



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2019 Rhif 498 (Cy. 115)

2019 No. 498 (W. 115)

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

**Gorchymyn Iechyd Planhigion
(Coedwigaeth) (Diwygio) (Cymru)
2019**

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

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

EXPLANATORY NOTE

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn cymhwyso o ran Cymru ddarpariaethau penodol sydd wedi eu gwneud ac sy'n diwygio Gorchymyn Iechyd Planhigion (Coedwigaeth) 2005 (O.S. 2005/2517) ("Gorchymyn 2005") o ran yr Alban a Lloegr. Cafodd y diwygiadau hynny eu gwneud gan Orchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) (Yr Alban a Lloegr) 2016 (O.S. 2016/1167) ("Gorchymyn 2016") a Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) (Yr Alban a Lloegr) 2017 (O.S. 2017/1178) ("Gorchymyn 2017") a Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) (Yr Alban a Lloegr) 2018 (O.S. 2018/1048) ("Gorchymyn 2018").

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

Rhoddodd y Gorchymynion hyn ddarpariaethau penodol ar waith o ran yr Alban a Lloegr, gan gynnwys Penderfyniad y Comisiwn 2002/757/EC a Phenderfyniadau Gweithredu'r Comisiwn 2014/690/EU, 2015/789/EU, 2015/893/EU, 2012/535/EU, 2015/2416/EU a 2017/204 a Phenderfyniad Rhif 1/2015 y Cyd-bwyllgor ar Amaethyddiaeth yn ymwneud â'r cytundeb rhwng y Gymuned Ewropeaidd a Chyddfederasiwn y Swistir ynghylch masnachu cynhyrchion amaethyddol (2017/169/EU).

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

Yn ychwanegol, mae'n cyflwyno darpariaeth newydd i ganiatáu i wybodaeth gael ei datgelu gan Gyllid a Thollau EM (CTHEM) i Weinidogion Cymru, a hynny at ddibenion Gorchymyn 2005.

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

Mae'n rhoi ar waith y mesurau rheoli penodol ym Mhenderfyniad Gweithredu'r Comisiwn (EU) 2017/2352 er mwyn atal y pla *Xylella fastidiosa* rhag cael ei gyflwyno.

Ar ben hynny mae'r Gorchymyn hwn yn rhoi mesurau ar waith sy'n cryfhau gofynion ynglŷn â mewnfario a symud coed derw, er mwyn lleihau'r risg y ceir rhagor o *Thaumetopoea processionea* (gwyfyn ymdeithiwr y derw (GYD)).

Nid oes asesiad effaith rheoleiddiol llawn wedi ei lunio ar gyfer yr offeryn hwn gan na ragwelir unrhyw effaith ar y sector preifat na'r sector gwirfoddol.

Nid yw'r offeryn hwn yn ymwneud ag ymadael â'r Undeb Ewropeaidd nac yn ysgogi'r gofynion ynglŷn â datganiadau o dan Ddeddf yr Undeb Ewropeaidd (Ymadael) 2018.

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

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

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

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

2019 Rhif 498 (Cy. 115)

2019 No. 498 (W. 115)

**IECHYD PLANHIGION,
CYMRU**

PLANT HEALTH, WALES

**Gorchymyn Iechyd Planhigion
(Coedwigaeth) (Diwygio) (Cymru)
2019**

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

Gwnaed 5 Mawrth 2019
*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 7 Mawrth 2019
Yn dod i rym 28 Mawrth 2019

Made 5 March 2019
Laid before the National Assembly for Wales
7 March 2019
Coming into force 28 March 2019

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 2 a 3(1) o Ddeddf Iechyd Planhigion 1967(1) a pharagraff 1A o Atodlen 2 i Ddeddf y Cymunedau Ewropeaidd 1972(2), yn gwneud y Gorchymyn a ganlyn.

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

Mae'r Gorchymyn hwn yn gwneud darpariaeth ar gyfer diben a grybwyllir yn adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(3) ac mae'n ymddangos i Weiniogion Cymru ei bod yn hwylus i gyfeiriadau at offerynnau'r Undeb Ewropeaidd a grybwyllir yn erthygl 3(a)(ii) a (iii) gael eu dehongli fel cyfeiriadau at yr offerynnau hynny fel y'u diwygir o bryd i w gilydd.

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

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- (1) 1967 p. 8. Mae'r pwerau a roddir gan adrannau 2 a 3(1) yn cael eu rhoi i awdurdod cymwys ("competent authority"), a ddiffinnir yn adran 1(2) fel Gweinidogion Cymru, o ran Cymru. Diwygiwyd adran 1(2) gan baragraff 43 o Atodlen 2 i Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013 (O.S. 2013/755 (Cy. 90)). Diwygiwyd adran 2 gan baragraff 8(2)(a) o Atodlen 4 i Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68), Rhan 1 o'r tabl ym mharagraff 12 o Atodlen 4 i Ddeddf Rheoli Tollau Tramor a Chartref 1979 (p. 2) ac O.S. 1990/2371 a 2011/1043. Diwygiwyd adrannau 2(1) a 3(1) gan baragraff 8 o Atodlen 4 i Ddeddf y Cymunedau Ewropeaidd 1972 (p. 68). Diwygiwyd adran 3(1) hefyd gan O.S. 2011/1043, erthygl 6.
- (2) 1972 p. 68; mewnosodwyd paragraff 1A o Atodlen 2 gan adran 28 o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) ac fe'i diwygiwyd gan Ran 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) ac O.S. 2007/1388.
- (3) Diwygiwyd adran 2(2) gan adran 27(1)(a) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006, a Rhan 1 o'r Atodlen i Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008.

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- (1) 1967 c. 8. The powers conferred by sections 2 and 3(1) are conferred on a "competent authority" which is defined in section 1(2) for Wales, as the Welsh Ministers. Section 1(2) was amended by paragraph 43 of Schedule 2 to the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755 (W. 90)). Section 2 was amended by paragraph 8(2)(a) of Schedule 4 to the European Communities Act 1972 (c. 68), Part 1 of the table in paragraph 12 of Schedule 4 to the Customs and Excise Management Act 1979 (c. 2) and S.I. 1990/2371 and 2011/1043. Sections 2(1) and 3(1) were amended by paragraph 8 of Schedule 4 to the European Communities Act 1972 (c. 68). Section 3(1) was also amended by S.I. 2011/1043, article 6.
- (2) 1972 c. 68; paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51) and amended by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c. 7) and S.I. 2007/1388.
- (3) Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 and Part 1 of the Schedule to the European Union (Amendment) Act 2008.

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Iechyd Planhigion (Coedwigaeth) (Diwygio) (Cymru) 2019, a daw i rym ar 28 Mawrth 2019.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

Diwygio Gorchymyn Iechyd Planhigion (Coedwigaeth) 2005

2. Mae Gorchymyn Iechyd Planhigion (Coedwigaeth) 2005(1) wedi ei ddiwygio fel a ganlyn.

Erthygl 2 (dehongli cyffredinol)

3. Yn erthygl 2(2)—

(a) ym mharagraff (1)—

(i) yn y diffiniad o “associated controlled dunnage”, yn lle “12A or 13” rhodder “12, 12A, 13 or 13C”;

(ii) ar ôl y diffiniad o “debarked” mewnosoder—

““Decision 2002/757/EC” means Commission Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of “*Phytophthora ramorum*”; Werres, De Cock & Man in ‘t Veld sp. nov., as amended from time to time(3);”;

(iii) ar ôl y diffiniad o “Decision 2012/138/EU” mewnosoder—

““Decision 2012/535/EU” means Commission Implementing Decision 2012/535/EU on emergency measures to prevent the spread within the Union of “*Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pine wood nematode), as amended from time to time(4);”;

Title, commencement and application

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

(2) This Order applies in relation to Wales.

Amendment of the Plant Health (Forestry) Order 2005

2. The Plant Health (Forestry) Order 2005(1) is amended as follows.

Article 2 (general interpretation)

3. In article 2(2)—

(a) in paragraph (1)—

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

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

““Decision 2002/757/EC” means Commission Decision 2002/757/EC on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of “*Phytophthora ramorum*”; Werres, De Cock & Man in ‘t Veld sp. nov., as amended from time to time(3);”;

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

““Decision 2012/535/EU” means Commission Implementing Decision 2012/535/EU on emergency measures to prevent the spread within the Union of “*Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pine wood nematode), as amended from time to time(4);”;

(1) O.S. 2005/2517. Offerynnau diwygio perthnasol yw O.S. 2006/2696, 2008/644, 2009/594, 2009/3020, 2011/1043, 2012/2707, 2013/755 (Cy. 90), 2013/2691, 2014/2420, 2015/1723 (Cy. 235), 2016/1167, 2017/1178 a 2018/1048.

