OPM protected zone” was inserted by S.I. 2018/1048.

- (xxii) omit the definitions of “plant health check”, “plant health movement document” and “plant passport”,
  - (xxiii) for the definition of “planting” substitute—
    - ““planting” means any operation for the placing of plants to ensure their subsequent growth, reproduction or propagation;”,
  - (xxiv) omit the definition of “protected zone”,
  - (xxv) omit the definition of “Regulation (EC) No 690/2008”,
  - (xxvi) omit the definition of “responsible official body”,
  - (xxvii) omit the definitions of “solid fuel wood”(a) and “Swiss plant passport”,
  - (xxviii) for the definition of “third country” substitute—
    - ““third country” means—
      - (a) a country or territory outside the European Union, other than a territory within the British Islands; or
      - (b) the European Union;”,
  - (b) after paragraph (1) insert—
    - “(1A) Unless expressly provided otherwise, any reference in this Order to a genus or species is to be construed as a reference to that genus or species or to any of its hybrids.
    - (1B) Any reference to a numbered CN Code is a reference to the code set out in Annex 1 to Council Regulation 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff(b) as it has effect in EU law immediately before exit day.”,
  - (c) omit paragraph (2),
  - (d) omit paragraph (3A),
  - (e) omit paragraph (5).
- 4. In article 2A—**
- (a) in paragraph (1), omit sub-paragraphs (a) and (aa)(c),
  - (b) after paragraph (1) insert—
    - “(1B) The functions of an inspector under articles 9, 10B, 12, 12B, 13, 23 and 31(1) to (3) are exercisable in relation to tree pests and relevant material which are brought into a point of entry that is located in Scotland, by an inspector authorised by the Scottish Ministers.”,
  - (c) in paragraph (3), omit sub-paragraphs (a) and (aa),
  - (d) after paragraph (3) insert—
    - “(3B) The functions of an inspector under articles 31(4) to (7), 32, 40 and 41B are exercisable in relation to premises or a free zone in Scotland, by an inspector authorised by the Scottish Ministers.”.
- 5. In article 3—**
- (a) at the appropriate places insert—
    - ““correct phytosanitary certificate”, in relation to notifiable relevant material, means a phytosanitary certificate or phytosanitary certificate for re-export which has been issued—
      - (a) in the manner specified in article 7(2) to (5); and
      - (b) in respect of the relevant prescribed requirements;”

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(a) The definition of “solid fuel wood” was inserted by S.I. 2016/1167.

(b) OJ L 256, 7.9.1987, p.1, as last amended by Regulation (EU) No 952/2013 of the European Parliament and of the Council (OJ L 269, 10.10.2013, p.1).

(c) Sub-paragraph (aa) was inserted by the Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/XX).

““designated area of plant health control”, in relation to notifiable relevant material, means a place close to a point of entry which has been designated as an area of plant health control by the Scottish Ministers and the Commissioners for Her Majesty’s Revenue and Customs;”,

““EU transit material” means any notifiable relevant material from a third country, other than a country or territory in the European Union, which is consigned to the United Kingdom via the European Union and which was not, on its entry into the European Union, subject to—

- (a) the formalities described in Article 13a of Directive 2000/29/EC(a); or
- (b) to other similar official controls under Regulation (EU) 2017/625 of the European Parliament and of the Council, as it has effect in EU law(b);”,

““notifiable relevant material” means any relevant material—

- (a) of a description specified in schedule 5;
- (b) of a description specified in the list of pest free area controlled material originating in a third country;

“notified EU material” means any notifiable relevant material originating in the European Union or Switzerland which is intended to be, or has been, consigned to the United Kingdom from the European Union or Switzerland via a point of entry in Scotland and whose arrival in Scotland has been notified to the Scottish Ministers in accordance with article 6(2B);”,

““prescribed requirements”, in relation to any notifiable relevant material, means—

- (a) the requirements specified in respect of the material in article 5; or
- (b) in the case of any material which is destined for a UK pest free area which includes Northern Ireland, but not Scotland, the requirements specified in respect of that material in article 4 of the Plant Health (Wood and Bark) Order (Northern Ireland) 2006(c) or article 5 of the Plant Health Order (Northern Ireland) 2018(d);”,

““trade documents” in relation to a consignment of notifiable relevant material, means the invoice, delivery note, consignment note or other similar document;”,

- (b) for “approved place of inspection” substitute—

““approved place of inspection”, as regards Scotland, means a place which has been approved by the Scottish Ministers under article 17B or, in relation to other UK territories, by the appropriate UK plant health authority under equivalent provisions of the relevant Plant Health Order;”,

- (c) omit the definitions of “Customs Code” and “customs document”,
- (d) omit the definitions of “identity check” and “industry certificate”.

**6. Omit article 4.**

**7. After article 4 insert—**

**“Application of Part 2: Scotland**

**4B.** This Part applies to tree pests and relevant material which are brought into Scotland from a third country, whether directly or via another UK territory.”.

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(a) OJ L 169, 10.7.2000, p.1, as last amended by Commission Implementing Directive (EU) 2017/1920 (OJ L 271, 20.10.2017, p.34).  
(b) OJ L 95, 7.4.2017, p.1.  
(c) S.R. 2006 No. 66, as amended by S.R. 2009 No. 340, S.R. 2010 No. 48, S.R. 2012 No. 400 and S.R. 2015 No. 129.  
(d) S.R. 2018 No. 184.

8. In article 5—

- (a) in the heading, for “landing” substitute “bringing in”,
- (b) omit paragraphs (1) and (1A),
- (c) after paragraph (1A) insert—

“(1B) No person may bring any of the following into Scotland—

- (a) any tree pest of a description specified in the list of prohibited tree pests;
  - (b) any relevant material of a description specified in column 2 of Part A, B or D of the list of prohibited infested material which is carrying or infested with a tree pest of a description specified in the corresponding entry in respect of that description of relevant material in column 3;
  - (c) any tree pest which, although not specified in the list of prohibited tree pests, or in column 3 of Part A, B or D of the list of prohibited infested material, is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain;
  - (d) any relevant material of a description specified in column 2 of Part A or B of the list of prohibited imported material which originates in a third country specified in the corresponding entry in respect of that description of relevant material in column 3;
  - (e) any relevant material of a description specified in column 2 of Part A or D of the list of regulated material, unless the requirements specified in the corresponding entries in respect of that description of relevant material in column 3 are complied with;
  - (f) in the case of any relevant material which is destined for a pest free area, any tree pest of a description specified in column 2 of Part B of the list of prohibited tree pests which relates to that pest free area;
  - (g) in the case of any relevant material which is destined for a UK pest free area specified in column 4 of Part C of the list of prohibited infested material, any relevant material of a description specified in the corresponding entry in column 2 of Part C of that list which is carrying or infested with a tree pest of a description specified in the corresponding entry in column 3;
  - (h) in the case of any relevant material which is destined for a UK pest free area specified in column 4 of Part C of the list of regulated material, any relevant material of a description specified in the corresponding entry in column 2 of that Part, unless the requirements specified in the corresponding entries in respect of that relevant material in column 3 are complied with.”,
- (d) in paragraph (2), for “paragraph (1)(d)” substitute “paragraph (1B)(d)”,
  - (e) after paragraph (2) insert—

“(4) The prohibitions in paragraph (1B)(b) to (h) do not apply to relevant material which enters a point of entry that is located in another UK territory and is discharged in that territory in accordance with article 3 of the Plant Health (Wood and Bark) (*Phytophthora ramorum*) Order (Northern Ireland) 2005(a), article 11 of the Plant Health (Wood and Bark) Order (Northern Ireland) 2006(b) or article 12 of any other relevant Plant Health Order.”.

9. In article 6—

- (a) in the heading, for “landing” substitute “arrival”,

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(a) S.R. 2005 No. 252.  
(b) S.R. 2006 No. 66.



- (b) omit paragraphs (1), (1A), (2) and (2A)(a),
- (c) after paragraph (2A) insert—
  - “(2B) No person may bring any notifiable relevant material into a point of entry that is located in Scotland, unless notice is given in accordance with this article.”,
- (d) in paragraph (3)—
  - (i) in the words before sub-paragraph (a), for “paragraph (1)” substitute “paragraph (2B)”,
  - (ii) in the words after sub-paragraph (b), for “ relevant material is landed” substitute “relevant material’s arrival”,
- (e) in paragraph (4), for “paragraph (1)” substitute “paragraph (2B)”,
- (f) in paragraph (5)—
  - (i) for “paragraph (1)” substitute “paragraph (2B)”,
  - (ii) for “landing” substitute “arrival”.

**10. After article 6 insert—**

**“EU transit material: Scotland**

**6B.—**(1) No person may bring any EU transit material into a RoRo port that is located in Scotland, unless that material is destined for a single approved place of inspection.

(2) Paragraph (1) is subject to article 8(1A).

(3) In this article, “RoRo port” means—

- (a) a RoRo listed location within the meaning of regulation 130 of the Customs (Import Duty) (EU Exit) Regulations 2018(b); or
- (b) if a notice has not been published pursuant to regulation 130(1) of those Regulations, a point of entry that—
  - (i) predominantly services roll-on/roll-off ferries operating between Scotland and a member State; and
  - (ii) is listed in a notice published by the Scottish Ministers from time to time.”.

**11. In article 7—**

- (a) omit paragraph (1),
- (b) after paragraph (1) insert—
  - “(1A) Subject to article 8 and to paragraph (6), no person may bring any notifiable relevant material into a point of entry that is located in Scotland unless the material is accompanied by one of following certificates which certifies that the material meets the prescribed requirements—
    - (a) a phytosanitary certificate issued in the country in which that material originates or in the country from which it was consigned;
    - (b) where paragraph (2) applies, a phytosanitary certificate for re-export.”,
- (c) omit paragraph (4),
- (d) in paragraph (6)—
  - (i) in the words before sub-paragraph (a), for “paragraph (1)” substitute “paragraph (1A)”,
  - (ii) in sub-paragraph (a), for “landed in” substitute “brought into”,

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(a) Paragraphs (1A) and (2A) were inserted by paragraph 65(4) of the schedule of the Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/XX)  
 (b) S.I. 2018/1248.

- (iii) in sub-paragraph (b)—
  - (aa) for “landed in” substitute “brought into”,
  - (bb) for “European Union” substitute “United Kingdom”,
- (e) omit paragraph (7).

**12. In article 8—**

- (a) omit paragraph (1),
- (b) after paragraph (1) insert—
  - “(1A) The provisions referred to in paragraph (1B) do not apply to—
    - (a) any tree or wood described in paragraph (2) originating in any third country, other than the European Union or Switzerland, which is brought into Scotland in the baggage of a passenger or other traveller coming from any such third country and meets the conditions in paragraph (1C); or
    - (b) any small quantity of relevant material originating in the European Union or Switzerland which is brought into Scotland in the baggage of a passenger or other traveller coming from the European Union or Switzerland and meets the conditions in paragraph (1C).
  - (1B) The provisions are—
    - (a) article 5(1B)(e) and (h);
    - (b) article 6(2B);
    - (c) article 6B(1);
    - (d) article 7(1A);
    - (e) article 10B;
    - (f) article 12B.
  - (1C) The conditions are that the relevant material—
    - (a) does not show any signs of the presence of a tree pest;
    - (b) is not intended for use in the course of a trade or business;
    - (c) is intended for household use; and
    - (d) in the case of any tree or wood originating in a third country, other than the European Union or Switzerland, has been grown in or consigned from the Euro-Mediterranean area.”,
- (c) in paragraph (2), in the words before sub-paragraph (a), for “paragraph (1)” substitute “paragraph (1A)”.

**13. In article 9—**

- (a) omit paragraphs (1) and (2),
- (b) after paragraph (2) insert—
  - “(2A) The following documents must be delivered to an inspector by the importer of a consignment of notifiable relevant material within three days of the date of its arrival in Scotland—
    - (a) any phytosanitary certificate or phytosanitary certificate for re-export which is required under article 7(1A) to accompany the consignment of notifiable relevant material; and
    - (b) in the case of notified EU material, the trade documents which accompany the consignment.
  - (2B) The importer of a consignment of notifiable relevant material must include in a customs document relating to the consignment—
    - (a) a statement that “this consignment contains produce of phytosanitary relevance”;

- (b) the reference number of the phytosanitary certificate or phytosanitary certificate for re-export which is required under article 7(1A) to accompany the consignment; and
  - (c) the registration number of the importer.”,
- (c) after paragraph (3) insert—
- “(6) Paragraph (2A) does not apply to any notifiable relevant material which is in the course of its consignment to an approved place of inspection in another UK territory.
- (7) In paragraph (2B), “customs document” means a document required by the Commissioners for Her Majesty’s Revenue and Customs for placing relevant material under a Customs procedure within the meaning of section 3(3) of the Taxation (Cross-border Trade) Act 2018(a).”.

14. Omit article 10.

15. After article 10 insert—

**“Prohibitions applying to notifiable relevant material on entry: Scotland**

**10B.**—(1) This article applies to notifiable relevant material, other than notified EU material, which is brought into a point of entry that is located in Scotland.

(2) No person may move any notifiable relevant material or cause any notifiable relevant material to be moved from its point of entry unless the material is being moved to a designated area of plant health control or an approved place of inspection.

(3) No person may remove or cause any notifiable relevant material to be removed from its point of entry, or where the material is moved to a designated area of plant health control or an approved place of inspection in Scotland, the designated area of plant health control or approved place of inspection, unless an inspector has discharged the material under article 12 or the removal of the material is permitted under Part 6.

(4) Any notifiable relevant material which is being held at a point of entry or a designated area of plant health control under paragraph (3) must be stored by the importer under the supervision and in accordance with the instructions of an inspector.

(5) The importer is liable for the costs of storing the notifiable relevant material pending its release.”.

16. In article 11—

- (a) in the words before paragraph (a), for “article 10(1)” substitute “article 10B(3)”,
- (b) in paragraph (c), for “European Union” substitute “United Kingdom”.

17. In article 12—

- (a) omit paragraphs (1) and (2),
- (b) after paragraph (2) insert—

“(2A) Paragraph (2B) applies to any notifiable relevant material, other than notified EU material, which is brought into a point of entry that is located in Scotland and is not in the course of its consignment to an approved place of inspection in another UK territory.

(2B) An inspector may discharge notifiable relevant material from its point of entry, designated area of plant health control or approved place of inspection in Scotland if the inspector is satisfied that—

- (a) the material meets the prescribed requirements;

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(a) 2018 c.22.

- (b) the relevant material corresponds with the description given to it in the phytosanitary certificate or phytosanitary certificate for re-export which accompanied the material on entry; and
- (c) the relevant material is accompanied by the correct phytosanitary certificate.”,
- (c) in paragraph (3), for “paragraph (2)(a) to (e)” substitute “paragraph (2B)(a)”,
- (d) omit paragraph (4),
- (e) after paragraph (4) insert—
  - “(4B) An inspector may, for the purpose of being satisfied as to matters in paragraph (2B)(b), carry out an examination of a consignment of relevant material to determine whether it corresponds to its description in the documents that accompany it.”,
- (f) omit paragraphs (5) and (6),
- (g) in paragraph (7)—
  - (i) in the words before sub-paragraph (a), for “paragraph (2)(g)” substitute “paragraph (2B)(c)”,
  - (ii) in sub-paragraph (a), for the words from “the date” to the end substitute “date it”,
  - (iii) omit sub-paragraph (b) and the preceding “; and”,
- (h) in paragraph (8)—
  - (i) for “a plant health check” substitute “an examination under paragraph (3)”,
  - (ii) for “checks” substitute “examination”.

**18. After article 12 insert—**

**“Requirements applicable to notified EU material: Scotland**

**12B.—**(1) This article applies to notified EU material which is brought into a point of entry that is located in Scotland.

- (2) An inspector must carry out an examination of—
  - (a) the phytosanitary certificate or phytosanitary certificate for re-export accompanying a consignment of notified EU material to confirm that the consignment is accompanied by the correct phytosanitary certificate; and
  - (b) the trade documents that accompany the consignment to confirm that those documents correspond to the description of the relevant material in the phytosanitary certificate or phytosanitary certificate for re-export.”.

**19.** In article 14(1), for the words from “under customs” to the end substitute “subject to the control of an officer of Revenue and Customs within the meaning of schedule 1 of the Taxation (Cross-border Trade) Act 2018”.

**20. In article 15—**

- (a) omit paragraph (2),
- (b) in paragraph (3)—
  - (i) in sub-paragraph (a), omit “the responsible official body or”,
  - (ii) in sub-paragraph (b), for “one of the official languages of the European Union”, substitute “English”,
  - (iii) omit sub-paragraph (c),
  - (iv) in sub-paragraph (d), for “Plant Protection Organisations of the Member States of the European Union”, substitute “the Plant Protection Organisation of the United Kingdom”,
- (c) omit paragraph (4),

(d) after paragraph (4) insert—

“(4B) Where in relation to any relevant material of a description specified in column 2 of Part A, C or D of the list of regulated material, more than one set of entry requirements is specified in the corresponding entry in column 3 of Part A, C or D of that list, the phytosanitary certificate or phytosanitary certificate for re-export issued in respect of any relevant material of that description must specify under the heading “Additional declaration” which particular requirement has been complied with.”.

21. Omit article 16.

22. After article 16 insert—

**“Requirements to be met by relevant material destined for an approved place of inspection: Scotland**

**16B.**—(1) This article applies to notifiable relevant material, other than notified EU material, which is destined for an approved place of inspection.

(2) Any relevant material to which this article applies may not be moved within Scotland unless—

- (a) it is accompanied by a copy of the phytosanitary certificate or phytosanitary certificate for re-export which accompanied the material on its entry into the United Kingdom;
- (b) its packaging and the vehicle in which it is transported is sealed in such a way that there is no risk of the relevant material causing infestation, infection or contamination or a change occurring in the identity of the material or, where the material is destined for an approved place of inspection in Scotland, its movement has been otherwise authorised by the Scottish Ministers.

(3) The importer of any relevant material which is destined for an approved place of inspection in Scotland must give the Scottish Ministers notice of the following particulars no later than three working days before the material is brought into the United Kingdom—

- (a) the name, address and location of the approved place of inspection to which the relevant material is destined;
- (b) the scheduled date and time of arrival of the relevant material at the approved place of inspection;
- (c) the name, address and registration number of the importer;
- (d) the reference number of the phytosanitary certificate or phytosanitary certificate for re-export accompanying the relevant material.

(4) The importer must notify the Scottish Ministers immediately of any changes to the particulars which the importer has given under paragraph (3).

(5) The notice must be given to the Scottish Ministers at the address given by the Scottish Ministers for the purposes of this article.”.

23. Omit article 17.

24. After article 17 insert—

**“Approved places of inspection: Scotland**

**17B.**—(1) The Scottish Ministers may approve premises which are not located at a point of entry or are not part of a designated area of plant health control as a place at which appropriate checks may be carried out by an inspector in respect of notifiable relevant material, other than notified EU material.

(2) An application for approval under paragraph (1) may be made to the Scottish Ministers by an importer or other person responsible for those premises in such form and containing such information as the Scottish Ministers may specify.

(3) An approval may be granted subject to conditions, including conditions relating to the storage of the relevant material, and may be withdrawn at any time if the Scottish Ministers no longer consider that the premises to which the approval relates are suitable for the purpose for which the approval was given.

(4) The Scottish Ministers may only approve premises as an approved place of inspection in respect of notifiable relevant material, other than EU transit material, if the premises have been designated or approved by the Commissioners for Her Majesty's Revenue and Customs for that purpose.

(5) In the case of any other premises, the Scottish Ministers may only approve those premises as an approved place of inspection for the purpose of carrying out appropriate checks in respect of EU transit material.

(6) In this article, "appropriate checks", in relation to a consignment of notifiable relevant material, means—

- (a) an examination of the phytosanitary certificate or phytosanitary certificate for re-export accompanying the consignment to determine whether it is the correct phytosanitary certificate;
- (b) an examination of the consignment to determine whether it corresponds to its description in the trade documents that accompany it;
- (c) an examination of the consignment and its packaging, and where necessary, the vehicle transporting the consignment to determine whether it meets the prescribed requirements."

25. In Part 3, in the heading, omit "Community".

26. Omit articles 18 and 19.

27. After article 19 insert—

#### **"Prevention of the spread of tree pests: Scotland**

**19B.**—(1) This article applies to Scotland.

(2) No person may knowingly keep, store, sell, plant or move or knowingly cause or permit to be kept, stored, sold, planted or moved—

- (a) any tree pest of a description specified in the list of prohibited tree pests;
- (b) any relevant material of a description specified in column 2 of Part A, B or D of the list of prohibited infested material which is carrying or infected with a plant pest of a description specified in the corresponding entry in column 3;
- (c) any tree pest which, although not specified in the list of prohibited tree pests, or in column 3 of Part A, B or D of the list of prohibited infested material, is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain;
- (d) any relevant material of a description specified in column 2 of Part E of the list of regulated material which originates in the United Kingdom or a CD territory unless the requirements specified in the corresponding entries in respect of that description of relevant material in column 3 are complied with;

any relevant material originating in a third country which is brought into Scotland in contravention of article 5(1B)(d) or (e).

(3) No person may knowingly keep, store, plant, sell or move within a pest free area or knowingly cause or permit to be kept, stored, planted, sold or moved within such an area—

- (a) any tree pest of a description specified in column 2 of Part B of the list of prohibited tree pests which relates to the pest free area;
- (b) in the case of any pest free area which is, or is included in, a UK pest free area specified in column 4 of Part C of the list of prohibited infested material, any relevant material of a description specified in the corresponding entry in column 2 of that Part which is carrying or infested with a tree pest of a description specified in the corresponding entry in column 3;
- (c) any relevant material originating in a third country which is brought into a pest free area in contravention of article 5(1B)(h);
- (d) in the case of any pest free area which is, or is included in, a UK pest free area specified in column 4 of Part C of the list of regulated material, any relevant material of a description specified in the corresponding entry in column 2 of that Part which originates in the United Kingdom or a CD territory, unless the requirements specified in the corresponding entries in respect of that relevant material in column 3 are complied with.

(4) The prohibitions in paragraphs (2) and (3) do not apply to any tree pest or relevant material which is required to be kept, stored or moved in compliance with a requirement imposed by an inspector under Part 6 or 7.

(5) In this article, “move” means “move or otherwise dispose of”, and “moved” is to be construed accordingly.”.

28. Omit article 20.

29. After article 20 insert—

**“Requirements for UK plant passports: Scotland**

**20B.**—(1) No person may move any of the following relevant material into or within Scotland unless it is accompanied by a UK plant passport—

- (a) any relevant material of a description specified in the list of controlled material which originates in the United Kingdom or a CD territory;
- (b) any relevant material that has been discharged by the Scottish Ministers under article 12(2B) or by another appropriate UK plant health authority in an equivalent manner;
- (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of controlled material which originates in the European Union or Switzerland and was notified to the Scottish Ministers in accordance with article 6(2B), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.

(2) No person may move any of the following relevant material into or within a pest free area unless it is accompanied by a UK plant passport which is valid for that pest free area or the UK pest free area of which it is a part—

- (a) any relevant material of a description, specified in the list of pest free area controlled material in respect of the relevant UK pest free area, which originates in the United Kingdom or a CD territory;
- (b) any relevant material of a description specified in the list of pest free area controlled material in respect of the relevant UK pest free area that has been discharged by the Scottish Ministers under article 12(2B) or by another appropriate UK plant health authority in an equivalent manner;

- (c) in the case of any notifiable relevant material originating in the European Union or Switzerland which was brought into a point of entry in the United Kingdom, any relevant material specified in the list of pest free area controlled material in respect of the relevant UK pest free area which—
  - (i) originates in the European Union or Switzerland; and
  - (ii) was notified to the Scottish Ministers in accordance with article 6(2B), or to the appropriate UK plant health authority in accordance with equivalent requirements under the relevant Plant Health Order.

(3) No person may consign from Scotland to another UK territory or a CD territory any of the following relevant material originating in Scotland unless it is accompanied by a UK plant passport—

- (a) in the case of relevant material destined for England, any relevant material of a description specified in Part A of schedule 6;
- (b) in the case of relevant material destined for a place in England which is within a UK pest free area, any relevant material of a description specified in Part B of schedule 6 in respect of that UK pest free area;
- (c) in the case of relevant material destined for Northern Ireland or Wales, any relevant material of a description specified in the list of controlled material;
- (d) in the case of relevant material destined for a place in Northern Ireland or Wales which is within a UK pest free area, any relevant material of a description, specified in the list of pest free area controlled material in respect of that UK pest free area;
- (e) in the case of relevant material destined for a CD territory, any relevant material of a description specified for the purposes of this paragraph in the applicable plant health legislation of that CD territory.

(4) In the case of any relevant material originating in a place of production in Scotland, a UK plant passport may only be issued in respect of that material if the material has been subjected to a satisfactory inspection at the place of production.

(5) The requirements in paragraphs (1)(b) and (2)(b) do not apply to any notified EU material moving from its point of entry to its first destination in the United Kingdom if it is accompanied by a copy of the phytosanitary certificate or phytosanitary certificate for re-export which accompanied the material on its entry into the United Kingdom.

(6) In this Article, “notifiable relevant material” and “notified EU material” have the same meanings as in Part 2 (see article 3).”.

**30.** In article 21—

- (a) in paragraph (1), for the words from the beginning to “passport” substitute “Article 20B(1)(a), (2)(a) and (3)”,
- (b) omit paragraph (2A).

**31.** Omit article 22.

**32.** After article 22 insert—

**“Validity of UK plant passports: Scotland**

**22B.**—(1) This article applies to relevant material of a description specified in the list of pest free area controlled material which relates to a pest free area and which is moved through a pest free area to a destination outside the relevant UK pest free area.

(2) The requirements in article 20B(2) do not apply if the relevant material—

- (a) originates outside the relevant UK pest free area;
- (b) is accompanied during its transit through the pest free area by a document of a type normally used for trade purposes which certifies that the material originates



outside the relevant UK pest free area and is in transit to a final destination outside the relevant UK pest free area and the conditions in paragraph (3) are met.

