

Council Decision of 16 December 2008 on the equivalence of forest reproductive material produced in third countries (2008/971/EC)

COUNCIL DECISION

of 16 December 2008

on the equivalence of forest reproductive material produced in third countries
(2008/971/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material⁽¹⁾, and in particular Article 19(1) and (2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The national rules for the certification of forest reproductive material in Canada, Croatia, Norway, Serbia, Switzerland, Turkey and the United States of America provide for an official field inspection to be carried out during the collection and processing of seed and the production of planting stock.
- (2) According to those rules, the systems for the approval and registration of basic material and the subsequent production of reproductive material from this 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' and 'selected' categories to be officially certified and the seed packages officially closed in accordance with the OECD Forest seed and plant scheme.
- (3) An examination of those rules has shown that the conditions for approval of basic material satisfy the requirements laid down in Directive 1999/105/EC. Furthermore, to the exception of conditions regarding seed quality, species purity and planting stock quality, the rules of these third countries afford the same assurances as regards the conditions applicable to seed and planting stock of the 'source identified' and 'selected' categories as those set out in Directive 1999/105/EC. It follows that the rules for certification of forestry material of the 'source identified' and 'selected' categories in Canada, Croatia, Norway, Serbia, Switzerland, Turkey and the United States of America should be considered as equivalent to those set out in Directive 1999/105/EC, provided that the additional conditions as regards seed and planting stocks, are satisfied.
- (4) The rules of these aforementioned third countries cannot, however, be considered as equivalent for the 'qualified' and 'tested' categories to which the OECD Forest seed and plant scheme does not apply. It is therefore appropriate to limit the scope of this Decision to reproductive material falling into the 'source identified' and 'selected' categories.

Changes to legislation: There are currently no known outstanding effects for the Council Decision of 16 December 2008 on the equivalence of forest reproductive material produced in third countries (2008/971/EC), Introductory Text. (See end of Document for details)

- (5) The definitions set out in Directive 1999/105/EC should be used for the purposes of this Decision in view of ensuring consistency between the two acts.
- (6) Forest reproductive material complying with the conditions of this Decision should satisfy the plant health conditions laid down Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽²⁾. Where applicable, genetically modified forest reproductive material should comply with the requirements of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms⁽³⁾.
- (7) It is appropriate for the additional conditions for seed and planting stocks in respect of quality and species purity as set out by this Decision to mirror the ones provided by Directive 1999/105/EC.
- (8) In order to guarantee the same level of traceability as that foreseen in Directive 1999/105/EC, it is appropriate to include in this Decision rules concerning the issuing of a Master Certificate for seed and planting stock upon entry to the Community. This Master Certificate should be based on the official OECD Certificate of Provenance and should indicate that the material is imported under an equivalence regime,

HAS ADOPTED THIS DECISION:

Changes to legislation: *There are currently no known outstanding effects for the Council Decision of 16 December 2008 on the equivalence of forest reproductive material produced in third countries (2008/971/EC), Introductory Text. (See end of Document for details)*

- (1) [OJ L 11, 15.1.2000, p. 17.](#)
- (2) [OJ L 169, 10.7.2000, p. 1.](#)
- (3) [OJ L 106, 17.4.2001, p. 1.](#)

Changes to legislation:

There are currently no known outstanding effects for the Council Decision of 16 December 2008 on the equivalence of forest reproductive material produced in third countries (2008/971/EC), Introductory Text.