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WELSH STATUTORY INSTRUMENTS

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**2019 No. 498 (W. 115)**

**PLANT HEALTH, WALES**

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

<i>Made</i>	- - - -	<i>5 March 2019</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>7 March 2019</i>
<i>Coming into force</i>	- -	<i>28 March 2019</i>

The Welsh Ministers, in exercise of the powers conferred by sections 2 and 3(1) of the Plant Health Act 1967(1) and paragraph 1A of Schedule 2 to the European Communities Act 1972(2), make the following Order.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(3) and it appears to the Welsh Ministers that it is expedient for the references to the European Union instruments mentioned in article 3(a)(ii) and (iii) to be construed as references to those instruments as amended from time to time.

**Title, commencement and application**

1.—(1) The title of this Order is the Plant Health (Forestry) (Amendment) (Wales) Order 2019, and comes into force on 28 March 2019.

(2) This Order applies in relation to Wales.

**Amendment of the Plant Health (Forestry) Order 2005**

2. The Plant Health (Forestry) Order 2005(4) is amended as follows.

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- (1) 1967 c. 8. The powers conferred by sections 2 and 3(1) are conferred on a “competent authority” which is defined in section 1(2) for Wales, as the Welsh Ministers. Section 1(2) was amended by paragraph 43 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W. 90)). Section 2 was amended by paragraph 8(2)(a) of Schedule 4 to the European Communities Act 1972 (c. 68), Part 1 of the table in paragraph 12 of Schedule 4 to the Customs and Excise Management Act 1979 (c. 2) and S.I. 1990/2371 and 2011/1043. Sections 2(1) and 3(1) were amended by paragraph 8 of Schedule 4 to the European Communities Act 1972 (c. 68). Section 3(1) was also amended by S.I. 2011/1043, article 6.
- (2) 1972 c. 68; paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.
- (3) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 and Part 1 of the Schedule to the European Union (Amendment) Act 2008.
- (4) S.I. 2005/2517. Relevant amending instruments are S.I. 2006/2696, 2008/644, 2009/594, 2009/3020, 2011/1043, 2012/2707, 2013/755 (W. 90), 2013/2691, 2014/2420, 2015/1723 ), 2016/1167, 2017/1178 and 2018/1048.

## Article 2 (general interpretation)

### 3. In article 2(5)—

#### (a) in paragraph (1)—

(i) in the definition of “associated controlled dunnage”, for “12A or 13” substitute “12, 12A, 13 or 13C”;

(ii) after the definition of “debarked” insert—

““[Decision 2002/757/EC](#)” means Commission [Decision 2002/757/EC](#) on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of “*Phytophthora ramorum*”; Werres, De Cock & Man in ‘t Veld sp. nov., as amended from time to time(6);”;

(iii) after the definition of “[Decision 2012/138/EU](#)” insert—

““[Decision 2012/535/EU](#)” means Commission Implementing [Decision 2012/535/EU](#) on emergency measures to prevent the spread within the Union of “*Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pine wood nematode), as amended from time to time(7);

“Decision (EU) 2015/789” means Commission Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.), as amended from time to time(8);

“Decision (EU) 2015/893” means Commission Implementing Decision (EU) 2015/893 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky), as amended from time to time(9);”;

(iv) for the definitions of “ISPMNo. 4” and “ISPM No. 15” substitute—

““ISPM No. 4” means International Standard for Phytosanitary Measures No. 4 of November 1995 on the requirements for the establishment of pest-free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(10);

“ISPM No. 10” means International Standard for Phytosanitary Measures No. 10 of October 1999 on requirements for the establishment of pest free places of production and pest free production sites, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(11)

“ISPM No. 15” means International Standard for Phytosanitary Measures No. 15 of March 2002 on the regulation of wood packaging material in international trade, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(12);”;

(v) after the definition of “official statement” insert—

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(5) The definitions inserted/substituted by [S.I. 2013/2691](#) and [S.I. 2014/240](#) were applied to Wales by [S.I. 2015/1723 \(W. 235\)](#), article 2 and subsequently relevant revocations were made by [S.I. 2015/1723 \(W. 235\)](#), article 3.

(6) OJ No L 252, 20.9.2002, p. 37, as last amended by Commission Implementing Decision (EU) 2016/1967 (OJ No L 303, 20.11.2016, p. 21).

(7) OJ No L 266, 2.10.2012, p. 42, as amended by Commission Implementing Decision (EU) 2018/618 (OJ No L 102, 23.4.2018, p. 17).

(8) OJ No L 125, 21.5.2015, p. 36, as last amended by Commission Implementing Decision (EU) 2018/927 (OJ No L 164, 29.6.2018, p. 49).

(9) OJ No L 146, 11.6.2015, p. 16.

(10) The latest published version is available at: <https://www.ippc.int/en/core-activities/standards-setting/ispms/#publications>.

(11) The latest published version is available at: <https://www.ippc.int/en/core-activities/standards-setting/ispms/#publications>.

(12) The latest published version is available at: <https://www.ippc.int/en/core-activities/standards-setting/ispms/#publications>.

“the OPM protected zone” means the area in Great Britain which is within the protected zone recognised for the United Kingdom in relation to *Thaumetopoea processionea* L. and described in point 16 under heading (a) of Annex 1 to Regulation (EC) No 690/2008(13);”;

(vi) for the full-stop at the end of the definition of “wood packaging material” substitute

“;

“working day”, in relation to notice requirements in articles 6(3)(b)(ii), 16(3) and 18(4) and the period for which material may be detained under article 14(1), means a period of twenty-four hours which is not a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales or in Scotland;”;

(vii) after the definition of “working day” insert—

““working hour” means a period of one hour during a working day.”;

(b) in paragraph (3A), after “18(1),” insert “18(3),”;

(c) after paragraph (4) insert—

“(5) The requirements specified in any entry in column 3 of Part A, Part B or Part C of Schedule 4 are without prejudice to any other requirements specified in another entry in column 3 of that Part.”