(3) The conditions are that—

- (a) the packaging in which the relevant material is transported and any vehicle which is used to transport the material is free from soil and plant debris and any relevant tree pest;
- (b) the material was sealed immediately after packaging or, where appropriate, after loading, and remains sealed during its journey through the relevant UK pest free area;
- (c) the nature or construction of the packaging in which the material is transported and any vehicle which is used to transport the material are sufficient to ensure that there is no risk of any relevant tree pest which may be present in or on the relevant material escaping.

(4) In this article—

- (a) “relevant UK pest free area”, in relation to any relevant material of a description specified in the list of pest free area controlled material, means the pest free area which is, or is part of, the UK pest free area that has been designated in respect of that material;
- (b) “relevant tree pest”, in relation to a UK pest free area, means the tree pest in respect of which the UK pest free area has been designated.”.

**33.** In article 23—

- (a) in the heading, for “plant passports” substitute “UK plant passports”,
- (b) in paragraphs (1) to (4), for “plant passport”, in each place it occurs, substitute “UK plant passport”,
- (c) in paragraph (4)(b)(ii), for “tree pest specified in either Schedule 1 or 2” substitute “regulated tree pest”.

**34.** In Part 4, in the heading, for “PLANT PASSPORTS” substitute “UK PLANT PASSPORTS”.

**35.** In article 24, omit paragraph (4).

**36.** In article 28—

- (a) in the heading and paragraphs (1), (4), (5) and (6), for “plant passports”, in each place it occurs, substitute “UK plant passports”,
- (b) in paragraph (7), for sub-paragraphs (a) and (b) substitute “a regulated tree pest.”.

**37.** Omit Part 5.

**38.** In article 30—

- (a) in paragraph (1)(b), for “plant passport” substitute “UK plant passport”,
- (b) in paragraph (7), omit “, including representatives of the European Commission,”.

**39.** After article 30 insert—

**“Emergency measures: Scotland**

**30B.**—(1) Where a regulated tree pest is found to be present in Scotland, the Scottish Ministers may by notice—

- (a) demarcate an area in relation to that infestation for the purpose of eradicating or containing that tree pest; and
- (b) specify the prohibitions and restrictions which are to apply in the demarcated area for that purpose.

- (2) A notice under paragraph (1)—
  - (a) must be in writing;
  - (b) must describe the extent of the demarcated area;
  - (c) must specify the date on which any such prohibitions or restrictions are to commence;
  - (d) must be published in a manner appropriate to bring it to the attention of the public; and
  - (e) may be amended or revoked, in whole or in part, by further notice.
- (3) This article is subject to article 37A and schedules 12A to 12G.”.

**40.** In article 31—

- (a) in paragraph (1), for “landed” substitute “brought into a point of entry located”,
- (b) in paragraph (2)—
  - (i) in sub-paragraph (a), for “landed” substitute “brought into the point of entry”,
  - (ii) in sub-paragraph (b), for “landed” substitute “brought in”,
- (c) in paragraph (3)—
  - (i) in sub-paragraph (a), for “landing” substitute “bringing in”,
  - (ii) in sub-paragraph (b)—
    - (aa) for “the landing is to be carried out” substitute “any tree pest or relevant material is to be brought in”,
    - (bb) for “to the landing” substitute “to its entry”,
- (d) in paragraph (5)—
  - (i) for sub-paragraph (a) substitute—
    - “(a) a regulated plant pest;”,
  - (ii) omit sub-paragraph (c) and the preceding “and”,
- (e) in paragraph (6)(b)—
  - (i) for “landing” substitute “bringing in”,
  - (ii) omit “or 18”,
  - (iii) for “article 19” substitute “article 19B”.

**41.** In article 32—

- (a) for paragraph (2)(a) substitute—
  - “(a) a regulated tree pest;”,
- (b) in paragraph (4), omit “, including representatives of the European Commission,”.

**42.** In article 36(2), omit “, including representatives of the European Commission,”.

**43.** After article 37 insert—

**“Further emergency measures: Scotland**

- 37A.**—(1) The following schedules make provision about emergency measures.
- (2) Schedule 12A makes miscellaneous provision about emergency measures.
- (3) Schedule 12B makes provision about emergency measures in respect of *Gibberella circinata* Nirenberg & O’Donnell.
- (4) Schedule 12C makes provision about emergency measures in respect of *Anoplophora chinensis* (Forster).
- (5) Schedule 12D makes provision about emergency measures in respect of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pinewood nematode).

(6) Schedule 12E makes provision about emergency measures in respect of *Xylella fastidiosa* (Wells et al.).

(7) Schedule 12F makes provision about emergency measures in respect of *Anoplophora glabripennis* (Motschulsky).

(8) Schedule 12G makes provision about emergency measures in respect of *Aromia bungii* (Faldermann).”.

**44.** In article 38—

(a) in paragraph (1)—

(i) for “landed,” substitute “imported into or”,

(ii) before sub-paragraph (a) insert—

“(zb) in the case of any licence granted by the Scottish Ministers, in exercise of any derogation permitted by schedule 7A,”,

(iii) omit sub-paragraph (a),

(iv) in sub-paragraph (b) for “ domestic quarantine tree pest” substitute “any tree pest or relevant material”,

(b) in paragraph (2), for “(1)(b)” substitute “(1)”,

(c) omit paragraph (3).

**45.** In article 39—

(a) in the heading, omit the words “permitted by Directive 2008/61/EC”,

(b) omit paragraphs (1) and (2),

(c) after paragraph (2) insert—

“(2A) The Scottish Ministers must by licence authorise the importation, movement or keeping of any tree pest or relevant material for any activity for trial or scientific purposes or for work on varietal selections in Scotland, where the importation, movement or keeping of the tree pest or relevant material for any such purpose would otherwise be prohibited by this Order, if the Scottish Ministers—

(a) have received an application for a licence containing the information set out in Part A of schedule 13B; and

(b) are satisfied that the general conditions set out in Part B of schedule 13B are met in relation to the application.

(2B) A licence granted under paragraph (2A) must be in writing and include—

(a) the conditions specified in Part C of schedule 13B which are relevant to any tree pest or relevant material that is the subject of the activities to which the licence relates;

(b) any other conditions as the Scottish Ministers may determine in relation to licence quarantine measures that are appropriate in respect of those activities.”,

(d) in paragraph (3), for “sub-paragraph (b) or (c) of paragraph (2)” substitute “paragraph (2B)(b)”,

(e) in paragraph (4), for “paragraph (1)” substitute “paragraph (2A)”,

(f) in paragraph (5), for “the tree pests listed in this Order” substitute “any regulated tree pest”,

(g) omit paragraph (6),

(h) in paragraph (7)—

(i) after sub-paragraph (a) insert—

“(aa) “licence quarantine measures”, as regards Scotland, means the measures specified in Part D of schedule 13B”,

(ii) omit sub-paragraph (b).

46. In article 40—

- (a) omit paragraph (2),
- (b) after paragraph (2) insert—

“(2B) In paragraph (1), “notifiable tree pest”, as regards Scotland, means a regulated tree pest or any other tree pest, which is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain.”.

47. Omit article 41.

48. After article 41 insert—

**“Notification of the likely entry into, or presence in, a free zone of tree pests or relevant material: Scotland**

**41B.**—(1) The responsible authority for a free zone in Scotland who knows or suspects that any of the following is likely to be brought into the free zone, or is present in the free zone and has not been cleared out of charge, must immediately give notice of that fact to the Scottish Ministers or an inspector—

- (a) any regulated tree pest;
- (b) any other tree pest which is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain;
- (c) any relevant material of a description specified in column 2 of Part A or B of the list of prohibited imported material which originates in a third country specified in the corresponding entry in respect of that description of relevant material in column 3.

(2) Where a person gives notice in accordance with paragraph (1) orally, the person must confirm it in writing as soon as reasonably practicable.

(3) In this article, “responsible authority” and “free zone” have the same meaning as in the Customs Act.”.

49. In article 42—

- (a) in paragraph (2)(b)—

- (i) for paragraph (i) substitute—

“(i) as regards Scotland, any regulated tree pest;”,

- (ii) for paragraph (ii) substitute—

“(ii) as regards Scotland, any tree pest, other than a regulated tree pest, which is not normally present in Great Britain and which is likely to be injurious to trees in Great Britain;”,

- (b) in paragraph (4), for “plant passports” substitute “UK plant passports”.

50. In article 43(1)—

- (a) in sub-paragraph (a), after head (i) insert—

“(ib) article 6B;”,

- (b) in sub-paragraph (b) for “or”, in the third place it occurs, “substitute “a prohibition or restriction in a notice published, a provision or condition of a”.

51. After article 45 insert—

**“Transitional provision: UK plant passports**

**45B.**—(1) An authorisation to issue plant passports which has been granted and has effect immediately before the relevant day in relation to Scotland continues to apply after that day as if it were an authorisation to issue UK plant passports.

(2) In the case of any plant passport that has been issued in respect of any relevant material before the relevant day for the purposes of the movement of that material in Scotland which takes place before and after that day, the plant passport is to be treated as if it were a UK plant passport and references to a UK plant passport are to be construed accordingly.

(3) In this article, the “relevant day” means the day on which the Forestry (EU Exit) (Scotland) (Amendment etc.) Regulations 2019 come into force.”.

52. For schedules 1 and 1A substitute—

## “SCHEDULE 1

Article 2(1)

### Prohibited tree pests

#### PART A

Tree pests not known to occur in any part of the United Kingdom

##### **Insects, mites and nematodes**

1. *Acleris* spp. (non-European)
2. *Agrilus anxius* Gory
3. *Agrilus planipennis* Fairmaire
4. *Anoplophora chinensis* (Forster)
5. *Anoplophora glabripennis* (Motschulsky)
6. *Arrhenodes minutus* Drury
7. *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al.
8. *Choristoneura* spp. (non-European)
9. *Dendrolimus sibiricus* Tschetverikov
10. *Dryocosmus kuriphilus* Yasumatsu
11. *Monoctonus* spp. (non-European)
12. *Pseudopityophthorus minutissimus* (Zimmermann)
13. *Pseudopityophthorus priunosos* (Eichhoff)
14. *Saperda candida* Fabricius
15. *Scaphoideus luteolus* Van Duzee
16. *Xiphinema americanum* Cobb *sensu lato* (non-European populations)
17. *Xiphinema californicum* Lamberti and Bleve-Zacheo

##### **Bacteria**

1. *Xylella fastidiosa* (Wells et al.)

##### **Fungi**

1. *Ceratocystis fagacearum* (Bretz) Hunt
2. *Chrysomyxa arctostaphyli* Dietel
3. *Cronartium* spp. (non-European)
4. *Endocronartium* spp. (non-European)
5. *Guignardia laricina* (Sawada) Yamamoto and Ito
6. *Gymnosporangium* spp. (non-European)
7. *Inonotus weirii* (Murrill) Kotlaba and Pouzar
8. *Melampsora farlowii* (Arthur) Davis
9. *Melampsora medusae* Thümen
10. *Mycosphaerella larici-leptolepis* Ito et al.

11. *Mycosphaerella populorum* G E Thompson

**Viruses and virus-like organisms**

1. *Candidatus Phytoplasma ulmi*

**Parasitic plants**

1. *Arceuthobium* spp. (non-European)

**PART B**

Tree pests which must not be introduced into, or spread within, a relevant UK pest free area

<i>Item</i>	<i>Plant pest</i>	<i>Description of UK pest free area</i>
1.	<i>Thaumetopoea processionea</i> L.	The United Kingdom, except the local authority areas of Barking and Dagenham, Barnet, Basildon, Basingstoke and Dene, Bexley, Bracknell Forest, Brent, Brentwood, Bromley, Broxbourne, Camden, Castle Point, Chelmsford, Chiltern, City of London, City of Westminster, Crawley, Croydon, Dacorum, Dartford, Ealing, East Hertfordshire, Elmbridge District, Enfield, Epping Forest, Epsom and Ewell District, Gravesham, Greenwich, Guildford, Hackney, Hammersmith & Fulham, Haringey, Harlow, Harrow, Hart, Havering, Hertsmere, Hillingdon, Horsham, Hounslow, Islington, Kensington & Chelsea, Kingston upon Thames, Lambeth, Lewisham, Littleford, Medway, Merton, Mid Sussex, Mole Valley, Newham, North Hertfordshire, Reading, Redbridge, Reigate and Banstead, Richmond Upon Thames, Runnymede District, Rushmoor, Sevenoaks, Slough, South Bedfordshire, South Bucks, South Oxfordshire, Southwark, Spelthorne District, St Albans, Sutton, Surrey Heath, Tandridge, Three Rivers, Thurrock, Tonbridge and Malling, Tower Hamlets, Waltham Forest, Wandsworth, Watford, Waverley, Welwyn, Hatfield, West Berkshire, Windsor and Maidenhead, Woking, Wokingham and Wycombe

## PART C

Tree pests which are subject to emergency control measures and must not be introduced into, or spread within, Scotland

1. *Aromia bungii* (Faldermann)
2. *Chalara fraxinea* T. Kowalski, including its teleomorph *Hymenoscyphus pseudoalbidus*
3. *Gibberella circinata* Nirenberg & O'Donnell
4. *Phytophthora ramorum* Werres, De Cock & Man in't Veld sp. nov.”.

53. For schedule 2 substitute—

## “SCHEDULE 2

Article 2(1)

### Prohibited infested material

## PART A

Relevant material which may not be brought into or moved within Scotland if the material is carrying or infected with plant pests that are not known to occur in the United Kingdom

### **Insects, mites and nematodes**

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Trees, other than fruit or seeds, of <i>Juniperus</i> L., originating in any country outside Europe	<i>Aschistonyx eppoi</i> Inouye
2.	Trees, other than fruit or seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. or <i>Pinus</i> L., over 3m in height, wood of conifers (Coniferales) retaining any bark or isolated bark of conifers	<i>Ips amitinus</i> (Eichoff) <i>Ips duplicatus</i> (Sahlberg)
3.	Trees, other than fruit or seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L. or <i>Pseudotsuga</i> Carr., over 3m in height, or wood of conifers (Coniferales) retaining any bark or isolated bark of conifers	<i>Ips typographus</i> (Heer)
4.	Trees, other than fruit or seeds, of <i>Juniperus</i> L., originating in any third country outside Europe	<i>Oligonychus perditus</i> Pritchard and Baker
5.	Trees, other than fruit or seeds, of conifers, wood of conifers	<i>Pissodes</i> spp. (non-European)

(1) Item	(2) Description of relevant material	(3) Plant pest
	(Coniferales) retaining any bark or isolated bark of conifers, originating in any country outside Europe	
6.	Trees, other than fruit or seeds, of conifers (Coniferales) over 3 m in height, wood of conifers retaining any bark, or isolated bark of conifers, in any case, originating in any country outside Europe	<i>Scolytidae</i> spp. (non-European)
7.	Trees, other than fruit or seeds, of <i>Pinus</i> L., intended for planting	<i>Thaumetopoea pitycampae</i> Denis & Schiffermüller

### Fungi

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Trees, other than fruit or seeds, of <i>Pinus</i> L., intended for planting; wood or isolated bark of <i>Pinus</i> L.	<i>Atropellis</i> spp.
2.	Trees, other than seeds, of <i>Platanus</i> L., intended for planting, or 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.
3.	Trees, other than fruit or seeds, of <i>Acer saccharum</i> Marsh, or wood of <i>Acer saccharum</i> Marsh, including wood which has not kept its natural round surface, originating in Canada or the USA	<i>Ceratocystis virescens</i> (Davidson) Moreau
4.	Trees, other than fruit or seeds, of <i>Pinus</i> L., or wood of <i>Pinus</i> L.	<i>Cercoseptoria pini-densiflorae</i> (Hori and Nambu) Deighton
5.	Trees, other than fruit or seeds, of <i>Pinus</i> L.	<i>Scirrhia acicola</i> (Dearn.) Siggers
6.	Trees, other than seeds, of <i>Pinus</i> L., intended for planting	<i>Scirrhia pini</i> Funk and Parker
7.	Trees, other than seeds, of <i>Ulmus</i> L. or <i>Zelkova</i> L., intended for planting	<i>Stegophora ulmea</i> (Schweintz: Fries) Sydow & Sydow

### Viruses and virus-like organisms

(1) Item	(2) Description of relevant material	(3) Plant pest
1.	Trees, other than seeds, of <i>Ulmus</i> L., intended for planting	<i>Candidatus</i> Phytoplasma ulmi



## PART B

Relevant material which may not be brought into or moved within Scotland if the material is carrying or infected with regulated plant pests known to occur in the United Kingdom

### Fungi

(1) <i>Item</i>	(2) <i>Description of relevant material</i>	(3) <i>Plant pest</i>
1.	Trees of <i>Castanea</i> Mill., intended for planting; trees, other than seeds, of <i>Quercus</i> L., intended for planting; wood, other than wood which is bark-free of <i>Castanea</i> Mill; or isolated bark of <i>Castanea</i> Mill	<i>Cryphonectria parasitica</i> (Murrill) Barr

## PART C

Relevant material which may not be brought into or moved within a relevant UK pest free area if the material is carrying or infected with specified plant pests

(1) <i>Item</i>	(2) <i>Description of relevant material</i>	(3) <i>Plant pest</i>	(4) <i>UK pest free area</i>
1.	Trees, other than seeds, of <i>Larix</i> Mill., intended for planting	<i>Cephalcia laricphila</i> (Klug)	Northern Ireland
2.	Trees, other than fruit or seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L. or <i>Pseudotsuga</i> Carr., over 3 m in height; wood of conifers (Coniferales) with bark; or isolated bark of conifers	<i>Dendroctonus micans</i> Kugelan	Northern Ireland
3.	Trees, other than seeds, of <i>Picea</i> A. Dietr., intended for planting	<i>Gilpinia hercyniae</i> (Hartig)	Northern Ireland
4.	Trees, other than fruit or seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L. or <i>Pseudotsuga</i> Carr., over 3 m in height; wood of	<i>Ips cembrae</i> Heer	Northern Ireland

	conifers (Coniferales) with bark; or isolated bark of conifers		
5.	Trees, other than fruit or seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. or <i>Pinus</i> L., over 3 m in height; wood of conifers (Coniferales) with bark; or isolated bark of conifers	<i>Ips sexdentatus</i> Börner	Northern Ireland
6.	Trees, other than seeds, of <i>Populus</i> L., intended for planting	<i>Hypoxyton mammatum</i> (Wahl.) J. Miller	Northern Ireland

## PART D

Relevant material which is subject to emergency measures and must not be brought into or moved within Scotland if the material is carrying or infected with specified plant pests

(1) <i>Item</i>	(2) <i>Description of relevant material</i>	(3) <i>Plant pest</i>
1.	Trees of <i>Fraxinus</i> L., intended for planting	<i>Chalara fraxinea</i> T. Kowalski, including its teleomorph <i>Hymenoscyphus pseudoalbidus</i> "

54. For schedule 3 substitute—

## “SCHEDULE 3

Article 2(1)

### Prohibited imported material

## PART A

Relevant material, originating in third countries, whose entry into Scotland is prohibited

(1) <i>Item</i>	(2) <i>Description of relevant material</i>	(3) <i>Countries of origin</i>
1.	Trees, other than fruit or seeds, of <i>Abies</i> Mill., <i>Cedrus</i> Trew, <i>Chamaecyparis</i> Spach, <i>Juniperus</i> L., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L., <i>Pseudotsuga</i> Carr. or <i>Tsuga</i> Carr.	Any country outside Europe
2.	Trees with leaves, other than fruit or seeds, of <i>Castanea</i> Mill. or <i>Quercus</i> L.	Any country outside Europe

3.	Trees with leaves, other than fruit or seeds, of <i>Populus</i> L.	Any country in North America
4.	Isolated bark of <i>Castanea</i> Mill.	Any third country, other than the European Union or Switzerland
5.	Isolated bark of <i>Quercus</i> L., other than <i>Quercus suber</i> L.	Any country in North America
6.	Isolated bark of <i>Acer saccharum</i> Marsh.	Any country in North America
7.	Isolated bark of <i>Populus</i> L.	Any country in the American continent
8.	Soil or growing medium, which consists in whole or in part of soil or solid organic substances such as parts of plants or humus (including peat or bark), other than that composed entirely of peat	Belarus, Moldova, Russia, Ukraine or any third country not in mainland Europe, other than Egypt, Israel, Libya, Morocco or Tunisia

## PART B

Other relevant material which is subject to emergency control measures and whose entry into Scotland is prohibited

(1) <i>Item</i>	(2) <i>Description of relevant material</i>	(3) <i>Countries of origin</i>
1.	Isolated bark of <i>Acer macrophyllum</i> Pursh, <i>Aesculus californica</i> (Spach) Nutt., <i>Lithocarpus densiflorus</i> (Hook. & Arn.) Rehd., <i>Quercus</i> spp. L. or <i>Taxus brevifolia</i> Nutt.	The USA”

55. For schedule 4 substitute—

### “SCHEDULE 4

Article 2(1)

### Regulated material

#### **Interpretation**

In this schedule—

“EU 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 in the European Union;

“phytosanitary certificate” includes a phytosanitary certificate for re-export.

## PART A

Relevant material, originating in third countries, which may only be brought into Scotland if specified requirements are met

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Description of relevant material</i>	<i>(3)</i> <i>Requirements</i>
1.	Trees, other than fruit or seeds, of conifers (Coniferales), originating in any third country outside Europe	The plants must be accompanied by an official statement that the plants have been produced in a nursery and that they originate in a place of production which has been established by the national plant protection organisation in accordance with ISPM No. 10 as a place of production that is free from <i>Pissodes</i> spp. (non-European)
2.	Trees, other than seeds, of <i>Pinus</i> L., intended for planting, originating in any third country, other than the European Union	The plants must be accompanied by an official statement that no symptoms of <i>Scirrhia acicola</i> (Dearn.) Siggers have been observed at their place of production or in the immediate vicinity of the place of production since the beginning of the last complete cycle of vegetation
3.	Trees, other than seeds, of <i>Pinus</i> L., intended for planting, originating in any third country	The plants must be accompanied by an official statement that no symptoms of <i>Scirrhia pini</i> Funk and Parker have been observed at their place of production or in the immediate vicinity of the place of production since the beginning of the last complete cycle of vegetation
4.	Trees, other than fruit or seeds,	The plants must be accompanied by:

of *Pinus* L., intended for planting, originating in any third country

an official statement that they have been grown throughout their life in a place of production in a country in which *Thaumetopoea pityocampa* Denis & Schiffermüller is not known to occur, an official statement that they have been grown throughout their life in an area\* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Thaumetopoea pityocampa* Denis & Schiffermüller, an official statement that they have been produced in nurseries which, along with their vicinity, have been found free from *Thaumetopoea pityocampa* Denis & Schiffermüller on the basis of official inspections and official surveys carried out at appropriate times, or an official statement that they have been grown throughout their life in a site with complete physical protection against the introduction of *Thaumetopoea pityocampa* Denis & Schiffermüller and have been inspected at appropriate times and found to be free from *Thaumetopoea pityocampa* Denis & Schiffermüller.

\* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"

5. Trees, other than seeds, of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. or *Tsuga* Carr., intended for planting, originating in any third country

The plants must be accompanied by an official statement that no symptoms of *Melampsora medusa* Thümen have been observed at their place of production or in the immediate vicinity of the place of production since the beginning of the last complete cycle of vegetation

6. Trees, other than fruit or seeds, of *Quercus* L., originating in the USA

The plants must be accompanied by an official statement that the plants originate in an area\* which, in accordance with the measures specified in ISPM No. 4, is known to be free from *Ceratocystis fagacearum* (Bretz) Hunt.

\* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"

7. Trees, other than seeds, of

The plants must be accompanied by:

*Quercus* L., intended for planting, originating in any third country

- (a) an official statement that they originate in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from *Cryphonectria parasitica* (Murrill) Barr, or
- (b) an official statement that no symptoms of *Cryphonectria parasitica* (Murrill) Barr have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.

\* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"

8. Trees, other than fruit or seeds, of *Castanea* Mill. or *Quercus* L., originating in any country outside Europe

The plants must be accompanied by an official statement that no signs of *Cronartium* spp. (non-European) have been observed at their place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation

9. Trees, other than seeds, of *Castanea* Mill., intended for planting, originating in any third country

The plants must be accompanied by:

- (a) an official statement that they have been grown throughout their life in a place of production in a country where *Cryphonectria parasitica* (Murrill) Barr is known not to occur,
- (b) an official statement that they have been grown throughout their life in an area\* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Cryphonectria parasitica* (Murrill) Barr, or
- (c) in the case of plants originating in the European Union, an official statement that they have been grown throughout their life, in a part of the European Union which is recognised as an EU protected zone in relation to *Cryphonectria parasitica* (Murrill) Barr.

\* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"

10. Trees of *Castanea* Mill., other

The plants must be accompanied by:

than trees in tissue culture, fruit or seeds, originating in any third country

- (a) an official statement that they have been grown throughout their life in a place of production in a country where *Dryocosmus kuriphilus* Yasumatsu is known not to occur,
- (b) an official statement that they have been grown throughout their life in an area\* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Dryocosmus kuriphilus* Yasumatsu, or
- (c) an official statement that they have been grown throughout their life in an EU protected zone which is recognised as such in relation to *Dryocosmus kuriphilus* Yasumatsu.

\* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"

11. Trees, other than fruit or seeds, including cut branches with or without foliage, of *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

The plants must be accompanied by an official statement that they originate in an area\* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Agrilus planipennis* Fairmaire.

A phytosanitary certificate may not include any such official statement unless the national plant protection organisation of the country of origin has previously provided the national plant protection organisation of the United Kingdom with written details of the area or areas.

\* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"

12. Trees, other than fruit or seeds, but including cut branches, with or without foliage, of *Betula* L., originating in any third country, other the European Union

The plants must be accompanied by a phytosanitary certificate which includes an official statement that they originate in a country which, in accordance with the measures specified in ISPM No. 4, is known to be free from *Agrilus anxius* Gory

13. Trees, other than seeds, of

The plants must be accompanied by:

*Platanus* L., intended for planting, originating in Armenia, the European Union, Switzerland or the USA

- (a) an official statement that the plants have been grown throughout their life in an area\* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C Harr., or
- (b) in the case of plants originating in the European Union, an official statement that they originate in a part of the European Union which is recognised as an EU protected zone in relation to *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C Harr.

\* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"

14. Trees, other than seeds, of *Populus* L., intended for planting, originating in any third country

The plants must be accompanied by an official statement that no symptoms of *Melampsora medusa* Thümen have been observed at their place of production or in the immediate vicinity of the place of production since the beginning of the last complete cycle of vegetation

15. Trees, other than seeds, of *Populus* L., intended for planting, originating in country of the American continent

The plants must be accompanied by a phytosanitary certificate which includes an official statement that no symptoms of *Mycosphaerella populorum* G.E. Thompson have been observed at their place of production or in the immediate vicinity of the place of production since the beginning of the last complete cycle of vegetation

16. Trees, other than fruit or seeds, of *Ulmus* L., intended for planting, originating in the European Union or any country in North America

The plants must be accompanied by an official statement that no symptoms of *Candidatus Phytoplasma ulmi* have been observed at their place of production or in the immediate vicinity of the place of production since the beginning of the last complete cycle of vegetation

17. Trees, other than scions, cuttings, trees in tissue culture, pollen or seeds, of *Amelanchier* Medik., *Aronia* Medik., *Cotoneaster* Medik., *Crataegus* L., *Cydonia* Mill., *Malus* Mill., *Prunus* L., *Pyracantha* M. Roem., *Pyrus* L. or *Sorbus* L., intended for planting, originating in Canada or

The plants must be accompanied by:

- (a) an official statement that they have been grown throughout their life in an area\* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Saperda candida* Fabricius, or



the USA

(b) an official statement that they have been grown during a period of at least two years prior to export, or in the case of plants which are younger than two years, have been grown throughout their life:

(i) in a place of production established as a place of production that is free from *Saperda candida* Fabricius in accordance with ISPM No. 10,

(aa) which is registered and supervised by the national plant protection organisation in the country of origin and has been subjected annually to two official inspections for any signs of *Saperda candida* Fabricius carried out at appropriate times, and

(bb) where they have been grown in a site with complete physical protection against the introduction of *Saperda candida* Fabricius or with appropriate preventive treatments and surrounded by a buffer zone with a width of at least 500 m in which the absence of *Saperda candida* Fabricius has been confirmed by official surveys carried out annually at appropriate times, and

(ii) immediately prior to export, the plants, and in particular their stems, have been subjected to a meticulous inspection for the presence of *Saperda candida* Fabricius, which included destructive sampling, where appropriate.

\* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"

18. Trees with roots, planted or intended for planting, grown in the open air, originating in any third country, other than the European Union
- The plants must be accompanied by an official statement:
- (a) that the place of production has been established by the national plant protection organisation in accordance with ISPM No. 10 as a place of production that is free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al., and *Synchytrium endobioticum* (Schilbersky) Percival, and
  - (b) that the plants originate from a field known to be free from *Globodera pallida* (Stone) Behrens and *Globodera rostochiensis* (Wollenweber) Behrens
19. Trees with roots, planted or intended for planting, grown in the open air, originating in the European Union
- The plants must be accompanied by an official statement that the place of production has been established by the national plant protection organisation in accordance with ISPM No. 10 as a place of production that is free from *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al. and *Synchytrium endobioticum* (Schilbersky) Percival
20. Soil or growing medium that:  
—is attached to, or accompanies, plants for the purposes of sustaining the vitality of those plants,  
—consists wholly or partly of soil or any solid organic substance such as parts of plants or humus (including peat or bark) or partly of any solid inorganic substance, and  
—originates in Belarus, Georgia, Moldova, Russia, Turkey, Ukraine or any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia
- The soil or growing material must be accompanied by an official statement:
- (a) that at the time of planting it was:
    - (i) free from soil and organic matter;
    - (ii) found to be free from insects and harmful nematodes and subjected to appropriate examination or heat treatment or fumigation to ensure that it was free from other plant pests, or
    - (iii) subjected to appropriate heat treatment or fumigation to ensure freedom from plant pests, and
  - (b) that since planting:
    - (i) appropriate measures have been taken to ensure that the growing

material has been maintained free from plant pests, or

- (ii) within two weeks prior to dispatch, the plants were shaken free from the material leaving the minimum amount necessary to sustain vitality during transport, and, if replanted, the growing material used for that purpose meets the requirements in paragraph (a)

- |     |   |  |
|-----|---|--|
| 21. | Trees or shrubs, other than seeds or plants in tissue culture, intended for planting, originating in any third country other than a country in the Euro-Mediterranean area          | <p>The plants must be accompanied by an official statement:</p> <ul style="list-style-type: none"> <li>(a) that have been grown in a nursery;</li> <li>(b) that they are free from plant debris, flowers and fruits, and</li> <li>(c) that they have been inspected at appropriate times and prior to export and:           <ul style="list-style-type: none"> <li>(i) have been found free from symptoms of harmful bacteria, viruses and virus-like organisms, and</li> <li>(ii) have been found free from signs or symptoms of harmful nematodes, insects, mites and fungi or have been subjected to appropriate treatment to eliminate such organisms</li> </ul> </li> </ul> |
| 22. | Deciduous trees or shrubs, other than seeds or trees in tissue culture, intended for planting, originating in any third country other than a country in the Euro-Mediterranean area | The trees and shrubs must be accompanied by an official statement that they are dormant and free from leaves   |

## PART B

Relevant material which may only be moved within the relevant UK territories if specified requirements are met

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Item</i>	<i>Description of relevant material</i>	<i>Requirements</i>
1.	Trees with roots, planted or intended for planting, grown in the open air	There must be evidence that the place of production is known to be free from <i>Synchytrium endobioticum</i> (Schilbersky) Percival

## PART C

Relevant material which may only be brought into or moved within a relevant  
UK pest free area if specified requirements are met

<i>(1)</i> Item	<i>(2)</i> Description of relevant material	<i>(3)</i> of Requirements	<i>(4)</i> Description of UK pest free area
1.	Wood of conifers (Coniferales)	Either: <ul style="list-style-type: none"> <li>(a) the wood must be stripped of its bark,</li> <li>(b) the wood must be accompanied by an official statement that the wood originates in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Dendroctonus micans</i> Kugelan, or</li> <li>(c) there must be evidence by a mark 'Kiln-dried', 'KD' or another internationally recognised mark, put on the wood or on its packaging in accordance with current commercial usage, that it 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</li> </ul>	Northern Ireland
2.	Wood of conifers (Coniferales)	Either: <ul style="list-style-type: none"> <li>(a) the wood must be stripped of its bark,</li> <li>(b) the wood must be accompanied by an official statement that the wood originates in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Ips cembrae</i> Heer, or</li> </ul>	Northern Ireland

- (c) there must be evidence by a mark 'Kiln-dried', 'KD' or another internationally recognised mark, put on the wood or on its packaging in accordance with current commercial usage, that it 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
3. Wood of conifers (Coniferales)      Either:      Northern Ireland
- (a) the wood must be stripped of its bark, or
- (b) the wood must be accompanied by an official statement that the wood originates in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from *Ips sexdentatus* Börner, o
- (c) there must be evidence by a mark 'Kiln-dried', 'KD' or another internationally recognised mark, put on the wood or on its packaging in accordance with current commercial usage, that it 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
4. Trees, other than fruit or seeds, of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. or *Pseudotsuga* Carr. over 3 m in height      The plants must be accompanied by an official statement that the place of production has been established in accordance with ISPM No. 10 as a place of production that is free from *Dendroctonus micans* Kugelán      Northern Ireland

5.	Trees, other than fruit or seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr., <i>Pinus</i> L. or <i>Pseudotsuga</i> Carr. over 3 m in height	The plants must be accompanied by an official statement that the place of production has been established in accordance with ISPM No. 10 as a place of production that free from <i>Ips cembrae</i> Heer	Northern Ireland
6.	Trees, other than fruit or seeds, of <i>Abies</i> Mill., <i>Larix</i> Mill., <i>Picea</i> A. Dietr. or <i>Pinus</i> L. over 3 m in height	The plants must be accompanied by an official statement that the place of production has been established in accordance with ISPM No. 10 as a place of production that is free from <i>Ips sexdentatus</i> Börner	Northern Ireland
7.	Isolated bark of conifers (Coniferales)	The bark must be accompanied by: <ul style="list-style-type: none"> <li>(a) an official statement that it has been subjected to fumigation or other appropriate treatments against bark beetles, or</li> <li>(b) an official statement that it originates in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Dendroctonus micans</i> Kugelan</li> </ul>	Northern Ireland
8.	Isolated bark of conifers (Coniferales)	The bark must be accompanied by: <ul style="list-style-type: none"> <li>(a) an official statement that has been subjected to fumigation or other appropriate treatments against bark beetles, or</li> <li>(b) an official statement that it originates in an area which, in accordance with the measures specified in ISPM No. 4, is known to be from <i>Ips cembrae</i> Heer</li> </ul>	Northern Ireland

9.	Isolated bark of conifers (Coniferales)	The bark must be accompanied by: (a) an official statement that it has been subjected to fumigation or other appropriate treatments against bark beetles, or (b) an official statement that it originates in an area which, in accordance with the measures specified in ISPM No. 4, is known to be free from <i>Ips sexdentatus</i> Börner	Northern Ireland
10.	Trees, other than seeds, of <i>Larix</i> Mill., intended for planting	The plants must be accompanied by an official statement that the plants have been produced in a nursery and that their place of production has been established in accordance with ISPM No. 10 as a place of production that is free from <i>Cephalcia lariciphila</i> (Klug.)	Northern Ireland
11.	Trees, other than seeds, of <i>Picea</i> A. Dietr., intended for planting	The plants must be accompanied by an official statement that the plants have been produced in a nursery and that their place of production has been established in accordance with ISPM No. 10 as a place of production that is free from <i>Gilpinia hercyniae</i> (Hartig)	Northern Ireland

## PART D

Relevant material, originating in third countries, which is subject to emergency measures and may only be brought into the relevant UK territories if specified requirements are met

(1) <i>Item</i>	(2) <i>Description of relevant material</i>	(3) <i>Countries of origin</i>
1.	Wood of <i>Acer macrophyllum</i> Pursh, <i>Aesculus californica</i> (Spach) Nutt., <i>Lithocarpus densiflorus</i> (Hook & Arn.) Rehd., <i>Quercus</i> spp. L. or <i>Taxus brevifolia</i> Nutt., originating in the USA	The wood must be accompanied by: (a) an official statement that the wood originates in an area* in which non-European isolates of <i>Phytophthora ramorum</i> Werres, De Cock & Man in 't Veld sp. nov. are known not to occur, (b) an official statement that the wood has been stripped of its bark and: (i) that it has been squared so as to entirely remove the rounded surface,

- (ii) that the water content of the wood does not exceed 20% expressed as a percentage of the dry matter, or
- (iii) that the wood has been disinfected by an appropriate hot-air or hot water-water treatment, or
- (c) in the case of sawn wood with or without residual bark attached, 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.

Where the phytosanitary certificate includes the official statement referred to in paragraph (c), 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 its packaging in accordance with current usage.

\* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”

2. Trees of *Pinus* L. or *Pseudotsuga menziesii*, intended for planting, including seeds and cones for propagation purposes, originating in any third country

The plants must be accompanied by an official statement:

- (a) that the plants originate in a place of production which is registered and supervised by the national plant protection organisation and,
- (b) that they:



- (i) have been grown throughout their life in a country where *Gibberella circinata* Nirenberg & O'Donnell is not known to occur,
- (ii) have been grown throughout their life in an area\* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Gibberella circinata* Nirenberg & O'Donnell, or
- (iii) originate in a place of production where no signs of *Gibberella circinata* Nirenberg & O'Donnell have been observed during official inspections carried out within a period of two years prior to export and that they were tested immediately prior to export for *Gibberella circinata* Nirenberg & O'Donnell.

\* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"

3. Wood of conifers (Coniferales) which has not retained its round surface or is in the form of beehives or bird nesting boxes, other than sawn wood or logs of *Taxus* L. or *Thuja* L., or bark of conifers, originating in an area in the European Union which has been established in accordance with Article 5 of Decision 2012/535/EU ("the area")

In the case of:

- (a) wood in the form of wood packaging material, the wood:
  - (i) must have been subject to one of the treatments specified in Annex 1 to ISPM No. 15 in a facility authorised for the purposes of Article 13 of Decision 2012/535/EU (an "authorised treatment facility"), and
  - (ii) must display a mark in accordance with Annex 2 to ISPM No. 15

indicating that it has been subject to an approved phytosanitary treatment in accordance with this international standard,

(b) wood in the form of beehives or bird nesting boxes:

(i) the wood:

(aa) must have undergone an appropriate heat treatment in an authorised treatment facility to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the wood and bark to ensure freedom from live *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. and live *Monochamus* spp., and

(bb) must be accompanied by an official statement that it has undergone that treatment or display a mark in accordance with Annex 2 to ISPM No. 15 indicating that it has been subject to an approved phytosanitary treatment in accordance with this international standard, and

(ii) if it is not free from bark, must have been moved from the area

outside the flight season of *Monochamus* spp. or with a protective covering to prevent its infestation with any *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al or *Monochamus* spp., or

(c) in the case of any other wood, including bark, the wood:

(i) must be accompanied by an official statement that it has undergone appropriate heat treatment in an officially authorised treatment facility to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the wood or bark to ensure freedom from live *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. and live *Monochamus* spp., and

(ii) if it is not free from bark, must have been moved from the area outside the flight season of *Monochamus* spp. or with a protective covering to prevent its infestation with any *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. or *Monochamus* spp.

In the case of any wood, other than wood packaging material, which is not free from bark, the wood must not have been moved through any other area in the European Union which has been established in accordance with Article 5 of Decision 2012/535/EU

4. Trees, other than fruit or seeds, of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr.

The plants:

(a) must be accompanied by an official statement:

or *Tsuga Carr.*, originating in an area in the European Union which has been established in accordance with Article 5 of Decision 2012/535/EU (“the area”)

- (i) that they have been grown in places of production where no *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. or its symptoms have been observed since the beginning of the last complete growing cycle,
- (ii) that they have been grown throughout their life under complete physical protection to prevent *Monochamus* spp. reaching the plants,
- (iii) that they have been officially inspected, tested and found free from any *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. and *Monochamus* spp., and

- (b) must have been moved from the area outside the flight season of *Monochamus* spp. or in closed containers or packaging to prevent infestation with *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. or *Monochamus* spp.

The plants must have not been moved through any other area in the European Union which has been established in accordance with Article 5 of Decision 2012/535/EU

- 5. Trees of Fraxinus L., intended for planting, originating in any third country

The plants must be accompanied by an official statement that they have been grown throughout their life in an area\* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Chalara fraxinea* T. Kowalski (including its teleomorph *Hymenoscyphus pseudoalbidus*).

\* The name of the area must be included in the phytosanitary certificate under the heading “Additional declaration”

6. Wood, obtained in whole or in part, from plants of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp., other than wood packaging material, but including wood which has not retained its natural round surface, which meets the CN descriptions below and:
- originates in any third country, other than the European Union, where *Anoplophora glabripennis* (Motschulsky) is known to be present,
  - originates in an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893, or
  - in the case of wood retaining all or part of its round surface, has been introduced into an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893
- Relevant CN descriptions:
- CN 4401 10 00 (fuel wood, in logs, in billets, in twigs, in faggots or in similar forms),
  - CN 4401 22 00 (non-coniferous wood, in chips or particles),
  - CN ex 4401 39 80 (other wood waste and scrap, not agglomerated in logs, briquettes, pellets or similar forms),
  - CN 4403 10 00 (wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly

In the case of wood:

- (a) in the form of chips, particles, shavings, wood waste or scrap, the wood must be accompanied by:
  - (i) an official statement that it originates in an area\* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Anoplophora glabripennis* (Motschulsky),
  - (ii) 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),
  - (iii) an official statement that the wood has been processed into pieces of not more than 2.5 cm thickness and width,
- (b) in the case of any other wood, the wood must be accompanied by:

squared),  
—CN 4403 92 (wood of beech (*Fagus* spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared),

—CN ex 4403 99 (non-coniferous wood (other than, beech (*Fagus* spp.), poplar (*Populus* spp.) or birch (*Betula* spp.), in the rough, whether or not stripped of bark or sapwood, or roughly squared),

—CN 4403 99 10 (wood of poplar (*Populus* spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared),

—CN 4403 99 51 (sawlogs of birch (*Betula* spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared),

—CN 4403 99 59 (wood of birch (*Betula* spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than sawlogs),

—CN ex 4404 20 00 (non-coniferous split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise),y or tramway sleepers (cross-ties) of wood)

—CN 4407 92 00 (wood of beech (*Fagus* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),

—CN 4407 93 (wood of maple (*Acer* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),

—CN 4407 95 (wood of ash (*Fraxinus* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),

—CN ex 4407 99 (non-coniferous wood (other than beech (*Fagus* spp.), maple (*Acer* spp.), ash (*Fraxinus* spp.) or poplar (*Populus* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),

—CN 4407 99 91 (wood of poplar (*Populus* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),

- (i) an official statement that it originates in an area\* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Anoplophora glabripennis* (Motschulsky), or
- (ii) 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).

Where the phytosanitary certificate includes the official statement referred to in paragraph (b)(ii), 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.

\* The name of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”

—CN 9406 00 20 (prefabricated buildings of wood)

7. Wood packaging material, obtained in whole or in part, from plants of of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp. originating in an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893
- The wood packaging material must:
- (a) be made of debarked wood and been subject to one of the treatments specified in Annex 1 to ISPM No. 15, and
  - (b) display a mark in accordance with Annex 2 to ISPM No. 15 indicating that it has been subject to an approved phytosanitary treatment in accordance with this international standard
8. Trees, other than seeds, intended for planting that have a stem diameter of 1 cm or more at their thickest point, of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp., originating in any third country, other than the European Union, where *Anoplophora glabripennis* (Motschulsky) is known to be present
- The plants must be accompanied by:
- (a) an official statement that the plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation in the country of origin and is situated in an area\* established by that organisation in accordance with ISPM No. 4 as an area that is free from *Anoplophora glabripennis* (Motschulsky),
  - (b) an official statement that the plants have been grown during a period of at least two years prior to export, or in the case of plants, which are younger than two years, have been grown throughout their life, in a place of production established as free from *Anoplophora glabripennis* (Motschulsky) in accordance with ISPM No. 10:

- (i) which is registered and supervised by the national plant protection organisation in the country of origin,
- (ii) which has been subject annually to at least two official meticulous inspections for any signs of *Anoplophora glabripennis* (Motschulsky) carried out at appropriate times and no signs of the plant pest have been found,
- (iii) where the plants have been grown in a site
  - (aa) with complete physical protection against the introduction of *Anoplophora glabripennis* (Motschulsky) or
  - (bb) with the application of appropriate preventative treatments and which was surrounded by a buffer zone with a radius of at least 2 km where official surveys for the presence or signs of *Anoplophora glabripennis* (Motschulsky) are carried out annually at appropriate times and where signs of *Anoplophora glabripennis* (Motschulsky) have been found, eradication measures were taken immediately to restore the pest freedom of the buffer zone, and



(iv) that immediately prior to export, the plants, and in particular their branches and stems, were subjected to a meticulous official inspection for the presence of *Anoplophora glabripennis* (Motschulsky), which included targeted destructive sampling and, in the case of plants originating in sites which at the time of their production were located in a buffer zone where the presence or signs of *Anoplophora glabripennis* (Motschulsky) have been found, targeted destructive sampling at the appropriate level, or

(c) an official statement that the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (b), grafted with scions which at the time of export were no more than 1 cm in diameter at their thickest point and which have been subject to a meticulous official inspection for the presence of *Anoplophora glabripennis* (Motschulsky), in the manner specified in paragraph (b)(iv).

\* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration".

For the purpose of paragraph (b)(iv), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants where the number of plants is more than 4,500 plants

9. Trees, other than seeds, intended for planting that have a stem diameter of 1

The plants must be accompanied by an official statement:

cm or more at their thickest point, of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp., which have been introduced into an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893

- (a) that the plants have been grown during a period of at least two years prior to export, or in the case of plants, which are younger than two years, have been grown throughout their life, in a place of production established as free from *Anoplophora glabripennis* (Motschulsky) in accordance with ISPM No. 10:
  - (i) which is registered and supervised by the national plant protection organisation in the country of origin,
  - (ii) which has been subjected annually to at least two official meticulous inspections for any signs of *Anoplophora glabripennis* (Motschulsky) carried out at appropriate times which included targeted destructive sampling of the stems and branches (where appropriate) and no signs of the plant pest have been found, and
- (b) where the plants have been grown in a site:
  - (i) with complete physical protection against the introduction of *Anoplophora glabripennis* (Motschulsky), or with the application of appropriate preventative treatments or where targeted destructive sampling was carried out on each lot of the plants prior to their movement from the site at the appropriate level, and
  - (ii) where official surveys for the presence or signs of *Anoplophora glabripennis*

(Motschulsky) are carried out annually at appropriate times within a radius of at least 1 km around the site at appropriate times and neither the plant pest or signs of it were found, or

- (c) an official statement that the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (b), grafted with scions which have not been grown under these conditions and were no more than 1 cm in diameter at their thickest point.

For the purpose of paragraph (b)(i), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants, where the number of plants is more than 4,500 plants

- 10. Trees, other than fruit or seeds, of *Quercus* L., other than *Quercus suber*, intended for planting, whose girth at 1.2 m above the root collar is 8 cm or more, originating in any third country, other than any such plants entering Scotland via a point of entry in the excluded zone which are not in the course of their consignment to the OPM pest free area

The plants must be accompanied by:

- (a) an official statement that they have been grown throughout their life in places of production in a country in which *Thaumetopoea processionea* L. is not known to occur,
- (b) an official statement that they have been grown throughout their life in an EU protected zone which is recognised as a protected zone in relation to *Thaumetopoea processionea* L. or in an area established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Thaumetopoea processionea* L.,
- (c) an official statement that they have been produced in nurseries which, along with their vicinity, have been found free from *Thaumetopoea processionea*

L. on the basis of official inspections carried out as close as practically possible to their movement and official surveys of the nurseries and their vicinity have been carried out at appropriate times since the beginning of the last complete cycle of vegetation to detect larvae and other symptoms of *Thaumetopoea processionea* L., or

- (d) an official statement that they have been grown throughout their life in a site with complete physical protection against the introduction of *Thaumetopoea processionea* L. and have been inspected at appropriate times and found to be free from *Thaumetopoea processionea* L.

11. Wood obtained in whole or in part from plants of *Prunus* spp., other than *Prunus laurocerasus* L., which meets one of the relevant CN descriptions below and originates in any third country, other than the European Union, where *Aromia bungii* (Faldermann) is known to be present
- Relevant CN descriptions:
- CN 4401 12 00 (non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms),
  - CN 4401 22 00 (non-coniferous wood, in chips or particles),
  - CN 4401 40 (sawdust and wood waste and scrap, not agglomerated),
  - CN 4403 12 00 (non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared),
  - CN ex 4404 20 00 (non-coniferous hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like),

In the case of wood:

- (a) in the form of chips, particles, shavings, wood waste or scrap, the wood must be accompanied by:
  - (i) an official statement that it originates in an area\* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Aromia bungii* (Faldermann),
  - (ii) 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),
  - (iii) an official statement

—CN 4406 (railway or tramway sleepers (cross-ties) of wood),  
—CN 4407 94 (wood of cherry (*Prunus* spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm,  
—CN 4416 00 00 (casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves),  
—CN 9406 10 00 (prefabricated buildings of wood)

that it has been processed into pieces of not more than 2.5 cm thickness and width,

- (b) in the case of any other wood, the wood must be accompanied by:
- (i) an official statement that it originates in an area\* established by the national plant protection organisation in accordance with ISPM No. 4 as an area that is free from *Aromia bungii* (Faldermann),
  - (ii) 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),
  - (iii) or an official statement that it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1kGy throughout the wood.

Where the phytosanitary certificate includes the official statement referred to in paragraph (b)(ii), 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.

\* The name of the area(s) must be included in the phytosanitary certificate under the heading "Additional declaration"

12. Wood obtained in whole or in part from plants of *Prunus* spp., other than *Prunus laurocerasus* L., which meets one of the relevant CN descriptions below and:
- originates in an area in the European Union 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 an area in the European Union established in accordance with Article 5 of Decision (EU) 2018/1503
- Relevant CN descriptions:
- CN 4401 12 00 (non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms),
- CN 4401 22 00 (non-coniferous wood, in chips or particles),
- CN 4401 40 (sawdust and wood waste and scrap, not agglomerated),
- CN 4403 12 00 (non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared),
- CN ex 4404 20 00 (non-coniferous hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like),
- CN 4406 (railway or tramway sleepers (cross-ties) of wood),
- CN 4407 94 (wood of cherry (*Prunus* spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),
- CN 4416 00 00 (casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves),
- CN 9406 10 00 (prefabricated buildings of wood)
- In the case of:
- (a) wood in the form of chips, particles, shavings, wood waste or scrap, the wood must be accompanied by:
- (i) 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), or
- (ii) an official statement that it has been processed into pieces of not more than 2.5 cm thickness and width,
- (b) any other wood, the wood must be accompanied by:
- (i) 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), or
- (ii) an official statement that it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1kGy throughout the wood.

