
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

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

PART 2

Amendment of the Plant Health (Forestry) Order 2005

57. For schedule 6 substitute—

“SCHEDULE 6

Article 2(1)

PART A

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

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

<i>CN Code</i>	<i>Description</i>
4401 11 00	Coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 12 00	Non-coniferous fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 21 00	Coniferous wood, in chips or particles
4401 22 00	Non-coniferous wood, in chips or particles
4401 40 90	Wood waste and scrap (other than sawdust), not agglomerated

<i>CN Code</i>	<i>Description</i>
ex 4403 11 00	Coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, not stripped of bark or sapwood, or roughly squared
ex 4403 12 00	Non-coniferous wood in the rough, treated with paint, stains, creosote or other preservatives, not stripped of bark or sapwood, or roughly squared
ex 4403 21	Coniferous wood of pine (<i>Pinus</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 22 00	Coniferous wood of pine (<i>Pinus</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 23	Coniferous wood of fir (<i>Abies</i> spp.) and spruce (<i>Picea</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 24 00	Coniferous wood of fir (<i>Abies</i> spp.) and spruce (<i>Picea</i> spp.) in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 25	Coniferous wood, other than of pine (<i>Pinus</i> spp.), fir (<i>Abies</i> spp.) or spruce (<i>Picea</i> spp.), in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, of which any cross-sectional dimension is 15 cm or more
ex 4403 26 00	Coniferous wood, other than of pine (<i>Pinus</i> spp.), fir (<i>Abies</i> spp.) or spruce (<i>Picea</i> spp.), in the rough, not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives, other than of which any cross-sectional dimension is 15 cm or more
ex 4403 99 00	Non-coniferous wood (other than tropical wood, oak (<i>Quercus</i> spp.), beech (<i>Fagus</i> spp.), birch (<i>Betula</i> spp.), poplar and aspen (<i>Populus</i> spp.) or eucalyptus (<i>Eucalyptus</i> spp.)), in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than treated with paint, stains, creosote or other preservatives
ex 4404	Split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise
4406	Railway or tramway sleepers (cross-ties) of wood
ex 4407	Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
ex 4407 99	Non-coniferous wood (other than tropical wood, oak (<i>Quercus</i> spp.), beech (<i>Fagus</i> spp.), maple (<i>Acer</i> spp.), cherry (<i>Prunus</i> spp.), ash (<i>Fraxinus</i> spp.), birch (<i>Betula</i> spp.) or poplar and aspen (<i>Populus</i> spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm

PART B

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

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

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

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

- (a) originate in a third country, other than the European Union, where *Anoplophora chinensis* (Forster) is known to be present;
- (b) originate in, or have been introduced into, an area in the European Union established in accordance with Article 6 of [Decision 2012/138/EU](#);
- (c) originate in, or have been introduced into—
 - (i) an area in the United Kingdom that is demarcated under paragraph 3 of schedule 12C or under paragraph 3 of schedule 11 of the Plant Health Regulations;
 - (ii) a CD territory where there is evidence that *Anoplophora chinensis* (Forster) is present.

