
STATUTORY INSTRUMENTS

2022 No. 114

The Phytosanitary Conditions (Amendment) Regulations 2022

Amendments to Commission Implementing Regulation (EU) 2019/2072 relating to pest measures: coming into force in accordance with regulation 1(1)(a)

3.—(1) In Annex 2(1)—

- (a) in Part A, under the heading “**C. Insects and mites**” after entry 115, insert “115A. *Scolytus morawitzi* Semenov [SCOLMO]”;
- (b) in Part B, at the end, insert—

“E. Insects and mites

1. *Thaumetopoea processionea* L. [THAUPR]”.

(2) In Annex 2A(2), under the heading “**B. Insects and mites**”, omit entries 2A and 11.

(3) In Annex 3(3), omit entry 4.

(4) In Annex 4(4) in Part G, under the heading “**Fungi and oomycetes**”, in the entry which relates to *Diaporthe caulivora* (Athow & Caldwell) J.M. Santos, Vrandecic & A.J.L. Phillips [DIAPPC]; *Diaporthe phaseolorum* var. *sojae* Lehman [DIAPPS], omit “*Diaporthe caulivora* (Athow & Caldwell) J.M. Santos, Vrandecic & A.J.L. Phillips [DIAPPC]”.

(5) In Annex 5(5) in Part G, in paragraph 3, in the table, omit the entry which relates to *Diaporthe caulivora* (*Diaporthe phaseolorum* var. *caulivora*).

(6) In Annex 6(6), in Part B, after entry 3A, insert—

“5. Plants of *Abies* Mill., *Pinus* L., *Picea* Mill., *Larix* Mill., and *Tsuga* Carr., originating from Russia.”.

(7) In Annex 7(7), in Part A—

(a) in the section headed “Interpretation”—

- (i) in the definition of ‘associated controlled dunnage’, after “113,” insert “115A, 115B,”;
- (ii) after the definition of ‘EPPO PM 9/26’ insert “‘ISPM4’ means International Standard for Phytosanitary Measures No 4 of April 2017 on requirements for the

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- (1) Annex 2 to EUR 2019/2072 was substituted by Schedule 1 to [S.I. 2020/1527](#); there are other amending instruments but none is relevant.
 - (2) Annex 2A to EUR 2019/2072 was inserted by Schedule 2 to [S.I. 2020/1527](#) and amended by [S.I. 2021/426](#); there are other amending instruments but none is relevant.
 - (3) Annex 3 to EUR 2019/2072 was inserted by Schedule 3 to [S.I. 2020/1527](#) and amended by [S.I. 2021/426](#).
 - (4) Annex 4 to EUR 2019/2072 was substituted by Schedule 4 to [S.I. 2020/1527](#); there are other amending instruments but none is relevant.
 - (5) Annex 5 to EUR 2019/2072 was substituted by Schedule 5 to [S.I. 2020/1527](#); there are other amending instruments but none is relevant.
 - (6) Annex 6 to EUR 2019/2072 was substituted by Schedule 6 to [S.I. 2020/1527](#) and amended by [S.I. 2021/426](#) and 1171; there are other amending instruments but none is relevant.
 - (7) Annex 7 to EUR 2019/2072 was substituted by Schedule 7 to [S.I. 2020/1527](#) and amended by [S.I. 2021/641](#); there are other amending instruments but none is relevant.

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establishment of pest free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations;”;

(b) in the table—

(i) in entry 45B, in the second column, omit “, Taiwan”;

(ii) after entry 48, insert—

“48A.	Plants for planting, other than fruits and seeds, of <i>Quercus</i> L., of a girth of at least 8cm measured at a height of 1.2m from the root collar	All third countries	<p>The plants must be accompanied by an official statement that:</p> <p>(a) they have been grown throughout their life in places of production in countries where <i>Thaumetopoea processionea</i> L. is not known to occur,</p> <p>(b) they have been grown throughout their life in an area* established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from <i>Thaumetopoea processionea</i> L., or</p> <p>(c) they have been grown throughout their life in a site of production with complete physical protection against the introduction of <i>Thaumetopoea processionea</i> L. and they have been inspected at appropriate times and found to be free from <i>Thaumetopoea processionea</i> L.</p> <p>* The name(s) of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.”;</p>
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(iii) after entry 115, insert—