Where the phytosanitary certificate includes the official statement referred to in paragraph (b)(i), 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

## PART E

Relevant material which is subject to emergency measures and may only be moved within the relevant UK territories if specified requirements are met

(1) Item	(2) Description of relevant material	(3) Countries of origin
1.	Trees of <i>Pinus</i> L. or <i>Pseudotsuga menziesii</i> , intended for planting, including seeds and cones for propagation purposes	<p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) an official statement that they have been grown throughout their life or since their introduction into the United Kingdom or a CD territory in a place of production in the United Kingdom or a CD territory where <i>Gibberella circinata</i> Nirenberg &amp; O’Donnell is not known to occur,</li> <li>(b) an official statement that they have been grown throughout their life or since their introduction into the United Kingdom or a CD territory in a place of production in an area established in accordance with ISPM No. 4 as an area that is free from <i>Gibberella circinata</i> Nirenberg &amp; O’Donnell, or</li> <li>(c) an official statement that they originate in a place of production where no signs of <i>Gibberella circinata</i> Nirenberg &amp; O’Donnell have been observed during official inspections within a period of two years prior to their movement from the place of production and which have been tested immediately prior to movement</li> </ul>
2.	<p>Trees, other than seeds, intended for planting, that have a stem or root collar diameter of 1 cm or more at their thickest point of:</p> <ul style="list-style-type: none"> <li>—<i>Acer</i> spp.,</li> <li>—<i>Aesculus hippocastanum</i>,</li> <li>—<i>Alnus</i> spp.,</li> <li>—<i>Betula</i> spp.,</li> <li>—<i>Carpinus</i> spp.,</li> <li>—<i>Citrus</i> spp.,</li> <li>—<i>Cornus</i> spp.,</li> <li>—<i>Corylus</i> spp.,</li> <li>—<i>Cotoneaster</i> spp.,</li> <li>—<i>Crataegus</i> spp.,</li> <li>—<i>Fagus</i> spp.,</li> </ul>	<p>The plants must be accompanied by:</p> <ul style="list-style-type: none"> <li>(a) an official statement that the plants have been grown during a period of at least two years prior to their movement, or in the case of plants which are younger than two years, have been grown throughout their life in a place of production: <ul style="list-style-type: none"> <li>(i) which is registered and supervised by the appropriate UK plant health authority,</li> <li>(ii) which has been subjected annually to at least two official meticulous inspections for any signs of <i>Anoplophora chinensis</i> (Forster) carried out at appropriate times which included, where appropriate, targeted</li> </ul> </li> </ul>

—*Lagerstroemia* spp.,  
 —*Malus* spp.,  
 —*Platanus* spp.,  
 —*Populus* spp.,  
 —*Prunus laurocerasus*,  
 —*Pyrus* spp.,  
 —*Rosa* spp.,  
 —*Salix* spp.,  
 —*Ulmus* spp.  
 originating in:  
 —an area that is demarcated under paragraph 3 of schedule 12C or under paragraph 3 of schedule 11 of the Plant Health Regulations, or  
 —a CD territory where there is evidence that *Anoplophora chinensis* (Forster) is present

destructive sampling of the roots and stems of the plants, using samples to enable at least the detection of 1% level of infestation with a confidence of 99%, and no signs of the plant pest have been found, and

(iii) where the plants have been grown in a site with complete physical protection against the introduction of *Anoplophora chinensis* (Forster) or with the application of appropriate preventive treatments or where targeted destructive sampling is carried out on each lot prior to movement at the appropriate level and where official surveys for the presence of *Anoplophora chinensis* (Forster) are carried out annually within a radius of at least 1 km around the site at appropriate times and neither *Anoplophora chinensis* (Forster) or any signs of it were found, or

(b) an official statement that the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a), grafted with scions which have not been grown under these conditions and were no more than 1 cm in diameter at their thickest point.

For the purpose of paragraph (a)(iii), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants, where the number of plants is more than 4,500 plants

3. Trees, other than seeds, intended for planting, that have a stem or root collar diameter of 1 cm or more at their thickest point of:

—*Acer* spp.,  
 —*Aesculus hippocastanum*,  
 —*Alnus* spp.,  
 —*Betula* spp.,  
 —*Carpinus* spp.,  
 —*Citrus* spp.,  
 —*Cornus* spp.,  
 —*Corylus* spp.,  
 —*Cotoneaster* spp.,  
 —*Crataegus* spp.,

The plants must be accompanied by an official statement that the plants have been grown in a site:

(a) with complete physical protection against the introduction of *Anoplophora chinensis* (Forster) or with the application of appropriate preventive treatments or where targeted destructive sampling is carried out on each lot prior to movement at the appropriate rate, and  
 (b) where official surveys for the presence of *Anoplophora chinensis* (Forster) are carried out annually within a radius of at least 1 km around the site at appropriate times and neither *Anoplophora chinensis* (Forster) or any signs of it were found.



—*Fagus* spp.,  
 —*Lagerstroemia* spp.,  
 —*Malus* spp.,  
 —*Platanus* spp.,  
 —*Populus* spp.,  
 —*Prunus laurocerasus*,  
 —*Pyrus* spp.,  
 —*Rosa* spp.,  
 —*Salix* spp.,  
 —*Ulmus* spp., which have  
 been introduced into:  
 —an area that is demarcated  
 under paragraph 3 of  
 schedule 12C or under  
 paragraph 3 of schedule 11  
 of the Plant Health  
 Regulations, or  
 —a CD territory where  
 there is evidence that  
*Anoplophora chinensis*  
 (Forster) is present

For the purpose of paragraph (a), the appropriate  
 rate is 10% of the plants where the number of plants  
 is 4,500 or less, and 450 plants, where the number  
 of plants is more than 4,500 plants

4. Wood of conifers  
 (Coniferales) which has not  
 retained its round surface or  
 is in the form of beehives or  
 bird nesting boxes, other  
 than sawn wood or logs of  
*Taxus* L. or *Thuja* L., or  
 bark of conifers  
 originating in:  
 —an area that is demarcated  
 under paragraph 3 of  
 schedule 12D or under  
 paragraph 3 of schedule 13  
 of the Plant Health  
 Regulations, other than  
 wood which is being moved  
 from the infested zone to  
 the buffer zone in the  
 demarcated area, or  
 —a CD territory where  
 there is evidence that  
*Bursaphelenchus xylophilus*  
 (Steiner & Bühner) Nickle  
 et al. is present

In the case of:

- (a) wood in the form of wood packaging  
 material, the wood:
  - (i) must have been subject to one of  
 the treatments specified in Annex 1 to  
 ISPM No. 15 in a treatment facility  
 designated by the appropriate UK  
 plant health authority for the purposes  
 of this item (“an authorised treatment  
 facility”), and
  - (ii) must display a mark in accordance  
 with Annex 2 to ISPM No. 15  
 indicating that it has been subject to  
 an approved phytosanitary treatment in  
 accordance with this international  
 standard,
- (b) in the case of wood in the form of beehives  
 or bird nesting boxes,
  - (i) the wood must:
    - (aa) have undergone an appropriate  
 heat treatment in an authorised  
 treatment facility to achieve a  
 minimum temperature of 56°C  
 for a minimum duration of 30  
 continuous minutes throughout  
 the wood and bark to ensure  
 freedom from live  
*Bursaphelenchus xylophilus*  
 (Steiner & Bühner) Nickle et al.  
 and live *Monochamus* spp., and
    - (bb) be accompanied by an official  
 statement (issued by the

authorised treatment facility) that the wood has undergone that treatment or display a mark in accordance with Annex 2 to ISPM No. 15 indicating that it has been subject to an approved phytosanitary treatment in accordance with this international standard,

- (ii) if it is not free from bark, the wood must only be moved outside the flight season of the *Monochamus* spp. or with a protective covering that ensures that it cannot be infested with *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. or *Monochamus* spp.,
- (c) in the case of any other wood, including bark, it:
  - (i) must be accompanied by an official statement that it has undergone an appropriate heat treatment in an authorised treatment facility to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the wood and bark to ensure freedom from live *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. and live *Monochamus* spp., and
  - (ii) if it is not free from bark, must only be transported outside the flight season of *Monochamus* spp. or with a protective covering that ensures that it cannot be infested with *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. or *Monochamus* spp.

5. Trees, other than fruit or seeds, of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. or *Tsuga* Carr.  
 originating in:  
 —an area that is demarcated under paragraph 3 of schedule 12D or under paragraph 3 of schedule 13 of the Plant Health Regulations, other than wood which is being moved from the infested zone to the buffer zone in the demarcated area, or  
 —a CD territory where there is evidence that

The plants:

- (a) must be accompanied by an official statement:
  - (i) that they have been grown in places of production where *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. or its symptoms have not been observed since the beginning of the last complete growing cycle,
  - (ii) that they have been grown throughout their life under complete physical protection to prevent *Monochamus* spp. reaching the plants,
  - (iii) that they have been officially inspected, tested and found free from *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. and *Monochamus* spp., and

*Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. is present

- (b) must only be transported outside the flight season of *Monochamus* spp. or in closed containers or packaging to prevent infestation with *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. or *Monochamus* spp.

- 6. Trees of *Fraxinus* L., intended for planting

The plants must be accompanied by an official statement that have been grown throughout their life in an area established in accordance with ISPM No. 4 as an area that is free from *Chalara fraxinea* T. Kowalski (including its teleomorph *Hymenoscyphus pseudoalbidus*)

- 7. Wood, obtained in whole or in part, from plants of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp., other than wood packaging material, but including wood which has not retained its natural round surface which meets one of the relevant CN descriptions below and:

In the case of:

- (a) wood in the form of chips, particles, shavings, wood waste or scrap, the wood must be accompanied by:
  - (i) 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), or
  - (ii) an official statement the wood has been processed into pieces of not more than 2.5 cm thickness and width,
- (b) any other wood, the wood must be accompanied by 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).

—originates in an area that is demarcated under paragraph 3 of schedule 12F or under paragraph 3 of schedule 16 of the Plant Health Regulations or in a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present, or  
—in the case of wood retaining all or part of its round surface, has been introduced into any such area

Where paragraph (b) applies, 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

Relevant CN descriptions:  
—CN 4401 10 00 (fuel wood, in logs, in billets, in twigs, in faggots or in similar forms),  
—CN 4401 22 00 (non-coniferous wood, in chips or particles),

—CN ex 4401 39 80 (other wood waste and scrap, not agglomerated in logs, briquettes, pellets or similar forms),

—CN 4403 10 00 (wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared),

—CN 4403 92 (wood of beech (*Fagus* spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared),

—CN ex 4403 99 (non-coniferous wood (other than, beech (*Fagus* spp.), poplar (*Populus* spp.) or birch (*Betula* spp.), in the rough, whether or not stripped of bark or sapwood, or roughly squared),

—CN 4403 99 10 (wood of poplar (*Populus* spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared),

—CN 4403 99 51 (sawlogs of birch (*Betula* spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared),

—CN 4403 99 59 (wood of birch (*Betula* spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than sawlogs),

—CN ex 4404 20 00 (non-coniferous split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise),y or tramway sleepers (cross-ties) of wood) exceeding 6 mm),

—CN 4407 92 00 (wood of beech (*Fagus* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness CN 4407 93 (wood of maple (*Acer* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),

—CN 4407 95 (wood of ash (*Fraxinus* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),

—CN ex 4407 99 (non-coniferous wood (other than beech (*Fagus* spp.), maple (*Acer* spp.), ash (*Fraxinus* spp.) or poplar (*Populus* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),

—CN 4407 99 91 (wood of poplar (*Populus* spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm),

—CN 9406 00 20 (prefabricated buildings of wood)

8. Wood packaging material, obtained in whole or in part, from plants of of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. or *Ulmus* spp. originating in:
- 

The wood packaging material must:

- (a) be made of debarked wood and been subject to one of the treatments specified in Annex 1 to ISPM No. 15, and
- (b) display a mark in accordance with Annex 2 to ISPM No. 15 indicating that it has been subject to an approved phytosanitary treatment in accordance with this international standard

—an area that is demarcated under paragraph 3 of schedule 12F or under paragraph 3 of schedule 16 of the Plant Health Regulations, or  
—a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present

9. Trees, other than seeds, intended for planting that have a stem diameter of 1 cm or more at their thickest point of, *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. or *Ulmus* spp., originating in, or introduced into:  
—an area that is demarcated under paragraph 3 of schedule 12F or under paragraph 3 of schedule 16 of the Plant Health Regulations, or  
—a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present

The plants must be accompanied by

- (a) an official statement that the plants have been grown during at least two years prior to their movement or, in the case of plants which are younger, throughout their life in a place of production:
- (i) which is registered and supervised by the appropriate UK plant health authority,
  - (ii) which has been subject annually to at least two official meticulous inspections for any signs of *Anoplophora glabripennis* (Motschulsky) carried out at appropriate times, which included destructive sampling of stems and branches, where appropriate, and no signs of the plant pest have been found, and
- (iii) where the plants have been grown in a site:
- (aa) with complete physical protection against the introduction of *Anoplophora glabripennis* (Motschulsky) or with the application of appropriate preventative treatments or where targeted destructive sampling was carried out on each lot at the appropriate level prior to their movement from the site, and
  - (bb) where official surveys for the presence or signs of *Anoplophora glabripennis* (Motschulsky) are carried out annually within a radius of at least 1 km at appropriate times and the plant pest or signs of it were not found, or

- (b) an official statement that the plants have been grown from rootstocks which were grown in accordance with the requirements specified in paragraph (a)(iii), grafted with scions which have not been grown under these conditions and are no more than 1 cm in diameter at their thickest point.

For the purpose of paragraph (a)(iii)(aa), the appropriate level is 10% of the plants where the number of plants is 4,500 or less, and 450 plants, where the number of plants is more than 4,500 plants

- 10. Trees, other than fruit or seeds, of *Quercus* L., other than *Quercus suber*, intended for planting, whose girth at 1.2 m above the root collar is 8 cm or more, except any such plants originating in the excluded zone which do not move from the OPM excluded zone into the OPM pest free area

The plants must be accompanied by an official statement that:

- (a) they have been produced in nurseries which, along with their vicinity, have been found free from *Thaumetopoea processionea* L. on the basis of official inspections carried out as close as practically possible to their movement and official surveys of the nurseries and their vicinity have been carried out at appropriate times since the beginning of the last complete cycle of vegetation to detect larvae and other symptoms of *Thaumetopoea processionea* L., or
- (b) they have been grown throughout their life in a site with complete physical protection against the introduction of *Thaumetopoea processionea* L. and have been inspected at appropriate times and found to be free from *Thaumetopoea processionea* L.

- 11. Wood obtained in whole or in part from plants of *Prunus* spp., other than *Prunus laurocerasus* L., which meets one of the relevant CN descriptions below and originates in:
  - an area demarcated under paragraph 3 of schedule 17 or under equivalent provisions in the Scotland Orders,
  - a CD territory in which the presence of *Aromia bungii* (Faldermann) has been confirmed to be present, or
  - in the case of wood retaining all or part of its round surface, has been

In the case of:

- (a) wood in the form of chips, particles, shavings, wood waste or scrap, the wood must be accompanied by:
  - (i) 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),
  - (ii) an official statement that the wood has been processed into pieces of not more than 2.5 cm thickness and width,
- (b) any other wood, the wood must be accompanied by:

introduced into any such area or territory.

Relevant CN descriptions:

—CN 4401 12 00 (non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms),

—CN 4401 22 00 (non-coniferous wood, in chips or particles),

—CN 4401 40 (sawdust and wood waste and scrap, not agglomerated),

—CN 4403 12 00 (non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared),

—CN ex 4404 20 00 (non-coniferous hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like),

—CN 4406 (railway or tramway sleepers (cross-ties) of wood),

—CN 4407 94 (wood of cherry (*Prunus* spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm,

—CN 4416 00 00 (casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves),

—CN 9406 10 00 (prefabricated buildings of wood)

(i) 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), or

(ii) an official statement that it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1kGy throughout the wood.

Where paragraph (b)(i) applies, 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.



12. Wood packaging material obtained in whole or in part from plants of *Prunus* spp., other than *Prunus laurocerasus*, originating in:
- an area demarcated under paragraph 3 of schedule 17 or under equivalent provisions in the Scotland Orders, or
  - a CD territory in which the presence of *Aromia bungii* (Faldermann) has been confirmed to be present
- The wood packaging material must:
- (a) have been subject to one of the treatments specified in Annex 1 to ISPM No. 15, and
  - (b) display a mark in accordance with Annex 2 to ISPM No. 15 indicating that it has been subject to an approved phytosanitary treatment in accordance with this international standard”.

56. For schedule 5 substitute—

## “SCHEDULE 5

Article 3

### PART A

Notifiable material originating in third countries, other than the European Union

1. Trees, other than seeds, intended for planting.
2. Parts of trees, other than fruit and seeds, of *Fraxinus* L.
3. Parts of trees, other than fruit or seeds, of—
  - (a) *Castanea* Mill., *Populus* L. or *Quercus* L.;
  - (b) conifers (Coniferales);
  - (c) *Acer saccharum* Marsh, originating in the USA or Canada;
  - (d) cut branches of *Betula* L. with or without foliage;
  - (e) cut branches of *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., with or without foliage, originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA.
4. Soil or growing medium, which consists in whole or in part of soil or solid organic substances such as parts of plants or humus, including peat or bark, other than those composed entirely of peat.
5. Soil or growing medium which is attached to or appears to have been in contact with plants, consisting in whole or in part of material specified in paragraph 7 or consisting in part of any solid inorganic substances, intended to sustain the vitality of plants, originating in—
  - (a) Belarus, Georgia, Moldova, Russia, Turkey or Ukraine; or
  - (b) any country outside Europe, other than Algeria, Egypt, Israel, Libya, Morocco or Tunisia.

6. Isolated bark of—

- (a) conifers (Coniferales), originating in any country outside Europe;
- (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.

7. Wood, except wood packaging material, where it—

- (a) has been obtained in whole or in part from one of the following order, genera or species—
  - (i) *Quercus* L., including wood which has not kept its natural round surface, originating in the USA, except wood in the form of casks, barrels, vats, tubs or other coopers' products or parts thereof including staves and where there is documented evidence that the wood has been processed or manufactured using a heat treatment to achieve a minimum temperature of 176°C for 20 minutes;
  - (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;
  - (vii) *Betula* L., including wood which has not kept its natural round surface, originating in Canada or the USA;
  - (viii) *Amelanchier* Medik., *Aronia* Medik., *Cotoneaster* Medik., *Crataegus* L., *Cydonia* Mill., *Malus* Mill., *Prunus* L., *Pyracantha* M. Roem., *Pyrus* L. or *Sorbus* L., including wood which has not kept its natural round surface, other than sawdust or shavings, originating in Canada or the USA; and
- (b) meets one of the following descriptions—

<i>CN code</i>	<i>Description</i>
4401 11 00	Coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 12 00	Non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 21 00	Coniferous wood, in chips or particles
4401 22 00	Non-coniferous wood, in chips or particles
4401 40 10	Sawdust, not agglomerated
4401 40 90	Wood waste and scrap (other than sawdust), not agglomerated
ex 4403 11 00	Coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, not stripped of bark or sapwood, or roughly squared

ex 4403 12 00	Non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, not stripped of bark or sapwood, or roughly squared
ex 4403 21	Coniferous wood of pine ( <i>Pinus</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 22 00	Coniferous wood of pine ( <i>Pinus</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 23	Coniferous wood of fir ( <i>Abies</i> spp.) and spruce ( <i>Picea</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 24 00	Coniferous wood of fir ( <i>Abies</i> spp.) and spruce ( <i>Picea</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 25	Coniferous wood, other than of pine ( <i>Pinus</i> spp.), fir ( <i>Abies</i> spp.) or spruce ( <i>Picea</i> spp.), in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 26 00	Coniferous wood, other than of pine ( <i>Pinus</i> spp.), fir ( <i>Abies</i> spp.) or spruce ( <i>Picea</i> spp.), in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
4403 91 00	Oak wood ( <i>Quercus</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives
4403 95	Wood of birch ( <i>Betula</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
4403 96 00	Wood of birch ( <i>Betula</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
4403 97 00	Wood of poplar and aspen ( <i>Populus</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives
ex 4403 99 00	Non-coniferous wood (other than tropical wood, oak ( <i>Quercus</i> spp.), beech ( <i>Fagus</i> spp.), birch ( <i>Betula</i> spp.), poplar and aspen ( <i>Populus</i> spp.) or eucalyptus ( <i>Eucalyptus</i> spp.)), in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives
ex 4404	Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise
4406	Railway or tramway sleepers (cross-ties) of wood
ex 4407	Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 91	Oak wood ( <i>Quercus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness

	exceeding 6 mm
4407 94	Wood of cherry ( <i>Prunus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 95	Wood of ash ( <i>Fraxinus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 96	Wood of birch ( <i>Betula</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 97	Wood of poplar and aspen ( <i>Populus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
ex 4407 99	Non-coniferous wood (other than tropical wood, oak ( <i>Quercus</i> spp.), beech ( <i>Fagus</i> spp.), maple ( <i>Acer</i> spp.), cherry ( <i>Prunus</i> spp.), ash ( <i>Fraxinus</i> spp.), birch ( <i>Betula</i> spp.) or poplar and aspen ( <i>Populus</i> spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4408 10	Coniferous sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm
4416 00 00	Casks, barrels, vats, tubs and other cooper's products and parts thereof, of wood, including staves
9406 10 00	Prefabricated buildings of wood

**8. Wood, except wood packaging material, where it—**

- (a) has been obtained in whole or on part from one of the following—
- (i) conifers (Coniferales), excluding wood which is bark-free originating in any third country in Europe; or
  - (ii) *Castanea* Mill., excluding wood which is bark-free, originating in any third country; and
- (b) meets one of the descriptions—

<i>CN code</i>	<i>Description</i>
4401 11 00	Coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 12 00	Non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 21 00	Coniferous wood, in chips or particles
4401 22 00	Non-coniferous wood, in chips or particles
4401 40 90	Wood waste and scrap (other than sawdust), not agglomerated
ex 4403 11 00	Coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, not stripped of bark or sapwood, or roughly squared
ex 4403 12 00	Non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, not stripped of bark or sapwood, or roughly squared
ex 4403 21	Coniferous wood of pine ( <i>Pinus</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 22 00	Coniferous wood of pine ( <i>Pinus</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains,

	creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 23	Coniferous wood of fir ( <i>Abies</i> spp.) and spruce ( <i>Picea</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 24 00	Coniferous wood of fir ( <i>Abies</i> spp.) and spruce ( <i>Picea</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 25	Coniferous wood, other than of pine ( <i>Pinus</i> spp.), fir ( <i>Abies</i> spp.) or spruce ( <i>Picea</i> spp.), in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 26 00	Coniferous wood, other than of pine ( <i>Pinus</i> spp.), fir ( <i>Abies</i> spp.) or spruce ( <i>Picea</i> spp.), in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 99 00	Non-coniferous wood (other than tropical wood, oak ( <i>Quercus</i> spp.), beech ( <i>Fagus</i> spp.), birch ( <i>Betula</i> spp.), poplar and aspen ( <i>Populus</i> spp.) or eucalyptus ( <i>Eucalyptus</i> spp.)), in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives
ex 4404	Split poles; piles, pickets and stakes of non-coniferous wood, pointed but not sawn lengthwise
4406	Railway or tramway sleepers (cross-ties) of wood
ex 4407	Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
ex 4407 99	Non-coniferous wood (other than tropical wood, oak ( <i>Quercus</i> spp.), beech ( <i>Fagus</i> spp.), maple ( <i>Acer</i> spp.), cherry ( <i>Prunus</i> spp.), ash ( <i>Fraxinus</i> spp.), birch ( <i>Betula</i> spp.) or poplar and aspen ( <i>Populus</i> spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm

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9. Isolated bark of conifers (Coniferales) originating in any third country.

## PART B

### Notifiable material originating in the European Union

10. Trees of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. or *Pseudotsuga* Carr.

11. Trees, other than seeds, of *Platanus* L., *Prunus* L., *Quercus* spp., other than *Quercus suber*, or *Ulmus* L., intended for planting.

12. Trees, other than fruit, of *Castanea* Mill.

13. Trees, other than seeds, intended for planting, of the genera *Abies* Mill., *Castanea* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Platanus* L., *Populus* L., *Pseudotsuga* Carr., *Quercus* L., *Tsuga* Carr. and *Ulmus* L. which have been produced by producers whose production and sale is authorised to persons engaged in plant production in the course of a trade or business, other than trees which have been prepared and are ready for sale to the

final consumer, and which were produced separately from other products under the supervision of the national plant protection organisation of the consignor country.

**14. Wood, except wood packaging material, where it—**

- (a) has obtained in whole or in part—
  - (i) from *Platanus* L., including wood which has not kept its natural round surface;
  - (ii) from conifers (Coniferales), excluding wood which is bark-free;
  - (iii) *Castanea* Mill., excluding wood which is bark-free; and
- (b) meets one of the descriptions—

<i>CN Code</i>	<i>Description</i>
4401 11 00	Coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 12 00	Non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 21 00	Coniferous wood, in chips or particles
4401 22 00	Non-coniferous wood, in chips or particles
4401 40 90	Wood waste and scrap (other than sawdust), not agglomerated
ex 4403 11 00	Coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, not stripped of bark or sapwood, or roughly squared
ex 4403 12 00	Non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, not stripped of bark or sapwood, or roughly squared
ex 4403 21	Coniferous wood of pine ( <i>Pinus</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 22 00	Coniferous wood of pine ( <i>Pinus</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 23	Coniferous wood of fir ( <i>Abies</i> spp.) and spruce ( <i>Picea</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 24 00	Coniferous wood of fir ( <i>Abies</i> spp.) and spruce ( <i>Picea</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 25	Coniferous wood, other than of pine ( <i>Pinus</i> spp.), fir ( <i>Abies</i> spp.) or spruce ( <i>Picea</i> spp.), in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 26 00	Coniferous wood, other than of pine ( <i>Pinus</i> spp.), fir ( <i>Abies</i> spp.) or spruce ( <i>Picea</i> spp.), in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 99 00	Non-coniferous wood (other than tropical wood, oak ( <i>Quercus</i> spp.), beech ( <i>Fagus</i> spp.), birch ( <i>Betula</i> spp.), poplar and aspen ( <i>Populus</i> spp.) or eucalyptus ( <i>Eucalyptus</i> spp.)), in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than treated

	with paint, stains, creosote or other preservatives
ex 4404	Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise
4406	Railway or tramway sleepers (cross-ties) of wood
ex 4407	Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
ex 4407 99	Non-coniferous wood (other than tropical wood, oak ( <i>Quercus</i> spp.), beech ( <i>Fagus</i> spp.), maple ( <i>Acer</i> spp.), cherry ( <i>Prunus</i> spp.), ash ( <i>Fraxinus</i> spp.), birch ( <i>Betula</i> spp.) or poplar and aspen ( <i>Populus</i> spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm

**15.** Isolated bark of *Castanea* Mill. or conifers (Coniferales).

## PART C

Notifiable material originating in any third country which is subject to emergency measures

**16.** Trees, other than fruit and seeds, of *Acer macrophyllum* Pursh, *Acer pseudoplatanus* L., *Castanea sativa* Mill., *Fagus sylvatica* L., *Fraxinus excelsior* L., *Nothofagus obliqua* (Mirbel) Blume, *Pseudotsuga menziesii* (Mirbel) Franco, *Quercus* spp. L., *Sequoia sempervirens* (Lamb. ex D. Don) Endl. and *Taxus* spp. L.

