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NOTE

From:	Presidency
To:	Delegations
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Subject:	Regulation of the European Parliament and of the Council on the production and marketing of forest reproductive material, amending Regulations (EU) 2016/2031 and 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (Regulation on forest reproductive material) - *Presidency revised text*

With a view to the meeting of the Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials) of 3 and 4 April 2025, delegations will find attached a Presidency revised text.

Changes compared to WK 1212/2025 are marked in red. Changes marked in blue are made compared to 6483/25.

ANNEX

Draft

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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

(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[1],

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

Having regard to the opinion of the European Economic and Social Committee [2],

[Having regard to the opinion of the Committee of the Regions,]

Acting in accordance with the ordinary legislative procedure[3],

Whereas:

(1) Council Directive 1999/105/EC[4] sets out rules on the production 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. Forests have a primordial function as a carbon sink in the climate mitigation policy. High-quality, climate-adapted and diverse FRM of proven identity is essential to cover these needs.

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1 OJ C 199, 14.7.1999, p. 1.
2 OJ C 329, 17.11.1999, p. 15.
3 Position of the European Parliament of … and position of the Council at first reading of ... Position of the European Parliament of ... and decision of the Council of ....
4 Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material (OJ L 11, 15.1.2000, p. 17).

(3) In the light of new technical and scientific developments, 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[5] ('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 the European Green Deal[6], 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, the act should take the form of a Regulation.

(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 a high quality and availability of FRM. Due to the length of forest cycles and the cost of plantations and long-term forest investment, it is essential that foresters get fully reliable information on the origin and on the genetic characteristics of the FRM they use in plantation. The OECD Forest Seed and Plant Scheme meets that need by means of 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 forest would be maintained and improved for the future replanting of an area with trees ('reforestation') and the creation of new forests ('afforestation'). Reforestation may be required **as a part of sustainable forest management or** when parts of an existing forest have been affected by extreme weather events, wildfires, outbreaks of disease and pest outbreaks, or other disasters.

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5 Decision of the Council Establishing the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade [OECD/LEGAL/0355].

6 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions - The European Green Deal (COM/2019/640 final).

(5) The European Green Deal sets out the Commission's commitment for tackling climate change and environmentally-related challenges. It aims to transform the Union's economy for a 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 establishing the framework for achieving climate neutrality[7] and with the three implementing strategies of the European Green Deal: the new EU Strategy on Adaptation to Climate Change[8], the new EU Forest Strategy for 2030[9] and the EU Biodiversity Strategy for 2030[10].

(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 new EU Strategy on Adaptation to Climate Change is therefore to accelerate the adaptative capacity of the Union to climate change, by amending the rules on FRM, amongst others. The Union legislation should encourage the Union wide production and marketing of FRM.

PUBLIC

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7 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).

8 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change (COM(2021) 82 final).

9 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, New EU Forest Strategy for 2030 (COM(2021) 572 final).

10 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030 Bringing nature back into our lives (COM(2020) 380 final).

(7) The new EU Forest Strategy for 2030 has as its key objectives effective afforestation, and forest preservation and restoration in the Union, to help increase the absorption of CO_2, reduce the incidence and extent of forest fires, and promote the bio-economy, in full respect of ecological principles favourable to biodiversity. Ensuring forest restoration and reinforced sustainable forest management are essential for adaptation to climate change and forest resilience. In this regard, the new EU Forest Strategy states that adapting forests to climate change and restoring forests following climate damages 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 climatic and ecological conditions and to enhance its collaborative production and transfer across national borders within the Union.

(8) The EU Biodiversity Strategy for 2030 aims to put Union biodiversity on the path to recovery by 2030. Within the framework of that strategy, Union legislation is to place emphasis on the preservation of species diversity and ensure high genetic diversity within species and ~~**seed**~~ ~~**FRM**~~ lots **of FRM**. This aims to facilitate the supply of high-quality and genetically diverse ~~**and identity-secured**~~ FRM **of proven identity** that is adapted or adaptable to current and projected future climatic conditions. The conservation and improvement of biodiversity of forests, including the genetic diversity within individual tree species, are essential to sustainable forest management and conservation of forest genetic resources for supporting forests' adaptation to climate change. ~~**Tree species and their hybrids subject to the rules of this Regulation should be genetically suited to the local conditions and be of high quality.**~~

(9) […].

(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, this Regulation should list the purposes for which it is important to use high-quality FRM.

