

Importation of forest reproductive material: equivalence principle; inclusion of 'qualified' category and updating names of third country authorities

2012/0172(COD) - 21/11/2012 - Final act

PURPOSE: to amend Council Decision 2008/971/EC to facilitate trades, in particular the importation of forest reproductive material, and to respond more promptly to marketing requests.

LEGISLATIVE ACT: Decision No 1104/2012/EU of the European Parliament and of the Council amending Council Decision 2008/971/EC to include forest reproductive material of the “qualified” category and to update the name of the authorities responsible for the approval and control of the production.

CONTENT: following an agreement reached at first reading with the European Parliament, the Council adopted an amendment to Council Decision 2008/971/EC with a view to **extending the scope of its application to forest reproductive material of the “qualified” category** and to update the list of the authorities responsible for the approval and control of the production.

Council Directive 1999/105/EC on the marketing of forest reproductive material regulates the marketing of such material in the internal market. With the aim of facilitating trade, this Directive enables the Council to lay down the rules for the authorisation of imports of reproductive material from third countries by means of a system of equivalence.

Council Decision 2008/971/EC on the equivalence of forest reproductive material produced in third countries determines the conditions under which forest reproductive material of the “source identified” and “selected” categories, produced in third countries listed in Annex I to that Decision, is to be imported into the Union.

The national rules for the certification of forest reproductive material in Canada, Croatia, Norway, Serbia, Switzerland, Turkey and the United States provide for an official field inspection to be carried out during the collection and processing of seed and the production of planting stock.

According to those rules, the systems for the approval and registration of basic material and the subsequent production of reproductive material from that basic material should follow the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade (OECD Forest Seed and Plant Scheme). In addition, those rules require seed and planting stock of the ‘source identified’, ‘selected’ and ‘qualified’ categories to be officially certified and the seed packages to be officially closed in accordance with the OECD Forest Seed and Plant Scheme.

An examination of those rules as regards the ‘qualified’ category has shown that the conditions for approval of basic material satisfy the requirements laid down in Council Directive 1999/105/EC on the marketing of forest reproductive material. **It has therefore been decided to add “qualified” category to the categories “identified” and “selected” categories.**

The Decision stipulates that the rules relating to the certification of forestry material of the ‘qualified’ category in Canada, Croatia, Norway, Serbia, Switzerland, Turkey and the United States **shall henceforth**

be considered to be equivalent to those set out in Directive 1999/105/EC, provided that the conditions set out in Annex II to Decision 2008/971/EC are satisfied as regards seed and planting stocks.

As regards material of the 'qualified' category, **those conditions should include the provision of information on whether the products have been genetically modified or not.** Such information should facilitate the application of the requirements set out in Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms.

In addition, the **names of some authorities responsible** for the approval and control of the production, as listed in Annex I to Decision 2008/971/EC, have changed.

ENTRY INTO FORCE: 01/12/2012.

APPLICATION: from 01/01/2013.