(2) Cymhwyswyd y diffiniadau a fewnosodwyd neu a amnewidiwyd gan O.S. 2013/2691 ac O.S. 2014/240 at Gymru gan O.S. 2015/1723 (Cy. 235), erthygl 2 ac wedyn cafodd dirymadau perthnasol eu gwneud gan O.S. 2015/1723 (Cy. 235), erthygl 3.

(3) OJ Rhif L 252, 20.9.2002, t. 37, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Gweithredu'r Comisiwn (EU) 2016/1967 (OJ Rhif L 303, 20.11.2016, t. 21).

(4) OJ Rhif L 266, 2.10.2012, t. 42, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Gweithredu'r Comisiwn (EU) 2018/618 (OJ Rhif L 102, 23.4.2018, t. 17).

(1) S.I. 2005/2517. Relevant amending instruments are S.I. 2006/2696, 2008/644, 2009/594, 2009/3020, 2011/1043, 2012/2707, 2013/755 (W. 90), 2013/2691, 2014/2420, 2015/1723 (W. 235), 2016/1167, 2017/1178 and 2018/1048.

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

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

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

“Decision (EU) 2015/789” means Commission Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.), as amended from time to time(1);

“Decision (EU) 2015/893” means Commission Implementing Decision (EU) 2015/893 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky), as amended from time to time(2);”;

(iv) yn lle’r diffiniadau o “ISPM No. 4” ac “ISPM No. 15” rhodder—

““ISPM No. 4” means International Standard for Phytosanitary Measures No. 4 of November 1995 on the requirements for the establishment of pest-free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(3);

“ISPM No. 10” means International Standard for Phytosanitary Measures No. 10 of October 1999 on requirements for the establishment of pest free places of production and pest free production sites, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(4);

“ISPM No. 15” means International Standard for Phytosanitary Measures No. 15 of March 2002 on the regulation of wood packaging material in international trade, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(5);”;

“Decision (EU) 2015/789” means Commission Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.), as amended from time to time(1);

“Decision (EU) 2015/893” means Commission Implementing Decision (EU) 2015/893 as regards measures to prevent the introduction into and the spread within the Union of *Anoplophora glabripennis* (Motschulsky), as amended from time to time(2);”;

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

““ISPM No. 4” means International Standard for Phytosanitary Measures No. 4 of November 1995 on the requirements for the establishment of pest-free areas, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(3);

“ISPM No. 10” means International Standard for Phytosanitary Measures No. 10 of October 1999 on requirements for the establishment of pest free places of production and pest free production sites, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(4);

“ISPM No. 15” means International Standard for Phytosanitary Measures No. 15 of March 2002 on the regulation of wood packaging material in international trade, prepared by the Secretariat of the IPPC established by the Food and Agriculture Organisation of the United Nations(5);”;

(1) OJ Rhif L 125, 21.5.2015, t. 36, fel y’i diwygiwyd ddiwethaf gan Benderfyniad Gweithredu’r Comisiwn (EU) 2018/927 (OJ Rhif L 164, 29.6.2018, t. 49).

(2) OJ Rhif L 146, 11.6.2015, t. 16.

(3) Mae’r fersiwn ddiweddaraf a gyhoeddwyd ar gael yn: <https://www.ippc.int/en/core-activities/standards-setting/ispms/#publications>.

(4) Mae’r fersiwn ddiweddaraf a gyhoeddwyd ar gael yn: <https://www.ippc.int/en/core-activities/standards-setting/ispms/#publications>.

(5) Mae’r fersiwn ddiweddaraf a gyhoeddwyd ar gael yn: <https://www.ippc.int/en/core-activities/standards-setting/ispms/#publications>.

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

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

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

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

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

(v) ar ôl y diffiniad o “official statement” mewnosoder—

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

(vi) yn lle’r atalnod llawn ar ddiwedd y diffiniad o “wood packaging material” rhodder—

“;

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

(vii) ar ôl y diffiniad o “working day” mewnosoder—

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

(b) ym mharagraff (3A), ar ôl “18(1),” mewnosoder “18(3),”; ac

(c) ar ôl paragraff (4) mewnosoder—

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

Erthygl 3 (dehongli Rhan 2)

4. Yn erthygl 3(2)—

(a) yn lle’r hanner colon ar ddiwedd y diffiniad o “industry certificate” rhodder atalnod llawn;

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

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

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

“;

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

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

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

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

(c) after paragraph (4) insert—

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

Article 3 (interpretation of Part 2)

4. In article 3(2)—

(a) for the semi-colon at the end of the definition of “industry certificate” substitute a full-stop;

(1) OJ Rhif L 193, 22.7.2008, t. 1, fel y’i diwygiwyd ddiwethaf gan Reoliad Gweithredu’r Comisiwn (EU) 2018/791 (OJ Rhif L 136, 1.6.2018, t. 1).

(2) Diwygiwyd erthygl 3 gan O.S. 2013/755 (Cy. 90).

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

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

- (b) yn y diffiniad o “Customs Code”, yn lle’r geiriau o “Council” hyd at y diwedd rhodder “Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code(1)”;
- (c) yn y diffiniad o “customs document”, yn lle “Article 4(16)(a) and (d) to (g)” rhodder “Article 5(16)(a) and (b)”;
- (d) hepgorer y diffiniadau o “working day” a “working hour”.

- (b) in the definition of “Customs Code”, for the words from “Council” to the end substitute “Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code(1)”;
- (c) in the definition of “customs document”, for “Article 4(16)(a) and (d) to (g)” substitute “Article 5(16)(a) and (b)”;
- (d) omit the definitions of “working day” and “working hour”.

Erthygl 20 (gofynion ynglŷn â phasbortau planhigion)

5. Yn erthygl 20(2)—

- (a) ym mharagraff (2)—
 - (i) ar ôl “within” mewnosoder “a protected zone in”;
 - (ii) hepgorer “relevant territory as a”;
- (b) ym mharagraff (4)—
 - (i) ar ôl “within” mewnosoder “a protected zone in”;
 - (ii) yn lle “the relevant territory in which the movement takes place as a” rhodder “that”;
- (c) hepgorer paragraff (8)(3); a
- (d) ar ôl y paragraff (8) sydd wedi ei hepgor, mewnosoder—

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

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

Article 20 (requirements for plant passports)

5. In article 20(2)—

- (a) in paragraph (2)—
 - (i) after “within” insert “a protected zone in”;
 - (ii) omit “relevant territory as a”;
- (b) in paragraph (4)—
 - (i) after “within” insert “a protected zone in”;
 - (ii) for “the relevant territory in which the movement takes place as a” substitute “that”;
- (c) omit paragraph (8)(3); and
- (d) after the omitted paragraph (8), insert—

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

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

(1) OJ Rhif L 269, 10.10.2013, t. 1, fel y’i diwygiwyd gan Reoliad (EU) 2016/2339 Senedd Ewrop a’r Cyngor (OJ Rhif L 354, 23.12.2016, t. 32).

(2) Diwygiwyd erthygl 20 o ran Cymru gan O.S. 2013/755 (Cy. 90).

(3) Mewnosodwyd erthygl 20(8) yn wreiddiol gan O.S. 2013/2691 ac fe’i diwygiwyd gan O.S. 2014/2420 ac mae’n gymwys i Gymru yn rhinwedd O.S. 2015/1723 (Cy. 235), erthygl 2(l).

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

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

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

Erthygl 21 (eithriadau rhag gwaharddiadau a gofynion penodol)

6. Yn erthygl 21(1)—

- (a) ym mharagraff (1), yn lle “and (g)” rhodder “, (g) and (3)”; a
- (b) ar ôl paragraff (2) mewnosoder—

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

Erthygl 40 (hysbysu bod plâu coed penodol yn bresennol neu yr amheuir eu bod yn bresennol)

7. Yn erthygl 40(2)—

- (a) ym mharagraff (1), yn lle “any tree pest to which this article applies” rhodder “any notifiable tree pest”;
- (b) ar ôl paragraff (1A), yn y testun sy’n gymwys i Gymru, mewnosoder—

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

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

a rhodder testun y paragraff (1B) newydd, uchod, yn lle paragraff (1B) o’r testun sy’n gymwys i’r Alban a Lloegr; ac

- (c) ym mharagraff (2), yn lle “This article applies to” rhodder “In paragraph (1), “notifiable tree pest” means”.

