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STATUTORY INSTRUMENTS

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**2014 No. 2420**

**PLANT HEALTH, ENGLAND  
PLANT HEALTH, SCOTLAND**

**The Plant Health (Forestry) (Amendment)  
(England and Scotland) Order 2014**

*Made* - - - - *9th September 2014*  
*Laid before Parliament* *11th September 2014*  
*Coming into force* - - *3rd October 2014*

The Forestry Commissioners make this Order in exercise of the powers conferred by sections 2 and 3(1) of the Plant Health Act 1967(1) and paragraph 1A of Schedule 2 to the European Communities Act 1972(2).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(3). It appears to the Forestry Commissioners that it is expedient for the references to the European Union instrument mentioned in article 3(e) to be construed as references to that instrument as amended from time to time.

**Title, commencement and application**

**1. This Order—**

- (a) may be cited as the Plant Health (Forestry) (Amendment) (England and Scotland) Order 2014;
- (b) comes into force on 3rd October 2014; and
- (c) applies in relation to England and Scotland only.

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(1) 1967 c.8. Sections 2 and 3(1) were amended by the European Communities Act 1972 (c.68), Schedule 4, paragraph 8 and S.I. 2011/1043, article 6(1). Section 2(2) was amended by the Customs and Excise Management Act 1979 (c.2), Schedule 4, paragraph 12. Section 2(3) was inserted by S.I. 1990/2371, Schedule 1, paragraph 1. The powers conferred by sections 2 and 3 are conferred on a “competent authority”, which is defined in section 1(2). Section 1(2) was amended by article 4(1) of, and paragraph 43 of Schedule 2 to, the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755). Under section 1(2), as amended, the Forestry Commissioners are the competent authority for England and Scotland as regards the protection of forest trees and timber from attack by pests.

(2) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7) and S.I. 2007/1388.

(3) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).

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

2. The Plant Health (Forestry) Order 2005(4) is amended as follows.

### Article 2 (general interpretation)

3. In article 2(1)(5)—

- (a) after the definition of “area of plant health control”, insert—
- ““associated controlled dunnage”, in items 1, 3, 5, 6, 9, 10A, 11, 12A or 13 of Part A of Schedule 4, means wood which supports a consignment of wood of a genus or species specified in that item and which—
- (a) is constructed from wood of the same type and quality as the wood in the consignment; and
- (b) meets the same European Union phytosanitary requirements as the wood in the consignment;”;
- (b) for the definition of “dunnage”, substitute—
- ““dunnage” means wood used to wedge or support cargo;”;
- (c) for the definition of “ISPMNo. 15”, substitute—
- ““ISPM No. 15” means International Standard for Phytosanitary Measures No. 15 of March 2002(6) on Guidelines for regulating wood packaging material in international trade, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations;”;
- (d) for the definition of “protected zone”, substitute—
- ““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 for the purposes of the Directive, as listed in Annex I to Regulation (EC) No 690/2008;”;
- (e) after the definition of “registered”, insert—
- ““Regulation (EC) No 690/2008” means Commission Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community(7), as amended from time to time;”;
- (f) in the definition of “wood”, for paragraph (c), substitute—
- “(c) “(c) whether or not satisfying the requirements of paragraph (a) or (b), wood packaging material; and”;
- (g) for the definition of “wood packaging material”, substitute—
- ““wood packaging material” means wood in the form of packing cases, boxes, crates, drums or similar packings, pallets, box pallets or other load boards, pallet collars or dunnage, whether or not actually in use in the transport of objects of any kind”.

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(4) S.I. 2005/2517; relevant amending instruments are S.I. 2006/2696, 2008/644, 2009/594, 2011/1043, 2012/2707, 2013/755, 2691.

(5) The definition of “registered” was amended by S.I. 2013/755, Schedule 4, paragraphs 207 and 208(1) and (7). There are other amendments to article 2(1), but none is relevant.

(6) Available from the IPPC Secretariat, AGPP-FAO, Viale Delle Terme di Caracalla, 00153, Rome, Italy and at <https://www.ippc.int/core-activities/standards-setting/ispm#>.

(7) OJ No L 193, 22.7.2008, p1, as last amended by Commission Implementing Regulation (EU) No 707/2014 (OJ No L 186, 26.6.2014, p56).

#### **Article 5 (prohibitions and restrictions on landing tree pests and relevant material)**

4. (1) In article 5(1)(c), after “Schedule 1”, insert “or 1A”.
- (2) After article 5(1), insert—
  - “(1A) The landing in the protected zone specified in column 2 of Schedule 1A of any tree pest of the description specified in column 1 of that Schedule is prohibited.”.

