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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 278**

**The Plant Health (Forestry) Amendment (Scotland) Order 2019**

**Amendment of schedule 4**

**8.** In schedule 4—

(a) in the table in Part A—

(i) in item 10A, in the entry in column (3), in paragraph (a), at the beginning insert “except in the case of wood originating in Canada or the USA,”,

(ii) after item 10A insert—

“10B.	Wood of <i>Juglans</i> L. or <i>Pterocarya</i> Kunth, other than wood in the form of: — chips, particles, sawdust, shavings, wood waste or scrap, or — wood packaging material which is not associated controlled dunnage, but including wood which has not kept its natural round surface, originating in the USA	The wood must be accompanied by an official statement that: (a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Geosmithia morbida</i> Kolarik, Freeland, Utley & Tisserat and its vector <i>Pityophthorus juglandis</i> Blackman, (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 40 continuous minutes throughout the entire profile of the wood, or (c) it has been squared to entirely remove the natural rounded surface.
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Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a

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mark “HT” put on the wood or on any wrapping in accordance with current usage and on the certificate”,

(iii) for item 12 substitute—

- “12. Wood of *Platanus* L., other than wood packaging material that is not associated controlled dunnage, but including wood which has not kept its natural round surface or is in the form of chips, particles, sawdust, shavings, wood waste or scrap, originating in Albania, Armenia, Switzerland, Turkey or the USA
- The wood must be accompanied by an official statement that:
- (a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., or
  - (b) it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that kiln - drying by a mark “kiln-dried” or “KD” or another internationally recognised mark put on the wood or on any wrapping in accordance with current usage”,

(iv) after item 13C insert—

- “13D. Specified wood within the meaning of Article 1(c) of Decision (EU) 2018/1503 originating in any third country where *Aromia bungii* (Faldermann) is known to be present, other than China, Democratic People’s Republic of Korea, Mongolia, Japan, Republic of Korea or Vietnam
- The wood must 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:
    - (i) includes an official statement under the heading “Additional declaration” that it originates in an

- area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Aromia bungii* (Faldermann), and the name of the pest-free area under the heading “place of origin”,
- (ii) includes an official statement under the heading “Additional declaration” that it is debarked and 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, or
  - (iii) includes an official statement that it has been processed into pieces of not more than 2.5 cm thickness and width,
- (b) in any other case:
- (i) includes an official statement under the heading “Additional declaration” that it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Aromia bungii* (Faldermann), and the name of the pest-free area under the heading “place of origin”,
  - (ii) includes an official statement that it is debarked and 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 which is

- evidenced by a mark “HT” put on the wood or any wrapping in accordance with current usage, or
- (iii) includes an official statement that it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1kGy throughout the wood
- 13E. Wood of *Prunus* L., other than in the form of:
- chips, particles, sawdust, shavings, wood waste or scrap, or
  - wood packaging material which is not associated controlled dunnage,
- but including wood which has not kept its natural round surface, originating in China, Democratic People’s Republic of Korea, Mongolia, Japan, Republic of Korea or Vietnam
- The wood must be accompanied by an official statement that:
- (a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Aromia bungii* (Faldermann),
  - (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, or
  - (c) it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1kGy throughout the wood.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark “HT” on the certificate”,

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- (v) omit item 14a,
  - (vi) after item 15A insert—

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- “15B. Isolated bark of *Juglans* L. or *Pterocarya* Kunth, or wood of *Juglans* L. or *Pterocarya* Kunth in the form of chips, The bark or wood must be accompanied by an official statement that:

- particles, sawdust, shavings, wood waste or scrap, originating in the USA
- (a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman, or
  - (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 40 continuous minutes throughout the entire profile of the bark or the wood.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark “HT” on the certificate

- 15C. Wood of *Prunus* L. in the form of chips, particles, sawdust, shavings, wood waste or scrap, originating in China, Democratic People’s Republic of Korea, Mongolia, Japan, Republic of Korea or Vietnam
- The wood must be accompanied by an official statement that:
- (a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Aromia bungii* (Faldennann),
  - (b) it has been processed into pieces of not more than 2.5 cm 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 wood.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement

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referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (c), there must also be evidence of that heat treatment by a mark “HT” on the certificate”,

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(vii) after item 19C insert—

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| <p>“19D. Trees, other than seeds, of <i>Juglans</i> L. or <i>Pterocarya</i> Kunth, intended for planting, originating in the USA</p> | <p>The trees must be accompanied by an official statement that:</p> <ul style="list-style-type: none"> <li>(a) they have been grown throughout their life in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Geosmithia morbida</i> Kolarik, Freeland, Utley &amp; Tisserat and its vector <i>Pityophthorus juglandis</i> Blackman,</li> <li>(b) they: <ul style="list-style-type: none"> <li>(i) originate in a place of production where neither symptoms of <i>Geosmithia morbida</i> Kolarik, Freeland, Utley &amp; Tisserat nor its vector <i>Pityophthorus juglandis</i> Blackman, or the presence of the vector, have been observed during official inspections of the place of production and its vicinity (which, as a minimum, must include the area lying within a radius of 5 km of the place of production) carried out in the period of two years prior to their export,</li> <li>(ii) have been inspected immediately prior to export, and</li> <li>(iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production, or</li> </ul> </li> </ul> |
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- (c) they:
  - (i) originate in a place of production with complete physical isolation,
  - (ii) have been inspected immediately prior to export, and
  - (iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration””,

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(viii) for item 25 substitute—

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| “25. Trees, other than seeds, of <i>Platanus</i> L., intended for planting, originating in Albania, Armenia, Switzerland, Turkey or the USA | The trees must be accompanied by an official statement that: <ul style="list-style-type: none"><li>(a) they originate in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. &amp; T.C. Harr.,</li><li>(b) no symptoms of <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. &amp; 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.</li></ul> |
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Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration””,

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(ix) after item 28A insert—

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| “28B. Trees, other than trees in tissue culture or seeds, of <i>Crataegus</i> L., <i>Cydonia</i> | The trees must be accompanied by an official statement that: |
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- Mill.*, *Malus Mill.*, *Prunus L.*, *Pyrus L.* or *Vaccinium L.*, intended for planting, originating in Canada, Mexico or the USA
- (a) they have been grown throughout their life in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Grapholita packardi* Zeller,
  - (b) they have been:
    - (i) grown throughout their life in a place of production established in accordance with ISPM No. 10 as a place of production that is free from *Grapholita packardi* Zeller, which is registered and supervised by the national plant protection organisation in the country of origin and has been subjected annually to inspections for any signs of *Grapholita packardi* Zeller carried out at appropriate times,
    - (ii) grown in a site with the application of appropriate preventive treatments, where the absence of *Grapholita packardi* Zeller has been confirmed by official surveys carried out annually at appropriate times, and
    - (iii) subjected to a meticulous inspection for the presence of *Grapholita packardi* Zeller immediately prior to export, or
  - (c) they have been grown in a site with complete physical protection against the introduction of *Grapholita packardi* Zeller.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration” and must have been previously notified in



writing to the European Commission by the relevant national plant protection organisation”;

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(xi) for item 30 substitute—

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- “30. Growing medium, attached to or associated with trees, intended to sustain the vitality of the trees, other than any sterile medium of *in-vitro* trees, originating in any third country other than Switzerland
- The associated trees must be accompanied by an official statement that:
- (a) at the time of their planting, the growing medium:
    - (i) was free from soil and organic matter and had not been previously used for growing trees or for any agricultural purposes,
    - (ii) was composed entirely of peat or fibre of *Cocos nucifera* L. and had not been previously used for growing trees or for any agricultural purposes, or
    - (iii) was subjected to an effective treatment to ensure freedom from harmful tree pests,
  - (b) the growing medium was stored and maintained under appropriate conditions to keep it free from harmful tree pests; and
  - (c) either:
    - (i) appropriate measures have been taken since planting to ensure that the growing medium has been kept free from harmful tree pests, including at least the physical isolation of the growing medium from soil and other possible sources of contamination, the use of water that is free from harmful tree pests and hygiene measures;
    - (ii) in the period of two weeks prior to export:
      - (aa) the growing medium (including, where appropriate, any soil) has been completely removed by washing with water that is free