Article 21 (exceptions from certain prohibitions and requirements)

6. In article 21(1)—

- (a) in paragraph (1), for “and (g)” substitute “, (g) and (3)”; and
- (b) after paragraph (2) insert—

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

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

7. In article 40(2)—

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

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

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

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

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

(1) Diwygiwyd erthygl 21 gan O.S. 2013/2691 a 2014/2420 a’i chymhwyso at Gymru gan O.S. 2015/1723 (Cy. 235), erthyglau 2(e) a 2(m).

(2) Diwygiwyd erthygl 40 gan O.S. 2006/2696, 2013/755 a 2014/2420, a’i chymhwyso at Gymru yn rhinwedd O.S. 2015/1723 (Cy. 235). Diwygiwyd erthygl 40 wedyn gan O.S. 2016/1167.

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

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

Erthygl 42A (pŵer i rannu gwybodaeth at ddibenion y Gorchymyn)

8. Ar ôl erthygl 42 mewnosoder—

“Power to share information for the purpose of the Order

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

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

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

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

Erthygl 43 (troseddau)

9. Yn erthygl 43(1)(a)(1)—

- (a) ar ddiwedd paragraff (xiii), hepgorer “and”;
- (b) ar ddiwedd paragraff (xiv), mewnosoder “and”; ac
- (c) ar ôl paragraff (xiv) mewnosoder—
“(xv) article 42A(3).”

Erthygl 44 (cosbi)

10. Yn lle erthygl 44 rhodder—

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

- (a) on summary conviction in England or Wales, to a fine;

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

8. After article 42 insert—

“Power to share information for the purpose of the Order

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

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

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

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

Article 43 (offences)

9. In article 43(1)(a)(1)—

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

Article 44 (penalties)

10. For article 44 substitute—

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

- (a) on summary conviction in England or Wales, to a fine;

(1) Diwygiwyd erthygl 43 gan O.S. 2013/755 (Cy. 90).

(1) Article 43 was amended by S.I. 2013/755 (W. 90).

(b) on summary conviction in Scotland, to a fine not exceeding level 5 on the standard scale.

(2) A person guilty of an offence under article 43(1)(a)(xv) is liable—

(a) on summary conviction in England or Wales, to imprisonment for a term not exceeding three months, to a fine or to both;

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding three months, to a fine not exceeding the statutory maximum or to both;

(c) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both.”

(b) on summary conviction in Scotland, to a fine not exceeding level 5 on the standard scale.

(2) A person guilty of an offence under article 43(1)(a)(xv) is liable—

(a) on summary conviction in England or Wales, to imprisonment for a term not exceeding three months, to a fine or to both;

(b) on summary conviction in Scotland, to imprisonment for a term not exceeding three months, to a fine not exceeding the statutory maximum or to both;

(c) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both.”

Atodlen 1 (plâu coed na chaniateir eu glanio na'u lledaenu ym Mhrydain Fawr)

11. Yn Atodlen 1(1)—

(a) o dan y pennawd “Insects, mites and nematodes”—

(i) ar ôl eitem 7 mewnosoder—

“7A.	<i>Saperda candida Fabricius</i> ”;
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(ii) ar ôl eitem 10 mewnosoder—

“Bacteria

1.	<i>Xylella fastidiosa</i> (Wells et al.)”;
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(b) o dan y pennawd “Fungi”, ar ôl eitem 10 mewnosoder—

“11.	<i>Phytophthora ramorum</i> Werres, De Cock & Man in ‘t Veld sp. Nov.’; ac
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(c) o dan y pennawd “Viruses and virus-like organisms”, yn lle “*Elm phlœm necrosis mycoplasma*” rhodder “*Candidatus Phytoplasma ulmi*”.

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

11. In Schedule 1(1)—

(a) under the heading “Insects, mites and nematodes”—

(i) after item 7 insert—

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

“Bacteria

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

“11.	<i>Phytophthora ramorum</i> Werres, De Cock & Man in ‘t Veld sp. Nov.’; and
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(c) under the heading “Viruses and virus-like organisms”, for “*Elm phlœm necrosis mycoplasma*” substitute “*Candidatus Phytoplasma ulmi*”.

(1) Gwnaed diwygiadau i Atodlen 1 gan O.S. 2006/2696, 2008/644, 2009/594 a 2014/2420 ac a gymhwyswyd at Gymru gan O.S. 2015/1723 (Cy. 235). Diwygiwyd Atodlen 1 wedyn gan O.S. 2016/1167 a 2017/1178.

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

Atodlen 1A (plâu coed na chaniateir eu glanio na’u lledaenu mewn parth gwarchoddedig sydd wedi ei gyfyngu o ran yr Alban a Lloegr i ran o’r ardal honno)

12. Yn lle Atodlen 1A(1) rhodder—

“SCHEDULE 1A

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

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

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

Atodlen 2 Rhan B (deunydd perthnasol na chaniateir ei lanio na’i symud ym Mhrydain Fawr (fel parth gwarchoddedig) os yw’r deunydd hwnnw’n cario plâu coed neu wedi ei heintio â phlâu coed)

13. Yn Rhan B o Atodlen 2, ar ôl eitem 4, yn lle’r testun sy’n gymwys o ran Cymru, mewnosoder—

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

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

12. For Schedule 1A(1) substitute—

“SCHEDULE 1A

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

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

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

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

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

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

(1) Mewnosodwyd Atodlen 1A gan O.S. 2014/2420 (fel y’i cymhwyswyd at Gymru gan O.S. 2015/1723 (Cy. 235)).

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

Atodlen 3 (deunydd perthnasol na chaniateir ei lanio ym Mhrydain Fawr os yw'r deunydd hwnnw'n tarddu o drydydd gwledydd penodol)

14. Yn Atodlen 3(1)—

- (a) yn y cofnod yn nhrydedd golofn eitem 5, ar ôl “North America” mewnosoder “, other than the USA”;
- (b) ar ôl eitem 8 mewnosoder—

“9.	Susceptible bark within the meaning of Article 1(4) of Decision 2002/757/EC	The USA”.
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Atodlen 4 Rhan A (deunydd perthnasol, o drydydd gwledydd, na chaniateir ei lanio ym Mhrydain Fawr oni fodlonir gofynion arbennig)

15. Yn Rhan A o Atodlen 4(2)—

- (a) yn eitem 8—
 - (i) yn y cofnod yn ail golofn y tabl, yn lle “12A or 13” rhodder “12, 12A, 13 or 13C”;
 - (ii) yn y cofnod yn nhrydedd golofn y tabl, ym mharagraff (a), ar ôl “be” mewnosoder “made of debarked wood and”;
- (b) yn y cofnod yn nhrydedd golofn eitem 10A, yn lle “as referred to in Article 1 of Decision (EU) 2015/2416” rhodder “for the purposes of point 2.3 of Annex 4, Part A, Section 1 of the Directive”;
- (c) yn lle eitem 10A rhodder—

“10A.	Wood of <i>Fraxinus L.</i> , <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i>	The wood shall be accompanied by an official statement that: (a) its bark and at least 2.5cm of the outer sapwood have been removed in a
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Schedule 3 (relevant material which may not be landed in Great Britain if that material originates in certain third countries)

14. In Schedule 3(1)—

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

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

15. In Part A of Schedule 4(2)—

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

“10A.	Wood of <i>Fraxinus L.</i> , <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. or <i>Pterocarya rhoifolia</i> Siebold	The wood shall be accompanied by an official statement that: (a) its bark and at least 2.5cm of the outer sapwood have been removed in a facility authorised and supervised by the
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(1) Diwygiwyd eitem 8 gan O.S. 2009/3020.
 (2) Mewnosodwyd eitem 10A yn wreiddiol fel eitem 10a gan O.S. 2009/594 ac fe'i diwygiwyd gan O.S. 2014/2420. Diwygiwyd eitem 11 gan O.S. 2014/2420. Diwygiwyd eitem 13 gan O.S. 2014/2420. Mewnosodwyd eitem 16A gan O.S. 2014/2420. Mewnosodwyd eitem 19b gan O.S. 2012/2707. Mewnosodwyd eitem 24B yn wreiddiol fel eitem 24a gan O.S. 2006/2696 a'i ailrifo gan O.S. 2013/2691. Mewnosodwyd eitem 34 gan O.S. 2013/2691. Ceir diwygiadau eraill i Ran A o Atodlen 4, ond nid yw'r un yn berthnasol.

