
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), Division A.. (See end of Document for details)

ANNEX II

A. Conditions relating to seed produced in third countries

1. Seed shall be officially certified as being derived from approved basic material and the packages closed in accordance with national rules for the application of the OECD Forest seed and plant scheme. An official OECD Label shall be attached to each seed lot and accompanied by either a copy of the official OECD Certificate of Provenance or a document from the supplier giving all the information contained in the official OECD Certificate of Provenance, together with the name of the supplier.
2. In the case of seeds, the OECD label or supplier's document shall also include the following additional information assessed, as far as possible, by internationally accepted techniques:
 - (a) purity: the percentage by weight of pure seed, other seed and inert matter of the product marketed as a seed lot;
 - (b) the germination percentage of pure seed, or, where the germination percentage is impossible or impractical to assess, the viability percentage assessed by reference to a specified method;
 - (c) the weight of 1 000 pure seeds;
 - (d) the number of germinable seeds per kilogram of product marketed as seed, or, where the number of germinable seeds is impossible or impractical to assess, the number of viable seeds per kilogram.
3. By way of derogation to paragraph 2, the additional information referred to therein concerning seed testing procedures using internationally accepted techniques may be provided by the supplier importing seed before it is first marketed in the Community.
4. In order to make seed of the current year's crop rapidly available, seed may be marketed by the supplier importing it, as far as the first buyer, without having to fulfil the requirements of paragraphs 2(b) and 2(d). The supplier importing that material must state as soon as possible that he respects the requirements under paragraphs 2(b) and 2(d).
5. Requirements of paragraphs 2(b) and 2(d) do not apply in the case of small quantities of seed, as defined by Commission Regulation (EC) No 2301/2002 of 20 December 2002, laying down detailed rules for the application of Council Directive 1999/105/EC as regards the definition of small quantities of seed⁽¹⁾.
6. Seed lots shall reach a minimum species purity level of 99 %. However, in the case of closely related species, excluding artificial hybrids, the species purity of the fruit or seed lot, where it does not reach 99 %, shall be stated on the suppliers label or document.
7. By way of derogation to paragraph 1, seed in appropriate quantities may be derived from non-approved basic material:
 - (a) for tests, scientific purposes or genetic conservation;
 - (b) where seed units are clearly shown not to be intended for forestry purposes.

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- (1) [OJ L 348, 21.12.2002, p. 75.](#)

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