**17.** Wood of *Acer macrophyllum* Pursh, *Aesculus californica* (Spach) Nutt, *Lithocarpus densiflorus* (Hook. & Arn.) Rehd., *Quercus* spp. L. or *Taxus breviflora* Nutt., originating in the USA.

**18.** Trees of *Pinus* L. or *Pseudotsuga menziesii*, intended for planting, including seeds or cones for propagating purposes, originating in any third country.

**19.** Trees, other than seeds, intended for planting, that have a stem or root collar diameter of 1 cm or more at their thickest point of *Acer* spp., *Aesculus hippocastanum*, *Alnus* spp., *Betula* spp., *Carpinus* spp., *Corylus* spp., *Crataegus* spp., *Fagus* spp., *Platanus* spp., *Populus* spp., *Salix* spp. or *Ulmus* spp. which—

- (a) originate in any third country, other than the European Union, where *Anoplophora chinensis* (Forster) is known to be present;
- (b) originate in, or have been introduced into, an area in the European Union established in accordance with Article 6 of Decision 2012/138/EU.

**20.** Trees, other than fruit or seeds, of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. or *Tsuga* Carr., originating in an area in the European Union established in accordance with Article 5 of Decision 2012/535/EU.

**21.** Wood of conifers (Coniferales) which has not retained its round surface or is in the form of beehives or bird nesting boxes, other than sawn wood or logs of *Taxus* L. or *Thuja* L., or bark of conifers, originating in an area in the European Union established in accordance with Article 5 of Decision 2012/535/EU.

**22.** Trees of *Fraxinus* L., intended for planting, originating in any third country.

**23.** Trees, other than seeds, intended for planting, belonging to the genera and species listed in Annex 1 to Decision (EU) 2015/789, other than those belonging to the varieties specified in Annex 3 to Decision (EU) 2015/789, or in list of *Xylella* host plants, which—

- (a) originate in any third country, other than the European Union; or

- (b) originate in the European Union and have been grown for a part of their life in an area in the European Union established in accordance with Article 4 of Decision 2015/789.

**24.** Trees, other than seeds, intended for planting, belonging to the genera and species listed in the list of *Xylella* host plants, which originate in the European Union and have never been grown in an area established in accordance with Article 4 of Decision 2015/789.

**25.** Trees, other than seeds, intended for planting that have a stem diameter of 1 cm or more at their thickest point, of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Fagus* spp., *Fraxinus* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp., which—

- (a) originate in any third country, other than the European Union, where *Anoplophora glabripennis* (Motschulsky) is known to be present;
- (b) originate, or have been introduced into a place of production, in an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893.

**26.** Wood of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. or *Ulmus* spp., other than wood packaging material, but including wood which has not retained its natural round surface, which—

- (a) originates—
- (i) in any third country, other than the European Union, where *Anoplophora glabripennis* (Motschulsky) is known to be present; or
- (ii) in an area in the European Union which has been established in accordance Article 7 of Decision (EU) 2015/893, or in the case of wood retaining all or part of its round surface, has been introduced into any such area in the European Union; and
- (b) meets one of the following descriptions—

<i>CN Code</i>	<i>Description</i>
4401 10 00	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 22 00	Non-coniferous wood, in chips or particles
ex 4401 39 80	Other wood waste and scrap, not agglomerated in logs, briquettes, pellets or similar forms
4403 10 00	Wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared
4403 92	Wood of beech ( <i>Fagus</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared
ex 4403 99	Non-coniferous wood (other than, beech ( <i>Fagus</i> spp.), poplar ( <i>Populus</i> spp.) or birch ( <i>Betula</i> spp.), in the rough, whether or not stripped of bark or sapwood, or roughly squared
4403 99 10	Wood of poplar ( <i>Populus</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared
4403 99 51	Sawlogs of birch ( <i>Betula</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared
4403 99 59	Wood of birch ( <i>Betula</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than sawlogs
ex 4404 20 00	Non-coniferous split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise),
4406	Railway or tramway sleepers (cross-ties) of wood
4407 92 00	Wood of beech ( <i>Fagus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness



	exceeding 6 mm
4407 93	Wood of maple ( <i>Acer</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 95	Wood of ash ( <i>Fraxinus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
ex 4407 99	Non-coniferous wood (other than beech ( <i>Fagus</i> spp.), maple ( <i>Acer</i> spp.), ash ( <i>Fraxinus</i> spp.) or poplar ( <i>Populus</i> spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 99 91	Wood of poplar ( <i>Populus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
9406 00 20	Prefabricated buildings of wood.

27. Trees, other than fruit or seeds, of *Quercus* L., other than *Quercus suber*, intended for planting, whose girth at 1.2 m above the root collar is 8 cm or more, originating in any third country, except any such plants entering Scotland via a point of entry in the OPM excluded zone which are not in the course of their consignment to the OPM pest free area.

28. Wood, obtained in whole or in part from plants of *Prunus* spp., other than *Prunus laurocerasus* L.,—

(a) which—

- (i) originates in any third country, other than the European Union, where *Aromia bungii* (Faldermann) is known to be present; or
- (ii) originates in an area in the European Union 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 an such area; and

(b) which meets one of the following descriptions—

<i>CN Code</i>	<i>Description</i>
CN 4401 12 00	Non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
CN 4401 22 00	Non-coniferous wood, in chips or particles
CN 4401 40	Sawdust and wood waste and scrap, not agglomerated
CN 4403 12 00	Non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared
CN ex 4404 20 00	Non-coniferous hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like
CN 4406	Railway or tramway sleepers (cross-ties) of wood
CN 4407 94	Wood of cherry ( <i>Prunus</i> spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
CN 4416 00 00	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves
CN 9406 10 00	Prefabricated buildings of wood*.

## “SCHEDULE 6

Article 2(1)

## PART A

Relevant material which must not be moved within the relevant UK territories without a UK plant passport

1. Plants of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L. or *Pseudotsuga* Carr.
2. Plants, other than seeds, of *Platanus* L., *Quercus* spp., other than *Quercus suber*, or *Ulmus* L., intended for planting.
3. Plants, other than fruit, of *Castanea* Mill.
4. Seeds of *Castanea* Mill.
5. Wood, except wood packaging material, where it—
  - (a) has obtained in whole or in part—
    - (i) from *Platanus* L., including wood which has not kept its natural round surface;
    - (ii) from conifers (Coniferales), excluding wood which is bark-free;
    - (iii) *Castanea* Mill., excluding wood which is bark-free; and
  - (b) meets one of the following descriptions—

<i>CN Code</i>	<i>Description</i>
4401 11 00	Coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 12 00	Non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 21 00	Coniferous wood, in chips or particles
4401 22 00	Non-coniferous wood, in chips or particles
4401 40 90	Wood waste and scrap (other than sawdust), not agglomerated
ex 4403 11 00	Coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, not stripped of bark or sapwood, or roughly squared
ex 4403 12 00	Non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, not stripped of bark or sapwood, or roughly squared
ex 4403 21	Coniferous wood of pine ( <i>Pinus</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 22 00	Coniferous wood of pine ( <i>Pinus</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 23	Coniferous wood of fir ( <i>Abies</i> spp.) and spruce ( <i>Picea</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 24 00	Coniferous wood of fir ( <i>Abies</i> spp.) and spruce ( <i>Picea</i> spp.) in the

	rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 25	Coniferous wood, other than of pine ( <i>Pinus</i> spp.), fir ( <i>Abies</i> spp.) or spruce ( <i>Picea</i> spp.), in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 26 00	Coniferous wood, other than of pine ( <i>Pinus</i> spp.), fir ( <i>Abies</i> spp.) or spruce ( <i>Picea</i> spp.), in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 99 00	Non-coniferous wood (other than tropical wood, oak ( <i>Quercus</i> spp.), beech ( <i>Fagus</i> spp.), birch ( <i>Betula</i> spp.), poplar and aspen ( <i>Populus</i> spp.) or eucalyptus ( <i>Eucalyptus</i> spp.)), in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives
ex 4404	Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise
4406	Railway or tramway sleepers (cross-ties) of wood
ex 4407	Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
ex 4407 99	Non-coniferous wood (other than tropical wood, oak ( <i>Quercus</i> spp.), beech ( <i>Fagus</i> spp.), maple ( <i>Acer</i> spp.), cherry ( <i>Prunus</i> spp.), ash ( <i>Fraxinus</i> spp.), birch ( <i>Betula</i> spp.) or poplar and aspen ( <i>Populus</i> spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm

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## PART B

Relevant material which is subject to emergency measures and must not be moved within the United Kingdom without a UK plant passport

**6.** Trees, other than fruit and seeds, of *Acer macrophyllum* Pursh, *Acer pseudoplatanus* L., *Aesculus californica* (Spach) Nutt., *Aesculus hippocastanum* L., *Castanea sativa* Mill., *Fagus sylvatica* L., *Fraxinus excelsior* L., *Nothofagus obliqua* (Mirbel) Blume, *Pseudotsuga menziesii* (Mirbel) Franco, *Quercus* spp. L., *Salix caprea* L., *Sequoia sempervirens* (Lamb. ex D. Don) Endl., *Taxus* spp. L..

**7.** Trees of *Pinus* L. or *Pseudotsuga menziesii*, intended for planting, including seeds and cones for propagation purposes, originating in any third country, in the United Kingdom or a CD territory.

**8.** Trees, other than seeds, intended for planting, that have a stem or root collar diameter of 1 cm or more at their thickest point of *Acer* spp., *Aesculus hippocastanum*, *Alnus* spp., *Betula* spp., *Carpinus* spp., *Corylus* spp., *Crataegus* spp., *Fagus* spp., *Platanus* spp., *Populus* spp. or *Ulmus* spp. which:

- (a) originate in a third country, other than the European Union, where *Anoplophora chinensis* (Forster) is known to be present;
- (b) originate in, or have been introduced into, an area in the European Union established in accordance with Article 6 of Decision 2012/138/EU;

- (c) originate in, or have been introduced into—
  - (i) an area in the United Kingdom that is demarcated under paragraph 3 of schedule 12C or under paragraph 3 of schedule 11 of the Plant Health Regulations;
  - (ii) a CD territory where there is evidence that *Anoplophora chinensis* (Forster) is present.

**9.** Trees, other than fruit or seeds, of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. or *Tsuga* Carr., which originate—

- (a) in an area in the European Union which has been established in accordance with Article 5 of Decision 2012/535/EU;
- (b) in an area in United Kingdom that is demarcated under paragraph 3 of schedule 12D or under paragraph 3 of schedule 13 of the Plant Health Regulations;
- (c) a CD territory where there is evidence that *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. is present.

**10.** Wood of conifers (Coniferales) which has not retained its round surface or is in the form of beehives or bird nesting boxes, other than wood packaging material or sawn wood or logs of *Taxus* L. or *Thuja* L., or bark of conifers which originate—

- (a) in an area in the European Union established in accordance with Article 5 of Decision 2012/535/EU;
- (b) in an area in United Kingdom that is demarcated under paragraph 3 of schedule 12D or under paragraph 3 of schedule 13 of the Plant Health Regulations;
- (c) a CD territory where there is evidence that *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle et al. is present.

**11.** Trees, other than seeds, intended for planting, belonging to the genera and species listed in Annex 1 to Decision (EU) 2015/789, other than those belonging to the varieties specified in Annex 3 to Decision (EU) 2015/789, or in the list of *Xylella* host plants, which—

- (a) originate in any third country, other than the European Union;
- (b) originate in the European Union and have been grown for a part of their life in an area in the European Union established in accordance with Article 4 of Decision 2015/789;
- (c) originate in the United Kingdom or a CD territory and have not been grown for any part of their life in—
  - (i) an area that is demarcated under paragraph 5 of schedule 12E or under paragraph 5 of schedule 15 of the Plant Health Regulations; or
  - (ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present.

**12.** Trees, other than seeds, intended for planting, belonging to the genera and species listed in the list of *Xylella* host plants, which—

- (a) originate in the European Union and have never been grown in an area established in accordance with Article 4 of Decision 2015/789; or
- (b) originate in the United Kingdom or a CD territory and have not been grown for any part of their life in—
  - (i) an area that is demarcated under paragraph 5 of schedule 12E or under paragraph 5 of schedule 15 of the Plant Health Regulations; or
  - (ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present.

**13.** Trees, other than seeds, intended for planting that have a stem diameter of 1 cm or more at their thickest point, of *Acer* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Fagus* spp., *Fraxinus* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp., which:

- (a) originate in any third country, other than the European Union, where *Anoplophora glabripennis* (Motschulsky) is known to be present;
- (b) originate, or have been introduced into a place of production, in an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893; or
- (c) originate, or have been introduced into a place of production, in—
  - (i) an area in the United Kingdom that is demarcated under paragraph 3 of schedule 12F or under paragraph 3 of schedule 16 of the Plant Health Regulations;
  - (ii) a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present.

**14.** Wood, other than wood packaging material, but including wood which has not retained its natural round surface, of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp., which—

- (a) originates in any third country, other than the European Union, where *Anoplophora glabripennis* (Motschulsky) is known to be present;
- (b) originates in an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893 or, in the case of wood retaining all or part of its round surface, has been introduced into any such area;
- (c) originates in—
  - (i) an area in the United Kingdom that is demarcated under paragraph 3 of schedule 12F or under paragraph 3 of schedule 16 of the Plant Health Regulations or a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present; or
  - (ii) in the case of wood retaining all or part of its round surface, has been introduced into any such area or territory; and
- (d) meets one of the following descriptions—

<i>CN Code</i>	<i>Description</i>
4401 10 00	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 22 00	Non-coniferous wood, in chips or particles
ex 4401 39 80	Other wood waste and scrap, not agglomerated in logs, briquettes, pellets or similar forms
4403 10 00	Wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared
4403 92	Wood of beech ( <i>Fagus</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared),
ex 4403 99	Non-coniferous wood (other than, beech ( <i>Fagus</i> spp.), poplar ( <i>Populus</i> spp.) or birch ( <i>Betula</i> spp.), in the rough, whether or not stripped of bark or sapwood, or roughly squared
4403 99 10	Wood of poplar ( <i>Populus</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared
4403 99 51	Sawlogs of birch ( <i>Betula</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared
4403 99 59	Wood of birch ( <i>Betula</i> spp.) in the rough, whether or not

	stripped of bark or sapwood, or roughly squared, other than sawlogs
ex 4404 20 00	Non-coniferous split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise),y or tramway sleepers (cross-ties) of wood
4407 92 00	Wood of beech ( <i>Fagus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 93	Wood of maple ( <i>Acer</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 95	Wood of ash ( <i>Fraxinus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
ex 4407 99	Non-coniferous wood (other than beech ( <i>Fagus</i> spp.), maple ( <i>Acer</i> spp.), ash ( <i>Fraxinus</i> spp.) or poplar ( <i>Populus</i> spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 99 91	Wood of poplar ( <i>Populus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
9406 00 20	Pr efabricated buildings of wood

**15.** Trees, other than fruit or seeds, intended for planting, of *Quercus* L., other than *Quercus suber*, whose girth at 1.2 m above the root collar is 8 cm or more, originating in any third country, the United Kingdom or a CD territory, except any such plants which are only being moved within the OPM excluded zone.

**16.** Wood, obtained in whole or in part from plants of *Prunus* spp., other than *Prunus laurocerasus* L.—

(a) which—

- (i) originates in any third country, other than the European Union, where *Aromia bungii* (Faldermann) is known to be present;
- (ii) originates in an area in the European Union 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 an such area; or
- (iii) originates in or, in the case of wood retaining all or part of its round surface, has been introduced into—
  - (aa) an area demarcated under paragraph 3 of schedule 12G or under paragraph 3 of schedule 16A of the Plant Health Regulations; or
  - (bb) a CD territory in which the presence of *Aromia bungii* (Faldermann) has been confirmed; and

(b) meets one of the following descriptions—

<i>CN Code</i>	<i>Description</i>
CN 4401 12 00	Non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
CN 4401 22 00	Non-coniferous wood, in chips or particles
CN 4401 40	Sawdust and wood waste and scrap, not agglomerated
CN 4403 12 00	Non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark

	or sapwood, or roughly squared
CN ex 4404 20 00	Non-coniferous hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like
CN 4406	Railway or tramway sleepers (cross-ties) of wood
CN 4407 94	Wood of cherry ( <i>Prunus</i> spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
CN 4416 00 00	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves
CN 9406 10 00	Prefabricated buildings of wood".

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58. For schedule 7 substitute—

### “SCHEDULE 7

Article 2(1)

#### Notifiable relevant material destined for a UK pest free area and relevant material which must not be introduced or moved within a UK pest free area without a valid UK plant passport

1. In the case of Northern Ireland—

- (a) wood of conifers (Coniferales), excluding wood which is bark-free;
- (b) isolated bark of conifers (Coniferales);
- (c) trees of *Abies* Mill., *Larix* Mill., *Picea* A. Dietr., *Pinus* L., or *Pseudotsuga* Carr.

2. In the case of the OPM pest free area, trees, other than seeds, intended for planting, of *Quercus* spp., other than *Quercus suber*.”.

59. After schedule 7 insert—

### “SCHEDULE 7A

Article 38(1)

#### Derogations from specific prohibitions and requirements under the relevant Plant Health Orders

*Wood of Fraxinus L. from the USA or Canada*

1. In this schedule—

“permitted wood” means wood of *Fraxinus* L., originating or processed in the USA or Canada;

“relevant NPPO” means—

- (a) in relation to permitted wood originating or processed in Canada, the national plant protection organisation of Canada;
- (b) in relation to permitted wood originating or processed in the USA, the national plant protection organisation of the USA.

2. Permitted wood may be imported into Scotland provided that—

- (a) it meets the relevant conditions;
- (b) it is accompanied by a phytosanitary certificate issued by the relevant NPPO which includes the required official statement and the relevant details;

- (c) its importation is authorised by the appropriate UK plant health authority under the relevant Plant Health Order.

**3.** For the purposes of paragraph 2(a), the relevant conditions are—

- (a) that the permitted wood—
  - (i) in the case of wood, other than bark, is debarked, or in the case of bark, consists of visually separate and clearly distinct pieces, each of which is less than three cm in width or, if greater than 3 cm in width, has a total surface area of less than 50 cm<sup>2</sup>, or;
  - (ii) in the case of sawn wood, has been produced from debarked round wood;
  - (iii) has been heated through its profile to at least 71°C for 1,200 minutes in a heat chamber approved by the relevant NPPO or an agency approved by the relevant NPPO;
  - (iv) has been dried in accordance with industrial drying schedules recognised by the relevant NPPO for at least two weeks; and
  - (v) has a final moisture content, expressed as a percentage of dry matter, which does not exceed 10%;
- (b) that the permitted wood has been produced, handled and stored in a facility that—
  - (i) is officially approved by the relevant NPPO, or an agency approved by the relevant NPPO, pursuant to its certification programme in relation to *Agrilus planipennis* Fairmaire;
  - (ii) is registered in a database published on the website of the relevant NPPO;
  - (iii) is audited by the relevant NPPO, or an agency approved by the relevant NPPO at least once a month to verify that the facility is being operated in a manner that is consistent with ensuring that any exports of permitted wood to a relevant UK territory will meet the relevant conditions in this paragraph;
  - (iv) uses equipment for the treatment of permitted wood which has been calibrated consistently with the equipment’s manual of operation; and
  - (v) keeps records of its procedures for verification by the relevant NPPO, or an agency approved by the relevant NPPO, including details of the duration of the treatment, temperatures during treatment, and for each bundle to be exported, the compliance check and final moisture content;
- (c) where the facility is audited by an agency approved by the relevant NPPO, the agency is audited by the relevant NPPO every six months to verify the procedures and documentation of the agency and the audits of the facility carried out by the agency for the purposes of exports of permitted wood to a relevant UK territory under this Part;
- (d) each bundle of permitted wood visibly displays a unique bundle number and a label with the words “HT-KD” or “Heat Treated-Kiln Dried”, issued by or under the supervision of a designated officer of the approved facility following the verification of the conditions in sub-paragraphs (a) and (b)(iv);
- (e) that the permitted wood has been inspected before its export by the relevant NPPO or an agency approved by the relevant NPPO to ensure that the conditions in sub-paragraphs (a) and (d) are met.

**4.** For the purposes of paragraph 2(b), the required official statement is an official statement that the wood has been inspected and is free from harmful plant pests.

**5.** The relevant details which must be included under the heading “Additional declaration” in the phytosanitary certificate for the purposes of paragraph 2(b) are—

- (a) the statement: “This consignment meets the conditions in Schedule 7A to the Plant Health (Forestry) Order 2005”;



- (b) the bundle number(s) corresponding to each specific bundle in the consignment; and
- (c) the name of the approved facilities which processed the permitted wood in the consignment.”.

**60.** Omit schedule 8.

**61.** In schedule 9—

- (a) in the heading, for “plant passports” substitute “UK plant passports,
- (b) in paragraph 1, for “plant passport” substitute “UK plant passport”,
- (c) in paragraph 2, for “plant passport” substitute “UK plant passport”,
- (d) in paragraph 3, for “plant passports”, in both places it occurs, substitute “UK plant passports”,
- (e) in paragraph 4(1)—
  - (i) in the words before sub-paragraph (a), for “plant passport” substitute “UK plant passport”,
  - (ii) for sub-paragraph (a), substitute—
    - “(a) in English;”,
- (f) in paragraph 5, for “plant passport” substitute “UK plant passport”,
- (g) in paragraph 6, for “plant passport” substitute “UK plant passport”,
- (h) in paragraph 7—
  - (i) for sub-paragraph (a) substitute—
    - “(a) the title “UK plant passport”;”,
  - (ii) omit sub-paragraph (b),
  - (iii) in sub-paragraph (c), for the words from “responsible” to the end substitute “appropriate UK plant health authority”,
  - (iv) in sub-paragraphs (d) to (g), for “plant passport”, in each place it occurs, substitute “UK plant passport”,
  - (v) in sub-paragraph (h)—
    - (aa) for “protected zone”, in both places it occurs, substitute “UK pest free area”;
    - (bb) for “ZP” substitute “PFA”,
  - (vi) in sub-paragraph (i), for “plant passport”, in each place it occurs, substitute “UK plant passport”,
  - (vii) in sub-paragraph (j), for “relevant territory” substitute “United Kingdom or a CD territory”.

**62.** In schedule 12, in Part A—

- (a) in paragraph 1—
  - (i) for “landing” substitute “arrival”,
  - (ii) for “article 6(1)” substitute “article 6(2B)”,
  - (iii) omit “, other than solid fuel wood, ”,
- (b) omit paragraph 2,
- (c) omit Part C.

“SCHEDULE 12A

Article 37A(2)

Emergency measures: miscellaneous

PART A

Official surveys

1. The Scottish Ministers must carry out official surveys for the presence of the following plant pests—
  - (a) *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov.;
  - (b) *Gibberella circinata* Nirenberg & O’Donnell;
  - (c) *Anoplophora chinensis* (Forster);
  - (d) *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al.;
  - (e) *Xylella fastidiosa* (Wells et al.);
  - (f) *Anoplophora glabripennis* (Motschulsky);
  - (g) *Aromia bungii* (Faldermann).
2. Official surveys carried out pursuant to paragraph 1(b) must include surveys for evidence of infection by *Gibberella circinata* Nirenberg & O’Donnell.
3. Official surveys carried out pursuant to paragraph 1(c) must include surveys for evidence of infestation by *Anoplophora chinensis* (Forster) on host plants.
4. Official surveys carried out pursuant to paragraph 1(d) must—
  - (a) include surveys for *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. on the plants, wood and bark to which schedule 12D applies and its vectors in the genus *Monochamus*; and
  - (b) consist of the collection of samples of that material and those vectors in accordance with sound scientific and technical principles and the laboratory testing of those samples in accordance with EPPO PM 7/4.
5. Official surveys carried out pursuant to paragraph 1(e) must—
  - (a) consist of visual examinations and, in the case of any suspicion of infection by *Xylella fastidiosa* (Wells et al.), the collection of samples and testing;
  - (b) be based on sound scientific and technical principles;
  - (c) be carried out at appropriate times of the year;
  - (d) take account of the available scientific and technical evidence, the biology of the plant pest and its vectors, the presence and the biology of the relevant material which may host or become infected with the plant pest; and
  - (e) include the screening of the plant pest in areas which have been demarcated under schedule 12E by one molecular test and, where the test is positive, by the carrying out, in line with international standards, of at least one additional positive molecular test.
6. Official surveys carried out under paragraph 1(f) must include surveys for evidence of infestation by *Anoplophora glabripennis* (Motschulsky) on host plants.

7. Official surveys carried out pursuant to paragraph 1(g) must—
- (a) consist of visual examinations and, in the case of any suspicion of infestation by *Aromia bungii* (Faldermann), collection of samples for pest identification; and
  - (b) take account of the available scientific and technical evidence, the biology of the plant pest and any other appropriate information concerning the presence of the plant pest.

8. In paragraph 4, “EPPO PM 7/4” means the standard describing a diagnostic protocol for *Bursaphelenchus xylophilus* approved by the European and Mediterranean Plant Protection Organization(a).

## PART B

*Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov.

8. Where signs of *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. nov. have been found on any plants in a place, other than a place of production, the Scottish Ministers must take appropriate measures to contain the plant pest.

## PART C

### Emergency measures: Scotland and England

9. This Part applies where there is evidence that a relevant plant pest is present in Scotland or England.

10. The Scottish Ministers must cooperate with the Commissioners to determine the extent of the area to be demarcated in relation to the infestation and the actions to be taken to eradicate and contain the relevant plant pest.

11. For the purposes of paragraph 10, the Scottish Ministers must ensure that the objectives of the demarcation and actions to be taken are consistent with the objectives and actions that would apply if the area were to be demarcated under the applicable schedule.

12. In this Part—

- (a) “relevant plant pest” means any of the following—
  - (i) *Gibberella circinata* Nirenberg & O’Donnell;
  - (ii) *Anoplophora chinensis* (Forster);
  - (iii) *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al.;
  - (iv) *Xylella fastidiosa* (Wells et al.);
  - (v) *Anoplophora glabripennis* (Motschulsky);
- (b) “applicable schedule”, in relation to a plant pest, means the schedule which makes provision about emergency measures in respect of that plant pest.

