1993 No. 460

PLANT HEALTH

Plant Health (Wood and Bark) Order (Northern Ireland) 1993

Made . . . . . *25th November 1993*

Coming into operation . . . *3rd January 1994*

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The Department of Agriculture in exercise of the powers conferred on it by sections 2(**a**), 3(1)(**b**), 3A(**c**), 3B(1)(**d**) and 4(1)(**e**) of the Plant Health Act (Northern Ireland) 1967(**f**) and of all powers enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Plant Health (Wood and Bark) Order (Northern Ireland) 1993 and shall come into operation on 3rd January 1994.

(**a**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2; 1979 c. 2, s. 177(1) and Sch. 4 Pt. II; and S.I. 1984/702 (N.I. 2) Art. 15(2)
(**b**) As amended by S.R. & O. (N.I.) 1972 No. 351 Art. 3 and Sch. 2
(**c**) Inserted by S.I. 1975/1038 (N.I. 8) Art. 11(2)
(**d**) Inserted by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**e**) As amended by S.I. 1984/702 (N.I. 2) Art. 15(2)
(**f**) 1967 c. 28 (N.I.)

Interpretation

2.—(1) In this Order—

"authorised officer" means in relation to a plant health inspection carried out or certificate or translation or copy of a certificate issued in—

(*a*) Northern Ireland, an inspector; and

(*b*) a place other than Northern Ireland, a representative of the Plant Protection Organisation of the country in which such inspection was carried out or such certificate, translation or copy was issued;

"collective warehouse" means any premises used for the storage or aggregation of consignments of wood, isolated bark or used forestry machinery;

"Customs Act" means the Customs and Excise Management Act 1979(**a**);

"Directive 77/93/EEC" means the Council Directive of 21st December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community(**b**), as amended and supplemented by the instruments listed in Schedule 8;

"dispatching centre" means any premises from which wood, isolated bark or used forestry machinery may be consigned;

"dunnage" means loose wood of any kind used to wedge or support parts of a cargo to keep them steady;

"Euro-Mediterranean area" means the geographical area comprising Europe, Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Libya, Malta, Morocco, Syria, Tunisia and Turkey;

"Europe" includes the Canary Islands, Belarus, Estonia, Latvia, Lithuania, Moldova, the Urkraine and Russia (except the regions of Buryat, Yakut and Tuva, the Altai, Khabarovsk, Drasnoyarsk and Maritime Krais, and the Amur, Chita, Irkutsk, Kamchatka, Kemerovo, Kurgan, Magadan, Novosibirsk, Omsk, Sakhalin, Tomsk and Tyumen Oblasts), but does not include Cyprus or Turkey;

"European Community" means the European Economic Community, including the Isle of Man and the Channel Islands but excluding the Canary Islands, Ceuta, Melilla and the French Overseas Departments;

"forestry trader" means—

(*a*) an importer of wood, isolated bark and used forestry machinery directly consigned from a third country;

(*b*) a producer of such material;

(*c*) a person in charge of a collective warehouse or a dispatching centre;

(**a**) 1979 c. 2
(**b**) O.J. No. L26, 31.1.77, p. 20

(*d*) a person who in the course of a trade or business divides up or combines consignments of wood, isolated bark and used forestry machinery; or

(*e*) a person who engages in any other activity to which this Order applies;

"genetically modified pest" means a pest, the genetic component of which has been modified, and includes—

(*a*) organisms and material which contain such a pest or parts thereof, and

(*b*) any other modified organisms likely to be injurious to trees,

other than those organisms which, in the opinion of the Department, have been modified to eliminate all pathogenic sequences;

"importer" in relation to any pest, wood, isolated bark or used forestry machinery includes:—

(*a*) any person who (whether as owner, consignor or consignee, agent, broker or otherwise) is in possession of or in any way entitled to the custody or control of any such item which is likely to be or has been landed from a third country; and

(*b*) any person by whose action the item is likely to be or has been landed from a third country;

"inspector" means any person authorised in writing by the Department for the purposes of this Order;

"isolated bark" means bark which has been removed or become detached from a living, felled or fallen tree or from any part of any such tree;

"landed" means bought into Northern Ireland by any means whatsoever;

"Member State" means a Member State of the European Community other than the United Kingdom;

"North America" means the geographical area comprising Canada, Mexico and the United States of America (except the State of Hawaii);

"occupier" in relation to any premises means any person in occupation of or in charge of those premises whether he has an estate in them or not;

"official" in relation to any testing or any other procedure required by this Order to be carried out in respect of any wood, isolated bark and used forestry machinery means carried out by or under the supervision of the Plant Protection Service of the country in which the testing or other procedure is carried out;

"official register" means the register kept in accordance with Article 14;

"official statement" means a statement by an authorised officer made on a phytosanitary certificate or a re-forwarding phytosanitary certificate;

"pest" means a pathogen, or a living organism (other than a vertebrate animal) in any stage of its existence, which is injurious to any tree or the wood thereof and including a culture of such pathogen or organism and any genetically modified pest and includes any containers which may have been in contact with such pest for culture;

"phytosanitary certificate" means a certificate duly completed either in the form set out in Part A of Schedule 7 or an equivalent text in a language other than English;

"place of production" means any premises, which are normally worked as a unit, together with any contiguous uncultivated land;

"plant passport" means a label and, where appropriate, an accompanying document containing the informataion set out in Schedule 6, issued in accordance with the requirements of Directive 79/93/EEC by or with the authority of a Plant Protection Service in the European Community, and includes a replacement plant passport;

"premises" includes any land, building (other than a private dwelling house), vehicle, vessel, aircraft, hovercraft or freight container;

"producer" means in relation to wood, isolated bark and used forestry machinery, a person who grows or makes the material in the course of a trade or business;

"protected zone" means a zone in the European Community—

(*a*) in which one or more of the pests referred to in Schedule 2, which are established in one or more parts of the European Community, are not endemic or established, despite favourable conditions for them to establish there; or

(*b*) in which there is a danger that certain pests will establish themselves, given propitious ecological conditions, for particular trees, despite the fact that these organisms are not endemic or established in the European Community,

and which has been recognised in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC;

"re-forwarding phytosanitary certificate" means a certificate duly completed either in the form set out in Part B of Schedule 7 or the equivalent text in a language other than English;

"registered" means registered in the official register;

"registered premises" means in relation to any forestry trader any premises on which he carries out any activity to which his application for registration relates;

"responsible person" means a person appointed under Article 17(5)(*b*) for the purpose of issuing a plant passport;

"third country" means a country or territory other than one within the European Community; and

"wood", save where expressly provided otherwise, means any log, sawn wood, and any dunnage, pallet, spacer, container or packing material consisting of wood, which retains some or all of its bark or any part of the round surface immediately below the bark and shall also include wood chips, particles, sawdust, wood waste or scrap.

(2) Any reference in this Order to a particular pest shall be construed as a reference to that pest in any stage of its existence.

(3) Any reference in this Order to a Member State or a third country includes reference to a state, province or region in that Member State or that third country.

Prohibition and restrictions on landing of pests, wood, isolated bark and used forestry machinery

3.—(1) A person shall not land—

(*a*) any pest which is listed in Schedule 1;

(*b*) any wood, isolated bark or used forestry machinery carrying or infected with a pest listed in Schedule 1;

(*c*) any wood or isolated bark which is listed in column (3) of Part A of Schedule 2 carrying or infected with a pest specified opposite thereto in column (2);

(*d*) any isolated bark which is listed in column (2) of Schedule 3 which originates in a third country specified opposite thereto in column (3);

(*e*) any pest which although not listed in Schedule 1 or in column (2) of Part A of Schedule 2 is not normally present in Northern Ireland and which is likely to be injurious to trees in Northern Ireland.

(2) Subject to Article 10 a person shall not land any wood, isolated bark or other object listed in column (2) of Section I of Part A of Schedule 4 which originates in and has been consigned directly from any third country unless the conditions specified opposite thereto in column (3) are complied with.

(3) A person shall not land any wood or isolated bark listed in column (2) of Section II of Part A of Schedule 4 which originates in and has been consigned directly from a Member State, Great Britain, the Isle of Man or any of the Channel Islands unless the conditions specified opposite thereto in column (3) are complied with.

Prevention of the spread of pests within Northern Ireland

4.—(1) Subject to paragraph (2) a person shall not, without the authority of an inspector, knowingly keep, store, sell, use, move or otherwise dispose of, or knowingly cause or permit to be kept, stored, sold, used, moved or otherwise disposed of—

(*a*) any pest listed in Schedule 1;

(*b*) any wood, isolated bark or used forestry machinery carrying or infected with a pest listed in Schedule 1;

(*c*) any wood or isolated bark which is listed in column (3) of Part A of Schedule 2 carrying or infected with a pest specified opposite thereto in column (2); or

(*d*) any wood, isolated bark or other object landed in contravention of Article 3(1)(*d*), (2) or (3).

(2) Nothing in paragraph (1) shall prohibit a person from destroying or delivering, to an inspector, any pest, wood, isolated bark or used forestry machinery referred to in that paragraph.

Prohibition on introduction into protected zones of pests, wood, isolated bark and used forestry machinery

5.—(1) A person shall not introduce into a protected zone which is listed in—

(*a*) column (4) of Part B of Schedule 2 any wood or isolated bark specified opposite thereto in column (3) if it carries or is infected with a pest specified in column (2) opposite the reference to that wood or isolated bark;

(*b*) column (4) of Part B of Schedule 4 any wood, isolated bark or used forestry machinery specified opposite thereto in column (2) unless such wood, isolated bark or used forestry machinery fulfils the conditions specified in column (3) opposite thereto.

(2) A person shall not introduce any wood, isolated bark or used forestry machinery which is listed in—

(*a*) column (3) of Part B of Schedule 2 into any protected zone specified opposite thereto in column (4); or

(*b*) column (2) of Part B of Schedule 5 or in column (2) of Part B of Schedule 4 into any protected zone specified in column (4) of Part B of Schedule 4 opposite the reference to such wood, isolated bark or used forestry machinery,

unless an authorised officer has satisfactorily completed a plant health inspection to ensure compliance with the requirements of this Order in relation to such wood, isolated bark or used forestry machinery at the place of production if originating within the European Community or in the country of origin or the country from which it has been consigned if originating outside the European Community and, in relation to wood or isolated bark, it is accompanied, as appropriate, by a phytosanitary certificate or plant passport valid for that protected zone.

Prevention of the spread of pests within protected zones

6. Subject to the provisions of this Order a person shall not without the authority of an inspector knowingly keep, sell, move or otherwise dispose of or knowingly cause or permit to be kept, sold, moved or otherwise disposed of in a protected zone—

(*a*) which is listed in column (4) of Part B of Schedule 2 any wood or isolated bark specified opposite thereto in column (3) where such wood or isolated bark carries or is infected with a pest which is specified in column (2) opposite the reference to such wood or isolated bark;

(*b*) which is listed in column (4) of Part B of Schedule 4, any wood, isolated bark or used forestry machinery specified opposite thereto in column (2) unless such wood, isolated bark or used forestry machinery fulfils the conditions specified in column (3) opposite the reference to that wood, isolated bark or used forestry machinery.

