

Dear Sir/Madam

**RE: Response to the consultation on a proposal to amend the Plant Health (Forestry) Order 2005 to introduce a Statutory Notification Scheme for importing solid fuel wood into England and Scotland.**

I am writing to thank you for submitting your views and to notify you of the outcome of the consultation on a proposal to amend the Plant Health (Forestry) Order 2005 to introduce a Statutory Notification Scheme for importing solid fuel wood into England and Scotland.

The consultation appeared on the Forestry Commission's consultation web pages from 25th March to 17th June 2015. Timber, forestry/woodland related organisations were alerted to the consultation and twenty five known solid fuel wood importers were contacted directly.

Eight responses were received to the consultation: four from importers of solid fuel wood and four from timber or forestry/woodland related organisations (i.e. Confor, Institute of Chartered Foresters, UK Forest Products Association and the Woodland Trust).

Views and comments were sought on a number of aspects associated with the possible introduction of the notification scheme.

A general summary of the responses provided to the questions posed is as follows (see annex for the summary of the individual responses):

1. If you do not agree that the legislation should be introduced please can you explain why and indicate a preferred means to providing the Forestry Commission with import information about solid fuel wood?

*Response*

*There was general support for the introduction of a notification scheme from the importers and very strong support from the timber or forestry/woodland related organisations.*

2. Importers will need to enrol with the Forestry Commission and provide the notification of imports by e-mail. We invite you to express your views on the provision of the information by e-mail?

*Response*

*There was a view expressed that the use of a login portal where import information could be entered would be preferable and less time consuming than using e-mail.*

3. The time envisaged for a business to notify the Forestry Commission via an e-mailed proforma is 10 minutes per consignment. We have also estimated that it would take

around 30 minutes to e-mail a new supplier to investigate and confirm the origin of the material and the methods of treatment it has undergone. In addition 3 hours has been estimated as the maximum time required for any business to become familiar with the legislation and the notification process. We invite you to express your views on these estimated times and whether there are any other aspects of the notification process that would demand your time?

Response

*There was general agreement with these times from the importers who responded but emphasis that it must not take longer than 10 minutes to notify each consignment.*

4. A pre-notification scheme already exists for landing third country imports of controlled wood, wood products and bark. The advance notice that is needed for air cargo is a minimum of four working hours and in any other case, three working days. The intention is that these requirements will also be applied to all solid fuel wood imported from third countries or the EU.

Response

*General agreement that an advance notice three working days is acceptable, particularly if the notification can be provided by the exporter or supplier as well as the importer.*

5. The pre-notification requirements which are already in place and which will remain in place for controlled wood, wood products and bark from third countries include information on:

- (a) the relevant material (their genus and species)
- (b) quantity of relevant material
- (c) country of origin
- (d) country of export
- (e) exporter
- (f) importer
- (g) country of destination
- (h) intended point of entry
- (i) air: Flight No:
- (j) land: vehicle registration number
- (k) sea: vessel name and container number or numbers
- (l) expected date and time of arrival

For the pre-notification of landing in England or Scotland of all solid fuel wood that is not currently required to be pre-notified we will require information on:

- (a) the relevant material (their genus and species)
- (b) the quantity

- (c) the intended date of arrival
- (d) the country of origin
- (e) the country of export if different from (b)
- (f) the intended first destination after landing
- (g) any phytosanitary treatments e.g. de-barking or kiln drying to below 20% moisture content or heat treatment;
- (h) the supplier's address.

Is any of this information not readily available to you?

Response

*No indication from respondents that any of the information requirements listed would not be available.*

6. Are there any other conditions that you think should apply?

Response

*It was suggested that the container numbers should be added to the requirements and that there should be the facility to declare if the material and associated packaging had been heat treated.*

7. How can we best ensure that you and other solid fuel wood importers are made aware of the new notification process if it is introduced?

Response

*There was a suggestion that the possible use of a "Registered Responsible Importer" logo or Registered Number may be a way to encourage non registered importers to comply. In addition information on the notification scheme should be sent out to the relevant trade organisations with publicity via their trade magazines and web sites.*

In addition to the overall views summarised above, respondents raised a number of key points and concerns in relation to the consultation questions. These were:

- a) Clarification as to definition for regulated fuel wood was sought by one respondent.

Response

*Guidance is available in the form of a guidance note on the Forestry Commission's web site – see [http://www.forestry.gov.uk/pdf/FCPH001.pdf/\\$FILE/FCPH001.pdf](http://www.forestry.gov.uk/pdf/FCPH001.pdf/$FILE/FCPH001.pdf)*

- b) Clarification as to the risk associated with different materials and forms of treatment was sought by one respondent.