#### **Article 6 (advance notification of landing)**

5. In article 6(2)(b)(8), for paragraphs (ii) and (iii), substitute—
  - “(ii) listed in the second column of Annex II Part B of the Directive and in the course of its consignment to a protected zone that is recognised as a protected zone for the tree pest listed in the first column of that Annex opposite the reference to the relevant material; or
  - (iii) listed in the first column of Annex IV Part B of the Directive and in the course of its consignment to a protected zone that is recognised as a protected zone for the tree pest specified in the second column of that Annex opposite the reference to the relevant material”.

#### **Article 8 (exceptions from certain prohibitions and requirements)**

6. In article 8(2)(9)—
  - (a) in sub-paragraph (c), for “*Castanea* Mill., *Fraxinus* L. or *Platanus* L.” substitute “*Fraxinus* L.”;
  - (b) in sub-paragraph (d), omit “other than wood of *Platanus* L.”.

#### **Article 12 (plant health discharge)**

7. In article 12(2)—
  - (a) after sub-paragraph (a), insert—
    - “(aa) “(aa) in the case of relevant material in the course of its consignment to a protected zone, that the relevant material is free from any tree pest listed in the first column of Annex I to Regulation (EC) No 690/2008 opposite the reference to the protected zone;”;
  - (b) for sub-paragraph (c) substitute—
    - “(c) “(c) in the case of relevant material which is listed in the second column of Annex II Part B of the Directive and in the course of its consignment to a protected zone that is recognised as a protected zone for the tree pest listed in the first column of that Annex opposite the reference to the relevant material, that the relevant material is not carrying or infected with the tree pest;”;
  - (c) for sub-paragraph (e) substitute—
    - “(e) “(e) in the case of relevant material which is listed in the first column of Annex IV Part B of the Directive and in the course of its consignment to a protected zone that is recognised as a protected zone for the tree pest specified in the second column of that Annex opposite the reference to the relevant material, that the relevant material complies with the requirements specified in the second column of that Annex opposite the reference to the relevant material and, where there is one or more alternative requirements, the requirement

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(8) Article 6(2) was amended by [S.I. 2011/1043](#), article 4(1) and [S.I. 2013/755](#), Schedule 4, paragraphs 207, 212(1) and 212(3).

(9) Article 8(2) was amended by [S.I. 2012/2707](#), article 2(3) and [S.I. 2013/2691](#), article 4(a) and (b).

declared in the phytosanitary certificate or phytosanitary certificate for re-export;”.

#### **Article 18 (prohibitions and restrictions on landing tree pests and relevant material)**

8. (1) In article 18(1)(c)(10), after “Schedule 1”, insert “or 1A”.

(2) After article 18(1), insert—

“(1A) The landing in the protected zone specified in column 2 of Schedule 1A of any tree pest of the description specified in column 1 of that Schedule and which is introduced into that protected zone from another part of the European Union is prohibited.”.

#### **Article 19 (prevention of the spread of tree pests)**

9. In article 19(1)(11)—

(a) after sub-paragraph (a), insert—

“(aa) “(aa) any tree pest of the description specified in column 1 of Schedule 1A unless it is kept, stored, sold, moved or disposed of in an area in England which is not in the protected zone specified in column 2 of that Schedule;”;

(b) in sub-paragraph (c), after “Schedule 1”, insert “or 1A”.

#### **Article 20 (requirements for plant passports)**

10. In article 20(12), for paragraphs (8) and (9) substitute—

“(8) No person shall move within the protected zone specified in column 2 of Schedule 1A, or consign from England or Scotland to a protected zone in another part of the European Union which is recognised as a protected zone in relation to *Thaumetopoea processionea* L., any trees, other than seeds, of *Quercus* spp., other than *Quercus suber*, intended for planting unless they are accompanied by official documentation confirming that they are free from *Thaumetopoea processionea* L.”.

#### **Article 21 (exceptions from certain prohibitions and requirements)**

11. In article 21(13), for paragraphs (1) and (2), substitute—

“(1) The prohibitions on landing in article 18(1)(e), (f) and (g) and the requirements in article 20(1), (2), (5) and (6) for certain relevant material to be accompanied by a plant passport shall not apply to small quantities of any relevant material, other than excluded material, where the relevant material meets the conditions in paragraph (2).

(2) 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; and
- (c) is intended for household use.

(3) In paragraph (1), “excluded material” means any of the following relevant material—

- (a) trees of *Castanea* Mill. intended for planting;
- (b) trees of *Fraxinus* L. intended for planting;

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(10) Article 18(1) was amended by S.I. 2011/1043, article 4(1) and S.I. 2013/755, Schedule 4, paragraphs 207, 221(1) and 221(2).

(11) Article 19(1) was amended by S.I. 2013/755, Schedule 4, paragraphs 207 and 222.

(12) Article 20(8) and (9) was inserted by S.I. 2013/2691, article 5. There are other amendments to article 20, but none is relevant.

