

**2019 No. 278**

**PLANT HEALTH**

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

*Made* - - - - *3rd September 2019*

*Laid before the Scottish Parliament* *5th September 2019*

*Coming into force* - - *31st October 2019*

The Scottish Ministers make this Order in exercise of the powers conferred by sections 2 and 3 of the Plant Health Act 1967(a) and paragraph 1A of schedule 2 of the European Communities Act 1972(b) and all other powers enabling them to do so.

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

This Order makes provision for preventing the introduction and spread of pests in Scotland and is called for by EU obligations in Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann), Commission Implementing Decision (EU) 2018/1959 derogating from Council Directive 2000/29/EC as regards measures to prevent the introduction into and the spread within the Union of the harmful organism *Agrilus planipennis* (Fairmaire) through wood originating in Canada and in the United States of America and Commission Implementing Directive (EU) 2019/523 amending Annexes 1 to 5 to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Plant Health (Forestry) Amendment (Scotland) Order 2019 and comes into force on 31 October 2019.

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- (a) 1967 c.8. Section 2 was amended by paragraph 8(2)(a) of schedule 4 of the European Communities Act 1972 (c. 68), Part 1 of the table in paragraph 12 of schedule 4 of the Customs and Excise Management Act 1979 (c.2), S.I. 1990/2371 and S.I. 2011/1043. Section 3(1) was amended by paragraph 8(2)(a) and (b) of schedule 4 of the European Communities Act 1972 and S.I. 2011/1043. The powers conferred by sections 2 and 3 are conferred on a “competent authority”, which is defined in section 1(2). Section 1(2) provides that the Scottish Ministers are the competent authority for Scotland for the purposes of the Plant Health Act 1967.
- (b) 1972 c.68. Paragraph 1A of schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51) and amended by Part 1 of the schedule of the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.
- (c) Section 2(2) was amended by paragraph 15(3) of schedule 8 of the Scotland Act 1998 (c.46) (“the 1998 Act”) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by section 3(3) and Part 1 of schedule 1 of the European Union (Amendment) Act 2008 (c.7). The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(2) This Order extends to Scotland only.

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

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

### **Amendment of article 2**

3. In article 2(1)—

- (a) in the definition of “associated controlled dunnage”, for “11, 12, 12A, 13 or 13C of Part A” substitute “10B, 11, 12, 12A, 13, 13C or 13E of Part A, and item 1ZA of Part B,”,
- (b) after the definition of “Decision (EU) 2015/893” insert—  
““Decision (EU) 2018/1503” means Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann), as amended from time to time(b);”,
- (c) in the definition of “relevant material”, at the end insert “or any machinery or vehicle which has been operated for agricultural or forestry purposes”.

### **Amendment of article 15**

4. In article 15(1)(b), at the end insert “or, in relation to relevant material to be landed in Scotland, Schedule 11A”.

### **Amendment of schedule 1**

5. In the table in schedule 1—

- (a) under the heading “Insects, mites and nematodes”—
  - (i) after item 2 insert—

“**2A.** *Aromia bungii* (Faldermann), the Red-Necked Longhorn Beetle”,

- (ii) renumber item 4a as 4A, and after that item insert—

“**4B.** *Grapholita packardi* Zeller, the Cherry Fruitworm”,

- (iii) after item 5 insert—

“**5A.** *Pityophthorus juglandis* Blackman, the Walnut Twig Beetle”,

- (b) under the heading “Fungi”—

- (i) after item 1 insert—

“**1ZA.** *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., the cause of Canker Stain of Plane”,

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(a) S.I. 2005/2517 as relevantly amended by S.I. 2006/2696, S.I. 2008/644, S.I. 2009/594, S.I. 2009/2030, S.I. 2011/1043, S.I. 2012/2707, S.I. 2013/2691, S.I. 2014/2420, S.I. 2016/1167, S.I. 2017/1178 and S.I. 2018/1048. S.I. 2005/2517 is also prospectively amended, in relation to Scotland, by SSI. 2019/130 from “exit day” within the meaning of section 20 of the European Union (Withdrawal) Act 2018 (c. 16).

(b) OJ L 254, 10.10.2018, p.9.

(ii) after item 4 insert—

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“4ZA. *Fusarium circinatum* Nirenberg & O’Donnell, the cause of the Pitch Canker Disease

4ZB. *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat, the causal agent, together with *Pityophthorus juglandis* Blackman, of the Thousand Cankers Disease”.

