EUROPEAN UNION

THE EUROPEAN PARLIAMENT **THE COUNCIL**

Strasbourg, 20 May 2026
(OR. en)

2023/0228(COD)
LEX 2518

PE-CONS 25/26

AGRI 296
AGRILEG 97
SEMENCES 15
PHYTOSAN 27
FORETS 63
CODEC 732

REGULATION
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
ON THE PRODUCTION AND MARKETING OF FOREST REPRODUCTIVE MATERIAL, AMENDING REGULATIONS (EU) 2016/2031 AND (EU) 2017/625 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AND REPEALING COUNCIL DIRECTIVE 1999/105/EC (FRM REGULATION)

REGULATION (EU) 2026/…
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 20 May 2026

on the production and marketing of forest reproductive material, amending Regulations (EU) 2016/2031 and (EU) 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (FRM Regulation)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Acting in accordance with the ordinary legislative procedure[2],

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1 OJ C, C/2024/1583, 5.3.2024, ELI: http://data.europa.eu/eli/C/2024/1583/oj.

2 Position of the European Parliament of 24 April 2024 (OJ C, C/2025/3768, 17.9.2025, ELI: http://data.europa.eu/eli/C/2025/3768/oj) and position of the Council at first reading of 21 April 2026 [(OJ …)/(not yet published in the Official Journal)]. Position of the European Parliament of … [(OJ …)/(not yet published in the Official Journal)].

Whereas:

(1) Council Directive 1999/105/EC[3] sets out rules on the production with a view to marketing and marketing of forest reproductive material ('FRM').

(2) Forests cover some 45 % of the land area in the Union and fulfil a multifunctional role that comprises social, economic, environmental, ecological and cultural functions. Inter alia, forests have a primordial function as a carbon sink in climate change mitigation policy. High-quality, climate-adapted and diverse FRM of proven identity is essential to fulfil those roles.

(3) In the light of the developments in scientific or technical knowledge, the update of the Rules and Regulations of the Organisation for Economic Co-operation and Development (OECD) Scheme for the Certification of Forest Reproductive Material Moving in International Trade ('OECD Forest Seed and Plant Scheme'), the new policy priorities of the Union in relation to sustainability, climate change adaptation and biodiversity and in particular Commission Communication of 11 December 2019 entitled 'The European Green Deal', as well as the experience gained during the implementation of Directive 1999/105/EC, that Directive should be replaced by a new act. In order to ensure uniform application of the new rules throughout the Union, that act should take the form of a Regulation.

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[3] Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material (OJ L 11, 15.1.2000, p. 17, ELI: http://data.europa.eu/eli/dir/1999/105/oj).

(4) The aim of the OECD Forest Seed and Plant Scheme is to encourage the production and use of seeds, parts of plants and plants that have been collected, processed and marketed in a manner that ensures the high quality and availability of FRM. Due to the long growth cycles of forests, the cost of plantations and the long-term nature of forest investments, it is essential that foresters receive fully reliable information on the origin and the genetic characteristics of the FRM they use in their plantations. The OECD Forest Seed and Plant Scheme meets that need through certification and traceability. It has a major role in helping the world's forests adapt to changing climatic conditions. Emphasis is placed on ensuring high genetic diversity within species and on preserving species diversity, including by diversification in forest plots. As a result, the adaptive potential of forests is maintained and improved for the future replanting of an area with trees ('reforestation') and the creation of new forests ('afforestation'). Reforestation can be required as a part of sustainable forest management or when parts of an existing forest have been affected by extreme weather events, wildfires, diseases, pest outbreaks and other disasters.

(5) The European Green Deal sets out the Commission's commitment to tackling climate change and environment-related challenges. It aims to transform the Union's economy to create a more sustainable future. The Union rules on the production and marketing of FRM need to be in line with Regulation (EU) 2021/1119 of the European Parliament and of the Council[4], which establishes the Union framework for achieving climate neutrality, and with the three implementing strategies of the European Green Deal, as presented in Commission Communication of 20 May 2020 entitled 'EU Biodiversity Strategy for 2030 – Bringing nature back into our lives' ('EU Biodiversity Strategy'), Commission Communication of 24 February 2021 entitled 'Forging a climate-resilient Europe – the new EU Strategy on Adaptation to Climate Change' ('EU Adaptation Strategy') and Commission Communication of 16 July 2021 entitled 'New EU Forest Strategy for 2030' ('EU Forest Strategy').

(6) Regulation (EU) 2021/1119 requires relevant Union institutions and Member States to ensure continuous progress in enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change. One of the aims of the EU Adaptation Strategy is therefore to accelerate the capacity of the Union to adapt to climate change, including by amending the rules on FRM. Union law should encourage the Union-wide production and marketing of FRM.

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[4] Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/1119/oj).

(7) The key objectives of the EU Forest Strategy are effective afforestation and forest preservation and restoration in the Union. Pursuing these objectives will help to increase the absorption of CO_2, to reduce the incidence and extent of forest fires, and to promote the bio-economy, whilst fully respecting those ecological principles that favour biodiversity. Ensuring forest restoration and reinforcing sustainable forest management are essential for adapting to climate change and for forest resilience. In that regard, the EU Forest Strategy states that adapting forests to climate change and restoring forests following climate damage will require large quantities of appropriate FRM. This implies efforts to secure and sustainably use the forest genetic resources on which a more climate-proof forestry depends. Efforts are also needed to increase the production and availability of such FRM, to provide better information on its suitability for the specific climatic and ecological conditions of the area where it is intended to be sown or planted and to enhance the collaborative production and transfer of such FRM across national borders within the Union.

(8) The EU Biodiversity Strategy aims to put Union biodiversity on the path to recovery by 2030. Under that strategy, Union law is to prioritise the preservation of species diversity and ensure high genetic diversity within species and lots of FRM in order to facilitate the supply of high-quality and genetically diverse FRM of proven identity that is adapted, or adaptable, to current and projected climatic conditions. The conservation and the improvement of the biodiversity of forests, including the genetic diversity within individual tree species, are essential for the sustainable forest management and the conservation of forest genetic resources, and thus for supporting the adaptation of forests to climate change.

(9) There is a long-term cross-border dimension due to the fact that the northward migration of vegetation zones, which has already been observed, is expected to accelerate significantly in the coming decades. As a result, the requirement in this Regulation to provide information about the areas where FRM is adapted to local conditions would be an extremely useful asset to foresters. Competent authorities should have the possibility to designate such areas (‘deployment areas’).

(10) Directive 1999/105/EC defines FRM in relation to its importance for forestry purposes in all or part of the Union, but it remains vague about those forestry purposes. For the sake of clarity, the scope of this Regulation should therefore list the purposes for which it is important to use high-quality FRM. FRM may be produced for use in afforestation, reforestation, diversification in a forest plot and other tree planting and direct seeding for one or more of the following purposes: multifunctional forestry, production of wood, biomaterials, biomass or other forest products and conservation of forest genetic resources.

(11) However, agroforestry should be excluded from the scope of this Regulation because it is considered, along with precision agriculture, organic farming, agro-ecology and low intensity permanent grassland, as one of the many agricultural practices contributing to the protection of biodiversity, ecosystem services and landscape features. Agroforestry features, and in particular hedgerows, are recognised as non-productive agricultural elements that protect agricultural fields, thus covering objectives and purposes beyond the ones set out by this Regulation.

(12) Research has shown the utmost importance of basing the assessment and approval of basic material on the specific purpose for which the FRM will be used. Furthermore, the sowing and planting of high-quality FRM in the right place has a positive impact on the purpose for which that FRM is used. Sowing and planting ‘in the right place’ means that the FRM is genetically and phenotypically suited to the site where it is grown, including the relevant climate projections for it.

(13) Upon approval of basic material, competent authorities should make a distinction between autochthonous and indigenous seed sources or stands. Professional operators should have the option to reflect this distinction in the professional operator’s document.

(14) In order to ensure a sufficient supply of FRM in response to the increased demand for it, it is necessary to remove any actual or potential barriers to trade which could hinder the free movement of FRM within the Union. Only if the respective Union rules on FRM impose the highest possible standards can this aim be achieved.

(15) Union rules on the production for marketing and on the marketing of FRM should take into account practical needs and should apply only to certain species and their hybrids that are important for the objectives of this Regulation. Those species should be listed in this Regulation.

(16) The aim of this Regulation is to help to maintain and establish resilient forests, to restore forest ecosystems, to support their ecosystem services and to establish other tree plantings. This will be achieved in particular by the sustainable production, marketing and traceability of high-quality FRM and by ensuring that users are informed prior to the purchase of FRM about the specific climatic and ecological conditions in which the respective basic material was located.

(17) To ensure that certified FRM is adapted to the specific climatic and ecological conditions of the area where it is intended to be sown or planted, the competent authorities should assess the sustainability characteristics of basic material during the procedure for its approval. Those sustainability characteristics should cover the adaptation of that basic material to the specific climatic and ecological conditions, including the biotic and abiotic factors prevailing in the region of provenance and its resistance or tolerance to pests and to the adverse climatic and site conditions in which it grew.

(18) In order to ensure the highest possible quality of FRM, it should be harvested only from basic material registered in a national register. Rules should be laid down on the harvesting and collection of FRM from basic material in order to ensure the high quality and traceability of such FRM. In order to enable competent authorities to supervise the harvesting and collection, professional operators should notify them in advance of their intention to harvest.

(19) Basic material should be assessed and approved by the competent authorities. Approved basic material should be registered in a national register with a unique register reference and by reference to a unit of approval.

(20) However, in order to ensure greater flexibility with regard to FRM of the 'source-identified' category in the event of extreme weather and climatic conditions, competent authorities should have the possibility, upon the approval by the Commission, to authorise professional operators to approve for certain species basic material intended for the production of FRM of that category.

(21) In order to reflect the developments in scientific or technical knowledge and in applicable international standards, it should be possible to include the use of biochemical and molecular techniques in the procedure for the approval of basic material as a complementary method.

(22) To ensure an effective overview of, and transparency concerning, FRM produced and marketed throughout the Union, each Member State should establish, publish and keep up to date, in electronic format, a national register of the basic material of the various species and their hybrids approved on its territory.

(23) For the same reason, the Commission should publish, in an electronic format, a Union list of approved basic material for the production of FRM, on the basis of the national registers provided by each Member State. That Union list should contain information on basic material that contains, or consists of, a genetically modified organism, including one that has been produced by certain new genomic techniques.

(24) A master certificate should be issued by the competent authorities for all FRM that is derived from approved basic material. The master certificate should ensure the identification of the FRM, contain information about its origin and provide the most appropriate details for its users and the competent authorities in charge of its official control. It should be possible to issue the master certificate in electronic form.

(25) Each Member State should establish and update a national list of master certificates issued and make that list available to the Commission and to the competent authorities of all other Member States.

(26) Only FRM that has been harvested from approved basic material should be allowed to be subsequently certified and marketed. FRM should be certified as ‘source-identified’, ‘selected’, ‘qualified’ and ‘tested’ by the competent authorities and be marketed with a reference to those categories. The ‘source-identified’, ‘selected’, ‘qualified’ and ‘tested’ categories of FRM should be subject to uniform production and marketing requirements, to ensure transparency, to create equal conditions for professional operators across the Union, and to safeguard the integrity of the internal market.

(27) Basic material intended for the production of FRM for the purpose of conservation of forest genetic resources is different from basic material intended for the production of FRM for commercial purposes because of the different selection criteria applicable to those two types of basic material. Therefore, it should be possible to authorise professional operators, under certain conditions, to approve basic material intended for the production of FRM for the purpose of conservation of forest genetic resources. Authorised professional operators should approve such basic material in accordance with the requirements laid down in this Regulation and with reference to a unit of approval, and communicate the details of that unit of approval to the competent authority. The decision on the inclusion of that basic material in the national register should be taken by the competent authority of the Member State concerned.

(28) The ‘source-identified’ category is the minimum standard required for the marketing of FRM because there is little or no phenotypic selection of the basic material intended for the production of FRM of that category. To ensure traceability, the professional operator should record the location of the basic material from which FRM is collected, or, in other words, its provenance. The origin of that basic material should be stated if known. This is in line with the OECD Forest Seed and Plant Scheme and the experience gained from the application of Directive 1999/105/EC.

(29) On the basis of experience gained from the application of Directive 1999/105/EC, and taking into account the OECD Forest Seed and Plant Scheme, the competent authority should assess basic material intended for the production of FRM of the ‘selected’ category. That assessment should be based on the observation of the characteristics of that basic material and should take into account the specific purpose for which the FRM harvested from that basic material is to be used. The overall quality of that category should be ensured. The reproductive population should have at least a certain degree of uniformity.

(30) In order to produce FRM of the ‘qualified’ category, the professional operator should select the components of the basic material that will be used in the crossing design at individual level due to their outstanding characteristics as regards, for example, wood production or adaptation to the local climatic and ecological conditions. The competent authority should approve the composition and proposed crossing design of those components, the field layout, the isolation conditions and location of that basic material. This is important in order to align with the applicable international standards pursuant to the OECD Forest Seed and Plant Scheme and to take into account the experience gained from the application of Directive 1999/105/EC.

(31) Basic material that is intended for the production of FRM of the ‘tested’ category should be subject to the most stringent requirements possible. The superiority of FRM should be assessed by reference to one or preferably more approved or pre-chosen standards. Those standards should be determined on the basis of the purpose for which the FRM of the ‘tested’ category will be used. Following the selection of the components of the basic material, the superiority of the FRM should be demonstrated by comparative testing or estimated by evaluating the genetic components of that basic material. The competent authority should be involved in this process. It should approve the experimental design and tests for the approval of the basic material, verify the records provided by the professional operator and approve either the results of the tests concerning the superiority of the FRM or the genetic evaluation. In carrying out those tasks, the competent authority should seek alignment with the applicable international standards pursuant to the OECD Forest Seed and Plant Scheme and other applicable international standards, and should take into account the experience gained from the application of Directive 1999/105/EC.

(32) The assessment of basic material intended for the production of FRM of the ‘tested’ category takes on average 10 years. In order to ensure faster market access of FRM in that category while the assessment of the basic material is still ongoing, Member States should have the possibility to temporarily approve the basic material for a maximum period of 10 years. That approval should be granted only if the provisional results of the genetic evaluation or comparative tests indicate that that basic material will satisfy the requirements of this Regulation when the tests are completed. In order to ensure that the approval remains appropriate, those results should be re-examined after 10 years at the latest.

(33) The compliance of marketed FRM with the requirements for the ‘source-identified’, ‘selected’, ‘qualified’ and ‘tested’ categories should be attested by an official label. Before being marketed or directly used, and until the official label is issued, harvested FRM should bear a provisional label to ensure traceability.

(34) In addition to the official label, professional operators should also issue a professional operator’s document. It should contain all information from the official label, as well as supplementary information. This is necessary in order to inform the user as comprehensively as possible about the FRM and to record that information in the most effective manner.

(35) Genetically modified FRM should only be marketed if it is safe for human health and the environment and has been authorised for cultivation pursuant to Directive 2001/18/EC[5] or Regulation (EC) No 1829/2003[6] of the European Parliament and of the Council and if that FRM belongs to the 'tested' category. It should be possible to market FRM obtained by certain new genomic techniques only if it complies with the requirements of Regulation (EU) 2026/… of the European Parliament and of the Council[7+] and if that FRM belongs to the 'tested' category.

(36) The official label should contain information on basic material that contains or consists of a genetically modified organism, including one that has been produced by certain new genomic techniques.