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

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

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

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

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

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

- (b) originate in the European Union and have been grown for a part of their life in an area in the European Union established in accordance with Article 4 of Decision 2015/789;
 - (c) originate in the United Kingdom or a CD territory and have not been grown for any part of their life in—
 - (i) an area that is demarcated under paragraph 5 of schedule 12E or under paragraph 5 of schedule 15 of the Plant Health Regulations; or
 - (ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present.
- 12.** Trees, other than seeds, intended for planting, belonging to the genera and species listed in the list of *Xylella* host plants, which—
- (a) originate in the European Union and have never been grown in an area established in accordance with Article 4 of Decision 2015/789; or
 - (b) originate in the United Kingdom or a CD territory and have not been grown for any part of their life in—
 - (i) an area that is demarcated under paragraph 5 of schedule 12E or under paragraph 5 of schedule 15 of the Plant Health Regulations; or
 - (ii) a CD territory in which *Xylella fastidiosa* (Wells et al.) has been confirmed to be present.
- 13.** Trees, other than seeds, intended for planting that have a stem diameter of 1 cm or more at their thickest point, of *Acer* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Fagus* spp., *Fraxinus* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp., which:
- (a) originate in any third country, other than the European Union, where *Anoplophora glabripennis* (Motschulsky) is known to be present;
 - (b) originate, or have been introduced into a place of production, in an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893; or
 - (c) originate, or have been introduced into a place of production, in—
 - (i) an area in the United Kingdom that is demarcated under paragraph 3 of schedule 12F or under paragraph 3 of schedule 16 of the Plant Health Regulations;
 - (ii) a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present.
- 14.** Wood, other than wood packaging material, but including wood which has not retained its natural round surface, of *Acer* spp., *Aesculus* spp., *Alnus* spp., *Betula* spp., *Carpinus* spp., *Cercidiphyllum* spp., *Corylus* spp., *Fagus* spp., *Fraxinus* spp., *Koelreuteria* spp., *Platanus* spp., *Populus* spp., *Salix* spp., *Tilia* spp. and *Ulmus* spp., which—
- (a) originates in any third country, other than the European Union, where *Anoplophora glabripennis* (Motschulsky) is known to be present;
 - (b) originates in an area in the European Union established in accordance with Article 7 of Decision (EU) 2015/893 or, in the case of wood retaining all or part of its round surface, has been introduced into any such area;
 - (c) originates in—
 - (i) an area in the United Kingdom that is demarcated under paragraph 3 of schedule 12F or under paragraph 3 of schedule 16 of the Plant Health Regulations or a CD territory in which *Anoplophora glabripennis* (Motschulsky) has been confirmed to be present; or
 - (ii) in the case of wood retaining all or part of its round surface, has been introduced into any such area or territory; and

(d) meets one of the following descriptions—

<i>CN Code</i>	<i>Description</i>
4401 10 00	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
4401 22 00	Non-coniferous wood, in chips or particles
ex 4401 39 80	Other wood waste and scrap, not agglomerated in logs, briquettes, pellets or similar forms
4403 10 00	Wood in the rough, treated with paint, stains, creosote or other preservatives, whether or not stripped of bark or sapwood, or roughly squared
4403 92	Wood of beech (<i>Fagus</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared),
ex 4403 99	Non-coniferous wood (other than, beech (<i>Fagus</i> spp.), poplar (<i>Populus</i> spp.) or birch (<i>Betula</i> spp.), in the rough, whether or not stripped of bark or sapwood, or roughly squared
4403 99 10	Wood of poplar (<i>Populus</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared
4403 99 51	Sawlogs of birch (<i>Betula</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared
4403 99 59	Wood of birch (<i>Betula</i> spp.) in the rough, whether or not stripped of bark or sapwood, or roughly squared, other than sawlogs
ex 4404 20 00	Non-coniferous split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise),y or tramway sleepers (cross-ties) of wood
4407 92 00	Wood of beech (<i>Fagus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 93	Wood of maple (<i>Acer</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 95	Wood of ash (<i>Fraxinus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
ex 4407 99	Non-coniferous wood (other than beech (<i>Fagus</i> spp.), maple (<i>Acer</i> spp.), ash (<i>Fraxinus</i> spp.) or poplar (<i>Populus</i> spp.)), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4407 99 91	Wood of poplar (<i>Populus</i> spp.), sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
9406 00 20	Pr efabricated buildings of wood

15. Trees, other than fruit or seeds, intended for planting, of *Quercus* L., other than *Quercus suber*, whose girth at 1.2 m above the root collar is 8 cm or more, originating in any third country,

the United Kingdom or a CD territory, except any such plants which are only being moved within the OPM excluded zone.

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

(a) which—

- (i) originates in any third country, other than the European Union, where *Aromia bungii* (Faldermann) is known to be present;
- (ii) originates in an area in the European Union which has been established in accordance with Article 5 of Decision (EU) 2018/1503 or, in the case of wood retaining all or part of its round surface, has been introduced into an such area; or
- (iii) originates in or, in the case of wood retaining all or part of its round surface, has been introduced into—
 - (aa) an area demarcated under paragraph 3 of schedule 12G or under paragraph 3 of schedule 16A of the Plant Health Regulations; or
 - (bb) a CD territory in which the presence of *Aromia bungii* (Faldermann) has been confirmed; and

(b) meets one of the following descriptions—

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