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### Amendment of schedule 2

6. In schedule 2—

(a) in the table in Part A, omit item 10,

(b) in the table in Part B—

(i) in item 3, in the entry in column (3), at the end insert “, or plants, other than seeds, intended for planting of *Quercus* L.”,

(ii) in item 5, in the entry in column (3), after “seeds, of” insert “*Cedrus* Trew or”.

### Amendment of schedule 3

7. In the table in schedule 3, for item 8 substitute—

“8.	Soil consisting in part of solid organic substances or other growing medium consisting in whole or in part of solid organic substances, other than any growing medium that is composed entirely of peat or fibre of <i>Cocos nucifera</i> L. and that has not previously been used for growing trees or for any agricultural purposes	Any third country, other than Switzerland”.
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### Amendment of schedule 4

8. In schedule 4—

(a) in the table in Part A—

(i) in item 10A, in the entry in column (3), in paragraph (a), at the beginning insert “except in the case of wood originating in Canada or the USA,”,

(ii) after item 10A insert—

“10B.	Wood of <i>Juglans</i> L. or <i>Pterocarya</i> Kunth, other than wood in the form of: –chips, particles, sawdust, shavings, wood waste or scrap, or –wood packaging material which is not associated controlled dunnage,  but including wood which has not kept its natural round surface, originating in the USA	The wood must be accompanied by an official statement that:  (a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from <i>Geosmithia morbida</i> Kolarik, Freeland, Utley & Tisserat and its vector <i>Pityophthorus juglandis</i> Blackman,  (b) it has undergone an
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appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 40 continuous minutes throughout the entire profile of the wood, or

- (c) it has been squared to entirely remove the natural rounded surface.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage and on the certificate”,

(iii) for item 12 substitute—

“12. Wood of *Platanus* L., other than wood packaging material that is not associated controlled dunnage, but including wood which has not kept its natural round surface or is in the form of chips, particles, sawdust, shavings, wood waste or scrap, originating in Albania, Armenia, Switzerland, Turkey or the USA

The wood must be accompanied by an official statement that:

- (a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., or
- (b) it has undergone kiln-drying to below 20% moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that kiln-drying by a mark “kiln-dried” or “KD” or another internationally recognised mark put on the wood or on any wrapping in accordance with current usage”,

(iv) after item 13C insert—

“13D. Specified wood within the meaning of Article 1(c) of Decision (EU) 2018/1503 originating in any third country where *Aromia bungii* (Faldermann) is known to be present, other than China, Democratic People’s Republic of Korea, Mongolia, Japan, Republic of Korea or Vietnam

The wood must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which:

(a) in the case of wood in the form of chips, particles, shavings, wood waste or scrap:

(i) includes an official statement under the heading “Additional declaration” that it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Aromia bungii* (Faldermann), and the name of the pest-free area under the heading “place of origin”,

(ii) includes an official statement under the heading “Additional declaration” that it is debarked and has undergone an appropriate heat treatment to achieve a

minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, including at its core, or

- (iii) includes an official statement that it has been processed into pieces of not more than 2.5 cm thickness and width,

(b) in any other case:

- (i) includes an official statement under the heading “Additional declaration” that it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Aromia bungii* (Faldermann), and the name of the pest-free area under the heading “place of origin”,
- (ii) includes an official statement that it is debarked and has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, including at its core, and which is evidenced by a mark “HT” put on the wood or any wrapping in accordance with current usage, or

(iii) includes an official statement that it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1kGy throughout the wood

13E. Wood of *Prunus* L., other than in the form of:  
–chips, particles, sawdust, shavings, wood waste or scrap, or  
–wood packaging material which is not associated controlled dunnage,  
but including wood which has not kept its natural round surface, originating in China, Democratic People’s Republic of Korea, Mongolia, Japan, Republic of Korea or Vietnam

The wood must be accompanied by an official statement that:

- (a) it originates in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Aromia bungii* (Faldermann),
- (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, or
- (c) it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1kGy throughout the wood.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark “HT” on the certificate”,

- (v) omit item 14a,
- (vi) after item 15A insert—

“15B. Isolated bark of *Juglans* L. or *Pterocarya* Kunth, or wood of *Juglans* L. or *Pterocarya* Kunth in the form of chips, particles, sawdust,