Response

*A Forestry Commission report produced in 2013 – 'UK trade in woodfuel – an overview' describes the type of material used as woodfuel, the associated treatment*

and biosecurity risks - see

[http://www.forestry.gov.uk/pdf/woodfueltradereport.pdf/\\$file/woodfueltradereport.pdf](http://www.forestry.gov.uk/pdf/woodfueltradereport.pdf/$file/woodfueltradereport.pdf)

- c) One respondent suggested that the Forestry Commission accepts notifications sent by EU suppliers to the UK.

Response

*This suggestion is accepted and will be included as an option on the provision that all the information required is provided by the supplier.*

- d) One respondent suggested that the use of a login online portal where imports could be entered would be much more preferable and less time consuming than emails.

Response

*Agree that this would be much less time consuming and we will look into providing this facility although it may not be available when the requirement to notify imports commences.*

- e) Two respondents stressed that efforts must be made to allow multiple notifications being entered on the same portal/email, during peak weeks of importation.

Response

*A separate notification (i.e. separate notification form) will be required for each consignment as the information may differ from consignment to consignment. Several notification forms may be attached to an e-mail or, when available, separate on line forms completed.*

- f) The possible use of a “Registered Responsible Importer” logo or Registered Number may be a way to encourage non registered importers to comply.

Response

*Importers will be asked to enrol with the Forestry Commission as an importer of solid fuel wood and will be provided with a unique enrolment number. The Forestry Commission would be pleased to work with industry bodies to help develop an industry led “responsible importer” initiative.*

- g) One respondent indicated that they were not in favour of the introduction of a mandatory statutory pre-notification requirement for the import of solid wood fuel into England and Scotland, unless additional steps are taken to combat those currently trading outside the regulations.

Response

*Once the notification scheme has been introduced we will work with industry and customs officials to identify those businesses that are not complying with the notification requirement. We will also carry out risk based inspections on a proportion*

*of the imports notified to us to ascertain the level of compliance with GB landing requirements.*

- h) Add the container number to the notification requirement.

Response

*Agreed - this will be added as a requirement where imported material is arriving via shipping containers – either from the EU or non EU countries.*

- i) There should be the facility to declare if the material and associated packaging had been heat treated.

Response

*There will be a requirement to declare any phytosanitary treatment that the solid fuel wood may have undergone e.g. de-barking or kiln drying to below 20% moisture content or heat treatment. We will extend the requirement to cover any associated wood packaging material.*

We have carefully considered the views expressed via the consultation and have tried to address the concerns raised and suggestions provided. We have now decided, with the agreement of Westminster and Scottish Ministers, to introduce the statutory notification scheme for non-regulated solid fuel wood as described in the consultation document and will take account of your suggestions. This requirement is likely to commence in April 2016 and we will be in touch with known importers and industry organisations closer to the time to publicise the scheme and to provide guidance and support.

If you have any views about how this consultation was handled, or its outcome then please let me know.

Yours sincerely

Nick Mainprize  
Forestry Commission  
Plant Health

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## **Annex**

### **Summary of the comments received to the consultation exercise.**

Respondent:	Comments received:
<p>Respondent wished to remain anonymous.</p>	<ul style="list-style-type: none"> <li>• Seeks clarification as to definition for regulated wood fuel.</li> </ul> <p>(see the guidance documentation on the FC website at:  <a href="http://www.fo_timber_or_woodland_related_restry.gov.uk/pdf/FCPH001.pdf/\$FILE/FCPH001.pdf">http://www.fo_timber_or_woodland_related_restry.gov.uk/pdf/FCPH001.pdf/\$FILE/FCPH001.pdf</a> )</p> <ul style="list-style-type: none"> <li>• Seeks clarification as to the risk associated with different materials and forms of treatment.</li> <li>• Legislation should not hinder business efficiency. Seeks to understand what powers will be used to stop consignments for inspection and requests inspection at final destination to avoid fees at the port of entry.</li> <li>• Agree that the legislation should be introduced with a category of wood to be inspected at the final destination (the importers distribution premises).</li> <li>• Agrees to e-mail with a PDF form to complete.</li> <li>• Pre-notification period does not represent undue burden.</li> <li>• Suggests that a declaration of heat treatment for the material and the packaging is added to the information requested.</li> </ul>
<p>Best Firewood UK Ltd  <a href="http://www.bestfirewood.co.uk">www.bestfirewood.co.uk</a></p>	<ul style="list-style-type: none"> <li>• Understands the need to ensure that regulated wood meets UK landing requirements and has nothing against implementation of SNS.</li> <li>• Suggests that FC accepts notifications sent by EU suppliers to the UK.</li> <li>• Exports wood into the UK on behalf of Estonian company and can send SNS documents as soon as goods are on the ferry in the port of dispatch. Customers would only be able to send these documents once they receive arrival notice from</li> </ul>

	<p>shipping company which is usually 1-2 days before goods are due to arrive into port, whereas they have the required documents 3-5 days before goods arrive into port.</p>
<p>Niall Whyte The Real Firewood Company Ltd <a href="http://www.realfirewood.co.uk">www.realfirewood.co.uk</a></p>	<ul style="list-style-type: none"> <li>• Any Statutory Scheme must be kept as least time consuming and simple as is possible.</li> <li>• The use of a login online portal where imports could be entered would be much more preferable and less time consuming than emails.</li> <li>• Efforts must be made to allow multiple notifications being entered on the same portal/email, during our peak weeks of importation we can be bringing in up to 15 containers per week through Teesport and Tilbury.</li> <li>• The time taken to enter the required information must where possible be kept to less than your 10 minute per notification estimate; likewise, the information requested must be kept to the absolute required minimum.</li> <li>• Three working days prior to arrival in the UK is acceptable, however, due to the nature of shipping and possible delays, this must be allowed to be entered as an approximate arrival date. ie Expected date of arrival.</li> <li>• The possible use of a “ Registered Responsible Importer” logo or Registered Number may be the way to encourage non registered importers to comply along with information sent out to the usual WHA, HETAS, Woodsure etc. Editorials in trade magazines ie Forestry Journal, Essential Arb, Fires &amp; Fireplaces etc.</li> <li>• As responsible importers we welcome this initiative and look forward to a more responsible industry.</li> </ul>
<p>Stuart Fitzgerald White Horse Energy</p>	<ul style="list-style-type: none"> <li>• Not in favour of the introduction of a mandatory statutory pre-notification requirement for the</li> </ul>



<p><a href="http://www.whitehorseenergy.co.uk">www.whitehorseenergy.co.uk</a></p>	<p>import of solid wood fuel into England and Scotland, unless additional steps are taken to combat those currently trading outside the regulations.</p> <ul style="list-style-type: none"> <li>• Should be noted however that the vast majority of solid wood fuel imported into the UK currently complies with the regulations. Imposing a pre-notification requirement on importers is likely, in the main, to capture compliant importers.</li> <li>• Unless additional steps to ensure that those currently trading outside the regulations can no longer do so, the legislation would be self-defeating and would create an incentive for those traders currently operating on the margins of the current regulations to actively seek to avoid the regulations.</li> <li>• Provided that additional steps are taken to enforce the regulations, we would be in favour of this legislation, provided such a notification scheme does not impose an undue administrative burden on importers.</li> <li>• Approve of providing notification by email.</li> <li>• Time frames for advance notice seem appropriate, it would make sense to provide for the notification of multiple consignments on one email.</li> <li>• Pre-notification scheme should provide the container number of the consignment? Container numbers are typically provided 2-3 days prior to the consignment being loaded, which will typically be 5-7 days prior to the consignment landing in the UK. For the regulations to have any meaningful teeth, surely a container number(s) should be provided with the notification.</li> <li>• Add the container number to the notification requirement.</li> <li>• Raise awareness by a combination of press release and individual notification where the</li> </ul>
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	importer is known.
<p>David Sulman UK Forest Products Association <a href="http://www.ukfpa.co.uk">http://www.ukfpa.co.uk</a></p>	<ul style="list-style-type: none"> <li>• Support the proposal to introduce a Statutory Prior Notification Scheme for importing solid wood fuel into England and Scotland. Believe that it is an essential measure to help protect our trees, forests and woodlands from the increasing and very significant threat posed by tree pests and diseases. It has been shown that imports of plants and wood and wood products, (including packing materials, dunnage, fuelwood etc), in various forms, can present a viable pathway for pathogens. Recent interceptions demonstrate the severity of the risk and the need for effective controls.</li> <li>• Does not envisage that the proposed Scheme would impose an unreasonable administrative burden on importers of solid fuel wood, especially if information is provided by e-mail.</li> </ul>
<p>Duncan MacKinnon Confor <a href="http://www.confor.org.uk">http://www.confor.org.uk</a></p>	<ul style="list-style-type: none"> <li>• Confor agree with the proposal to introduce a statutory pre-notification scheme (SNS) for all imported consignments of solid fuel wood, whether from the EU or a 3<sup>rd</sup> country.</li> <li>• Believe this would reduce the risk of fuel wood importers unknowingly introducing pest and pathogens that currently do not exist in the UK and that all routes for timber coming in to the UK should be regulated.</li> </ul>
<p>Alexander McAuley Policy &amp; Development Officer Institute of Chartered Foresters <a href="http://www.charteredforesters.org/">http://www.charteredforesters.org/</a></p>	<ul style="list-style-type: none"> <li>• Agrees that there is a need to move toward a statutory pre-notification scheme (SNS). Welcomes continued dialogue with the Forestry Commission (FC) around its development and implementation.</li> <li>• Agrees that wood as a renewable source of fuel should be encouraged. However, as it becomes financially viable to import solid fuel wood, particularly from other European countries, are concerned that this may result in the introduction and movement of harmful pests.</li> </ul>

