

---

STATUTORY INSTRUMENTS

---

**2009 No. 594**

**The Plant Health (Forestry) (Amendment) Order 2009**

**Amendments to the Plant Health (Forestry) Order 2005**

2.—(1) The Plant Health (Forestry) Order 2005(1) is amended as follows.

(2) In article 2(1)

(a) for the definition of “the Directive” substitute—

““the Directive” means 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;”(2); and

(b) after the definition of “Decision [2007/433/EC](#)”(3) insert—

“Decision [2008/840/EC](#)” means Commission Decision [2008/840/EC](#) on emergency measures to prevent the introduction into and the spread within the Community of *Anoplophora chinensis* (Forster), as amended from time to time;”.

(3) In Schedule 1, in the section “Insects, mites and nematodes”—

(a) after item 1 insert “1a *Anoplophora chinensis* (Forster), the Citrus Longhorn Beetle”; and

(b) after item 4 insert “4za *Dendrolimus sibiricus* Tschetverikov, the Siberian Coniferous Silk Moth”.

(4) In Part A of Schedule 2—

(a) after item 2 insert—

---

“2a. Trees intended for planting, other than trees in *Agrilus planipennis* Fairmaire, tissue culture and seeds, of *Fraxinus* L., *Juglans* the Emerald Ash Borer”;  
*mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and the USA

---

(b) after item 12 insert—

---

“13 Trees of *Ulmus* L. and *Zelkova* L., intended for planting, *Stegophora ulmea*  
other than seeds (Schweinitz: Fries) Sydow & Sydow, Elm Black Spot”.

---

(5) In Part A of Schedule 4—

(a) for the text in column (3) of item 8 substitute—

---

“The wood packaging material shall:

---

(1) [S.I. 2005/2517](#), amended by [S.I. 2006/2696](#) and [2008/644](#).

(2) OJ No L 169, 10.7.2000, p 1, as last amended by Commission Directive [2009/7/EC](#), OJ No L 40, 11.2.2009, p 12.

(3) The definition of “Decision [2007/433/EC](#)” was inserted by [S.I. 2008/644](#), article 2(2).

- (a) from 1st July 2009, be free from bark with the exception of any number of individual pieces of bark if they are either less than 3 cm in width (regardless of the length) or, if greater than 3 centimetres in width, of not more than 50 square centimetres in area;
- (b) be subject to one of the approved treatments as specified in Annex I to ISPM No. 15; and
- (c) display a mark as specified in Annex II to ISPM No. 15, indicating that the wood packaging material has been subjected to an approved phytosanitary treatment”;

(b) after item 10 insert—

“10a	Wood of <i>Fraxinus</i> L., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch., <i>Ulmus parvifolia</i> Jacq. and <i>Pterocarya rhoifolia</i> Siebold & Zucc., other than in the form of	The wood shall be accompanied by an official statement that the wood:
	(i) chips, obtained in whole or part from these trees,	(a) originates in an area established by the national plant protection organisation in the country of export as being free from <i>Agrilus planipennis</i> Fairmaire; or
	(ii) wood packaging material, in the form of packing cases, boxes, crates, drums and similar packings, pallets, box pallets and other load boards, pallet collars, actually in use in the transport of objects of all kinds,	(b) is squared so as to remove entirely the rounded surface”;
	(ii) wood used to wedge or support non-wood cargo, but including wood which has not kept its natural round surface, originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA	

(c) after item 14 insert—

“14a	Isolated bark of <i>Fraxinus</i> L., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch., <i>Ulmus parvifolia</i> Jacq. and <i>Pterocarya rhoifolia</i> Siebold & Zucc. originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and the USA	The bark shall be accompanied by an official statement that the consignment:
		(a) originates in an area established by the national plant protection organisation in the country of export as being free from <i>Agrilus planipennis</i> Fairmaire; or
		(b) has been processed into pieces of not more than 2.5 cm thickness and width”;

(d) after item 16 insert—

“16a	Wood in the form of chips obtained in whole or part from <i>Fraxinus</i> L., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch., <i>Ulmus</i>	The wood shall be accompanied by an official statement that it:
		(a) originates in an area established by the national plant protection organisation in

*parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc. originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA (b) the country of export as being free from *Agrilus planipennis* Fairmaire; or has been processed into pieces of not more than 2.5 cm thickness and width”;

(e) for the text in column (3) of item 17 substitute—

“The dunnage shall:

- (a) from 1st July 2009, be free from bark with the exception of any number of individual pieces of bark if they are either less than 3 cm in width (regardless of the length) or, if greater than 3 centimetres in width, of not more than 50 square centimetres in area;
- (b) be subject to one of the approved treatments as specified in Annex I to ISPM No. 15; and
- (c) display a mark as specified in Annex II to ISPM No. 15, indicating that the wood has been subjected to an approved phytosanitary treatment”;

(f) after item 19 insert—

“19a Trees of *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., intended for planting, other than seeds and plants in tissue culture originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA (a) The trees shall be accompanied by an official statement that they: have been grown throughout their life in an area free from *Agrilus planipennis* Fairmaire, established by the national plant protection organisation in accordance with ISPM No. 4; or (b) have, for a period of at least two years prior to export, been grown in a place of production where no signs of *Agrilus planipennis* Fairmaire have been observed during two official inspections per year carried out at appropriate times, including immediately prior to export”; and

(g) after item 32 add—

“33 Trees of specified plants listed in Decision 2008/840/EC intended for planting, originating in any third country where *Anoplophora chinensis* (Forster) is known to occur (a) Without prejudice to the requirements in Schedule 4, Part A, items 22 to 29, 31 and 32, the trees shall be accompanied by an official statement certifying that the requirements of paragraph (a) or (b) of point 1 of Part I of the Annex I to Decision 2008/840/EC have been met”.

(6) In Part B of Schedule 4—

(a) in item 5b,(4) for the text in column (2) substitute—

**“Trees, other than seeds, of *Quercus* L., intended for planting, over 2 metres in height”;**

(b) after item 5b insert—

- 
- “5c. Trees, other than seeds, of *Quercus* L., intended for planting, not more than 2 metres in height Without prejudice to the requirements in items 5 and 7, the trees shall be accompanied by an official statement that—
- (a) they have been grown in a nursery; and
  - (b) they have been inspected, at appropriate times, and no symptoms of *Thaumetopoea processionea* (L.) have been observed on the trees at the place of production since the beginning of the last complete cycle of vegetation”; and
- 

(c) after item 7 add—

---

- “8. Trees of specified plants listed in Decision 2008/840/EC intended for planting, originating in an area from time to time demarcated under Article 5 of Decision 2008/840/EC The trees shall be accompanied by an official statement certifying that the requirements of paragraphs (i), (ii) and, as the case may be, (iii) (b) of point 1 of Part II of the Annex I to Decision 2008/840/EC have been met”.
- 

(7) In Part A of Schedule 5—

(a) for item 3 substitute—

“3. 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.; or
- (c) *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA.”; and

(b) for items 4(a)(iv) and (v) substitute—

- “(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; or
- (vi) *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., including wood which has not kept its natural round surface, originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA; and”.

(8) In Part A of Schedule 6 and Part A of Schedule 7, after item 4(5) insert—

“4a. Trees of specified plants listed in Decision 2008/840/EC intended for planting, originating in any third country where *Anoplophora chinensis* (Forster) is known to occur or in an area from time to time demarcated under Article 5 of Decision 2008/840/EC”.

---