The bark or wood must be accompanied by an official statement that:

- (a) it originates in an area

shavings, wood waste or scrap,  
originating in the USA

established by the national  
plant protection  
organisation in the country  
of origin in accordance  
with ISPM No. 4 as an area  
that is free from  
*Geosmithia morbida*  
Kolarik, Freeland, Utley &  
Tisserat and its vector  
*Pityophthorus juglandis*  
Blackman, or

- (b) it has undergone an  
appropriate heat treatment  
to achieve a minimum  
temperature of 56°C for a  
minimum duration of 40  
continuous minutes  
throughout the entire  
profile of the bark or the  
wood.

Where the phytosanitary certificate  
or phytosanitary certificate for re-  
export includes the official  
statement referred to in paragraph  
(a), the name of the area must also  
be mentioned on the certificate  
under the heading “Additional  
declaration”.

Where the phytosanitary certificate  
or phytosanitary certificate for re-  
export includes the official  
statement referred to in paragraph  
(b), there must also be evidence of  
that heat treatment by a mark “HT”  
on the certificate

- 15C. Wood of *Prunus* L. in the form of  
chips, particles, sawdust, shavings,  
wood waste or scrap, originating in  
China, Democratic People’s  
Republic of Korea, Mongolia, Japan,  
Republic of Korea or Vietnam

The wood must be accompanied by  
an official statement that:

- (a) it originates in an area  
established by the national  
plant protection  
organisation in the country  
of origin in accordance  
with ISPM No. 4 as an area  
that is free from *Aromia*  
*bungii* (Faldennann),
- (b) it has been processed into  
pieces of not more than 2.5  
cm thickness and width, or



- (c) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration”.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (c), there must also be evidence of that heat treatment by a mark “HT” on the certificate”.

(vii) after item 19C insert—

“19D. Trees, other than seeds, of *Juglans* L. or *Pterocarya* Kunth, intended for planting, originating in the USA

The trees must be accompanied by an official statement that:

- (a) they have been grown throughout their life in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman,

(b) they:

- (i) originate in a place of production where neither symptoms of *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat nor its vector *Pityophthorus juglandis* Blackman, or the presence of the vector, have been

observed during official inspections of the place of production and its vicinity (which, as a minimum, must include the area lying within a radius of 5 km of the place of production) carried out in the period of two years prior to their export,

(ii) have been inspected immediately prior to export, and

(iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production, or

(c) they:

(i) originate in a place of production with complete physical isolation,

(ii) have been inspected immediately prior to export, and

(iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration””,

(viii) for item 25 substitute—

“25. Trees, other than seeds, of *Platanus* L., intended for planting, originating in Albania, Armenia, Switzerland, Turkey or the USA

The trees must be accompanied by an official statement that:

(a) they originate in an area established by the national plant protection organisation in the country of origin in accordance

with ISPM No. 4 as an area that is free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr.,

- (b) no symptoms of *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr. have been observed at the place of production or in its immediate vicinity since the beginning of the last complete cycle of vegetation.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration””,

(ix) after item 28A insert—

“28B. Trees, other than trees in tissue culture or seeds, of *Crataegus* L., *Cydonia* Mill., *Malus* Mill., *Prunus* L., *Pyrus* L. or *Vaccinium* L., intended for planting, originating in Canada, Mexico or the USA

The trees must be accompanied by an official statement that:

- (a) they have been grown throughout their life in an area established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4 as an area that is free from *Grapholita packardi* Zeller,
- (b) they have been:
  - (i) grown throughout their life in a place of production established in accordance with ISPM No. 10 as a place of production that is free from *Grapholita packardi* Zeller, which is registered and supervised by the national plant protection organisation in the country of origin and has been subjected

annually to inspections for any signs of *Grapholita packardi* Zeller carried out at appropriate times,

- (ii) grown in a site with the application of appropriate preventive treatments, where the absence of *Grapholita packardi* Zeller has been confirmed by official surveys carried out annually at appropriate times, and
  - (iii) subjected to a meticulous inspection for the presence of *Grapholita packardi* Zeller immediately prior to export, or
- (c) they have been grown in a site with complete physical protection against the introduction of *Grapholita packardi* Zeller.