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5 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 and repealing Council Directive 90/220/EEC (OJ L 106, 17.4.2001, p. 1, ELI: http://data.europa.eu/eli/dir/2001/18/oj).

6 Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (OJ L 268, 18.10.2003, p. 1, ELI: http://data.europa.eu/eli/reg/2003/1829/oj).

7 Regulation (EU) …/… of the European Parliament and of the Council of … on plants obtained by certain new genomic techniques and their products, and amending Regulation (EU) 2017/625 (OJ L, …, ELI: …).

\+ PO: please insert, in the text, the number, and in the corresponding footnote, the number, the date of adoption, and the publication reference of the NGT Regulation (2023/0226(COD)) contained in document PE 24/26.

(37) In order to ensure the smooth functioning of the internal market and create a level playing field, certain requirements should be laid down concerning the obligation of professional operators to ensure traceability and identification of FRM at all stages of production and marketing, and to make those operators subject to official controls. Before being entrusted with performing all or certain activities required for the production and marketing of FRM under the official supervision of the competent authority, professional operators should have been authorised by the competent authority. Rules should be laid down concerning the granting, withdrawal or modification of such authorisation and for the performance of official supervision by the competent authorities.

(38) In particular, it should be possible for the competent authorities to authorise professional operators to issue and print the official label under official supervision for certain species and categories of FRM. This will give more flexibility to the professional operators in relation to the subsequent marketing of that FRM. However, professional operators should only be allowed to start issuing and printing the official label once the FRM has been found to comply with the applicable requirements. That authorisation is necessary due to the official character of the official label and in order to guarantee the highest possible quality standards for the users of FRM.

(39) Insofar as certain species and their hybrids are not subject to the measures contained in this Regulation, Member States may, for those species and hybrids and in respect of their own territory, take equivalent or more stringent or less stringent measures.

(40) In order to ensure transparency and more effective controls on the production and marketing of FRM, professional operators should be registered in the registers established by Member States pursuant to Regulation (EU) 2016/2031 of the European Parliament and of the Council[8]. This is necessary for the correct functioning of the official register of professional operators and to avoid double registration. The professional operators to whom this Regulation applies are to a great extent covered by the scope of the official register of professional operators under Regulation (EU) 2016/2031.

(41) Prior to the transfer of FRM, professional operators should facilitate the access of potential users of their FRM to the existing available information concerning the FRM's suitability for specific climatic and ecological conditions, in order to allow the users to select the most appropriate FRM for its intended use in the intended location.

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[8] Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4, ELI: http://data.europa.eu/eli/reg/2016/2031/oj).

(42) In the case of basic material intended for the production of FRM of the 'source-identified' and 'selected' categories, the Member States should, for the relevant species, demarcate the regions of provenance, in order to identify areas or groups of areas with sufficiently uniform ecological conditions and containing basic material with similar phenotypic or genetic characteristics. This is necessary because the FRM produced from that basic material is to be marketed with reference to those regions of provenance.

(43) Provisions should be laid down concerning the updrawing up and keeping up to date of contingency plans for one or more tree species that Member States can establish to ensure that they are prepared and have the capacity to establish a sufficient supply of FRM needed to reforest areas affected by extreme weather events, wildfires, diseases, pest outbreaks, disasters or any other adverse event. Rules should be set out concerning the content of the contingency plans in order to ensure proactive and effective action against such risks, if they emerge. It should also be possible to adapt the content of the contingency plans to the specific climatic and ecological conditions in Member States' territories. Those possibilities should also reflect the general preparedness actions that Member States take on a voluntary basis under the Union Civil Protection Mechanism, established by Decision No 1313/2013/EU of the European Parliament and of the Council[9].

[9] Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924, ELI: http://data.europa.eu/eli/dec/2013/1313/oj).

(44) In order to ensure its traceability, FRM should, during all stages of production and marketing, be kept in separate lots by reference to individual units of approval, and to the master certificate once it has been issued. For reasons of transparency and traceability, each lot of FRM should be identified by the lot code and, upon issuance of the master certificate, by the master certificate code.

(45) Only seeds that meet certain quality standards should be marketed. They should be labelled and marketed only in closed packages which are sealed, in order to enable them to be correctly identified, to ensure their quality and traceability, and to avoid fraud.

(46) During periods in which there are temporary difficulties in harvesting sufficient supplies of FRM from certain species, it should be possible to temporarily approve basic material or FRM satisfying less stringent quality requirements, subject to certain conditions. Those less stringent requirements should cover the approval of basic material intended for the production of different categories of FRM or marketing of FRM that satisfies less stringent quality requirements. This is necessary to ensure a flexible approach in the areas affected by adverse circumstances and to avoid disruptions of the internal market in FRM.

(47) In order to harmonise the performance of official controls and other official activities in relation to FRM throughout the Union, rules should be laid down concerning the designation of, and requirements concerning, the competent authorities responsible for such tasks, as well as concerning the performance and possible delegation of such tasks.

(48) Commission experts should be able to perform controls, including audits, in Member States to verify the application of the relevant Union legislation and the functioning of national control systems and competent authorities.

(49) In order to ensure good administration principles and public trust, competent authorities should perform official controls with a high level of transparency. For that purpose, they should make available to the public, including through publication on the internet, relevant information concerning the organisation and the performance of official controls, including, as relevant, the type and number of official controls, the cases of non-compliance, the measures taken and the penalties imposed.

(50) FRM should be imported from third countries only if it is established that it fulfils requirements equivalent to those applicable to FRM produced and marketed in the Union. This is necessary in order to ensure that imported FRM affords the same level of quality as the FRM produced in the Union. That approach will ensure that imported FRM not only meets Union standards but that it also contributes to genetic diversity and sustainability.

(51) Extreme weather and climatic conditions may cause shortages of FRM in one or more Member States that cannot be addressed by the other Member States or by third countries in respect of which equivalence has been granted. Therefore, in those exceptional cases those Member States should be allowed, subject to certain conditions, to temporarily import FRM from third countries other than those for which equivalence has been granted. When assessing those conditions, the Commission should also take into account the specific needs of the Member States concerned, such as the origin and the genetic characteristics of the FRM concerned.

(52) Where FRM is imported into the Union from a third country, the professional operator concerned should inform the relevant competent authority of that import in advance through the information management system for official controls (IMSOC) set up pursuant to Regulation (EU) 2017/625 of the European Parliament and of the Council[10]. Moreover, imported FRM should be accompanied by an OECD certificate or an equivalent official certificate issued by the third country of origin and records containing details of that FRM provided by the professional operator in that third country. An OECD label or equivalent official label should be attached to that FRM, since this is necessary to ensure informed choices for the users of that FRM and to facilitate the conduct of the relevant official controls by the competent authorities.

[10] Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/625/oj).

(53) In order to monitor the impact of this Regulation and to allow the Commission to assess the measures introduced, Member States should report every five years about quantities of certified FRM by categories per year, the number of adopted contingency plans, the available and relevant websites and planters' guides, as well as the quantities of FRM per genera and species imported from third countries, penalties imposed and the number of registered professional operators.

(54) In order to adapt this Regulation to ecological changes, and in particular to the shift in tree species and their ranges as a result of climate change, as well as to reflect the developments in scientific or technical knowledge, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of amending this Regulation by adding tree species to, or removing them from, the list of species that are subject to this Regulation depending on whether they fulfil, or cease to fulfil, certain criteria.

(55) In order to reflect developments in scientific or technical knowledge and in the OECD Forest Seed and Plant Scheme and other applicable international standards, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the requirements of the approval of basic material intended for the production of FRM of 'source-identified', 'selected', 'qualified' and 'tested' categories, as well as the categories under which FRM from the different types of basic material may be marketed.

(56) In order to reflect the developments in scientific or technical knowledge, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of supplementing this Regulation by setting out certain requirements concerning seed units lots of the tree species covered by this Regulation other than their hybrids, concerning parts of plants of such species and their hybrids, concerning external quality standards for *Populus* spp. propagated by stem cuttings, with or without roots, concerning planting stock of the tree species and their hybrids covered by this Regulation, and concerning planting stock to be marketed to final users in regions with particular eco-climatic conditions.

(57) In order to ensure clarity and a harmonised approach with the establishment and implementation of the contingency plans, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of supplementing this Regulation by specifying the elements that can be included in a contingency plan pursuant to this Regulation.

(58) In order to increase the credibility of the system for the authorisation of the professional operators and the official supervision by the competent authorities, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of supplementing this Regulation by laying down the procedure for the application for authorisation to be submitted by the professional operator, and for confirming compliance with the applicable requirements.

(59) In order to achieve the aim of Commission Communication of 9 March 2021 entitled '2030 Digital Compass: the European way for the Digital Decade', which is to make the transformation to digital technologies work for people and businesses, and to take account of the technical developments in the digitalisation of services, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of supplementing this Regulation by establishing rules concerning digital recording of the main actions concerning the verification of the requirements for the approval of the basic material and the production of FRM which lead to the issuance of master certificates, official labels and professional operator's documents and concerning the establishment of a centralised platform that connects all the Member States and the Commission.

(60) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work on delegated acts, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[11]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

[11] OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

(61) In order to ensure a proportionate approach, it should not be necessary for certain requirements to be fulfilled when marketing small quantities of seeds. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to determine what constitutes a small quantity in relation to individual species entitling them to be excluded from certain marketing requirements.

(62) In order to ensure uniform conditions for the implementation of this Regulation, and to ensure that authorised professional operators carry out the approval of basic material intended for the production of FRM for the purpose of conservation of forest genetic resources correctly and in a coherent manner, implementing powers should be conferred on the Commission in respect of specific conditions for assessing the eligibility of professional operators to be authorised to approve basic material and the conditions for the communication of the details of the unit of approval to the competent authority.

(63) In order to ensure uniform conditions for the implementation of this Regulation, and to address temporary difficulties in the general supply of FRM, implementing powers should be conferred on the Commission with respect to authorising one or more Member States to temporarily allow the marketing of FRM satisfying, or deriving from basic material which satisfies, less stringent requirements than those laid down in this Regulation.

(64) In order to ensure uniform conditions for the implementation of this Regulation, and facilitate the recognisability and use of master certificates, implementing powers should be conferred on the Commission with respect to adopting the content and the model for the master certificate as well as to laying down rules concerning the mechanisms and technical arrangements to ensure the issuance of accurate and reliable master certificates, and to prevent the risk of fraud, the procedures to be followed in the case of withdrawal of master certificates and for the issuance of replacement certificates, rules for the production of certified copies of master certificates, and rules for the issuance of electronic certificates and for the use of electronic signatures.

(65) In order to ensure uniform conditions for the implementation of this Regulation, and ensure a harmonised framework for the labelling and provision of information concerning FRM, implementing powers should be conferred on the Commission with respect to setting out the format, size, shape and colour of the official label and the professional operator's document for all or specific categories of FRM. When defining the colour, the Commission should take into account the Rules and Regulations in the OECD Forest Seed and Plant Scheme. Member States should be allowed to apply the rules on colour as appropriate.

(66) In order to ensure uniform conditions for the implementation of this Regulation, and to reflect developments concerning the digitisation of the FRM sector, implementing powers should be conferred on the Commission with respect to setting out the technical arrangements for the issuance of electronic master certificates, electronic official labels and electronic professional operators' documents.

(67) In order to ensure uniform conditions for the implementation of this Regulation, and to ensure the approval of basic material of the 'source-identified' category by the professional operators, implementing powers should be conferred on the Commission in respect of granting such approval, subject to certain conditions.

(68) In order to ensure uniform conditions for the implementation of this Regulation, and to ensure the correct use of the derogation concerning provisional approval of basic material intended for the production of FRM of the 'tested' category, implementing powers should be conferred on the Commission in respect of specifying the maximum number of units of FRM and the maximum area size that can be subject to such approval.

(69) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with respect to deciding on the organisation of temporary experiments to seek improved alternatives to the requirements of this Regulation as regards the assessment and approval of basic material and the production and marketing of FRM.

(70) In order to ensure uniform conditions for the implementation of this Regulation, while enabling the implementation of national or regional approaches concerning the production and marketing of FRM and with the aim of improving of the quality of the FRM concerned, the protection of the environment, or the contribution to the protection of biodiversity and the restoration of forest ecosystems, implementing powers should be conferred on the Commission with respect to authorising Member States, under certain conditions, to adopt more stringent or additional requirements for the approval of basic material and the production of FRM, to restrict the approval of basic material intended for the production of FRM of the 'source-identified' category or to prohibit the marketing to the end user with a view to sowing or planting in all or part of its territory of specified FRM where that FRM is not suitable for the forestry ecological conditions of the Member State concerned and the relevant purposes.

(71) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with respect to deciding that the FRM of specific genera, species, or categories, and, where appropriate, deriving from specific types of basic material or of a specific region of provenance, produced in a third country, fulfils requirements equivalent to those applicable to FRM produced and marketed in the Union.

(72) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with respect to laying down certain rules on uniform practical arrangements for the performance of the official controls to verify compliance with the rules on FRM.

(73) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with respect to specifying the technical format, including as regards the digital submission and processing to be used for the reports to be submitted by the Member States to the Commission concerning quantities of certified FRM by categories per year, number of adopted contingency plans, available and relevant websites and planters' guides, the quantities of FRM per genera and species imported from third countries, the penalties, and the number of registered professional operators.

(74) The implementing powers conferred on the Commission under this Regulation should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[12].

(75) Only healthy FRM should be allowed for marketing throughout the Union. FRM marketed in accordance with this Regulation should also comply with the rules laid down, or provided for, in the relevant provisions of Regulation (EU) 2016/2031 concerning Union quarantine pests, protected zone quarantine pests and Union regulated non-quarantine pests, and with the measures adopted pursuant to Article 30(1) of that Regulation.

(76) Quality pests are pests that are not subject to Regulation (EU) 2016/2031. They can occur during the production of FRM, and when FRM is stored for a long period under conditions of excessive moisture or humidity. Their presence on FRM that is marketed should therefore be so low that there is no adverse effect on its quality.

(77) In order to improve the consistency of the rules concerning FRM with the rules of Regulation (EU) 2016/2031 on plant passports, combining the official label for FRM with the plant passport should be allowed.

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[12] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

(78) Because of the specificities of the FRM sector, it is appropriate for this Regulation to lay down its own provisions on the official controls of FRM. In order to ensure that official controls concerning FRM are applied consistently across Member States, to create synergies with the system of official controls in similar sectors, in particular that of plant health, and to enable Member States to use existing instruments and tools such as IMSOC for the verification of compliance with the rules on FRM, provisions on official controls in this Regulation should be applied in addition to the relevant provisions of Regulation (EU) 2017/625 where necessary.

(79) It is understood that Member States' competent authorities entrusted with carrying out tasks under this Regulation can also be competent authorities designated in accordance with Article 4 of Regulation (EU) 2017/625 and, therefore, responsible for the organisation of the official controls and other official activities in other areas.

(80) Regulations (EU) 2016/2031 and (EU) 2017/625 should therefore be amended accordingly.

(81) For reasons of legal clarity and transparency, Directive 1999/105/EC should be repealed.

(82) Since the objective of this Regulation, namely to ensure a harmonised approach with regard to the production and marketing of FRM, cannot be sufficiently achieved by the Member States but can rather, by reason of its effects, complexity, and international impact, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not exceed what is necessary in order to achieve that objective. In this view, and as necessary, this Regulation introduces derogations or specific requirements for certain types of FRM and professional operators.