### **Article 3 (interpretation of Part 2)**

4. In article 3(14)—

- (a) for the semi-colon at the end of the definition of “industry certificate” substitute a full-stop;
- (b) in the definition of “Customs Code”, for the words from “Council” to the end substitute “Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code(15)”;
- (c) in the definition of “customs document”, for “Article 4(16)(a) and (d) to (g)” substitute “Article 5(16)(a) and (b)”;
- (d) omit the definitions of “working day” and “working hour”.

### **Article 20 (requirements for plant passports)**

5. In article 20(16)—

- (a) in paragraph (2)—
  - (i) after “within” insert “a protected zone in”;
  - (ii) omit “relevant territory as a”;
- (b) in paragraph (4)—
  - (i) after “within” insert “a protected zone in”;
  - (ii) for “the relevant territory in which the movement takes place as a” substitute “that”;

(13) OJ No. L 193, 22.7.2008, p. 1, as last amended by Commission Implementing Regulation (EU) 2018/791 (OJ No. L 136, 1.6.2018, p. 1).

(14) Article 3 was amended by S.I. 2013/755 (W. 90).

(15) OJ No. L 269, 10.10.2013, p. 1, as amended by Regulation (EU) 2016/2339 of the European Parliament and of the Council (OJ No. L 354, 23.12.2016, p. 32).

(16) Article 20 was amended for Wales by S.I. 2013/755 (W. 90).

- (c) omit paragraph (8)(17); and
- (d) after the omitted paragraph (8), insert—

“(9) In the case of any relevant material of a description specified in paragraph 1A of Part A of Schedules 6 and 7, the plant passport shall have been issued by a treatment facility authorised in accordance with Article 13 of [Decision 2012/535/EU](#).

(10) In paragraphs (2) and (4), “protected zone in a relevant territory” means any part of a protected zone which is in a relevant territory.”

#### **Article 21 (exceptions from certain prohibitions and requirements)**

- 6. In article 21(18)—
  - (a) in paragraph (1), for “and (g)” substitute “, (g) and (3)”; and
  - (b) after paragraph (2) insert—

“(2A) In the case of trees of host plants within the meaning of Article 1(b) of Decision (EU) 2015/789, the requirements in article 20(1) and (5) which would apply by virtue of paragraph 9 of Part A of Schedules 6 and 7 do not apply where the trees are being moved by a person acting for purposes outside the person’s trade, business or profession and the person is acquiring them for personal use.”

#### **Article 40 (notification of the presence or suspected presence of certain tree pests)**

- 7. In article 40(19)—
  - (a) in paragraph (1), for “any tree pest to which this article applies” substitute “any notifiable tree pest”;
  - (b) after paragraph (1A), in the text applying to Wales, insert—

“(1B) If the appropriate authority becomes aware of the presence or suspected presence of *Xylella fastidiosa* (Wells et al.) in any place or area in the relevant territory, the appropriate authority shall ensure that any person having under their control trees which may be infected by *Xylella fastidiosa* (Wells et al.) is immediately informed of—

- (a) its presence or suspected presence;
- (b) the possible consequences arising from its presence or suspected presence; and
- (c) the measures to be taken as a result.”,

and substitute the text of new paragraph (1B), above, for paragraph (1B) of the text applying to England and Scotland; and

- (c) in paragraph (2), for “This article applies to” substitute “In paragraph (1), “notifiable tree pest” means”.

#### **Article 42A (power to share information for the purposes of the Order)**

- 8. After article 42 insert—

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(17) Article 20(8) was originally inserted by [S.I. 2013/2691](#) and amended by [S.I. 2014/2420](#) and applies to Wales by virtue of [S.I. 2015/1723 \(W. 235\)](#), article 2(l).

(18) Article 21 was amended by [S.I. 2013/2691](#) and [2014/2420](#) and applied to Wales by [S.I. 2015/1723 \(W. 235\)](#), articles 2(e) and 2(m).

(19) Article 40 was amended by [S.I. 2006/2696](#), [2013/755](#) and [2014/2420](#), and apply to Wales by virtue of [S.I. 2015/1723 \(W. 235\)](#). Article 40 was subsequently amended by [S.I. 2016/1167](#).

### **“Power to share information for the purpose of the Order**

**42A.**—(1) The Commissioners for Her Majesty’s Revenue and Customs may disclose any information in their possession to the appropriate authority for the purposes of this Order.

(2) Paragraph (1) is without prejudice to any other power of the Commissioners for Her Majesty’s Revenue and Customs to disclose information.

(3) No person, including a servant of the Crown, may disclose any information received from the Commissioners for Her Majesty’s Revenue and Customs under paragraph (1) if—

- (a) the information relates to a person whose identity is specified in the disclosure or can be deduced from the disclosure;
- (b) the disclosure is for a purpose other than specified in paragraph (1); and
- (c) the Commissioners for Her Majesty’s Revenue and Customs have not given their prior consent to the disclosure.”

### **Article 43 (offences)**

**9.** In article 43(1)(a)(**20**)—

- (a) at the end of paragraph (xiii), omit “and”;
- (b) at the end of paragraph (xiv), insert “and”; and
- (c) after paragraph (xiv) insert—  
“(xv) article 42A(3).”

### **Article 44 (penalties)**

**10.** For article 44 substitute—

**“44.**—(1) A person guilty of an offence under this Order (other than an offence under article 43(1)(a)(xv)) is liable—

- (a) on summary conviction in England or Wales, to a fine;
  - (b) on summary conviction in Scotland, to a fine not exceeding level 5 on the standard scale.
- (2) A person guilty of an offence under article 43(1)(a)(xv) is liable—
- (a) on summary conviction in England or Wales, to imprisonment for a term not exceeding three months, to a fine or to both;
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding three months, to a fine not exceeding the statutory maximum or to both;
  - (c) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both.”