(11) FRM may be produced for use in ~~afforestation, reforestation and other types of seeding or tree planting~~ **afforestation, reforestation, diversification in a forest plot and other tree planting** ~~and for several different objectives such as sustainable production of wood, biomaterials, biomass and other forest products, resilience and restoration of forest ecosystems, adaptation to climate change and mitigation of climate change, contribution to protection against soil erosion and conservation of forest genetic resources~~ **for one or more the following purposes: multifunctional forestry, production of wood, production of biomaterials, biomass or other forest products, conservation of forest genetic resources.**

(12) Research has shown that the assessment and approval of basic material in relation to the specific purpose for which the FRM will be used are of utmost importance. In addition to that, the planting of high-quality FRM at the right place has a positive impact on the purpose for which that FRM is used. At 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.

(12a) Upon approval of basic material, a distinction should be made between autochthonous and indigenous seed sources or stands by the competent authorities. Professional operators should have the option to make this distinction on the **professional** operator's document.

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

(14) The Union rules on the production and marketing of FRM should take into account practical needs and should apply only to certain tree species and their hybrids, which are important for the objectives of this Regulation. Those species should be listed accordingly.

(15) The aim of this Regulation is to ensure the production and marketing of high-quality ~~**and identity-secured**~~ FRM **of proven identity**. To help ~~create resilient forests and restore forest ecosystems~~ **maintain and establish resilient forests, restore forest ecosystems, support their ecosystem services and establish other tree plantings**, users should be informed prior to the purchase of FRM about the specific climatic and ecological conditions for which that FRM is suitable.

PUBLIC

(16) To ensure that certified FRM will be 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 ~~**approving that basic material**~~ **its approval**. Those sustainability characteristics should concern 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 the resistance or tolerance to pests and the adverse climatic and site conditions in which they are growing.

(17) FRM should only be harvested from basic material that has been assessed and approved by the competent authorities in order to ensure the highest possible quality of that FRM. Approved basic material should be registered in a national register with a unique register reference and with reference to a unit of approval. In order to allow competent authorities to organise those controls, professional operators should notify their intention prior to harvesting.

(18) In order to adapt to the scientific and technical developments of international standards, the use of biochemical and molecular techniques (BMT), should be possible to be included as a complementary method in the procedure for the approval of basic material.

(18a) To ensure an effective overview and transparency about the FRM that is produced and marketed throughout the Union, each Member State should establish, publish and keep updated, in electronic format, a national register of the basic material of the various species and their hybrids approved on its territory, and a national list which should be presented as a summary of the national register.

(18b) For the same reason, the Commission should publish in electronic format a Union list of approved basic material for the production of FRM, on the basis of the national lists provided by each Member State. That Union list should also contain information on basic material that contains or consists of a genetically modified organism ~~[~~or that has been produced by certain new genomic techniques.~~]~~

(19) A master certificate should be issued by the competent authorities of the respective Member States for all FRM that is derived (i.e. harvested) from approved basic material. Such master certificate ensures the identification of the FRM, contains information about its origin and provides 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 an electronic form.

PUBLIC

(20) Only FRM that has been harvested from approved basic material should be allowed to be subsequently certified and placed on the market. 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, equal terms of competition and the integrity of the internal market.

(21) […]

(22) ~~The requirements for basic material intended for the purpose of conservation of forest genetic resources are different from those for basic material intended for the production of FRM for commercial purposes, because of the different selection criteria applied for these two types of basic material. Therefore the competent authorities should have the possibility to approve basic material for the purpose of conservation genetic resources on the basis of adjusted requirements.~~

(23) 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 this category. To ensure traceability, the professional operator should record the location of the basic material (i.e. provenance) from which FRM is collected. 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 with Directive 1999/105/EC.

(24) Pursuant to the OECD Forest Seed and Plant Scheme and following experience from the application of Directive 1999/105/EC, the competent authority should assess basic material intended for the production of FRM of the selected category based on the observation of the characteristics of that basic material, taking account of 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 a minimum degree of uniformity.

PUBLIC

(25) 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, ~~timber~~ **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 Scheme'and to take into account the experience gained from Directive 1999/105/EC.

(26) Basic material that is intended for the production of FRM of the tested category should be subject to the most stringent possible requirements. Determining the superiority of FRM should be made by comparing it with one or preferably several 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. ~~In this regard, if the purpose of that FRM will be climate adaptation, then the FRM will be compared with standards having a good performance as regards adaptation to the predicted local climatic and ecological conditions.~~ 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 each step of this process. It should approve the experimental design and tests for the aproval 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 as appropriate. This is necessary, in order to align with the applicable international standards pursuant to the OECD Forest Seed and Plant Scheme and other applicable international standards, and to take into account the experience gained from Directive 1999/105/EC.