(*c*) any pest, wood, isolated bark or used forestry machinery introduced into that protected zone in contravention of Article 5.

Restrictions on consignments to other Member States, etc

7.—(1) A person shall not consign directly from Northern Ireland to a Member State or to Great Britain, the Isle of Man or any of the Channel Islands any wood, isolated bark or other object listed in column (2) of Part A of Schedule 5 unless the conditions specified opposite thereto in column (3) have been complied with.

(2) A person shall not consign directly from Northern Ireland to a protected zone listed in column (4) of Part B of Schedule 5 any wood, isolated bark or used forestry machinery specified opposite thereto in column (2), unless the conditions specified in column (3) opposite the reference to that wood, isolated bark or used forestry machinery have been complied with.

Requirements for plant passports

8.—(1) A person shall not—

(*a*) land any wood or isolated bark which is specified in column (2) of Part B of Schedule 4 or in Section II of Part A of Schedule 4 and has been consigned directly from a Member State or Great Britain, the Isle of Man or any of the Channel Islands; or

(*b*) move within Northern Ireland any wood or isolated bark specified in column (2) of Part B of Schedule 4,

unless that wood or isolated bark is accompanied by a plant passport valid for Northern Ireland.

(2) A person shall not consign directly from Northern Ireland to a Member State or to Great Britain, the Isle of Man or any of the Channel Islands any wood, isolated bark or other object specified in column (2) of Part A of Schedule 5 unless that wood, isolated bark or other object is accompanied by a valid plant passport.

(3) A person shall not consign directly from Northern Ireland to a protected zone listed in column (4) of Part B of Schedule 5 any wood or isolated bark specified opposite thereto in column (2) unless that wood or isolated bark is accompanied by a plant passport valid for that protected zone.

Requirements for certificates

9.—(1) Subject to Article 10 and paragraphs (2) to (4), a person shall not land any wood, isolated bark or other object listed in column (2) of Section I of Part A of Schedule 4 which is directly consigned from a third country, unless that wood, isolated bark or other object is accompanied by a phytosanitary certificate, issued in the country in which it was grown or originated.

(2) Where, after a phytosanitary certificate has been issued in respect of any consignment of wood or isolated bark and the consignment to which that certificate relates has been stored, repacked or split up in a country other than that in which the certificate was issued, that certificate shall on landing be accompanied by a re-forwarding phytosanitary certificate issued in that other country.

(3) Where any wood, isolated bark or other object listed in column (2) of Part A of Schedule 4 has been exported from Northern Ireland to a third

country and is subsequently re-imported into Northern Ireland directly from a third country, it shall be accompanied by a re-forwarding phytosanitary certificate issued in that other country.

(4) A phytosanitary certificate may be issued in a country other than the country of origin in relation to any item listed in column (2) of Part A of Schedule 4—

(*a*) in the case of wood, which complies with the conditions of landing specified opposite thereto in column (3) by virtue of having been stripped of its bark; or

(*b*) in any other case to the extent that the condition of landing specified opposite thereto in column (3) can be fulfilled at a place other than in the country of origin.

Exceptions from the requirements for certificates

10. The requirements of Articles 3(2) and 9 in so far as they relate to the provision of a phytosanitary certificate, shall not apply to any pieces of wood without bark, not exceeding 5 in number and not exceeding 1 metre in length not showing any signs of pest damage which are landed in Northern Ireland in the baggage of a passenger or other traveller and which—

(*a*) are not intended for use in the course of trade or business;

(*b*) are intended for household use;

(*c*) have been grown in the Euro-Mediterranean area.

Official statements in respect of wood and isolated bark

11.—(1) Any official statement required to be made in accordance with column (3) of Section I of Part A of Schedule 4 in respect of any wood or isolated bark originating in a third country shall be deemed to have been made by the issue in accordance with this Order of a phytosanitary certificate to accompany that wood or isolated bark.

(2) Any official statement required to be made in accordance with column (3) of Section II of Part A and of Part B of Schedule 4 in respect of any wood or isolated bark shall be deemed to have been made by the issue in accordance with this Order of a plant passport to accompany that wood or isolated bark.

General provisions concerning certificates

12.—(1) Where a phytosanitary certificate or a re-forwarding phytosanitary certificate is issued in a third country in a language other than English, such certificate shall incorporate or be accompanied by a translation in English of the text thereof and if such translation is in a document separate from such certificate, shall be completed and signed by an authorised officer.

(2) Subject to paragraph (3), where a consignment of wood, isolated bark or other object has been consigned between two or more third countries before it is consigned to Northern Ireland it may in the place of any certificate required by this Order be accompanied by a copy of such certificate issued in the country from which such consignment has been directly consigned to Northern Ireland if such copy certificate is certified as a true copy of the

original or a true copy of a certified copy of the original, as the case may be, by an authorised officer.

(3) Paragraph (2) shall not apply in the case of a re-forwarding phytosanitary certificate issued in the third country from which the consignment which it accompanies was directly consigned to Northern Ireland.

(4) A phytosanitary or re-forwarding phytosanitary certificate issued by or on behalf of a state, provincial or other regional or local government authority of part of a third country, or by or on behalf of any department, service or other organ of such authority shall not be deemed to be a valid phytosanitary certificate or a valid re-forwarding phytosanitary certificate for the purposes of this Order unless such authority is the only one empowered to issue, in relation to such part of the country, phytosanitary certificates or re-forwarding phytosanitary certificates to accord with the requirements of this Order.

(5) Except in the case of a consignment landed from a third country by post, any phytosanitary certificate or re-forwarding phytosanitary certificate required by this Order to accompany it shall—

(*a*) in the case of imports by a registered forestry trader be delivered, within three days of landing of the consignment, to an inspector; or

(*b*) in the case of imports by any other person, be delivered, together with the entry relating to the consignment, to the proper officer.

In this paragraph the expression "proper officer" has the same meaning as in the Customs Act and "entry" shall be construed as a reference to the entry, delivery of which is to be made in accordance with the provisions of the Customs Act.

(6) In the case of a consignment landed by post from a third country, any phytosanitary certificate or re-forwarding phytosanitary certificate required by this Order shall be affixed to the outside of the package comprising the consignment or, if the consignment consists of more than one package, such certificate shall be affixed to the outside of one of the packages and copies thereof shall be affixed to the outside of each of the remaining packages.

(7) All phytosanitary certificates or re-forwarding phytosanitary certificates produced when a consignment of wood or isolated bark is landed shall be officially stamped showing the date of entry of the consignment.

Period during which inspections are to be made and certificates issued

13.—(1) The last inspection before despatch carried out in relation to any consignment in the country of origin or consignor country for the purpose of issuing a phytosanitary certificate or a re-forwarding phytosanitary certificate to accompany it shall be carried out not more than 14 days before the date of the despatch.

(2) A phytosanitary certificate or a re-forwarding phytosanitary certificate shall not be valid for the purposes of this Order unless it has been completed and signed by an authorised officer not more than 14 days before the date of the despatch of the consignment which such certificate is to accompany and after the carrying out of any inspection referred to in paragraph (1) in respect of that consignment.

Register of forestry traders

14.—(1) The Department shall keep an official register of each forestry trader who applies for registration under Article 15.

(2) The official register shall contain—

(*a*) the name of the person who has applied for registration under Article 15;

(*b*) the address of the premises on which he carries out his activities as a forestry trader; and

(*c*) a registration number unique to that person.

(3) The Department may refuse to register an applicant if registration is inappropriate or insufficient particulars have been provided.

(4) The official register shall be open to inspection by the Commission of the European Communities.

Registration procedure

15.—(1) Subject to paragraph (3), every forestry trader may apply to the Department for registration.

(2) An application for registration shall be made in writing and shall be in such form and contain such particulars as the Department may from time to time require.

(3) Paragraph (1) shall not apply to any forestry trader who does not import wood, isolated bark or used forestry machinery directly from third countries and whose entire production and sale of wood, isolated bark or used forestry machinery is intended for final usage in Northern Ireland by persons who are not involved in the production or sale of wood, isolated bark or used forestry machinery in the course of a trade or business.

(4) Every registered forestry trader shall notify the Department immediately in writing of any change in the particulars contained in his application for registration.

Conditions for registration

16.—(1) A registered forestry trader shall—

(*a*) keep an accurate, updated plan of his registered premises;

(*b*) keep a record of wood, isolated bark and used forestry machinery purchased by him or brought on to his registered premises for use thereon, and of wood, isolated bark and used forestry machinery kept on those premises or disposed of from those premises;

(*c*) keep all documents, created for his retention or received by him, relating to the records kept under sub-paragraph (*b*), for at least one year from the date of their creation or receipt;

(*d*) designate an individual (whether himself or another) who is technically experienced in relation to the activities carried out on his registered premises and related plant health matters affecting the premises who shall be available to liaise with the Department in relation to matters arising under this Order;

(*e*) ensure that his registered premises and wood, isolated bark and used forestry machinery kept thereon are examined at such times and in a manner specified in guidelines issued from time to time by the Department;

(*f*) allow any inspector to enter his registered premises in the exercise of his powers under this Order;

(*g*) without prejudice to any other provision of this Order, co-operate with the Department and any inspector acting in the exercise of powers under this Order.

(2) Where the Department is satisfied that a registered forestry trader—

(*a*) has failed or is failing to comply with any of the conditions specified in paragraph (1), or

(*b*) has failed to comply with a requirement duly made by an inspector under Article 20,

it may suspend his registration until it is satisfied that he is able and willing to comply with those conditions or that requirement.

General provisions relating to plant passports

17.—(1) A plant passport issued in respect of any wood, isolated bark or other object to which Schedule 5 or Part B of Schedule 4 relates shall consist of a label affixed to that wood, isolated bark or other object containing at least the information specified in Part B of Schedule 6 and, unless all such information is already contained on the label, an accompanying document which complies with paragraph (2) and contains the information specified in Part A of Schedule 6.

(2) The accompanying document referred to in paragraph (1) shall be any document which is normally used for trade purposes.

(3) The information specified in Schedule 6 and contained on a plant passport shall be in capital letters insofar as it is in manuscript and shall be in at least one of the official languages of the European Community.

(4) Where a plant passport contains information not specified in Schedule 6 such information shall be clearly separated from the information specified in that Schedule.

(5) A plant passport may be issued by—

(*a*) an inspector; or

(*b*) a registered forestry trader or a person acting on his behalf who has been appointed in writing by the Department, or an inspector, for that purpose.