(13) Article 21 was amended by S.I. 2012/2707, article 2(4) and S.I. 2013/2691, article 6.

(c) trees, other than seeds, of *Platanus* L. intended for planting.”.

**Article 31 (actions which may be required by an inspector)**

12. In article 31(5)(a)(14), after “Schedule 1”, insert “or 1A”.

**Article 32 (actions which may be taken by an inspector)**

13. In article 32(2)(a), after “Schedule 1”, insert “, Schedule 1A”.

**Article 40 (notification of the presence or suspected presence of certain tree pests)**

14. In article 40(2)—

- (a) in sub-paragraph (a), after “Schedule 1”, insert “or 1A”;
- (b) in sub-paragraph (b), after “Schedule 1”, insert “, 1A”.

**Article 41 (notification of the likely entry into, or presence in, a free zone of tree pests or relevant material)**

15. In article 41(2)—

- (a) in sub-paragraph (a), after “Schedule 1”, insert “or 1A”;
- (b) in sub-paragraph (b), after “Schedule 1”, insert “, 1A”.

**Article 42 (information to be given)**

16. In article 42(2)(b)(15)—

- (a) in paragraph (i), after “Schedule 1”, insert “or 1A”;
- (b) in paragraph (ii), after “Schedule 1”, insert “, 1A”.

**Schedule 1 (tree pests which shall not be landed in or spread within Great Britain)**

17. In Schedule 1 under the heading “Insects, mites and nematodes”(16)—

(a) for item 1a substitute—

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- “1A. *Agrilus anxius* Gory, the Bronze Birch Borer
  - 1B. *Agrilus planipennis* Fairmaire, the Emerald Ash Borer
  - 1C. *Anoplophora chinensis* (Forster), the Citrus Longhorn Beetle”;
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(b) after item 3, insert—

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- “3A. *Bursaphelenchus xylophilus* (Steiner & Bührer) Nickle *et al.*, the Pine Wood Nematode”;
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(c) omit item 8A.

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(14) Article 31(5) was amended by [S.I. 2011/1043](#), article 4(1).

(15) Article 42(2) was amended by [S.I. 2013/755](#), Schedule 4, paragraphs 207 and 241.

(16) Item 1a under the heading “Insects, mites and nematodes” was inserted by [S.I. 2009/594](#), article 2(3)(a). Item 8A under the heading “Insects, mites and nematodes” was inserted by [S.I. 2008/644](#), article 2(3)(a). There are other amendments to Schedule 1, but none is relevant.

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**Schedule 1A**

18. After Schedule 1, insert—

“SCHEDULE 1A Articles 5(1A), 18(1A), 19(1), 20(8), 31(5), 32(2)40(2), 41(2) and 42(2)

Tree pests which shall not be landed in or spread within a protected zone which is limited in relation to England and Scotland to part of that area

(1)	(2)
<i>Tree pest</i>	<i>Description of protected zone</i>
<p><i>Thaumetopoea processionea</i> L., the Processionary Moth</p>	<p>Oak England, excluding the local authority areas of Barnet, Brent, Bromley, Camden, City of London, City of Westminster, Croydon, Ealing, Elmbridge, Epsom and Ewell, Hackney, Hammersmith &amp; Fulham, Haringey, Harrow, Hillingdon, Hounslow, Islington, Kensington &amp; Chelsea, Kingston upon Thames, Lambeth, Lewisham, Merton, Reading, Richmond upon Thames, Runnymede, Slough, South Oxfordshire, Southwark, Spelthorne, Sutton, Tower Hamlets, Wandsworth and West Berkshire, and Scotland”.</p>

**Schedule 2 (prohibitions on the landing in and movement within Great Britain of infected relevant material)**

19. (1) In Part A (relevant material which may not be landed in or moved within Great Britain if that material is carrying or infected with tree pests) of Schedule 2(17)—

- (a) omit items 2 and 2a;
- (b) for the entry in the third column of item 10, substitute “*Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.”;
- (c) for the entry in the second column of item 11, substitute “Trees, other than seeds, of *Castanea* Mill. or *Quercus* L. intended for planting”.

(2) In Part B (relevant material which may not be landed in or moved within Great Britain (as a protected zone) if that material is carrying or infected with tree pests) of Schedule 2, for item 3, substitute—

“3.	England Scotland	and	Wood, excluding wood which is bark-free, isolated bark or trees intended for planting of <i>Castanea</i> Mill.	<i>Cryphonectria parasitica</i> (Murrill) Barr, a cause of Sweet Chestnut Blight
4.	England Scotland	and	Trees, other than seeds, 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.”.

(17) Item 2a was inserted by S.I. 2009/594, article 2(4)(a) and item 11 was amended by S.I. 2013/2691, article 7. There are other amendments to Part A of Schedule 2, but none is relevant.