(27) The assessment of basic material intended for the production of FRM of the tested category takes at minimum 10 years. In order to ensure faster market access of FRM of the tested category, while the assessment of the basic material is still ongoing, Member States should have the possibility to temporarily approve such basic material, for a maximum period of 10 years, in all or part of their territory. 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 will be completed. This early assessment should be re-examined at a maximum interval of ~~ten~~ **10** years.

(28) The derivation of FRM from the basic material should be confirmed by inspections carried out by the competent authorities. Compliance of marketed FRM with the requirements for the categories source-identified, selected, qualified and tested should be attested by an official label. Before marketing or direct ~~seeding~~ **using**, harvested FRM should bear a provisional label to ensure traceability until the official label is issued.

(28a) In addition to the official label, professional operators should also issue an **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 retain that information in the most effective manner.

(29) Genetically modified FRM should only be placed on the market if it is safe for human health and the environment and has been authorised for cultivation pursuant to Directive 2001/18/EC of the European Parliament and of the Council[11] or Regulation (EC) 1829/2003[12] and if that FRM belongs to the tested category. ~~[~~ FRM obtained by certain new genomic techniques may only be placed on the market if it complies with the requirements of Regulation (EU) [Publications Office, please insert reference to Regulation (EU) of the European Parliament and of the Council on plants obtained by certain new genomic techniques and their food and feed~~]~~[13] and if that FRM belongs to the tested category. ~~]~~

(30) The official label should contain information on basic material that contains or consists of a genetically modified organism ~~[~~or that has been produced by certain new genomic techniques~~]~~.

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11 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).

12 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).

13 Regulation (EU) …/… of the European Parliament and of the Council …. (OJ …, p.).

(31) 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 label once the FRM has been found to comply with the respective requirements. That authorisation is necessary due to the official character of the official label and to guarantee the highest possible quality standards for the users of FRM. Rules should be set out for the withdrawal or modification of that authorisation.

(32) Member States should be allowed to impose additional or more stringent requirements for the approval of basic material ~~**produced**~~ in their own territory, subject to authorisation granted by the Commission. This would enable the implementation of national or regional approaches concerning the production and marketing of FRM and aimed at improvement of the quality of the FRM concerned, protection of the environment, or contribution to the protection of biodiversity and the restoration of forest ecosystems. Member States should also be allowed, subject to authorisation granted by the Commission, to restrict in their territory the approval of basic material intended for the production of FRM of the category "source-identified", as well as to prohibit the marketing to the end user of specified reproductive material, in case that FRM is not suitable for forestry ecological conditions and purposes of the respective Member State.

(32a) Insofar as certain species and **their** hybrids are not subject to the measures contained in this Regulation, Member States may take such measures, in respect of their own territory, or apply more or less stringent measures.

PUBLIC

(33) 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[14]. This is necessary for the efficacy of the official register of professional operators and to avoid double registration. The professional operators under the scope of this Regulation are to a big extent covered by the scope of the official register of professional operators under Regulation (EU) 2016/2031.

(34) Prior to the purchase of FRM, professional operators should provide access to the potential buyers of their FRM to the available information concerning its suitability for the respective climatic and ecological conditions, in order to allow them to select the most appropriate FRM for their location.

(35) 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 an area 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.

(36) […]

(37) […]

PUBLIC

[14] 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).

(38) Each Member State should have the possibility to draw up and keep up to date a contingency plan for one or more of the relevant tree species by ensuring a sufficient access to supplies~~y~~ of FRM, to reforest areas affected by extreme weather events, wildfires, disease and pest outbreaks, disasters or any other event. Rules should be set out concerning the content of that plan, in order to ensure proactive and effective action against such risks, if they emerge. Member States should also have the possibility to adapt the content of that plan to the specific climatic and ecological conditions in their territories. Those possibilities should also reflect~~s~~ the general preparedness actions that Member States should take on a voluntary basis under the Union Civil Protection Mechanism[15].

(39) FRM should, during all stages of production and marketing, be kept in identifiable lots, by reference to the master certificate code. A distinction should be made between ~~seed lots and plant lots~~ lots of FRM, to identify the type of FRM and ensure traceability to the approved basic material from which FRM has been harvested. This guarantees the maintenance of the identity and quality of that FRM.

(40) Seeds should be marketed only if they conform to certain quality standards. With the exception of large quantities, they should be labelled and marketed only in closed packages which are sealed, in order to enable their appropriate identification, quality and traceability, and to avoid fraud.