“115A.	<p>Wood of <i>Abies</i> Mill., <i>Pinus</i> L., <i>Picea</i> Mill., <i>Larix</i> Mill., and <i>Tsuga</i> Carr., other than in the form of:</p> <p>—chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or part from these conifers, or</p> <p>—wood packaging material, except</p>	Russia	<p>The wood must be accompanied by an official statement that:</p> <p>(a) it originates in an area* established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from <i>Polygraphus proximus</i> Blandford,</p> <p>(b) it is bark-free,</p> <p>(c) it has undergone kiln-drying to below 20% moisture content expressed as a percentage of dry matter, achieved</p>
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associated controlled dunnage,

but including wood which has not kept its natural round surface

through an appropriate time/temperature schedule,

(d) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood,

(e) it has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m³) and the exposure time of which are indicated on the phytosanitary certificate, or

(f) it has undergone appropriate ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood.

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

Where the phytosanitary certificate includes the official statement referred to in point (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 on any wrapping in accordance with current usage.

Where the phytosanitary certificate includes the official statement referred to in point (d), there must also be evidence of that heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate.

For the purposes of the official statement referred to in point (e), the national plant protection organisation of the country of origin must have previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.

115B.	<p>Wood of <i>Larix</i> Mill. other than in the form of:</p> <p>—chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or part from these conifers, or</p> <p>—wood packaging material, except associated controlled dunnage,</p> <p>but including wood which has not kept its natural round surface</p>	Russia	<p>The wood must be accompanied by an official statement that:</p> <p>(a) it originates in an area* which is established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from <i>Scolytus morawitzi</i> Semenov,</p> <p>(b) it is bark-free,</p> <p>(c) it has undergone kiln-drying to below 20% moisture content expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule,</p> <p>(d) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood,</p> <p>(e) it has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m³) and the exposure time of which are indicated on the phytosanitary certificate, or</p> <p>(f) it has undergone appropriate ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood.</p> <p>* The name(s) of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.</p> <p>Where the phytosanitary certificate includes the official statement referred to in point (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 on any wrapping in accordance with current usage.</p> <p>Where the phytosanitary certificate includes the official statement referred to in point (d), there must also be</p>
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115C. Wood of conifer (Pinales) in the form of chips, particles, sawdust, shavings, wood waste and scrap obtained in whole or part from conifers	Russia	evidence of that heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate.
		For the purposes of the official statement referred to in point (e), the national plant protection organisation of the country of origin must have previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.
		The wood must be accompanied by an official statement that:
		(a) it originates in an area* which is established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from <i>Polygraphus proximus</i> Blandford and <i>Scolytus morawitzi</i> Semenov,
		(b) it has been produced from wood which is bark-free,
		(c) it has undergone kiln-drying to below 20% moisture content expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule,
		(d) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, or
		(e) it has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m ³) and the exposure time of which are indicated on the phytosanitary certificate.
		* The name(s) of the area(s) must be included in the phytosanitary certificate under the heading “Additional declaration”.

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Where the phytosanitary certificate includes the official statement referred to in point (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 on any wrapping in accordance with current usage.

Where the phytosanitary certificate includes the official statement referred to in point (d), there must also be evidence of that heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate.

For the purposes of the official statement referred to in point (e), the national plant protection organisation of the country of origin must have previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.

115D. Isolated bark of conifer Russia (Pinales)

The bark must be accompanied by an official statement that:

(a) it originates in an area* which is established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from *Polygraphus proximus* Blandford and *Scolytus morawitzi* Semenov,

(b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56 °C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, or

(c) it has been subject to fumigation, the active ingredient, the minimum wood temperature, the rate (g/m³) and the exposure time of which are indicated on the phytosanitary certificate.

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

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

For the purposes of the official statement referred to in point (c), the national plant protection organisation of the country of origin must have previously provided the national plant protection organisation of the United Kingdom with written details of fumigation.”