(1) Item 8 was amended by S.I. 2009/3020.
 (2) Item 10A was originally inserted as item 10a by S.I. 2009/594 and amended by S.I. 2014/2420. Item 11 was amended by S.I. 2014/2420. Item 13 was amended by S.I. 2014/2420. Item 16A was inserted by S.I. 2014/2420. Item 19b was inserted by S.I. 2012/2707. Item 24B was originally inserted as item 24a by S.I. 2006/2696 and re-numbered by S.I. 2013/2691. Item 34 was inserted by S.I. 2013/2691. There are other amendments to Part A of Schedule 4, but none is relevant.

	<p>Planch. or <i>Pterocarya rhoifolia</i> Siebold & Zucc., other than in the form of: —chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or part from these trees, or —wood packaging material, except associated controlled dunnage, but including wood which has not kept its natural round surface, furniture or other objects made of untreated wood, originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA</p>	<p>facility authorised and supervised by the national plant protection organisation; (b) the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood; or (c) the wood originates in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, as referred to in Article 1 of Decision (EU) 2015/2416, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export”;</p>
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	<p>& Zucc., other than in the form of: —chips, particles, sawdust, shavings, wood waste or scrap, obtained in whole or part from these trees, or —wood packaging material, except associated controlled dunnage, but including wood which has not kept its natural round surface, furniture or other objects made of untreated wood, originating in Canada, China, Democratic People’s Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA</p>	<p>national plant protection organisation; (b) the wood has undergone ionizing irradiation to achieve a minimum absorbed dose of 1 kGy throughout the wood; or (c) the wood originates in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire, as referred to in Article 1 of Decision (EU) 2015/2416, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export”;</p>
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- (d) yn y cofnod yn ail golofn eitem 11, ar ôl “other than” mewnosoder “wood which complies with the requirements in paragraph (b) in the third column of item 13A or wood”;
- (e) yn lle’r cofnod yn ail golofn eitem 12 rhodder—

“Wood of *Platanus* L., other than in the form of:

- chips, particles, sawdust, shavings, wood waste or scrap, or
- wood packaging material, except associated controlled dunnage,

- (d) in the entry in the second column of item 11, after “other than” insert “wood which complies with the requirements in paragraph (b) in the third column of item 13A or wood”;
- (e) for the entry in the second column of item 12 substitute—

“Wood of *Platanus* L., other than in the form of:

- chips, particles, sawdust, shavings, wood waste or scrap, or
- wood packaging material, except associated controlled dunnage,

but including wood which has not kept its natural round surface, originating in Armenia, Switzerland or the USA”;

(f) ar ðl eitem 13 mewnosoder—

(f) but including wood which has not kept its natural round surface, originating in Armenia, Switzerland or the USA”;after item 13 insert—

<p>“13A.</p>	<p>Susceptible wood within the meaning of Article 1(3) of Decision 2002/757/EC originating in the USA</p>	<p>The wood shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export that: (a) it originates in an area in which non-European isolates of <i>Phytophthora ramorum</i> Werres, De Cock & Man in ‘t Veld sp. nov. is known not to occur and which is mentioned under the heading “place of origin”; (b) it meets the requirements specified in point 2(b) of Annex 1 to Decision 2002/757/EC; or (c) in the case of sawn wood with or without residual bark attached, it has undergone kiln-drying in the manner specified in point 2(c) of Annex 1 to that Decision, and there shall be evidence by a mark “Kiln-dried” or “KD” or another internationally recognised mark put on the wood or its packaging in accordance with current commercial usage</p>	<p>13B.</p>	<p>Specified wood within the meaning of Article 1(b) of Decision (EU) 2015/893, originating in any</p>	<p>The wood shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-</p>
<p>“13A.</p>	<p>Susceptible wood within the meaning of Article 1(3) of Decision 2002/757/EC originating in the USA</p>	<p>The wood shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export that: (a) it originates in an area in which non-European isolates of <i>Phytophthora ramorum</i> Werres, De Cock & Man in ‘t Veld sp. nov. is known not to occur and which is mentioned under the heading “place of origin”; (b) it meets the requirements specified in point 2(b) of Annex 1 to Decision 2002/757/EC; or (c) in the case of sawn wood with or without residual bark attached, it has undergone kiln-drying in the manner specified in point 2(c) of Annex 1 to that Decision, and there shall be evidence by a mark “Kiln-dried” or “KD” or another internationally recognised mark put on the wood or its packaging in accordance with current commercial usage</p>	<p>13B.</p>	<p>Specified wood within the meaning of Article 1(b) of Decision (EU) 2015/893, originating in any third country where <i>Anoplophora</i></p>	<p>The wood shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which— (a) in the case of</p>

	<p>third country where <i>Anoplophora glabripennis</i> (Motschulsky) is known to be present</p>	<p>export which—</p> <p>(a) in the case of wood in the form of chips, particles, shavings, wood waste or scrap, includes:</p> <p>(i) an official statement under the heading “Additional Declaration” that it meets the requirements specified in point (2)(a), (b) or (c) of Section 1(B) of Annex II to Decision (EU) 2015/893; and</p> <p>(ii) where point (1)(a) of that Section applies, the name of the pest-free area under the heading “place of origin”;</p> <p>(b) in any other case, includes:</p> <p>(i) an official statement under the heading “Additional Declaration” that it meets the requirements specified in point (1)(a) of that Section and the name of the pest-free area under the heading “place of origin”; or</p> <p>(ii) an official statement under the heading “Additional Declaration” that it is debarked and has undergone heat treatment in the manner specified in point (1)(b) of that Section, and there shall be evidence of that heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage”;</p>		<p><i>glabripennis</i> (Motschulsky) is known to be present</p>	<p>wood in the form of chips, particles, shavings, wood waste or scrap, includes:</p> <p>(i) an official statement under the heading “Additional Declaration” that it meets the requirements specified in point (2)(a), (b) or (c) of Section 1(B) of Annex II to Decision (EU) 2015/893; and</p> <p>(ii) where point (1)(a) of that Section applies, the name of the pest-free area under the heading “place of origin”;</p> <p>(b) in any other case, includes:</p> <p>(i) an official statement under the heading “Additional Declaration” that it meets the requirements specified in point (1)(a) of that Section and the name of the pest-free area under the heading “place of origin”; or</p> <p>(ii) an official statement under the heading “Additional Declaration” that it is debarked and has undergone heat treatment in the manner specified in point (1)(b) of that Section, and there shall be evidence of that heat treatment by a mark “HT” put on the wood or on any wrapping in accordance with current usage”;</p>
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(g) ar ôl eitem 13B mewnosoder—

(g) after item 13B insert—

<p>“ 13C.</p>	<p>Wood of <i>Amelanchier</i> Medik., <i>Aronia</i> Medik., <i>Cotoneaster</i> Medik., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyracantha</i> M. Roem, <i>Pyrus</i> L. or <i>Sorbus</i> L., other than in the form of: —chips, sawdust or shavings, obtained in whole or in part from these trees, or —wood packaging material, except associated controlled dunnage, but including wood which has not kept its natural round surface, originating in Canada or the USA</p>	<p>The wood must be accompanied by an official statement that: (a) it originates in an area free from <i>Saperda candida</i> Fabricius, established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional Declaration”; (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, and which is indicated on the phytosanitary certificate or the phytosanitary certificate for re-export; or (c) it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1 kGy throughout the wood, and which is indicated on the phytosanitary certificate or the phytosanitary certificate for re-export”;</p>
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<p>“13C.</p>	<p>Wood of <i>Amelanchier</i> Medik., <i>Aronia</i> Medik., <i>Cotoneaster</i> Medik., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyracantha</i> M. Roem, <i>Pyrus</i> L. or <i>Sorbus</i> L., other than in the form of: —chips, sawdust or shavings, obtained in whole or in part from these trees, or —wood packaging material, except associated controlled dunnage, but including wood which has not kept its natural round surface, originating in Canada or the USA</p>	<p>The wood must be accompanied by an official statement that: (a) it originates in an area free from <i>Saperda candida</i> Fabricius, established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional Declaration”; (b) it has undergone an appropriate heat treatment to achieve a minimum temperature of 56°C for a minimum duration of 30 continuous minutes throughout the entire profile of the wood, and which is indicated on the phytosanitary certificate or the phytosanitary certificate for re-export; or (c) it has undergone appropriate ionising radiation to achieve a minimum absorbed dose of 1 kGy throughout the wood, and which is indicated on the phytosanitary certificate or the phytosanitary certificate for re-export”;</p>
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(h) ar ðl eitem 15 mewnosoder—