(41) In order to meet the aim of the EU Digital Strategy[16] to make the transformation to digital technologies work for people and businesses, 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 rules on rules on digital recording of the official label**s** and professional operator's documents and the establishment of a centralised platform facilitating the processing of, access to, and use of those records.

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15 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).

16 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, 2030 Digital Compass: the European way for the Digital Decade (COM(2021)118 final).

PUBLIC

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

(43) FRM should only be imported from third countries, 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 such imported FRM affords the same level of quality as the FRM produced in the Union.

(44) Where FRM is imported into the Union from a third country, the professional operator concerned should inform the respective competent authority in advance of the import of FRM, through the ~~**[appropriate]**~~ ~~computerised~~ information management system ~~[**for official controls (IMSOC) set up pursuant to Regulation (EU) 2017/625 of the European Parliament and of the Council**~~ **for official controls (IMSOC) set up pursuant to Regulation (EU) 2017/625 of the European Parliament and of the Council** [17]. 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, as this is necessary to ensure informed choices for the users of that FRM and facilitate the competent authorities with the conduct of the respective official controls.

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17 **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).**

(45) In order to monitor the impact of this Regulation and to allow the Commission to assess the measures introduced, Member States should report every 5 years about quantities of certified ~~seeds, parts of plants or marketed plants~~ FRM by categories per year, quantities of FRM per genera and species imported from third countries under Union equivalence, penalties imposed and the number of registered professional operators.

(45a) In order to adapt to the ecological changes, shift of tree species and their ranges as a result of climate change, as well as to any developments of technical or scientific knowledge, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of adding tree species ~~and their hybrids~~ to, or removing them from, the list of species subject to the scope of this Regulation, if they fulfil certain criteria.

(46) […]

(47) In order to adapt to the development of scientific and technical knowledge and of 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 (i) the requirements concerning basic material intended for the production of FRM to be certified as 'source-identified', 'selected', 'qualified', and 'tested' and (ii) the categories under which FRM from the different types of basic material may be marketed.

(48) […]

(49) In order to adapt to the technical and scientific developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of setting out the requirements to be fulfilled by ~~fruit and seed~~ seed units lots of the species covered by this Regulation, other than hybrids ~~and seeds used for direct sowing~~, to be fulfilled by parts of plants of the species and their hybrids covered by this Regulation, for external quality standards for *Populus* spp. propagated by stem cuttings or sets, to be fulfilled by planting stock of the species and their hybrids covered by this Regulation, and to be fulfilled by planting stock to be marketed to final users in regions with particular eco-climatic conditions.

(49a) In order to adapt to the scientific and technical developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the table concerning categories under which FRM from different types of basic material may be marketed.

(49b) In order to adapt to the development of scientific and technical knowledge, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the requirements as appropriate for certain types, species or categories of FRM.

(49c) 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 setting out the procedure for the application submitted by the professional operator to be authorised, and the actions to be taken by the competent authority to confirm compliance with the respective requirements.

(50) In order to adapt with the EU Digital Strategy and 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 establishing rules concerning digital recording of all master certificates, and concerning the establishment of a centralised platform that connects all the Member States and the Commission.

(50a) In order to adapt with the EU Digital Strategy and 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 establishing rules concerning digital recording of the official labels and the **professional** operator's document, and concerning the establishment of centralised platform that connects the Member States and the Commission to facilitate the processing of access to and use of those records.

(51) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work for those 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[18]. 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.

(52) […]

[18] OJ L 123, 12.5.2016, p. 1.

PUBLIC

(52a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with respect to determine the small quantities for the species to be excluded from certain marketing requirements.

~~(52b) In order to ensure uniform conditions for the implementation of this Regulation, and in order to facilitate the collection of FRM for the purpose of conservation of forest genetic resources, implementing powers should be conferred on the Commission with respect to specifying the requirements to guarantee an adequate genetic diversity per species and the format and size of the respective official label.~~

~~**(52c) In order to ensure unifrom 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, deriving from basic material with satisfies, less stringent requirements than the ones set out by this Regulation.**~~

(53) 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 ~~**of identity**~~ for FRM derived from seed sources and stands, FRM derived from seed orchards or parents of family(ies), and FRM derived from clones and clonal mixtures and for FRM from mixtures.