### **Schedule 1 (tree pests which shall not be landed in or spread within Great Britain)**

**11.** In Schedule 1(**21**)—

- (a) under the heading “Insects, mites and nematodes”—
  - (i) after item 7 insert—

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**(20)** Article 43 was amended by [S.I. 2013/755 \(W. 90\)](#).

**(21)** Amendments were made to Schedule 1 by [S.I. 2006/2696](#), [2008/644](#), [2009/594](#) and [2014/2420](#) which were applied to Wales by [S.I. 2015/1723 \(W. 235\)](#). Schedule 1 was subsequently amended by [S.I. 2016/1167](#) and [2017/1178](#).

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“7A.	<i>Saperda candida Fabricius</i> ”;
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(ii) after item 10 insert—

**“Bacteria**

1.	<i>Xylella fastidiosa</i> (Wells et al.)”;
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(b) under the heading “Fungi”, after item 10 insert—

“11.	<i>Phytophthora ramorum</i> Werres, De Cock & Man in ‘t Veld sp. Nov.”; and
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(c) under the heading “Viruses and virus-like organisms”, for “*Elm phloem necrosis mycoplasma*” substitute “*Candidatus Phytoplasma ulmi*”.

**Schedule 1A (tree pests which shall not be landed in or spread within a protected zone which is limited in relation to England and Scotland to part of that area)**

12. For Schedule 1A(22) substitute—

“SCHEDULE 1A

Articles 5(1A), 18(1A), 19(1), 20(8),  
31(5), 32(2), 40(2), 41(2) and 42(2)

Tree pests which shall not be landed in or spread within a protected zone which is limited in relation to Great Britain to part of that area

(1) Tree pest	(2) Description of protected zone
<i>Thaumetopoea processionea</i> L., the Oak Processionary Moth	The OPM protected zone”.

**Schedule 2 Part B (relevant material which may not be landed in or moved within Great Britain (as a protected zone) if that material is carrying or infected with tree pests)**

13. In Part B of Schedule 2, after item 4, for the text applying in relation to Wales, insert—

“5.	Great Britain	Trees, other than fruit or seeds, of <i>Pinus</i> L., intended for planting.	<i>Thaumetopoea pityocampa</i> Denis & Schifferrmüller
6.	Great Britain	Trees, other than fruit or seeds, of <i>Ulmus</i> L., intended for planting	<i>Candidatus Phytoplasma ulmi</i> ”.

**Schedule 3 (relevant material which may not be landed in Great Britain if that material originates in certain third countries)**

14. In Schedule 3(23)—

(22) Schedule 1A was inserted by S.I. 2014/2420 (as applied to Wales by S.I. 2015/1723 (W. 235)).

(23) Item 8 was amended by S.I. 2009/3020.

- (a) in the entry in the third column of item 5, after “North America” insert “, other than the USA”;
- (b) after item 8 insert—

“9.	Susceptible bark within the meaning of Article 1(4) of <a href="#">Decision 2002/757/EC</a>	The USA”.
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**Schedule 4 Part A (relevant material, from third countries, which may only be landed in Great Britain if special requirements are satisfied)**

**15.** In Part A of Schedule 4(24)—

- (a) in item 8—
- (i) in the entry in the second column of the table, for “12A or 13” substitute “12, 12A, 13 or 13C”;
- (ii) in the entry in the third column of the table, in paragraph (a), after “be” insert “made of debarked wood and”;
- (b) in the entry in the third column of item 10A, for “as referred to in Article 1 of Decision (EU) 2015/2416” substitute “for the purposes of point 2.3 of Annex 4, Part A, Section 1 of the Directive”;
- (c) for item 10A substitute—

“10A.	<p>Wood of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. or <i>Pterocarya rhoifolia</i> Siebold &amp; Zucc., other than in the form of:</p> <ul style="list-style-type: none"> <li>— chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or part from these trees, or</li> <li>— wood packaging material, except associated controlled dunnage,</li> </ul> <p>but including wood which has not kept its natural round surface, furniture or other objects made of untreated wood, originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA</p>	<p>The wood shall be accompanied by an official statement that:</p> <p>(a) its bark and at least 2.5cm of the outer sapwood have been removed in a facility authorised and supervised by the national plant protection organisation;</p> <p>(b) the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood; or</p> <p>(c) the wood originates in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, as referred to in Article 1 of Decision (EU) 2015/2416, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export”;</p>
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(24) Item 10A was originally inserted as item 10a by [S.I. 2009/594](#) and amended by [S.I. 2014/2420](#). Item 11 was amended by [S.I. 2014/2420](#). Item 13 was amended by [S.I. 2014/2420](#). Item 16A was inserted by [S.I. 2014/2420](#). Item 19b was inserted by [S.I. 2012/2707](#). Item 24B was originally inserted as item 24a by [S.I. 2006/2696](#) and re-numbered by [S.I. 2013/2691](#). Item 34 was inserted by [S.I. 2013/2691](#). There are other amendments to Part A of Schedule 4, but none is relevant.