#### Schedule 4 (restrictions on the landing in and movement within Great Britain of relevant material)

20. (1) In Part A (relevant material, from third countries, which may only be landed in Great Britain if special requirements are satisfied) of Schedule 4(18)—

(a) for items 1 to 3, substitute—

<p>“1. Wood of conifers (Coniferales), except that of <i>Thuja</i> L. or <i>Taxus</i> L., other than in the form of:</p> <p>—chips, particles, sawdust, shavings, wood waste or scrap obtained in whole or part from these conifers,</p> <p>—wood packaging material, except associated controlled dunnage,</p> <p>—wood of <i>Libocedrus decurrens</i> Torr. where there is evidence that the wood has been processed or manufactured for pencils using heat treatment to achieve a minimum temperature of 82 #C for a seven to eight day period,</p> <p>but including that which has not kept its natural round surface, originating in Canada, China, Japan, the Republic of Korea, Mexico, Taiwan or the USA, where <i>Bursaphelenchus xylophilus</i> (Steiner &amp; Bühner) Nickle <i>et al.</i> is known to occur</p>	<p>The wood shall be accompanied by an official statement that:</p> <p>(a) 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 (including at its core), and there shall 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 or phytosanitary certificate for re-export; and</p> <p>(b) subsequent to its treatment the wood was transported, until leaving the country issuing that statement, outside of the flight season of the vector <i>Monochamus</i>, taking into account a safety margin of four additional weeks at the beginning and at the end of the expected flight season or, except in the case of wood free from any bark, with a protective covering ensuring that infestation with <i>Bursaphelenchus xylophilus</i> (Steiner et Bühner) Nickle <i>et al.</i> or its vector cannot occur</p>
<p>2. Wood of conifers (Coniferales) in the form of chips, particles, sawdust, shavings, wood waste or scrap obtained in whole or part from these conifers, originating in Canada, China, Japan, the Republic of Korea, Mexico, Taiwan or the USA, where <i>Bursaphelenchus xylophilus</i> (Steiner &amp; Bühner) Nickle <i>et al.</i> is known to occur</p>	<p>The wood shall be accompanied by an official statement that:</p> <p>(a) 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 (including at its core), the latter to be indicated on the phytosanitary</p>

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(18) Item 8 was amended by S.I. 2009/594, article 2(5)(a). Item 10a was inserted by S.I. 2009/594, article 2(5)(b). Item 12 was amended by S.I. 2013/2691, article 8(1)(a). Item 14 was amended by S.I. 2013/2691, article 8(1)(b). Item 14a was inserted by S.I. 2009/594, article 2(5)(c). Item 16a was inserted by S.I. 2009/594, article 2(5)(d). Item 17 was amended by S.I. 2009/594, article 2(5)(e). Item 19a was inserted by S.I. 2009/594, article 2(5)(f) and amended by S.I. 2012/2707, article 2(10)(a). Item 19b was inserted by S.I. 2012/2707, article 2(10)(b). Item 22 was amended by S.I. 2013/2691, article 8(1)(c). Item 23 was amended by S.I. 2013/2691, article 8(1)(d). Item 24 was amended by S.I. 2006/2696, article 2(7)(a) and replaced with items 24 and 24A by S.I. 2013/2691, article 8(1)(e). Item 25 was amended by S.I. 2013/2691, article 8(1)(g). There are other amendments to Part A of Schedule 4, but none is relevant.

- certificate or phytosanitary certificate for re-export; and
- (b) subsequent to its treatment the wood was transported, until leaving the country issuing that statement, outside of the flight season of the vector *Monochamus*, taking into account a safety margin of four additional weeks at the beginning and at the end of the expected flight season or, except in the case of wood free from any bark, with a protective covering ensuring that infestation with *Bursaphelenchus xylophilus* (Steiner et Bühner) Nickle *et al.* or its vector cannot occur
3. Wood of *Thuja* L. or *Taxus* L., other than in the form of:
- chips, particles, sawdust, shavings, wood waste or scrap obtained in whole or part from these conifers,
- wood packaging material, except associated controlled dunnage,
- but including that which has not kept its natural round surface, originating in Canada, China, Japan, the Republic of Korea, Mexico, Taiwan or the USA, where *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle *et al.* is known to occur
- The wood shall be accompanied by an official statement that it:
- (a) is bark-free;
- (b) has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, and there shall 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; or
- (c) has undergone an appropriate heat treatment to achieve a minimum temperature of 56 #C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), and there shall be evidence of that treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate or phytosanitary certificate for re-export

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- (b) omit item 4;
- (c) for items 5 and 6 substitute—