<p>“15A.</p>	<p>Wood in the form of chips obtained in whole or in part from <i>Amelanchier</i> Medik., <i>Aronia</i> Medik., <i>Cotoneaster</i> Medik., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyracantha</i> M. Roem, <i>Pyrus</i> L. or <i>Sorbus</i> L., originating in Canada or the USA</p>	<p>The wood must be accompanied by an official statement that: (a) it originates in an area free from <i>Saperda candida</i> Fabricius, established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4, which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional Declaration”; (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 chips, and which is indicated on the phytosanitary certificate or the phytosanitary certificate for re-export”;</p>
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(h) after item 15 insert—

<p>“15A.</p>	<p>Wood in the form of chips obtained in whole or in part from <i>Amelanchier</i> Medik., <i>Aronia</i> Medik., <i>Cotoneaster</i> Medik., <i>Crataegus</i> L., <i>Cydonia</i> Mill., <i>Malus</i> Mill., <i>Prunus</i> L., <i>Pyracantha</i> M. Roem, <i>Pyrus</i> L. or <i>Sorbus</i> L., originating in Canada or the USA</p>	<p>The wood must be accompanied by an official statement that: (a) it originates in an area free from <i>Saperda candida</i> Fabricius, established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4, which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional Declaration”; (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 chips, and which is indicated on the phytosanitary certificate or the phytosanitary certificate for re-export”;</p>
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(i) ar ðl eitem 16A mewnosoder—

<p>“17.</p>	<p>Wood in the form of chips, particles, sawdust, shavings, wood waste or scrap obtained in whole or in part from <i>Fraxinus</i> L., <i>Juglans</i></p>	<p>The wood shall be accompanied by an official statement that the wood originates in an area recognised as being free from <i>Agrius planipennis</i></p>
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(i) after item 16A insert—

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

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

(j) yn y cofnod yn nhrydedd golofn eitem 19b, yn lle “No 4” rhodder “No. 4”;

(k) ar ôl eitem 19b mewnosoder—

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

(k) after item 19b insert—

“ 19C.	Trees, other than fruit or seeds, but including cut branches with or without foliage, of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. or <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic	The trees shall be accompanied by an official statement that they originate in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire for the purposes of point 11.4 of Annex IV Part A Section I of the Directive, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-
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“ 19C.	Trees, other than fruit or seeds, but including cut branches with or without foliage, of <i>Fraxinus</i> L., <i>Juglans ailantifolia</i> Carr., <i>Juglans mandshurica</i> Maxim., <i>Ulmus davidiana</i> Planch. or <i>Pterocarya rhoifolia</i> Siebold & Zucc., originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia,	The trees shall be accompanied by an official statement that they originate in an area recognised as being free from <i>Agrilus planipennis</i> Fairmaire for the purposes of point 11.4 of Annex IV Part A Section I of the Directive, and which is mentioned on the phytosanitary certificate or phytosanitary certificate for re-export”;
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	of Korea, Russia, Taiwan or the USA	export”;
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- (l) hepgorer eitem 24B;
- (m) yn y cofnod yn nhrydedd golofn eitem 28, yn lle “Elm phlõem necrosis mycoplasm” rhodder “Candidatus Phytoplasma ulmi”;
- (n) ar ôl eitem 28 mewnosoder—

“28A.	Trees, other than scions, cuttings, plants in tissue culture, pollen or seeds, of Amelanchier Medik., Aronia Medik., Cotoneaster Medik., Crataegus L., Cydonia Mill., Malus Mill., Prunus L., Pyracantha M. Roem., Pyrus L. or Sorbus L., intended for planting, originating in Canada or the USA	The trees must be accompanied by an official statement that: (a) they have been grown throughout their life in an area free from Saperda candida Fabricius, established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional Declaration”; or (b) they have been grown during a period of at least two years prior to export, or in the case of trees which are younger than two years, have been grown throughout their life, in a place of production established as free from Saperda candida Fabricius in accordance with ISPM No. 10: (i) which is registered and supervised by the national plant protection organisation in the
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	Taiwan or the USA	
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- (l) omit item 24B;
- (m) in the entry in the third column of item 28, for “Elm phlõem necrosis mycoplasm” substitute “Candidatus Phytoplasma ulmi”;
- (n) after item 28 insert—

“28A.	Trees, other than scions, cuttings, plants in tissue culture, pollen or seeds, of Amelanchier Medik., Aronia Medik., Cotoneaster Medik., Crataegus L., Cydonia Mill., Malus Mill., Prunus L., Pyracantha M. Roem., Pyrus L. or Sorbus L., intended for planting, originating in Canada or the USA	The trees must be accompanied by an official statement that: (a) they have been grown throughout their life in an area free from Saperda candida Fabricius, established by the national plant protection organisation in the country of origin in accordance with ISPM No. 4, and which is mentioned on the phytosanitary certificate or the phytosanitary certificate for re-export under the heading “Additional Declaration”; or (b) they have been grown during a period of at least two years prior to export, or in the case of trees which are younger than two years, have been grown throughout their life, in a place of production established as free from Saperda candida Fabricius in accordance with ISPM No. 10: (i) which is registered and supervised by the national plant protection organisation in the country of origin; (ii) which has been subjected annually to two official
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		<p>country of origin; (ii) which has been subjected annually to two official inspections for any signs of <i>Saperda candida</i> Fabricius carried out at appropriate times; (iii) where the trees have been grown in a site with complete physical protection against the introduction of <i>Saperda candida</i> Fabricius or with the application of appropriate preventive treatments and surrounded by a buffer zone with a width of at least 500 m in which the absence of <i>Saperda candida</i> Fabricius was confirmed by official surveys carried out annually at appropriate times; and immediately prior to export, the trees, and in particular their stems, have been subjected to a meticulous inspection for their presence of <i>Saperda candida</i> Fabricius, which included destructive sampling, where appropriate”;</p>			<p>inspections for any signs of <i>Saperda candida</i> Fabricius carried out at appropriate times; (iii) where the trees have been grown in a site with complete physical protection against the introduction of <i>Saperda candida</i> Fabricius or with the application of appropriate preventive treatments and surrounded by a buffer zone with a width of at least 500 m in which the absence of <i>Saperda candida</i> Fabricius was confirmed by official surveys carried out annually at appropriate times; and immediately prior to export, the trees, and in particular their stems, have been subjected to a meticulous inspection for their presence of <i>Saperda candida</i> Fabricius, which included destructive sampling, where appropriate”;</p>
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(o) ar ôl eitem 34 mewnosoder—

(o) after item 34 insert—

<p>“35.</p>	<p>Trees of susceptible plants within the meaning of Article 1(2) of Decision 2002/757/EC, other than trees of <i>Camellia</i> spp. L., <i>Rhododendron</i> spp. L. or <i>Viburnum</i> spp. L., originating in the USA</p>	<p>The trees shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes: (a) an official statement under the heading “Additional Declaration” that they: (i) meet the requirements specified in point 1a(a) or 1a(b) of Annex I to Decision 2002/757/EC; and (ii) have been inspected in accordance with point 1a of that Annex and found free from non-European isolates of <i>Phytophthora ramorum</i> Werres, De Cock & Man in ‘t Veld sp. nov.; and (b) where point 1a(a) of that Annex applies, the name of the area in which they originate under the heading “place of origin”</p>
<p>36.</p>	<p>Trees of specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 originating in any third country, other than a third country where <i>Xylella fastidiosa</i> (Wells et al.) is known to be present</p>	<p>The trees shall: (a) originate in a third country which has been notified to the European Commission by the relevant national plant protection organisation in accordance with Article 16(a) of Decision (EU) 2015/789; and (b) be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional Declaration” in accordance with Article 16(b) of that Decision</p>
<p>37.</p>	<p>Trees of specified plants within the meaning of Article 1(c) of Decision (EU)</p>	<p>The trees shall be accompanied by a phytosanitary certificate which includes: (a) in the case of trees originating in an area</p>

