

Draft.

Regulations to be made under the Plant Protection Act no. 35 of 1999 concerning the wood packaging material:

1. The following regulations shall cover the wood packaging material specified in Schedule appended below, which includes pallets, dunnage, crating, packing blocks, drums cases, load boards, pallet collars, skids and any other material made of raw wood that pests can be associated with.
2. The Director-General may from time to time amend, alter and change the list of wood packaging material specified in the Schedule appended below, if he has evidence to accept that such material could be associated with pests.
3. All wood packaging material imported into Sri Lanka must be free of bark.
4. All wood packaging material imported into Sri Lanka must have been subjected to a treatment acceptable to the Director-General in conformity with the International Standard for Phytosanitary Measures No. 15 that has been approved by the International Plant Protection Convention.
5. All wood packaging material imported into Sri Lanka shall display a mark to prove compliance with the International Standard for Phytosanitary Measures No. 15 approved by the International Plant Protection Convention.
6. The mark mentioned in regulation 5 above shall be
 - (1) According to the model given in the International Standard for Phytosanitary Measures No. 15 approved by the International Plant Protection Convention
 - (2) Clear, legible and of suitable colour except red or orange
 - (3) Spray painted, rubber stamped or done in any other practical method acceptable to the Director-General
 - (4) Permanent and not transferable
 - (5) Placed in a visible location, preferably on at least two opposite sides of the article being marked.
7. The mark mentioned in regulation 5 above shall indicate the ISO country code, code assigned to the producer/treatment provider by the National Plant Protection Organization of the country of export or country of production of the wood packaging material and the kind of treatment applied to the wood packaging material.
8. Upon arrival at the port of entry of cargo for all commodities accompanied with wood packaging material, the importer of such cargo shall apply to an Authorized Officer for inspection and clearance of such wood packaging material.

9. If the Authorized Officer is satisfied that the imported wood packaging material conforms to the regulations 3-6 above and no live quarantine pest or pests are found associated with such wood packaging material, he shall give plant quarantine clearance for such wood packaging material.
10.
 - (1) If the imported wood packaging material does not have the mark mentioned in regulation 5 above, the commodity with such non-compliant wood packaging material must be put on hold.
 - (2) If the main commodity put on hold according to the paragraph (1) above is not affected by any of the treatments specified in the International Standard for Phytosanitary Measures No. 15 that has been approved by the International Plant Protection Convention, the cargo shall be treated with any one of such treatment acceptable to the Director-General under the supervision of an Authorized Officer and, thereafter plant quarantine clearance may be given if other entry conditions specified for the import of the cargo have been already fulfilled.
 - (3) If the main commodity put on hold according to the paragraph (1) above can be affected by subjecting to treatments, the imported wood packaging material shall be stripped off and treated, and plant quarantine clearance may be given to the main commodity if other entry conditions specified have been already fulfilled.
 - (4) All non-compliant wood packaging material mentioned in paragraph (1) above shall be treated or disposed of at the expense of the importer in a manner specified by the Director-General.
11.
 - (1) If live quarantine pest or pests are found associated with the imported wood packaging material and if the main commodity with such wood packaging material is not affected by subjecting to a treatment specified by the Director-General, the entire consignment shall be subjected to such treatment at the expense of the importer under the supervision of an Authorized Officer.
 - (2) If live quarantine pests are found associated with the imported wood packaging material and if the main commodity with such wood packaging material can be affected by subjecting to treatment, the entire consignment shall be returned to the sender or to the country of origin at the expense of the importer.
12. If the application of the treatments mentioned in regulations 10 or 11 requires movement of the consignment out of the port of entry, the consignment shall be moved in a closed container to ensure that any associated pests are not allowed to escape.

13. All wood packaging material exported from Sri Lanka must be free of bark.
14. All wood packaging material exported from Sri Lanka shall be subjected to a treatment acceptable to the Director-General and in conformity with the International Standard for Phytosanitary Measures No. 15 that has been approved by the International Plant Protection Convention.
15. All wood packaging material exported from Sri Lanka shall display a mark to prove compliance with the International Standard for Phytosanitary Measures No. 15 approved by the International Plant Protection Convention.
16. The mark mentioned in regulation 15 above shall be
 - (1) According to the model given in the Schedule appended below;
 - (2) Clear, legible and of suitable colour except red or orange;
 - (3) Spray painted, rubber stamped or done in any other practical method acceptable to the National Plant Protection Organization of the country of destination;
 - (4) Permanent and not transferable; and
 - (5) Placed in a visible location, preferably on at least two opposite sides of the article being marked.
17. The treatments mentioned in the regulation 14 should be done only by a treatment provider approved and registered for that purpose by the Director-General.
18.
 - (1) Marking of the wood packaging material shall be done only by a producer of the wood packaging material or the treatment provider approved and registered for that purpose by the Director-General.
 - (2) Any person who applies the marking without proper approval and registration shall be guilty of an offense under the Act.
19.
 - (1) Any person who seeks to get the approval for providing the required treatment and applying the mark mentioned in the regulations 15 on the wood packaging material shall submit an application to the Director-General.
 - (2) After the receipt of the application mentioned in the paragraph (1) above, the Director-General shall instruct a team of Authorized Officers to inspect and evaluate the facilities available with the applicant for effective implementation of provisions in the International Standard for Phytosanitary Measures No. 15.
 - (3) The Director-General may from time to time issue instructions pertaining to the procedure that will be adopted for granting the approval for

implementation of provisions in the International Standard for Phytosanitary Measures No. 15.