(6) Any appointment made under paragraph (5)(*b*) may be made subject to such reasonable conditions as the person making the appointment may specify in writing after having taken into account any relevant risks to the health of trees.

(7) The responsible person who issues a plant passport, shall ensure that it is kept and produced as required to an inspector and that the label referred to in paragraph (1) is affixed to any wood, isolated bark or other object to which it relates.

(8) In the exercise of his powers under paragraph (5) or (7) the responsible person or inspector, as the case may be, shall ensure that—

(*a*) any wood, isolated bark or other object in respect of which a plant passport is required under this Order, is issued with such valid plant passport as is appropriate for its destination within the European Community;

(*b*) subject to the satisfactory completion of a plant health inspection by an inspector to ensure compliance with the requirments of this Order, a valid plant passport is issued in relation to any wood, isolated bark or other object in respect of which a plant passport is required under this Order but which originates in a third country.

(9) The authority to issue plant passports in relation to any wood, isolated bark or other object conferred on a responsible person under paragraph (5)(*b*) shall be conferred pursuant to the satisfactory completion of a plant health inspection by an inspector of, as the case may be, the place of origin or production of such wood, isolated bark or other objects, any part of that place or any collective warehouses or dispatching centres or any other premises handling any such wood, isolated bark or other objects for the purposes of ascertaining whether such wood, isolated bark or other objects comply with the requirements of this Order.

(10) Where the requirements of this Order are not being fulfilled insofar as they relate to the issue of plant passports, the authority to issue such plant passports conferred on a responsible person under paragraph (5)(*b*) may be revoked by the Department or an inspector in part or in full until such times as an inspection has been satisfactorily completed as is specified in paragraph (9) or until any breach of any condition to which the authorisation is subject has been remedied to the satisfaction of the Department or an inspector.

Notification of the presence or suspected presence of certain pests

18.—(1) The owner or occupier of any premises who knows or suspects that any pest to which this Article applies is present on the premises or any other person who, in the course of his duties or business, becomes aware or suspicious of the presence of such pest on any premises, shall immediately give notice to the Department or an inspector of that presence or suspected presence and shall as soon as reasonably practicable after giving such notice confirm it in writing.

(2) This Article applies to any pest—

(*a*) which is listed in Schedule 1 or mentioned in Schedule 2; or

(*b*) which is not normally present in Northern Ireland and which is likely to be injurious to trees in Northern Ireland.

Notification of the likely entry into, or presence in, a free zone of pests, wood, isolated bark or used forestry machinery

19.—(1) The responsible authority for a free zone who knows or suspects that anything to which this Article applies is likely to enter, or is present in, the free zone, shall immediately give notice of that fact to the Department or an inspector and shall as soon as is reasonably practicable after giving such notice confirm it in writing.

(2) This Article applies to—

(*a*) any pest listed in Schedule 1;

(*b*) any wood, isolated bark or used forestry machinery carrying or infected with a pest listed in Schedule 1;

(*c*) any wood or isolated bark listed in column (3) of Schedule 2, carrying or infested by any pest specified opposite thereto in column (2); and

(*d*) any wood, isolated bark or used forestry machinery the landing of which in Northern Ireland is prohibited by Article 3(1),

which has been, or is likely to be, landed and has not been cleared from Customs charge.

(3) In this Article "the responsible authority" and "free zone" have the same meaning as in the Customs Act(**a**).

Actions which may be required by an inspector

20.—(1) Without prejudice to Article 21, if an inspector has reasonable grounds for suspecting that any pest, wood, isolated bark, used forestry machinery or other object is likely to be, or has been, landed in contravention of this Order he may by notice in writing served on the importer, the forestry trader concerned or any other person in charge of the vehicle, vessel, aircraft, hovercraft or freight container from which that pest, wood, isolated bark, used forestry machinery or other object is likely to be or has been landed—

(*a*) prohibit that landing;

(*b*) specify the manner in which that landing is to be carried out and the precautions which are to be taken during and subsequent to the landing;

(*c*) require the pest, wood, isolated bark, used forestry machinery or other object to be treated, re-exported, destroyed or otherwise disposed of in such manner and within such reasonable time as may be specified in the notice;

(*d*) during such period as may be specified in the notice prohibit the removal of the pest, wood, isolated bark, used forestry machinery or other object from such premises as may be so specified;

(*e*) require the removal of the pest, wood, isolated bark, used forestry machinery or other object from premises specified in the notice in such manner and within such reasonable time as may be so specified; or

(*f*) require the taking of such other steps, specified in the notice, as appear to the inspector to be necessary to prevent the introduction or spread of any pest in such manner and within such reasonable time as may be specified in the notice.

(2) If an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises—

(*a*) any pest listed in Schedule 1;

(**a**) *See* section 100A of the Customs Act which was inserted by the Finance Act 1984 (c. 43), section 8 and Schedule 4, Part I

(*b*) any pest which is not normally present in Northern Ireland or elsewhere in the European Community and in respect of which there is, in the opinion of the inspector, an imminent danger of its spreading or being spread in Northern Ireland or elsewhere in the European Community;

(*c*) any wood, isolated bark or used forestry machinery which is carrying or infected with, or which may be carrying or infected with, a pest mentioned in sub-paragraph (*a*) or (*b*);

(*d*) any wood, isolated bark or used forestry machinery the landing of which is prohibited under Article 3(1) or the movement of which is restricted under Article 5(1);

(*e*) any wood, isolated bark or used forestry machinery the introduction of which into Northern Ireland is prohibited under Article 4(1) or the movement of which within Northern Ireland is restricted under Article 6,

he may by notice in writing served on the occupier or other person in charge of the premises or of any of the things mentioned in sub-paragraphs (*a*) to (*e*)—

(i) require any of the things so mentioned to be treated, destroyed or otherwise disposed of in such manner and within such reasonable time as may be specified in the notice;

(ii) prohibit the removal of those things from premises specified in the notice or impose such other prohibitions as appear to the inspector to be necessary to prevent the spread of any pest;

(iii) require the removal of those things to premises specified in the notice in such manner and within such reasonable time as may be so specified;

(iv) require the taking of such other steps, specified in the notice, as appear to the inspector to be necessary to prevent the spread of any pest in such manner and within such reasonable time as may be specified in the notice.

(3) If an inspector has reasonable grounds for believing that it is necessary for the purpose of preventing the spread of any pest from any premises to which paragraph (2) relates, he may by notice in writing served on the owner or occupier of any other premises impose such prohibitions and require the taking of such reasonable steps, specified in the notice, as appear to him to be necessary for that purpose in such manner and within such reasonable time as may be specified in such notice.

(4) Any notice served under paragraphs (1) to (3) may define by reference to a map or plan or otherwise the extent of the premises to which it applies.

Actions which may be taken by an inspector

21.—(1) Without prejudice to Article 20, if an inspector has reasonable grounds for suspecting that there is present or likely to be present on any premises any of the things mentioned in sub-paragraphs (*a*) to (*e*) of Article 20(2), he may after giving the occupier or other person in charge of the premises reasonable notice of his intention and upon production if so required of his authority—

(*a*) at all reasonable times, enter such premises, and

(*b*) either on those premises or elsewhere take steps to destroy or treat in some other way any such thing found on the premises.

(2) An inspector on entering any premises under paragraph (1) may take with him such other persons, including representatives of the Commission of the European Communities, and such equipment and vehicles as are necessary for the purpose of facilitating the exercise of his powers under that paragraph, and such other persons whether or not accompanied by the inspector, upon production if so required of their authority given in that behalf by the Department or an inspector, may remain on the land and from time to time re-enter with such equipment and vehicles as aforesaid, and carry out such work for the purposes aforesaid in such manner as the inspector may direct.

Miscellaneous provisions as to notices

22.—(1) A notice served under paragraph (1) or (2) of Article 20 may specify one or more requirements or alternative requirements.

(2) A notice served under Article 20(1)(*c*) or 2(*e*)(i) (requiring any pest, wood, isolated bark, used forestry machinery or other object to be treated, re-exported, destroyed or otherwise disposed of) may defer the treatment, re-exportation, destruction or disposal for such period and subject to such conditions, if any, as may be specified in the notice.

(3) Where a notice defers the treatment, re-exportation, destruction or disposal of any pest, wood, isolated bark, used forestry machinery or other object under paragraph (2), the person on whom the notice is served shall be permitted, within the period specified in the notice, to treat, re-export, destroy or otherwise dispose of the pest, wood, isolated bark, used forestry machinery or other object. If that person fails to do so to the satisfaction of an inspector, the treatment, re-exportation, destruction or disposal required by the notice shall be carried out by the person on whom the notice was served within two days following the expiry of the period specified in the notice or within such shorter or longer period as may be specified in writing by an inspector.

(4) Any treatment, re-exportation, destruction or disposal required by a notice served under Article 20(1)(*c*) or (2)(*e*)(i) shall be carried out by the person on whom the notice is served to the satisfaction of an inspector from or at a place designated by an inspector and, except with the authority of an inspector or the Department, no pest, wood, isolated bark, used forestry machinery or other object to which the notice relates shall be moved otherwise than directly from or to such a place.

(5) The Department or an inspector may amend or withdraw a notice served by an inspector under this Order, by a further notice served on the person on whom the original notice was served or on the owner, or person who is the occupier, of the premises in respect of which the further notice is intended to be served. The amendment or withdrawal of a notice may be subject to such conditions, if any, as the Department or any inspector considers expedient to impose for the purpose of preventing the introduction or spread of any pest or re-infection with or re-infestation by the pest to which the original notice relates.

Examination, sampling and marking

23.—(1) An inspector, on production if so required of his authority, may—

(*a*) at all reasonable times for the purpose of ascertaining whether any pest listed in Schedule 1 or 2 or a pest which is not normally present in Northern Ireland and which is likely to be injurious to trees in Northern Ireland exists on any premises or for any other purpose of this Order (including checking compliance with it):—

(i) enter any premises;

(ii) examine and photograph any part of the premises and any objects on the premises; and

(iii) examine and take samples of or from any pest, tree, wood, isolated bark, used forestry machinery, other object or anything which has been or may have been in contact therewith;

(*b*) for the purposes of the examination and sampling referred to in sub-paragraph (*a*)—

(i) open or authorise any person to open on his behalf or require the owner or the person in charge to open in such manner as the inspector may specify any container, bundle or other package comprising any pest, wood, isolated bark, used forestry machinery, other object or anything which has been or may have been in contact therewith;

(ii) mark or authorise any person on his behalf to mark any part of the premises or any objects on the premises or any pest, tree, wood, isolated bark, used forestry machinery, other object or anything which has been or may have been in contact therewith;

(iii) prohibit either entirely or to such extent as he may indicate in writing the movement of any pest, wood, isolated bark, used forestry machinery, other object or anything which has been or may have been in contact therewith and by means of which, in his opinion, a pest may spread;

(iv) inspect or make copies of any documents or records (in whatever form they may be held) relating to the production of, or trade in, any wood, isolated bark, used forestry machinery or other object.