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- “5. Wood of conifers (Coniferales), other than in the form of:
- chips, particles, sawdust, shavings, wood waste or scrap obtained in whole or part from these conifers,
- The wood shall be accompanied by an official statement that it:
- (a) originates in an area or areas known to be free from:
- Monochamus* spp. (non-European)



—wood packaging material, except associated controlled dunnage,

but including that which has not kept its natural round surface, originating in Russia, Kazakhstan or Turkey

–*Pissodes* spp. (non-European)

–*Scolytidae* spp. (non-European),

and the area or areas shall be mentioned on the phytosanitary certificate or phytosanitary certificate for re-export under the rubric “place of origin”;

- (b) is bark-free and free from grub holes, caused by the genus *Monochamus* spp. (non-European), defined for this purpose as those which are larger than 3mm across;
- (c) has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, and there shall 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; or
- (d) has undergone an appropriate heat treatment to achieve a minimum temperature of 56 #C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), and there shall be evidence of that treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate or phytosanitary certificate for re-export

6. Wood of conifers (Coniferales), other than in the form of:

—chips, particles, sawdust, shavings, wood waste or scrap obtained in whole or part from these conifers,

—wood packaging material, except associated controlled dunnage,

but including that which has not kept its natural round surface, originating in any third country other than:

The wood shall be accompanied by an official statement that it:

- (a) is bark-free and free from grub holes, caused by the genus *Monochamus* spp. (non-European), defined for this purpose as those which are larger than 3mm across;
- (b) has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, and there shall be evidence of that kiln-drying by a

- Russia, Kazakhstan or Turkey;
  - a European country;
  - Canada, China, Japan, the Republic of Korea, Mexico, Taiwan or the USA, where *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle *et al.* is known to occur
- (c) mark “kiln-dried” or “KD” or another internationally recognised mark, put on the wood or on any wrapping in accordance with current usage; or
- (c) has undergone an appropriate heat treatment to achieve a minimum temperature of 56# C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood (including at its core), and there shall be evidence of that treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage and on the phytosanitary certificate or phytosanitary certificate for re-export

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- (d) in the third column of item 7, for the entry in paragraph (d), substitute “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), the latter to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export”;
- (e) for items 8 and 9 substitute—

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|---|---|
| <p>“8. Wood packaging material, except:</p> <ul style="list-style-type: none"> <li>—raw wood of 6mm thickness or less;</li> <li>—processed wood produced by glue, heat or pressure or a combination thereof; or</li> <li>—dunnage which is associated controlled dunnage for the purposes of items 1, 3, 5, 6, 9, 10A, 11, 12A or 13,</li> </ul> <p>coming from any third country, except Switzerland</p> | <p>The wood packaging material shall:</p> <ul style="list-style-type: none"> <li>(a) be subject to one of the approved treatments as specified in Annex I to ISPM No. 15; and</li> <li>(b) display a mark as specified in Annex II to ISPM No. 15, indicating that it has been subjected to an approved phytosanitary treatment in accordance with this standard</li> </ul>   |
| <p>9. Wood of <i>Acer saccharum</i> Marsh., including wood which has not kept its natural round surface, other than in the form of:</p> <ul style="list-style-type: none"> <li>—wood intended for the production of veneer sheets,</li> <li>—chips, particles, sawdust, shavings, wood waste or scrap, or</li> </ul>  | <p>The wood shall be accompanied by 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, and there shall 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> |

—wood packaging material, except associated controlled dunnage,

originating in the USA or Canada

(f) for items 10a and 11 substitute—

<p>“10A. Wood of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. or <i>Pterocarya rhoifolia</i> Siebold &amp; Zucc., other than in the form of:</p> <p>—chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or part from these trees, or</p> <p>—wood packaging material, except associated controlled dunnage,</p> <p>but including wood which has not kept its natural round surface, furniture or other objects made of untreated wood, originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA</p>	<p>The wood shall be accompanied by an official statement that:</p> <p>(a) its bark and at least 2.5cm of the outer sapwood have been removed in a facility authorised and supervised by the national plant protection organisation; or</p> <p>(b) the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood</p>
<p>11. Wood of <i>Quercus</i> L., other than in the form of:</p> <p>—chips, particles, sawdust, shavings, wood waste or scrap,</p> <p>—casks, barrels, vats, tubs or other coopers’ products, or parts thereof, of wood, 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, or</p> <p>—wood packaging material, except associated controlled dunnage,</p> <p>but including wood which has not kept its natural round surface, originating in the USA</p>	<p>The wood shall be accompanied by an official statement that it:</p> <p>(a) is squared so as to remove entirely the rounded surface;</p> <p>(b) is bark-free and the water content is less than 20% expressed as a percentage of the dry matter;</p> <p>(c) is bark-free and has been disinfected by an appropriate hot-air or hot water treatment; or</p> <p>(d) in the case of sawn wood, with or without residual bark attached, has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, and there shall be evidence of that kiln-drying by a mark “kiln-dried” or “KD” or another internationally recognised mark, put</p>

on the wood or on any wrapping in accordance with current usage”;