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a), the name of the area must also be mentioned on the certificate under the heading “Additional declaration” and must have been previously notified in writing to the European Commission by the relevant national plant protection organisation”,

(xi) for item 30 substitute—

“30. Growing medium, attached to or associated with trees, intended to sustain the vitality of the trees, other than any sterile medium of *in-vitro* trees, originating in any third country other than Switzerland

The associated trees must be accompanied by an official statement that:

- (a) at the time of their planting, the growing medium:
  - (i) was free from soil and organic matter and had not been previously used for growing trees or for any agricultural purposes,
  - (ii) was composed entirely

of peat or fibre of *Cocos nucifera* L. and had not been previously used for growing trees or for any agricultural purposes, or

(iii) was subjected to an effective treatment to ensure freedom from harmful tree pests,

(b) the growing medium was stored and maintained under appropriate conditions to keep it free from harmful tree pests; and

(c) either:

(i) appropriate measures have been taken since planting to ensure that the growing medium has been kept free from harmful tree pests, including at least the physical isolation of the growing medium from soil and other possible sources of contamination, the use of water that is free from harmful tree pests and hygiene measures;

(ii) in the period of two weeks prior to export:

(aa) the growing medium (including, where appropriate, any soil) has been completely removed by washing with water that is free from harmful tree pests, and

- (bb) where the associated trees have been replanted, the growing medium met the requirements specified in paragraph (a) at the time of replanting and appropriate measures have been taken since replanting to ensure that the growing medium has been kept free from harmful tree pests in accordance with sub-paragraph (i).

Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (a)(iii), details of the treatment data must also be mentioned on the certificate under the heading “Additional declaration”.

(xii) after item 30 insert—

“30A. Machinery or vehicles which have been operated for agricultural or forestry purposes, imported from any third country other than Switzerland

The machinery or vehicles must be accompanied by an official statement that they have been cleaned and are free from soil and plant debris

30B Machinery or vehicles which have been operated for agricultural or forestry purposes, imported from Switzerland

The machinery or vehicles must be accompanied by an official statement that:

- (a) they have been exported from an area established by the national plant protection organisation for Switzerland in accordance with ISPM No. 4 as an area that is free from *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., or
- (b) in the case of any machinery or vehicles

exported from an area infested with *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., they have been cleaned and are free from soil and plant debris prior to export”,

(xiii) after item 38 insert—

“39. Trees of specified plants within the meaning of Article 1(b) of Decision (EU) 2018/1503 originating in any third country where *Aromia bungii* (Faldermann) is known to be present

The trees must be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes:

- (a) an official statement under the heading “Additional declaration” that they meet the requirements specified in point (a), (b) or (c) of Article 11 of Decision (EU) 2018/1503, and
- (b) where point (a) of that Article applies, the name of the pest-free area under the heading “place of origin””,

(c) in the table in Part B—

(i) after item 1 insert—

“ 1ZA. Wood of *Juglans* L. or *Pterocarya* Kunth, other than in the form of:  
–chips, particles, sawdust, shavings, wood waste or scrap; or  
–wood packaging material which is not associated controlled dunnage,  
but including wood which has not kept its natural round surface

The wood must be accompanied by an official statement that:

- (a) it originates in an area known to be free from *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman,
- (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 40 continuous minutes throughout the entire profile of the wood, or
- (c) it has been squared to entirely remove the natural rounded surface.

- Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage
- 1ZB. Isolated bark of *Juglans* L. or *Pterocarya* Kunth, or wood of *Juglans* L. or *Pterocarya* Kunth in the form of chips, particles, sawdust, shavings, wood waste or scrap
- The bark or wood must be accompanied by an official statement that:
- (a) it originates in an area established in accordance with ISPM No. 4 as an area that is free from *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman, or
  - (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 40 continuous minutes throughout the entire profile of the bark or the wood.
- Where the phytosanitary certificate or phytosanitary certificate for re-export includes the official statement referred to in paragraph (b), there must also be evidence of that heat treatment by a mark “HT” put on any wrapping in accordance with current usage
- 1ZC. Wood packaging material of *Juglans* or *Pterocarya* Kunth, except:  
 –raw wood of 6mm thickness or less;  
 –processed wood produced by glue, heat or pressure or a combination thereof, or  
 –dunnage which is associated controlled dunnage for the purposes of item 1ZA
- The wood packaging material:
- (a) must originate in an area established in accordance with ISPM No. 4 as an area that is free from *Geosmithia morbida* Kolarik, Freeland, Utley & Tisserat and its vector *Pityophthorus juglandis* Blackman; or
  - (b) must:



- (i) be made of debarked wood, as specified in Annex I to ISPM No. 15,
- (ii) have been subject to one of the approved treatments as specified in Annex 1 to ISPM No. 15, and
- (iii) display a mark as specified in Annex 2 to ISPM No. 15, indicating that it has been subjected to an approved phytosanitary treatment in accordance with this standard”,

(ii) after item 1B insert—

“1BA. Specified wood within the meaning of Article 1(c) of Decision (EU) 2018/1503 which:  
 —originates in an area established in accordance with Article 5 of Decision (EU) 2018/1503, or  
 —retains all or part of its round surface and has been introduced into such an area

The wood must:

- (a) in the case of wood in the form of chips, particles, shavings, wood waste or scrap originating in an area established in accordance with Article 5 of Decision (EU) 2018/1503, be accompanied by an official statement that it meets the requirements in point (a) or (b) of Article 8(3) of that Decision,
- (b) in any other case, be accompanied by an official statement that it meets the requirements in point (a) or (b) of Article 8(2) of that Decision and, where point (a) applies, bear evidence of the appropriate heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage”,

(iii) after item 1C insert—

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| “1CA. Specified wood packaging material within the meaning of Article 1(d) of Decision (EU) 2018/1503 originating in an area established in accordance with Article 5 of Decision (EU) 2018/1503 | The wood packaging material must meet the requirements specified in points (a) and (b) of Article 9(2) of Decision (EU) 2018/1503”, |
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(iv) after item 6A insert—

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| “6B. Trees, other than seeds, of <i>Juglans</i> L. or <i>Pterocarya Kunth</i> , intended for planting | The trees must be accompanied by an official statement that: <ul style="list-style-type: none"><li>(a) they have been grown throughout their life, or since their introduction into the European Union, in a place of production in an area established in accordance with ISPM No. 4 as an area that is free from <i>Geosmithia morbida</i> Kolarik, Freeland, Utley &amp; Tisserat and its vector <i>Pityophthorus juglandis</i> Blackman,</li><li>(b) they:<ul style="list-style-type: none"><li>(i) originate in a place of production where neither symptoms of <i>Geosmithia morbida</i> Kolarik, Freeland, Utley &amp; Tisserat nor its vector <i>Pityophthorus juglandis</i> Blackman, or the presence of the vector, have been observed during official inspections of the place of production and its vicinity (which, as a minimum, must include the area lying within a radius of 5 km of the place of production) carried out in the period of two</li></ul></li></ul> |
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- years prior to their movement,
- (ii) have been visually inspected immediately prior to their movement from the place of production, and
- (iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production, or
- (c) they:
  - (i) originate in a place of production with complete physical isolation,
  - (ii) have been visually inspected immediately prior to their movement from the place of production, and
  - (iii) have been handled and packaged in ways to prevent their infestation once they have left the place of production”

(v) after item 7 insert—

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| <p>“7A. Machinery and vehicles which have been operated for agricultural or forestry purposes</p> | <p>The machinery or vehicles must:</p> <ul style="list-style-type: none"> <li>(a) have been moved from an area established in accordance with ISPM No. 4 as an area that is free from <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. &amp; T.C. Harr. or a protected zone which is recognised as a protected zone for <i>Ceratocystis platani</i> (J.M. Walter) Engelbr. &amp; T.C. Harr., or</li> <li>(b) in the case of any machinery or vehicles being moved out of an</li> </ul> |
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area infested with *Ceratocystis platani* (J.M. Walter) Engelbr. & T.C. Harr., have been cleaned and be free from soil and plant debris prior to being moved out of the area”,

(vi) after item 11 insert—

“12. Trees of specified plants within the meaning of Article 1(b) of Decision (EU) 2018/1503 which originate, or have been introduced into a place of production, in an area established in accordance with Article 5 of that Decision

The trees must be accompanied by an official statement that:

- (a) in the case of trees which originate in an area established in accordance with Article 5 of Decision (EU) 2018/1503, they have been grown during a period of at least two years prior to their movement, or in the case of trees which are younger than two years, throughout their life, in a place of production which meets the requirements specified in Article 7(2) to (5) of that Decision;
- (b) in the case of trees which have been introduced into a place of production in an area established in accordance with Article 5 of Decision (EU) 2018/1503, the place of production meets the requirements specified in Article 7(2) to (4) of that Decision”,

(c) in the table in Part C, in item 7D, for the entry in column (2), substitute “Trees, other than seeds, of *Cedrus* Trew or *Pinus* L., intended for planting”.