	<ul style="list-style-type: none"> <li>• Imperative that all European imports meet the landing requirements set out in the FC plant health legislation. The sector is only too aware of previous imports of unlicensed material that have resulted spreading harmful organisms like the pathogen responsible for ash dieback.</li> <li>• Aware that the movement of wood and bark of ash within the EU is not subject to the same level of checks as it is when landed into the EU from third countries and suppliers and importers of ash solid fuel wood are not required to make any declaration or keep records about the origin of this material. We hope that the situation will change with the introduction of the SNS.</li> <li>• Urge the FC to actively enforce the landing requirements for non-compliant imports. In order to ensure compliance, it is essential that the landing requirements are clear and transparent. Should the SNS be adopted then it will be essential for the FC to actively publicise, engage and inform stakeholders of the requirements. To extend to European traders shipping into the UK. ICF would be happy to assist the FC in informing the sector.</li> <li>• Welcome the proposed SNS for all imported consignments of solid fuel wood, whether from the EU or third countries, which are not currently required to be pre-notified to the FC. Agree with the FC that this will help ensure that imports will meet the landing requirements and mean that plant health authorities have greater control at monitoring whether unregulated material is entering the UK and the level of pest-risk.</li> <li>• The SNS should be developed in conjunction with the UK Plant Health Risk Register, which we consider to be an extremely useful tool in recording the spread of pests and diseases.</li> <li>• Whilst the development of the SNS is welcome, it is understood that this will not necessarily put an end to illegal imports. It is essential that adequate resource is also provided to monitor and prevent illegal imports.</li> </ul>
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	<ul style="list-style-type: none"> <li>• This consultation only relates to England and Scotland, however, ICF would like to see the FC fully engage with the Welsh Government and Natural Resources Wales to ensure all of the UK is given the same level of protection.</li> </ul>
<p>Sian Atkinson The Woodland Trust</p>	<ul style="list-style-type: none"> <li>• The Trust is not an importer of solid wood fuel from the EU or from countries outside the EU. Our interest in this matter is in relation to the risks to woods and trees, especially native woods and trees, in the UK from imported plant pests and diseases.</li> <li>• Native woods and trees are suffering the impacts of a number of pests and diseases and at risk from a number of others. The UK has a relatively small number of native tree species; maintaining diversity in our woods and the wider landscape is key to ensuring the resilience of woods and wider ecosystems.</li> <li>• Measures should be taken to ensure that new and damaging pests and diseases do not arrive or become established in the UK, since once established they are generally both difficult and expensive to eradicate or contain.</li> <li>• The impact of pests and diseases goes far beyond monetary costs, with implications for the integrity of woodland and wooded habitats and for delivery of a wide range of non-monetised ecosystem services.</li> <li>• Strongly support the proposal for a statutory notification scheme for all imports of solid fuel wood. The current system covers only species which are regulated, and that importers of this type of material from outside the EU are already required to be registered with the Forestry Commission. Material from within the EU must be accompanied by Plant Passports.</li> <li>• There is evidence that some unregistered importers could be importing regulated as well as</li> </ul>

	<p>unregulated material, and the consultation cites substantial evidence of movement of pests and diseases within Europe in contravention of Plant Health Directive requirements. The fact that imported fuel wood is generally not de-barked adds to what appears to be a significant risk of import of pests and diseases through this route.</p> <ul style="list-style-type: none"><li>• Agree that the notification scheme would enable better identification of the scale of imports and the scale of risk of importing pests and diseases via fuel wood.</li></ul>
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