(2) Where any such record as is mentioned in paragraph (1)(*b*)(iv) is kept by means of a computer, an inspector may—

(*a*) have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the record; and

(*b*) require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require.

Information as to compliance with notices

24.—(1) The person on whom a notice has been served under this Order shall, if so required by an inspector, immediately inform the inspector in

writing whether the requirements of that notice have been complied with and, if they have been complied with, of the details of the steps taken so as to comply with those requirements.

(2) Information furnished under paragraph (1) shall not be used as evidence against the person furnishing such information in any prosecution under this Order, except in respect of an alleged failure to comply with paragraph (1).

Failure to comply with a notice

25.—(1) If any person fails to comply with the requirements of a notice served under this Order then, without prejudice to any proceedings consequent upon such failure, an inspector or any person authorised by him for the purpose may, on production if so required of his authority at any reasonable time:—

(*a*) enter any premises in which any pests, wood, isolated bark, used forestry machinery or other object to which the notice relates may be present; and

(*b*) take or cause to be taken such steps as appear to him to be necessary either to ensure that the requirements of the notice have been complied with or to remedy the consequences of the failure to so comply.

(2) The cost of taking of action under paragraph (1) shall be recovered as a civil debt by the Department from the person upon whom the notice was served.

(3) An inspector entering any premises under paragraph (1) may take with him such persons, including representatives of the Commission of the European Communities, and such equipment and vehicles as are necessary for the purpose of facilitating the exercise of his powers under that paragraph, and such other persons whether or not accompanied by the inspector, upon production if so required of their authority given in that behalf by the Department or an inspector, may remain on the premises and from time to time re-enter with such equipment and vehicles as aforesaid, and carry out such work for the purposes aforesaid and in such manner as the inspector may direct.

Licences

26. Notwithstanding the provisions of this Order, a person may land, keep, sell, release, deliver or otherwise dispose of any pest, wood, isolated bark, used forestry machinery or other object in Northern Ireland and may do any other thing prohibited by this Order under, and in accordance with, the conditions of a licence granted by the Department in exercise of any derogation whether specific or general permitted by Directive 77/93/EEC.

The Customs Act

27. The provisions of this Order are without prejudice to the provisions of the Customs Act imposing penalties or liability to forfeiture.

Officers of Customs and Excise

28.—(1) An inspector may, either orally or in writing, request an officer of Customs and Excise to prohibit the removal from the place of landing of

any pest, wood, isolated bark, used forestry machinery or other object which has not been cleared from Customs charge until it has been examined by an inspector and such request may identify the pest, wood, isolated bark, used forestry machinery or other object in any way. A request under this paragraph which has been made orally shall be confirmed in writing.

(2) Where a request has been made under paragraph (1), the officer of Customs and Excise to whom it is made shall by notice in writing served upon the importer require that until the pest, wood, isolated bark, used forestry machinery or other object has been examined by an inspector, it shall not be removed from the place specified in the notice, and he shall at the same time send a copy of such notice to the inspector making the request referred to in paragraph (1).

(3) An inspector shall, as soon as practicable examine any pest, wood, isolated bark, used forestry machinery or other object in respect of which a notice has been served by an officer of Customs and Excise under paragraph (2) and shall advise that officer in writing of the terms of any further notice served and of any other action taken by the inspector under this Order in relation to that pest, wood, isolated bark, used forestry machinery or other object.

(4) Where an officer of Customs and Excise has served a notice under paragraph (2) prohibiting the removal of any pest, wood, isolated bark, used forestry machinery or other object, nothing to which the notice relates shall be removed by any person except with the written authority of either that officer of Customs and Excise or an inspector.

Information which may be required

29.—(1) Any person who—

(*a*) has or has had in his possession or under his charge or whom the Department or an inspector has reasonable cause to believe has or has had in his possession or under his charge:—

(i) any pest listed in Schedule 1;

(ii) any pest listed in column (2) of Schedule 2;

(iii) any pest which is not normally present in Northern Ireland and which is likely to be injurious to trees in Northern Ireland;

(iv) any wood, isolated bark or used forestry machinery carrying or infected with a pest mentioned in heads (i), (ii) or (iii);

(v) any wood, isolated bark, used forestry machinery or other object which the Department or an inspector knows to have been moved to a Member State, Great Britain, the Isle of Man, or any of the Channel Islands from Northern Ireland, or has reasonable cause to believe has been so moved;

(vi) any wood, isolated bark, used forestry machinery or other object which the Department or an inspector knows to have been landed in or exported to a third country from Northern Ireland or has reasonable cause to believe has been so landed or exported; or

(vii) any wood, isolated bark, used forestry machinery or other object which the Department or an inspector knows to have been landed from a Member State, Great Britain, the Isle of Man or any of the Channel Islands, or moved within Northern Ireland or has reasonable cause to believe has been so landed or moved;

(*b*) as auctioneer, salesman or otherwise, has sold or offered for sale any of the things mentioned in sub-paragraph (*a*),

shall, if so required by notice in writing from the Department or an inspector furnish to the Department or the inspector, as the case may be, within such reasonable time as may be specified in that notice such information as he may possess as to any person who has or has had, or is likely to have or have had, any such wood, isolated bark, used forestry machinery or other object in his possession, custody, or under his charge, and shall produce for examination any licences, declarations, certificates, plant passports, records, invoices or other documents relating to such things.

(2) Information furnished under paragraph (1) shall not be used as evidence against the person furnishing such information in any prosecution under this Order except in respect of an alleged failure to comply with the said paragraph.

Offences

30.—(1) A person shall be guilty of an offence if—

(*a*) without reasonable excuse, proof of which shall be on him, he contravenes a provision of this Order or a provision or condition of any notice served under, or of a licence granted in accordance with, the provisions of this Order;

(*b*) for the purpose of procuring the authority to issue a plant passport or a replacement plant passport or obtaining the issue of a phytosanitary certificate or re-forwarding phytosanitary certificate or a licence under Article 26—

(i) he knowingly or recklessly makes a false statement, or

(ii) he intentionally fails to disclose any material particular; or

(*c*) he issues a plant passport or a replacement plant passport other than in accordance with an authorisation granted by the Department;

(*d*) he dishonestly alters a plant passport affixed to any wood, isolated bark or other object or re-uses a plant passport; or

(*e*) he intentionally obstructs or impedes in the exercise of his powers under this Order an inspector or a person authorised by an inspector.

(2) An offence under paragraph (1) shall be punishable on summary conviction by a fine not exceeding £2,000(**a**).

(**a**) The amount was set by S.R. 1984 No. 253 Art. 2 which amended S.I. 1984/703 (N.I. 3)

Revocations

31. The Plant Health (Wood and Bark) Order (Northern Ireland) 1989(**a**) and the Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 1991(**b**) are hereby revoked.

Sealed with the Official Seal of the Department of Agriculture on 25th November 1993.

(L.S.) *W. J. Wright*
Assistant Secretary

(**a**) S.R. 1989 No. 154
(**b**) S.R. 1991 No. 435

SCHEDULE 1

Articles 3(1), 4(1), 18(2), 19(2), 20(2), 23(1) and 29(1)

Pests whose landing in and spread within Northern Ireland is prohibited

Insects, mites and nematodes

1. *Acleris* spp. (non-European), for example, the blackheaded budworm
2. *Arrhenodes minutus* (Drury), the oak timber worm
3. *Choristoneura* spp. (non-European), for example, the western spruce budworm
4. *Monochamus* spp. (non-European), sawyer beetles
5. *Pseudopithyophthorus minutissimus* (Zimmermann), oak bark beetle
6. *Pseudopithyophthorus pruinosus* (Eichhoff), oak bark beetle
7. *Scaphoideus luteolus* (Van Duzee), the white-banded elm leaf hopper
8. *Xiphinema americanum* Cobb *sensu lato* (non-European populations)
9. *Xiphinema californicum* Lamberti et Bleve-Zacheo

Fungi

1. *Ceratocystis fagacearum* (Bretz) Hunt, the cause of oak wilt.
2. *Chrysomyxa arctostaphyli* Dietel, the cause of spruce witches broom rust
3. *Cronartium* spp. (non-European), a cause of conifer rust
4. *Endocronartium* spp. (non-European), a cause of conifer rust
5. *Guignardia laricina* (Saw.) Yamamoto et Ito, the cause of shoot blight of larch
6. *Inonotus weirii* (Murrill) Kotlaba et Pouzar, the cause of poria root rot
7. *Melampsora farlowii* (Arthur) Davis, the cause of hemlock rust
8. *Melampsora medusae* Thümen, the cause of poplar rust
9. *Mycosphaerella larici-leptolepis* Ito et al., the cause of needle cast of larch
10. *Mycosphaerella populorum* G. E. Thompson, a cause of poplar canker

Viruses and virus-like organisms

Elm phlöem necrosis mycoplasm

Parasitic plants

Arceuthobium spp. (non-European), the dwarf mistletoe

SCHEDULE 2 Articles 2(1), 3(1), 4(1), 5, 6, 18(2), 19(2), 23(1) and 29(1)

Prohibitions on the landing and movement of infected wood and isolated bark

PART A

WOOD AND ISOLATED BARK, CARRYING OR INFECTED WITH PESTS WHOSE LANDING AND MOVEMENT IS PROHIBITED

SECTION A

Insects, mites and nematodes at all stages of their development

Item	*Description of pests*	*Description of wood and isolated bark*
(1)	(2)	(3)
1.	*Bursaphelenchus xylophilus* (Steiner et Bührer) Nickle et al.	Wood of conifers (Coniferales), including wood which has not kept its natural round surface originating in non-European countries.
2.	*Pissodes* spp. (non-European)	Wood of conifers (Coniferales) with bark, and isolated bark of conifers (Coniferales), originating in non-European countries.
3.	*Scolytidae* spp. (non-European).	Wood of conifers (Coniferales) with bark, and isolated bark of conifers (Coniferales), originating in non-European countries.

SECTION B

Fungi

Item	*Description of pests*	*Description of wood and isolated bark*
(1)	(2)	(3)
1.	*Atropellis* spp.	Wood and isolated bark of *Pinus* L.
2.	*Ceratocystis coerulescens* (Münch) Bakshi	Wood of *Acer saccharum* Marsh, including wood which has not kept its natural round surface, originating in North American countries.
3.	*Ceratocystis fimbriata* f. sp. *platani* Walter	Wood of *Platanus* L., including wood which has not kept its natural round surface.

Item	*Description of pests*	*Description of wood and isolated bark*
(1)	(2)	(3)
4.	*Cercoseptoria pini-densiflorae* (Hori et Nambu) Deighton	Wood of *Pinus* L.
5.	*Cryphonectria parasitica* (Murrill) Barr	Wood and isolated bark of *Castanea* Mill.

