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COMMISSION IMPLEMENTING DECISION (EU) 2016/412

of 17 March 2016

**authorising Member States to provide for a temporary derogation from certain provisions of
Council Directive 2000/29/EC in respect of ash wood originating or processed in Canada**

(notified under document C(2016) 1635)

(OJ L 74, 19.3.2016, p. 41)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Implementing Decision (EU) 2017/2180 of 16 November 2017	L 307	57	23.11.2017
► <u>M2</u>	Commission Implementing Decision (EU) 2018/1970 of 11 December 2018	L 316	19	13.12.2018

▼B**COMMISSION IMPLEMENTING DECISION (EU) 2016/412****of 17 March 2016****authorising Member States to provide for a temporary derogation from certain provisions of Council Directive 2000/29/EC in respect of ash wood originating or processed in Canada***(notified under document C(2016) 1635)**Article 1***Authorisation to provide for derogation**

By way of derogation from Article 5(1) of Directive 2000/29/EC in conjunction with point 2.3 of Section I of Part A of Annex IV to that Directive, Member States may authorise the introduction into their territory of wood of *Fraxinus* L. originating or processed in Canada (hereinafter: ‘specified wood’) which, prior to its movement out of Canada, satisfies the conditions set out in the Annex to this Decision.

*Article 2***Phytosanitary certificate**

1. The specified wood shall be accompanied by a phytosanitary certificate issued in Canada, in accordance with Article 13a(3) and (4) of Directive 2000/29/EC, certifying freedom from harmful organisms after inspection.

2. The phytosanitary certificate shall include under the heading ‘Additional declaration’ the following elements:

(a) the statement ‘In accordance with European Union requirements laid down in Commission Implementing Decision (EU) 2016/412’;

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(b) the bundle number(s) corresponding to each specific bundle being exported;

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(c) the name of the approved facility(ies) in Canada.

*Article 3***Reporting of importation**

The Member State of importation shall provide the Commission and the other Member States, by 31 December of each year, with information on the amounts of consignments of specified wood imported during the previous 12 months pursuant to this Decision.

*Article 4***Notification of non-compliance**

Member States shall notify the Commission and the other Member States of each consignment not complying with this Decision. That notification shall take place no later than three working days after the date of the interception of such a consignment.

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Article 5

Date of expiry

This Decision shall expire on ► **M2** 30 June 2020 ◀.

Article 6

Addressees

This Decision is addressed to the Member States.

▼B*ANNEX***1. Processing requirements**

The processing of the specified wood, as referred to in Article 1 must fulfil all the following requirements:

(a) Debarking

The specified wood is debarked, with the exception of any number of visually separate and clearly distinct small pieces of bark which comply with one of the following requirements:

- (a) they are less than 3 cm in width (regardless of length) or
- (b) if they are greater than 3 cm in width, the total surface area of each individual piece of bark is less than 50 cm².

(b) Sawing

The specified sawn wood is produced from debarked round wood.

(c) Heat treatment

The specified wood is heated through its profile to at least 71 °C for 1 200 minutes in a heat chamber approved by the Canadian Food Inspection Agency (CFIA), or an agency approved by CFIA.

(d) Drying

The specified wood is dried following industrial drying schedules of at least two-week duration, recognised by CFIA.

The final moisture content of the wood shall not exceed 10 % expressed as a percentage of dry matter.

2. Requirements for facilities

The specified wood must be produced, handled or stored in a facility which fulfils all the following requirements:

- (a) it is officially approved by CFIA pursuant to its certification programme concerning the harmful organism *Agrilus planipennis* Fairmaire;
- (b) it is registered in a database published on the CFIA website;
- (c) it is audited by CFIA, or an agency approved by CFIA, at least once per month and it has been concluded that it complies with the requirements of this Annex.

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in the case these audits are performed by an agency approved by CFIA, CFIA must carry out six-monthly audits of this work. The six-monthly audits shall include the verification of the procedures and documentation of the agency and audits at approved facilities;

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- (d) it uses equipment for the treatment of wood which has been calibrated consistently with the equipment's manual of operation;
- (e) it keeps records of its procedures for verification by CFIA or an agency approved by CFIA, including the duration of treatment, temperatures during treatment and the final moisture content for each specific bundle to be exported.

▼ B**3. Labelling**

Each bundle of the specified wood must visibly display both a bundle number and a label with the words 'HT-KD' or 'Heat Treated-Kiln Dried'. That label must be issued by, or under the supervision of, a designated officer of the approved facility after verifying that the processing requirements set out in point 1 and the requirements for facilities set out in point 2 have been complied with.

4. Pre-export inspections**▼ M2**

The specified wood destined for the Union must be inspected before export by CFIA, or an agency approved by CFIA, to ensure that the requirements laid down in points 1 and 3 are met.