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- from harmful tree pests, and
- (bb) where the associated trees have been replanted, the growing medium met the requirements specified in paragraph (a) at the time of replanting and appropriate measures have been taken since replanting to ensure that the growing medium has been kept free from harmful tree pests in accordance with sub - paragraph (i).

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a)(iii), details of the treatment data must also be mentioned on the certificate under the heading “Additional declaration”’,

(xii) after item 30 insert—

“30A.	Machinery or vehicles which have been operated for agricultural or forestry purposes, imported from any third country other than Switzerland	The machinery or vehicles must be accompanied by an official statement that they have been cleaned and are free from soil and plant debris
30B	Machinery or vehicles which have been operated for agricultural or forestry purposes, imported from Switzerland	<p>The machinery or vehicles must be accompanied by an official statement that:</p> <ul style="list-style-type: none"> <li>(a) they have been exported from an area established by the national plant protection organisation for Switzerland in accordance with ISPM No. 4 as an area that is free from <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. &amp; T.C. Harr., or</li> <li>(b) in the case of any machinery or vehicles exported from an area infested with <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. &amp; T.C. Harr., they have been cleaned and are free from soil and plant debris prior to export”’,</li> </ul>

(xiii) after item 38 insert—

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“39.	Trees of specified plants within the meaning of Article 1(b) of Decision (EU) 2018/1503 originating in any third country where <i>Aromia bungii</i> (Faldermann) is known to be present	The trees must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes: (a) an official statement under the heading “Additional declaration” that they meet the requirements specified in point (a), (b) or (c) of Article 11 of Decision (EU) 2018/1503, and (b) where point (a) of that Article applies, the name of the pest-free area under the heading “place of origin””,
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(c) in the table in Part B—

(i) after item 1 insert—

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“1ZA.	Wood of <i>Juglans</i> L. or <i>Pterocarya</i> Kunth, other than in the form of: — chips, particles, sawdust, shavings, wood waste or scrap; or — wood packaging material which is not associated controlled dunnage, but including wood which has not kept its natural round surface	The wood must be accompanied by an official statement that: (a) it originates in an area known to be free from <i>Geosmithia morbida</i> Kolarik, Freeland, Utley & Tisserat and its vector <i>Pityophthorus juglandis</i> Blackman, (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 40 continuous minutes throughout the entire profile of the wood, or (c) it has been squared to entirely remove the natural rounded surface.
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Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage

- 1ZB. Isolated bark of *Juglans* L. or *Pterocarya* Kunth, or wood of *Juglans* L. or *Pterocarya* Kunth in the form of chips, particles, sawdust, shavings, wood waste or scrap
- The bark or wood must be accompanied by an official statement that:
- (a) it originates in an area established in accordance with ISPM No. 4 as an area that is free from *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman, or
  - (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 40 continuous minutes throughout the entire profile of the bark or the wood.

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

- 1ZC. Wood packaging material of *Juglans* or *Pterocarya* Kunth, except:
- raw wood of 6mm thickness or less;
  - processed wood produced by glue, heat or pressure or a combination thereof, or
  - dunnage which is associated controlled dunnage for the purposes of item 1ZA
- The wood packaging material:
- (a) must originate in an area established in accordance with ISPM No. 4 as an area that is free from *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman; or
  - (b) must:
    - (i) be made of debarked wood, as specified in Annex I to ISPM No. 15,
    - (ii) have been subject to one of the approved treatments as specified in Annex 1 to ISPM No. 15, and
    - (iii) display a mark as specified in Annex 2 to ISPM No. 15, indicating that it has been subjected to an