(g) for items 12 and 13 substitute—

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| “12. | Wood of <i>Platanus</i> L., other than in the form of chips, particles, sawdust, shavings, wood waste or scrap, but including wood which has not kept its natural round surface, originating in Armenia, Switzerland or the USA  | The wood shall be accompanied by 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, and there shall 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  |
| 12A. | <p>Wood of <i>Betula</i> L., other than in the form of:</p> <p>—chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or part from these trees, or</p> <p>—wood packaging material, except associated controlled dunnage,</p> <p>but including wood which has not kept its natural round surface, furniture or other objects made of untreated wood, originating in Canada or the USA where <i>Agrilus anxius</i> Gory is known to occur</p> | <p>The wood shall be accompanied by an official statement that:</p> <p>(a) its bark and at least 2.5cm of the outer sapwood have been removed in a facility authorised and supervised by the national plant protection organisation; or</p> <p>(b) the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood</p>  |
| 13.  | <p>Wood of <i>Populus</i> L., other than in the form of:</p> <p>—chips, particles, sawdust, shavings, wood waste or scrap,</p> <p>—wood packaging material, except associated controlled dunnage,</p> <p>but including wood which has not kept its natural round surface, originating in any country of the American continent</p>   | <p>The wood shall be accompanied by an official statement that it:</p> <p>(a) is bark-free; or</p> <p>(b) has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule, and there shall 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> |

(h) for items 14 and 14a substitute—

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| “14. | Wood in the form of chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or in part from: | The wood shall be accompanied by an official statement that it: |
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- Acer saccharum* Marsh., originating in the USA or Canada, or
- Populus* L., originating in any country of the American continent
- 14A. Wood in the form of chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or in part from *Platanus* L., originating in Armenia, Switzerland or the USA
- 14B. Wood in the form of chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or in part from *Betula* L.
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- (i) in the third column of item 15, for the entry in paragraph (b), substitute “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), the latter to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export”;
- (j) for items 16 and 16a substitute—
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- “16. Isolated bark of conifers (Coniferales), originating in any country outside Europe
- (a) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56 #C for a minimum

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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duration of 30 continuous minutes throughout the entire profile of the bark (including at its core), the latter to be indicated on the phytosanitary certificate or phytosanitary certificate for re-export; and

- (b) subsequent to its treatment the bark was transported, until leaving the country issuing that statement, outside of the flight season of the vector *Monochamus*, taking into account a safety margin of four additional weeks at the beginning and at the end of the expected flight season, or with a protective covering ensuring that infestation with *Bursaphelenchus xylophilus* (Steiner & Bühner) Nickle *et al.* or its vector cannot occur

- 16A. Bark or objects made out of bark of *Betula* L. originating in Canada or the USA where *Agrilus anxius* Gory is known to occur The bark or objects made out of bark shall be accompanied by an official statement that the bark is free from wood”;

(k) omit item 17;

(l) for item 19a substitute—

- “19A. Trees, other than fruit or seeds, of *Betula* L., but including cut branches of *Betula* L. with or without foliage The trees shall be accompanied by an official statement that they originate in a country known to be free of *Agrilus anxius* Gory”;

(m) in the third column of item 19b, for “Without prejudice to the requirements in item 19a, the”, substitute “The”;

(n) in the third column of items 22 and 23, for “24A”, substitute “24”;

(o) for items 24 and 24A substitute—

- “24. Trees, other than seeds, of *Castanea* Mill. or *Quercus* L. intended for planting, originating in any third country Without prejudice to the requirements in items 22, 23, 24B, 31 and 32, the trees shall be accompanied by an official statement that:

(a) they originate in an area or areas known to be free from *Cryphonectria parasitica* (Murrill) Barr; or

(b) 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”;

(p) for item 25 substitute—

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- “25. Trees, other than seeds, of *Platanus* L. intended for planting, originating in Armenia, Switzerland or the USA Without prejudice to the requirements in items 31, 33 and 34, the trees shall be accompanied by an official statement that no symptoms of *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr. have been observed at the place of production or in its immediate vicinity since the last complete cycle of vegetation”.
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(2) In Part B (relevant material, from another part of the European Union, which may only be landed in or moved within Great Britain if special requirements are satisfied) of Schedule 4(19)—