SCHEDULE 2

PART B

WOOD AND ISOLATED BARK WHICH MAY NOT BE INTRODUCED INTO CERTAIN PROTECTED ZONES AND WHOSE MOVEMENT WITHIN THOSE ZONES IS PROHIBITED IF THEY ARE INFECTED WITH CERTAIN PESTS

Insects, mites and nematodes at all stages of their development

Item	*Description of pests*	*Description of wood and isolated bark*	*Protected zones*
(1)	(2)	(3)	(4)
1.	*Dendroctonus micans* Kugelann (Great spruce bark beetle)	Wood of conifers (Coniferales) with bark, isolated bark of conifers.	Greece Ireland Italy Portugal Spain United Kingdom [Scotland, Northern Ireland, England (the following counties—Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Cleveland, Cornwall, Cumbria, Devon, Dorset, Durham, Essex, Hampshire, Hertfordshire, Humberside, Kent, Lincolnshire, Norfolk, Northamptonshire, Northumberland, Nottinghamshire, Oxfordshire, Somerset, Suffolk, Surrey, Sussex East, Sussex West, Tyne and Wear, Wiltshire, Yorkshire South, Yorkshire West; and the following parts of counties: Avon (that part of the county to the north of the southern boundary of the M4 motorway), Derbyshire, (the districts of North East

Item	*Description of pests*	*Description of wood and isolated bark*	*Protected zones*
(1)	(2)	(3)	(4)
			Derbyshire, Chesterfield, Bolsover); Leicestershire, (the districts of Charnwood, Melton, Rutland, Harborough, Oadby and Wigston, Leicester, Blaby); and Yorkshire North; (the districts of Scarborough, Ryedale, Hambleton, Richmondshire, Harrogate, York, Selby), Isle of Man, Isle of Wight and Isles of Scilly].
2. (*a*)	*Ips amitinus* Eichhoff (Smaller 8-toothed spruce bark beetle)	Wood of conifers (Coniferales) with bark, isolated bark of conifers.	France (Corsica) Greece Ireland Italy Portugal Spain United Kingdom
(*b*)	*Ips cembrae* Heer (Large larch bark beetle)	Wood of conifers (Coniferales) with bark, isolated bark of conifers.	Greece Ireland Portugal Spain United Kingdom (Northern Ireland, Isle of Man)
(*c*)	*Ips duplicatus* Sahlberg	Wood of conifers (Coniferales) with bark, isolated bark of conifers.	Greece Ireland Italy Portugal Spain United Kingdom
(*d*)	*Ips sexdentatus* Böerner (6-toothed bark beetle)	Wood of conifers (Coniferales) with bark, isolated bark of conifers.	Greece Ireland United Kingdom, (Northern Ireland, Isle of Man)

SCHEDULE 2 PART B MEMBER STATE PROHIBITIONS

Item	*Description of pests*	*Description of wood and isolated bark*	*Protected zones*
(1)	(2)	(3)	(4)
(*e*)	*Ips typographus* Heer (8-toothed spruce bark beetle)	Wood of conifers (Coniferales) with bark, isolated bark of conifers.	Greece Ireland Portugal Spain United Kingdom
3.	*Matsucoccus feytaudi* Duc.	Wood of conifers (Coniferales)	France (Corsica)
4.	*Pissodes* spp. (European) (weevils)	Wood of conifers (Coniferales), isolated bark of conifers	Ireland United Kingdom (Northern Ireland, Isle of Man)

Isolated bark, originating in certain Third Countries, whose landing is prohibited

Item (1)	*Description of isolated bark* (2)	*Countries of origin* (3)
1.	Isolated bark of conifers (Coniferales)	Any country not in Europe
2.	Isolated bark of *Castanea* Mill.	Any third country
3.	Isolated bark of *Quercus* L. other than *Quercus suber* L.	Any country in North America
4.	Isolated bark of *Acer saccharum* Marsh.	Any country in North America
5.	Isolated bark of *Populus* L.	Any country of the American continent

SCHEDULE 4

Articles 3(2), 3(3), 5, 6, 8(1), 9(1), 9(3), 9(4), 11 and 17(1)

PART A

CONDITIONS TO BE MET BEFORE CERTAIN WOOD, ISOLATED BARK AND OTHER OBJECTS MAY BE LANDED OR MOVED WITHIN THE EUROPEAN COMMUNITY

SECTION I

Wood, isolated bark and other objects originating outside the European Community

Item	*Description of wood, isolated bark and other objects*	*Conditions of landing*
(1)	(2)	(3)
1.1	Wood of conifers (Coniferales), except that of *Thuja* L., other than wood in the form of: — chips, particles, wood waste, or scrap obtained in whole or part from these conifers, — packing cases, crates or drums, — pallets, box pallets or other load boards, — dunnage, spacers and bearers, but including that which has not kept its natural round surface, originating in Canada, China, Japan, Korea, Taiwan and the United States of America.	There shall be evidence by application of an indicator system, approved by the Department and applied to the wood, that it has undergone an appropriate heat treatment to achieve a minimum wood core temperature of 56°C for 30 minutes.
1.2	Wood of conifers (Coniferales), in the form of chips, particles, wood waste or scrap obtained in whole or part from these conifers, originating in Canada, China, Japan, Korea, Taiwan and the United States of America.	The wood shall be accompanied by an official statement— (*a*) that the product has undergone an appropriate fumigation shipboard or in a container prior to shipment; and (*b*) that the product shall be shipped in sealed containers or in such a way as to prevent any re-infestation.
1.3	Wood of conifers (Coniferales), except that of *Thuja* L., in the form of packing cases, crates, drums, pallets, box pallets or other load boards, dunnage, spacers and bearers including that which has not	The wood shall be stripped of its bark, and shall be free from grub holes, caused by the genus *Monochamus* (non-European spp.), defined for this purpose as those which are larger than 3 mm across,

Item (1)	*Description of wood, isolated bark and other objects* (2)	*Conditions of landing* (3)
	kept its natural round surface, originating in Canada, China, Japan, Korea, Taiwan and the United States of America.	and shall have a moisture content expressed as a percentage of dry matter, of less than 20%, achieved at the time of manufacture.
1.4	Wood of *Thuja* L., including that which has not kept its natural round surface, originating in Canada, China, Japan, Korea, Taiwan and the United States of America.	The wood shall be stripped of its bark, and shall be free from grub holes, caused by the genus *Monochamus* (non-European spp.), defined for this purpose as those which are larger than 3 mm across.
1.5	Wood of conifers (Coniferales), other than wood in the form of chips, particles, wood waste or scrap obtained in whole or part from these conifers, but including that which has not kept its natural round surface, originating in non-European countries, other than Canada, China, Japan, Korea, Taiwan and the United States of America.	(*a*) The wood shall be stripped of its bark, and shall be free from grub holes, caused by the genus *Monochamus* (non-European spp.), defined for this purpose as those which are larger than 3 mm across; or (*b*) there shall be evidence by a mark "Kiln-dried", or "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule.
2.1	Wood of *Acer saccharum* Marsh, including wood which has not kept its natural round surface, other than wood intended for the production of veneer, originating in North American countries.	There shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule.

Item	*Description of wood, isolated bark and other objects*	*Conditions of landing*
(1)	(2)	(3)
2.2	Wood of *Acer saccharum* Marsh, intended for the production of veneer, originating in North American countries.	There shall be evidence from the appropriate accompanying documents, or some other means that the wood is intended for the production of veneer sheets.
3.	Wood of *Castanea* Mill. and *Quercus* L., including wood which has not kept its natural round surface, originating in North American countries.	The wood shall be stripped of its bark, and (*a*) be squared so as to remove entirely the rounded surface; or (*b*) the wood shall be accompanied by an official statement that the water content of the wood does not exceed 20% expressed as a percentage of the dry matter; or (*c*) official statement that the wood has been disinfected by an appropriate hot-air or hot-water treatment; or in the case of sawn wood with or without residual bark attached, there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule.
4.	Wood of *Castanea* Mill.	Without prejudice to the conditions applicable by virtue of paragraph 3 above the wood: (*a*) shall be stripped of its bark; or (*b*) shall be accompanied by an official statement that the wood originates in areas

Item	*Description of wood, isolated bark and other objects*	*Conditions of landing*
(1)	(2)	(3)
		known to be free from *Cryphonectria parasitica* (Murrill) Barr.
5.	Wood of *Platanus* L., including wood which has not kept its natural round surface, originating in the United States of America or Armenia.	There shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule.
6.	Wood of *Populus* L., originating in countries of the American continent.	The wood shall be stripped of its bark.
7.	Wood in the form of chips, particles, wood waste or scrap and obtained in whole or part from *Acer saccharum* Marsh., Castanea Mill., *Platanus* L., *Populus* L. and *Quercus* L., originating in non-European countries, and conifers (Coniferales) originating in non-European countries other than Canada, China, Japan, Korea, Taiwan and the United States of America.	The product shall have been— (*a*) produced exclusively from wood which was stripped of its bark or which has undergone either kiln-drying to below 20% moisture content, expressed as a percentage of dry matter at time of manufacture, achieved through an appropriate time/temperature schedule; or (*b*) fumigated shipboard or in a container prior to shipment, and shall be shipped in sealed containers or in such a way as to prevent any re-infestation.

SCHEDULE 4

PART A

CONDITIONS TO BE MET BEFORE WOOD AND ISOLATED BARK MAY BE LANDED OR MOVED WITHIN THE EUROPEAN COMMUNITY

SECTION II

Wood and isolated bark originating in the Community

Item (1)	*Description of wood and isolated bark* (2)	*Conditions of movement* (3)
1.	Wood of *Castanea* Mill.	(*a*) The wood shall be accompanied by an official statement that the wood originates in areas known to be free from Cryphonectria parasitica (Murrill) Barr; or (*b*) the wood shall be stripped of its bark.
2.	Wood of *Platanus* L., including wood which has not kept its natural round surface.	(*a*) The wood shall be accompanied by an official statement that the wood originates in areas known to be free from *Ceratocystis fimbriata* f. sp. *plantani* Walter; or (*b*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule.
3.	Isolated bark of *Castanea* Mill.	The bark shall be accompanied by an official statement— (*a*) that the bark originates in areas known to be free from *Cryphonectria parasitica* (Murrill) Barr; or

Item	*Description of wood and isolated bark*	*Conditions of movement*
(1)	(2)	(3)
		(*b*) that the consignment has been subjected to fumigation or other appropriate treatment against *Cryphonectria parasitica* (Murrill) Barr.

CONDITIONS TO BE MET BEFORE WOOD, ISOLATED BARK AND USED FORESTRY MACHINERY MAY BE INTRODUCED INTO OR MOVED WITHIN CERTAIN PROTECTED ZONES

Item	*Description of wood, isolated bark and used forestry machinery*	*Conditions of movement*	*Protected zones*
(1)	(2)	(3)	(4)
1.	Wood of conifers (Coniferales)	Without prejudice to the conditions applicable to the wood of conifers listed elsewhere in Schedule 4: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that the wood originates in areas known to be free from *Dendroctonus micans* Kugelann; or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-	Greece Ireland Italy Portugal Spain United Kingdom(**a**).