(54) 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 of the official label and the **professional** operator's document for all or specific categories **of FRM**. In order to ensure alignment with the respective international standards, Member States may decide to use colours, when they decide to do so they should use the colours as defined in the Rules and Regulations of the OECD Forest Schemes**.**

(55) In order to ensure uniform conditions for the implementation of this Regulation, and adapt to the 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 digital master certificates**, digital official labels and digital professional operators' documents.**

(55a) In order to ensure uniform conditions for the implementation of this Regulation, and to facilitate the marketing of FRM belonging to the tested category, implementing powers should be conferred on the Commission with respect of specifying the maximum number of units of FRM and the maximum area size that is to be subject to the provisional approval of basic material intended for the production of that category.

~~**(55b) In order to ensure uniform conditions for the implementation of this Regulation, and adapt to the developments concerning the digitalisation of the FRM sector, implementing powers should be conferred on the Commission with respect of setting out technical arrangements for the issuance of electronic official labels or operator's documents.**~~

(56) In order to ensure uniform conditions for the implementation of this Regulation, and to address urgent supply problems of FRM, implementing powers should be conferred on the Commission with respect to temporarily approving for marketing FRM of one or more species which satisfies less stringent requirements than the ones set out in this Regulation or deriving from basic material which satisfies less stringent requirements than the ones set out in this Regulation.

(56a) In order to ensure uniform conditions for the implementation of this Regulation, and ensure the approval of basic material of the source-identified category by the professional operators, implementing powers should conferred on the Commision with the respect to granting that approval subject to certain conditions.

(57) 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.

(57a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with respect to deciding if 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.

PUBLIC

(57b) 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 digital submission and processing, for the reports submitted by the Member States to the Commission, every 5 years, on several policy aspects.

(58) To improve consistency of FRM rules with the Union plant health legislation, FRM marketed in accordance with this Regulation, should also comply with the rules set out in, or pursuant to the relevant provisions of Regulation (EU) 2016/2031 concerning Union quarantine pests, protected zone quarantine pests and ~~RNQPs~~ Union regulated non-quarantine pests, and with the measures adopted pursuant to Article 30(1) of that Regulation. In order to ensure consistency with the rules of Regulation (EU) 2016/2031 on plant passports, it should be allowed to combine the official label for FRM with the plant passport.

(59) Because of the specificities of the FRM sector, this Regulation contains specific provisions on the official controls of FRM and does not fall as such under the scope of Regulation 2017/625. However, in order to ensure that official controls are applied consistently across Member States and in order to create synergies with the system of official controls concerning similar sectors in particular that of plants in addition to enabling 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 supplemented by the necessary provisions of Regulation 2017/625. ~~[Regulation (EU) 2017/625 should be amended in order to include in its scope rules on official controls in regards to FRM. This is to ensure more consistent official controls and enforcement of the rules across Member States concerning FRM, and consistency with other Union acts concerning the official controls of plants, in particular, Regulation (EU) 2016/2031 and Regulation (EU) …/… of the European Parliament and of the Council.~~

~~(59a) Derogations from the provisions of Regulation (EU) 2017/625 should be foreseen in this regulation in order to sufficiently adapt the rules on official controls to the reality of, and risks inherent to, the FRM sector.~~

(60) Regulation~~s~~ (EU) 2016/2031 ~~and 2017/625~~ and 2017/625 should therefore be amended accordingly.

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

(62) 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 character, 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, it introduces derogations or specific requirements for certain types of FRM and professional operators.

(63) 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 ... [*5 years from the date of entry into force of this Regulation*].

(63a) FRM produced, before [date of application] in accordance with the provisions of Directive 1999/105/EC or national rules, should be allowed to continue to be marketed until exhaustion of the respective stocks. FRM produced in accordance with Directive 1999/105 should be allowed to continue to be marketed with a master certificate issued pursuant to that Directive. This is necessary, in order to avoid any disruption of the production and marketing of FRM in the Union.

CHAPTER I
GENERAL PROVISIONS

Article 1

Subject matter

This Regulation sets out rules concerning the production with a view to marketing, and marketing of forest reproductive material ('FRM') and in particular requirements for the approval of basic material intended for the production of FRM, origin of basic material and traceability of FRM, requirements for official controls, FRM categories, requirements for FRM identity and quality, certification, labelling, packaging, imports, professional operators, the registration of basic material and the national contingency plans.

Article 2

Scope and objectives

1. This Regulation applies to FRM of the tree species listed in Annex I and their hybrids ~~('tree species')~~, considered as such if at least one of the parent species is listed in Annex I.