<p>“35.</p>	<p>Trees of susceptible plants within the meaning of Article 1(2) of Decision 2002/757/EC, other than trees of <i>Camellia</i> spp. L., <i>Rhododendron</i> spp. L. or <i>Viburnum</i> spp. L., originating in the USA</p>	<p>The trees shall be accompanied by a phytosanitary certificate or phytosanitary certificate for re-export which includes: (a) an official statement under the heading “Additional Declaration” that they: (i) meet the requirements specified in point 1a(a) or 1a(b) of Annex I to Decision 2002/757/EC; and (ii) have been inspected in accordance with point 1a of that Annex and found free from non-European isolates of <i>Phytophthora ramorum</i> Werres, De Cock & Man in ‘t Veld sp. nov.; and (b) where point 1a(a) of that Annex applies, the name of the area in which they originate under the heading “place of origin”</p>
<p>36.</p>	<p>Trees of specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 originating in any third country, other than a third country where <i>Xylella fastidiosa</i> (Wells et al.) is known to be present</p>	<p>The trees shall: (a) originate in a third country which has been notified to the European Commission by the relevant national plant protection organisation in accordance with Article 16(a) of Decision (EU) 2015/789; and (b) be accompanied by a phytosanitary certificate which includes an official statement under the heading “Additional Declaration” in accordance with Article 16(b) of that Decision</p>

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

Atodlen 4 Rhan B (deunydd perthnasol, o ran arall o'r Undeb Ewropeaidd, na chaniateir ei lanio na'i symud ym Mhrydain Fawr oni fodlonir gofynion arbennig)

16. Yn Rhan B o Atodlen 4(1)—

(a) ar ôl eitem 1 mewnosoder—

“1A.	Susceptible wood within the meaning of Article 1(b) of Decision 2012/535/EU which originates in an area established in accordance with Article 5 of that Decision	The wood shall: (a) in the case of wood in the form of wood packaging material, meet the requirements specified in point 3 of Section 1 of Annex III to Decision 2012/535/EU; (b) in the case of wood in the form of beehives or bird nesting boxes— (i) meet the requirements specified in point 2(a) of that Section and either be accompanied by an official statement that it meets those requirements or be marked in accordance with Annex II to ISPM No. 15; and (ii) if it is not free from bark, meet the requirements specified in point 2(c) of that Section; or (c) in the case of any other wood which is not in the form of wood packaging material: (i) be accompanied by an official statement that it meets the requirements specified in point 2(a) of that Section; and (ii) if it is not free
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(1) Diwygiwyd eitem 1 gan O.S. 2014/2420. Mewnosodwyd eitem 5B yn wreiddiol fel eitem 5a gan O.S. 2006/2696 a'i ailrifo gan O.S. 2013/2691. Mewnosodwyd eitem 9 gan O.S. 2012/2707. Ceir diwygiadau eraill i Ran B o Atodlen 4, ond nid yw'r un yn berthnasol.

Schedule 4 Part B (relevant material, from another part of the European Union, which may only be landed in or moved within Great Britain if special requirements are satisfied)

16. In Part B of Schedule 4(1)—

(a) after item 1 insert—

“1A.	Susceptible wood within the meaning of Article 1(b) of Decision 2012/535/EU which originates in an area established in accordance with Article 5 of that Decision	The wood shall: (a) in the case of wood in the form of wood packaging material, meet the requirements specified in point 3 of Section 1 of Annex III to Decision 2012/535/EU; (b) in the case of wood in the form of beehives or bird nesting boxes— (i) meet the requirements specified in point 2(a) of that Section and either be accompanied by an official statement that it meets those requirements or be marked in accordance with Annex II to ISPM No. 15; and (ii) if it is not free from bark, meet the requirements specified in point 2(c) of that Section; or (c) in the case of any other wood which is not in the form of wood packaging material: (i) be accompanied by an official statement that it meets the requirements specified in point 2(a) of that Section; and (ii) if it is not free
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(1) Item 1 was amended by S.I. 2014/2420. Item 5B was originally inserted as item 5a by S.I. 2006/2696 and re-numbered by S.I. 2013/2691. Item 9 was inserted by S.I. 2012/2707. There are other amendments to Part B of Schedule 4, but none is relevant.

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

1E.	Trees of susceptible plants within the meaning of Article 1(a) of Decision 2012/535/EU which originate in an area established in accordance with Article 5 of that Decision	The trees shall be accompanied by an official statement that they meet the requirements specified in points 1(a) to (c) of Section 1 of Annex III to Decision 2012/535/EU and shall meet the requirements specified in point 1(e) of that Section”;
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1E.	Trees of susceptible plants within the meaning of Article 1(a) of Decision 2012/535/EU which originate in an area established in accordance with Article 5 of that Decision	The trees shall be accompanied by an official statement that they meet the requirements specified in points 1(a) to (c) of Section 1 of Annex III to Decision 2012/535/EU and shall meet the requirements specified in point 1(e) of that Section”;
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(b) hepgorer eitem 5B;

(c) yn y cofnod yn nhrydedd golofn eitem 9, yn lle “No 4” rhodder “No. 4”; a

(d) ar ôl eitem 9 mewnosoder—

(b) omit item 5B;

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

(d) after item 9 insert—

“ 9A.	Trees of host plants within the meaning of Article 1(b) of Decision (EU) 2015/789 which have never been grown in an area established in accordance with Article 4 of that Decision, other than those which have been grown for their entire production cycle <i>in vitro</i>	The plants must be accompanied by an official statement that they meet the requirements specified in Article 9(8)(a) of Decision (EU) 2015/789□
10.	Trees of specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 which have been grown for at least part of their life in an area established in accordance with Article 4 of that Decision, other than those which have been grown for their entire production cycle <i>in vitro</i>	The trees shall: (a) be accompanied by an official statement that they meet the requirements specified in Article 9(2) to (4) and (5) of Decision (EU) 2015/789; and (b) be transported in the manner specified in Article 9(6) of that Decision
11.	Trees of specified plants within the meaning of Article 1(a) of Decision (EU)	The trees shall be accompanied by an official statement that:

“ 9A.	Trees of host plants within the meaning of Article 1(b) of Decision (EU) 2015/789 which have never been grown in an area established in accordance with Article 4 of that Decision, other than those which have been grown for their entire production cycle <i>in vitro</i>	The plants must be accompanied by an official statement that they meet the requirements specified in Article 9(8)(a) of Decision (EU) 2015/789□
10.	Trees of specified plants within the meaning of Article 1(c) of Decision (EU) 2015/789 which have been grown for at least part of their life in an area established in accordance with Article 4 of that Decision, other than those which have been grown for their entire production cycle <i>in vitro</i>	The trees shall: (a) be accompanied by an official statement that they meet the requirements specified in Article 9(2) to (4) and (5) of Decision (EU) 2015/789; and (b) be transported in the manner specified in Article 9(6) of that Decision
11.	Trees of specified plants within the meaning of Article 1(a) of Decision (EU)	The trees shall be accompanied by an official statement that:

	2015/893 which originate, or have been introduced into a place of production, in an area established in accordance with Article 7 of that Decision	(a) in the case of trees which originate in an area established in accordance with Article 7 of Decision (EU) 2015/893, they have been grown during a period of at least two years prior to their movement, or in the case of trees which are younger than two years, throughout their life, in a place of production which meets the requirements specified in points (1)(a) and (b) of Section 2(A) of Annex II to that Decision; and (b) they meet the requirements specified in point (1)(c) of that Section”
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	2015/893 which originate, or have been introduced into a place of production, in an area established in accordance with Article 7 of that Decision	(a) in the case of trees which originate in an area established in accordance with Article 7 of Decision (EU) 2015/893, they have been grown during a period of at least two years prior to their movement, or in the case of trees which are younger than two years, throughout their life, in a place of production which meets the requirements specified in points (1)(a) and (b) of Section 2(A) of Annex II to that Decision; and (b) they meet the requirements specified in point (1)(c) of that Section”
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Atodlen 4 Rhan C (deunydd perthnasol, o drydedd wlad neu ran arall o'r Undeb Ewropeaidd, na chaniateir ei lanio na'i symud ym Mhrydain Fawr (fel parth gwarchoddedig) oni fodlonir gofynion arbennig)

17. Yn Rhan C o Atodlen 4—

(a) ar ôl y pennawd mewnosoder—

“Interpretation of Part C

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

(b) yn Rhan C o Atodlen 4, ar ôl eitem 7C mewnosoder—

“ 7D.	Trees, other than fruit or seeds, of <i>Pinus L.</i> , intended for planting	The trees must be accompanied by an official statement that: (a) they have been grown throughout their life in places of production in countries in which
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Schedule 4 Part C (relevant material, from a third country or another part of the European Union, which may only be landed in or moved within Great Britain (as a protected zone) if special requirements are satisfied)

