

2001 No. 2995

PLANT HEALTH

**The Plant Health (Forestry) (Great Britain) (Amendment)
Order 2001**

Made - - - - - 29th August 2001

Laid before Parliament 6th September 2001

Coming into force - - 30th September 2001

The Forestry Commissioners in exercise of the powers conferred on them by sections 2 and 3(1), (2) and (4) of the Plant Health Act 1967(a) as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972(b), hereby make the following Order:

Title and commencement

1. This Order may be cited as the Plant Health (Forestry) (Great Britain) (Amendment) Order 2001 and shall come into force on 30th September 2001.

Amendment of the Plant Health (Forestry) (Great Britain) Order 1993

2.—(1) The Plant Health (Forestry) (Great Britain) Order 1993(c) (“the Order”) shall be amended in accordance with the following paragraphs of this article.

(2) In article 2(1) of the Order—

(a) the definition of “dunnage” shall be amended to read as follows:

“dunnage” means wood of any kind used to wedge or support parts of cargo and includes packing material, spacers and pallets, except that dunnage originating in Canada, China, Japan and the United States of America shall not include wood packing material;’;

(b) to the definition of “relevant material” after the word “wood,” shall be added the words “wood packing material originating in Canada, China, Japan and the United States of America,”; and

(c) after the definition of “wood” shall be inserted the following definition:

“wood packing material” means non-manufactured wood of conifers (Coniferales), except that of *Thuja L.*, which is in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards and pallet collars, whether or not in use in the transport of objects, and, in reference to wood used in the construction of wood packing material, “non-manufactured” shall refer to wood which has not undergone a manufacturing process involving glue or a combination of heat and pressure.’.

(a) 1967 c. 8; section 2 and paragraphs (1) and (2) of section 3 were amended by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 8. Section 1(2) of the Plant Health Act 1967 defines “competent authorities” for the purposes of the Act.

(b) 1972 c. 62.

(c) S.I. 1993/1283, amended by S.I. 1994/3094, 1995/1989, 1996/751 and 1998/2206 and 3109.

(3) At paragraph (5) of article 12, after the words “Great Britain by post,” shall be inserted the words “and wood packing material originating in China,”.

(4) After paragraph (5) of article 12 shall be inserted the following text:

“(5A) Any phytosanitary certificate required in compliance with articles 3(2) and 9 and Schedule 4, Part A in respect of wood packing material originating in China shall be retained by the importer of the wood packing material for a period of one year from the date of landing, and, without prejudice to the powers of an inspector under article 24, shall be produced by him to an inspector immediately upon request, which may be made orally or in writing.

(5B) An inspector requesting a phytosanitary certificate under paragraph (5A) may retain the certificate for as long as he deems necessary to perform his functions under this Order.”.

(5) Paragraph (2) of article 19A shall be amended to read as follows:

“Paragraph (1) above shall not apply to items 2AA, 2AB or 11 to 19 of Part A of Schedule 4.”.

(6) At Schedule 4, Part A—

(a) at the end of the text in the second column of Item 1 shall be added the following indent—

“—wood packing material referred to in Items 2AA and 2AB below”;

(b) for the text in the second column of Item 2 there shall be substituted the following text:

“Wood of conifers (Coniferales), except that of *Thuja L.*,—

(a) in the form of packing cases, crates, drums, pallets, box pallets or load boards, dunnage, spacers and bearers, including wood which has not kept its natural round surface, originating in Korea and Taiwan;

(b) in the form of dunnage, spacers and bearers including wood which has not kept its natural round surface, originating in Canada, China, Japan and the USA; and

(c) in the form of packing cases, crates, drums, pallets, box pallets or load boards originating in Canada, China, Japan and the USA and despatched to the European Community before 1st October 2001”; and