- (d) in the entry in the second column of item 11, after “other than” insert “wood which complies with the requirements in paragraph (b) in the third column of item 13A or wood”;
- (e) for the entry in the second column of item 12 substitute—
- “Wood of *Platanus* L., other than in the form of:
- chips, particles, sawdust, shavings, wood waste or scrap, or
- wood packaging material, except associated controlled dunnage,”;
- (f) but including wood which has not kept its natural round surface, originating in Armenia, Switzerland or the USA; after item 13 insert—

“13A.	Susceptible wood within the meaning of Article 1(3) of <a href="#">Decision 2002/757/EC</a> originating in the USA	The wood shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export that: <ul style="list-style-type: none"> <li>(a) it originates in an area in which non-European isolates of <i>Phytophthora ramorum</i> Werres, De Cock &amp; Man in ‘t Veld sp. nov. is known not to occur and which is mentioned under the heading “place of origin”;</li> <li>(b) it meets the requirements specified in point 2(b) of Annex 1 to <a href="#">Decision 2002/757/EC</a>; or</li> <li>(c) in the case of sawn wood with or without residual bark attached, it has undergone kiln-drying in the manner specified in point 2(c) of Annex 1 to that Decision, and there shall be evidence by a mark “Kiln-dried” or “KD” or another internationally recognised mark put on the wood or its packaging in accordance with current commercial usage</li> </ul>
13B.	Specified wood within the meaning of Article 1(b) of Decision (EU) 2015/893, originating in any third country where <i>Anoplophora glabripennis</i> (Motschulsky) is known to be present	The wood shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which— <ul style="list-style-type: none"> <li>(a) in the case of wood in the form of chips, particles, shavings, wood waste or scrap, includes: <ul style="list-style-type: none"> <li>(i) an official statement under the heading “Additional Declaration” that it</li> </ul> </li> </ul>



		<p>meets the requirements specified in point (2)(a), (b) or (c) of Section 1(B) of Annex II to Decision (EU) 2015/893; and</p> <p>(ii) where point (1)(a) of that Section applies, the name of the pest-free area under the heading “place of origin”;</p> <p>(b) in any other case, includes:</p> <p>(i) an official statement under the heading “Additional Declaration” that it meets the requirements specified in point (1)(a) of that Section and the name of the pest-free area under the heading “place of origin”; or</p> <p>(ii) an official statement under the heading “Additional Declaration” that it is debarked and has undergone heat treatment in the manner specified in point (1) (b) of that Section, and there shall be evidence of that heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage”;</p>
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(g) after item 13B insert—

<p>“13C.</p>	<p>Wood of <i>Amelanchier</i> Medik., <i>Aronia</i> Medik., <i>Cotoneaster</i> Medik., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyracantha</i> M. Roem, <i>Pyrus</i> L. or <i>Sorbus</i> L., other than in the form of:</p> <p>— chips, sawdust or shavings, obtained in whole or in part from these trees, or</p>	<p>The wood must be accompanied by an official statement that:</p> <p>(a) it originates in an area free from <i>Saperda candida</i> Fabricius, established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for</p>
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	<p>— wood packaging material, except associated controlled dunnage,</p> <p>but including wood which has not kept its natural round surface, originating in Canada or the USA</p>	<p>re-export under the heading “Additional Declaration”;</p> <p>(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, and which is indicated on the phytosanitary certificate or the phytosanitary certificate for re-export; or</p> <p>(c) it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1 kGy throughout the wood, and which is indicated on the phytosanitary certificate or the phytosanitary certificate for re-export”;</p>
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(h) after item 15 insert—

<p>“15A.</p>	<p>Wood in the form of chips obtained in whole or in part from <i>Amelanchier</i> Medik., <i>Aronia</i> Medik., <i>Cotoneaster</i> Medik., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyracantha</i> M. Roem, <i>Pyrus</i> L. or <i>Sorbus</i> L., originating in Canada or the USA</p>	<p>The wood must be accompanied by an official statement that:</p> <p>(a) it originates in an area free from <i>Saperda candida</i> Fabricius, established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4, which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional Declaration”;</p> <p>(b) it has been processed into pieces of not more than 2.5 cm thickness and width; or</p> <p>(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 chips, and which is indicated on the phytosanitary certificate or the phytosanitary certificate for re-export”;</p>
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(i) after item 16A insert—

“17.	Wood in the form of chips, particles, sawdust, shavings, wood waste or scrap obtained in whole or in part from <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. or <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA	The wood shall be accompanied by an official statement that the wood originates in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, for the purposes of point 2.4 of Annex 4, Part A, Section 1 of the Directive, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export
17A.	Isolated bark or objects made out of bark of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. or <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA	The bark shall be accompanied by an official statement that the bark originates in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, for the purposes of point 2.5 of Annex 4, Part A, Section 1 of the Directive, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export”;

(j) in the entry in the third column of item 19b, for “No 4” substitute “No. 4”;

(k) after item 19b insert—

“19C.	Trees, other than fruit or seeds, but including cut branches with or without foliage, of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. or <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA	The trees shall be accompanied by an official statement that they originate in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire for the purposes of point 11.4 of Annex IV Part A Section I of the Directive, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export”;
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(l) omit item 24B;

(m) in the entry in the third column of item 28, for “Elm phlœm necrosis mycoplasma” substitute “Candidatus Phytoplasma ulmi”;

(n) after item 28 insert—

“28A.	Trees, other than scions, cuttings, plants in tissue culture, pollen or seeds, of <i>Amelanchier</i> Medik., <i>Aronia</i> Medik., <i>Cotoneaster</i> Medik., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyracantha</i> M. Roem., <i>Pyrus</i>	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 in an area free from <i>Saperda candida</i> Fabricius, established</li> </ul>
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L. or Sorbus L., intended for planting, originating in Canada or the USA

by the national plant protection organisation in the country of origin in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional Declaration”;

or

(b) they have been grown during a period of at least two years prior to export, or in the case of trees which are younger than two years, have been grown throughout their life, in a place of production established as free from *Saperda candida* Fabricius in accordance with ISPM No. 10:

(i) which is registered and supervised by the national plant protection organisation in the country of origin;

(ii) which has been subjected annually to two official inspections for any signs of *Saperda candida* Fabricius carried out at appropriate times;

(iii) where the trees have been grown in a site with complete physical protection against the introduction of *Saperda candida* Fabricius or with the application of appropriate preventive treatments and