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

   (a) ~~ensure~~ the sustainable production, marketing and traceability of high-quality FRM in the Union and the functioning of the internal market in FRM;

   ~~(b) help maintain and create resilient forests, and restore forest ecosystems;~~

   ~~(c) the support of the conservation of forest genetic resources;~~

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

   da) the support of sustainable production of biomaterials, biomass and other forest products;

   db) the support of the conservation of forest genetic resources;

   (e) ~~contribute~~ **the contribution** to adaptation of FRM and forests to climate change;

   (f) ~~contribute~~ **the contribution** to mitigation of climate change;

   (g) ~~contribute~~ **the contribution** to protection against soil erosion.

3. The Commission shall be empowered to adopt delegated acts, in accordance with Article 26, amending the list set out in Annex I ~~as specified in paragraph 3~~, taking into account:

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

   (b) any developments of technical or scientific knowledge.

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3a. ~~**Those delegated**~~ **The delegated** acts **referred to in paragraph 3** shall add tree species to the list in Annex I, if such species fulfil at least one of the following elements:

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

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

(c) they are considered important for adaptation to climate change, and/or conservation of ~~**biodiversity**~~ **forest genetic resources**.

(d) […].

3b. The delegated acts referred to in ~~**the first subparagraph**~~ **paragraph 3** shall remove species from the list in Annex I, if they no longer fulfil any of the elements set out in ~~**the first subparagraph**~~ **paragraph 3a**.

4. This Regulation does not apply to the following:

(a) plant reproductive material referred to in Article 2 of Regulation (EU) …/… [*Office of Publications, please insert reference to Regulation on production and marketing of plant reproductive material*];

(b) propagating material of ornamental plants as defined in Article 2 of Directive 98/56/EC;

(c) FRM produced solely ~~**intended for**~~ ~~**for**~~ **with the intention to** export to third countries, under the condition that it is identified as such;

(d) FRM used solely for official testing, scientific purposes or selection work**, under the condition that it is identified as such**~~**, conducted by the registered scientific institutions under the condition that that FRM and the person using it are registered by the competent authorities**~~ **through labelling and traceability** ~~**with proof of the respective purpose**~~;

(**da**~~**e**~~) FRM subject to service contracts for the purposes of cleaning, disinfection, treatments, and transport**, provided that:**~~**.**~~**:**

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

(ii) the traceability of that FRM is ensured; and

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(iii) the professional operator producing that FRM has provided the competent authority with a copy of the relevant parts of the contract made with the provider of services including the standards and conditions met by the FRM provided.

Article 3

Definitions

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

(1) 'forest reproductive material' ('FRM') means seed units, parts of plants and planting stock, that belong to tree species and are used for afforestation, reforestation, diversification in a forest plot~~, direct sowing in the forest~~ and other tree planting, ~~or any other activities serving any of the objectives referred to in Article 2(2)~~, **for one or more the following purposes:**

(a) multifunctional forestry,

(b) production of wood,

(c) production of biomaterials, biomass or other forest products,

(d) conservation of forest genetic resources ~~or conservation of forest ecosystems~~**.**

(4) 'seed unit' means cones, infructescenses, fruits and seeds intended for the production of a planting stock or for direct sowing;

(5) '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;

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

(2) 'afforestation' means establishment of forest through planting and/or deliberate seeding on land that, until then, was under a different land use and implies a transformation of land use from non-forest to forest[19];

[19] FAO (2020) Global Forest Resources Assessment Terms and definitions. https://www.fao.org/3/I8661EN/i8661en.pdf.

(3) ‘reforestation’ means re-establishment of forest through planting and/or deliberate seeding and/or vegetative propagation and/or natural regeneration on land classified as forest[20];

(14) ‘type of basic material’ means any of the following: seed source, stand, seed orchard, parents of family(ies), clone or clonal mixtures;

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

(9) ‘stand’ means a delineated population of trees possessing sufficient uniformity in composition;

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

(11) ‘parents of family(ies)’ 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;

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

(14) […]

(15) ‘unit of approval’ means the entire area or individual(s) of basic material for the production of FRM that has been authorised by the competent authorities;

(16) […]

(17) […]

(18) […]

(18a) Lot means a set of FRM.

(18b) ~~In case of seed or fruits:~~ ‘seed lot’ ~~or ‘fruits lot’~~ means a set of seeds ~~or fruits respectively~~ originally collected from approved basic material and processed uniformly;

[20] FAO (2020) Global Forest Resources Assessment Terms and definitions. https://www.fao.org/3/I8661EN/i8661en.pdf.

