
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

59. After schedule 7 insert—

“SCHEDULE 7A

Article 38(1)

Derogations from specific prohibitions and requirements under the relevant Plant Health Orders
Wood of *Fraxinus L.* from the USA or Canada

1. In this schedule—

“permitted wood” means wood of *Fraxinus L.*, originating or processed in the USA or Canada;

“relevant NPPO” means—

- (a) in relation to permitted wood originating or processed in Canada, the national plant protection organisation of Canada;
- (b) in relation to permitted wood originating or processed in the USA, the national plant protection organisation of the USA.

2. Permitted wood may be imported into Scotland provided that—

- (a) it meets the relevant conditions;
- (b) it is accompanied by a phytosanitary certificate issued by the relevant NPPO which includes the required official statement and the relevant details;
- (c) its importation is authorised by the appropriate UK plant health authority under the relevant Plant Health Order.

3. For the purposes of paragraph 2(a), the relevant conditions are—

(a) that the permitted wood—

- (i) in the case of wood, other than bark, is debarked, or in the case of bark, consists of visually separate and clearly distinct pieces, each of which is less than three cm in width or, if greater than 3 cm in width, has a total surface area of less than 50 cm², or;
- (ii) in the case of sawn wood, has been produced from debarked round wood;
- (iii) has been heated through its profile to at least 71°C for 1,200 minutes in a heat chamber approved by the relevant NPPO or an agency approved by the relevant NPPO;
- (iv) has been dried in accordance with industrial drying schedules recognised by the relevant NPPO for at least two weeks; and

- (v) has a final moisture content, expressed as a percentage of dry matter, which does not exceed 10%;
 - (b) that the permitted wood has been produced, handled and stored in a facility that—
 - (i) is officially approved by the relevant NPPO, or an agency approved by the relevant NPPO, pursuant to its certification programme in relation to *Agrilus planipennis* Fairmaire;
 - (ii) is registered in a database published on the website of the relevant NPPO;
 - (iii) is audited by the relevant NPPO, or an agency approved by the relevant NPPO at least once a month to verify that the facility is being operated in a manner that is consistent with ensuring that any exports of permitted wood to a relevant UK territory will meet the relevant conditions in this paragraph;
 - (iv) uses equipment for the treatment of permitted wood which has been calibrated consistently with the equipment's manual of operation; and
 - (v) keeps records of its procedures for verification by the relevant NPPO, or an agency approved by the relevant NPPO, including details of the duration of the treatment, temperatures during treatment, and for each bundle to be exported, the compliance check and final moisture content;
 - (c) where the facility is audited by an agency approved by the relevant NPPO, the agency is audited by the relevant NPPO every six months to verify the procedures and documentation of the agency and the audits of the facility carried out by the agency for the purposes of exports of permitted wood to a relevant UK territory under this Part;
 - (d) each bundle of permitted wood visibly displays a unique bundle number and a label with the words "HT-KD" or "Heat Treated-Kiln Dried", issued by or under the supervision of a designated officer of the approved facility following the verification of the conditions in sub-paragraphs (a) and (b)(iv);
 - (e) that the permitted wood has been inspected before its export by the relevant NPPO or an agency approved by the relevant NPPO to ensure that the conditions in sub-paragraphs (a) and (d) are met.
4. For the purposes of paragraph 2(b), the required official statement is an official statement that the wood has been inspected and is free from harmful plant pests.
5. The relevant details which must be included under the heading "Additional declaration" in the phytosanitary certificate for the purposes of paragraph 2(b) are—
- (a) the statement: "This consignment meets the conditions in Schedule 7A to the Plant Health (Forestry) Order 2005";
 - (b) the bundle number(s) corresponding to each specific bundle in the consignment; and
 - (c) the name of the approved facilities which processed the permitted wood in the consignment."