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(a) First approved by the European and Mediterranean Plant Protection Organization in September 2012 and available from its Secretariat at 21 Boulevard Richard Lenoir, 75011, Paris, France and at [https://www.eppo.int/RESOURCES/eppo\\_standards/pm10\\_phytosanitary\\_treatments](https://www.eppo.int/RESOURCES/eppo_standards/pm10_phytosanitary_treatments).

**Emergency measures: *Gibberella circinata* Nirenberg & O'Donnell****Application and interpretation**

1. This schedule applies where there is evidence that *Gibberella circinata* Nirenberg & O'Donnell is present in Scotland.

2. In this schedule—

“the plant pest” means *Gibberella circinata* Nirenberg & O'Donnell;

“susceptible plants” means any plants of the genus *Pinus* L. or the species *Pseudotsuga menziesii*, intended for planting, including seeds or cones for propagation purposes.

**Establishment of a demarcated area**

3. The Scottish Ministers must by notice demarcate an area in relation to the infestation consisting of—

- (a) an infected zone and a buffer zone around the infected zone; and
- (b) where two or more buffer zones around infected zones overlap or are geographically close, an area encompassing those infected zones and buffer zones and the areas between the buffer zones.

4. The infected zone must include the area in which the plant pest was found and all susceptible plants showing symptoms caused by the plant pest.

5. The boundary of the buffer zone must be at least one km beyond the boundary of the infected zone.

6. The demarcation of any infected zone and buffer zone for the purposes of paragraph 3 must be based on sound scientific principles, the biology of the plant pest and its vectors, the level of infection, the time of year and the distribution of susceptible plants.

7. If there is a confirmed finding of the plant pest outside an infected zone, the Scottish Ministers must either demarcate a further area or amend the original demarcated area in accordance with paragraphs 3 to 6 to take account of that finding.

8. Paragraph 3 does not apply in so far as any part of the area to be demarcated would be in England.

**Measures to be taken in a demarcated area**

9. Where the Scottish Ministers demarcate an area under paragraph 3, they must ensure that—

- (a) measures are taken for the purpose of eradicating the plant pest in the demarcated area; and
- (b) intensive monitoring is carried out in the demarcated area for the presence of the plant pest through appropriate inspections.

**Lifting of demarcation**

10. The Scottish Ministers may lift the demarcation that applies to an area which has been demarcated under paragraph 3 if the official surveys carried out pursuant to paragraph 1(b) of schedule 12A show that the plant pest has not been found to be present in the demarcated area in the two years prior to the lifting of the demarcation.

Emergency measures: *Anoplophora chinensis* (Forster)

## PART A

## Application and interpretation

1. This schedule applies where there is evidence that *Anoplophora chinensis* (Forster) is present in Scotland.
2. In this schedule—
  - “appropriate time”, in the case of paragraphs 11(a) and 12(a), means immediately or, in any case where the infested plants were found outside the flying period of the plant pest, before the start of the next flying period;
  - “demarcated area” means an area demarcated under paragraph 3;
  - “felling”, in relation to a plant, includes its removal;
  - “infested plant” means a plant which has been found to be infested with the plant pest;
  - “place of production” means a place of production which meets the requirements referred to in column 3 of item 2 of Part E of schedule 4;
  - “the plant pest” means *Anoplophora chinensis* (Forster);
  - “relevant period” means a period of at least four consecutive years which includes at least one life cycle of the plant pest and the year after;
  - “susceptible plants” means plants for planting, other than seeds, that have a stem or root collar diameter of one cm or more at their thickest point, of *Acer* spp., *Aesculus hippocastanum*, *Alnus* spp., *Betula* spp., *Carpinus* spp., *Citrus* spp., *Cornus* spp., *Corylus* spp., *Cotoneaster* spp., *Crataegus* spp., *Fagus* spp., *Lagerstroemia* spp., *Malus* spp., *Platanus* spp., *Populus* spp., *Prunus laurocerasus*, *Pyrus* spp., *Rosa* spp., *Salix* spp. or *Ulmus* spp.

## PART B

## Establishment of a demarcated area

3. The Scottish Ministers must by notice and without delay demarcate an area in relation to the infestation consisting of an infested zone and a buffer zone around the infested zone.
4. The infested zone must include the area in which the plant pest was found, all plants showing symptoms caused by the plant pest and, where appropriate, all plants belonging to the same lot at the time of planting.
5. The boundary of the buffer zone must be at least two km beyond the boundary of the infested zone, but may be reduced to one km beyond the boundary of the infested zone where the Scottish Ministers conclude that eradication of the plant pest is possible and remain of that view.
6. The demarcation of the infested zone and the buffer zone must be based on sound scientific principles, the biology of the plant pest, the level of infestation, the distribution of host plants in the area concerned and evidence of establishment of the plant pest.
7. If there is a confirmed finding of the plant pest outside the infested zone, the Scottish Ministers must either demarcate a further area or amend the original demarcated area in accordance with paragraphs 3 to 6 to take account of that finding.
8. Paragraph 3 is subject to paragraph 15.

9. This Part does not apply in so far as any part of the area to be demarcated would be in England.

## PART C

### Measures to be taken in a demarcated area

10. Where an area is demarcated under paragraph 3, the Scottish Ministers must ensure that measures are taken to eradicate the plant pest in the area or, where they have concluded that this is no longer possible, to contain the spread of the plant pest from the area.

11. The eradication measures must include—

- (a) the felling of all infested plants and plants with symptoms caused by the plant pest, other than any plant to which sub-paragraph (d) applies, and the complete removal of their roots at the appropriate time;
- (b) the felling of all susceptible plants within a radius of 100 m of an infested plant, other than any plant to which sub-paragraph (d) applies, and the examination of those plants for any sign of infestation;
- (c) the removal, examination and disposal of plants felled in accordance with sub-paragraphs (a) and (b) and their roots, taking all necessary precautions to avoid the spread of the plant pest during and after felling;
- (d) in any case where the Scottish Ministers conclude that the felling of an infested tree, any tree with symptoms caused by the plant pest or a susceptible plant within a radius of 100 m of an infested plant would not be appropriate and alternative eradication measures can be applied to offer the same level of protection to those measures, those alternative eradication measures;
- (e) the prevention of any movement of potentially infested plants out of the demarcated area;
- (f) the tracing back to the origin of the infestation and the tracing of plants associated with the infestation as far as possible, along with examinations of the plants traced for any sign that they are infested with the plant pest, which must include targeted destructive sampling;
- (g) where appropriate, the replacement of susceptible plants by other plants;
- (h) the prohibition on the planting of susceptible plants in the open air within a radius of 100 m of an infested plant, except in a place of production;
- (i) intensive monitoring for the presence of the plant pest by annual inspections at appropriate times on host plants, with specific focus on the buffer zone, including, where appropriate, targeted destructive sampling;
- (j) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within Scotland, including the conditions relating to the movement of susceptible plants from the demarcated area;
- (k) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication of the plant pest; and
- (l) any other measure which may contribute to the eradication of the plant pest, taking into account the guidelines in ISPM No. 9 and ISPM No. 14.

12. The containment measures must include—

- (a) the felling of all infested plants and plants with symptoms caused by the plant pest, other than any plant to which sub-paragraph (c) applies, and the complete removal of their roots at the appropriate time;

- (b) the removal, examination and disposal of plants felled in accordance with sub-paragraph (a) and their roots, taking all necessary precautions to avoid the spread of the plant pest after felling;
- (c) in any case where the Scottish Ministers conclude that the felling and the disposal of an infested tree or any tree with symptoms caused by the plant pest would not be appropriate and alternative containment measures can be applied to offer the same level of protection to those measures, those alternative containment measures;
- (d) the prevention of any movement of potentially infested plants out of the demarcated area;
- (e) where appropriate, the replacement of susceptible plants by other plants;
- (f) the prohibition on the planting of susceptible plants in the open air within a radius of 100 m of an infested plant, except in a place of production;
- (g) intensive monitoring for the presence of the plant pest by annual inspections at appropriate times on host plants, which must include targeted destructive sampling;
- (h) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within Scotland, including the conditions relating to the movement of susceptible plants from the demarcated area;
- (i) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay containment of the plant pest; and
- (j) any other measure which may contribute to the containment of the plant pest.

**13.** The Scottish Ministers must set time periods for the implementation of the measures to be carried out.

**14.** The Scottish Ministers may only conclude that it is not possible to eradicate the plant pest from a demarcated area where the results of official surveys carried out over a period of four or more consecutive years have confirmed the presence of the plant pest in the demarcated area and there is evidence that the plant pest can no longer be eradicated from the area.

## PART D

### Measures to be taken where no demarcated area is established

**15.** The Scottish Ministers need not demarcate an area in relation to a finding of the plant pest in Scotland where—

- (a) there is evidence that—
  - (i) the infestation has been caused by the movement of susceptible plants to the area of infestation and those plants were infested with the plant pest prior to their movement to that area; or
  - (ii) it is an isolated finding which is not expected to lead to the establishment of the plant pest; and
- (b) they have ascertained that the plant pest is not established in the area and will not successfully breed or spread if appropriate eradication measures are taken.

**16.** Where the Scottish Ministers do not demarcate an area for the reasons specified in paragraph 15(a) and (b), they must ensure that—

- (a) measures are immediately taken for the purpose of promptly eradicating the plant pest and preventing its spread;

- (b) over the relevant period, monitoring is carried out within one km of the infested plants or the place at which the plant pest was found, which must be regular and intensive in the first year;
- (c) the infested plants are destroyed;
- (d) tracing back to the origin of the infestation and tracing of plants associated with the infestation is carried out as far as possible, along with examinations of the plants traced for any sign that they are infested with the plant pest, which must include targeted destructive sampling;
- (e) activities to raise public awareness of the threat posed by the plant pest are carried out;
- (f) any other measure which may contribute to the eradication of the plant pest is taken, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

## PART E

### Lifting of demarcation

- 17.** The Scottish Ministers may lift the demarcation that applies to a demarcated area if—
- (a) the plant pest is not detected in the demarcated area over the relevant period during official surveys carried pursuant to paragraph 1(c) of schedule 12A or by the monitoring referred to in paragraph 11(i); or
  - (b) the conditions in paragraph 15(a) and (b) are satisfied.



Emergency measures: *Bursaphelenchus xylophilus* (Steiner et  
Buhrer) Nickle et al. (the pinewood nematode)

## PART A

## Application and interpretation

1. This schedule applies where there is evidence that *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. is present in a susceptible plant in Scotland in which it was previously not known to occur or where there is evidence that it is present in Scotland by other means.

2. In this schedule—

“appropriate samples”, in relation to a susceptible plant, means samples from several parts of the plant, including the crown, and any part where signs of activity of insect vectors are visible;

“appropriate sampling scheme” means a sampling scheme which is able to confirm with 99% reliability that the level of the plant pest in the plants being sampled and tested is below 0.1%;

“appropriate time”, in relation to the felling of susceptible plants, means—

(a) in the case of any plant identified outside the flight season of the vector, before the start of the next flight season;

(b) in the case of any plant identified during the flight season of the vector, immediately;

“authorised treatment facility” means a treatment facility authorised by the Scottish Ministers for the purposes of this schedule;

“demarcated area” means an area demarcated under paragraph 3;

“exempt plant” means any susceptible plant which the Scottish Ministers have concluded it would be inappropriate to fell;

“flight season of the vector” means the period beginning on 1st April and ending on 31st October or such other period as the Scottish Ministers consider appropriate;

“pest free area” means a demarcated area in respect of which there is evidence from surveys carried out for the presence of the vector in accordance with ISPM No. 4 that the vector has not been present in the area for at least three consecutive years;

“the plant pest” means *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. (the pinewood nematode);

“relevant movement restrictions”, in relation to susceptible plants, susceptible wood or susceptible bark, mean any restrictions that apply to their movement under this Order;

“residual material” means cut stems, cutting residues and naturally occurring debris showing signs of activity of insect vectors which are located in a part of the demarcated area where wilt symptoms of the susceptible plants are not expected to occur or are expected to be delayed;

“susceptible bark” means bark of conifers (Coniferales);

“susceptible plants” means plants, other than fruit and seeds, of *Abies* Mill., *Cedrus* Trew, *Larix* Mill., *Picea* A. Dietr., *Pinus* L., *Pseudotsuga* Carr. or *Tsuga* Carr.;

“susceptible wood” means wood of conifers (Coniferales), other than sawn wood or logs of *Taxus* L or *Thuja* L., which—

- (a) retains part or all of its natural round surface, with or without bark, or is in the form of chips, particles, shavings, sawdust, wood waste or scrap;
- (b) has not retained its round surface; or
- (c) is in the form of beehives or bird nesting boxes;

“the vector” means beetles belonging to the genus *Monochamus* Megerle in Dejean, 1821.

## PART B

### Establishment of a demarcated area

**3.** The Scottish Ministers must by notice and without delay demarcate an area in relation to the infestation consisting of—

- (a) the infested zone (being the area in which the plant pest was found to be present); and
- (b) a buffer zone around the infested zone.

**4.** The buffer zone must have a diameter of at least 20 km, which may be reduced to 6 km, if the eradication measures referred to in paragraph 9 are being taken and the Scottish Ministers consider that the reduction will not jeopardise the effectiveness of the eradication measures.

**5.** Where the plant pest is found to be present in the buffer zone and eradication measures are not being taken in the demarcated area, the Scottish Ministers must demarcate a further area in accordance with paragraphs 3 and 4 to take account of that finding.

**6.** Where the plant pest is found to be present in the buffer zone and eradication measures are being taken in the demarcated area, the Scottish Ministers must either demarcate a further area or amend the original demarcated area in accordance with paragraphs 3 and 4 to take account of that finding.

**7.** This Part does not apply in so far as any part of the area to be demarcated would be in England.

## PART C

### Eradication measures

**8.** This Part applies where an area is demarcated under paragraph 3 by the Scottish Ministers.

**9.** The Scottish Ministers must ensure that the following measures are taken under official supervision to eradicate the plant pest—

- (a) the establishment of a clear-cut zone around each susceptible plant in which the plant pest has been found to be present in accordance with paragraph 10;
- (b) the felling, removal and disposal of all susceptible plants, other than any exempt plants, in a clear-cut zone, taking all necessary precautions to avoid spreading the plant pest and the vector during felling;
- (c) the taking of appropriate samples from the susceptible plants felled and any residual material in the clear-cut zone;
- (d) the testing of those samples for the presence of the plant pest;

- (e) the carrying out of the following surveys—
  - (i) surveys of the susceptible plants and residual material in the demarcated area, during and outside the flight season of the vector, in accordance with paragraph 11; and
  - (ii) surveys of the vector itself during the flight season of the vector in accordance with paragraph 12, which must be intensive in any area affected by fire or storm;
- (f) the identification of all susceptible plants in the demarcated area which are infested with the plant pest or which are dead, in poor health or affected by fire or storm;
- (g) the felling, at the appropriate time, of—
  - (i) all susceptible plants in the demarcated area which have been found to be infested with the plant pest;
  - (ii) in the case of any plants in a pest free area, all susceptible plants which have been found to be infested following their sampling and testing using an appropriate sampling scheme; and
  - (iii) in the case of any plants in a demarcated area which is not a pest free area, all susceptible plants in the demarcated area which are dead, in poor health or affected by fire or storm;
- (h) in the case of felled susceptible plants in the demarcated area in which the plant pest has not already been found to be present, the sampling and testing of those plants using an appropriate sampling scheme;
- (i) the disposal of all felled susceptible plants and the resulting logging remains, taking all necessary precautions to avoid spreading the plant pest and the vector during felling, by their destruction on site or their removal and the treatment of their wood and bark in accordance with paragraph 13;
- (j) in the case of any place of production of plants for planting in which the plant pest has been detected on susceptible plants grown at the place of production since the beginning of the last complete growing cycle, the removal and disposal of those plants, taking all necessary precautions to avoid spreading the plant pest and the vector;
- (k) the identification of all felled susceptible plants in the buffer zone which are not subject to the preceding measures and the removal of those plants and their logging remains, taking all necessary precautions to avoid spreading the plant pest and the vector;
- (l) in the case of any exempt plants, the application of alternative eradication measures to their felling, removal and disposal to prevent any possible spread of the plant pest from the plants;
- (m) in the case of any clear-cut zone which has been reduced for the reasons specified in paragraph 10(a)—
  - (i) the inspection, during or after the flight season of the vector, of those susceptible plants which are located between 100 m and 500 m of an infested susceptible plant for signs or symptoms of the presence of the plant pest;
  - (ii) the taking of appropriate samples of any plant inspected under paragraph (i) which shows signs or symptoms of the presence of the plant pest and the testing of those samples for the presence of the plant pest;
  - (iii) the carrying out of intensive surveys of the vector by sampling and testing individual vectors for the presence of the plant pest in the area located between 100 m and 500 m of an infested susceptible plant; and
  - (iv) the application of alternative eradication measures to their felling, removal and disposal to prevent any possible spread of the plant pest from the susceptible plants; and

- (n) the production of a hygiene protocol setting out the hygiene procedures for vehicles transporting forest products and machinery for processing forest products to ensure that the plant pest cannot be spread with those vehicles and machinery.

**10.** Any clear-cut zone must be established promptly in light of the risk of transmission of the plant pest by the vector from the susceptible plant in which it was found and must have a minimum initial radius of 500 m, which may be reduced to 100 m if—

- (a) the Scottish Ministers conclude that the creation of a clear-cut zone with a radius of 500 m would have unacceptable social or environmental impacts; or
- (b) the Scottish Ministers have evidence from surveys carried out for the presence of the vector in accordance with ISPM No. 4 that the vector has not been present in the area during the preceding three years.

**11.** When carrying out any survey of any susceptible plants and residual material in a demarcated area, the survey must—

- (a) include the inspection, sampling and testing of those plants and that material for the presence of the plant pest;
- (b) focus in particular on susceptible plants which are dead, in poor health or affected by fire or storm; and
- (c) be carried out at an appropriate rate which ensures that the intensity of the survey in the area lying within a radius of 3000 m of an infested susceptible plant is at least four times higher than in the rest of the buffer zone outside that area.

**12.** When carrying out any survey of the vector in a demarcated area during the flight season, the survey must include the inspection, sampling and testing of the vector for the presence of the plant pest.

**13.** In the case of susceptible wood identified in the demarcated area during the flight season of the vector, the logs must either—

- (a) be—
  - (i) stripped of their bark, treated with an insecticide known to be effective against the vector or covered with an insect net drenched with such an insecticide immediately after felling;
  - (ii) promptly removed to a storage place or to an authorised treatment facility; and
  - (iii) in the case of any logs retaining their bark, treated with an insecticide known to be effective against the vector or covered with an insect net drenched with such an insecticide immediately on arrival at the storage place or the authorised treatment facility; or
- (b) where the Scottish Ministers conclude that the actions described in paragraph (i) would not be effective, be immediately destroyed on site and chipped into pieces less than 3 cm thick and 3 cm wide.

## PART D

### Containment measures

**14.** This Part applies—

- (a) where—
  - (i) annual surveys carried out pursuant to paragraph 9(e) over a minimum period of four consecutive years and the experience gathered by the Scottish Ministers shows that, in the particular circumstances, it is impossible to eradicate the plant pest; or
  - (ii) there is evidence of the presence of the plant pest throughout the infested zone of a demarcated area, the infested zone exceeds 20 km and the experience

gathered shows that in the particular circumstances, it is impossible to eradicate the plant pest in the infested area; and

- (b) where the Scottish Ministers have concluded that it would not be appropriate to continue to apply the eradication measures in Part C.

**15.** The Scottish Ministers must ensure that the following measures are taken under official supervision to contain the plant pest—

- (a) the carrying out of annual surveys of susceptible plants and the vector in the infested zone or zones in the demarcated area;
- (b) the felling of all susceptible plants in the infested zone or zones in which the plant pest has been found to be present and the removal and disposal of those plants and their felling remains, taking all necessary precautions to avoid spreading the plant pest and the vector;
- (c) the carrying out of the following surveys in the buffer zone of the demarcated area in accordance with paragraphs 16 and 17—
  - (i) surveys, during and outside the flight season of the vector, of susceptible plants and residual material; and
  - (ii) surveys, during the flight season of the vector, of the vector itself;
- (d) the identification of all susceptible plants in the buffer zone which are infested with the plant pest or which are dead, in poor health or affected by fire or storm;
- (e) the felling, at the appropriate time, of all susceptible plants in the buffer zone which have been found to be infested with the plant pest, taking all necessary precautions to avoid spreading the plant pest and the vector during felling;
- (f) the disposal of all felled susceptible plants and the resulting logging remains in the buffer zone, taking all necessary precautions to avoid spreading the plant pest and the vector during their disposal, by—
  - (i) their immediate destruction on site;
  - (ii) their movement under official control from the buffer zone into the infested zone or zones; or
  - (iii) their removal and the treatment of their wood and bark in accordance with paragraph 18;
- (g) in the case of felled susceptible plants in the buffer zone in which the plant pest has not already been found to be present, the removal of those plants and their logging remains, taking all necessary precautions to ensure that they do not attract the plant pest or the vector;
- (h) the identification of all felled susceptible plants in the buffer zone which are not subject to any of the preceding measures in this paragraph and the removal of those plants and their logging remains, taking all necessary precautions to avoid spreading the plant pest and the vector; and
- (i) the production of a hygiene protocol setting out the hygiene procedures for vehicles transporting forest products and machinery for processing forest products to ensure that the plant pest cannot be spread with those vehicles and machinery.

**16.** When carrying out a survey of susceptible plants and residual material in a demarcated area, the survey must—

- (a) include the inspection, sampling and testing of those plants and that material for the presence of the plant pest;
- (b) focus in particular on susceptible plants which are dead, in poor health or affected by fire or storm; and
- (c) be carried out at an appropriate rate which ensures that the intensity of the survey in the area lying within a radius of 3000 m of an infested susceptible plant is at least four times higher than in the rest of the buffer zone outside that area.

**17.** When carrying out any survey of the vector in a demarcated area during the flight season, the survey must include the inspection, sampling and testing of the vector for the presence of the plant pest.

**18.** In the case of susceptible wood identified in the demarcated area during the flight season of the vector, the logs must either—

- (a) be—
  - (i) stripped of their bark, treated with an insecticide known to be effective against the vector or covered with an insect net drenched with such an insecticide immediately after felling;
  - (ii) promptly removed to a storage place or to an authorised treatment facility; and
  - (iii) in the case of any logs retaining their bark, treated with an insecticide known to be effective against the vector or covered with an insect net drenched with such an insecticide immediately on arrival at the storage place or the authorised treatment facility; or
- (b) where the Scottish Ministers conclude that the actions described in sub-paragraph (a) would not be effective, be immediately destroyed on site and chipped into pieces less than 3 cm thick and 3 cm wide.

## PART E

### Other measures

**19.** Where an area is demarcated under paragraph 3 by the Scottish Ministers, they must ensure that—

- (a) operators and the public are informed of the measures taken in accordance with Parts C and D; and
- (b) frequent random checks are carried out on susceptible plants, susceptible wood and susceptible bark which are being moved from the demarcated area to another demarcated area or from the infested zone to the buffer zone in the demarcated area.

**20.** The Scottish Ministers must ensure that the checks referred to in paragraph 19(b) are based on the risk that the plants or wood and bark in question carry live pinewood nematodes, taking into account the provenance of the consignment, the degree of susceptibility of the plants or wood and bark in question and past compliance by the operator with any relevant movement restrictions or any other measure imposed on the operator to eradicate or contain the plant pest.

**21.** Any checks must be carried out—

- (a) at the points where they are moved from the infested zone into the buffer zone;
- (b) at the points where they are moved from the buffer zone into an area outside the demarcated area;
- (c) at their place of destination in the buffer zone; and
- (d) at their place of origin in the infested zone, including sawmills.

**22.** The checks must include—

- (a) an examination to ascertain that the plants, wood or bark is accompanied by a UK plant passport;
- (b) an examination to ascertain the identity of the relevant material being moved; and
- (c) an examination of the plants, wood or bark to ascertain whether they meet the requirements of this Order relating to their movement, and testing for the presence of the plant pest where the movement of material is or is suspected to be in breach

of restrictions on the movement of susceptible plants, susceptible wood or susceptible bark under this Order or with any other measure imposed on the operator to eradicate or contain the plant pest.

**23.** The Scottish Ministers must ensure that random checks are carried out on susceptible plants, susceptible wood and susceptible bark moving from a demarcated area situated outside its territory into its territory.

**24.** Where any random check reveals that the susceptible plants, susceptible wood or susceptible bark are being moved in contravention of any movement restrictions referred to in paragraph 22(c), the Scottish Ministers must ensure that—

- (a) the susceptible plants, susceptible wood or susceptible bark are destroyed under official supervision;
- (b) the susceptible plants, susceptible wood or susceptible bark are moved under official supervision to an authorised treatment facility for heat treatment; or
- (c) where the susceptible material consists of wood packaging material actually in use in the transport of objects, the wood packaging material is returned under official supervision to the place of dispatch or a location nearby the place of interception for repackaging those objects and destruction of the wood packaging material.

## PART F

### Authorisation of treatment facilities

**25.** Where an area is demarcated under paragraph 3 by the Scottish Ministers, they must by notice designate the treatment facilities that are authorised by they to—

- (a) carry out appropriate heat treatment for the purposes of item 7 of Part E of the list of regulated material;
- (b) issue UK plant passports for susceptible wood and bark which they have treated for the purposes of item 7 of Part E of the list of regulated material;
- (c) treat wood packaging material for the purposes of item 7 of Part E of the list of regulated material; and
- (d) mark beehives and bird nesting boxes for the purposes of item 7 of Part E of the list of regulated material.

**26.** The Scottish Ministers must ensure that—

- (a) each treatment facility which is authorised for the purposes of paragraph 25 has systems in place to guarantee the traceability of any susceptible wood or susceptible bark that it treats;
- (b) each treatment facility which is authorised to apply the mark specified in Annex 2 to ISPM No. 15 uses wood which has been treated by an authorised treatment facility and has systems in place to guarantee the traceability of the treated wood back to the treatment facility at which it was treated.

**27.** The Scottish Ministers must ensure that the treatment facilities that they have authorised are subject to official supervision.