- (a) in the third column of item 1, for “*Ceratocystis fimbriata* f. sp. *platani* Walter”, substitute “*Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.”;
- (b) for items 5 and 5A substitute—
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- “5. Trees, other than seeds, of *Castanea* Mill. or *Quercus* L. intended for planting Without prejudice to the requirements in item 5B, the trees shall be accompanied by an official statement that:
- (a) they originate in an area or areas known to be free from *Cryphonectria parasitica* (Murrill) Barr; or
- (b) 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”;
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- (c) omit items 5C and 5D;
- (d) for item 6 substitute—
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- “6. Trees, other than seeds, of *Platanus* L. intended for planting Without prejudice to the requirements in items 8 and 8A, the trees shall be accompanied by an official statement that:
- (a) they originate in an area known to be free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.; or
- (b) no symptoms of *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr. have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation”.
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(19) Item 5 was amended by S.I. 2006/2696, article 2(8)(a) and S.I. 2013/2691, article 8(2)(a). Item 5C was originally inserted as item 5b by S.I. 2008/644, article 2(5)(b), amended by S.I. 2009/594, article 2(6)(a) and re-numbered by S.I. 2013/2691, article 8(2)(b). Item 5D was originally inserted as item 5c by S.I. 2009/594, article 2(6)(b) and re-numbered by S.I. 2013/2691, article 8(2)(b). Item 6 was amended by S.I. 2013/2691, article 8(2)(c). There are other amendments to Part B of Schedule 4, but none is relevant.

(3) In Part C (relevant material, from a third country or another part of the European Union, which may only be landed in or moved with Great Britain (as a protected zone) if special requirements are satisfied) of Schedule 4—

(a) after item 4, insert—

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“4A.	Wood of <i>Platanus</i> L., including wood which has not kept its natural round surface, originating in the European Union or in Armenia, Switzerland or the USA	The wood shall be accompanied by an official statement that it:
		<ul style="list-style-type: none"> <li>(a) originates in an area free from <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. &amp; T.C. Harr., established in accordance with ISPM No. 4;</li> <li>(b) 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, and there shall 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 commercial usage; or</li> <li>(c) originates in a protected zone which is recognised as a protected zone for the tree pest mentioned in paragraph (a)”;</li> </ul>

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(b) after item 7, insert—

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“7A.	Trees of <i>Castanea</i> Mill., intended for planting	Without prejudice to the requirements in item 7B, the trees shall be accompanied by an official statement that they:
		<ul style="list-style-type: none"> <li>(a) have been grown throughout their life in a place of production in a country where <i>Cryphonectria parasitica</i> (Murrill) Barr is known not to occur;</li> <li>(b) have been grown throughout their life in an area free from <i>Cryphonectria parasitica</i> (Murrill) Barr, established by the national plant protection organisation in accordance with ISPM No. 4; or</li> <li>(c) originate in a protected zone which is recognised as a protected zone in relation to the tree pest mentioned in paragraphs (a) and (b)</li> </ul>
7B.	Trees of <i>Castanea</i> Mill., other than trees in tissue culture, fruit or seeds	Without prejudice to the requirements in item 7A, the trees shall be accompanied by an official statement that they:



- (a) have been grown throughout their life in a place of production in a country where *Dryocosmus kuriphilus* Yasumatsu is known not to occur;
  - (b) have been grown throughout their life in an area free from *Dryocosmus kuriphilus* Yasumatsu, established by the national plant protection organisation in accordance with ISPM No. 4; or
  - (c) originate in a protected zone which is recognised as a protected zone in relation to the tree pest mentioned in paragraphs (a) and (b)
- 7C. Trees, other than seeds, of *Platanus* L. intended for planting, originating in the European Union or in Armenia, Switzerland or the USA
  - The trees shall be accompanied by an official statement that they:
    - (a) have been grown throughout their life in an area free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., established in accordance with ISPM No. 4; or
    - (b) originate in a protected zone which is recognised as a protected zone in relation to the tree pest mentioned in paragraph (a)”.

**Schedule 5 (relevant material from a third country for which a phytosanitary certificate may be required)**

21. (1) In Part A (relevant material which may only be landed in Great Britain if accompanied by a phytosanitary certificate) of Schedule 5(20)—

- (a) for paragraph 2(b) and (c) substitute—
  - “(b) “(b) conifers (Coniferales);
  - (c) *Acer saccharum* Marsh., originating in the USA or Canada;
  - (d) cut branches of *Betula* L. with or without foliage; or
  - (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”;
- (b) omit paragraph 2A;
- (c) for paragraph 3(b) and (c), substitute—
  - “(b) “(b) *Acer saccharum* Marsh., *Populus* L., *Quercus* L., other than *Quercus suber* L.;

(20) Paragraph 2A was inserted by S.I. 2013/2691, article 9(a). Paragraph 3 was amended by S.I. 2009/594, article 2(7)(a). Paragraph 4 was amended by S.I. 2009/594, article 2(7)(b) and S.I. 2013/2691, article 9(b). There are other amendments to Part A of Schedule 5, but none is relevant.