17. In Part C of Schedule 4—

(a) after the heading insert—

“Interpretation of Part C

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

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

“ 7D.	Trees, other than fruit or seeds, of <i>Pinus L.</i> , intended for planting	The trees must be accompanied by an official statement that: (a) they have been grown throughout their life in places of production in countries in which <i>Thaumatococcus</i>
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		<p>Thaumetopoea pityocampa Denis & Schiffermüller is not known to occur;</p> <p>(b) they have been grown throughout their life in an area free from Thaumetopoea pityocampa Denis & Schiffermüller, established by the national plant protection organisation in accordance with ISPM No. 4;</p> <p>(c) they have been produced in nurseries which, along with their vicinity, have been found free from Thaumetopoea pityocampa Denis & Schiffermüller on the basis of official inspections and official surveys carried out at appropriate times; or</p> <p>(d) they have been grown throughout their life in a site with complete physical protection against the introduction of Thaumetopoea pityocampa Denis & Schiffermüller and have been inspected at appropriate times and found to be free from that tree pest</p>			<p>pityocampa Denis & Schiffermüller is not known to occur;</p> <p>(b) they have been grown throughout their life in an area free from Thaumetopoea pityocampa Denis & Schiffermüller, established by the national plant protection organisation in accordance with ISPM No. 4;</p> <p>(c) they have been produced in nurseries which, along with their vicinity, have been found free from Thaumetopoea pityocampa Denis & Schiffermüller on the basis of official inspections and official surveys carried out at appropriate times; or</p> <p>(d) they have been grown throughout their life in a site with complete physical protection against the introduction of Thaumetopoea pityocampa Denis & Schiffermüller and have been inspected at appropriate times and found to be free from that tree pest</p>
7E.	<p>Trees, other than fruit or seeds, of Quercus L., other than Quercus suber, intended for planting, whose girth at 1.2 m above the root collar is 8 cm or more, other than— —any such plants entering Great Britain via a point of entry in the excluded zone</p>	<p>The trees must be accompanied by an official statement that:</p> <p>(a) they have been grown throughout their life in places of production in countries in which Thaumetopoea processionea L. is not known to occur;</p>	7E.	<p>Trees, other than fruit or seeds, of Quercus L., other than Quercus suber, intended for planting, whose girth at 1.2 m above the root collar is 8 cm or more, other than— —any such plants entering Great Britain via a point of entry in the excluded zone which are not in the</p>	<p>The trees must be accompanied by an official statement that:</p> <p>(a) they have been grown throughout their life in places of production in countries in which Thaumetopoea processionea L. is not known to occur;</p>

	<p>which are not in the course of their consignment to the OPM protected zone, or —any such plants originating in the excluded zone which do not move from the excluded zone into the OPM protected zone</p>	<p>(b) they have been grown throughout their life in a protected zone which is recognised as a protected zone for <i>Thaumatococcus</i> <i>parsonsiana</i> L. or in an area free from <i>Thaumatococcus</i> <i>parsonsiana</i> L., established by the national plant protection organisation in accordance with ISPM No. 4; (c) they have been produced in nurseries which, along with their vicinity, have been found free from <i>Thaumatococcus</i> <i>parsonsiana</i> L. on the basis of official inspections carried out as close as practically possible to their movement and official surveys of the nurseries and their vicinity have been carried out at appropriate times since the beginning of the last complete cycle of vegetation to detect larvae and other symptoms of <i>Thaumatococcus</i> <i>parsonsiana</i> L.; or (d) they have been grown throughout their life in a site with complete physical protection against the introduction of <i>Thaumatococcus</i> <i>parsonsiana</i> L. and have been inspected at appropriate times and found to be free from <i>Thaumatococcus</i> <i>parsonsiana</i> L.”.</p>
	<p>course of their consignment to the OPM protected zone, or —any such plants originating in the excluded zone which do not move from the excluded zone into the OPM protected zone</p>	<p>(b) they have been grown throughout their life in a protected zone which is recognised as a protected zone for <i>Thaumatococcus</i> <i>parsonsiana</i> L. or in an area free from <i>Thaumatococcus</i> <i>parsonsiana</i> L., established by the national plant protection organisation in accordance with ISPM No. 4; (c) they have been produced in nurseries which, along with their vicinity, have been found free from <i>Thaumatococcus</i> <i>parsonsiana</i> L. on the basis of official inspections carried out as close as practically possible to their movement and official surveys of the nurseries and their vicinity have been carried out at appropriate times since the beginning of the last complete cycle of vegetation to detect larvae and other symptoms of <i>Thaumatococcus</i> <i>parsonsiana</i> L.; or (d) they have been grown throughout their life in a site with complete physical protection against the introduction of <i>Thaumatococcus</i> <i>parsonsiana</i> L. and have been inspected at appropriate times and found to be free from <i>Thaumatococcus</i> <i>parsonsiana</i> L.”.</p>

Atodlen 5 Rhan A (deunydd perthnasol na chaniateir ei lanio ym Mhrydain Fawr onid yw tystysgrif ffytoiechydol yn mynd gydag ef)

18. Yn Rhan A o Atodlen 5(1)—

(a) ar ôl paragraff 1 mewnosoder—

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

(b) ailrifer paragraffau 1a, 1b ac 1c yn baragraffau 1B, 1C ac 1D yn eu trefn;

(c) ym mharagraff 4(a)—

(i) ar ddiwedd paragraff (vi), hepgorer “or”;

(ii) ar ddiwedd paragraff (vii), hepgorer “and” a mewnosoder “or”;

(iii) ar ôl paragraff (vii) mewnosoder—

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

(d) ar ôl paragraff 4 mewnosoder—

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

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

Schedule 5 Part A (relevant material which may only be landed in Great Britain if accompanied by a phytosanitary certificate)

18. In Part A of Schedule 5(1)—

(a) after paragraph 1 insert—

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

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

(c) in paragraph 4(a)—

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

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

(iii) after paragraph (vii) insert—

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

(d) after paragraph 4 insert—

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

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

(1) Mewnosodwyd paragraff 1a gan O.S. 2008/644. Mewnosodwyd paragraffau 1b ac 1c gan O.S. 2012/2707. Diwygiwyd paragraff 4 gan O.S. 2009/594, 2013/2691 a 2014/2420. Ceir diwygiadau eraill i Rhan A o Atodlen 5, ond nid yw'r un yn berthnasol.

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

Atodlen 6 Rhan A (deunydd perthnasol, o ran arall o'r Undeb Ewropeaidd, na chaniateir ei lanio na'i symud ym Mhrydain Fawr onid yw pasbort planhigion yn mynd gydag ef)

19. Yn Rhan A o Atodlen 6(1)—

- (a) ar ôl paragraff 1 mewnosoder —

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

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

- (b) ym mharagraff 2—

- (i) ar ôl “*Abies* Mill.,” mewnosoder “*Castanea* Mill.”; a
- (ii) yn lle “or *Tsuga* Carr.” rhodder “*Quercus* L., *Tsuga* Carr. or *Ulmus* L.”;

- (c) hepgorer paragraff 3; a

- (d) ar ôl paragraff 6 mewnosoder—

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

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

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

19. In Part A of Schedule 6(1)—

- (a) after paragraph 1 insert—

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

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

- (b) in paragraph 2—

- (i) after “*Abies* Mill.,” insert “*Castanea* Mill.”; and
- (ii) for “or *Tsuga* Carr.” substitute “*Quercus* L., *Tsuga* Carr. or *Ulmus* L.”;

- (c) omit paragraph 3; and

- (d) after paragraph 6 insert—

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

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

(1) Diwygiwyd paragraff 2 gan O.S. 2006/2696 a 2008/644. Mewnosodwyd paragraff 3 gan O.S. 2006/2696. Mewnosodwyd paragraff 6 gan O.S. 2012/2707. Ceir diwygiadau eraill i Ran A o Atodlen 6, ond nid yw'r un yn berthnasol.

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

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

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

Atodlen 6 Rhan B (deunydd perthnasol, o ran arall o'r Undeb Ewropeaidd, na chaniateir ei lanio na'i symud ym Mhrydain Fawr onid yw pasbort planhigion yn mynd gydag ef sy'n ddilys ar gyfer Prydain Fawr (fel parth gwarchoddedig))

20. Yn Rhan B o Atodlen 6—

- (a) ym mharagraff 2B, yn lle “or *Populus* L.” rhodder “, *Populus* L., *Quercus* L., other than *Quercus* suber, or *Ulmus* L.”;
- (b) yn lle paragraff 3(a)(ii) rhodder—
“(ii) *Castanea* Mill., excluding wood which is bark-free; or”.

