

2019 No. 99

PLANT HEALTH

**The Plant Health (Wood and Bark) (Amendment) Order
(Northern Ireland) 2019**

Made - - - - 2nd May 2019

Coming into operation - 7th May 2019

The Department of Agriculture, Environment and Rural Affairs(a) makes the following order in exercise of the powers conferred by sections 2 and 3(1) of the Plant Health Act (Northern Ireland) 1967(b) and section 2(2) of the European Communities Act 1972(c).

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(d) and it appears to the Department of Agriculture, Environment and Rural Affairs that it is expedient for references to the European Union instrument mentioned in article 3(1) to be construed as references to that instrument as amended from time to time.

Citation, commencement and application

1. This Order may be cited as the Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2019 and comes into operation on 7th May 2019.

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

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

Article 2 (general interpretation)

3.—(1) In article 2—

(a) in paragraph (1) in the definition of “associated controlled dunnage”, for “12a and 13” substitute “12, 12a, 13 or 13c”.

(b) after the definition of “debarked”, insert—

(a) The Ministry of Agriculture became known as the Department of Agriculture by virtue of section 7 (5) of the Northern Ireland Constitution Act 1973 (c.36), was renamed the Department of Agriculture and Rural Development by Article 3(4) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I.1)) and was renamed the Department of Agriculture, Environment and Rural Affairs by section 1 of the Departments Act (Northern Ireland) 2016 (c.5)(N.I.).

(b) 1967c.28 (N.I.) Sections 2(1) and 3(1) were amended by S.R. & O (N.I.) 1972 No.351, article 3 and Schedule 2. Section 2(2) was amended by 1979 c.2 section 177(1) and Schedule 4, Part II. Sections 2 and 3 were also amended by S.I. 1984/702 (N.I.2), Articles 15, 24 and Schedule.

(c) 1972.c68 (N.I.). Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) and amended by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).

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

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

““Decision 2002/757/EC” means 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., as amended from time to time(a);

“Decision 2012/535/EU” means Commission Implementing Decision 2012/535/EU on emergency measures to prevent the spread within the Union of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pine wood nematode), as amended from time to time(b);

“Commission Implementing Decision 2014/690/EU repealing Commission Decision 2006/464/EC on provisional measures to prevent the introduction into and the spread within the Community of *Dryocosmus kuriphilus* Yasumatsu, as amended from time to time(c);

“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), as amended from time to time(d)

“Decision (EU)2018/1203” means Commission Implementing Decision (EU)2018/1203 recognising certain areas of the United States of America as being free from *Agrilus planipennis* Fairmaire, as amended from time to time (e);”;

(c) for the definition of “ISPM No 4” substitute—

““ISPM No 4” means International Standard for Phytosanitary Measures No. 4 of November 1995 on the requirements for the establishment of pest-free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(f)”;

(d) after the definition of “ISPM No. 4” insert—

““ISPM No.10” means International Standard for Phytosanitary Measures No.10 of October 1999 on requirements for the establishment of pest free places of production and pest free production sites, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(g);”;

(e) for the definition of “ISPM No. 15” substitute—

““ISPM No 15” means International Standard for Phytosanitary Measures No.15 of March 2002 on the regulation of wood packaging material in international trade, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(h);”;

(f) after the definition of “round wood”, insert—

““solid fuel wood” means fuel wood in the form of logs, billets, twigs, faggots, chips or other similar forms;”;

(g) for the definition of “working day” substitute—

““working day”, in relation to the notice requirements in articles 5(3)(b)(ii) and 15(3) and 17(4) and the period for which material may be detained under article 13(1), means a period of twenty-four hours which is not a Saturday, Sunday, Christmas Day, Good

(a) OJ No L 252, 20.9.2002, p. 37, as last amended by Commission Implementing Decision EU 2016/1967 (OJ No L 303, 10.11.2016, p. 21).