- (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”;
- (d) for paragraphs (ii) to (vi) of paragraph 4(a), substitute—
  - “(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; or
  - (vii) *Betula* L., including wood which has not kept its natural round surface, originating in Canada or the USA; and”.

(2) In Part B (relevant material which, if destined for certain protected zones, may only be landed in Great Britain if accompanied by a phytosanitary certificate) of Schedule 5, after paragraph 1, insert—

“**1A.** Seeds of *Castanea* Mill.”.

**Schedule 6 (prohibitions on the landing in and movement within Great Britain of relevant material without a plant passport)**

**22.** (1) In Part A (relevant material, from another part of the European Union, which may only be landed or moved in Great Britain if accompanied by a plant passport) of Schedule 6(21), omit paragraph 5.

(2) In Part B (relevant material, from another part of the European Union, which may only be landed or moved in Great Britain if accompanied by a plant passport which is valid for Great Britain (as a protected zone)) of Schedule 6—

(a) for paragraph 2 substitute—

“**2.** Trees, other than fruit, of *Castanea* Mill.

**2A.** Seeds of *Castanea* Mill.

**2B.** Trees, other than seeds, of *Platanus* L. or *Populus* L. intended for planting.”;

(b) for paragraph 3(a)(ii) substitute—

“(ii) *Castanea* Mill., excluding wood which is bark-free; or

(iii) *Platanus* L., including wood which has not kept its natural round surface; and

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(21) Paragraph 5 was inserted by S.I. 2008/644, article 2(7)(b). There are other amendments to Part A of Schedule 6, but none is relevant.

**Schedule 7 (prohibitions on the consignment of relevant material to another part of the European Union without a plant passport)**

**23.** (1) In Part A (relevant material which may only be consigned to another part of the European Union if accompanied by a plant passport) of Schedule 7(**22**), omit paragraph 5.

(2) In Part B (relevant material which may only be consigned to a protected zone in another part of the European Union if accompanied by a plant passport which is valid for that protected zone) of Schedule 7—

(a) for paragraph 2 substitute—

“**2.** Trees, other than fruit, of *Castanea* Mill.

**2A.** Seeds of *Castanea* Mill.

**2B.** Trees, other than seeds, of *Platanus* L. or *Populus* L. intended for planting.”;

(b) for paragraph 4(a)(ii), substitute—

“(ii) *Castanea* Mill., excluding wood which is bark-free; or

(iii) *Platanus* L., including wood which has not kept its natural round surface; and

9th September 2014

*Wilma Harper*  
Secretary to the Forestry Commissioners

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(22) Schedule 7 was amended by [S.I. 2011/1043](#), article 4(1). Paragraph 5 was inserted by [S.I. 2008/644](#), article 2(7)(b). There are other amendments to Part A of Schedule 7, but none is relevant.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Plant Health (Forestry) Order 2005 ([S.I. 2005/2517](#)) (“the principal Order”) in relation to England and Scotland to implement—

- (a) Commission Implementing Directive 2014/78/EU amending Annexes I, II, III, IV, and V to Council [Directive 2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 183, 24.6.2014, p23); and
- (b) Commission Implementing Directive 2014/83/EU amending Annexes I, II, III, IV, and V to Council [Directive 2000/29/EC](#) on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 186, 26.6.2014, p64).

Articles 17 and 19 to 23 amend Schedules 1, 2 and 4 to 7 to the principal Order so as to implement various amendments made by Commission Implementing Directives 2014/78/EU and 2014/83/EU to technical Annexes I to V to Council [Directive 2000/29/EC](#) (OJ No L 169, 10.7.2000, p1).

Articles 4, 7(a), 8, 9 and 18 amend articles 5, 12, 18 and 19 of, and add a new Schedule 1A to, the principal Order to implement the amendments made by Commission Implementing Directives 2014/78/EU and 2014/83/EU to Annexes I to V to Council [Directive 2000/29/EC](#) in relation to the tree pest, *Thaumetopoea processionea* L., the Oak Processionary Moth. The amendments prohibit the landing or movement of *Thaumetopoea processionea* L. in that part of England and Scotland which is recognised as a protected zone in relation to the tree pest. Article 10 also amends article 20 of the principal Order to impose additional requirements on the movement of trees, other than seeds, of *Quercus* spp. other than *Quercus suber*, intended for planting, which are likely to host *Thaumetopoea processionea* L.

In addition, the Order makes other minor amendments to the principal Order.

Article 3(e) provides for references to [Commission Regulation \(EC\) No 690/2008](#) (OJ No L 193, 22.7.2008, p1) to be read as references to that Regulation as amended from time to time.

An impact assessment has not been produced for this instrument as no impact on business or the private or voluntary sector is foreseen. The Explanatory Memorandum for this instrument, together with a transposition note, is available alongside the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk).