STATUTORY RULES OF NORTHERN IRELAND

2009 No. 340

PLANT HEALTH

The Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2009

Made - - - -	*6th October 2009*
Coming into operation	*30th October 2009*

The Department of Agriculture and Rural Development (**1**), in exercise of the powers conferred by sections 2(1) and 3(1) of the Plant Health Act (Northern Ireland) 1967 (**2**) and paragraph 1A of Schedule 2 to the European Communities Act 1972(**3**), hereby makes the following Order.

This Order makes provision for a purpose mentioned in section 2(2) of the European Communities Act 1972(**4**) and it appears to the Department that it is expedient for the references in the following Order 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(**5**) to be construed as references to that instrument as amended from time to time.

Citation and commencement

1. This Order may be cited as The Plant Health (Wood and Bark) (Amendment) Order (Northern Ireland) 2009 and shall come into operation on 30th October 2009.

Amendments to The Plant Health (Wood and Bark) Order (Northern Ireland) 2006

2.—(1) The Plant Health (Wood and Bark) Order (Northern Ireland) 2006(**6**) is amended as follows:

(2) In Article 2(1)

for the definition of "the Directive" substitute—

> ""the Directive" means Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community;"

(**1**) Formerly the Department of Agriculture: see SI 1999/283 (N.I. 1)Art. 3(4)
(**2**) 1967 c.28 (N.I)
(**3**) 1972 c.68
(**4**) Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51)
(**5**) OJ No L169, 10.7.2000, p1, as last amended by Commission Directive 2009/7/EC, OJ No L 40, 11.2.2009, p12
(**6**) S.R. 2006 (No 66)

3. In Article 6—

for paragraph (3) substitute—

"Where relevant material consigned to Northern Ireland via any third country by way of transit—

(a) has or may have been exposed to infection or contamination by any pest;

(b) no longer remains the same material specified in the phytosanitary certificate which accompanies it; or

(c) has been processed so as to change its nature,

the phytosanitary certificate required to accompany it shall be issued in the country of transit".

4.—(1) In Schedule 1, in the section "Insects, mites and nematodes"—

after item 4 insert "4a *Dendrolimus sibericus* Tschetverikov, the Siberian Coniferous Silk Moth".

(2) In Part A of Schedule 2—

after item 1 insert—

"1a	Wood and bark of *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Japan, Mongolia, Republic of Korea, Russia, Taiwan and the USA	*Agrilus planipennis* Fairmaire, the Emerald Ash Borer";

(3) In Part A of Schedule 4—

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

"The wood packaging material shall:

(a) from 1st July 2009, be free from bark with the exception of any number of individual pieces of bark if they are either less than 3 cm in width (regardless of the length) or, if greater than 3 centimetres in width, of not more than 50 square centimetres in area;

(b) be subject to one of the approved treatments as specified in Annex I to ISPMNo. 15; and

(c) display a mark as specified in Annex 11 to ISPM No. 15, indicating that the wood packaging material has been subjected to an approved phytosanitary treatment";

(b) after item 10 insert—

"10a	Wood of *Fraxinus* L., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch., *Ulmus parvifolia* Jacq. and *Pterocarya rhoifolia* Siebold & Zucc., other than in the form of (i) chips, obtained in whole or part from these trees,	The wood shall be accompanied by an official statement that the wood: (a) originates in an area established by the national plant protection organisation in the country of export as being free from *Agrilus planipennis* Fairmaire; or (b) is squared so as to remove entirely the rounded surface"*;*