(83) In view of the time and resources required for the competent authorities and the professional operators concerned to adapt to the new requirements set out in this Regulation, this Regulation should apply from … [five years from the date of entry into force of this Regulation].

(84) In order to avoid any disruption of the production and marketing of FRM in the Union, FRM produced before … [five years from the date of entry into force of this Regulation] in accordance with Directive 1999/105/EC or national rules should be allowed to continue to be marketed until exhaustion of the respective stocks. For the same reason, FRM produced in accordance with Directive 1999/105/EC should be allowed to continue to be marketed with a master certificate issued pursuant to that Directive,

HAVE ADOPTED THIS REGULATION:

Chapter I
General provisions

Article 1

Subject matter

This Regulation lays down rules concerning the production of forest reproductive material ('FRM') for marketing and the marketing of FRM.

In particular, this Regulation lays down requirements concerning the origin of basic material intended for the production of FRM, the approval of such basic material and the registration thereof, and requirements concerning the traceability of FRM, official controls, FRM categories, FRM identity and quality, certification, labelling, packaging, imports, professional operators and national contingency plans.

Article 2

Scope and objectives

1. This Regulation applies to the production for marketing, and the marketing, of FRM belonging to the tree species listed in Annex I and their hybrids.

For the purposes of this Regulation, hybrids are considered to be hybrids of the tree species listed in Annex I if at least one of the parent species is listed therein.

2. The objectives of this Regulation are to contribute to the maintenance and establishment of resilient forests, to the restoration of forest ecosystems and to forest biodiversity, and to support forest ecosystem services and other tree planting, in particular through:

(a) the sustainable production, marketing and traceability of high-quality FRM in the Union;

(b) the proper functioning of the internal market in FRM;

(c) the support of sustainable production of wood, biomaterials, biomass and other forest products;

(d) the support of conservation of forest genetic resources;

(e) the contribution of FRM to mitigating climate change, adapting forests to climate change and protecting against soil erosion.

3. The Commission is empowered to adopt delegated acts in accordance with Article 31 amending the list set out in Annex I, taking into account:

(a) the ecological changes, including shifts in tree species and their ranges as a result of climate change;

(b) any developments in scientific or technical knowledge.

Those delegated acts shall add tree species to the list in Annex I only if those species fulfil one or more of the following criteria:

(a) they represent a significant area and significant proportion of the economic value of FRM production in the Union;

(b) they are marketed as FRM in at least two Member States; or

(c) they are considered important for adaptation to climate change and conservation of forest genetic resources.

Those delegated acts shall remove tree species from the list in Annex I whenever those species no longer fulfil any of the criteria set out in the second subparagraph of this paragraph.

4. This Regulation does not apply to the following material:

(a) seed and other plant reproductive material covered by Council Directives 66/401/EEC[13], 66/402/EEC[14], 68/193/EEC[15], 2002/53/EC[16], 2002/54/EC[17], 2002/55/EC[18], 2002/56/EC[19], 2002/57/EC[20], 2008/72/EC[21] and 2008/90/EC[22];

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13 Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed (OJ 125, 11.7.1966, p. 2298, ELI: http://data.europa.eu/eli/dir/1966/401/oj).

14 Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (OJ 125, 11.7.1966, p. 2309, ELI: http://data.europa.eu/eli/dir/1966/402/oj).

15 Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine (OJ L 93, 17.4.1968, p. 15, ELI: http://data.europa.eu/eli/dir/1968/193/oj).

16 Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1, ELI: http://data.europa.eu/eli/dir/2002/53/oj).

17 Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed (OJ L 193, 20.7.2002, p. 12, ELI: http://data.europa.eu/eli/dir/2002/54/oj).

18 Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed (OJ L 193, 20.7.2002, p. 33, ELI: http://data.europa.eu/eli/dir/2002/55/oj).

19 Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes (OJ L 193, 20.7.2002, p. 60, ELI: http://data.europa.eu/eli/dir/2002/56/oj).

20 Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74, ELI: http://data.europa.eu/eli/dir/2002/57/oj).

21 Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed (OJ L 205, 1.8.2008, p. 28, ELI: http://data.europa.eu/eli/dir/2008/72/oj).

22 Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ L 267, 8.10.2008, p. 8, ELI: http://data.europa.eu/eli/dir/2008/90/oj).

(b) propagating material of ornamental plants as defined in Article 2, point (1), of Council Directive 98/56/EC[23];

(c) FRM produced solely for export to third countries, provided that it is identified as such;

(d) FRM used solely for official testing, scientific purposes or selection work, provided that it is identified as such through labelling and traceability measures;

(e) FRM which is subject to service contracts for the purposes of cleaning, disinfection, treatment and transport, provided that all of the following conditions are fulfilled:

(i) the service provider does not acquire title to either that FRM or the product of the harvest;

(ii) the traceability of the FRM is ensured;

(iii) upon request, the professional operator producing the FRM has provided the competent authority with a copy of the relevant parts of the contract entered into with the service provider, including the standards and conditions to be met by the FRM provided under that contract; and

[23] Council Directive 98/56/EC of 20 July 1998 on the marketing of propagating material of ornamental plants (OJ L 226, 13.8.1998, p. 16, ELI: http://data.europa.eu/eli/dir/1998/56/oj).

(iv) the service provider is registered in a register referred to in Article 10(1), point (b).

The condition laid down in point (iv) of the first subparagraph shall not apply to providers of transport services.

5. For tree species not listed in Annex I and their hybrids, Member States may, in respect of their own territory, take measures equivalent to, or more stringent or less stringent than, the measures provided for in this Regulation. Hybrids are considered to be hybrids of the tree species not listed in Annex I if none of the parent species is listed therein.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) ‘forest reproductive material’ or ‘FRM’ means seed units, parts of plants and planting stock that belong to tree species listed in Annex I and their hybrids and are intended to be used for afforestation, reforestation, diversification in a forest plot and other tree planting and direct seeding, for one or more of the following purposes:

(a) multifunctional forestry;

(b) production of wood, biomaterials, biomass or other forest products; or

(c) conservation of forest genetic resources;

(2) ‘seed unit’ means cones, infructescences, fruits and seeds intended for the production of planting stock or for direct seeding;

(3) ‘planting stock’ means any plant or part of a plant used in plant propagation and comprises plants raised from seed units, from parts of plants or from plants from natural regeneration;

(4) ‘parts of plants’ means stem cuttings, with or without roots, leaf cuttings and root cuttings, explants or embryos used for micropropagation, buds, layers, roots, scions and any other parts of a plant used for the production of planting stock;

(5) ‘afforestation’ means the establishment of forest through planting or deliberate seeding, including the planting or deliberate seeding of regionally adapted tree species, on land that was, until then, under a different land use and implies a transformation of land use from non-forest to forest;

(6) ‘reforestation’ means the re-establishment of forest through planting, deliberate seeding, vegetative propagation or natural regeneration on land classified as forest;

(7) ‘basic material’ means any of the following types of material as referred to in the table set out in Annex VI: seed source, stand, seed orchard, parents of a family, clone or clonal mixture;

(8) ‘seed source’ means the trees within a defined area from which FRM is collected;

(9) ‘stand’ means a delineated population of trees which is sufficiently uniform in composition;

(10) ‘seed orchard’ means a plantation of selected trees where each individual tree is identified by a clone or family and that plantation is isolated or managed in order to avoid or reduce pollination from outside sources and managed to produce frequent, abundant and easily harvested crops of seed units;

(11) ‘parents of a family’ means trees used as parents to obtain progeny by controlled or open pollination of one identified parent used as a female with the pollen of one parent (full sibling) or a number of identified or unidentified parents (half-sibling);

(12) ‘clone’ means a single individual or group of individuals (ramets) derived originally from a single individual (ortet) by vegetative propagation, for example by cuttings, micropropagation, grafts, layers or divisions, or derived originally from cell lines;

(13) ‘clonal mixture’ means a mixture of identified clones in defined proportions;

(14) ‘unit of approval’ means the entire area of basic material or one or more individuals of basic material intended for the production of FRM that has been authorised by the competent authorities;

(15) ‘lot’ means any of the following: a seed lot, a seed unit lot, a plant lot or a parts of plants lot;

(16) ‘seed lot’ means a set of seeds collected from approved basic material and processed uniformly;

(17) ‘plant lot’ means a set of plants that have been grown from a single seed lot or from vegetatively propagated planting stock which has been raised in a delineable area and processed uniformly;

(18) ‘seed unit lot’ means a set of seed units collected from approved basic material and processed uniformly;

(19) ‘parts of plants lot' means a set of parts of plants collected and processed uniformly;

(20) ‘lot code’ means the identification code of a lot;

(21) ‘provenance’ means the name of the place in which any seed source or stand is growing;

(22) ‘region of provenance’ means the area or group of areas subject to sufficiently uniform ecological conditions in which stands or seed sources showing similar phenotypic or genetic characteristics are found, taking into account, where appropriate, altitudinal boundaries;

(23) ‘autochthonous seed source or stand’ means a seed source or stand which has been continuously and naturally regenerated or which has been artificially regenerated from FRM collected in the same seed source or stand or in other autochthonous seed sources or stands in close proximity to that seed source or stand;

(24) ‘indigenous seed source or stand’ means a seed source or stand located in a specific region of provenance that is part of the natural distribution range of the species concerned, raised from seed or vegetatively propagated, the origin of which is situated within the same region of provenance;

(25) ‘origin’ means the following:

(a) for an autochthonous seed source or stand, the place in which the trees are growing;

(b) for a non-autochthonous seed source or stand, the place from which the seed or plants were originally introduced;

(c) for a seed orchard, the places where its components were originally located, such as their provenances, or other relevant geographical information;

(d) for the parents of a family, the places where their components were originally located, such as their provenances or other relevant geographical information;

(e) for a clone, the place where the ortet or cell line is or was initially located or selected;

(f) for a clonal mixture, the places where the ortets or cell lines are or were initially located or selected;

(26) ‘location of the basic material’ means the geographical area or geographical position or positions of the basic material, as appropriate for each category of FRM;

(27) ‘foundation stock’ means a plant, group of plants, FRM, DNA stock or genetic information of the clone, or clones in case of clonal mixture, that serves as reference material for the verification of the identity of the clone or clones concerned;

(28) ‘professional operator’ means any natural or legal person professionally in charge of the production or marketing, or both, of FRM;

(29) ‘production’ means all stages in the generation of lots of FRM for marketing, including the harvesting, collection, storage, processing and distribution, and the dispatching during those stages, as well as the conversion of seed unit lots and parts of plants lots and the growing, multiplying, maintaining, storage and harvesting of plant lots;

(30) ‘marketing’ means the following actions conducted by a professional operator in relation to FRM, whether free of charge or not:

(a) selling, holding or offering for the purpose of sale or any other way of transferring, distributing or dispatching for the purpose of sale within the Union; or

(b) the import into the Union;

(31) ‘competent authority’ means:

(a) a central or regional authority of a Member State responsible for the organisation of official controls, the registration of basic material, the certification of FRM, the registration of professional operators and other official activities concerning the production and marketing of FRM;

(b) any other authority to which the responsibilities referred to in point (a) have been conferred in accordance with Union law;

(c) where applicable, the authority of a third country that corresponds to the authority referred to in point (a);

(32) ‘delegated body’ means a separate legal person to which the competent authority has delegated certain official control tasks or certain tasks related to other official activities;

(33) ‘category’ means the classification of FRM as source-identified, selected, qualified or tested material;

(34) ‘source-identified’ means a category of FRM derived from basic material consisting of either a seed source or a stand located within a single region of provenance and which meets the requirements set out in Annex II;

(35) ‘selected’ means a category of FRM derived from basic material consisting of a stand located within a single region of provenance, which has been selected at the population level and which meets the requirements set out in Annex III;

(36) ‘qualified’ means a category of FRM derived from basic material consisting of seed orchards, parents of a family, clones or clonal mixtures, the components of which have been selected at the individual level and which meets the requirements set out in Annex IV;

(37) ‘tested’ means a category of FRM derived from basic material consisting of stands, seed orchards, parents of a family, clones or clonal mixtures, where the superiority of that FRM has been demonstrated by comparative testing or an estimate of the superiority of the FRM has been calculated on the basis of the genetic evaluation of the components of the basic material, and which meets the requirements set out in Annex V;

(38) ‘official certification’ means both the procedure leading to the issuance, and the issuance itself, of either a master certificate or of an official label, in accordance with this Regulation;

(39) ‘official controls’ means activities to verify compliance with this Regulation performed by the competent authorities responsible for the organisation of those activities or by the bodies to which or the natural persons to whom certain of those activities have been delegated;

(40) ‘other official activities’ means activities concerning the approval of basic material and the production and marketing of FRM other than official controls, performed by the competent authorities or by the bodies to which or the natural persons to whom certain of those activities have been delegated;

(41) ‘documentary check’ means the examination of master certificates and other documents;

(42) ‘genetically modified organism’ means a genetically modified organism as defined in Article 2, point (2), of Directive 2001/18/EC, excluding organisms obtained through the techniques of genetic modification listed in Annex I B to that Directive;

(43) ‘NGT plant’ means an NGT plant as defined in Article 3, point (9), of Regulation (EU) 2026/…[+];

(44) ‘deployment area’ means the area designated by the competent authorities in which FRM belonging to the ‘qualified’ and ‘tested’ categories is adapted to the climatic and ecological conditions of that area;

[+] PO: please insert the number of Regulation on plants obtained by certain new genomic techniques and their food and feed, as in recital (35).

(45) ‘FOREMATIS’ means the Forest Reproductive Material Information System of the Commission;

(46) ‘natural regeneration’ means the renewal of the forest by natural processes, including natural seeding, sprouting, suckering or layering;

(47) ‘quality pests’ means pests:

(a) that are not Union quarantine pests, protected zone quarantine pests, or Union regulated non-quarantine pests within the meaning of Regulation (EU) 2016/2031, nor pests subject to the measures adopted pursuant to Article 30(1) of that Regulation;

(b) that occur during FRM production or storage; and

(c) the presence of which has an unacceptable adverse impact on the quality of the FRM, and an unacceptable economic impact as regards the use of that FRM in the Union.

Chapter II

Basic material and FRM deriving from it

Article 4

Approval of basic material for the production of FRM

1. Only basic material approved by the competent authorities shall be used for the production of FRM.

2. Basic material intended for the production of FRM to be certified as ‘source-identified’ shall be approved if it fulfils the requirements set out in Annex II.

   Basic material intended for the production of FRM to be certified as ‘selected’ shall be approved if it fulfils the requirements set out in Annex III.

   Basic material intended for the production of FRM to be certified as ‘qualified’ shall be approved if it fulfils the requirements set out in Annex IV.

   Basic material intended for the production of FRM to be certified as ‘tested’ shall be approved if it fulfils the requirements set out in Annex V.

The assessment of whether the requirements for the approval of basic material set out in Annexes II to V are fulfilled shall include, as appropriate, visual inspections, documentary checks, tests and analyses. Other complementary methods, such as biochemical and molecular techniques, may also be used if they are appropriate for the purpose of that approval.

The basic material for all categories shall be assessed for its sustainability characteristics as set out in Annexes II to V, taking into account the climatic and ecological conditions.

The approval of the basic material shall be carried out by reference to the unit of approval.

3. The Commission is empowered to adopt delegated acts in accordance with Article 31 amending Annexes II to V.

Those amendments shall adapt the rules for the approval of basic material intended for the production of FRM to reflect the developments in scientific or technical knowledge, including the use of biochemical and molecular techniques, and the development of applicable international standards.

4. Only approved basic material shall be included in the national register pursuant to Article 15. It shall be registered by reference to the unit of approval. Each unit of approval shall be identified in that national register by a unique register reference.

5. After approval, the basic material intended for the production of FRM under the ‘selected’, ‘qualified’ and ‘tested’ categories shall be re-inspected by the competent authorities at regular intervals.

6. The approval of basic material shall be withdrawn if the requirements set out in this Regulation are no longer met.

Article 5

Requirements for the marketing of FRM

1. FRM of the ‘source-identified’, ‘selected’, ‘qualified’ or ‘tested’ categories shall be marketed within the Union only if it:

   (a) is accompanied by an official label issued pursuant to Article 20 (‘official label’) by:

      (i) the competent authorities; or

      (ii) the professional operator under the official supervision of the competent authorities;

   (b) complies with paragraph 2;

   (c) is accompanied by a professional operator’s document issued pursuant to Article 20 (‘professional operator’s document’); and

(d) is free from quality pests and the symptoms caused by them, or the presence of such pests on that FRM is so low that those pests do not adversely affect its quality.

2. FRM shall be marketed by professional operators in accordance with the following rules:

(a) FRM of the tree species listed in Annex I and their natural hybrids shall be marketed only if it is of the categories ‘source-identified’, ‘selected’, ‘qualified’ or ‘tested’ and has been derived from basic material which has been approved pursuant to Article 4;

(b) FRM of the artificial hybrids of the tree species listed in Annex I shall be marketed only if it is of the ‘selected’, ‘qualified’ or ‘tested’ categories and has been derived from basic material which has been approved pursuant to Article 4;

(c) FRM of the tree species listed in Annex I and their hybrids which contains or consists of genetically modified organisms, including category 2 NGT plants as defined in Article 3, point (14), of Regulation (EU) 2026/…[+], shall be marketed only if:

(i) it is of the ‘tested’ category;

(ii) it has been derived from basic material which has been approved pursuant to Article 4; and

[+] PO: please insert the number of Regulation on plants obtained by certain new genomic techniques and their food and feed, as in recital (35).

(iii) it is authorised for cultivation in the Union pursuant to Article 19 of Directive 2001/18/EC or Articles 7 and 19 of Regulation (EC) No 1829/2003, or, where applicable, Chapter III of Regulation (EU) 2026/…[+], and that cultivation is not excluded in the Member State concerned in accordance with Article 26b of Directive 2001/18/EC;

(d) FRM of the tree species listed in Annex I and their hybrids which contains or consists of a category 1 NGT plant as defined in Article 3, point (13), of Regulation (EU) 2026/…[+] shall be marketed only if:

(i) it is of the 'tested' category;

(ii) it has been derived from basic material which has been approved pursuant to Article 4 of this Regulation; and

(iii) the plant has obtained a declaration of category 1 NGT plant status pursuant to Article 6 or 7 of Regulation (EU) 2026/…[+] or is progeny of such plant or plants;

[+] PO: please insert the number of Regulation on plants obtained by certain new genomic techniques and their food and feed, as in recital (35).

(e) FRM marketed in accordance with this Regulation shall comply with the rules laid down, or provided for, in the relevant provisions of Regulation (EU) 2016/2031 concerning Union quarantine pests, protected zone quarantine pests and Union regulated non-quarantine pests, and with the measures adopted pursuant to Article 30(1) of that Regulation.

3. In the case of seed lots, FRM of the tree species listed in Annex I and their hybrids shall be marketed only if, in addition to compliance with paragraph 2 of this Article, information is available as regards:

(a) the purity, as measured by the percentage by weight of pure seed, other seed and inert matter;

(b) the germination percentage of the pure seed or, in cases where germination testing is impossible or impractical, the viability percentage of the pure seed assessed by reference to a specified method;

(c) the weight of 1 000 pure seeds;

(d) the number of germinable seeds per kilogram or litre 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 or litre;

(e) for artificial hybrids, the hybrid percentage.

In the case of small quantities, the requirements as laid down in points (b), (d) and (e) of the first subparagraph of this paragraph do not have to be fulfilled.

4. The Commission shall adopt implementing acts to determine what constitutes a small quantity, as referred to in paragraph 3, second subparagraph of this Article, in relation to individual species. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

5. By way of derogation from paragraph 3, where it is necessary to make seed of the current season's crop rapidly available, FRM may be marketed to the first buyer before the examination in respect of germination as laid down in paragraph 3, first subparagraph, points (b) and (d), has been concluded. The professional operator shall inform the buyer as soon as possible about the compliance with the conditions laid down in paragraph 3, first subparagraph, points (b) and (d). A professional operator that intends to make use of the derogation provided for in this paragraph shall notify the competent authorities of that intention once.

6. The categories under which FRM from the different types of basic material may be marketed are as set out in the table in Annex VI.

7. The Commission is empowered to adopt delegated acts in accordance with Article 31(2), amending the table in Annex VI.

Those amendments shall adapt the categories under which FRM from the different types of basic material may be marketed to reflect the developments in scientific or technical knowledge and the development of applicable international standards.

Article 6

Approval of basic material for the purpose of conservation of forest genetic resources

1. By way of derogation from Article 4(1), the competent authorities may authorise professional operators to approve basic material for the production of FRM for the purpose of conservation of forest genetic resources.

Those professional operators shall be subject to the requirements laid down in Article 10(1) and (2).

2. In order to be granted an authorisation under paragraph 1, the professional operator shall:

(a) possess the necessary knowledge to assess compliance with the requirements set out in Article 4(2) and in Annexes II to V;

(b) be qualified or employ qualified personnel to ensure compliance with the requirements set out in Article 4(2) and Annexes II to V;

(c) have the capability to assess the level of genetic diversity of the basic material concerned, monitor the critical points for the approval of basic material and keep records of the results of that monitoring.

3. Professional operators authorised pursuant to paragraph 1 shall ensure that the basic material is approved with reference to a unit of approval in accordance with the requirements set out in Annexes II to V concerning the conservation of forest genetic resources. They shall communicate the details of that unit of approval to the competent authority.

The competent authority shall decide on the inclusion of the approved basic material in the national register pursuant to Article 15, following verification of compliance with the requirements set out in Article 4(2) and in Annexes II to V, for the purpose of conservation of forest genetic resources.

4. Where the professional operator no longer fulfils the requirements of paragraph 1, second subparagraph, or of paragraph 2 of this Article, Article 12 shall apply to the withdrawal or modification of the authorisation referred to in paragraph 1 of this Article.

5. The Commission may adopt implementing acts to establish the specific conditions for assessing the eligibility of professional operators to be authorised to approve basic material and the conditions for the communication of the details of the unit of approval to the competent authority.

Those implementing acts shall take account of the development of applicable international standards. They shall be adopted in accordance with the examination procedure referred to in Article 32(2).

Article 7

Temporary authorisation of marketing of FRM satisfying less stringent requirements or deriving from basic material satisfying less stringent requirements

1. In the event of temporary difficulties in the supply of FRM satisfying the requirements of this Regulation in one or more Member States which cannot be solved by supply from within the Union, the Commission may adopt implementing acts to authorise one or more Member States to temporarily allow the marketing of FRM which satisfies less stringent requirements than those set out in Article 5(2), points (a) and (b), Article 5(3) and Article 8, or deriving from basic material which satisfies less stringent requirements than those set out in Annexes II to V, provided such authorisation is necessary in order to ensure the achievement of the objectives of this Regulation.

Those implementing acts shall set out the conditions of the temporary authorisation, namely:

(a) the maximum duration of the authorisation, which shall not exceed 12 months;

(b) obligations as regards official controls on the professional operators applying the authorisation;

(c) the Member States that are concerned by the authorisation;

(d) the areas, professional operators or species concerned for each Member State, as appropriate;

(e) the area in which the FRM may be marketed;

(f) other marketing conditions as necessary for each Member State; and

(g) the categories to which the authorisation is restricted.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

2. FRM subject to a temporary authorisation pursuant to paragraph 1 of this Article shall be accompanied by an official label and a professional operator's document. In addition, that professional operator's document shall state that the FRM concerned satisfies less stringent requirements than those set out in Article 5(2), points (a) and (b), Article 5(3) and Article 8, or has been derived from basic material which satisfies less stringent requirements than those set out in Annexes II to V.

Article 8

Special requirements for certain types, species and categories of FRM

The Commission is empowered to adopt delegated acts in accordance with Article 31 supplementing this Regulation as necessary with regard to the requirements appropriate for each type, species or category of FRM concerning:

(a) seed units of the tree species listed in Annex I as regards species purity;

(b) parts of plants of the tree species listed in Annex I and their hybrids as regards quality in relation to general characteristics, health and size;

(c) external quality standards for *Populus* spp. propagated by stem cuttings, with or without roots, as regards defects and minimum dimensions for stem cuttings, with or without roots;

(d) planting stock of the tree species listed in Annex I and their hybrids as regards quality in relation to general characteristics, health, vitality and physiological quality;

(e) planting stock to be marketed to users in regions with specific eco-climatic conditions as regards defects, size and age of the plants and, where appropriate, size of the container.

Those delegated acts shall be based on the experience gained by the application of the relevant requirements for each type, species or category of FRM as regards the provisions for inspections, sampling and testing, and isolation. They shall adapt those requirements to reflect the development of the applicable international standards, the developments in scientific or technical knowledge, or climatic and ecological developments.

Article 9

Contingency plans

1. Each Member State may draw up one or more contingency plans to ensure preparedness and capacity to establish a sufficient supply of FRM to reforest areas affected by extreme weather events, wildfires, diseases, pest outbreaks, disasters or any other adverse events, as identified in the national risk assessments developed in accordance with Article 6(1) of Decision No 1313/2013/EU.

Those contingency plans may be prepared in respect of one or more of the tree species listed in Annex I to this Regulation and their hybrids, identified by the Member State as ecologically relevant in view of its current and projected climatic and ecological conditions and as appropriate to address the identified risks of shortage of FRM.

2. The contingency plan may include the following elements, as appropriate according to the needs of the Member States concerned:

(a) the assessment of the risk of there being a major FRM shortage and its potential impact on human, animal and plant health, and the environment, on the basis of the projected distribution of tree species referred to in paragraph 1, and, where they are available, on the basis of climate model simulations;

(b) the roles and responsibilities of the actors involved in the execution of the contingency plan and the action to be taken by the competent authorities, professional operators and other relevant actors to ensure the supply of FRM in the event of a major FRM shortage;

(c) the coordination with neighbouring Member States and neighbouring third countries, where applicable;

(d) a description of the resources and personnel to be maintained and deployed in the event of a major FRM shortage;

(e) an explanation of how the resources and personnel will be deployed in the event of a major FRM shortage;

(f) a description of the coordination of actions between actors involved in the event of a major FRM shortage;

(g) the principles concerning the appropriate competence of personnel of the competent authorities and, where appropriate, the bodies, public authorities, laboratories, professional operators and other persons referred to in point (b);

(h) the measures to inform the Commission, Member States, affected stakeholders and civil society of a major FRM shortage and measures taken to address that shortage;

(i) the arrangements for recording a major FRM shortage;

(j) the methods to demarcate the geographical areas where a major FRM shortage occurred;

(k) the identification of vulnerabilities in the supply of FRM, including in terms of the socio-economic impact, and measures to reduce those vulnerabilities.

3. Member States shall review and, where necessary, update their contingency plans to take account of the developments in scientific or technical knowledge regarding the distribution of tree species and hybrids covered by those plans.

4. Member States shall make their contingency plans available to the Commission, the other Member States and all relevant professional operators through publication through FOREMATIS.

5. The Commission is empowered to adopt delegated acts in accordance with Article 31 supplementing this Regulation by specifying the elements listed in paragraph 2 of this Article to support the establishment and implementation of the contingency plans.

Chapter III

Registration and authorisation of professional operators and official supervision by the competent authorities

Article 10

Obligations for professional operators

1. Professional operators shall:

   (a) be established in the Union;

   (b) in each Member State where they have activities related to the production or marketing of FRM, be registered for those activities in accordance with Article 66 of Regulation (EU) 2016/2031 in the register referred to in Article 65 of that Regulation;

(c) be available personally, or designate another person to be available personally, to liaise with the competent authorities for facilitating the performance of official controls.

2. Professional operators shall inform the relevant competent authority if they no longer carry out the activities related to the production and marketing of FRM. In that event, the competent authority shall revoke their registration.

3. Professional operators shall ensure traceability and identification of FRM at all stages of production and marketing, inter alia by recording information on the professional operators supplying FRM and on professional operators or users to whom FRM is supplied, and by means of the information contained in the official label and the professional operator's document. The professional operator shall have a system that enables the information relevant for traceability and identification of FRM to be monitored for the purposes of their own checks and for official controls.

4. The information referred to in paragraph 3 shall be stored for at least 10 years in a manner that ensures that the information cannot be forged. That period shall begin at the end of the year in which the professional operator's document was created. The information may be stored in digitally readable form. Member States may regulate the content of the records and require only digital records.

5. The professional operators shall facilitate the access of users to the existing available information on FRM concerning its suitability for climatic and ecological conditions, based on available knowledge and data. That information shall, prior to the transfer of the FRM concerned, be provided to the potential user through websites, planters' guides or other appropriate means.

6. To the extent that it is necessary for the performance of official controls, professional operators shall, where required by the competent authorities, give staff of the competent authorities access to:

   (a) the equipment, premises and other places, including basic material, under their control;

   (b) their computerised information management systems;

   (c) the FRM under their control;

   (d) their documents and any other relevant information.

7. During official controls, professional operators shall assist, and cooperate with, the staff of the competent authorities in the accomplishment of their tasks.

8. The obligations of professional operators set out in paragraphs 6 and 7 shall also apply in cases where official controls or other official activities are performed by delegated bodies and natural persons to whom certain official control tasks or certain tasks related to other official activities have been delegated.

Article 11

Authorisation of a professional operator under official supervision by the competent authority for production and marketing of FRM

1. A competent authority may, upon application by a professional operator, authorise the professional operator to perform all or certain activities required for the production and marketing of FRM under the official supervision of that competent authority and to issue an official label for that FRM.

In order to be eligible for such authorisations, and depending on the activities to be authorised, the professional operator shall:

(a) possess the necessary knowledge for complying with the requirements set out in Article 5;

(b) be qualified, or employ qualified personnel, to carry out one or more of the following activities to ensure compliance with the requirements set out in Article 5:

(i) inspections;

(ii) sampling;

(iii) testing;

(c) have identified, and have the capability to monitor, the critical points of the production process which may influence the quality and identity of the FRM, and keep records of the results of that monitoring; and

(d) have in place systems to ensure the fulfilment of the requirements concerning lots pursuant to Article 19 and the issuance of the official label pursuant to Article 20.

2. The Commission is empowered to adopt delegated acts in accordance with Article 31 supplementing paragraph 1 of this Article by laying down one or both of the following elements:

(a) the procedure for applications for authorisation to be submitted by the professional operator;

(b) specific actions to be taken by the competent authority in order to confirm compliance with paragraph 1, points (a) to (d), of this Article.

Article 12

Withdrawal or modification of the authorisation of a professional operator

1. Where a professional operator that has been granted an authorisation pursuant to Article 11 no longer fulfils the requirements set out in Article 10(1), point (c), Article 10(5) and Article 11(1), the competent authority shall request the professional operator to take corrective actions within a specified period.

2. The competent authority shall, without delay, withdraw or modify, as appropriate, the authorisation if the authorised professional operator does not take the corrective actions referred to in paragraph 1 within the specified period.

3. If the competent authority concludes that the professional operator's authorisation was obtained fraudulently, the competent authority shall impose appropriate penalties on the professional operator.

4. Where, for reasons other than business closure, the professional operator, on a temporary or permanent basis, no longer performs the activities that were the subject of the authorisation, the professional operator shall request the temporary suspension, or the withdrawal, of the authorisation in accordance with the instructions of the competent authority.

Article 13

Official supervision by the competent authorities

1. For the purposes of activities of the professional operators under official supervision of the competent authorities, the competent authorities shall conduct regular checks to ensure that the professional operators fulfil the requirements referred to in Article 11(1).

2. The checks referred to in paragraph 1 of this Article shall consist of official inspections and of sampling and testing of the FRM in order to confirm its compliance with the requirements set out in Article 5, as necessary.

   The frequency of those checks shall be determined on the basis of an assessment of the potential risk of non-compliance of the FRM with those requirements.

3. The checks referred to in paragraph 1 may include the introduction of reference systems for the genetic verification of the identity of FRM, such as biochemical and molecular techniques.

Chapter IV
Registration of basic material and demarcation of regions of provenance

Article 14

Demarcation of regions of provenance for certain categories

1. Member States shall, for the relevant species of basic material intended for the production of FRM of the ‘source-identified’ and ‘selected’ categories, demarcate the regions of provenance.

2. The competent authorities shall draw up and publish on their website maps showing the demarcations of the regions of provenance. They shall make those maps available to the Commission and to the competent authorities of other Member States through FOREMATIS.

Article 15

National register of basic material

1. Each Member State shall establish, publish in electronic format and keep up to date a national register of basic material of the various species approved on its territory pursuant to Articles 4, 6 and 22.

It shall make that register available in electronic format to the Commission and the other Member States through, and in the format used by, FOREMATIS.

2. Member States shall use the format used by FOREMATIS for presenting each unit of approval in the national register.

3. The national register shall include at least the following elements:

(a) the scientific name of the genus and species and, where appropriate, the common name in an official language of the institutions of the Union;

(b) the category of FRM;

(c) the type of basic material;

(d) the register reference;

(e) the location of the basic material, meaning a short name, where appropriate, and one of the following sets of particulars:

(i) for the ‘source-identified’ category: region of provenance and the geographical position or positions, defined by latitude, longitude, and altitude or the latitudinal, longitudinal and altitudinal range;

(ii) for the ‘selected’ category: region of provenance and the geographical position or positions, defined by latitude, longitude and altitude or the latitudinal, longitudinal and altitudinal range;

(iii) for the ‘qualified’ category: the exact geographical position or positions, defined by latitude, longitude and altitude or the latitudinal, longitudinal and altitudinal range, where the basic material is maintained;

(iv) for the ‘tested’ category, the exact geographical position or positions, defined by latitude, longitude and altitude or the latitudinal, longitudinal and altitudinal range, where the basic material is maintained;

(f) the size of each seed source, stand or seed orchard, indicated in hectares or number of trees;

(g) origin:

(i) indication of whether the basic material is indigenous, non-indigenous or of unknown origin and, if it is indigenous, whether it is autochthonous or non-autochthonous;

(ii) information about the origin, if it is known;

(iii) in the case of a seed orchard, the region or regions of provenance or other relevant geographic information where its components were originally located, if known;

(h) one or more purposes of use of FRM as referred to in Article 3, point (1);

(i) other information relevant for the basic material;

(j) in the case of FRM of the 'tested' category, an indication of whether:

(i) it is authorised for cultivation as a genetically modified organism in the Union pursuant to Article 19 of Directive 2001/18/EC or Articles 7 and 19 of Regulation (EC) No 1829/2003, and that cultivation is not excluded in the Member State concerned in accordance with Article 26b of Directive 2001/18/EC;

(ii) it contains or consists of a category 1 NGT plant as defined in Article 3, point (13), of Regulation (EU) 2026/…[+];

(iii) it contains or consists of a category 2 NGT plant as defined in Article 3, point (14), of Regulation (EU) 2026/…[+];

[+] PO: please insert the number of Regulation on plants obtained by certain new genomic techniques and their food and feed, as in recital (35).

(k) in the case of FRM of ‘qualified’ and ‘tested’ categories, information about the place of production of the offspring of parents of a family, clones or clonal mixtures, which means the place or exact geographical position where the FRM was produced;

(l) where a database of the competent authority is publicly accessible, a link to that database including the master certificates and codes corresponding to the respective units of approval or a link to the platform referred to in Article 18(9), point (b);

(m) information as regards the selection criteria that were applied for the approval of basic material in accordance with Annexes II to V, as applicable, as well as documentation or evidence used to determine the origin of the basic material concerned.

The location of basic material referred to in point (e) of the first subparagraph shall be indicated using the uniform coordinate system specified by FOREMATIS.

For the purposes of point (g)(iii) of the first subparagraph, for seed orchards representing a more advanced stage of breeding, information from breeding records may be used instead of the information about origin and region or regions of provenance.

4. By way of derogation from Article 4, the competent authorities shall immediately register in their national registers referred to in paragraph 1 of this Article the basic material included, before … [five years from the date of entry into force of this Regulation], in their national registers referred to in Article 10(1) of Directive 1999/105/EC, without applying the registration procedure set out in paragraph 2 of that Article.

Article 16

Union list of approved basic material

On the basis of the national registers established by each Member State in accordance with Article 15, the Commission shall publish a list entitled ‘Union List of Approved Basic Material for the Production of Forest Reproductive Material’.

That list shall be made available in electronic format through FOREMATIS.

Chapter V

Master certificate, labelling and packaging

Article 17

Harvest and collection from basic material

1. Within a reasonable period prior to harvesting, the professional operator shall notify the competent authority of its intention to harvest FRM in order to allow the competent authority to organise official controls.

2. Where FRM from the tree species listed in Annex I and their hybrids is harvested for purposes other than marketing as FRM within the Union, the professional operator shall indicate that this is the case in the notification referred to in paragraph 1 of this Article.

3. During the collection and processing of FRM before marketing or direct use, the harvested FRM shall bear a provisional label issued by the professional operator containing a unique reference to the basic material, the collection date, the name of the professional operator, and the harvested quantity. That label shall be replaced by the official label once the relevant requirements are fulfilled.

4. The competent authority may define the technical conditions to be considered during harvesting and collection.

5. The professional operator responsible for the harvesting of FRM shall ensure that the harvesting does not compromise the regeneration of approved basic material for the purpose of conservation of forest genetic resources.

6. The professional operator responsible for the harvesting, extraction, cleaning and packaging of FRM shall, in accordance with the applicable international standards, ensure that the seed unit lots and parts of plants lots are sufficiently homogeneous prior to marketing or use.

7. For a period of at least 10 years, professional operators shall keep and, upon request, provide to the competent authority records containing details of all consignments that have been detained and marketed.

Article 18

Master certificate

1. The master certificate of identity (‘master certificate’) shall attest that the FRM fulfils one of the following conditions:

   (a) it derives from a single unit of approved basic material in accordance with Article 4(2), seventh subparagraph;

   (b) it derives from a subsequent vegetative propagation in accordance with Article 19(2);

   (c) it derives from a mixture of seed lots or parts of plants lots in accordance with Article 19(3);

(d) it is imported and its official certificate is replaced in accordance with Article 27(3), point (a).

2. The competent authorities shall issue the master certificate for the FRM, bearing a unique code, upon application of a professional operator, as soon as possible after the harvesting of the FRM or the extraction of the seeds, depending on the circumstances and on the nature of the FRM, or after importing the FRM, and indicating the unique register reference of basic material.

3. The Commission shall adopt implementing acts setting out the content of and the models for the master certificate, and in particular for:

(a) the model master certificate for FRM that is derived from seed sources and stands;

(b) the model master certificate for FRM that is derived from seed orchards or parents of a family; and

(c) the model master certificate for FRM that is derived from clones and clonal mixtures.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

4. Where, in accordance with Article 19(2), a professional operator conducts subsequent vegetative propagation of FRM, that professional operator shall notify the competent authority thereof and a new master certificate shall be issued pursuant to paragraph 2 of this Article.

5. Where mixing takes place in accordance with Article 19(3), Member States shall ensure that the register references of the components of the mixtures are identifiable, and a new master certificate shall be issued pursuant to paragraph 2 of this Article. The professional operator shall notify the competent authority of its intention to mix within a reasonable period prior to carrying it out. The competent authority may decide to supervise the mixing process.

6. Where a lot referred to in Article 19(1) is subdivided into smaller lots that are not processed uniformly and subjected to subsequent vegetative propagation, a new master certificate shall be issued pursuant to paragraph 2 of this Article and a reference shall be made to the previous master certificate code.

7. Upon request from the professional operator, the competent authorities shall issue a master certificate pursuant to paragraph 2 to replace a master certificate issued pursuant to Directive 1999/105/EC. In that case, the master certificate shall bear the statement: ‘The basic material complies with the requirements of Directive 1999/105/EC.’.

8. A master certificate may be issued in an electronic form (‘electronic master certificate’).

The Commission may adopt implementing acts setting out technical arrangements for the issuance of electronic master certificates and for the use of electronic signatures, for ensuring the compliance of electronic master certificates with this Article and an appropriate, credible and effective mode for their issuance. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

9. The Commission is empowered to adopt delegated acts in accordance with Article 31 supplementing this Article by setting out rules on:

(a) digital recording of the main actions concerning the verification of the requirements for the approval of the basic material which lead to the issuance of the master certificate;

(b) the establishment of a centralised platform that connects all the Member States and the Commission to facilitate the processing of, access to, and use of master certificates.

10. Each Member State shall establish and keep up to date a national list of issued master certificates and, upon request, make that list available to the Commission and the other Member States.

11. The Commission may adopt implementing acts laying down rules concerning:

(a) the procedures and technical arrangements to ensure the issuance of accurate and reliable master certificates, and prevent risk of fraud;

(b) the procedures to be followed in the case of withdrawals of master certificates and for the issuance of replacement master certificates;

(c) rules for the production of certified copies of master certificates.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

Article 19

Lots

1. FRM shall, during all stages of production and marketing, be kept separated in lots, with reference to individual units of approval, and to the master certificate once it has been issued.

Each lot of FRM shall be identified by the following:

(a) a lot code; during the harvest, the lot code may serve as the master certificate code while the master certificate is awaiting issuance by the competent authority;

(b) the purpose or purposes as referred to in Article 3, point (1);

(c) the master certificate code, upon issuance of the master certificate;

(d) the scientific name of the genus and species, and where appropriate, the common name in an official language of the institutions of the Union;

(e) the category of FRM;

(f) the type of basic material;

(g) the register reference;

(h) the region of provenance for FRM of the ‘source-identified’ and ‘selected’ categories or other FRM, where applicable;

(i) the origin, where applicable, and an indication of whether the basic material is indigenous, non-indigenous or of unknown origin and, if it is indigenous, whether it is autochthonous or non-autochthonous;

(j) in the case of seed units, the year of ripening;

(k) the age and type of planting stock of seedlings or cuttings, whether undercuts, transplants or containerised;

(l) for the ‘tested’ category, an indication of whether the FRM:

(i) is authorised for cultivation as a genetically modified organism in the Union pursuant to Article 19 of Directive 2001/18/EC or Articles 7 and 19 of Regulation (EC) No 1829/2003, and that cultivation is not excluded in the Member State concerned in accordance with Article 26b of Directive 2001/18/EC;

(ii) contains or consists of a category 1 NGT plant as defined in Article 3, point (13), of Regulation (EU) 2026/…[+];

(iii) contains or consists of a category 2 NGT plant as defined in Article 3, point (14), of Regulation (EU) 2026/…[+].

2. Without prejudice to paragraph 1, professional operators shall keep separately any FRM which is subject to subsequent vegetative propagation and shall identify it as such. In such cases, the FRM produced from that subsequent vegetative propagation shall be placed in the same category as the original FRM.

[+] PO: please insert the number of Regulation on plants obtained by certain new genomic techniques and their food and feed, as in recital (35).

3. Without prejudice to paragraph 1, mixing seed lots or parts of plants lots shall be subject to one or more of the following conditions, as applicable:

(a) within the ‘source-identified’ or ‘selected’ categories, mixing shall apply to seed lots derived from two or more units of approval within a single region of provenance;

(b) mixing shall take place only within the same species, region of provenance and category;

(c) in the case of mixing of seed lots from seed sources and stands in the ‘source-identified’ category, the new combined lot shall be certified as ‘seed lots derived from a seed source’;

(d) in the case of mixing of seed lots derived from non-indigenous basic material with seed lots from basic material of unknown origin, the new combined lot shall be certified as being ‘of unknown origin’;

(e) in the case of mixing of seed lots derived from a single unit of approval from the same year or different years of ripening, the actual years of ripening and the proportion of seeds from each year shall be recorded;

(f) in the case of mixing of parts of plants lots derived from a single unit of approval from one or different years of collection, the actual years of collection and the proportion of parts of plants from each year shall be recorded.

In the case of mixing referred to in the first subparagraph, point (a), (c) or (d), the identity code for the region of provenance may be used instead of the register reference referred to in paragraph 1, point (g). The resulting lot shall be mixed in such a way that it is homogeneous.

Article 20

Official label and professional operator's document

1. An official label shall be issued and printed for each lot of FRM for marketing, with reference to the master certificate code and to the lot code, by:

(a) the competent authority; or

(b) the authorised professional operator or a person contracted by that professional operator under the official supervision of the competent authority.

That official label shall attest compliance with the requirements of Articles 5 and 19 and, as applicable, of Article 8.

An official label does not need to be issued and printed in the case of a lot of FRM held and offered for the purpose of sale. However, in that case a reference to the master certificate code and to the lot code shall be provided.

2. The official label shall ensure unique identification and traceability of the lot by accompanying that lot during marketing as referred to in paragraph 1.

3. When delivering lots of FRM to another user, the professional operator, in addition to the official label, shall issue and print a professional operator's document for each delivered lot which may be combined with a delivery note or an invoice.

4. Official labels shall be:

   (a) authentic and accurate;

   (b) drawn up in one or more of the official languages of the institutions of the Union and, where relevant, in one of the official languages of the Member State of destination.

5. The official label shall contain all elements listed in Article 19(1), points (a) to (e), (g) and (l), as well as:

   (a) the registration code of the supplying professional operator issuing the official label or to whom the official label has been issued by the competent authority; and

(b) in the case of FRM of the ‘tested’ category whose basic material is approved under Article 23, the words ‘provisionally approved’.

The official label may contain a non-official part that includes one or more elements of the professional operator’s document referred to in paragraph 7 of this Article.

The official label may further include a digital element, such as a QR code, containing any of the elements referred to in this paragraph.

6. The official label shall be attached to the outside of the packages, bundles, nets, containers or individual plants. Where the official label is combined with a plant passport, Article 88 of Regulation (EU) 2016/2031 shall apply.

7. The professional operator’s document shall contain:

(a) all elements referred to in paragraph 5, first subparagraph;

(b) all elements referred to in Article 19(1) not mentioned in paragraph 5 of this Article;

(c) the name and the address of the professional operator;

(d) the quantity of FRM supplied;

(e) where applicable, the Member State or Member States of production of the FRM concerned;

(f) where applicable, the third country of origin of the FRM concerned;

(g) the name and address of the recipient of the FRM concerned;

(h) the date of issue of the professional operator's document;

(i) the code of the professional operator's document;

(j) an indication of whether the FRM has been vegetatively propagated; and

(k) the additional information in the case of seed lots set out in Article 5(3); however, in the case of small quantities of seed, as referred to in Article 5(3), the information referred to in points (b) and (d) of that paragraph shall not be required to be indicated in the professional operator's document.

8. In addition to the elements listed in paragraph 7, the professional operator's document may include:

(a) an indication of whether FRM is derived from autochthonous or non-autochthonous basic material, if so registered pursuant to Article 15(3), point (g);

(b) any additional information that the professional operator considers appropriate for the marketing of the FRM concerned.

9. The Commission may adopt implementing acts setting out the format, size, shape and colour of the official label and of the professional operator's document for all or specific categories or other types of FRM.

Those implementing acts shall specify the following elements:

(a) an indication of the content;

(b) the colour of the label for specific categories or other types of FRM;

(c) additional information in the case of seeds and small quantities of seeds;

(d) additional information in the case of specific genera or species.

When specifying the colour of the label pursuant to the second subparagraph, point (b), of this paragraph, the Commission shall take into account the OECD Forest Seed and Plant Scheme and other applicable international standards.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

Member States may decide not to apply the implementing acts adopted pursuant to this paragraph with respect to the use of the colour for the official label and the professional operator's document, as referred to in the second subparagraph, point (b), of this paragraph.

10. An official label or professional operator's document may be issued in an electronic form ('electronic official label' or 'electronic professional operator's document'). In such case, a printed reference, such as a QR code, shall accompany the FRM concerned.

The Commission may adopt implementing acts setting out technical arrangements for the issuance of electronic official labels or electronic professional operator's documents in order to ensure their compliance with this Article and an appropriate, credible and effective mode for their issuance. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

11. The Commission is empowered to adopt delegated acts in accordance with Article 31 supplementing this Article by setting out rules on:

(a) the digital recording of the main actions for the production and marketing of FRM taken by the professional operators and the competent authorities which lead to the issuance of the official labels and the professional operator's documents;

(b) the establishment of a centralised platform that connects the Member States and the Commission to facilitate the processing of, access to, and use of those records.

Article 21

Packaging of seed units

Seed units shall be marketed only in closed packages, including nets or other containers, which are sealed. Those packages shall be sealed in such a way that any opening of them is visible and traceable.

Sealing shall not be required in the case of recalcitrant seeds.

Chapter VI
Derogations from Article 4

Article 22

Approval by professional operators of basic material intended for the production of FRM of the 'source–identified' category

1. By way of derogation from Article 4(1), competent authorities may, upon approval by the Commission, authorise professional operators to approve basic material intended for the production of FRM of the 'source-identified' category for specific species, if the following conditions are fulfilled:

   (a) the region of provenance, where the basic material is located, is subject to extreme weather and climatic conditions;

(b) those extreme weather and climatic conditions have an impact on the reproductive cycle of the basic material and decrease the frequency of mast years, reducing the frequent availability of high-quality FRM;

(c) the place of harvesting is remote and highly difficult for the competent authorities to access during the time of harvesting of FRM.

2. The Commission shall adopt an implementing act granting the approval for each Member State for a defined period. The approval shall be granted at the request of the Member State concerned.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 32(2).

Article 23

Provisional approval of basic material intended for the production of FRM of the 'tested' category

1. By way of derogation from Article 4(2), Member States may approve, for a maximum period of 10 years, basic material intended for the production of FRM of the 'tested' category where the provisional results of the genetic evaluation or comparative tests referred to in Annex V support the assumption that, once the tests are completed, the basic material will satisfy the requirements for approval under this Regulation.

2. The Commission may adopt an implementing act specifying the maximum number of units of approval and the maximum area size that can be subject to such approval.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 32(2).

Article 24

Temporary experiments to seek better alternatives to certain aspects of this Regulation

1. By way of derogation from Articles 4 and 5, the Commission may adopt implementing acts laying down detailed arrangements for the organisation of temporary experiments seeking better alternatives to certain aspects of this Regulation concerning the tree species listed in Annex I and their hybrids, the requirements for the approval of basic material and the production and marketing of FRM.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

Such experiments shall only be carried out if at least two Member States participate, upon their request.

Such experiments may take the form of technical or scientific trials examining the feasibility and appropriateness of new requirements compared to those set out in Articles 4 and 5.

2. The implementing acts referred to in paragraph 1 shall specify one or more of the following elements:

(a) the tree species concerned and, if appropriate, the provenance;

(b) the conditions of the experiments per tree species or hybrid;

(c) the duration of the experiment;

(d) the monitoring and reporting obligations of the participating Member States.

3. The implementing acts referred to in paragraph 1 shall take into account the evolution of:

(a) the methods for the determination of the origin of the basic material, including the use of biochemical and molecular techniques;

(b) the methods for the conservation and sustainable use of forest genetic resources, taking into account applicable international standards;

(c) the methods for production and reproduction, including the use of innovative production processes;

(d) the methods for the design of crossing schemes of components of the basic material;

(e) the methods for the assessment of characteristics of the basic material and FRM;

(f) the methods for the control of the FRM concerned.

The implementing acts referred to in paragraph 1 shall adapt to the evolution of techniques for production of the FRM concerned, and be based on any comparative trials and tests carried out by the Member States.

4. The Commission shall review the results of the experiments conducted pursuant to this Article and shall summarise them in a report, indicating, where necessary, the need to amend Article 1, 4 or 5.

Article 25

Authorisation to adopt more stringent or additional requirements

1. By way of derogation from Article 4, the Commission may adopt an implementing act authorising a Member State at its request to:

(a) adopt, as regards the requirements for the approval of basic material and the production of FRM, more stringent production requirements than those referred to in Article 4 or additional production requirements, in all or part of the territory of the Member State concerned, provided that those requirements do not impose, or result in, any prohibitions or restrictions on the introduction into, or movement within and through, the Union territory of FRM which complies with this Regulation;

(b) restrict, in its territory, the approval of basic material intended for the production of FRM of the ‘source-identified’ category;

(c) prohibit the marketing to the end user with a view to sowing or planting in all or part of its territory of specified FRM where that FRM is not suitable for the forestry ecological conditions of the Member State concerned and for the relevant purposes.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

2. The Member State’s request referred to in paragraph 1 shall include:

(a) the draft provisions containing the proposed requirements; and

(b) a justification of the necessity and proportionality of those requirements.

3. The authorisation referred to in paragraph 1 shall be granted only if all the following conditions are fulfilled:

(a) the measures requested ensure at least one of the following:

(i) the improvement of the quality of the FRM concerned;

(ii) the protection of the environment such as adaptation to climate change, enhancement of biodiversity, or restoration of forest ecosystems and supporting their functioning;

(b) the measures requested are necessary and proportionate to their objective pursuant to point (a); and

(c) the measures are justified on the basis of the specific climatic and ecological conditions in the Member State concerned.

4. Member States that have adopted additional or more stringent requirements pursuant to Article 7 of Directive 1999/105/EC shall, by … [six years from the date of entry into force of this Regulation], ensure that those measures comply with this Regulation. They shall inform the Commission and the other Member States of the actions taken to ensure that compliance.

Chapter VII
Imports of FRM

Article 26

Imports on the basis of Union equivalence

1. FRM shall be imported from third countries into the Union only if it is established, pursuant to paragraph 2, that it fulfils requirements equivalent to those applicable to FRM produced and marketed in the Union.

2. The Commission may adopt implementing acts to decide that FRM of specific genera, species, categories and, where appropriate, derived from specific types of basic material or a specific region of provenance, produced in a third country, fulfils requirements equivalent to those applicable to FRM produced and marketed in the Union.

The Commission shall only adopt those implementing acts on the basis of the following:

(a) a thorough examination of the information and data provided by the third country concerned;

(b) the satisfactory result of an audit carried out by the Commission in the third country concerned, where that audit was considered necessary by the Commission;

(c) whether that third country participates in the OECD Forest Seed and Plant Scheme.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2) and shall set out appropriate import conditions.

3. When adopting the implementing acts referred to in paragraph 2 of this Article, the Commission shall consider whether the systems for approval and registration of basic material and subsequent production and marketing of FRM from that basic material applied in the third country concerned provide the same guarantees as those provided for in Articles 4 and 5 and, where applicable, Article 14 for the ‘source identified’, ‘selected’, ‘qualified’ and ‘tested’ categories.

4. By way of derogation from paragraphs 1 and 2, at the request of at least one Member State, the Commission may adopt an implementing act to temporarily allow the import of FRM of certain species from a third country not fulfilling the requirements of those paragraphs if:

(a) there is a shortage of FRM of the species concerned in one or more Member States, such as a shortage caused by extreme weather events, wildfires, diseases, pest outbreaks, disasters or any other adverse events, and that shortage cannot be addressed by the other Member States or third countries for which equivalence has been granted in accordance with paragraph 2; and

(b) the Member State or States concerned have submitted evidence of the existence and causes of that shortage of FRM.

Those implementing acts shall set out the import conditions.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

Article 27

Notification and certificates of FRM imported from third countries

1. A professional operator importing FRM into the Union shall inform the relevant competent authority in advance of the import through the information management system for official controls (IMSOC) referred to in Article 131 of Regulation (EU) 2017/625.

2. Imported FRM shall be accompanied by:

   (a) an OECD certificate or an equivalent official certificate issued by the third country of origin;

   (b) an OECD label or an equivalent official label; and

   (c) records containing details of that FRM provided by the professional operator in that third country.

3. Following an import of FRM into the Union, the competent authority of the Member State concerned shall:

   (a) replace the OECD certificate or the equivalent official certificate referred to in paragraph 2, point (a), with a new master certificate issued in that Member State; and

(b) replace the OECD label or the equivalent official label referred to in paragraph 2, point (b), with a new official label, or attach a new official label to that OECD label or the equivalent official label; the new official label shall be accompanied by a professional operator's document.

4. The new master certificate and the new official label referred to in paragraph 3, points (a) and (b), respectively, shall contain a reference to the corresponding original documents.

Chapter VIII
Official controls

Article 28

Official controls on FRM

1. Member States shall designate their competent authority or authorities and confer on them the responsibility to organise or perform official controls and other official activities. Those competent authorities may be the same authorities as those designated in accordance with Article 4 of Regulation (EU) 2017/625.

2. The competent authorities shall have arrangements in place to ensure:

(a) the effectiveness and appropriateness of official controls and other official activities;

(b) the impartiality, quality and consistency of official controls and other official activities;

(c) that staff performing official controls and other official activities have no conflicts of interest;

(d) that staff performing official controls and other official activities are suitably qualified, experienced and trained for the performance of their duties; and

(e) that appropriate facilities and equipment are at the disposal of the staff for the performance of official controls and other official activities.

For the purposes of the first subparagraph, point (c), commercial activities related to FRM which are carried out by the staff of the competent authorities on behalf of their Member State shall not represent any conflict of interest.

3. Competent authorities shall have the legal powers to perform official controls and other official activities and the legal procedures in place to ensure that staff have access to the premises of, and documents kept by, professional operators.

4. Competent authorities shall perform official controls on all professional operators on a risk-based basis and with appropriate frequency, taking into account:

(a) identified risks of non-compliance with this Regulation and the evolution of those risks;

(b) the activities under the control of professional operators; and

(c) any information indicating the likelihood that buyers of FRM might be misled, in particular as to the nature, identity, properties, composition, quantity, country of origin, or provenance of FRM.

5. Member States may collect fees or charges to cover the costs of official controls and other official activities.

6. Member States shall ensure that adequate financial resources are available to provide the staff and other resources necessary for the competent authorities to perform official controls and other official activities. This also applies in the case of delegation of certain official control tasks and certain tasks related to other official activities.

7. Competent authorities may delegate certain official control tasks to delegated bodies or natural persons pursuant to Article 28(1) and Articles 29 to 31, except Article 29, point (b)(iv), of Regulation (EU) 2017/625. Competent authorities that have delegated certain official control tasks or certain tasks related to other official activities to delegated bodies or natural persons shall organise audits or inspections of those bodies or persons as necessary to ensure the appropriate performance of those tasks. Competent authorities shall avoid duplication of audits and inspections, taking into account any accreditation of the delegated bodies in accordance with standards relevant to the delegated tasks.

8. Member States shall ensure that the Commission is informed of the contact details and of any changes regarding the competent authorities designated in accordance with paragraph 1. That information shall also be made available by Member States to the public, including on the internet.

9. The Commission may adopt implementing acts laying down rules on uniform practical arrangements for the performance of the official controls to verify compliance with the rules on FRM regarding:

   (a) specification of the arrangements referred to in paragraph 2;

   (b) specific reporting obligations of the delegated bodies and natural persons referred to in paragraph 7.

   Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

10. Any decision taken by the competent authority pursuant to Article 66(3) and (6), Article 137(3) or Article 138(1) and (2) of Regulation (EU) 2017/625 concerning natural or legal persons shall be subject to such persons' right of appeal in accordance with national law.

11. Methods used for sampling and laboratory analyses, tests and diagnoses for the purpose of determining the information as referred to in Article 5(3) shall comply with the International Seed Testing Association's rules, or other comparable international standards, establishing those methods or the performance criteria for those methods.

Article 29

Transparency of official controls

Competent authorities shall perform official controls with a high level of transparency. They shall make available to the public, including through publication on the internet, relevant information concerning the organisation and the performance of official controls.

Article 30

Commission controls in Member States

Commission experts may perform controls, including audits, in each Member State to verify the application of the rules and the functioning of national control systems covered by this Regulation.

Such controls shall be organised in cooperation with the competent authorities of the Member States. They shall be performed on a risk-based basis and may include on-the-spot verifications.

Member States shall take appropriate follow-up measures to remedy any specific or systemic shortcomings identified through the controls under this Article.

Chapter IX

Procedural provisions

Article 31

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 2(3), Article 4(3), Article 5(7), Article 8, Article 9(5), Article 11(2), Article 18(9) and Article 20(11) shall be conferred on the Commission for a period of five years from … [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 2(3), Article 4(3), Article 5(7), Article 8, Article 9(5), Article 11(2), Article 18(9) and Article 20(11) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 2(3), Article 4(3), Article 5(7), Article 8, Article 9(5), Article 11(2), Article 18(9) or Article 20(11) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 32

Committee procedure

1. The Commission shall be assisted by the Standing Committee on Plants, Animals, Food and Feed established by Article 58(1) of Regulation (EC) No 178/2002 of the European Parliament and of the Council[24]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

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[24] Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1, ELI: http://data.europa.eu/eli/reg/2002/178/oj).

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so requests.

Chapter X
Reporting, penalties and amendments of Regulations (EU) 2016/2031 and (EU) 2017/625

Article 33

Reporting

1. By … [10 years from the date of entry into force of this Regulation], and every five years thereafter, Member States shall transmit to the Commission a report concerning:

(a) the quantities of certified FRM by category per year;

(b) the number of adopted national contingency plans referred to in Article 9;

(c) information about the available and relevant websites and planters' guides providing advice on the best use of FRM;

(d) the quantities of FRM per genus and species imported from third countries as referred to in Article 26;

(e) the penalties imposed pursuant to Article 34; and

(f) the number of registered professional operators.