## Amendment of schedule 5

### 9. In schedule 5, in Part A—

- (a) in paragraph 2(e)—
  - (i) for “*Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim.” substitute “*Juglans* L.”,
  - (ii) for “*Pterocarya rhoifolia* Siebold & Zucc.” substitute “*Pterocarya* L.”,
- (b) in paragraph 3(c)—
  - (i) for “*Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim.” substitute “*Juglans* L.”,
  - (ii) for “*Pterocarya rhoifolia* Siebold & Zucc.” substitute “*Pterocarya* L.”,
- (c) in paragraph 4(a)—
  - (i) in head (ii), for “Armenia, Switzerland or the USA” substitute “Albania, Armenia, Switzerland, Turkey or the USA”,
  - (ii) in head (vi)—
    - (aa) for “*Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim.” substitute “*Juglans* L.”,
    - (bb) for “*Pterocarya rhoifolia* Siebold & Zucc.” substitute “*Pterocarya* L.”,
  - (iii) in head (viii), omit “*Prunus* L.,” and the “and” at the end,
  - (iv) after head (viii) insert—
    - “(ix) *Prunus* L., including wood which has not kept its natural round surface, originating in Canada, China, Democratic People’s Republic of Korea, Mongolia, Japan, Republic of Korea, the USA or Vietnam; and”,
- (d) after paragraph 4B insert—
  - “4C. Specified wood within the meaning of Article 1(c) of Decision (EU) 2018/1503 originating in any third country where *Aromia bungii* (Faldermann) is known to be present.”,
- (e) omit paragraph 5,
- (f) for paragraph 6 substitute—
  - “6. Growing medium, attached to or associated with trees, intended to sustain the vitality of the trees, originating in any third country other than Switzerland.”,
- (g) after paragraph 6 insert—
  - “7. Machinery or any vehicle, imported from any third country, which has been operated for agricultural or forestry purposes and meets one of the descriptions specified in point 7.1 of Annex 5, Part B, Section 1 to the Directive.”.

## Amendment of schedule 6

### 10. In schedule 6—

- (a) in Part A—
  - (i) in paragraph 1, for “*Platanus* L.” substitute “*Juglans* L., *Platanus* L., or *Pterocarya* L.”,

(ii) after paragraph 1B insert—

“**1C.** Specified wood within the meaning of Article 1(c) of Decision (EU) 2018/1503 which—

- (a) originates in a third country where *Aromia bungii* (Faldermann) is known to be present; or
- (b) originates in an area which has been established in accordance with Article 5 of Decision (EU) 2018/1503 or, in the case of wood retaining all or part of its round surface, has been introduced into such an area.”,

(iii) after paragraph 10 insert—

“**11.** Trees of specified plants within the meaning of Article 1(b) of Decision (EU) 2018/1503 which—

- (a) originate in a third country where *Aromia bungii* (Faldermann) is known to be present; or
- (b) originate in, or have been introduced into, a place of production in an area established in accordance with Article 5 of Decision (EU) 2018/1503.”,

(b) in Part B, in paragraph 2B, after “seeds, of ‘ insert “*Cedrus Trew*,”.

#### **Amendment of schedule 7**

**11.** In schedule 7—

(a) in Part A—

(i) in paragraph 1, for “*Platanus L.*” substitute “*Juglans L., Platanus L., or Pterocarya L.*”,

(ii) after paragraph 1B insert—

“**1C.** Specified wood within the meaning of Article 1(c) of Decision (EU) 2018/1503 which—

- (a) originates in a third country where *Aromia bungii* (Faldermann) is known to be present; or
- (b) originates in an area which has been established in accordance with Article 5 of Decision (EU) 2018/1503 or, in the case of wood retaining all or part of its round surface, has been introduced into such an area.”,

(iii) after paragraph 10 insert—

“**11.** Trees of specified plants within the meaning of Article 1(b) of Decision (EU) 2018/1503 which—

- (a) originate in a third country in which *Aromia bungii* (Faldermann) is known to be present;
- (b) originate in, or have been introduced into, a place of production in an area established in accordance with Article 5 of Decision (EU) 2018/1503.”,

(b) in Part B, in paragraph 2B, after “seeds, of ‘ insert “*Cedrus Trew*,”.