(b) OJ No L 266, 2.10.2012, p.42, as last amended by Commission Implementing Decision (EU) 2018/618 (OJ No L 102, 23.4.2018, P 17).

(c) OJ No L 288, 2.10.2014, p.5

(d) OJ No L 146, 11.6.2015, p.16.

(e) OJ No L 217, 27.8.2018, p.7.

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

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

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

Friday or a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971(a);”;

(h) after the definition of “working day” , insert—

““working hour” means a period of one hour during a working day.”.

(2) After article 2(3), insert—

“(4) The requirements specified in any entry in column 3 of Part A, Part B or Part C of Schedule 4 are without prejudice to any other requirements specified in another entry in Column 3 of the Part.”.

Article 5 (advance notification of landing)

4. In article 5(b) for paragraphs (1) and (2) substitute—

“(1) Subject to article 27(3), the landing in Northern Ireland by any person of relevant material to which paragraph (2) applies is prohibited unless notice is given to the Department in accordance with this article”.

“(2) The prohibition on landing relevant material in paragraph (1) applies to the landing in Northern Ireland, where Northern Ireland is the point of entry of the material into the European Union, of the following relevant material—

- (a) any relevant material specified in Part A of Schedule 5;
- (b) any relevant material specified in Part B of Schedule 5 and which is—
 - (i) listed in column 2 of Part C of Schedule 4;
 - (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; or
- (c) any solid fuel wood to which sub-paragraphs (a) and (b) do not apply and whose final destination is in Northern Ireland.”.

Article 13 Power of an officer for Revenue and Customs

5. In article 13(1), for the words from “Article 37” to the end, substitute “Article 134 of the Customs Code”.

Article 16 Approved places of inspection

6. In article 16—

- (a) in paragraph (5), omit the words from “as referred to” to the end;
- (b) after paragraph (5) insert—

“(6) In paragraph (5), “temporary storage facility” has the same meaning as it has for the purposes of the Customs Code.”.

Article 17 (prohibitions and restrictions on landing pests and relevant material)

7. After article 17 (2), insert—

(a) Banking and Financial Dealings Act 1971 Chapter 80
(b) Article 5(2)(b) was amended by S.R. 2015 No.129

“(3) No person may bring any solid fuel wood into Northern Ireland from another part of the European Union other than solid fuel wood originating in Ireland unless the Department is given notice in accordance with the requirements of Schedule 12.

(4) A notice under paragraph (3) shall be given to the Department—

- (a) in the case of any solid fuel wood brought by air at least four working hours before its expected time of arrival; and
- (b) in any other case, at least three working days before its expected date of arrival.”.

Article 19 (requirement for plant passports)

8. In article 19—

(a) in paragraph (2)—

- (i) after “within” insert “a protected zone in”;
- (ii) for “Northern Ireland as a” substitute “that”;

(b) in paragraph (4)—

- (i) after “within” insert “a protected zone in”;
- (ii) for “Northern Ireland as a” substitute “that”;

(c) After article 19(7), insert—

“(8) In the case of any relevant material of a description specified in paragraph 1(a) of Part A of Schedules 6 and 7, the plant passport shall have been issued by a treatment facility authorised in accordance with Article 13 of Decision 2012/535/EU.”.

Article 37 (notification of the presence or suspected presence of certain pests)

9. In article 37—

- (a) in paragraph (1), for “any pest to which this article applies” substitute “any notifiable pest”.
- (b) in paragraph (2), for “This article applies to” substitute “In paragraph (1), “notifiable pest” means”.

Schedule 1 (pests which shall not be landed in or spread within Northern Ireland)

10. In Schedule 1

(a) after item 10 under the heading “Fungi”, insert—

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

Schedule 3 (relevant material which may not be landed in Northern Ireland if that material originates in certain third countries)

11. In Schedule 3—

(a) in the entry in the third column of item 2, after “North America”, insert “, other than the USA”;

(b) after item 4, insert—

“5. Susceptible bark within the meaning of Article 1(4) of Decision 2002/757/EC the USA”.

Schedule 4 (restrictions on the landing in and movement within Northern Ireland of relevant material)

12. In Schedule 4(a) in Part A (relevant material, from third countries, which may only be landed in Northern Ireland if special requirements are satisfied)

- (a) in item 8—
 - (i) in the entry in the second column of the table, for “12A or 13” substitute “12, 12a, 13 or 13c”;
 - (ii) in the entry in the third column of the table, in paragraph (a), after “be” insert “made of debarked wood and”;
- (b) for item 10A substitute—

“10a.	Wood of <i>Fraxinus</i> L., <i>Juglans aillantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. or <i>Pterocarya rhoifolia</i> Siebold & Zucc., other than in the form of: —chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or part from these trees, or —wood packaging material, except associated controlled dunnage, 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	The wood shall be accompanied by an official statement that: (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; (b) the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1kGy throughout the wood; or (c) the wood originates in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, for the purposes of point 2.3 of Annex 4, Part A, Section 1 of the Directive and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export.”.
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- (c) in the entry in the second column of item 11, after “other than”, insert “ wood which complies with the requirements in paragraph (b) in the third column of item 13A or wood”;
- (d) for the entry in the second column of item 12 substitute—

“Wood of *Platanus* L., other than in the form of:
 —chips, particles, sawdust, shavings, wood waste or scrap, or
 —wood packaging material, except associated controlled dunnage, but including wood which has not kept its natural round surface, originating in

(a) Item 10A was substituted by S.R. 2015 No.129, item 11 was substituted by S.R. 2015 No 129, item 12 was substituted by S.R. 2015 No. 129. There are other amendments to Schedule 4 part A but they are not relevant.

Armenia, Switzerland or the USA.”.

(e) after item 13, insert—

- “13a. Susceptible wood within the meaning of Article 1(3) of Decision 2002/757/EC originating in the USA
- The wood shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export that:
- (a) it originates in an area in which non-European isolates of *Phytophthora ramorum* Werres, de Cock & Man in ‘t Veld sp. nov. is known not to occur and which is mentioned under the heading “place of origin”;
 - (b) it meets the requirements specified in point 2(b) of Annex 1 to Decision 2002/757/EC; or
 - (c) in the case of sawn wood with or without residual bark attached, it has undergone kiln-drying in the manner specified in point 2(c) of Annex 1 to that Decision, and there shall be evidence 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
- 13b. Specified wood within the meaning of Article 1(b) of Decision (EU) 2015/893, originating in any third country where *Anoplophora glabripennis* (Motschulsky) is known to be present
- The wood shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which—
- (a) in the case of wood in the form of chips , particles, shavings, wood waste or scrap, includes;
 - (i) an official statement under the heading “Additional declaration” that it meets the requirements specified in point (2)(a), (b) or (c) of Section 1(B) of Annex II to Decision (EU) 2015/893; and
 - (ii) where point (1)(a) of that Section applies, the name of the pest-free area under the heading “place of origin”;
 - (b) in any other case, includes;

13c.

Wood of *Amelanchier* Medik., *Aronia* Medik., *Cotoneaster* Medik., *Crataegus* L., *Cydonia* Mill., *Malus* Mill., *Prunus* L., *Pyracantha* M. Roem, *Pyrus* L. or *Sorbus* L., other than in the form of:

—chips, sawdust or shavings, obtained in whole or in part from these trees, or

—wood packaging material, except associated controlled dunnage, but including wood which has not kept its natural round surface, originating in Canada or the USA

(i) an official statement under the heading “Additional declaration” that it meets the requirements specified in point (1)(a) of that Section and the name of the pest-free area under the heading “place of origin”; or

(ii) an official statement under the heading “Additional declaration” that it is debarked and has undergone heat treatment in the manner specified in point (1)(b) of that Section, 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.

The wood must be accompanied by an official statement that:

(a) it originates in an area free from *Saperda candida* Fabricius, established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional declaration”;

(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, and which is indicated on the phytosanitary certificate or the phytosanitary certificate for re-export; or

(c) it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1kGy throughout the wood, and which is indicated on the phytosanitary certificate or the phytosanitary certificate

		for re-export.”.
(f) after item 15, insert—		
“15a.	Wood in the form of chips obtained in whole or in part from <i>Amelanchier</i> Medik., <i>Aronia</i> Medik., <i>Cotoneaster</i> Medik., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyracantha</i> M. Roem, <i>Pyrus</i> L. or <i>Sorbus</i> L., originating in Canada or the USA	The wood must be accompanied by an official statement that; (a) it originates in an area free from <i>Saperda candida</i> Fabricius established by the national plant protection organisation in the country of origin in accordance with ISPM No.4, which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional declaration”. (b) it has been processed into pieces of not more than 2.5cm thickness and width; or (c) 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 chips, and which is indicated on the phytosanitary certificate or the phytosanitary certificate for re-export”;
(g) after item 16b, insert—		
“17.	Wood in the form of chips, particles, sawdust, shavings, wood waste or scrap obtained in whole or in part from <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 & Zucc., originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA	The wood shall be accompanied by an official statement that the wood originates in an area recognised as being free from <i>Agilus planipennis</i> Fairmaire, for the purposes of point 2.4 of Annex 4, Part A, Section 1 of the Directive and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export
17a.	Isolated bark or objects made out of bark of	The bark shall be accompanied by an official

<p><i>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</i></p>	<p>statement that the bark originates in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, for the purposes of point 2.5 of Annex 4, Part A, Section 1 of the Directive and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export.”.</p>
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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 Northern Ireland if special requirements are satisfied)—

(a) after item 1, insert—

- “1a. Susceptible wood within the meaning of Article 1(b) of Decision 2012/535/EU which originates in an area established in accordance with Article 5 of the Decision
- The wood shall:
- (a) in the case of wood in the form of wood packaging material, meet the requirements specified in point 3 of Section 1 of Annex III to Decision 2012/535/EU;
 - (b) in the case of wood in the form of beehives or bird nesting boxes—
 - (i) meet the requirements specified in point 2(a) of that Section and either be accompanied by an official statement that it meets those requirements or be marked in accordance with Annex II to ISPM No.15; and
 - (ii) if it is not free from bark, meet the requirements specified in point 2(c) of that Section; or
 - (c) in the case of any other wood which is not in the form of wood packaging material;
 - (i) be accompanied by an official statement that it meets the requirements specified in point 2(a) of that Section; and
 - (ii) if it is not free from bark, meet the requirements specified in point 2(c) of that Section
- 1b. Specified wood within the meaning of Article 1(b) of Decision (EU) 2015/893 which originates in an area established in accordance with Article 7 of the Decision or specified wood within the meaning of that Article which retains all or part of its round surface and which does not originate in, but has been introduced into, such an area
- The wood shall:
- (a) in the case of wood in the form of chips, particles, shavings, wood waste or scrap, be accompanied by an official statement that it meets the requirements in point (2)(a) or (b) of Section 2(B) of Annex II to Decision (EU) 2015/893;
 - (b) in any other case , be accompanied by an official statement that it meets the requirements in points (1)(a) and (b) of that Section, and there shall be evidence of the appropriate heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage

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|-----|---|--|
| 1c. | Specified wood packaging material within the meaning of Article 1(c) of Decision (EU) 2015/893 which originates in an area demarcated in accordance with Article 7 of that Decision | The wood packaging material shall meet the requirements specified in points (a) and (b) of Section 2(C) of Annex II to Decision (EU) 2015/893 |
| 1d. | Susceptible bark within the meaning of Article 1(c) of Decision 2012/535/EU which originates in an area established in accordance with Article 5 of that Decision | The bark shall be accompanied by an official statement that it meets the requirements specified in point 2(a) of Section 1 of Annex III to Decision 2012/535/EU.”. |

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

13. In Schedule 5(a) in Part A (relevant material which may only be landed in Northern Ireland if accompanied by a phytosanitary certificate)—

(a) in paragraph 2(a)

(i) at the end of paragraph (vi) , omit “or”;

(ii) at the end of paragraph (vii),omit “and”;

(iii) after paragraph (vii) insert—

“(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) after paragraph 2, insert—

“3. Specified wood within the meaning of Article 1(3) of Decision 2002/757/EC, other than wood of *Quercus* L., originating in the USA.

4. Specified wood within the meaning of Article 1(b) of Decision (EU) 2015/893 originating in any third country in which *Anoplophora glabripennis* (Motschulsky) is known to be present.”.

Schedule 6 (prohibitions on the landing in and movement within Northern Ireland of relevant material without a plant passport)

14. In Schedule 6 in Part A (relevant material, from another part of the European Union, which may only be landed or moved in Northern Ireland if accompanied by a plant passport)

(a) after paragraph 1, insert—

“2. Susceptible wood or susceptible bark within the meaning of Article 1 of Decision 2012/535/EU, other than susceptible wood in the form of wood packaging material or susceptible wood in the form of beehives or bird nesting boxes which has been marked in accordance with Annex II to ISPM No.15 by a person who has been authorised, in accordance with Article 14 of that Decision, to apply the mark to the material.

3. Specified wood within the meaning of Article 1(b) of Decision (EU) 2015/893 which originates in an area established in accordance with Article 7 of that Decision, or specified wood within the meaning of that Article which retains all or part of its round surface and which does not originate in, but has been introduced into, such an area.”.

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

15. In Schedule 7 in Part A (relevant material which may only be consigned to another part of the European Union if accompanied by a plant passport)

(a) after paragraph 1, insert—

“2. Susceptible wood or susceptible bark within the meaning of Article 1 of Decision 2012/535/EU, other than susceptible wood in the form of wood packaging material or susceptible wood in the form of beehives or bird nesting boxes which has been marked in accordance with Annex II to ISPM No.15 by a person who has been authorised, in accordance with Article 14 of that Decision, to apply the mark to the material.

(a) Paragraph 2(a) was amended by S.R.2009 No.340 and by S.R. 2015 No.129.

3. Specified wood within the meaning of Article 1(b) of Decision (EU) 2015/893 which originates in an area established in accordance with Article 7 of that Decision, or specified wood within the meaning of that Article which retains all or part of its round surface and which does not originate in, but has been introduced into, such an area.”.

Schedule 8 (Swiss plant passports)

16. In Schedule 8—

- (a) omit part A;
- (b) for paragraph B substitute—

“1. Wood referred to in paragraph (a) or (b) of the definition of “wood” in article 2(1), where it —

- (a) has been obtained in whole or in part from one of the following order, genera or species, except wood packaging material of a description specified in the second column of item 8 in Part A of Schedule 4—
 - (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 the USA or Armenia;
 - (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; and
- (b) meets one of the descriptions specified in point 6(b) of Appendix 1 to Part B of Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products(a);

2. Isolated bark of—

- (a) conifers (Coniferales), originating in any country outside Europe;
- (b) *Acer saccharum* Marsh., *Populus* L. or *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;

(a) OJ No L 114, 30.4.2002, p.132, as last amended by Decision No 1/2017 of the Joint Committee on Agriculture (OJ No L 171, 4.7.2017, p. 185).

(d) *Betula L.*, originating in Canada or the USA.”.