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

(18d) **‘parts of plants lot' means a set of parts of plants originally collected and processed uniformly;**

(18e) ~~**In case of plants:**~~ ‘plant**s** lot’ means a set of plants that has been grown from a single seed lot or a set of vegetatively propagated planting stock which has been raised in a delineated area and processed uniformly;

(19) ‘lot code means the identification code of the lot;

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

(21) […]

(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 altitudinal boundaries, where appropriate;

(22a) ‘indigenous seed source or stand’ means a seed source or stand of tree species located in a specific region of provenance that is part of the natural distribution range of that species, raised from seed or vegetatively propagated, the origin of which is situated within the same region of provenance.

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

(24) […]

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(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 families, 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 is or was initially located or selected;

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

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

~~(27) ‘place of production of FRM from clones or clonal mixtures or parents of families’ means the place or exact geographical position, where the FRM was produced;~~

(28) ‘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 a reference material for the control of the identity of the clone(s);

(29) […]

(30) […]

(31) ‘professional operator’ means any natural or legal person professionally in charge of one or more of the following activities:

(a) production of FRM;

(b) marketing of FRM;

(7) ‘production’ means all stages in the generation of lots of FRM, including harvest, collection, storage, processing ~~[~~and conversion~~]~~ of seed **units lots** ~~**lots**~~ and parts of plants **lots**, growing, multiplying, maintaining, storage and harvest of plant**s** lots with a view to be marketed;

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(30) ‘marketing’ means the following actions: sale, holding or offering for the purpose of sale or any other way of transferring, distribution (with the exception of external transport services) within, or import into the Union, whether free of charge or not, of FRM;

(31) […]

~~(32) ‘competent authority’ means a central or regional authority of a Member State, or, where applicable, the corresponding authority of a third country, responsible for the organisation of official controls, registration of basic material, certification of FRM and other official activities concerning the production and marketing of FRM, including delegated bodies or natural persons to which the competent authorities have delegated certain tasks;~~

(32) ‘competent authority’ means a central or regional authority of a Member State responsible for the organisation of the official controls, including that designated in accordance with 4 of the Regulation (EU) 2017/625, or a central or regional authority of a Member State, or, where applicable, the corresponding authority of a third country, responsible for the registration of basic material, certification of FRM and other official activities concerning the production and marketing of FRM,

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

(38) ‘category’ means the classification of ~~**basic material and**~~ FRM as source-identified, selected, qualified or tested material;

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

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

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

(36) 'tested' means a category of FRM derived from basic material consisting of stands, seed orchards, parents of family(ies), 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;

(37) 'official certification' means the procedure leading to the issuance of a master certificate and the issuance itself, by the competent authority, **as well as the issuance of the official label, according to the rules provided for in this Regulation**;

~~**(37a) 'official control' means controls by the competent authorities whether the respective requirements of this Regulation are met [and within the meaning of Regulation (EU) 2017/625];**~~

~~**(37b) 'official controls' means activities performed by the competent authorities, or by the delegated bodies or the natural persons to which certain official control tasks have been delegated in accordance with this Regulation;**~~

(37a) 'official controls' means controls performed by the competent authorities responsible for the organisation of the official controls to verify the compliance with the respective requirements of this Regulation;

~~**(37c) 'control system' means a system comprising the competent authorities and the resources, structures, arrangements and procedures set up in a Member State to ensure that official controls are performed in accordance with this Regulation;**~~

(37d) 'documentary check' means the examination of the master certificates and other documents;

~~**(37e) 'identity check' means a visual inspection to verify that the content and the labelling of a consignment or lot FRM lot, correspond to the information provided in the master certificates and other documents;**~~

~~**(37f) 'physical check' means a check on forest reproductive material and, as appropriate, checks on packaging and labelling;**~~

~~**(37g) 'official detention' means the procedure by which the competent authorities ensure that forest reproductive material subjects to official controls is not moved or tampered with pending a decision on their destination.**~~

(38) […]

(39) 'genetically modified organism' means a genetically modified organism as defined in Article 2(2) of Directive 2001/18/EC, excluding organisms obtained through the techniques of genetic modification listed in Annex I A, part 2 to Directive 2001/18/EC;

(40) 'NGT plant' means plants obtained by certain new genomic techniques as defined in Article 3, point 2 of Regulation (EU) [*Office of Publications, please insert reference to Regulation on plants obtained by certain new genomic techniques and their food and feed*] [21];

(41) […]

(42) […]

(43) […]

(44) 'FOREMATIS' means the Forest Reproductive Material Information System of the Commission;

(45) 'natural regeneration' means the renewal of a forest by natural processes~~, like renewal by trees that develop from seeds which have germinated *in situ* or trees which have been vegetatively regenerated *in situ*~~;

(46) […]

(47) […]

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 may be used for the production of FRM.