**New Schedule 11A**

12. After schedule 11 insert—

**“SCHEDULE 11A**

Article 15(1)

**Form of Phytosanitary Certificate and Form of Phytosanitary  
Certificate for Re-export required by Article 15(1): Scotland**

**PART A**

**Form of Phytosanitary Certificate**

**PHYTOSANITARY CERTIFICATE**

No.....

Plant Protection Organisation of:.....

TO: Plant Protection Organisation(s) of

**I. Description of Consignment**

Name and address of exporter: .....

Declared name and address of consignee: .....

Number and description of packages: .....

Distinguishing marks: .....

Place of origin: .....

Declared means of conveyance: .....

Declared point of entry: .....

Name of produce and quantity declared: .....

Botanical name of plants: .....

This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and are considered to be free from the quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests. They are deemed to be practically free from other pests\*

**II. Additional Declaration**

**III. Disinfestation and/or Disinfection Treatment**

Date ..... Treatment ..... Chemical (active ingredient) .....

Duration and temperature:.....

Concentration .....

Additional information .....

.....

Place of issue: .....

(Stamp of Organisation) Name of authorised officer .....  
Date.....

(Signature)

No financial liability with respect to this certificate shall attach to .....  
(name of Plant Protection Organisation) or to any of its officers or representatives\*.

\*Optional clause.

## PART B

### Form of Phytosanitary Certificate For Re-export

## PHYTOSANITARY CERTIFICATE FOR RE-EXPORT

No.....

Plant Protection Organisation of: .....(contracting party of re-export) TO: Plant  
Protection Organisation(s) of:.....(contracting party(ies) of re-export)

### I. Description of Consignment

Name and address of exporter: .....  
Declared name and address of consignee: .....  
Number and description of packages: .....  
Distinguishing marks: .....  
Place of origin: .....  
Declared means of conveyance: .....  
Declared point of entry: .....  
Name of produce and quantity declared: .....  
Botanical name of plants: .....

This is to certify that the plants, plant products or other regulated articles described above .....  
were imported into (contracting party of re-export) ..... from .....  
(contracting party 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  
requirements of the importing contracting party, and that during storage in .....  
(contracting party of re-export), the consignment has not been subjected to the risk of infestation  
or infection.

\*Insert tick in appropriate  boxes.

### II. Additional Declaration

### III. Disinfestation and/or Disinfection Treatment

Date ..... Treatment ..... Chemical (active ingredient) .....



Duration and temperature:.....

Concentration .....

Additional information .....

.....

(Stamp of Organisation) Place of issue: .....  
Name of authorised officer .....  
Date.....

(Signature)

No financial liability with respect to this certificate shall attach to ..... (name of Plant Protection Organisation) or to any of its officers or representatives\*.

\*Optional clause.”

*MAIRI GOUGEON*  
Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
3rd September 2019

## EXPLANATORY NOTE

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

This Order amends the Plant Health (Forestry) Order 2005 in relation to Scotland to implement—

- (a) Commission Implementing Decision (EU) 2018/1503 establishing measures to prevent the introduction into and the spread within the Union of *Aromia bungii* (Faldermann) (OJ L 254, 10.10.2018, p.9),
- (b) Commission Implementing Decision (EU) 2018/1959 derogating from Council Directive 2000/29/EC as regards measures to prevent the introduction into and the spread within the Union of the harmful organism *Agrilus planipennis* (Fairmaire) through wood originating in Canada and in the United States of America (OJ L 315, 12.12.2018, p.27), and
- (c) Commission Implementing Directive (EU) 2019/523 amending Annexes 1 to 5 to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 86, 28.3.2019, p.41).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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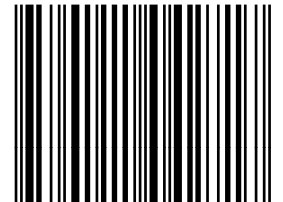


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