(a) Scotland, Northern Ireland, England [the following counties:— Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Cleveland, Cornwall, Cumbria, Devon, Dorset, Durham, Essex, Hampshire, Hertfordshire, Humberside, Kent, Lincolnshire, Norfolk, Northamptonshire, Northumberland, Nottinghamshire, Oxfordshire, Somerset, Suffolk, Surrey, Sussex East, Sussex West, Tyne and Wear, Wiltshire, Yorkshire South and Yorkshire West; and the following parts of counties:— Avon (that part of the county to the north of the southern boundary of the M4 motorway), Derbyshire (the districts of North East Derbyshire, Chesterfield and Bolsover), Leicestershire (the districts of Charnwood, Melton, Rutland, Harborough, Oadby and Wigston, Leicester and Blaby) and Yorkshire North (the districts of Scarborough, Ryedale, Hambleton, Richmondshire, Harrogate, York and Selby), Isle of Man, Isle of Wight and Isles of Scilly]

Item	*Description of wood, isolated bark and used forestry machinery*	*Conditions of movement*	*Protected zones*
(1)	(2)	(3)	(4)
		drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule.	
2.	Wood of conifers (Coniferales)	Without prejudice to the conditions applicable to the wood of conifers listed elsewhere in Schedule 4: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that the wood originates in areas known to be free from *Ips duplicatus* Sahlberg; or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of	Greece Ireland Italy Portugal Spain United Kingdom.

Item	*Description of wood, isolated bark and used forestry machinery*	*Conditions of movement*	*Protected zones*
(1)	(2)	(3)	(4)
		dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule.	
3.	Wood of conifers (Coniferales)	Without prejudice to the conditions applicable to the wood of conifers listed elsewhere in Schedule 4: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that the wood originates in areas known to be free from *Ips typographus* Heer; or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through	Greece Ireland Portugal Spain United Kingdom.

Item	*Description of wood, isolated bark and used forestry machinery*	*Conditions of movement*	*Protected zones*
(1)	(2)	(3)	(4)
		an appropriate time/temperature schedule.	
4.	Wood of conifers (Coniferales)	Without prejudice to the conditions applicable to the wood of conifers listed elsewhere in Schedule 4: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that the wood originates in areas known to be free from *Ips amitinus* Eichhoff; or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule.	France (Corsica) Greece Ireland Italy Portugal Spain United Kingdom.

Item	*Description of wood, isolated bark and used forestry machinery*	*Conditions of movement*	*Protected zones*
(1)	(2)	(3)	(4)
5.	Wood of conifers (Coniferales)	Without prejudice to the conditions applicable to the wood of conifers listed elsewhere in Schedule 4: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that the wood originates in areas known to be free from *Ips cembrae* Heer; or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule.	Greece Ireland Portugal Spain United Kingdom (Northern Ireland, Isle of Man).

Item	*Description of wood, isolated bark and used forestry machinery*	*Conditions of movement*	*Protected zones*
(1)	(2)	(3)	(4)
6.1	Wood of conifers (Coniferales)	Without prejudice to the conditions applicable to the wood of conifers listed elsewhere in Schedule 4: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that the wood originates in areas known to be free from *Ips sexdentatus* Böerner; or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule.	Greece Ireland United Kingdom Northern Ireland, Isle of Man).

Item	*Description of wood, isolated bark and used forestry machinery*	*Conditions of movement*	*Protected zones*
(1)	(2)	(3)	(4)
6.2	Wood of conifers (Coniferales)	Without prejudice to the conditions applicable to the wood of conifers listed elsewhere in Schedule 4: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that the wood originates in areas known to be free from *Pissodes* spp. (European); or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/temperature schedule.	Ireland United Kingdom (Northern Ireland, Isle of Man).
6.3	Wood of conifers (Coniferales)	Without prejudice to the conditions applicable to the wood of conifers listed elsewhere in Schedule 4:	France (Corsica).

Item	*Description of wood, isolated bark and used forestry machinery*	*Conditions of movement*	*Protected zones*
(1)	(2)	(3)	(4)
		(*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that the wood originates in areas known to be free from *Matsucoccus feytaudi* Duc.	
7.1	Isolated bark of conifers (Coniferales)	Without prejudice to the prohibitions applicable to the bark listed in Schedule 3 Item 1 the bark shall be accompanied by an official statement that the consignment: (*a*) has been subjected to fumigation or other appropriate treatments against bark beetles; or (*b*) originates in areas known to be free from *Dendroctonus micans* Kugelann.	Greece Ireland Italy Portugal Spain United Kingdom(**a**).
7.2	Isolated bark of conifers (Coniferales)	Without prejudice to the prohibitions applicable to the bark listed in Schedule 3 Item 1 and	France (Corsica) Greece Ireland

(a) Scotland, Northern Ireland, England [the following counties:— Bedfordshire, Berkshire, Buckinghamshire, Cambridgeshire, Cleveland, Cornwall, Cumbria, Devon, Dorset, Durham, Essex, Hampshire, Hertfordshire, Humberside, Kent, Lincolnshire, Norfolk, Northamptonshire, Northumberland, Nottinghamshire, Oxfordshire, Somerset, Suffolk, Surrey, Sussex East, Sussex West, Tyne and Wear, Wiltshire, Yorkshire South and Yorkshire West; and the following parts of counties:— Avon (that part of the county to the north of the southern boundary of the M4 motorway), Derbyshire (the districts of North East Derbyshire, Chesterfield and Bolsover), Leicestershire (the districts of Charnwood, Melton, Rutland, Harborough, Oadby and Wigston, Leicester and Blaby) and Yorkshire North (the districts of Scarborough, Ryedale, Hambleton, Richmondshire, Harrogate, York and Selby), Isle of Man, Isle of Wight and Isles of Scilly]

Item	*Description of wood, isolated bark and used forestry machinery*	*Conditions of movement*	*Protected zones*
(1)	(2)	(3)	(4)
		the conditions applicable to bark of conifers listed in Schedule 4 elsewhere, official statement that the consignment: (*a*) has been subjected to fumigation or other appropriate treatments against bark beetles; or (*b*) originates in areas known to be free from *Ips amitinus* Eichhoff.	Italy Portugal Spain United Kingdom.
7.3	Isolated bark of conifers (Coniferales)	Without prejudice to the prohibitions applicable to the bark listed in Schedule 3 Item 1, and the conditions applicable to bark of conifers listed elsewhere in Schedule 4, official statement that the consignment: (*a*) has been subjected to fumigation or appropriate treatments against bark beetles; or (*b*) originates in areas known to be free from *Ips cembrae* Heer.	Greece Ireland Portugal Spain United Kingdom (Northern Ireland, Isle of Man).
7.4	Isolated bark of conifers (Coniferales)	Without prejudice to the prohibitions applicable to the bark listed in Schedule 3 Item 1 and the conditions applicable to bark of conifers listed elsewhere in Schedule	Greece Ireland Italy Portugal Spain United Kingdom.

Item	*Description of wood, isolated bark and used forestry machinery*	*Conditions of movement*	*Protected zones*
(1)	(2)	(3)	(4)
		4, the bark shall be accompanied by an official statement that the consignment: (*a*) has been subjected to fumigation or other appropriate treatments against bark beetles; or (*b*) originates in areas known to be free from *Ips duplicatus* Sahlberg.	
7.5	Isolated bark of conifers (Coniferales)	Without prejudice to the provisions applicable to the bark listed in Schedule 3 Item 1 and the conditions applicable to bark of conifers listed elsewhere in Schedule 4, the bark shall be accompanied by an official statement that the consignment: (*a*) has been subjected to fumigation or appropriate treatments against bark beetles; or (*b*) originates in areas known to be free from *Ips sexdentatus* Börner.	Greece Ireland United Kingdom (Northern Ireland, Isle of Man).
7.6	Isolated bark of conifers (Coniferales)	Without prejudice to the provisions applicable to the bark listed in Schedule 3 Item 1 and the conditions listed elsewhere in Schedule	Greece Ireland Portugal Spain United Kingdom.

Item	*Description of wood, isolated bark and used forestry machinery*	*Conditions of movement*	*Protected zones*
(1)	(2)	(3)	(4)
		4, the bark shall be accompanied by an official statement that the consignment: (*a*) has been subjected to fumigation or appropriate treatments against bark beetles; or (*b*) originates in areas known to be free from *Ips typographus* Heer.	
7.7	Isolated bark of conifers (Coniferales)	Without prejudice to the provisions applicable to the bark listed in Schedule 3 Item 1 and the conditions applicable to bark of conifers listed elsewhere in Schedule 4, the bark shall be accompanied by an official statement that the consignment: (*a*) has been subjected to fumigation or appropriate treatments against bark beetles; or (*b*) originates in areas known to be free from *Matsucoccus feytaudi* Duc.	France (Corsica).
7.8	Isolated bark of conifers (Coniferales)	Without prejudice to the provisions applicable to the bark listed in Schedule 3 Item 1 and the conditions applicable to bark of conifers listed elsewhere in Schedule 4, the bark shall be	Ireland United Kingdom (Northern Ireland, Isle of Man).

Item	*Description of wood, isolated bark and used forestry machinery*	*Conditions of movement*	*Protected zones*
(1)	(2)	(3)	(4)
		accompanied by an official statement that the consignment: (*a*) has been subjected to fumigation or appropriate treatments against bark beetles; or (*b*) originates in areas known to be free from *Pissodes* spp. (European).	
8.	Used forestry machinery.	The machinery shall be cleaned and free from soil and plant debris.	Denmark Ireland Portugal (Azores) United Kingdom.

