

**EXPLANATORY MEMORANDUM TO
THE PLANT HEALTH (FORESTRY)(AMENDMENT) ORDER 2006**

2006 No. 2696

1. This explanatory memorandum has been prepared by the Forestry Commission and is laid before Parliament by Command of Her Majesty.

2. Description

This Order amends the Plant Health (Forestry) Order 2005, which contains measures to prevent the introduction and spread of harmful plant pests and diseases. It transposes changes to the Plant Health Directive (2000/29/EC) introduced since the 2005 Order came into force by Commission Decision 2006/464 relating to the plant pest *Dryocosmus kuriphilus* Yasumatsu (Oriental Chestnut Gall Wasp) . The Order also makes other minor amendments to the principal Order.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Background

- 4.1 Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (“the Plant Health Directive”) establishes the Community plant health regime. It contains measures to be taken in order to prevent the introduction into, and spread within, the Community of serious pests and diseases of plants and plant produce. The Directive is implemented in Great Britain for forestry matters, by the Plant Health (Forestry) Order 2005, which revoked and consolidated with amendments the Plant Health (Forestry) (Great Britain) Order 1993 in its application to Great Britain. Similar but separate legislation operates in Northern Ireland.
- 4.2 Since the introduction of the 2005 Order the annexes of the Directive have been amended as a result of technical changes in the assessment of risks presented by particular pests and diseases. One of these, Commission Decision 2006/464/EC on provisional emergency measures to prevent the introduction into and spread within the Community of *Dryocosmus kuriphilus* Yasumatsu,¹ relates to forestry.
- 4.3 The amending Order is made under sections 2 and 3(1) of the Plant Health Act 1967, which enable the Forestry Commissioners to make Orders for the purposes of preventing the introduction of plant pests into Great Britain and to prevent their spread.

¹ OJ No. L 183, 5.7.2006, p. 29.

5. Extent

This instrument applies to Great Britain.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Plant Health Directive (Council Directive 2000/29/EC) establishes the Community plant health regime. It contains measures to be taken in order to prevent the introduction into, and spread within, the Community of serious pests and diseases of plants and plant produce. The amendments to the Plant Health Directive, which this amending Order implements, are technical changes in the assessment of the risks presented by particular pests and diseases. Commission Decision 2006/464 recognises the presence of *Dryocosmus kuriphilus* Yasumatsu (Oriental Chestnut Gall Wasp) in China, Korea, Japan, USA and in a limited area of the Community and therefore considers it necessary to take provisional measures against the further introduction into, and spread within, the Community.

7.2 The Order also makes minor changes to:

- a. amend the definition of “Europe” to clarify the geographical area of Russia which falls within it;
- b. clarify that plant passports are among the documents that are required to be retained by Registered Forestry Traders for a period of one year;
- c. amend the requirements to notify pests to make it clear that the obligation to confirm a notice in writing only applies where that notice was given orally.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

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