Atodlen 7 Rhan A (deunydd perthnasol na chaniateir ei draddodi i ran arall o'r Undeb Ewropeaidd onid yw pasbort planhigion yn mynd gydag ef)

21. Yn Rhan A o Atodlen 7(1)—

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

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

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

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

20. In Part B of Schedule 6—

- (a) in paragraph 2B, for “or *Populus* L.” substitute “, *Populus* L., *Quercus* L., other than *Quercus* suber, or *Ulmus* L.”;
- (b) for paragraph 3(a)(ii) substitute—
“(ii) *Castanea* Mill., excluding wood which is bark-free; or”.

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

21. In Part A of Schedule 7(1)—

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

(1) Diwygiwyd Atodlen 7 gan O.S. 2011/1043. Diwygiwyd paragraff 2 gan O.S. 2006/2696 a 2008/644. Mewnosodwyd paragraff 3 gan O.S. 2006/2696. Mewnosodwyd paragraff 6 gan O.S. 2012/2707. Ceir diwygiadau eraill i Ran A o Atodlen 7, ond nid yw'r un yn berthnasol.

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

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

(b) ym mharagraff 2—

(i) ar ôl “*Abies* Mill.,” mewnosoder “*Castanea* Mill.”; a

(ii) yn lle “or *Tsuga* Carr.” rhodder “*Quercus* L., *Tsuga* Carr. or *Ulmus* L.”;

(c) hepgorer paragraff 3;

(d) ar ôl paragraff 6 mewnosoder—

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

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

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

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

Atodlen 7 Rhan B (deunydd perthnasol na chaniateir ei draddodi i barth gwarchoddedig mewn rhan arall o'r Undeb Ewropeaidd onid yw pasbort planhigion yn mynd gydag ef sy'n ddilys ar gyfer y parth gwarchoddedig hwnnw)

22. Yn Rhan B o Atodlen 7, ym mharagraff 2B, yn lle “or *Populus* L.” rhodder “, *Populus* L., *Quercus* L., other than *Quercus* suber, or *Ulmus* L.”.

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

(b) in paragraph 2—

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

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

(c) omit paragraph 3;

(d) after paragraph 6 insert—

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

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

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

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

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

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

Atodlen 8 Rhan A (deunydd perthnasol sy'n tarddu o'r Swistir y caniateir ei lanio neu ei symud ym Mhrydain Fawr os yw pasbort planhigion y Swistir yn mynd gydag ef)

23. Yn Rhan A o Atodlen 8, hepgorer paragraff 1.

Atodlen 8 Rhan B (deunydd perthnasol a gafodd ei fewnforio i'r Swistir o drydedd wlad arall, pe bai caniatâd i'w lanio ym Mhrydain Fawr fel arfer pe bai tystysgrif ffytoiechydol yn mynd gydag ef, y caniateir i basbort planhigion y Swistir fynd gydag ef neu y caniateir ei lanio heb ddogfennaeth ffytoiechydol)

24. Yn Rhan B o Atodlen 8—

- (a) ym mharagraff 2, ar ôl “Canada,” mewnosoder “*Castanea* Mill.”;
- (b) ar ôl paragraff 2 mewnosoder—

“2A. Cut branches of—

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

- (c) yn lle paragraff 3 rhodder—

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

- (a) has been obtained in whole or in part from one of the following order, genera or species, except wood packaging material of a description specified in the second column of item 8 in Part A of Schedule 4—
 - (i) *Quercus* L., including wood which has not kept its natural round surface, originating in the USA, except wood in the form of casks, barrels, vats, tubs or other coopers' products or parts thereof, including staves and where there is documented evidence that the wood has been processed or manufactured using a heat treatment to achieve a minimum temperature of 176°C for 20 minutes;

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

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

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

24. In Part B of Schedule 8—

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

“2A. Cut branches of—

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

- (c) for paragraph 3 substitute—

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

- (a) has been obtained in whole or in part from one of the following order, genera or species, except wood packaging material of a description specified in the second column of item 8 in Part A of Schedule 4—
 - (i) *Quercus* L., including wood which has not kept its natural round surface, originating in the USA, except wood in the form of casks, barrels, vats, tubs or other coopers' products or parts thereof, including staves and where there is documented evidence that the wood has been processed or manufactured using a heat treatment to achieve a minimum temperature of 176°C for 20 minutes;

- (ii) *Platanus* L., including wood which has not kept its natural round surface, originating in the USA or Armenia;
 - (iii) *Populus* L., including wood which has not kept its natural round surface, originating in any country of the American continent;
 - (iv) *Acer saccharum* Marsh., including wood which has not kept its natural round surface, originating in the USA or Canada;
 - (v) conifers (Coniferales), including wood which has not kept its natural round surface, originating in any country outside Europe, Kazakhstan, Russia or Turkey;
 - (vi) *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim, *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., including wood which has not kept its natural round surface, originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA;
 - (vii) *Betula* L., including wood which has not kept its natural round surface, originating in Canada or the USA; and
- (b) meets one of the descriptions specified in point 6(b) of Appendix 1 to Part B of Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products⁽¹⁾.”;
- (d) yn lle paragraff 6 rhodder—
- “6. Isolated bark of—
- (a) conifers (Coniferales), originating in any country outside Europe;
 - (b) *Acer saccharum* Marsh., *Populus* L. or *Quercus* L., other than *Quercus suber* L.;

- (ii) *Platanus* L., including wood which has not kept its natural round surface, originating in the USA or Armenia;
 - (iii) *Populus* L., including wood which has not kept its natural round surface, originating in any country of the American continent;
 - (iv) *Acer saccharum* Marsh., including wood which has not kept its natural round surface, originating in the USA or Canada;
 - (v) conifers (Coniferales), including wood which has not kept its natural round surface, originating in any country outside Europe, Kazakhstan, Russia or Turkey;
 - (vi) *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim, *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., including wood which has not kept its natural round surface, originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA;
 - (vii) *Betula* L., including wood which has not kept its natural round surface, originating in Canada or the USA; and
- (b) meets one of the descriptions specified in point 6(b) of Appendix 1 to Part B of Annex 4 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products⁽¹⁾.”;
- (d) for paragraph 6 substitute—
- “6. Isolated bark of—
- (a) conifers (Coniferales), originating in any country outside Europe;
 - (b) *Acer saccharum* Marsh., *Populus* L. or *Quercus* L., other than *Quercus suber* L.;

⁽¹⁾ OJ Rhif L 114, 30.4.2002, t. 132, fel y'i diwygiwyd ddiwethaf gan Benderfyniad Rhif 1/2017 y Cyd-bwyllgor ar Amaethyddiaeth (OJ Rhif L 171, 4.7.2017, t. 185).

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

- (c) *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA;
- (d) *Betula* L., originating in Canada or the USA."

- (c) *Fraxinus* L., *Juglans ailantifolia* Carr., *Juglans mandshurica* Maxim., *Ulmus davidiana* Planch. or *Pterocarya rhoifolia* Siebold & Zucc., originating in Canada, China, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Russia, Taiwan or the USA;
- (d) *Betula* L., originating in Canada or the USA."

Dirymiadau a darpariaeth drosiannol

25.—(1) Mae'r Gorchmynion a ganlyn wedi eu dirymu—

- (a) Gorchmyn Iechyd Planhigion (Coedwigaeth) (*Phytophthora ramorum*) (Prydain Fawr) 2004(1); a
- (b) Gorchmyn Iechyd Planhigion (Coedwigaeth) (*Phytophthora ramorum*) (Prydain Fawr) (Diwygio) 2007(2).

(2) Mae unrhyw hysbysiad a ddyroddir neu drwydded, awdurdodiad neu gymeradwyaeth arall a roddir o dan Orchymyn Iechyd Planhigion (Coedwigaeth) (*Phytophthora ramorum*) (Prydain Fawr) 2004 neu at ddibenion y Gorchmyn hwnnw ac sy'n effeithiol pan ddaw'r Gorchmyn hwn i rym yn parhau mewn grym fel pe baent wedi eu dyroddi neu wedi eu rhoi o dan Orchymyn Iechyd Planhigion (Coedwigaeth) 2005 neu at ddibenion y Gorchmyn hwnnw.

Revocations and transitional provision

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

- (a) The Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) Order 2004(1); and
- (b) The Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) (Amendment) Order 2007(2).

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

Lesley Griffiths

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig,
un o Weinidogion Cymru
5 Mawrth 2019

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers
5 March 2019

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(1) O.S. 2004/3213.
(2) O.S. 2007/3450.

(1) S.I. 2004/3213.
(2) S.I. 2007/3450.