Restrictions on consignments of wood, isolated bark and other objects to Member States

PART A

WOOD, ISOLATED BARK AND OTHER OBJECTS WHOSE CONSIGNMENT TO A MEMBER STATE, GREAT BRITAIN, THE ISLE OF MAN OR THE CHANNEL ISLANDS IS SUBJECT TO SPECIAL CONDITIONS

Item	*Description of wood, isolated bark and other objects*	*Conditions of consignment*	*Plant passport required*
(1)	(2)	(3)	(4)
1.	Wood of *Castanea* Mill., except wood which has been stripped of its bark, in the form of: — fuel wood, in logs, billets, twigs, faggots or similar forms; — chips or particles; — wood waste and scrap, not agglomerated into logs, briquettes, pellets or similar forms; — wood in the rough, whether or not stripped of bark or sapwood, or roughly squared, except where treated with paint, stains, creosote or other preservatives; — split poles, piles, pickets and stakes of wood, pointed but not sawn lengthwise; — railway or tramway sleepers (cross-ties) of wood, not impregnated; or — wood, sawn or chipped lengthwise, sliced or peeled, not planed, sanded or finger-jointed, of a thickness exceeding 6mm, (in particular beams, planks, flitches, boards and laths).	The wood shall be accompanied by an official statement that it originates in areas known to be free from *Cryphonectria parasitica* (Murrill) Barr.	Yes

Item (1)	*Description of wood, isolated bark and other objects* (2)	*Conditions of consignment* (3)	*Plant passport required* (4)
2.	Wood of *Platanus* L., including wood which has not kept its natural round surface, in the form of: — fuel wood, in logs, billets, twigs, faggots or similar forms; — chips or particles; — wood waste and scrap, not agglomerated into logs, briquettes, pellets or similar forms; — wood in the rough, whether or not stripped of bark or sapwood, or roughly squared, except where treated with paint, stains, creosote or other preservatives; — split poles, piles, pickets and stakes of wood, pointed but not sawn lengthwise; — railway or tramway sleepers (cross-ties) of wood, not impregnated; or — wood, sawn or chipped lengthwise, sliced or peeled, not planed, sanded or finger-jointed, of a thickness exceeding 6mm, (in particular beams, planks, flitches, boards and laths).	The wood shall be accompanied by an official statement that it originates in areas known to be free from *Ceratocystis fimbriata* f. sp. *platani* Walter	Yes
3.	Isolated bark of *Castanea* Mill.	The bark shall be accompanied by an official statement that the consignment:	Yes

Item	*Description of wood, isolated bark and other objects*	*Conditions of consignment*	*Plant passport required*
(1)	(2)	(3)	(4)
		(*a*) originates in areas known to be free from *Cryphonectria parasitica* (Murrill) Barr; or (*b*) has been subjected to fumigation or other appropriate treatment against *Cryphonectria parasitica* (Murrill) Barr	

SCHEDULE 5 PART B

WOOD, ISOLATED BARK AND USED FORESTRY MACHINERY WHOSE CONSIGNMENT TO A PROTECTED ZONE OUTSIDE NORTHERN IRELAND IS SUBJECT TO SPECIAL CONDITIONS

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
1.	Wood of conifers (Coniferales)	Without prejudice to the other conditions applicable to the wood under this Part in relation to the same protected zone or zones: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that it originates in areas known to be free from *Dendroctonus micans* Kugelann; or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognised mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content,	Greece, Ireland, Italy, Portugal, Spain, Great Britain, the Channel Islands and the Isle of Man	Yes

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
		expressed as a percentage of dry matter at time of manufacture, achieved through an appropriate time/ temperature schedule.		
2.	Wood of conifers (Coniferales)	Without prejudice to the other conditions applicable to the wood under this Part in relation to the same protected zone or zones: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that it originates in areas known to be free from *Ips duplicatus* Sahlberg; or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognised mark, put on the wood or on its packaging in accordance with current commercial	Greece, Ireland, Italy, Portugal, Spain, Great Britain, the Channel Islands and the Isle of Man.	Yes

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
		usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/ temperature schedule.		
3.	Wood of conifers (Coniferales)	Without prejudice to the other conditions applicable to the wood under this Part in relation to the same protected zone or zones: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that it originates in areas known to be free from *Ips typographus* Heer; or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognised	Greece, Ireland, Italy, Portugal, Spain, Great Britain, the Channel Islands and the Isle of Man.	Yes

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
		mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter at time of manufacture, achieved through an appropriate time/ temperature schedule.		
4.	Wood of conifers (Coniferales)	Without prejudice to the other conditions applicable to the wood under this Part in relation to the same protected zone or zones: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that it originates in areas known to be free from *Ips amitinus* Eichhoff; or	France (Corsica), Greece, Ireland, Italy, Portugal, Spain, Great Britain, the Channel Islands and the Isle of man.	Yes

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
		(*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognised mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/ temperature schedule.		
5.	Wood of conifers (Coniferales)	Without prejudice to the other conditions applicable to the wood under this Part in relation to the same protected zone or zones: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied	Greece, Ireland, Italy, Portugal, Spain, the Channel Islands and the Isle of Man.	Yes

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
		by an official statement that it originates in areas known to be free from *Ips cembrae* Heer; or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognised mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter at time of manufacture, achieved through an appropriate time/ temperature schedule.		
6.	Wood of conifers (Coniferales)	Without prejudice to the other conditions applicable to the wood under this Part in relation to the same protected zone or zones:	Greece, Ireland, the Channel Islands and the Isle of Man.	Yes

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
		(*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that it originates in areas known to be free from *Ips sexdentatus* Böerner; or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, at time of manufacture, achieved through an appropriate time/ temperature schedule.		

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
7.	Wood of conifers (Coniferales)	Without prejudice to the other conditions applicable to the wood under this Part in relation to the same protected zone or zones: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that it originates in areas known to be free from *Pissodes* spp. (European); or (*c*) there shall be evidence by a mark "Kiln-dried", "K.D." or another internationally recognized mark, put on the wood or on its packaging in accordance with current commercial usage, that it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter at time of manufacture,	Ireland, the Channel Islands and the Isle of Man.	Yes

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
		achieved through an appropriate time/ temperature schedule.		
8.	Wood of conifers (Coniferales)	Without prejudice to the other conditions applicable to the wood under this Part in relation to the same protected zone or zones: (*a*) the wood shall be stripped of its bark; or (*b*) the wood shall be accompanied by an official statement that it originates in areas known to be free from *Matsucoccus feytaudi* Duc.	France (Corsica).	Yes
9.	Isolated bark of conifers (Coniferales)	Without prejudice to the other conditions applicable to the bark under this Part in relation to the same protected zone or zones, the bark shall be accompanied by an official statement that the consignment: (*a*) has been subjected to fumigation or other appropriate treatment for bark beetles; or	Greece, Ireland, Italy, Portugal, Spain, Great Britain, the Channel Islands and the Isle of Man.	Yes

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
		(*b*) originates in areas known to be free from *Dendroctonus micans* Kugelann.		
10.	Isolated bark of conifers (Coniferales)	Without prejudice to the other conditions applicable to the bark under this Part in relation to the same protected zone or zones, the bark shall be accompanied by an official statement that the consignment: (*a*) has been subjected to fumigation or other appropriate treatment for bark beetles; or (*b*) originates in areas known to be free from *Ips amitinus* Eichhoff.	France (Corsica), Greece, Ireland, Italy, Portugal, Spain, Great Britain, the Channel Islands and the Isle of Man.	Yes
11.	Isolated bark of conifers (Coniferales)	Without prejudice to the other conditions applicable to the bark under this Part in relation to the same protected zone or zones, the bark shall be accompanied by an official statement that the consignment:	Greece, Ireland, Portugal, Spain, the Channel Islands and the Isle of Man.	Yes

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
		(*a*) has been subjected to fumigation or other appropriate treatment for bark beetles; or (*b*) originates in areas known to be free from *Ips cembrae* Heer.		
12.	Isolated bark of conifers (Coniferales)	Without prejudice to the other conditions applicable to the bark under this Part in relation to the same protected zone or zones, the bark shall be accompanied by an official statement that the consignment: (*a*) has been subjected to fumigation or other appropriate treatment for bark beetles; or (*b*) originates in areas known to be free from *Ips duplicatus* Sahlberg.	Greece, Ireland, Italy, Portugal, Spain, the Channel Islands and the Isle of Man.	Yes

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
13.	Isolated bark of conifers (Coniferales)	Without prejudice to the other conditions applicable to the bark under this Part in relation to the same protected zone or zones, the bark shall be accompanied by an official statement that the consignment: (*a*) has been subjected to fumigation or other appropriate treatment for bark beetles; or (*b*) originates in areas known to be free from *Ips sexdentatus* Böerner.	Greece, Ireland, the Channel Islands and the Isle of Man.	Yes
14.	Isolated bark of conifers (Coniferales)	Without prejudice to the other conditions applicable to the bark under this Part in relation to the same protected zone or zones, the bark shall be accompanied by an official statement that the consignment:	Greece, Ireland, Italy, Portugal, Spain, Great Britain, the Channel Islands and the Isle of Man.	Yes

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
		(*a*) has been subjected to fumigation or other appropriate treatment for bark beetles; or (*b*) originates in areas known to be free from *Ips typographus* Heer.		
15.	Isolated bark of conifers (Coniferales)	Without prejudice to the other conditions applicable to the bark under this Part in relation to the same protected zone or zones, the bark shall be accompanied by an official statement that the consignment: (*a*) has been subjected to fumigation or other appropriate treatment for bark beetles; or (*b*) originates in areas known to be free from *Matsucoccus feytaudi* Duc.	France (Corsica).	Yes

Item	*Description of wood, isolated bark or used forestry machinery*	*Conditions of consignment*	*Protected zones*	*Plant passport required*
(1)	(2)	(3)	(4)	(5)
16.	Isolated bark of conifers (Coniferales)	Without prejudice to the other conditions applicable to the bark under this Part in relation to the same protected zone or zones, the bark shall be accompanied by an official statement that the consignment: (*a*) has been subjected to fumigation or other appropriate treatment for bark beetles; or (*b*) originates in areas known to be free from *Pissodes* spp. (European).	Ireland, the Channel Islands and the Isle of Man.	Yes
17.	Used forestry machinery	The machinery shall be cleaned and free from soil and plant debris.	Denmark, Ireland, Portugal (Azores), Great Britain, the Channel Islands and the Isle of Man.	No

SCHEDULE 6 Article 17

Information that shall appear on a plant passport

PART A

INFORMATION THAT SHALL APPEAR ON THE ACCOMPANYING DOCUMENT OF A PLANT PASSPORT

1. ''EEC — plant passport''.
2. An indication of the EC Member State code.
3. An indication of the responsible official body or its distinguishing code.
4. The registration number.
5. The individual serial, week or batch number.
6. The botanical name.
7. The quantity.
8. The distinctive marking ''ZP'' for the territorial validity of the passport and, where appropriate, the name of the protected zone for which the product is qualified.
9. The distinctive marking ''RP'' in the case of the replacement of a plant passport and, where appropriate, the code for the originally registered forestry trader.
10. Where appropriate, the name of the country of origin or consignor country, for third country products.

PART B

INFORMATION THAT SHALL APPEAR ON THE LABEL

1. ''EEC — plant passport''.
2. An indication of the EC Member State code.
3. An indication of the responsible official body or its distinguishing code.
4. The registration number.
5. The individual serial, week or batch number.