**28.** The Scottish Ministers must withdraw any authorisation granted to a treatment facility where they become aware of the presence of the plant pest in susceptible wood, susceptible bark or wood packaging material treated by the treatment facility or in susceptible wood packaging material marked by the treatment facility.

## PART G

### Lifting of demarcation

**29.** The Scottish Ministers may lift the demarcation which applies to a demarcated area if—

- (a) official surveys show that the plant pest has not been found to be present in the demarcated area in the four years prior to the lifting of the demarcation; or
- (b) the Scottish Ministers have evidence from the surveys carried out for the presence of the vector in accordance with ISPM No. 4 that the vector has not been present in the area for the three years prior to the lifting of the demarcation, and the absence of the vector has been confirmed by sampling and testing.



Emergency measures: *Xylella fastidiosa* (Wells et al.)

## PART A

## Application and interpretation

1. This schedule applies where *Xylella fastidiosa* (Wells et al.) is confirmed to be present in Scotland.
2. In this schedule—
  - “demarcated area” means an area demarcated under paragraph 5;
  - “infected plant” means a plant which has been tested and found to be infected by the plant pest;
  - “the plant pest” means *Xylella fastidiosa* (Wells et al.);
  - “susceptible plants” means host plants, intended for planting, belonging to the genera or species listed in the list of *Xylella* host plants.
3. Any test or survey which is carried out for the purposes of paragraph 7(b), 25(b)(ii) or 26 must be based on a sampling scheme capable of identifying with 99% reliability a level of presence of infected plants of 1% or above.
4. Any survey which is carried out for the purposes of paragraph 7(c) or 16(g) must be based on a grid split of 100 m x 100 m squares within a zone of a width of at least 1 km surrounding the infected zone and a grid split of 1 km x 1 km squares within the rest of the buffer zone.

## PART B

## Establishment of a demarcated area

5. The Scottish Ministers must by notice and without delay demarcate an area in relation to the infection consisting of an infected zone and a buffer zone around the infected zone.
6. The infected zone must include all plants known to be infected by the plant pest, all plants showing symptoms indicating possible infection by the plant pest and all other plants liable to be infected by the plant pest due to their close proximity to infected plants or a known common source of production with infected plants or plants grown from them.
7. The boundary of the buffer zone must be at least five km beyond the boundary of the infected zone, but may be reduced to one km beyond the boundary of the infected zone where the Scottish Ministers conclude with a high degree of confidence that the initial presence of the plant pest has not resulted in any spread of the plant pest and the following conditions have been met—
  - (a) all host plants within a radius of 100 m of the infected plant have been promptly removed;
  - (b) no other plants have been found infected by the plant pest in the infected zone following official tests which have been carried out at least once during the course of the year and which targeted symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones;
  - (c) a delimiting survey has been carried out in the zone surrounding the infected zone that extended at least 2.5 km beyond the boundary of the infected zone, which

included visual inspections of susceptible plants and the sampling and testing of symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic plants; and

- (d) the possibility of natural spread of the plant pest has been excluded as a result of tests which have been carried out twice during the flight season of the relevant vector and in accordance with international guidelines in which no vectors carrying the plant pest have been detected in the infected zone.

**8.** The demarcation of the infected zone and the buffer zone must be based on sound scientific principles, the biology of the plant pest and its vectors, the level of infection, the distribution of the susceptible plants in the area concerned and the presence of vectors of the plant pest.

**9.** Where the infection is limited to one particular sub-species of the plant pest which has been identified by one positive molecular test carried out in line with international standards, the demarcation may be based on that sub-species alone.

**10.** If there is a confirmed finding of the plant pest in the buffer zone, the Scottish Ministers must either demarcate a further area or amend the original demarcated area in accordance with paragraphs 5 to 9 to take account of that finding.

**11.** The Scottish Ministers must maintain a list of demarcated areas in their territory and publish that list.

**12.** Paragraph 5 is subject to paragraph 23.

**13.** This Part does not apply in so far as any part of the area to be demarcated would be in England.

## PART C

### Eradication measures

**14.** This Part applies where an area is demarcated under paragraph 5 by the Scottish Ministers.

**15.** The Scottish Ministers must ensure that measures are taken to eradicate the plant pest.

**16.** The eradication measures must include—

- (a) the immediate removal of the following plants within a radius of 100 m of each infected plant, other than any plants to which paragraph 17 applies—
  - (i) host plants, regardless of their health status;
  - (ii) plants known to be infected by the plant pest; and
  - (iii) plants showing symptoms indicating possible infection by the plant pest or which are suspected to be infected by the plant pest;
- (b) in the case of any plants to which paragraph 17 applies—
  - (i) the official inspection of those plants during the flight season of relevant vectors for symptoms of the plant pest and measures to ensure their physical isolation; and
  - (ii) their sampling and testing for the presence of the plant pest where symptoms of the plant pest are present;
- (c) the sampling and testing of susceptible plants within a radius of 100 m of each infected plant in accordance with ISPM No. 31;
- (d) the application of appropriate phytosanitary treatments against vectors of the plant pest and plants that may host those vectors prior to the removal of any plants under sub-paragraph (a);

- (e) the destruction of the plants removed under sub-paragraph (a) either in situ or in a nearby location designated for this purpose within the infected zone in a manner that ensures that the plant pest is not spread;
- (f) appropriate investigations to identify the origin of the infection, which must include the tracing of susceptible plants associated with the infected plants (including those that were moved before the demarcated area was established);
- (g) annual surveys to monitor the presence of the plant pest, which must include visual inspections of susceptible plants and the sampling and testing of symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones;
- (h) the prohibition on the planting of host plants in the infected zone, except where they are physically protected against the introduction of the plant pest by its vectors;
- (i) the raising of public awareness of the threat of the plant pest and the measures adopted to prevent its introduction and spread and the setting up of road signs to delineate the demarcated area;
- (j) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication of the plant pest;
- (k) the application of appropriate agricultural practices for the management of the plant pest and its vectors; and
- (l) any other measure which may contribute to the eradication of the plant pest, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

**17.** The Scottish Ministers may decide that individual host plants officially designated as plants with historic value need not be removed if the following conditions are met—

- (a) the host plants have been sampled and tested and have been confirmed not to be infected by the plant pest;
- (b) the individual host plants have, or the area concerned has, been physically isolated in an appropriate manner from relevant vectors for the purpose of preventing the spread of the plant pest;
- (c) appropriate agricultural practices for the management of the plant pest and its vectors have been applied.

## PART D

### Other measures

**18.** Where an area is demarcated under paragraph 5 by the Scottish Ministers, they must ensure that regular official checks are carried out on susceptible plants which are being moved out of the demarcated area, or from the infected zone to the buffer zone in the demarcated area.

**19.** The Scottish Ministers must ensure that the checks referred to in paragraph 18 are carried out at—

- (a) the points where the susceptible plants are moved from the infected zone into the buffer zone;
- (b) the points where the susceptible plants are moved from the buffer zone into an area outside the demarcated area;
- (c) their place of destination in the buffer zone; and
- (d) their place of destination outside the demarcated zone.

**20.** The checks must include an examination of the UK plant passport accompanying the plants and an examination to ascertain the identity of the material in the consignment.

**21.** The intensity of the checks must be based on the risk of the plants carrying the plant pest or its known or potential vectors, taking into account—

- (a) the provenance of the lots in the consignment;
- (b) the degree of susceptibility of the plants; and
- (c) the extent to which each operator in the demarcated area has complied with the restrictions on the movement of susceptible plants under this Order and with any other official measure imposed on the operator to eradicate or contain the plant pest.

**22.** Where any checks carried out pursuant to paragraph 18 show that the plants do not comply with the requirements specified under this Order in relation to their movement, the Scottish Ministers must ensure that those plants are destroyed immediately in situ or in a nearby location and that all necessary precautions to avoid the spread of the plant pest and its vectors are taken during and after removal.

## PART E

### Measures to be taken where no demarcated area is established

**23.** The Scottish Ministers need not demarcate an area in relation to a finding of the plant pest in Scotland where—

- (a) there is evidence—
  - (i) that the infection has been caused by the recent movement of susceptible plants to the area in which the plant pest was found; or
  - (ii) that the plant pest has been found in a site with physical protection from the vectors of the plant pest;
- (b) there is evidence that the susceptible plants were infected with the plant pest before they were introduced into that area; and
- (c) no vectors carrying the plant pest have been detected in tests carried out in accordance with internationally validated testing methods in the vicinity of those plants.

**24.** Where the Scottish Ministers do not demarcate an area for the reasons specified in paragraph 23(a) to (c), they must ensure that annual surveys are carried out for a period of at least two years beginning on the date of their decision not to demarcate the area, in order to determine whether any other plants are or have been infected with the plant pest.

## PART F

### Lifting of demarcation

**25.** The Scottish Ministers may lift the demarcation that applies to a demarcated area if—

- (a) the plant pest is not detected in the demarcated area over a period of five years in official surveys carried out pursuant to paragraph 1(e) of schedule 12A or by the monitoring referred to in paragraph 16(g); and
- (b) where the buffer zone has been reduced in accordance with paragraph 7, one year after the date of its initial establishment if the following conditions are met—
  - (i) the measures described in paragraphs 7(a) to (d) have been taken and, as a result, the Scottish Ministers are able to conclude with a high degree of confidence that the initial presence of the plant pest was an isolated case and no further spread has occurred in the demarcated area; and
  - (i) as close as practically possible to the time of lifting, official tests have been carried out in the demarcated area in accordance with international standards,

which targeted symptomatic plants and asymptomatic plants in the proximity of the symptomatic plants.

**26.** Where the demarcation of an area is lifted under paragraph 25(b), the Scottish Ministers must ensure that the susceptible plants located in that area are subject to intensive surveys for a period of two years following the date of the lifting of the demarcation.

**27.** Those surveys must—

- (a) be carried out in accordance with international standards;
- (b) be based on scientific and technical principles relating to the potential spread of the plant pest in the immediate surroundings; and
- (c) include the targeting of symptomatic plants and asymptomatic plants in the proximity of the symptomatic plants.

## SCHEDULE 12F

Article 37A(7)

### Emergency measures: *Anoplophora glabripennis* (Motschulsky)

#### PART A

##### Application and interpretation

1. This schedule applies where *Anoplophora glabripennis* (Motschulsky) is confirmed to be present in Scotland.

2. In this schedule—

“appropriate time”, in relation to the felling of susceptible plants, means—

(a) in the case of any plant identified outside the flight season of the plant pest, before the next flight season;

(b) in the case of any plant identified during the flight season of the plant pest, immediately;

“demarcated area” means an area demarcated under paragraph 3;

“infested plant” means a plant which has been found to be infested with the plant pest;

“the plant pest” means *Anoplophora glabripennis* (Motschulsky);

“the relevant period” means four consecutive years which includes at least one life cycle of the plant pest and the year after;

“susceptible plants” means plants for planting, other than seeds, that have a stem diameter of one cm or more at their thickest point of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp.;

“susceptible wood” means wood, obtained in whole or in part of the specified plants, other than wood packaging material, but including wood that has not retained its natural round surface which meets one of the following descriptions—

<i>CN code</i>	<i>Description</i>
CN 4401 10 00	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
CN 4401 22 00	Non-coniferous wood, in chips or particles
CN ex 4401 39 80	Other wood waste and scrap, not agglomerated in logs, briquettes, pellets or similar forms
CN 4403 10 00	Wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared
CN 4403 92	Wood of beech ( <i>Fagus</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared
CN ex 4403 99	Non-coniferous wood (other than, beech ( <i>Fagus</i> spp.), poplar ( <i>Populus</i> spp.) or birch ( <i>Betula</i> spp.)), in the rough, whether or not stripped of bark or sapwood, or roughly squared
CN 4403 99 10	Wood of poplar ( <i>Populus</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared
CN 4403 99 51	Sawlogs of birch ( <i>Betula</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared
CN 4403 99 59	Wood of birch ( <i>Betula</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than sawlogs

CN ex 4404 20 00	Non-coniferous split poles, piles, pickets and stakes of wood, pointed but not sawn lengthwise
CN 4406	Railway or tramway sleepers (cross-ties) of wood
CN 4407 92 00	Wood of beech ( <i>Fagus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
CN 4407 93	Wood of maple ( <i>Acer</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
CN 4407 95	Wood of ash ( <i>Fraxinus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
CN ex 4407 99	Non-coniferous wood (other than beech ( <i>Fagus</i> spp.), maple ( <i>Acer</i> spp.), ash ( <i>Fraxinus</i> spp.) or poplar ( <i>Populus</i> spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
CN 4407 99 91	Wood of poplar ( <i>Populus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
CN 9406 00 20	Prefabricated buildings of wood

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## PART B

### Establishment of demarcated area

**3.** The Scottish Ministers must by notice and without delay demarcate an area in relation to the infestation consisting of an infested zone and a buffer zone around the infested zone.

**4.** The infested zone must include the area in which the plant pest was found and all plants showing symptoms caused by that plant pest.

**5.** The boundary of the buffer zone must be at least two km beyond the boundary of the infested zone, but may be reduced to one km beyond the boundary of the infested zone if the Scottish Ministers conclude that eradication of the plant pest is possible and for so long as they remain of that view.

**6.** The demarcation of the infested zone and the buffer zone must be based on sound scientific principles, the biology of the plant pest, the level of infestation, the distribution of the host plants in the area concerned and evidence of establishment of the plant pest.

**7.** If there is a confirmed finding of the plant pest outside the infested zone, the Scottish Ministers must either demarcate a further area or amend the original demarcated area in accordance with paragraphs 3 to 6 to take account of that finding.

**8.** Paragraph 3 is subject to paragraph 15.

**9.** This Part does not apply in so far as any part of the area to be demarcated would be in England.

## PART C

### Measures to be taken in a demarcated area

**10.** Where an area is demarcated under paragraph 3, the Scottish Ministers must ensure that measures are taken within the demarcated area to eradicate the plant pest in the area or, where they have concluded that eradication of the plant pest is no longer possible, to contain the spread of the plant pest from the area.

**11. The eradication measures must include—**

- (a) the felling of all infested plants and plants with symptoms caused by the plant pest, and the complete removal of their roots if larval galleries are observed below the root collar of the infested plants, at the appropriate time;
- (b) the felling of all susceptible plants within a radius of 100 m of an infested plant, other than any plant to which sub-paragraph (d) applies, and the examination of those plants for any sign of infestation;
- (c) the removal, examination and disposal of plants felled in accordance with sub-paragraphs (a) and (b), and where necessary their roots, taking all necessary precautions to avoid the spread of the plant pest during and after felling;
- (d) in any case where the Scottish Ministers conclude that the felling and disposal of any infested plant, any plant with symptoms caused by the plant pest or any susceptible plant within a radius of 100 m of an infested plant would not be appropriate due to the particular social, cultural or environmental value of the plant, regular detailed examination of any sign of infestation and the application of measures equivalent to its felling and disposal to prevent any possible spread of the plant pest from the plant;
- (e) the prohibition of any movement of potentially infested plants out of the demarcated area;
- (f) the tracing back to the origin of the infestation and the tracing of plants and wood associated with the infestation as far as possible, along with examinations of the plants and wood traced for any sign that they are infested with the plant pest, which must include targeted destructive sampling;
- (g) where appropriate, the replacement of susceptible plants by other plants;
- (h) the prohibition on the planting of susceptible plants in the open air within a radius of 100 m of an infested plant, except in a place of production authorised by the Scottish Ministers;
- (i) intensive monitoring for the presence of the plant pest on host plants by annual inspections at appropriate times on host plants, with specific focus on the buffer zone, which must include at least one inspection a year using techniques capable of detecting infestation at crown height and, where appropriate, targeted destructive sampling;
- (j) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within Scotland, including the conditions relating to the movement of susceptible plants and susceptible wood from the demarcated area;
- (k) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication of the plant pest; and
- (l) any other measure which may contribute the eradication of the plant pest, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

**12. The containment measures must include—**

- (a) the following measures—
  - (i) the felling of all infested plants and plants with symptoms caused by the plant pest and the complete removal of their roots if larval galleries are observed below the root collar of the infested plants, at the appropriate time; and
  - (ii) the removal, examination and disposal of plants felled in accordance with paragraph (i) and, where necessary, their roots, taking all necessary precautions to avoid the spread of the plant pest after felling; or
- (b) the prohibition of any movement of potentially infested plants out of the demarcated area;



- (c) where appropriate, the replacement of susceptible plants by other plants;
- (d) the prohibition on the planting of susceptible plants in the open air within a radius of 100 m of an infested plant, except in a place of production authorised by the Scottish Ministers;
- (e) intensive monitoring for the presence of the plant pest on host plants, with specific focus on the buffer zone, which must include at least one inspection a year using techniques capable of detecting infestation at crown height and, where appropriate, targeted destructive sampling;
- (f) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within Scotland, including the conditions relating to the movement of susceptible plants and susceptible wood from the demarcated area;
- (g) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication of the plant pest; and
- (h) any other measure which may contribute to the containment of the plant pest.

**13.** The Scottish Ministers must set time periods for the implementation of the eradication and containment measures to be carried out.

**14.** The Scottish Ministers may only conclude that it is not possible to eradicate the plant pest from a demarcated area where the results of official surveys carried out over the relevant period have confirmed the presence of the plant pest in the demarcated area and there is evidence that the plant pest can no longer be eradicated from the area.

## PART D

### Measures to be taken where no demarcated area is established

**15.** The Scottish Ministers need not demarcate an area in relation to a finding of the plant pest in Scotland—

- (a) where there is evidence that—
  - (i) the infestation has been caused by the movement of susceptible plants or susceptible wood to the area in which the plant pest was found and that the susceptible plants or susceptible wood were infested with the plant pest before that movement; or
  - (ii) it is an isolated finding which is not expected to lead to the establishment of the plant pest; and
- (b) where they have ascertained from a specific investigation that the plant pest is not established in the area and that it will not successfully breed or spread due to its biology if appropriate eradication measures are taken.

**16.** Where the Scottish Ministers do not demarcate an area for the reasons specified in paragraph 15(a) and (b), they must ensure that—

- (a) measures are taken immediately for the purpose of promptly eradicating the plant pest and preventing its spread;
- (b) monitoring is carried out over the relevant period for the presence of the plant pest in the area which lies within a radius of one km of the infested plants or infested wood or the place where the plant pest was found, which must be regular and intensive in the first year;
- (c) all infested plants and wood are destroyed;
- (d) tracing back to the origin of the infestation and tracing of plants and wood associated with the infestation is carried out as far as possible, along with

examinations of the plants and wood traced for any sign that they are infested with the plant pest, which must include targeted destructive sampling;

- (e) activities to raise public awareness of the threat posed by the plant pest are carried out; and
- (f) any other measure which may contribute to the containment of the plant pest, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

## PART E

### Lifting of demarcation

**17.** The Scottish Ministers may lift the demarcation that applies to a demarcated area—

- (a) if the plant pest is not detected in the area over a relevant period during official surveys carried pursuant to paragraph 1(f) of schedule 12A and the monitoring referred to in paragraph 11(i); or
- (b) in any case where, following further investigation, it is clear that the area need not have been demarcated for the reasons specified in paragraph 15(a) and (b).

## SCHEDULE 12G

Article 37A(8)

### Emergency measures: *Aromia bungii* (Faldermann)

#### PART A

##### Application and interpretation

1. This schedule applies where *Aromia bungii* (Faldermann) is confirmed to be present in Scotland.

2. In this schedule—

“appropriate time”, in relation to the felling of susceptible plants, means—

- (a) in the case of any plant identified outside the flight season of the plant pest, before the next flight season;
- (b) in the case of any plant identified during the flight season of the plant pest, immediately;

“demarcated area” means an area demarcated under paragraph 3;

“infested plant” means a plant which has been found to be infested with the plant pest;

“infested wood” means wood which has been found to be infested with the plant pest;

“infested wood packaging material” means wood packaging material which has been found to be infested with the plant pest;

“the plant pest” means *Aromia bungii* (Faldermann);

“susceptible plants” means plants for planting, other than seeds, that have a stem diameter of one cm or more at their thickest point of *Prunus* spp., other than *Prunus laurocerasus* L.;

“susceptible wood” means wood, obtained in whole or in part from susceptible plants, which meets one of the following descriptions—

<i>CN Code</i>	<i>Description</i>
CN 4401 12 00	Non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
CN 4401 22 00	Non-coniferous wood, in chips or particles
CN 4401 40	Sawdust and wood waste and scrap, not agglomerated
CN 4403 12 00	Non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared
CN ex 4404 20 00	Non-coniferous hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like
CN 4406	Railway or tramway sleepers (cross-ties) of wood
CN 4407 94	Wood of cherry ( <i>Prunus</i> spp.) sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
CN 4416 00 00	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves
CN 9406 10 00	Prefabricated buildings of wood

“susceptible wood packaging material” means wood packaging material obtained in whole or in part from susceptible plants.

## PART B

### Establishment of demarcated area

**3.** The Scottish Ministers must by notice and without delay demarcate an area in relation to the infestation consisting of an infested zone and a buffer zone around the infested zone.

**4.** The infested zone must include the area in which—

- (a) the plant pest was found;
- (b) all plants known to be infested by the plant pest are located;
- (c) all plants showing signs or symptoms indicating possible infestation by the plant pest are located; and
- (d) all plants which may be or may become infested by the plant pest, including any plants which may be or may become infested with the plant pest due to their susceptibility to the plant pest and their close proximity to infested plants or a common source of production, if known, with infested plants or plants grown from them.

**5.** The boundary of the buffer zone—

- (a) must initially be at least two km beyond the boundary of the infested zone, but may be reduced to one km beyond the boundary of the infested zone if the Scottish Ministers conclude that eradication of the plant pest is possible and for so long as they remain of that view; or
- (b) where the Scottish Ministers subsequently conclude in accordance with paragraph 13 that eradication of the plant pest is no longer possible, must be at least four km beyond the boundary of the infested zone.

**6.** The demarcation of the infested zone and the buffer zone must be based on sound scientific principles, the biology of the plant pest, the level of infestation, the distribution of susceptible plants and susceptible wood in the area concerned and evidence of establishment of the plant pest.

**7.** If there is a confirmed finding of the plant pest in the buffer zone, the Scottish Ministers must amend the original demarcated area in accordance with paragraphs 3 to 6 to take account of that finding.

**8.** Paragraph 3 is subject to paragraph 14.

**9.** This Part does not apply in so far as any part of the area to be demarcated would be in England.

## PART C

### Measures to be taken in a demarcated area

**10.** Where an area is demarcated under paragraph 3, the Scottish Ministers must ensure that measures are taken within the demarcated area to eradicate the plant pest in the area or, where they have concluded that eradication of the plant pest is no longer possible, to contain the spread of the plant pest from the area.

**11. The eradication measures must include—**

- (a) the felling of all infested plants and plants with symptoms caused by the plant pest, and the complete removal of their roots if larval galleries are observed below the root collar of the infested plants, at the appropriate time;
- (b) the felling of all susceptible plants within a radius of 100 m of an infested plant, other than any plant to which sub-paragraph (d) applies, and the examination of those plants for any sign of infestation;
- (c) the removal, examination and disposal of plants felled in accordance with sub-paragraphs (a) and (b), and where necessary their roots, taking all necessary precautions to avoid the spread of the plant pest during and after felling and the examination and disposal of other plant products and wood packaging material;
- (d) in any case where the Scottish Ministers conclude that the felling and disposal of any susceptible plant within a radius of 100 m of an infested plant would not be appropriate due to the particular social, cultural or environmental value of the plant, regular detailed examination of the plant for any sign of infestation and the application of measures equivalent to its felling and disposal to prevent any possible spread of the plant pest from the plant;
- (e) the prohibition of any movement of a susceptible plant, susceptible wood or susceptible wood packaging material which is potentially infested with the plant pest out of the demarcated area;
- (f) the tracing back to the origin of the infestation, and the tracing of plants, wood and wood packaging material associated with the infestation as far as possible, along with examinations of the plants, wood and wood packaging material traced for any sign that they are infested with the plant pest;
- (g) where appropriate, the replacement of susceptible plants by other plant species;
- (h) a prohibition on the planting of susceptible plants in the open air within a radius of 100 m of an infested plant, except in a place of production authorised by the Scottish Ministers;
- (i) intensive surveillance for the presence of the plant pest on species of *Prunus* L. by annual inspections at appropriate times, with specific focus on the buffer zone, which must include at least one inspection a year and, where appropriate, destructive sampling;
- (j) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within the relevant UK territory, including the conditions relating to the movement of susceptible plants, susceptible wood and susceptible wood packaging material from the demarcated area;
- (k) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication of the plant pest; and
- (l) any other measure which may contribute to the eradication of the plant pest, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

**12. The containment measures must include—**

- (a) the following measures—
  - (i) the felling of all infested plants and plants with symptoms caused by the plant pest and the complete removal of their roots if larval galleries are observed below the root collar of the infested plants, at the appropriate time; and
  - (ii) the removal, examination and disposal of plants felled in accordance with paragraph (i) and, where necessary, their roots, taking all necessary precautions to avoid the spread of the plant pest after felling; or
- (b) the prohibition of any movement of susceptible plants which are potentially infested with the plant pest out of the demarcated area;

- (c) where appropriate, the replacement of susceptible plants by other plants;
- (d) the prohibition on the planting of susceptible plants in the open air in the infested zone, except in a place of production authorised by the Scottish Ministers;
- (e) intensive surveillance for the presence of the plant pest on species of *Prunus* L., with specific focus on the buffer zone, which must include at least one inspection a year and, where appropriate, targeted destructive sampling;
- (f) activities to raise public awareness of the threat of the plant pest and the measures adopted to prevent its introduction into and spread within the relevant UK territory, including the conditions relating to the movement of susceptible plants and susceptible wood from the demarcated area;
- (g) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay containment of the plant pest; and
- (j) any other measure which may contribute to the containment of the plant pest.

**13.** The Scottish Ministers may only conclude that it is not possible to eradicate the plant pest from a demarcated area where the results of official surveys carried out over a period of four consecutive years have confirmed the presence of the plant pest in the demarcated area and there is evidence that the plant pest can no longer be eradicated from the area.