		<p>surrounded by a buffer zone with a width of at least 500 m in which the absence of <i>Saperda candida</i> Fabricius was confirmed by official surveys carried out annually at appropriate times; and</p> <p>immediately prior to export, the trees, and in particular their stems, have been subjected to a meticulous inspection for their presence of <i>Saperda candida</i> Fabricius, which included destructive sampling, where appropriate”;</p>
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(o) after item 34 insert—

35.	<p>Trees of susceptible plants within the meaning of Article 1(2) of <a href="#">Decision 2002/757/EC</a>, other than trees of <i>Camellia</i> spp. L., <i>Rhododendron</i> spp. L. or <i>Viburnum</i> spp. L., originating in the USA</p>	<p>The trees shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes:</p> <ul style="list-style-type: none"> <li>(a) an official statement under the heading “Additional Declaration” that they: <ul style="list-style-type: none"> <li>(i) meet the requirements specified in point 1a(a) or 1a(b) of Annex I to <a href="#">Decision 2002/757/EC</a>; and</li> <li>(ii) have been inspected in accordance with point 1a of that Annex and found free from non-European isolates of <i>Phytophthora ramorum</i> Werres, De Cock &amp; Man in ‘t Veld sp. nov.; and</li> </ul> </li> <li>(b) where point 1a(a) of that Annex applies, the name of the area in which they originate under the heading “place of origin”</li> </ul>
36.	<p>Trees of specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 originating in any third country, other than a third country where <i>Xylella fastidiosa</i> (Wells et al.) is known to be present</p>	<p>The trees shall:</p> <ul style="list-style-type: none"> <li>(a) originate in a third country which has been notified to the European Commission by the relevant national plant protection organisation in</li> </ul>

		<p>accordance with Article 16(a) of Decision (EU) 2015/789; and</p> <p>(b) be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional Declaration” in accordance with Article 16(b) of that Decision</p>
37.	<p>Trees of specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 originating in any third country where <i>Xylella fastidiosa</i> (Wells et al.) is known to be present, other than those which have been grown for their entire production cycle <i>in vitro</i></p>	<p>The trees shall be accompanied by a phytosanitary certificate which includes:</p> <p>(a) in the case of trees originating in an area which has been established as free from <i>Xylella fastidiosa</i> (Wells et al.) in accordance with ISPM No. 4 and has been notified to the European Commission by the relevant national plant protection organisation in accordance with Article 17(2) (a) of Decision (EU) 2015/789, the name of the area under the heading “place of origin”; or</p> <p>(b) in the case of trees which originate in an area where <i>Xylella fastidiosa</i> (Wells et al.) is known to be present:</p> <p>(i) an official statement under the heading “Additional Declaration” in accordance with Article 17(3) of that Decision; and</p> <p>(ii) the name of the site from which they originate under the heading “place of origin”</p>
38.	<p>Trees of specified plants within the meaning of Article 1(a) of Decision (EU) 2015/893 originating in any third country where <i>Anoplophora glabripennis</i> (Motschulsky) is known to be present</p>	<p>The trees shall be accompanied by a phytosanitary certificate or a phytosanitary certificate for re-export which includes:</p> <p>(a) an official statement under the heading “Additional Declaration” that they meet the requirements specified in point (1)(a), (b) or (c) of Section 1(A) of Annex II of Decision (EU) 2015/893; and</p> <p>(b) where point (1)(a) of that Section applies, the name of the</p>

	pest-free area under the heading “place of origin”.”.
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**Schedule 4 Part B (relevant material, from another part of the European Union, which may only be landed in or moved within Great Britain if special requirements are satisfied)**

**16. In Part B of Schedule 4(25)—**

(a) after item 1 insert—

“1A.	Susceptible wood within the meaning of Article 1(b) of <a href="#">Decision 2012/535/EU</a> which originates in an area established in accordance with Article 5 of that Decision	<p>The wood shall:</p> <p>(a) in the case of wood in the form of wood packaging material, meet the requirements specified in point 3 of Section 1 of Annex III to <a href="#">Decision 2012/535/EU</a>;</p> <p>(b) in the case of wood in the form of beehives or bird nesting boxes—</p> <p>(i) meet the requirements specified in point 2(a) of that Section and either be accompanied by an official statement that it meets those requirements or be marked in accordance with Annex II to ISPM No. 15; and</p> <p>(ii) if it is not free from bark, meet the requirements specified in point 2(c) of that Section; or</p> <p>(c) in the case of any other wood which is not in the form of wood packaging material:</p> <p>(i) be accompanied by an official statement that it meets the requirements specified in point 2(a) of that Section; and</p> <p>(ii) if it is not free from bark, meet the requirements specified in point 2(c) of that Section</p>
1B.	Specified wood within the meaning of Article 1(b) of Decision (EU) 2015/893 which originates in an area established in accordance with Article 7 of that Decision or specified wood within the meaning of that Article which retains	<p>The wood shall:</p> <p>(a) in the case of wood in the form of chips, particles, shavings, wood waste or scrap, be accompanied by an official statement that it meets the</p>

(25) Item 1 was amended by [S.I. 2014/2420](#). Item 5B was originally inserted as item 5a by [S.I. 2006/2696](#) and re-numbered by [S.I. 2013/2691](#). Item 9 was inserted by [S.I. 2012/2707](#). There are other amendments to Part B of Schedule 4, but none is relevant.

