STATUTORY INSTRUMENTS

1990 No. 2398

PLANT HEALTH

The Plant Health (Forestry) (Great Britain) (Amendment) Order 1990

Made - - - -	*3rd December 1990*
Laid before Parliament	*10th December 1990*
Coming into force	*1st January 1991*

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

Title and commencement

1. This Order may be cited as the Plant Health (Forestry) (Great Britain) (Amendment) Order 1990 and shall come into force on 1st January 1991.

Amendment of the Plant Health (Forestry) (Great Britain) Order 1989

2.—(1) The Plant Health (Forestry) (Great Britain) Order 1989(c) shall be further amended in accordance with the provisions of this article.

(2) In article 2(1) (interpretation)–

(a) after the definition of "Europe" there shall be inserted the following definition–

" "fuel wood" means wood for fuel in the form of logs, billets, twigs, faggots or in similar forms;";

(b) in the definition of "Member State" there shall be omitted the words "the French overseas departments,".

(3) In article 5 (phytosanitary certificates and mill certificates to accompany imported trees, wood, etc.)–

(a) in paragraph (1) for the words "Subject to paragraphs (2) and (3) of this article" there shall be substituted the words "Subject to paragraphs (2), (3) and (4) of this article";

(b) after paragraph (3) there shall be inserted the following paragraph–

"(4) A phytosanitary certificate may be issued in a country other than the country of origin in relation to any item referred to in column 2 of Part II of Schedule 3–

(**a**) 1967 c.8; sections 2(1), 3(1) and (2) were amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 8; section 3(4) was substituted by section 42 of the Criminal Justice Act 1982 (c.48) and is to be read, as regards England and Wales, with S.I. 1984/447, and section 52(4) of the Criminal Justice Act 1988 (c.33), and, as regards Scotland, with section 289G(13) of the Criminal Procedure (Scotland) Act 1975 (c.21) as inserted by section 66 of the Criminal Justice Act 1987 (c.41) and S.I. 1984/526. (**b**) 1972 c.62.
(**c**) S.I. 1989/823, amended by S.I. 1989/1951.

(a) in the case of wood, if column 3 of that Part of that Schedule opposite that item contains as the only condition of landing that the wood shall be stripped of its bark, or

(b) in any other case, to the extent that the conditions of landing specified in column 3 of that Part of that Schedule can be fulfilled at a place other than in the country of origin.".

(4) In article 11 (Export of trees, wood etc. to Member States) for paragraph (4) there shall be substituted the following paragraph–

"(4)(a) Subject to sub-paragraph (b) below no person shall export from Great Britain any consignment of trees, wood or isolated bark which–

(i) is of a description specified in column 2 of Part II of Schedule 4; and

(ii) originated in Great Britain, a Member State or a third country

to any Member State or part of the United Kingdom listed in column 3 of Part II of Schedule 4 opposite the reference to such tree, wood or isolated bark unless the consignment is accompanied by a phytosanitary certificate issued in the country of origin or a certified copy of that certificate.

(b) A phytosanitary certificate may be issued in a country other than the country of origin in relation to any item referred to in column 2 of Part II of Schedule 3 and falling within any of the descriptions specified in column 2 of Part II of Schedule 4–

(i) in the case of wood, if column 3 of Part II of Schedule 3 opposite the item contains as the only condition of landing that the wood shall be stripped of its bark, or

(ii) in any other case, to the extent that the conditions of landing specified in column 3 of Part II of Schedule 3 can be fulfilled at a place other than in the country of origin.".

(5) In Schedule 2, after item 12 there shall be inserted the following item–

"12A. Fuel wood of conifers *(Coniferae)*	Canada, China, Japan, Korea or the United States of America".

(6) In Part II of Schedule 3, for item 1 there shall be substituted the following items–

"1. Wood of conifers *(Coniferae)* originating in non-European countries other than Canada, China, Japan, Korea or the United States of America (other than wood described in column 2 of item 10 in this Part of this Schedule).	(1) The wood shall have been stripped of its bark and shall be free from *Monochamus* spp and any bore holes greater than 3mm across; or (2) the wood shall have undergone kiln-drying to below 20% moisture content expressed as a percentage of dry matter, achieved at the time of manufacture, through an appropriate time/temperature schedule, and this shall be evidenced accordingly 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; or (3) in the case of wood chips, particles of wood, wood waste or scrap, an official statement shall have been made that the product has been produced exclusively from–	Phytosanitary certificate; or, in the case of wood which has been stripped of its bark, a mill certificate; or, in the case of kiln-dried wood, a declaration that such wood has been treated as required by the conditions specified in paragraph (2) of column 3 of item 1 opposite, such declaration to be made on accompanying commercial invoices or shipping documents.