2. The Commission shall adopt implementing acts specifying the technical format, including as regards digital submission and processing, for the report provided for in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 32(2).

Article 34

Penalties

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and measures and shall notify it, without delay, of any subsequent amendment affecting them.

2. Member States shall ensure that financial penalties applicable to infringements of this Regulation committed through fraudulent or deceptive practices reflect, in accordance with national law, at least either the economic advantage for the professional operator or, where appropriate, a percentage of the professional operator's turnover.

3. Where applicable, Member States may decide to apply rules on penalties laid down under Article 139 of Regulation (EU) 2017/625.

Article 35

Amendments of Regulation (EU) 2016/2031

Regulation (EU) 2016/2031 is amended as follows:

(1) in Article 37, paragraph 4 is replaced by the following:

‘4. The Commission shall adopt an implementing act, where appropriate, to set out measures to prevent the presence of Union regulated non-quarantine pests on the plants for planting concerned, as referred to in Article 36, point (f), of this Regulation. Those implementing acts shall, where appropriate, concern the introduction into and the movement within the Union of those plants. Those implementing acts shall be adopted in accordance with the principles set out in Section 2 of Annex II to this Regulation. Those implementing acts shall apply without prejudice to the measures adopted pursuant to Directives 66/401/EEC, 66/402/EEC, 68/193/EEC, 98/56/EC, 2002/54/EC, 2002/55/EC, 2002/56/EC, 2002/57/EC, 2008/72/EC and 2008/90/EC.’;

(2) in Article 83, the following paragraph is inserted:

‘5a. In the case of plants for planting produced or marketed as “source-identified”, “selected”, “qualified” or “tested” categories, as referred to in Regulation (EU) …/… of the European Parliament and of the Council[*+], the plant passport shall be combined, in a distinct form, with the official label produced in accordance with the relevant provisions of that Regulation.

Where this paragraph applies,

(a) the plant passport for movement within the Union territory shall contain the elements set out in Part E of Annex VII to this Regulation;

(b) the plant passport for introduction into, and movement within, a protected zone shall contain the elements set out in Part F of Annex VII to this Regulation.

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[*] Regulation (EU) …/… of the European Parliament and of the Council of … … (OJ L, …, ELI: …).’;

(3) Annex VII is amended in accordance with Annex VII to this Regulation.

[+] OJ: Please insert in the text the number of this Regulation and insert the number, date, title and OJ reference of this Regulation in the footnote.

Article 36

Amendments of Regulation (EU) 2017/625

Regulation (EU) 2017/625 is amended as follows:

(1) in Article 1, the following paragraph is inserted:

‘2a. Articles 8, 13 and 28 to 33 except Article 29, point (b)(iv) and Article 33, point (a), Articles 43 to 46, Articles 65 to 68, Article 69(1), (2) and (4), Articles 70, 71, 72, 75, 88, 89, 102 to 108 and 120, Article 130(1), (2), (3), (5) and (6) and Articles 131 to 138 shall apply, as relevant, to controls performed for the verification of compliance with requirements laid down in Regulation (EU) …/…[*+];

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[*] Regulation (EU) …/… of the European Parliament and of the Council of … … (OJ L, …, ELI: …).’;

(2) in Article 2, Article 3, point (3), Articles 31 and 44, Article 45(3), Articles 65, 66, 67, 71, 88, 102, 106, 107, 108, 120, 130, 131 and 132, Article 133(1), first subparagraph, and Article 138, the words ‘Article 1(2)’are replaced by the words ‘Article 1(2) and (2a)’.

[+] OJ: Please insert in the text the number of this Regulation and insert the number, date, title and OJ reference of this Regulation in the footnote.

Chapter XI
Final provisions

Article 37

Repeal of Directive 1999/105/EC

Directive 1999/105/EC is repealed.

References to that repealed Directive shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII to this Regulation.

Article 38

Transitional measures

1. FRM produced before … [five years from the date of entry into force of this Regulation] in accordance with Directive 1999/105/EC or national rules may continue to be marketed until stocks have been exhausted.

2. FRM marketed in accordance with paragraph 1 shall be accompanied with a label stating that it concerns ‘FRM not approved under Regulation (EU) …/…[+] on the production and marketing of forest reproductive material’.

[+] PO: please insert the number of this Regulation.

3. FRM produced before … [five years from the date of entry into force of this Regulation] in accordance with Directive 1999/105/EC may continue to be marketed on the basis of a master certificate issued pursuant to that Directive.

Article 39

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from … [five years from the date of entry into force of this Regulation].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX I

List of tree species

Abies alba Mill.
Abies cephalonica Loudon
Abies grandis (Douglas ex D.Don) Lindl.
Abies nordmanniana (Steven) Spach
Acer campestre L.
Acer monspessulanum L.
Acer opalus Mill.
Acer platanoides L.
Acer pseudoplatanus L.
Alnus cordata (Loisel.) Duby
Alnus glutinosa (L.) Gaertn.
Alnus incana (L.) Moench
Alnus lusitanica Vít *et al.*
Betula pendula Roth.
Betula pubescens Ehrh.
Carpinus betulus L.
Carpinus orientalis Mill.
Castanea sativa Mill.
Cedrus atlantica (Endl.) G. Manetti ex Carrière
Pinus cembra L.
Pinus contorta Douglas ex Loudon
Pinus halepensis Mill.
Pinus heldreichii Christ
Pinus mugo Turra
Pinus nigra J.F. Arnold
Pinus peuce Griseb.
Pinus pinaster Aiton
Pinus pinea L.
Pinus radiata D. Don
Pinus sylvestris L.
Pinus taeda L.
Pinus uncinata Mill. ex Mirb.
Populus spp.
Pyrus communis var. *pyraster* L.
Prunus avium (L.) L.
Prunus padus L.
Pseudotsuga menziesii (Mirb.) Franco
Quercus cerris L.

Cedrus libani A. Rich.
Celtis australis L.
Ceratonia siliqua L.
Chamaecyparis lawsoniana (A. Murray bis) Parl.
Corylus colurna L.
Cupressus sempervirens L.
Fagus orientalis Lipsky
Fagus sylvatica L.
Fraxinus angustifolia Vahl
Fraxinus ornus L.
Fraxinus excelsior L.
Juglans spp.
Larix decidua Mill.
Larix kaempferi (Lamb.) Carrière
Larix sibirica Ledeb.
Malus sylvestris (L.) Mill.
Olea europaea L.
Ostrya carpinifolia Scop.
Picea abies Karst.
Picea sitchensis (Bong.) Carrière
Pinus brutia Ten.
Quercus frainetto Ten.
Quercus ilex L.
Quercus petraea (Matt.) Liebl.
Quercus pubescens Willd.
Quercus robur L.
Quercus rubra L.
Quercus suber L.
Robinia pseudoacacia L.
Salix alba L.
Sorbus aria (L.) Crantz
Sorbus aucuparia L.
Sorbus domestica L.
Sorbus torminalis (L.) Crantz
Taxus baccata L.
Thuja plicata Donn ex D.Don.
Tilia cordata Mill.
Tilia platyphyllos Scop.
Tilia tomentosa Moench
Ulmus glabra Huds.
Ulmus laevis Pall.
Ulmus minor Mill.

ANNEX II

Requirements for the approval of basic material
intended for the production of FRM in the ‘source-identified’ category

A. General requirements

1. Assessment of basic material

The competent authority shall assess the seed source or stand with respect to the purposes for which the FRM is intended to be used, as referred to in Article 3, point (1), and determine the criteria for selection on the basis of those purposes. Those purposes shall be indicated in the national register of the Member State concerned. Little or no phenotypic selection of the basic material intended for the production of FRM of this category is required.

2. Origin

It shall be determined either by historical evidence (e.g. bibliography, or documentation kept by competent authorities, research institutes or any other organisations) or by other appropriate means (e.g. provenance trials), including internationally recognised biochemical and molecular techniques, whether the seed source or stand is indigenous or non-indigenous or whether its origin is unknown and, if it is indigenous, whether it is autochthonous or non-autochthonous. For non-indigenous basic material, the origin shall be stated if known.

3. Type of basic material and location

The basic material shall be a seed source or stand located within a single region of provenance.

B. Specific requirements

1. Number of harvestable and sexually mature trees

Seed sources or stands shall, if possible, consist of one or more groups of sexually mature trees. Those trees shall, if possible, be well distributed and sufficiently numerous in a given area to maintain genetic diversity, according to the available scientific knowledge, to avoid the unfavourable effects of inbreeding and ensure adequate cross-pollination between those trees. FRM shall be collected from an optimal number of individuals of the approved basic material, taking into account natural conditions.

2. Uniformity

Stands shall, if possible, show a normal degree of individual variation in morphological characteristics. When necessary, inferior trees shall be removed. Those requirements shall not apply to seed sources.

3. Sustainability characteristics

Seed sources or stands shall, if possible, be well adapted to the climatic and ecological conditions, including the biotic and abiotic factors prevailing in the region of provenance. The trees shall, if possible, show resistance or tolerance to pests and the adverse climatic and site conditions in the place where they are growing.

4. Other specific requirements for certain traits and other forest products

Competent authorities shall assess the seed source or stand with respect to certain traits or the production of certain forest products and, where appropriate, adopt other specific requirements for those traits or products. Where such requirements apply, they shall be indicated in accordance with Article 15(3), point (m).

ANNEX III

Requirements for the approval of basic material
intended for the production of FRM in the ‘selected’ category

A. General requirements

1. Assessment of basic material

The competent authority shall assess the stand with respect to the purposes for which the FRM is intended to be used, as referred to in Article 3, point (1), and determine the criteria for selection on the basis of those purposes. Those purposes shall be indicated in the national register of the Member State concerned.

2. Origin

It shall be determined either by historical evidence (e.g. bibliography, or documentation kept by competent authorities, research institutes or any other organisations) or by other appropriate means (e.g. provenance trials), including internationally recognised biochemical and molecular techniques, whether the stand is indigenous or non-indigenous or whether its origin is unknown and, if it is indigenous, whether it is autochthonous or non-autochthonous. For non-indigenous basic material, the origin shall be stated if known.

3. Age and development

The age or stage of development of the trees in the stand shall be such as to allow the criteria given for the selection of those trees to be clearly judged.

4. Type of basic material and location

The basic material shall be a stand located within a single region of provenance.

B. Specific requirements

1. Isolation

(a) Purposes ‘multifunctional forestry’, ‘production of wood, biomaterials, biomass or other forest products’: Stands shall be situated, if possible, at a sufficient distance from stands of poor quality of the same species or from stands of a related species which can form hybrids with the species in question. Particular attention shall be paid to this requirement when stands surrounding autochthonous/indigenous stands are non-autochthonous/non-indigenous or of unknown origin.

(b) Purpose ‘conservation of forest genetic resources’: Stands shall be situated, if possible, at a sufficient distance from stands of the same species or from stands of a related species which can form hybrids with the species in question. Particular attention shall be paid to this requirement when stands surrounding autochthonous/indigenous stands are non-autochthonous/non-indigenous or of unknown origin.

2. Number of harvestable and sexually mature trees

(a) Purposes ‘multifunctional forestry’, ‘production of wood, biomaterials, biomass or other forest products’: Stands shall consist of one or more groups of sexually mature trees. Those trees shall be well distributed and sufficiently numerous in a given area to maintain genetic diversity, to avoid the unfavourable effects of inbreeding and to ensure adequate cross-pollination between those trees.

(b) Purpose ‘conservation of forest genetic resources’: Stands shall, if possible, consist of one or more groups of sexually mature trees. Those trees shall, if possible, be well distributed and sufficiently numerous in a given area to maintain genetic diversity, according to the available scientific knowledge, to avoid the unfavourable effects of inbreeding and to ensure adequate cross-pollination between those trees. FRM shall be collected from an optimal number of individuals of the approved basic material, taking into account natural conditions.

3. Uniformity

(a) Purposes ‘multifunctional forestry’, ‘production of wood, biomaterials, biomass or other forest products’: Stands shall show a normal degree of individual variation in morphological characteristics. This requirement does not apply to biomass production. Where necessary, inferior trees shall be removed.

(b) Purpose ‘conservation of forest genetic resources’: Stands shall, if possible, show a normal degree of individual variation in morphological characteristics. Where necessary, inferior trees shall be removed.

4. Sustainability characteristics

(a) Purposes ‘multifunctional forestry’, ‘production of wood biomaterials, biomass or other forest products’: Stands shall be well adapted to the climatic and ecological conditions, including the biotic and abiotic factors prevailing in the region of provenance. The trees shall show resistance or tolerance to pests and the adverse climatic and site conditions in the place where they are growing.

(b) Purpose ‘conservation of forest genetic resources’: Stands shall, if possible, be well adapted to the climatic and ecological conditions, including the biotic and abiotic factors prevailing in the region of provenance. The trees shall, if possible, show resistance or tolerance to pests and the adverse climatic and site conditions in the place where they are growing.

5. Volume production

(a) Purposes ‘multifunctional forestry’, ‘production of wood, biomaterials, biomass or other forest products’: The volume of production shall normally be superior to the accepted average volume produced under similar ecological and management conditions.

(b) Purpose ‘conservation of forest genetic resources’: No volume production requirements apply.

6. Wood quality

(a) Purposes ‘multifunctional forestry’, ‘production of wood, biomaterials, biomass or other forest products’: The wood quality shall normally be superior to the accepted average quality under similar ecological and management conditions. This requirement does not apply to the production of biomaterials, biomass or other forest products.

(b) Purpose ‘conservation of forest genetic resources’: No wood quality requirements apply.

7. Form or growth habit

(a) Purposes ‘multifunctional forestry’, ‘production of wood, biomaterials, biomass or other forest products’: Trees shall show particularly good morphological features, especially straightness and circularity of stem, favourable branching habit, small size of branches and good natural pruning. In addition, the proportion of forked trees and those showing spiral grain shall be low, and where necessary, such trees shall be removed. This requirement does not apply to the production of biomaterials, biomass or other forest products.

(b) Purpose ‘conservation of forest genetic resources’: No form of growth habit requirements apply.

8. Other specific requirements for certain traits and other forest products

Competent authorities shall assess the stand with respect to certain traits or the production of certain forest products and, where appropriate, adopt other specific requirements for those traits or products. Where such requirements apply, they shall be indicated in accordance with Article 15(3), point (m).

		Purposes		
		Multifunctional forestry	Production of wood, biomaterials, biomass or other forest products	Conservation of forest genetic resources
Specific requirements	Isolation	(x)	(x)	(x)
	Number of harvestable and sexually mature trees	x	x	(x)
	Uniformity	x	x (except for biomass production)	(x)
	Sustainability characteristics	x	x	(x)
	Volume production	x	x	–
	Wood quality	x	x (only for wood production)	–
	Form of growth habit	x	x (only for wood production)	–
	Other specific requirements (specific traits or products)	Where applicable	Where applicable	Where applicable

x = applicable; (x) = applicable, if possible; – = not applicable

ANNEX IV

Requirements for the approval of basic material
intended for the production of FRM of the ‘qualified’ category

I. Seed orchards

A. General requirements

(a) The competent authority shall approve the purposes of the seed orchard in relation to the purposes referred to in Article 3, point (1). Those purposes shall be indicated in the national register of the Member State concerned. The component clones or individual trees of families shall be selected for their outstanding characteristics depending on the selected purposes.