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	all or part of its round surface and which does not originate in, but has been introduced into, such an area	requirements in point (2)(a) or (b) of Section 2(B) of Annex II to Decision (EU) 2015/893; (b) in any other case, be accompanied by an official statement that it meets the requirements in points (1)(a) and (b) of that Section, and there shall be evidence of the appropriate heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage
1C.	Specified wood packaging material within the meaning of Article 1(c) of Decision (EU) 2015/893 which originates in an area demarcated in accordance with Article 7 of that Decision	The wood packaging material shall meet the requirements specified in points (a) and (b) of Section 2(C) of Annex II to Decision (EU) 2015/893
1D.	Susceptible bark within the meaning of Article 1(c) of <a href="#">Decision 2012/535/EU</a> which originates in an area established in accordance with Article 5 of that Decision	The bark shall be accompanied by an official statement that it meets the requirements specified in point 2(a) of Section 1 of Annex III to <a href="#">Decision 2012/535/EU</a>
1E.	Trees of susceptible plants within the meaning of Article 1(a) of <a href="#">Decision 2012/535/EU</a> which originate in an area established in accordance with Article 5 of that Decision	The trees shall be accompanied by an official statement that they meet the requirements specified in points 1(a) to (c) of Section 1 of Annex III to <a href="#">Decision 2012/535/EU</a> and shall meet the requirements specified in point 1(e) of that Section”;

(b) omit item 5B;

(c) in the entry in the third column of item 9, for “No 4” substitute “No. 4”; and

(d) after item 9 insert—

“9A.	Trees of host plants within the meaning of Article 1(b) of Decision (EU) 2015/789 which have never been grown in an area established in accordance with Article 4 of that Decision, other than those which have been grown for their entire production cycle in vitro	The plants must be accompanied by an official statement that they meet the requirements specified in Article 9(8)(a) of Decision (EU) 2015/789
10.	Trees of specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 which have been grown for at least part of their life in an area established in accordance with Article 4 of that Decision, other	The trees shall: (a) be accompanied by an official statement that they meet the requirements specified in Article 9(2) to (4) and (5) of Decision (EU) 2015/789; and



	than those which have been grown for their entire production cycle <i>in vitro</i>	(b) be transported in the manner specified in Article 9(6) of that Decision
11.	Trees of specified plants within the meaning of Article 1(a) of Decision (EU) 2015/893 which originate, or have been introduced into a place of production, in an area established in accordance with Article 7 of that Decision	The trees shall be accompanied by an official statement that: (a) in the case of trees which originate in an area established in accordance with Article 7 of Decision (EU) 2015/893, 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 points (1)(a) and (b) of Section 2(A) of Annex II to that Decision; and (b) they meet the requirements specified in point (1)(c) of that Section”.

**Schedule 4 Part C (relevant material, from a third country or another part of the European Union, which may only be landed in or moved within Great Britain (as a protected zone) if special requirements are satisfied)**

17. In Part C of Schedule 4—  
 (a) after the heading insert—

**“Interpretation of Part C**

In this Part, in item 7E, “excluded zone” means the area in Great Britain which is not within the OPM protected zone.”; and

- (b) in Part C of Schedule 4, after item 7C insert—

“7D.	Trees, other than fruit or seeds, of <i>Pinus L.</i> , intended for planting	The trees must be accompanied by an official statement that: (a) they have been grown throughout their life in places of production in countries in which <i>Thaumetopoea pityocampa</i> Denis & Schiffermüller is not known to occur; (b) they have been grown throughout their life in an area free from <i>Thaumetopoea pityocampa</i> Denis &
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		<p>Schiffermüller, established by the national plant protection organisation in accordance with ISPM No. 4;</p> <p>(c) they have been produced in nurseries which, along with their vicinity, have been found free from <i>Thaumetopoea pityocampa</i> Denis &amp; Schiffermüller on the basis of official inspections and official surveys carried out at appropriate times; or</p> <p>(d) they have been grown throughout their life in a site with complete physical protection against the introduction of <i>Thaumetopoea pityocampa</i> Denis &amp; Schiffermüller and have been inspected at appropriate times and found to be free from that tree pest</p>
<p>7E.</p>	<p>Trees, other than fruit or seeds, of <i>Quercus</i> L., other than <i>Quercus suber</i>, intended for planting, whose girth at 1.2 m above the root collar is 8 cm or more, other than—</p> <ul style="list-style-type: none"> <li>— any such plants entering Great Britain via a point of entry in the excluded zone which are not in the course of their consignment to the OPM protected zone, or</li> <li>— any such plants originating in the excluded zone which do not move from the excluded zone into the OPM protected zone</li> </ul>	<p>The trees must be accompanied by an official statement that:</p> <p>(a) they have been grown throughout their life in places of production in countries in which <i>Thaumetopoea processionea</i> L. is not known to occur;</p> <p>(b) they have been grown throughout their life in a protected zone which is recognised as a protected zone for <i>Thaumetopoea processionea</i> L. or in an area free from <i>Thaumetopoea processionea</i> L., established by the national plant protection organisation in accordance with ISPM No. 4;</p> <p>(c) they have been produced in nurseries which, along with their vicinity, have been found free from <i>Thaumetopoea processionea</i> L. on the basis of official inspections carried out as close as practically possible to their movement and</p>

		<p>official surveys of the nurseries and their vicinity have been carried out at appropriate times since the beginning of the last complete cycle of vegetation to detect larvae and other symptoms of <i>Thaumetopoea processionea</i> L.; or</p> <p>(d) they have been grown throughout their life in a site with complete physical protection against the introduction of <i>Thaumetopoea processionea</i> L. and have been inspected at appropriate times and found to be free from <i>Thaumetopoea processionea</i> L.”.</p>
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**Schedule 5 Part A (relevant material which may only be landed in Great Britain if accompanied by a phytosanitary certificate)**

**18.** In Part A of Schedule 5(26)—

(a) after paragraph 1 insert—

“**1A.** Trees of susceptible plants within the meaning of Article 1(2) of [Decision 2002/757/EC](#), other than trees of *Camellia* spp. L., *Rhododendron* spp. L. or *Viburnum* spp. L., originating in the USA.”;

(b) re-number paragraphs 1a, 1b and 1c as paragraphs 1B, 1C and 1D respectively;

(c) in paragraph 4(a)—

(i) at the end of paragraph (vi), omit “or”;

(ii) at the end of paragraph (vii), omit “and” and insert “or”;

(iii) after paragraph (vii) insert—

“(viii) *Amelanchier* Medik., *Aronia* Medik., *Cotoneaster* Medik., *Crataegus* L., *Cydonia* Mill., *Malus* Mill., *Prunus* L., *Pyracantha* M. Roem., *Pyrus* L. or *Sorbus* L., including wood which has not kept its natural round surface, other than sawdust or shavings, originating in Canada or the USA; and”;

(d) after paragraph 4 insert—

“**4A.** Specified wood within the meaning of Article 1(3) of [Decision 2002/757/EC](#), other than wood of *Quercus* L., originating in the USA.