Form of Phytosanitary Certificate and Reforwarding Phytosanitary Certificate

PART A

FORM OF PHYTOSANITARY CERTIFICATE

1. Name and address of exporter:	2. **PHYTOSANITARY CERTIFICATE No. EEC/ /**
3. Declared name and address of consignee:	4. Plant Protection Organisation of **UK (Northern Ireland)** to Plant Protection Organisation(s) of
	5. Place of origin: **Northern Ireland**
6. Declared means of conveyance:	
7. Declared point of entry:	
8. Distinguishing marks: number and description of packages; name of produce; botanical name of plants:	9. Quantity declared:

10. This is to certify that the plants or plant products described above
- have been inspected according to appropriate procedures; and
- are considered to be free from quarantine pests and practically free from other injurious pests, and
- are considered to conform with the current phytosanitary regulations of the importing country.

11. Additional declaration:

DISINFESTATION AND/OR DISINFECTION TREATMENT		Place of Issue:
12. Treatment:		Date:
		Name and signature of authorised officer: Stamp of Organisation
13. Chemical (active ingredient):	14. Duration and temperature:	
15. Concentration:	16. Date:	
17. Additional Information:		

Note: The certificate shall be completed in typescript or in block capitals.

FORM OF RE-FORWARDING PHYTOSANITARY CERTIFICATE

1. Name and address of exporter:	2. **REFORWARDING PHYTOSANITARY CERTIFICATE No. EEC/ /**
3. Declared name and address of consignee:	4. Plant Protection Organisation of **UK (Northern Ireland)** to Plant Protection Organisation(s) of
	5. Place of origin: **Northern Ireland**
6. Declared means of conveyance:	
7. Declared point of entry:	

8. Distingusihing marks; number and description of packages; name of produce; botanical name of plants:	9. Quantity declared:

10. This to certify
— that the plants or plant products described above were imported into **Northern Ireland** (country of re-export) from (country of origin) covered by Phytosanitary Certificate No.
* ☐ original ☐ certified true copy of which is attached to this Certificate;
— that they are
* ☐ packed ☐ repacked in ☐ original ☐ new containers
— that based on the
* ☐ original Phytosanitary Certificate and ☐ additional inspection, they are considered to conform with the current phytosanitary regulations of the importing country; and
— that during storage in **Northern Ireland** (country of re-export) the consignment has not been subjected to the risk of infestation or infection.
* Insert tick in appropriation boxes.

11. Additional declaration:

DISINFESTATION AND/OR DISINFECTION TREATMENT		Place of Issue:
12. Treatment.		Date:
13. Chemical (active ingredient):	14. Duration and temperature:	Name and signature of authorised officer: Stamp of Organisation
15. Concentration:	16. Date:	
17. Additional information:		

Note: The certificate shall be completed in typescript or in block capitals.

Instruments amending and supplementing Council Directive 77/93/EEC

Instrument	*Reference*
Act concerning the conditions of accession of the Hellenic Republic and the adjustment of the Treaties	O.J. No. L.291, 19.11.79, p. 17.
Council Directive 80/392/EEC	O.J. No. L.100, 17.4.80, p. 32.
Council Directive 80/393/EEC	O.J. No. L.100, 17.4.80, p. 35.
Council Directive 81/7/EEC	O.J. No. L.14, 16.1.81, p. 23.
Council Directive 84/378/EEC	O.J. No. L.207, 2.8.84, p. 1.
Council Directive 85/173/EEC	O.J. No. L.65, 6.3.85, p. 23.
Council Regulation (EEC) No. 3768/85	O.J. No. L.362, 31.12.85, p. 8.
Council Directive 85/574/EEC	O.J. No. L.372, 31.12.85, p. 25.
Commission Directive 86/545/EEC	O.J. No. L.323, 18.11.86, p. 14.
Commission Directive 86/546/EEC	O.J. No. L.323, 18.11.86, p. 16.
Commission Directive 86/547/EEC	O.J. No. L.323, 18.11.86, p. 21.
Council Directive 86/651/EEC	O.J. No. L.382, 31.12.86, p. 13.
Council Directive 87/298/EEC	O.J. No. L.151, 11.6.87, p. 1.
Commission Directive 88/271/EEC	O.J. No. L.116, 4.5.88, p. 13.
Commission Directive 88/272/EEC	O.J. No. L.116, 4.5.88, p. 19.
Commission Directive 88/430/EEC	O.J. No. L.208, 2.8.88, p. 36.
Council Directive 88/572/EEC	O.J. No. L.313, 19.11.88, p. 39.
Council Directive 89/359/EEC	O.J. No. L.153, 6.6.89, p. 28.
Council Directive 89/439/EEC	O.J. No. L.212, 22.7.89, p. 106.
Commission Directive 90/80/EEC	O.J. No. L.51, 27.2.90, p. 34.
Council Directive 90/168/EEC	O.J. No. L.92. 7.4.80, p. 49.
Commission Directive 90/490/EEC	O.J. No. L.271, 3.10.90, p. 28.
Commission Directive 90/506/EEC	O.J. No. L.282, 13.10.90, p. 67.
Commission Directive 91/27/EEC	O.J. No. L.16, 22.1.91, p. 29.
Council Directive 91/683/EEC	O.J. No. L.376, 31.12.91, p. 29.
Commission Directive 92/10/EEC	O.J. No. L.70, 17.3.92, p. 27.
Commission Directive 92/76/EEC	O.J. No. L.305, 21.10.92, p. 12.
Commission Directive 92/90/EEC	O.J. No. L.344, 26.11.92, p. 38.
Commission Directive 92/98/EEC	O.J. No. L.352, 2.12.92, p. 1.
Commission Directive 92/103/EEC	O.J. No. L.363, 11.12.92, p. 1.
Commission Directive 92/105/EEC	O.J. No. L.4, 8.1.93, p. 22.
Council Directive 93/19/EEC	O.J. No. L.96, 22.4.93, p. 3.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order revokes and replaces the Plant Health (Wood and Bark) Order (Northern Ireland) 1989 as amended. The Order implements in Northern Ireland certain provisions of Council Directive 77/93/EEC (as amended and supplemented by the instruments listed in Schedule 8) in so far as it contains protective measures against the introduction into the Member States of the European Community of certain organisms harmful to plants and plant products and against their spread within the Community.

The Order—

(*a*) prohibits the landing of specified pests and wood, isolated bark and used forestry machinery and lays down the conditions under which the landing of other wood, isolated bark, used forestry machinery and certain other objects may be permitted (Article 3);

(*b*) prohibits the keeping, storage, sale, movement or other disposal of specified pests and wood, isolated bark, used forestry machinery and certain other objects within Northern Ireland (Article 4);

(*c*) prohibits the introduction into protected zones of specified pests, wood, isolated bark and used forestry machinery and lays down the conditions under which the introduction of other wood, isolated bark and used forestry machinery may be permitted (Article 5);

(*d*) prohibits the keeping, storage, sale, movement or other disposal of specified wood and isolated bark in protected zones and lays down the conditions under which other such material may be kept, stored, sold, moved or otherwise disposed of in protected zones (Article 6);

(*e*) lays down the conditions under which specified wood, isolated bark, used forestry machinery and certain other objects may be consigned to another place in the European Community or to a protected zone outside Northern Ireland (Article 7);

(*f*) requires that specified wood, isolated bark, used forestry machinery and certain other objects are to be accompanied by a plant passport when landed in or moved within Northern Ireland following consignment from another place in the European Community, introduced into or moved within the Northern Ireland protected zone, or consigned from Northern Ireland to another place in the European Community or to a protected zone outside Northern Ireland (Article 8);

(*g*) requires that specified wood, isolated bark, used forestry machinery and certain other objects, when landed in Northern Ireland following direct consignment from a country not in the European Community, are to be accompanied by a phytosanitary certificate (Article 9);

(*h*) lays down certain exceptions from the requirements for phytosanitary certificates (Article 10);

(*i*) lays down various general provisions relating to certificates and related inspections (Articles 12 and 13);

(*j*) provides for the establishment of a register of forestry traders (as the term is defined in Article 2) and lays down the procedure and conditions for registration (Articles 14, 15 and 16);

(*k*) lays down various general provisions relating to plant passports (Article 17);

(*l*) requires the notification of the presence of specified tree pests and wood, isolated bark and used forestry machinery (Articles 18 and 19);

(*m*) enables an inspector to take precautionary or remedial action where tree pests or wood, isolated bark and used forestry machinery are or are likely to be landed in contravention of the Order or are likely to be present on premises (Article 20 and 21);

(*n*) enables an inspector to enter premises, to carry out examinations and take samples, and to take remedial action where the requirements of a notice served under the Order have not been complied with (Articles 23 and 25);

(*o*) provides that anything that is otherwise prohibited under the Order may be done under authority of a licence granted in exercise of any derogation permitted by Directive 77/93/EEC (Article 26);

(*p*) provides that officers of Customs and Excise may detain tree pests or wood, isolated bark and used forestry machinery for examination by an inspector (Article 28);

(*q*) enables an inspector or other officer to require information in respect of specified tree pests and wood, isolated bark and used forestry machinery (Article 29).

The principal changes are as follows:—

1. certain kinds of wood and isolated bark etc moving within the European Community must be accompanied by a plant passport (Articles 5 and 8);
2. the requirements for phytosanitary certificates to accompany imports of certain wood etc now applies only to those coming from non-EC countries (Article 9);
3. plant passports (unlike phytosanitary certificates) may (subject to the satisfaction of certain requirements) be issued by those engaged in the importation or production of wood or isolated bark (Article 17);
4. the list of plant pests which are harmful to trees has been revised (Schedule 1);
5. the list of certain kinds of isolated bark which may not be imported has been amended (Schedule 3);
6. forestry traders need to be registered with the Department of Agriculture and to fulfil certain obligations (Articles 14 to 16);
7. registered forestry traders are required in the case of consignments landed from third countries to deliver any phytosanitary or re-forwarding phytosanitary certificate to an inspector within 3 days of landing (Article 12).

Any person who—

(*a*) without reasonable excuse, proof of which shall be on him contravenes a provision of this Order (other than in relation to the landing of any Article prohibited under the Customs and Excise Management Act 1979) or a provision or condition of a notice served or a licence granted in accordance with this Order;

(*b*) knowingly or recklessly makes a false statement or intentionally conceals relevant information for the purpose of procuring authority to issue a plant passport or obtaining a licence or certificate under this Order;

(*c*) issues a plant passport other than in accordance with the authorisation granted by the Department of Agriculture;

(*d*) dishonestly alters or re-uses a plant passport; or

(*e*) intentionally obstructs or impedes an inspector of the Department of Agriculture, or any person authorised by him, in the execution of his duty under this Order,

is guilty of an offence and is liable on summary conviction to a fine not exceeding £2,000.

Any person who lands from a third country anything in contravention of this Order, with intent to evade the prohibition contained in it, is guilty of an offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) and may be detained. A person guilty of such an offence is liable on summary conviction to a penalty of £5,000 or of three times the value of the goods, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both; or on conviction on indictment, to a penalty of any amount, or to imprisonment for a term not exceeding 2 years, or to both.