	(a) debarked wood; or (b) wood which has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved at the time of manufacture, through an appropriate time/ temperature schedule or which has undergone fumigation, and is shipped in sealed containers or in such a way as to prevent reinfestation.	
1A. Wood of conifers *(Coniferae)* originating in Canada, China, Japan, Korea or the United States of America (other than wood described in column 2 of item 10A in this part of this Schedule).	(1) The wood shall have undergone kiln-drying in accordance with the conditions specified in paragraph (2) of column 3 of item 1 in this part of this Schedule; or (2) in the case of wood chips, particles of wood, wood waste or scrap, an official statement shall have been made that the product has been produced exclusively from wood which has undergone kiln-drying in accordance with the conditions specified in paragraph (3)(b) of column 3 of item 1 in this part of this Schedule.	Phytosanitary certificate; or, in the case of kiln-dried wood, a declaration that such wood has been treated as required by the conditions specified in paragraph (2) of column 3 of item 1 in this part of this Schedule, such declaration to be made on accompanying commercial invoices or shipping documents.
1B. Wood of conifers *(Coniferae)* originating in European countries (other than wood described in column 2 of item 10 in this part of this Schedule).	(1) The wood shall have been stripped of its bark; or (2) the wood shall have undergone kiln-drying in accordance with the conditions specified in paragraph (2) of column 3 of item 1 in this part of this Schedule; or (3) in the case of wood chips, particles of wood, wood waste or scrap, an official statement shall have been made that the product has been produced exclusively from– (a) debarked wood; or (b) wood which has undergone kiln-drying in accordance with paragraph (2) of column 3 of item 1 in this part of this Schedule.	Phytosanitary certificate; or, in the case of wood which has been stripped of its bark, a mill certificate; or, in the case of kiln-dried wood, a declaration that such wood has been treated as required by the conditions specified in paragraph (2) of column 3 of item 1 in this part of this Schedule, such declaration to be made on accompanying commercial invoices or shipping documents."

(7) In part II of Schedule 3, for item 10 there shall be substituted the following items–

"10. Wood comprising dunnage, pallets (other than those which satisfy the standard set for "UIC-Pallets" and are marked accordingly) or packing material, of the following genera or species– conifers *(Coniferae)* grown in countries other than Canada, China, Japan, Korea or the United States of America *Acer saccharum* grown in the United States of America *Castanea* *Populus* ground in any country of the American Continent *Platanus* *Quercus.*	(1) The wood shall have undergone kiln-drying in accordance with paragraph (2) of column 3 of item 1 in this part of this Schedule; or (2) for wood of conifers *(Coniferae)* only– (a) the wood shall have been stripped of its bark; or (b) the wood shall have been adequately impregnated with an effective wood preservative permitted in the European Community; or (3) for wood of *Populus* only, the wood shall have been stripped of its bark.	None required
10A. Wood comprising dunnage, pallets or packing material, of conifers (*Coniferae*) grown in Canada, China, Japan, Korea or the United States of America.	The wood shall have undergone kiln-drying in accordance with paragraph (2) of column 3 of item 1 in this part of this Schedule.	None required"

(8) In Schedule 6–

(a) for the words "Council Directive 88/271/EEC" there shall be inserted "Commission Directive 88/271/EEC";

(b) for the words "Council Directive 88/272/EEC" there shall be inserted "Commission Directive 88/272/EEC";

(c) at the end of Schedule 6 there shall be inserted the following–

"Council Directive 89/439/EEC OJ No. L212, 22.7.89, p.106.

Commission Directive 90/490/EEC OJ No. L271, 3.10.90, p.28."

In Witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 3rd December 1990.

L.S.

P. J. Clarke
Secretary to the Forestry Commissioners

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies to Great Britain, further amends the Plant Health (Forestry) (Great Britain) Order 1989 ("the principal Order") which implements Council Directive 77/93/EEC (OJ No. L26, 31.1.77, p. 20), as amended by the instruments listed in Schedule 6 of the principal Order.

This Order implements that part of Council Directive 89/439/EEC (OJ No. L212, 22.7.89, p.106) relating to forestry which allows the issue of a phytosanitary certificate in a country other than that of origin in certain circumstances (article 2(3)(b) and (4)(b)).

This Order also implements Commission Directive 90/490/EEC (OJ No. L271, 3.10.90, p.28). It alters the conditions of landing with regard to wood, wood chips, particles of wood, wood waste or scrap of conifers grown in Canada, China, Japan, Korea or the United States of America (article 2(6) and (7)) and it prohibits the landing of fuel wood of conifers from those countries (article 2(5)).

This Order also makes minor amendments (article 2(2) and (8)).