**4B.** Specified wood within the meaning of Article 1(b) of [Decision \(EU\) 2015/893](#) originating in any third country in which *Anoplophora glabripennis* (Motschulsky) is known to be present.”

(26) Paragraph 1a was inserted by [S.I. 2008/644](#). Paragraphs 1b and 1c were inserted by [S.I. 2012/2707](#). Paragraph 4 was amended by [S.I. 2009/594](#), [2013/2691](#) and [2014/2420](#). There are other amendments to Part A of Schedule 5, but none is relevant.

**Schedule 6 Part A (relevant material, from another part of the European Union, which may only be landed or moved in Great Britain if accompanied by a plant passport)**

**19.** In Part A of Schedule 6(27)—

(a) after paragraph 1 insert—

“**1A.** Susceptible wood or susceptible bark within the meaning of Article 1 of [Decision 2012/535/EU](#), other than susceptible wood in the form of wood packaging material or susceptible wood in the form of beehives or bird nesting boxes which has been marked in accordance with Annex II to ISPM No. 15 by a person who has been authorised, in accordance with Article 14 of that Decision, to apply the mark to the material.

**1B.** Specified wood within the meaning of Article 1(b) of Decision (EU) 2015/893 which originates in an area established in accordance with Article 7 of that Decision, or specified wood within the meaning of that Article which retains all or part of its round surface and which does not originate in, but has been introduced into, such an area.”;

(b) in paragraph 2—

(i) after “*Abies* Mill.,” insert “*Castanea* Mill.”; and

(ii) for “or *Tsuga* Carr.” substitute “*Quercus* L., *Tsuga* Carr. or *Ulmus* L.”;

(c) omit paragraph 3; and

(d) after paragraph 6 insert—

“**7.** Trees of susceptible plants within the meaning of Article 1(2) of [Decision 2002/757/EC](#), other than trees of *Camellia* spp. L., *Rhododendron* spp. L. or *Viburnum* spp. L., originating in the USA.

**8.** Trees of susceptible plants within the meaning of Article 1(a) of [Decision 2012/535/EU](#) which originate in an area established in accordance with Article 5 of that Decision.

**9.** Trees of specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 which have been grown for at least part of their life in an area established in accordance with Article 4 of that Decision or trees of host plants within the meaning of Article 1(b) of that Decision which have never been grown in such an area.

**10.** Trees of specified plants within the meaning of Article 1(a) of Decision (EU) 2015/893, which originate in a third country in which *Anoplophora glabripennis* (Motschulsky) is known to be present or which originate, or have been introduced into a place of production, in an area established in accordance with Article 7 of that Decision.”

**Schedule 6 Part B (relevant material, from another part of the European Union, which may only be landed or moved in Great Britain if accompanied by a plant passport which is valid for Great Britain (as a protected zone))**

**20.** In Part B of Schedule 6—

(a) in paragraph 2B, for “or *Populus* L.” substitute “, *Populus* L., *Quercus* L., other than *Quercus* suber, or *Ulmus* L.”;

(b) for paragraph 3(a)(ii) substitute—

“(ii) *Castanea* Mill., excluding wood which is bark-free; or”.

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(27) Paragraph 2 was amended by [S.I. 2006/2696](#) and [2008/644](#). Paragraph 3 was inserted by [S.I. 2006/2696](#). Paragraph 6 was inserted by [S.I. 2012/2707](#). There are other amendments to Part A of Schedule 6, but none is relevant.

**Schedule 7 Part A (relevant material which may only be consigned to another part of the European Union if accompanied by a plant passport)**

**21.** In Part A of Schedule 7(28)—

(a) after paragraph 1 insert—

“**1A.** Susceptible wood or susceptible bark within the meaning of Article 1 of [Decision 2012/535/EU](#), other than susceptible wood in the form of wood packaging material or susceptible wood in the form of beehives or bird nesting boxes which has been marked in accordance with Annex II to ISPM No. 15 by a person who has been authorised, in accordance with Article 14 of that Decision, to apply the mark to the material.

**1B.** Specified wood within the meaning of Article 1(b) of Decision (EU) 2015/893 which originates in an area established in accordance with Article 7 of that Decision, or specified wood within the meaning of that Article which retains all or part of its round surface and which does not originate in, but has been introduced into, such an area.”;

(b) in paragraph 2—

(i) after “*Abies* Mill.,” insert “*Castanea* Mill.”; and

(ii) for “or *Tsuga* Carr.” substitute “*Quercus* L., *Tsuga* Carr. or *Ulmus* L.”;

(c) omit paragraph 3;

(d) after paragraph 6 insert—

“**7.** Trees of susceptible plants within the meaning of Article 1(2) of [Decision 2002/757/EC](#), other than trees of *Camellia* spp. L., *Rhododendron* spp. L. or *Viburnum* spp. L., originating in the USA.

**8.** Trees of susceptible plants within the meaning of Article 1(a) of [Decision 2012/535/EU](#) which originate in an area established in accordance with Article 5 of that Decision.

**9.** Trees of specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 which have been grown for at least part of their life in an area established in accordance with Article 4 of that Decision or trees of host plants within the meaning of Article 1(b) of that Decision which have never been grown in such an area.