Schedule 12 (notice of landing)

17. In Schedule 12—

(a) for Part A substitute—

“PART A

1. The notice of landing required under article 5(1) in relation to relevant material, other than solid fuel wood, shall be in the form set out in Part B or in a document containing at least the information referred to in that form.

2. The notice of landing required under article 5(1) or article 17(3) in relation to solid fuel wood shall be in the form set out in Part C or in a document containing at least the information referred to in that form.

3. The information contained in the notice shall be—

- (a) in English; and
- (b) in typescript or block capitals.”.

(b) after Part B, insert—

“PART C

Notice of landing required under article 5(1) or article 17(3) of the (Plant Health Wood and Bark) Order (Northern Ireland) 2006 in relation to solid fuel wood

- 1. Genus and species of solid fuel wood
- 2. Quantity (volume or weight of solid fuel wood)
- 3. Expected date of arrival
- 4. Expected first destination after landing
- 5. Country of origin
- 6. Consignor country, if different
- 7. Details of any phytosanitary treatments which have been applied
- 8. Address of the consignor
- 9. Signature of the importerDate:

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 2nd May 2019



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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Plant Health (Wood and Bark) Order (Northern Ireland) 2006 (S.R. 2006/66 (“the principal Order”) in relation to Northern Ireland to implement—

Decision No 1/2015 of the Joint Committee on Agriculture concerning the amendment to Appendices 1, 2, and 4 to Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ No L27, 1.2.2017, p.155) (see article 20 of the order.

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. (OJ No L252, 20.9.2002, p.37), as last amended by Commission Implementing Decision 2016/1967/EU (OJ No L 303, 10.11.2016, p.21) (articles 14(a), 15, 16(c), (e) and 17(b), of the Order);

Commission Implementing Decision 2014/690/EU repealing Commission Decision 2006/464/EC on provisional measures to prevent the introduction into and the spread within the Community of *Dryocosmus kuriphilus* Yasumatsu (OJ No L 288, 2.10.2014, p.5) (articles 16(2)(b), 18(a) and 19(a) of the Order);

Commission Implementing Decision (EU) 2015/893 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky) (OJ No L146, 11.6.2015, p.16) (articles 16(1)(e), 16(2)(a) 17(b), 18(a) and 19(a) of the Order);

Commission Implementing Decision 2012/535/EU on emergency measures to prevent the spread within the Union of *Bursaphelenchus xylophilus* (Steiner et Buhrer) Nickle et al. (the pine wood nematode) (OJ No L 266, 2.10.2012, p.42), as amended by Commission Implementing Decision (EU) 2018/618 (OJ No L 102, 23.4.2018, p.17) (articles 8, 16(2)(a), 18(a) and 19(a) of the Order); and

Commission Implementing Directive (EU) 2017/1279 amending Annexes I to V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ No L 164, 15.7.2017, p.33) (see articles 3, 14 to 17 of the Order).

Commission Implementing Decision (EU) 2018/1203 recognising certain areas of the United States of America as being free from *Agrilus planipennis* Fairmaire (OJ No L 217, 27.8.2018 p.7) (article 16(b) and (g) of the Order).

Article 3(1) provides for references to five EU instruments to be read as references to those instruments as amended from time to time.

Articles 4, 7 and 17 make provision to prohibit a person from landing in Northern Ireland certain solid fuel wood from third countries and the European Union other than solid fuel wood originating in Ireland, unless prior written notification has been given to the Department of Agriculture, Environment and Rural Affairs.

These Regulations make amendments to legislation in the field of plant health and are made to address deficiencies arising from the withdrawal of the UK from the European Union. An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. EU Future Relations Project Board has agreed that no consultation should be undertaken in relation to the amending legislation required as a product of this work stream, unless there is a legal duty to do so.

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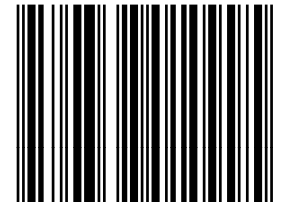
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