(c) after Item 2 there shall be inserted—

“2AA. Wood of conifers (Coniferales), except that of <i>Thuja L.</i> , in the form of wood packing material originating in Canada, Japan and the United States of America and despatched to the European Community after 30th September 2001	Without prejudice to article 3(1), Part A of Schedule 2 and Schedule 3, wood packing material originating in Canada, Japan and the United States of America— (a) shall— (i) be heat treated or kiln-dried to a minimum core temperature of 56 degrees Celsius for at least 30 minutes in a closed chamber or kiln which has been tested, evaluated and officially approved for this purpose, and (ii) display an officially approved heat treated or kiln-dried marking enabling the identification of where and by whom the treatment described in paragraph (i) above has been carried out; (b) shall— (i) in accordance with an officially recognised technical specification, have been pressure treated with a chemical which is approved by a body responsible for such approvals in the country concerned, and	None
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(ii) display an official marking enabling the identification of where and by whom the treatment described in paragraph (i) above has been carried out; or

(c) shall—

(i) in accordance with an officially recognised technical specification, have been fumigated with a chemical which is approved by a body

responsible for such approvals in the country concerned, and

(ii) display an official marking enabling the identification of where and by whom the fumigation described in paragraph (i) above has been carried out

2AB. Wood of conifers (Coniferales), except that of *Thuja* L., in the form of wood packing material originating in China and despatched to the European Community after 30th September 2001

Without prejudice to article 3(1), Part A of Schedule 2 and Schedule 3, wood packing material originating in China—

(a) shall—

(i) be heat treated or kiln dried to a minimum core temperature of 56 degrees Celsius for at least 30 minutes in a closed chamber or kiln which has been tested, evaluated and approved

officially for this purpose, and

(ii) display an officially approved heat-treated or kiln-dried marking enabling the identification of where and by whom the treatment described in paragraph (i) above has been carried out;

(b) shall—

(i) in accordance with an officially recognised technical specification, have been pressure treated with a chemical which is approved by a body responsible for such approvals in the country concerned, and

(ii) display an official marking enabling the identification of where and by whom the treatment described in paragraph (i) above has been carried out; or

(c) shall—

(i) in accordance with an officially recognised technical specification, have been fumigated with a chemical which is approved by a body responsible for such approvals in the country concerned, and

Phytosanitary Certificate”.

(ii) display an official marking enabling the identification of where and by whom the fumigation described in paragraph (i) above has been carried out

In witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 29th August 2001.



Frank Strang
Secretary to the Forestry Commissioners

EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements Commission Decision 2001/219/EC of 12th March 2001 (OJ No. L81, 21.3.2001, p. 39) on temporary emergency measures in respect of wood packing comprised in whole or in part of non-manufactured coniferous wood originating in Canada, China, Japan and the United States of America. The Decision requires measures to be taken to protect the European Community against the pest *Bursaphelenchus xylophilus* (Steiner et Bühner) Nickle et al., the Pine Wood Nematode. Wood packing material produced from the coniferous wood, *Thuja L.*, is excepted from the requirements of the Decision.

This Order comes into force on 30th September 2001. It amends the Plant Health (Forestry) (Great Britain) Order 1993 (“the Order”) by creating additional items and conditions of landing under Schedule 4, Part A. It prohibits the landing in Great Britain of certain wood packing material originating in Canada, China, Japan and the United States of America and despatched to the European Community after 30th September 2001 which does not comply with certain treatment, phytosanitary certification and/or stamping requirements (article 2(6)(c)). Wood packing material made from wood which is manufactured by a process involving glue, or heat combined with pressure, is not subject to the requirements of this Order. Consequential amendments are made to the definition of “dunnage” (article 2(2)(a)), “relevant material” (article 2(2)(b)) and to other parts of Schedule 4, Part A of the Order (article 2(6)(a) and (b)).

This Order also imposes a requirement on importers landing wood packing material from any part of China to retain the phytosanitary certificate accompanying the material for a period of one year after the date of landing, and to produce the certificate to an inspector authorised by the Forestry Commissioners immediately on request (article 2(3) and (4)).

No Regulatory Appraisal has been prepared in respect of this Order.

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