**10.** Trees of specified plants within the meaning of Article 1(a) of Decision (EU) 2015/893, which originate in a third country in which *Anoplophora glabripennis* (Motschulsky) is known to be present or which originate, or have been introduced into a place of production, in an area established in accordance with Article 7 of that Decision.”

**Schedule 7 Part B (relevant material which may only be consigned to a protected zone in another part of the European Union if accompanied by a plant passport which is valid for that protected zone)**

**22.** In Part B of Schedule 7, in paragraph 2B, for “or *Populus* L.” substitute “, *Populus* L., *Quercus* L., other than *Quercus* suber, or *Ulmus* L.”.

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(28) Schedule 7 was amended by [S.I. 2011/1043](#). Paragraph 2 was amended by [S.I. 2006/2696](#) and [2008/644](#). Paragraph 3 was inserted by [S.I. 2006/2696](#). Paragraph 6 was inserted by [S.I. 2012/2707](#). There are other amendments to Part A of Schedule 7, but none is relevant.

**Schedule 8 Part A (relevant material originating in Switzerland which may be landed in or moved within Great Britain if accompanied by a Swiss plant passport)**

23. In Part A of Schedule 8, omit paragraph 1.

**Schedule 8 Part B (relevant material imported into Switzerland from another third country which, if it would normally be permitted to be landed in Great Britain if accompanied by a phytosanitary certificate, may be accompanied by a Swiss plant passport or may be landed without phytosanitary documentation)**

24. In Part B of Schedule 8—

- (a) in paragraph 2, after “Canada,” insert “*Castanea* Mill.”;
- (b) after paragraph 2 insert—

“2A. Cut branches of—

- (a) *Betula* L., with or without foliage;
- (b) *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., with or without foliage, originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA.”;

- (c) for paragraph 3 substitute—

“3. Wood referred to in paragraph (a) or (b) of the definition of “wood” in article 2(1), where it—

- (a) has been obtained in whole or in part from one of the following order, genera or species, except wood packaging material of a description specified in the second column of item 8 in Part A of Schedule 4—
  - (i) *Quercus* L., including wood which has not kept its natural round surface, originating in the USA, except wood in the form of casks, barrels, vats, tubs or other coopers’ products or parts thereof, including staves and where there is documented evidence that the wood has been processed or manufactured using a heat treatment to achieve a minimum temperature of 176°C for 20 minutes;
  - (ii) *Platanus* L., including wood which has not kept its natural round surface, originating in the USA or Armenia;
  - (iii) *Populus* L., including wood which has not kept its natural round surface, originating in any country of the American continent;
  - (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;
  - (vi) *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., including wood which has not kept its natural round surface, originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA;
  - (vii) *Betula* L., including wood which has not kept its natural round surface, originating in Canada or the USA; and

- (b) meets one of the descriptions specified in point 6(b) of Appendix 1 to Part B of Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products<sup>(29)</sup>.”;
- (d) for paragraph 6 substitute—
  - “6. Isolated bark of—
    - (a) conifers (Coniferales), originating in any country outside Europe;
    - (b) *Acersaccharum* Marsh., *Populus* L. or *Quercus* L., other than *Quercussuber* L.;
    - (c) *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA;
    - (d) *Betula* L., originating in Canada or the USA.”

#### **Revocations and transitional provision**

**25.**—(1) The following Orders are revoked—

- (a) The Plant Health (Forestry) (Phytophthora ramorum) (Great Britain) Order 2004<sup>(30)</sup>; and
- (b) The Plant Health (Forestry) (Phytophthora ramorum) (Great Britain) (Amendment) Order 2007<sup>(31)</sup>.

(2) Any notice issued or licence, authorisation or other approval granted under or for the purposes of the Plant Health (Forestry) (Phytophthora ramorum) (Great Britain) Order 2004 and which has effect at the coming into force of this Order remains in force as if it were issued or granted under or for the purposes of the Plant Health (Forestry) Order 2005.

5 March 2019

*Lesley Griffiths*  
Minister for Environment, Energy and Rural  
Affairs, one of the Welsh Ministers

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<sup>(29)</sup> OJ No L 114, 30.4.2002, p. 132, as last amended by Decision No 1/2017 of the Joint Committee on Agriculture (OJ No L 171, 4.7.2017, p. 185).

<sup>(30)</sup> S.I. 2004/3213.

<sup>(31)</sup> S.I. 2007/3450.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order applies in relation to Wales certain provisions which have been made amending the Plant Health (Forestry) Order 2005 ([S.I. 2005/2517](#)) (“the 2005 Order”) in relation to England and Scotland. Those amendments were made by the Plant Health (Forestry) (Amendment) (England and Scotland) Order 2016 ([S.I. 2016/1167](#)) (“the 2016 Order”) and the Plant Health (Forestry) (Amendment) (England and Scotland) Order 2017 ([S.I. 2017/1178](#)) (“the 2017 Order”) and the Plant Health (Forestry) (Amendment) (England and Scotland) Order 2018 ([S.I. 2018/1048](#)) (“the 2018 Order”).

Those Orders implemented in relation to England and Scotland certain provisions including Commission [Decision 2002/757/EC](#) and Commission Implementing Decisions [2014/690/EU](#), [2015/789/EU](#), [2015/893/EU](#), [2012/535/EU](#), [2015/2416/EU](#) and 2017/204 and Decision No 1/2015 of the Joint Committee on Agriculture relating to the agreement between the European Community and the Swiss Confederation on trade in agricultural products (2017/169/EU).

In addition it introduces a new provision to allow the disclosure of information for the purposes of the 2005 Order from HM Revenue and Customs (HMRC) to the Welsh Ministers.

It implements the specific control measures to prevent the introduction of the pest *Xylella fastidiosa* in Commission Implementing Decision (EU) 2017/2352.

Moreover this Order implements measures which strengthen import and movement requirements for oak trees, to minimise the risk of further incursions of *Thaumetopoea processionea* (oak processionary moth (OPM)).

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act 2018.