(b) The competent authority shall approve and register the crossing design of component clones or families and field layout, the component clones or families and if appropriate the degree of relationship of component clones, their numbers and numbers of individuals (ramets) per clone in the case of clonal seed orchards, isolation or, if possible, limitation of pollen flow and location and any changes therein.

(c) The component clones or families shall be planted or shall have been planted according to a plan which has been approved by the competent authority and established in such a way that each component can be identified. The optimal balance between the effective number of component clones or families and genetic gain shall be considered.

(d) Thinning carried out in seed orchards shall be described together with the selection criteria used for such thinning and shall be registered by the competent authority.

(e) The seed orchards shall be managed, and seed harvested, in such a way that the purposes of the orchards are achieved. In the case of a seed orchard intended for the production of artificial hybrids, the percentage of hybrids in the FRM shall be determined by molecular techniques.

B. Specific requirements

The competent authority shall assess the component clones or families with respect to certain traits or the production of certain products (i.e. selection criteria), taking into account, as appropriate, age and development, sustainability characteristics, volume production, wood quality, form or growth habit and other useful specific traits. Where such requirements apply, they shall be indicated in accordance with Article 15(3), point (m).

II. Parents of a family

A. General requirements

(a) The competent authority shall approve the purposes of the parents of a family in relation to the purposes referred to in Article 3, point (1). Those purposes shall be indicated in the national register of the Member State concerned. The parents of a family shall be selected for their outstanding characteristics according to the selected purposes.

(b) The competent authority shall approve and register the crossing design and pollination system, the components, the isolation or, if possible, the limitation of pollen flow and the location, as well as any significant changes of those characteristics.

(c) The competent authority shall approve and register the identity, number and proportion of the parents in a mixture.

(d) In the case of parents intended for the production of artificial hybrids, the percentage of hybrids in the FRM shall be determined by molecular techniques.

B. Specific requirements

The competent authority shall assess the parents of a family with respect to certain traits or the production of certain forest products and, where appropriate, adopt specific requirements for those traits or products (i.e. selection criteria), taking into account, as appropriate, age and development, sustainability characteristics, volume production, wood quality, form or growth habit and other useful specific traits. Where such requirements apply, they shall be indicated in accordance with Article 15(3), point (m).

III. Clones

A. General requirements

1. The competent authority shall approve and register clones that are either identifiable by distinctive characteristics, or traceable through propagation cycles or molecular techniques, as appropriate.

2. The value of individual clones shall be established by the observation and the qualitative assessment of the characteristics of those clones or shall have been demonstrated by sufficiently prolonged experimentation.

3. Ortets or cell lines used for the production of clones shall be selected for their outstanding characteristics taking into account the purposes for which the resulting FRM is intended to be used, as referred to in Article 3, point (1).

4. The competent authority shall restrict the approval to a maximum number of years or a maximum number of ramets produced.

B. Specific requirements

The competent authority shall assess the ortets or cell lines with respect to certain traits or the production of certain forest products and, where appropriate, adopt specific requirements for those traits or products (i.e. selection criteria), taking into account, as appropriate, age and development, sustainability characteristics, volume production, wood quality, form or growth habit and other useful specific traits. Where such requirements apply, they shall be indicated in accordance with Article 15(3), point (m).

IV. Clonal mixtures

A. General requirements

1. Clonal mixtures shall comply with the requirements set out in part III, section A, points (1), (2) and (3).

2. The competent authority shall approve and register the identity, number and proportion of the component clones of a mixture, and the selection method and foundation stock. Each mixture shall contain sufficient genetic diversity.

3. The competent authority shall restrict the approval to a maximum number of years or a maximum number of ramets produced.

B. Specific requirements

Clonal mixtures shall comply with the requirements set out in part III, section B.

ANNEX V

Requirements for the approval of basic material
intended for the production of FRM of the ‘tested’ category

1. REQUIREMENTS FOR ALL TESTS

(a) General

If the basic material is a stand, it shall satisfy the relevant requirements set out in Annex III. If the basic material is any of the following: a seed orchard, parents of a family, a clone or a clonal mixture, it shall satisfy the relevant requirements set out in Annex IV. The competent authority shall determine the selection criteria based on the purpose for which the FRM is intended to be used.

Tests set up for the approval of the basic material shall be prepared, laid out, conducted and the results thereof interpreted in accordance with internationally recognised procedures. For comparative tests, FRM shall be compared with one or preferably more approved or pre-chosen standards as referred to in point 3(b).

(b) Characteristics to be examined

(i) Tests shall be designed to assess the characteristics specified in point (ii) and those characteristics shall be indicated for each test in the test records.

(ii) Weight shall be given to characteristics considered important in view of the purpose for which the FRM is intended to be used. Those characteristics shall be evaluated in relation to the ecological conditions of the region in which the test is carried out, including current and projected climatic conditions.

(c) Documentation

The competent authorities or, where applicable, the professional operators shall keep records describing the following elements: the test sites, including the location, climate, soil, past use, establishment, management and any damage due to abiotic and biotic factors, together with all the results at the time of the evaluation. Where those records are kept by the professional operators, they shall be made available to the competent authorities.

(d) Setting up the tests

(i) Each sample of FRM shall be raised, planted and managed in an identical way as far as the types of plant material permit.

(ii) Each test shall be based on a statistically valid design in order that the individual characteristics of each component under examination can be evaluated.

(e) Analysis and validity of results

(i) The data from the tests shall be analysed using internationally recognised statistical methods and the results shall be presented for each characteristic examined.

(ii) The methodology used for the test and, if possible, the detailed results obtained shall be made freely accessible.

(iii) The competent authority of the Member State in which the test was carried out may designate a deployment area, and shall make information available through FOREMATIS about any characteristics of the FRM which might limit its usefulness.

(iv) If, during tests, it is proved that the FRM does not possess at least the characteristics of the basic material from which it was produced, then that FRM shall not be certified as 'tested'.

2. REQUIREMENTS FOR GENETIC EVALUATION OF THE COMPONENTS OF BASIC MATERIAL

(a) The components of the following types of basic material may be genetically evaluated: seed orchards, parents of a family, clones and clonal mixtures.

(b) Documentation

Additional documentation is required for approval of the basic material providing information about:

(i) the identity, origin and pedigree of the evaluated components; and

(ii) the crossing design used to produce the FRM used in the evaluation tests.

(c) Test procedures

(i) The genetic value of each component shall be estimated using information from two or more evaluation test sites, at least one of which shall be in an environment relevant for the intended deployment area of the FRM.

(ii) The test period shall be of sufficient duration for the tested characteristics to be expressed.

(iii) The estimated superiority of the FRM to be marketed shall be calculated on the basis of the genetic values and the specific crossing design.

(iv) Evaluation tests and genetic calculations shall be approved by the competent authority.

(d) Interpretation

(i) The estimated superiority of the FRM shall be calculated against a reference population for a characteristic or set of characteristics. The reference population shall be defined in the breeding programme and described in the test reports.

(ii) The test reports shall state whether the estimated genetic value of the FRM is inferior to the reference population for any important characteristic.

3. REQUIREMENTS FOR COMPARATIVE TESTING OF FRM

(a) Sampling of the FRM

(i) The sample of the FRM for comparative testing shall be truly representative of the FRM derived from the basic material to be approved.

(ii) Sexually produced FRM for comparative testing shall be:

– harvested in years of good flowering and good fruit/seed production, and

– harvested by methods that ensure that the samples obtained are representative.

Artificial pollination may be used for the production of such FRM.

(b) Standards

(i) The performance of standards used for comparison in the tests shall, if possible, be known over a sufficiently long period in the region in which the test is to be carried out. The standards shall represent, in principle, basic material that has been shown to be useful for the relevant purpose at the time that the test starts, and in ecological conditions for which it is proposed to certify the FRM. The standards used for comparison in the tests shall be, as far as possible:

– stands selected according to the criteria in Annex III, or

– basic material officially approved for the production of FRM of the tested category.

(ii) For comparative testing of artificial hybrids, both parent tree species shall, if possible, be included among the standards.

(iii) Several standards shall be used whenever possible. When justified, standards may be replaced by the most suitable of the FRM under test or the mean of the components of the test.

(iv) The same standards shall be used in all tests over as wide a range of site conditions as possible.

(c) Interpretation

(i) A statistically significant superiority as compared with the standards shall be demonstrated for at least one important characteristic.

(ii) Any characteristics of economic or environmental importance which show significantly inferior results to the standards shall be reported, and their effects shall be compensated for by favourable characteristics.

4. PROVISIONAL APPROVAL

Preliminary assessment of young trials may be the basis for provisional approval. Claims of superiority based on an early assessment shall be re-examined after 10 years at the latest.

5. EARLY TESTS

Nursery, greenhouse and laboratory tests may be accepted by the competent authority for provisional approval or for final approval if it can be shown that there is a close correlation between the target characteristic and the characteristics normally assessed in forest stage tests. Other characteristics to be tested shall comply with the requirements set out in point 3.

ANNEX VI

Categories under which FRM from the different types
of basic material may be marketed

Type of basic material	Category of FRM			
	Source-identified	Selected	Qualified	Tested
Seed source	x			
Stand	x	x		x
Seed orchard			x	x
Parents of a family			x	x
Clone			x	x
Clonal mixture			x	x

ANNEX VII

Amendment of Annex VII to Regulation (EU) 2016/2031

In Annex VII to Regulation (EU) 2016/2031, the following parts are added:

‘PART E

Plant passports for movement within the Union territory,
combined with the official label,
as referred to in Article 83(5a), second subparagraph, point (a)

(1) The plant passport for movement within the Union territory, presented on a joint label in combination with the official label for FRM referred to in Article 83(5a), shall contain the following elements:

(a) the words “Plant Passport” in the upper right-hand corner of the joint label, in one of the official languages of the Union and in English, if different, separated by a slash;

(b) the flag of the Union in the upper left-hand corner of the joint label printed in colour or in black and white.

The plant passport shall be positioned in the joint label immediately above the official label and have the same width as that official label.

(2) Point (2) of Part A shall apply accordingly.

PART F

Plant passports for introduction into and movement within protected zones, combined with the official label, as referred to in Article 83(5a), second subparagraph, point (b)

(1) The plant passport for introduction into and movement within protected zones, presented on a joint label in combination with the official label for FRM referred to in Article 83(5a), shall contain the following elements:

(a) the words “Plant Passport — PZ” in the upper right-hand corner of the joint label in one of the official languages of the Union and in English, if different, separated by a slash;

(b) immediately underneath “Plant Passport — PZ”, the scientific name(s) or code(s) of the protected zone quarantine pest(s) concerned;

(c) the flag of the Union in the upper left-hand corner of the joint label printed in colour or in black and white.

The plant passport shall be positioned on the joint label immediately above the official label for FRM and have the same width as that official label.

(2) Point (2) of Part B shall apply accordingly.’.

ANNEX VIII

Correlation table

Directive 1999/105/EC	This Regulation
Article 1	Article 1
Article 2, point (a)	Article 3, point (1)
Article 2, point (b)(i)	Article 3, point (2)
Article 2, point (b)(ii)	Article 3, point (4)
Article 2, point (b)(iii)	Article 3, point (3)
Article 2, point (c)	Article 3, point (7)
Article 2, point (c)(i)	Article 3, point (8)
Article 2, point (c)(ii)	Article 3, point (9)
Article 2, point (c)(iii)	Article 3, point (10)
Article 2, point (c)(iv)	Article 3, point (11)
Article 2, point (c)(v)	Article 3, point (12)
Article 2, point (c)(vi)	Article 3, point (13)
Article 2, point (d)(i)	Article 3, point (23)
Article 2, point (d)(ii)	Article 3, point (24)
Article 2, point (e)	Article 3, point (25)
Article 2, point (f)	Article 3, point (21)
Article 2, point (g)	Article 3, point (22)
Article 2, point (h)	Article 3, point (29)
Article 2, point (i)	Article 3, point (30)

Directive 1999/105/EC	This Regulation
Article 2, point (j)	Article 3, point (28)
Article 2, point (k)	Article 3, points (31) and (32)
Article 2, point (l)(i)	Article 3, point (34)
Article 2, point (l)(ii)	Article 3, point (35)
Article 2, point (l)(iii)	Article 3, point (36)
Article 2, point (l)(iv)	Article 3, point (37)
Article 3(1)	Article 2(3)
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Article 3(4)	Article 2(4), point (c)
Article 4(1)	Article 4(1)
Article 4(2), point (a)	Article 4(2), first to fourth subparagraphs
Article 4(2), point (b)	Article 4(2), seventh subparagraph, and Article 4(4)
Article 4(3), point (a)	Article 4(6)
Article 4(3), point (b)	Article 4(5)
Article 4(4)	Article 6, Annex III Part B
Article 4(5)	Article 23
Article 5	Article 5(2), point (c)
Article 6(1), point (a)	Article 5(2), point (a)
Article 6(1), points (b) and (c)	Article 5(2), point (b)
Article 6(1), point (d)	Article 5(2), point (c)
Article 6(2)	Article 5(6)
Article 6(3)	Article 8

Directive 1999/105/EC	This Regulation
Article 6(4)	Article 10(1), point (b)
Article 6(5), point (a)	Article 2(4), point (d); Article 6(1) to (4)
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Article 6(6)	Article 6(5)
Article 6(7)	Article 7
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Article 7	Article 25(1), point (a)
Article 8	Article 25(1), point (b)
Article 9(1)	Article 14(1)
Article 9(2)	Article 14(2)
Article 10(1)	Article 15(1)
Article 10(2)	Article 15(2) and (3)
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Article 13(2)	Article 19(2)
Article 13(3), point (a)	Article 19(3), first subparagraph, point (a)
Article 13(3), point (b)	Article 19(3), first subparagraph, point (c)
Article 13(3), point (c)	Article 19(3), first subparagraph, point (d)
Article 13(3), point (d)	Article 19(3), second subparagraph

Directive 1999/105/EC	This Regulation
Article 13(3), points (e) and (f)	Article 19(3), first subparagraph, points (e) and (f)
Article 14(1), introductory sentence	Article 5(1), point (a); Article 20(1)
Article 14(1), point (a)	Article 20(1)
Article 14(1), point (b)	Article 20(7), point (c)
Article 14(1), point (c)	Article 20(7), point (d)
Article 14(1), point (d)	Article 20(5), point (b)
Article 14(1), point (e)	Article 20(7), point (j)
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Article 14(3)	Article 5(5)
Article 14(4)	Article 5(3), second subparagraph, and Article 5(4)
Article 14(5)	–
Article 14(6)	Article 20(9), second subparagraph, point (b), and third and fifth subparagraphs
Article 14(7)	Article 19(1), point (l)(i)
Article 15	Article 21
Article 16(1)	Article 28(4)
Article 16(2)	Article 36, point (1)
Article 16(3)	Article 10(3), (4) and (6)
Article 16(4)	–
Article 16(5)	Article 28(4)
Article 16(6)	Article 30
Article 17(1)	–
Article 17(2)	Article 25(1), point (c)

Directive 1999/105/EC	This Regulation
Article 17(3)	Article 25(2)
Article 17(4)	–
Article 18(1), first subparagraph	Article 7(1)
Article 18(1), second subparagraph	Article 7(2)
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Article 24	Article 5(4); Article 6(5); Article 7(1); Article 18(3); Article 18(8), second subparagraph; Article 18(11); Article 20(9); Article 20(10), second subparagraph; Article 22(2); Article 23(2); Article 24; Article 25(1); Article 26(2), (3) and (4); Article 28(9); Article 33(2)
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