(iv) in entry 122, in the first column, for the words from “other than” to the end substitute—

“other than:

- in the form of wood packaging material, (except associated controlled dunnage),
- in the case of *Quercus* L., in the form of casks, barrels, vats, tubs and other coopers’ products and parts thereof, including staves, where there is documented evidence that the wood has been produced or manufactured using heat treatment to achieve a minimum temperature of 176 °C for 20 minutes”;

(v) in entry 128A, in the first column, for the words from “other than” to the end, substitute—

“other than:

- in the form of chips, particles, sawdust, shavings, wood waste and scrap, obtained in whole or in part from these trees,
- in the form of wood packaging material (except associated controlled dunnage),
- in the case of *Quercus* L., in the form casks, barrels, vats, tubs and other coopers’ products and parts thereof, including staves, originating in Canada or the USA, where there is documented evidence that the wood has been produced or manufactured using heat treatment to achieve a minimum temperature of 176 °C for 20 minutes,

but including wood which has not kept its natural round surface”;

(vi) in entry 128C, in the second column, omit “, Taiwan”;

(vii) in entry 128D, in the second column, omit “, Taiwan”.

(8) In Annex 8(8), in Part A, in the table, after entry 19, insert—

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“20.	Plants for planting, other than fruits and seeds, of <i>Quercus</i> L., of a girth of at least 8cm measured at a height of 1.2m from the root collar	The plants must be accompanied by an official statement that: (a) they have been grown throughout their life in an area established by the national plant protection organisation in accordance with the measures specified in ISPM4 as an area that is free from <i>Thaumetopoea processionea</i> L., or (b) they have been grown throughout their life in a site of production with complete physical protection against the introduction of <i>Thaumetopoea processionea</i> L. and the plants have been inspected at appropriate times and found to be free from <i>Thaumetopoea processionea</i> L.”.
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(9) In Annex 10(9), in the table, omit entry 1.

(10) In Annex 11(10), in Part A, in the table—

(a) in entry 41, for the entry in the third column, substitute “Canada and the USA”;

(b) after entry 41 insert—

“41ZA.	<p><i>Quercus</i> L., Fuel wood, in logs, in billets, in twigs, other than in faggots or in similar forms; wood in chips or particles; sawdust and wood packaging wood waste and scrap, whether or not material, but agglomerated in logs, briquettes, pellets including wood or similar forms: which has not kept its natural round surface.</p> <p>-Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms:</p> <p>--Non-coniferous:</p> <p>ex 4401 12 00</p> <p>-Wood in chips or particles:</p> <p>--Non-coniferous:</p> <p>ex 4401 22 00</p> <p>-Sawdust and wood waste and scrap, not agglomerated:</p> <p>--Sawdust:</p> <p>ex 4401 40 10</p>	China, the Democratic People’s Republic of Korea, Japan, the Republic of Korea, Russia, Turkey and Vietnam”.
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(9) Annex 10 of EUR 2019/2072 was substituted by Schedule 9 to [S.I. 2020/1527](#) and amended by [S.I. 2021/426](#).

(10) Annex 11 of EUR 2019/2072 was substituted by Schedule 10 to [S.I. 2020/1527](#) and amended by [S.I. 2021/426](#); there are other amending instruments but none is relevant.

--Wood waste and scrap (other than sawdust):

ex 4401 40 90

Wood in the rough, not stripped of bark or sapwood, or roughly squared:

-Treated with paint, stains, creosote or other preservatives:

--Non-coniferous:

ex 4403 12 00

Wood 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 oak (*Quercus* spp.):

4403 91 00

Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise:

-Non-coniferous:

ex 4404 20 00

Non-coniferous railway or tramway sleepers (cross-ties) of wood:

-Not impregnated:

ex 4406 12 00

-Other (than not impregnated):

ex 4406 92 00

Wood sawn or chipped lengthwise, sliced or peeled whether or not planed, sanded or end-jointed, of a thickness exceeding 6mm:

-- Of oak (*Quercus* spp.):

ex 4407 91 15

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ex 4407 91 31

ex 4407 91 39

ex 4407 91 90

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:

ex 4408 90 15

ex 4408 90 35

ex 4408 90 85

ex 4408 90 95

Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves:

ex 4416 00 00

Prefabricated buildings of wood:

ex 9406 10 00