approved phytosanitary treatment in accordance with this standard”,

(ii) after item 1B insert—

“1BA.	Specified wood within the meaning of Article 1(c) of Decision (EU) 2018/1503 which: <ul style="list-style-type: none"><li>— originates in an area established in accordance with Article 5 of Decision (EU) 2018/1503, or</li><li>— retains all or part of its round surface and has been introduced into such an area</li></ul>	The wood must: <ul style="list-style-type: none"><li>(a) in the case of wood in the form of chips, particles, shavings, wood waste or scrap originating in an area established in accordance with Article 5 of Decision (EU) 2018/1503, be accompanied by an official statement that it meets the requirements in point (a) or (b) of Article 8(3) of that Decision,</li><li>(b) in any other case, be accompanied by an official statement that it meets the requirements in point (a) or (b) of Article 8(2) of that Decision and, where point (a) applies, bear evidence of the appropriate heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage”,</li></ul>
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(iii) after item 1C insert—

“1CA.	Specified wood packaging material within the meaning of Article 1(d) of Decision (EU) 2018/1503 originating in an area established in accordance with Article 5 of Decision (EU) 2018/1503	The wood packaging material must meet the requirements specified in points (a) and (b) of Article 9(2) of Decision (EU) 2018/1503”,
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(iv) after item 6A insert—

“6B.	Trees, other than seeds, of <i>Juglans L.</i> or <i>Pterocarya Kunth</i> , intended for planting	The trees must be accompanied by an official statement that: <ul style="list-style-type: none"><li>(a) they have been grown throughout their life, or since their introduction into the European Union, in a place of production in an area established in accordance with ISPM No. 4 as an area that is free from <i>Geosmithia morbida</i></li></ul>
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Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman,

- (b) they:
  - (i) originate in a place of production where neither symptoms of *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat nor its vector *Pityophthorus juglandis* Blackman, or the presence of the vector, have been observed during official inspections of the place of production and its vicinity (which, as a minimum, must include the area lying within a radius of 5 km of the place of production) carried out in the period of two years prior to their movement,
  - (ii) have been visually inspected immediately prior to their movement from the place of production, and
  - (iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production, or
- (c) they:
  - (i) originate in a place of production with complete physical isolation,
  - (ii) have been visually inspected immediately prior to their movement from the place of production, and
  - (iii) have been handled and packaged in

ways to prevent their infestation once they have left the place of production”

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(v) after item 7 insert—

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| “7A. | Machinery and vehicles which have been operated for agricultural or forestry purposes | The machinery or vehicles must:   |
|      |   | (a) have been moved from an area established in accordance with ISPM No. 4 as an area that is free from <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr. or a protected zone which is recognised as a protected zone for <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr., or |
|      |   | (b) in the case of any machinery or vehicles being moved out of an area infested with <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. & T.C. Harr., have been cleaned and be free from soil and plant debris prior to being moved out of the area”,  |

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(vi) after item 11 insert—

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| “12. | Trees of specified plants within the meaning of Article 1(b) of Decision (EU) 2018/1503 which originate, or have been introduced into a place of production, in an area established in accordance with Article 5 of that Decision | The trees must be accompanied by an official statement that:   |
|      |   | (a) in the case of trees which originate in an area established in accordance with Article 5 of Decision (EU) 2018/1503, they have been grown during a period of at least two years prior to their movement, or in the case of trees which are younger than two years, throughout their life, in a place of production which meets the requirements specified in Article 7(2) to (5) of that Decision; |
|      |   | (b) in the case of trees which have been introduced into a place of production in an area established in   |

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accordance with Article 5 of Decision (EU) 2018/1503, the place of production meets the requirements specified in Article 7(2) to (4) of that Decision”,

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- (c) in the table in Part C, in item 7D, for the entry in column (2), substitute “Trees, other than seeds, of *Cedrus* Trew or *Pinus* L., intended for planting”.