- (4) The Director-General may grant the necessary approval and registration of the applicant if the Director-General is satisfied that the applicant has the competence for effective implementation of provisions in the International Standard for Phytosanitary Measures No. 15.
 - (5) With granting approval and registration, a certificate and the official mark with the assigned code will be issued by the Director-General to the person concerned.
 - (6) The Director-General shall, from time to time, publish a list of persons approved and registered to use the official mark.
 - (7) The Director-General may nominate an Authorized Officer for granting approval and registering of persons for the effective implementation of provisions in the International Standard for Phytosanitary Measures No. 15.
20.
 - (1) The official mark mentioned in the paragraph (5) of regulation 19 shall be the property of the Director-General.
 - (2) It is the duty of the person who is issued with the official mark to properly use it for the effective implementation of provisions in the International Standard for Phytosanitary Measures No. 15.
21.
 - (1) It is the duty of the person who is issued with the official mark to continuously keep records on
 - i. the number of wood packaging material treated and marked,
 - ii. country of destination,
 - iii. kind of treatment applied,
 - iv. the exporter who used the wood packaging material and
 - v. any other relevant information,
 - (2) It is the duty of the person who is issued with the official mark to submit a report on a monthly basis giving details mentioned in paragraph (1) above to the Authorized Officer mentioned in paragraph (7) of regulation 19.
22.
 - (1) The Authorized Officer mentioned in paragraph (7) of regulation 19 shall assess regularly 1-2 times a year the listed persons as mentioned in paragraph (6) of regulation 19 for their capability of effective implementation of the provisions in the International Standard for Phytosanitary Measures No. 15.

- (2) The assessment mentioned in the paragraph (1) above shall include documentary checks, physical inspection of the site where treatment is done, delivery controls of the material, storage yard and other inspections deemed necessary by the Director-General.
 - (3) It is the duty of the person concerned to give all required assistance to the Authorized Officers during the assessment.
 - (4) After the assessment, the Authorized Officer shall submit a report to the Director-General.
- 23.
- (1) The Director-General may withdraw the approval and cancel the registration of any person mentioned in the paragraph (5) of regulation 19, if such person is found misusing or improperly using the official mark.
 - (2) The Director-General may also withdraw the approval and cancel the registration of any person mentioned in the paragraph (5) of regulation 19, if he receives information regarding;
 - i. non-acceptance by the National Plant Protection Organization of the country of destination due to treatment failure of the marked wood packaging material;
 - ii. non-submission of reports mentioned in paragraph (2) of regulation 21; and or
 - iii. Failure of the person concerned to give required assistance mentioned in paragraph (3) of regulation 22.
 - (3) The Director-General shall without undue delay publish the names of persons and the reasons for withdrawal of the approval and cancellation of their registration.
 - (4) A person mentioned in the paragraph (3) above may reapply according to regulation 19, if he wants to enter the system.

SCHEDULE

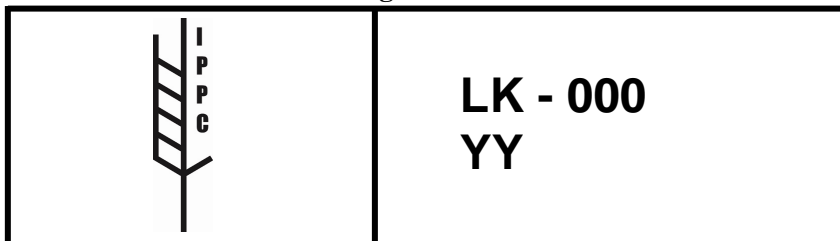
Wood packaging material that comes under these regulations:

1. Pallets
2. Dunnage
3. Crates
4. Boxes
5. Packing blocks
6. Packing cases
7. Drums
8. Cases load boards
9. Pallet collars
10. Skids
11. Cable drums
12. Spools/reels
13. Any other material made of raw wood that pest/pests can associate with

The following articles are of sufficiently low risk and hence are exempted from the provisions of these regulations:

1. Wood packaging material made entirely from thin wood (6 mm or less in thickness)
2. Wood packaging made wholly of processed wood material, such as plywood, particle board, oriented strand board or veneer that has been created using glue, heat or pressure, or a combination thereof
3. Barrels for wine and spirit that have been heated during manufacture
4. Gift boxes for wine, cigars and other commodities made from wood that has been processed and/or manufactured in a way that renders it free of pests
5. Sawdust, wood shavings and wood wool
6. Wood components permanently attached to freight vehicles and containers

Official mark mentioned in regulation 15:



LK: ISO country code for Sri Lanka

000: Code assigned by the Director-General to the person or organization under the paragraph (5) of regulation

YY: Treatment applied