## PART D

### Measures to be taken where no demarcated area is established

**14.** The Scottish Ministers need not demarcate an area in relation to a finding of the plant pest in a relevant UK territory where—

- (a) there is evidence—
  - (i) that the infestation has been caused by the movement of any susceptible plant, susceptible wood or susceptible wood packaging material to the area in which the plant pest was found and that the susceptible plants, susceptible wood or susceptible wood packaging material was infested with the plant pest before that movement; or
  - (ii) that it is an isolated finding, immediately associated with a susceptible plant, susceptible wood or susceptible wood packaging material, which is not expected to lead to the establishment of the plant pest; and
- (b) they have ascertained from a specific investigation that the plant pest is not established in the area and that, due to its biology, it will not successfully breed or spread if appropriate eradication measures are taken.

**15.** Where Scottish Ministers do not demarcate an area for the reasons specified in paragraph 14, they must ensure that—

- (a) measures are taken immediately for the purpose of promptly eradicating the plant pest and preventing its spread;
- (b) regular and intensive surveillance is carried out over a period of four consecutive years for the presence of the plant pest in the area which lies within a radius of one km of the infested plants, infested wood or infested wood packaging material or the place where the plant pest was found;
- (c) all infested plants, infested wood and infested wood packaging material are destroyed;
- (d) tracing back to the origin of the infestation and tracing of plants, wood and wood packaging material associated with the infestation is carried out as far as possible, along with examinations of the plants, wood and wood packaging material traced

for any sign that they are infested with the plant pest, which must include targeted destructive sampling;

- (e) activities to raise public awareness of the threat posed by the plant pest are carried out; and
- (f) any other measure which may contribute to the eradication of the plant pest, taking account of the guidelines in ISPM No. 9 and ISPM No. 14.

## PART E

### Authorisation of treatment and processing facilities

**16.** Where an area is demarcated under paragraph 3 by the Scottish Ministers and there are no treatment or processing facilities in the demarcated area to treat or process susceptible wood for the purposes of item 11 of Part E of the list of regulated material, or to treat and mark susceptible wood packaging material for the purposes of item 12 of Part E of the list of regulated material, the Scottish Ministers must ensure that any susceptible wood or susceptible wood packaging material is only moved to a facility outside the demarcated area if—

- (a) in the case of susceptible wood, the facility has been authorised to treat susceptible wood for the purposes of item 11 of Part E of the list of regulated material, and the wood is immediately treated or processed at the facility on arrival;
- (b) in the case of susceptible wood packaging material, the facility has been authorised to treat and mark susceptible wood packaging material for the purposes of item 12 of Part E of the list of regulated material and the wood packaging material is immediately treated and marked at the facility on arrival; and
- (c) the movement is carried out under the control of the Scottish Ministers and under closed conditions so as to ensure that the plant pest cannot spread.

**17.** The Scottish Ministers must ensure that—

- (a) any facility which is located outside the demarcated area and is authorised to treat susceptible wood for the purposes of item 11 of Part E of the list of regulated material disposes of any waste material in a manner that ensures the plant pest cannot spread;
- (b) intensive surveillance is carried out at appropriate times for the presence of the plant pest through inspections on species of *Prunus* L, within at least one km of the facility.

## PART F

### Lifting of demarcation

**18.** The Scottish Ministers may lift the demarcation that applies to a demarcated area if the plant pest is not detected in the area over a period of four consecutive years—

- (a) during official surveys carried pursuant to paragraph 1(g) of schedule 12A; and
- (b) in regular and intensive surveillance for the presence of the plant pest carried out in the area lying within a radius of one km of the infested plants, infested wood or infested wood packaging material or the place where the plant pest was found.”.

**64.** Omit schedule 13.

65. After schedule 13, insert—

## “SCHEDULE 13B

Article 39

### Licences for trial or scientific purposes or for work on varietal selections

1. In this schedule, “specified activity” means any activity for trial or scientific purposes or for work on varietal selections.

#### PART A

##### Information to be included in an application for a scientific licence

2. The name and address of the person responsible for the proposed specified activity.
3. The following details in relation to the relevant material and plant pests to be used in the specified activity—
  - (a) their scientific name or names;
  - (b) the type of relevant material;
  - (c) the quantity of relevant material;
  - (d) the place of origin of the relevant material;
  - (e) the place at which the relevant material is to be first stored or planted after its official release (where relevant);
  - (f) the proposed method of destruction or treatment of the relevant material on completion of the specified activity (where relevant);
  - (g) in the case of any relevant material or plant pest which is to be imported from a third country, its proposed point of entry into the United Kingdom.
4. In the case of any relevant material to be used in the specified activity, appropriate documentary evidence to confirm its place of origin.
5. The duration, nature and objectives of the proposed specified activity, including a summary and a specification of the work to be conducted.
6. The address and description of the specific site or sites at which the proposed specified activity is to be carried out.

#### PART B

##### General conditions to be met in relation to an application for a scientific licence

7. The nature and objectives of the specified activity comply with the concept of trial or scientific purposes or for work on varietal selections.
8. The premises and the facilities at the site or sites at which the specified activity is to be carried out meet any relevant quarantine containment conditions.
9. The personnel carrying out the specified activity have appropriate scientific and technical qualifications.



## PART C

### Licence conditions relating to any plant pest or relevant material to be used in a specified activity

- 10.** For the purposes of article 39(2B)(a), the conditions are that—
- (a) in the case of any relevant material, the material is accompanied on its entry into the United Kingdom by a letter of authority which has been issued by the relevant national plant protection organisation on the basis of appropriate documentary evidence as regards the place of origin of the material;
  - (b) in the case of any relevant material of a description specified in schedule 5, the material is, wherever possible, accompanied on its entry into the United Kingdom by a phytosanitary certificate issued in the country of origin which—
    - (i) confirms that the material is free from any regulated plant pest, other than any plant pest whose importation is authorised by the licence;
    - (ii) includes the statement under the heading ‘Additional declaration’, ‘This material is imported under Article 39 of the Plant Health (Forestry) Order 2005’; and
    - (iii) includes the name of any authorised plant pest; and
  - (c) the relevant material is held under quarantine containment conditions and on arrival is directly and immediately moved to the site or sites specified in the licence.

## PART D

### Licence quarantine measures

- 11.** The licence quarantine measures are—
- (a) in the case of the premises, facilities and working procedures which relate to the specified activity:
    - (i) the physical isolation of any plant pests or relevant material being used in the specified activity from all other plant pest and relevant material, including the control of vegetation in surrounding areas, where appropriate;
    - (ii) the designation of a contact person responsible for the specified activity;
    - (iii) the implementation of restrictions on access to the premises and facilities being used in relation to the specified activity and, where appropriate, to the area surrounding those premises and facilities, to named personnel only;
    - (iv) the appropriate identification of the premises and facilities being used, indicating the type of activities and the personnel responsible;
    - (v) the maintenance of a register of the activities performed and a manual of operating procedures, including procedures in the event of an escape of plant pests from containment;
    - (vi) the maintenance of appropriate security and alarm systems; and
    - (vii) the implementation of—
      - (aa) appropriate control measures to prevent the introduction into and the spread of plant pests within the premises being used;
      - (bb) controlled procedures for sampling, and for the transfer of any relevant material between the premises and facilities being used;
      - (cc) controls for the disposal of waste, soil and water, as appropriate;
      - (dd) appropriate hygiene and disinfection procedures and facilities for personnel, structures and equipment;

- (ee) appropriate measures and facilities for the disposal of experimental material;
  - (ff) appropriate indexing (including testing) facilities and procedures; and
- (b) other appropriate quarantine measures according to the specific biology and epidemiology of the type of material involved and the activities approved, including—
- (i) the maintenance of facilities accessible to authorised personnel via a separate room with two interlocking doors;
  - (ii) the maintenance of facilities under negative air pressure,
  - (iii) the use of escape-proof containers with appropriate mesh size and other barriers;
  - (iv) the maintenance of the material in isolation from other plant pests and material;
  - (v) the maintenance of any material for breeding in breeding cages with manipulation devices;
  - (vi) the prohibition on any interbreeding of the plant pest with indigenous strains or species;
  - (vii) the implementation of controls on the continuous culture of the plant pest;
  - (viii) the maintenance of the plant pest under conditions that strictly control the multiplication of the plant pest;
  - (ix) the implementation of procedures to check the purity of cultures of the plant pest for freedom from parasites and other plant pests;
  - (x) the implementation of appropriate control programmes in respect of the material to eliminate possible vectors;
  - (xi) in the case of *in vitro* activities, the implementation of controls on the handling of the material under sterile conditions;
  - (xii) the maintenance of the plant pest in conditions to ensure that it cannot spread via any vector; and
  - (xiii) the seasonal isolation of the material to ensure that the activities are done during periods of low plant health risk.”.

## PART 3

### Amendment of the Forest Reproductive Material (Great Britain) Regulations 2002

**66.**—(1) The Forest Reproductive Material (Great Britain) Regulations 2002(a) are amended as follows.

(2) Regulation 2 is amended in accordance with paragraphs (3) and (4).

(3) In paragraph (2)—

(a) after the definition of “approved basic material” insert—

““approved non-EU third country” means a country listed in Part 1A of schedule 13;”,

(b) omit the definition of “Council Decision 2008/971/EC”,

(c) after the definition of “crossing design” insert—

““the Department” has the meaning given in the NI Regulations;”,

(d) omit the definition of “EC classification”,

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(a) S.I. 2002/3026, amended by S.I. 2006/2530, S.I. 2011/1043, S.I. 2013/755 (W.90), S.I. 2014/1833, and [Defra deficiencies regs].

- (e) omit the definition of “EU-approved third countries”,
  - (f) in the definition of “genetically modified organism”, for the words from “Article 2(1)” to the end substitute “section 106 of the Environmental Protection Act 1990(a)”,
  - (g) in the definition of “Master Certificate”—
    - (i) in paragraph (b), for “official body for Northern Ireland” to the end substitute “Department in accordance with regulation 13 of the NI Regulations”,
    - (ii) in paragraph (d)—
      - (aa) for “EU-approved” substitute “approved non-EU”,
      - (bb) for the words from “a relevant” to the end substitute “the Department in accordance with the NI Regulations”,
    - (iii) in paragraph (e), for “an official body of a member State” substitute “the Department”,
  - (h) omit the definition of “the Mediterranean climatic region”,
  - (i) after the definition of “National Register” insert—
 

“the NI Regulations” means the Forest Reproductive Material Regulations (Northern Ireland) 2002(b);”,
  - (j) in the definition of “official body”—
    - (i) omit paragraph (b),
    - (ii) in paragraph (c), after “in relation to” insert “an approved non-EU third country or”,
  - (k) omit the definition of “plant passport”,
  - (l) in the definition of “region of provenance”, for “in accordance with Article 9 of the Directive by another official body” substitute “pursuant to regulation 5 of the NI Regulations by the Department”,
  - (m) for the definition of “third countries” substitute—
 

““third country” means a country or territory outside the United Kingdom;”
  - (n) after the definition of “the Tribunal” insert—
 

““UK plant passport” has the meaning given in the Plant Health (Forestry) order 2005;”.
- (4) Omit paragraphs (4A) to (6).
- (5) In regulation 4—
- (a) in paragraph (1)(c), omit “subject to paragraph (1A)”,
  - (b) omit paragraph (1A).
- (6) In regulation 7(4)—
- (a) omit sub-paragraph (b),
  - (b) at the end insert—
 

“(d) as regards Scotland, consent to the marketing of the basic material has been given by the Scottish Ministers in accordance with the Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002(c)”.
- (7) In regulation 14(4)—
- (a) in sub-paragraph (a)—
    - (i) in paragraph (ii)—
      - (aa) for “any other official body of a member State” substitute “the Department”,

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(a) 1990 c.43. Section 106 was amended in relation to England by the Human Fertilisation and Embryology Act 2008 (c.22), section 60 and by S.I. 2002/2443 and S.I. 2009/2232.

(b) S.R. 2002 No. 404.

(c) S.S.I. 2002/541.

- (bb) for “the official body in accordance with Article 10 of the Directive” substitute “the Department in accordance with regulation 7 of the NI Regulations”,
- (ii) in paragraph (iii), for “an EU-approved” substitute “a member State, an approved non-EU”,
- (b) in sub-paragraph (b), after paragraph (i) insert—
  - “(ia) in the case of forest reproductive material derived from basic material approved by the Department, has the meaning given in regulation 7(5) of the NI Regulations;”.
- (8) In regulation 17—
  - (a) in paragraph (1)—
    - (i) in sub-paragraph (b)—
      - (aa) omit “or another member State”,
      - (bb) for “Article 14 of the Directive” substitute “regulation 19 of the NI Regulations”,
    - (ii) after sub-paragraph (b), insert—
      - “(bb) in the case of forest reproductive material produced in a member State and imported into Scotland, it has met the requirements as to entry into Scotland set out in regulation 25;”.
    - (iii) in sub-paragraph (c), for “EU-approved” substitute “approved non-EU”,
    - (iv) omit sub-paragraph (d),
    - (v) after sub-paragraph (e) insert—
      - “(eb) in the case of forest reproductive material imported into Northern Ireland, it met the requirements set out in the NI Regulations as to entry into Northern Ireland and was accompanied on its entry into Scotland by the supplier’s label or document required by regulation 19 of the NI Regulations;”.
    - (vi) omit sub-paragraph (f),
  - (b) omit paragraph (12).
- (9) In regulation 18A(3)(a), in sub-paragraph (c), for “the Directive” substitute “any provision made under retained EU law relating to forest reproductive material or under the Plant Varieties and Seeds Act 1964(b)”.
- (10) In regulation 19—
  - (a) in paragraph (1)—
    - (i) in sub-paragraph (e), omit “, another member State”,
    - (ii) omit sub-paragraph (h)
    - (iii) omit sub-paragraph (i) and the preceding “and”.,
  - (b) in paragraph (3), for “EU-approved” substitute “approved non-EU”.
- (11) In the heading to Part VI for “Between Great Britain and elsewhere in the European Union” substitute “within the United Kingdom”.
- (12) In regulation 21 for “Northern Ireland”, in each place where it occurs (including the heading) substitute “another part of the United Kingdom”.
- (13) Omit regulation 22.
- (14) In regulation 23—
  - (a) in the heading, at the end, insert “or within Great Britain”,

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(a) Regulation 18A is inserted by paragraph 63(10) of the schedule of the Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.I. 2019/XX).

(b) 1964 c.14.

- (b) for “Northern Ireland” substitute “another part of the United Kingdom”,
  - (c) for “required by Article 14 of the Directive” substitute “setting out the particulars required under regulation 19 of these Regulations or regulation 19 of the NI Regulations”.
- (15) Omit regulation 24.
- (16) In regulation 25A(a)—
- (a) in paragraphs (1) and (2), for “an EU-approved” substitute “a member State, an approved non-EU”,
  - (b) in paragraph (6), for “an EU-approved” substitute “a member State or an approved non-EU”.
- (17) In regulation 26(3)(a)(vii), at the beginning insert “UK”.
- (18) In regulation 27—
- (a) in paragraph (2)—
    - (i) omit “, including representatives of the Commission of the European Union”,
    - (ii) omit “, or for facilitating the checks required under Article 16(6) of the Directive”,
  - (b) in paragraph (3), omit “the Commission of the European Union or”.
- (19) In regulation 34(2), omit “or European Community”.
- (20) In the model certificate in schedule 6—
- (a) for “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC” substitute—
 

“ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME  
AND THE FOREST REPRODUCTIVE MATERIAL (GREAT BRITAIN)  
REGULATIONS 2002”,
  - (b) for “MEMBER STATE:” substitute “UNITED KINGDOM”,
  - (c) for “No EC:/(MEMBER STATE CODE)/ (No.)” substitute “UK (No.)”,
  - (d) for “EC Directive” substitute “OECD Forest Seed and Plant Scheme moving in International Trade and the Forest Reproductive Material (Great Britain) Regulations 2002”,
  - (e) for “EC Certificate” substitute “UK or OECD Certificate”.
- (21) In the model certificate in schedule 7—
- (a) for “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC” substitute—
 

“ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME  
AND THE FOREST REPRODUCTIVE MATERIAL (GREAT BRITAIN)  
REGULATIONS 2002”,
  - (b) for “MEMBER STATE:” substitute “UNITED KINGDOM”,
  - (c) for “No EC:/(MEMBER STATE CODE)/ (No.)” substitute “UK (No.)”,
  - (d) for “EC Directive” substitute “OECD Forest Seed and Plant Scheme and the Forest Reproductive Material (Great Britain) Regulations 2002”,
  - (e) for “EC Certificate” substitute “UK or OECD Certificate”.

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(a) Regulation 25A is inserted into the Forest Reproductive Material (Great Britain) Regulations 2002 by paragraph 63(16) of the Forestry and Land Management (Scotland) Act 2018 (Consequential Provisions and Modifications) Order 2019 (S.S.I. 2019/XX).

- (22) In the model certificate in schedule 8—
- (a) for “ISSUED IN ACCORDANCE WITH DIRECTIVE 1999/105/EC” substitute—  
“ISSUED IN ACCORDANCE WITH THE OECD FOREST AND PLANT SCHEME  
AND THE FOREST REPRODUCTIVE MATERIAL (GREAT BRITAIN)  
REGULATIONS 2002”,
  - (b) for “MEMBER STATE:” substitute “UNITED KINGDOM”,
  - (c) for “No EC:/(MEMBER STATE CODE)/ (No)” substitute “UK (No.)”,
  - (d) for “EC Directive” substitute “OECD Forest Seed and Plant Scheme and the Forest  
Reproductive Material (Great Britain) Regulations 2002”,
  - (e) for “EC Certificate” substitute “UK or OECD Certificate”.
- (23) In schedule 9—
- (a) in paragraph 1(b), omit “EC”, in both places where it occurs,
  - (b) in the table in paragraph 2(b)—
    - (i) omit the first row after the heading “Non-Mediterranean regions”, and
    - (ii) omit the heading “Mediterranean regions” and the two rows following it.
- (24) Omit schedule 10.
- (25) In schedule 13—
- (a) in paragraph 1, for “an EU-approved” substitute “a member State, an approved non-EU”,
  - (b) in paragraph 2—
    - (i) before the definition of “OECD Certificate of Provenance” insert—  
““OECD Certificate of Identity” means a certificate of identity issued in accordance  
with the rules of the OECD Scheme;”,
    - (ii) in the definition of “permitted material”—
      - (aa) before paragraph (a) insert—  
“(za) in the case of forest reproductive material produced in a member State, forest  
reproductive material which has been certified by the relevant official body in  
accordance with Article 12 of the Directive or the OECD Scheme;”,
      - (bb) in paragraph (a), for “EU-approved” substitute “approved non-EU”,
  - (c) after Part 1, insert—

## “PART 1A

### **Approved non-EU third countries**

Canada

Norway

Serbia

Switzerland

Turkey

United States

## PART 1B

### Scope of Part 1B

**2A.** This Part applies to consignments of permitted material produced in a member State.

### General requirements

**2B.** A consignment of permitted material must be accompanied by—

- (a) a copy of the Master Certificate issued by the relevant official body under Article 12 of the Directive;
- (b) a label or document which complies with the requirements in Article 14 of the Directive;
- (c) an OECD Certificate of Provenance or OECD Certificate of Identity issued in relation to the permitted material; or
- (d) a label or document completed by the supplier of the consignment containing—
  - (i) the supplier's name;
  - (ii) all of the information contained in the OECD Certificate of Provenance or OECD Certificate of Identity; and
  - (iii) in relation to any seed lot which is accompanied by an OECD Certificate of Provenance or an OECD Certificate of Identity, the information specified in paragraph 2D.

**2C.** Where the permitted material is accompanied by an OECD Certificate of Provenance or OECD Certificate of Identity, or a label or document referred to in paragraph 2B(d), an OECD label must be attached to each seed lot and to each consignment of planting stock.

**2D.** The OECD label attached to the seed lot and any supplier's document accompanying the seed lot must contain the following additional information in relation to the seed lot assessed, so far as is practicable in all the circumstances, using internationally accepted techniques—

- (a) the percentage by weight of pure seed, other seed and inert matter;
- (b) the germination percentage of pure seed or, where it is impossible or impracticable to assess the germination percentage, the viability percentage assessed by reference to a method which must be described;
- (c) the weight of 1000 pure seeds;
- (d) the number of germinable seeds per kilogram of the seed, or where it is impossible or impracticable to assess the number of germinable seeds, the number of viable seeds per kilogram;
- (e) in the case of a seed lot of closely related species which does not reach a minimum species purity of 99%, the species purity.

**2E.** But the OECD label and supplier's document may omit the following information—

- (a) any information mentioned in paragraph 2D(a) to (e) which is yet to be ascertained by testing the seed using internationally accepted techniques;
- (b) in the case of a seed lot containing seed which has been harvested from the current season's crop, any information mentioned in paragraph 2D(b) or (d) which is not yet available;
- (c) in the case of seed which is to be marketed in quantities no greater than those specified for the species or artificial hybrid of the seed in schedule 11, the information mentioned in paragraph 2D(b) or (d).

**2F.** All seed must be consigned in sealed packages.”.

## PART 4

### Amendment of the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015

**67.** The Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015<sup>(a)</sup> are amended as follows.

**68.** In regulation 2(1)—

(a) at the appropriate place insert—

““controlled consignment”, as regards Scotland, means a consignment which includes, or which an inspector considers includes—

(a) isolated bark of a description specified in schedule 5 of the Order,

(b) wood of a description specified in that schedule, other than wood packaging material which is actually in use in the transport of all kinds of objects;”,

(b) omit the definition of “the Directive”,

(c) for the definitions of “documentary check” and “identity check” substitute—

““documentary check” means an examination for the purposes of article 12(2B)(c) or 12B(2)(a) of the Order,

“identity check” means an examination for the purposes of article 12(2B)(b) or 12B(2)(b) of the Order;”,

(d) for the definition of “plant health check” substitute—

““plant health check” means an examination for the purposes of article 12(2B)(a) of the Order;”,

(e) in the definition of “plant passport authority”, after “issue” insert “UK”.

## PART 5

### Amendments to the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017

**69.** The Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017<sup>(b)</sup> are amended as follows.

**70.** In regulation 2(1), in the definition of “Union legislation”, for “from time to time created or arising by or under the EU treaties” substitute “under retained EU law”.

**71.** In regulation 5(1)(b), for “Parts 4, 5, 6 and, where relevant, 7” substitute “Parts 4, 5 and 6”.

**72.** In regulation 7(3), for “, 19(1)(b) or, where relevant, regulation 27” substitute “or 19(1)(b)”.

**73.** In regulation 18(2)(b), omit “ and, where relevant, state that it is likely to have significant effects on the environment in another EEA State”.

**74.** In regulation 24(2)(e)(ii), omit—

(a) “and, where relevant, Part 7”, and

(b) “, in particular comments received from an EEA State pursuant to consultation under regulation 27,”.

**75.** In regulation 26, omit paragraph (3).

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(a) S.I. 2015/350.

(b) S.S.I. 2017/113.



**76.** Omit Part 7.

**77.** In regulation 32—

- (a) in paragraph (3), omit “(except in a case referred to in paragraph (4))”, and
- (b) omit paragraph (4).

**78.** In schedule 3—

- (a) in paragraph 6, for the words from “at Union or Member State level” to the end substitute “in retained EU law or under other national enactments (including under an Act of the Scottish Parliament and an instrument made under such an Act)”, and
- (b) in paragraph 9, for the second sentence substitute “Relevant information available and obtained through risk assessments pursuant to retained EU law or Scottish environmental assessments may be used for this purpose provided that the requirements of any law that implemented the Directive are met.”.

## PART 6

### Revocations

**79.** The following instruments are revoked.

#### EU regulations

**80.** Commission Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community.

#### EU decisions

**81.** Commission Decision 93/360/EEC authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of wood of *Thuja L.*, originating in Canada.

**82.** Commission Decision 93/365/EEC authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of heat-treated coniferous wood, originating in Canada, and establishing the details of the indicator system to be applied to the heat-treated wood.

**83.** Commission Decision 93/422/EEC authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of kiln dried coniferous wood, originating in Canada, and establishing the details of the indicator system to be applied to the kiln dried wood.

**84.** Commission Decision 93/423/EEC authorising the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of kiln dried coniferous wood, originating in the United States of America, and establishing the details of the indicator system to be applied to the kiln dried wood.

**85.** Commission Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in ‘t Veld sp. Nov.

**86.** Commission Decision 2005/359/EC providing for a derogation from certain provisions of Council Directive 2000/29/EC as regards oak (*Quercus L.*) logs with bark attached, originating in the United States of America.

**87.** Commission Implementing Decision 2013/780/EU providing for a derogation from Article 13(1)(ii) of Council Directive 2000/29/EC in respect of bark-free sawn wood of *Quercus L.*, *Platanus L.* and *Acer saccharum* Marsh. originating in the United States of America.

**88.** Commission Implementing Decision 2014/917/EU setting out detailed rules for the implementation of Council Directive 2000/29/EC as regards the notification of the presence of harmful organisms and of measures taken or intended to be taken by the Member States.

**89.** Commission Implementing Decision (EU) 2015/179 authorising Member States to provide for a derogation from certain provisions of Council Directive 2000/29/EC in respect of wood packaging material of conifers (Coniferales) in the form of ammunition boxes originating in the United States of America under the control of the United States Department of Defence.

**90.** Commission Implementing Decision 2017/198/EU as regards measures to prevent the introduction into and the spread within the Union of *Pseudomonas syringae* pv. *actinidiae* Takikawa, Serizawa, Ichikawa, Tsuyuma & Goto.

*Name*

A member of the Scottish Government

St Andrew's House,  
Edinburgh  
Date

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular the deficiencies referred to in paragraphs (a) to (d) and (g) of section 8(2) of the European Union (Withdrawal) Act 2018) arising from the withdrawal of the United Kingdom from the European Union.

Part 2 makes amendments to the Plant Health Forestry Order 2005 (“the 2005 Order”) dealing with restrictions and requirements on the import and landing into Scotland of relevant plant material. Part 4 makes amendment to the Plant Health (Fees) (Forestry) (England and Scotland) Regulations 2015 (“the 2015 Regulations”). Part 5 makes amendment to the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the 2017 Regulations”).

The 2005 Order, 2015 Regulations and 2017 Regulations are retained EU law and the amendments in Parts 2, 4 and 5 adjust the operation of the 1994 Regulations after exit day.

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