[21] Regulation (EU) .../... of the European Parliament and of the Council on plants obtained by certain new genomic techniques and their food and feed, and amending Directives 68/193/EEC, 1999/105/EC, 2002/53/EC, 2002/55/EC~~, and Regulation (EU) 2017/625~~ (OJ ...).

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 the requirements laid down in Annexes II to V for the approval of basic material, may include besides visual inspection, documentary checks, tests and analyses or other complementary methods, also the use of bio-molecular techniques, if they are considered 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, to take into account the climatic and ecological conditions.

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

The Commission is empowered to adopt delegated acts in accordance with Article 26 amending Annexes II, III, IV and V, as regards requirements for the approval of basic material intended for the production of~~:~~

~~(a)~~ FRM of the 'source-identified' category~~, and in particular the requirements concerning types of basic material, minimum number of harvestable and sexually mature trees, origin and region of provenance sustainability characteristics and the specific requirements for the purpose of conservation of forest genetic resources~~;~~,

~~(b)~~ FRM of the 'selected' category~~, and in particular the requirements concerning origin, the most adequate possible isolation from pollen flow, the minimum number of harvestable and sexually mature trees, age and development, uniformity, sustainability characteristics, volume production, wood quality, form or growth habit and the specific requirements for the purpose of conservation of forest genetic resources~~;,

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~~(c)~~ FRM of the 'qualified' category~~, and in particular the requirements concerning orchards, parents of family(ies), clones, clonal mixtures and the specific requirements for the purpose of conservation of forest genetic resources~~;.

~~(d)~~ FRM of the 'tested' category~~, and in particular the requirements concerning characteristics to be examined, documentation, setting up the tests, analysis and validity of the tests, the genetic evaluation of the components of basic material, the comparative testing of FRM, provisional approval and early tests~~;.

~~(e) […]~~

Those amendments shall adapt the rules for the approval of basic material to the development of scientific and technical knowledge, ~~in particular regarding~~ including the use of bio-molecular techniques, and to the relevant international standards.

~~With regard to the purpose of conservation of forest genetic resources, those amendments may set out requirements concerning:~~

~~(a) the type of basic material~~

~~(b) minimum requirements for the basic material concerned.~~

3. Only approved basic material shall be included under the form of a unit of approval in the national register pursuant to Article 12. Each unit of approval shall be identified by a unique register reference in a national register.

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

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. […]

PUBLIC

Article 5

Requirements for the marketing of FRM

0. FRM of the source-identified, selected, qualified or tested category may only be marketed within the Union:

(a) if it is accompanied by:

(i) an official label issued by the competent authorities; or

(ii) an official label issued by the professional operator under the official supervision of the competent authorities;

(b) if it complies with paragraph 1;

(c) if it is accompanied by an professional operator's document, as referred to in Article 16.

1. FRM derived from approved basic material shall be marketed by professional operators in accordance with the following rules:

(a) FRM of ~~the tree~~ ~~species listed in Annex I~~ the tree species listed in Annex I and their natural hybrids may only be marketed, if it is of the categories 'source-identified', 'selected', 'qualified' or 'tested', and it has been derived from basic material that has been approved pursuant to Article 4 ~~and if that basic material meets the requirements of Annexes II, III, IV and V, respectively~~;

(b) FRM of the artificial hybrids ~~of tree species~~ ~~listed in Annex I~~ of the tree species listed in Annex I may only be marketed, if it is of the ~~'selected',~~ selected, 'qualified' or 'tested' categories, and it has been derived from basic material that has been approved pursuant to Article 4 ~~and if that basic material meets the requirements of Annexes III, IV and V, respectively~~;

~~(c) FRM of tree species the tree species listed in Annex I and their hybrids which are vegetatively reproduced, may only be marketed if:~~

~~(i) it is of the 'source-identified','selected', 'qualified' or 'tested' categories, and~~

~~(ii) it has been derived from basic material which has been approved pursuant to Article 4 and which meets the requirements of Annexes II, III, IV and V, respectively;~~

~~(iii) […]~~

(d) FRM of ~~tree species~~ the tree species listed in Annex I and their hybrids which contains or consists of genetically modified organisms ~~(GMO)~~, may only be marketed if:

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

(ii) it has been derived from basic material which has been approved pursuant to Article 4 ~~and which meets the requirements of Annex V~~; and

(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) 1829/2003, or, where applicable, in the respective Member State in accordance with Article 26b of Directive 2001/18/EC;

(e) FRM of ~~tree species~~ the tree species listed in Annex I and their hybrids, which contain or consist of a category 1 NGT plant as defined in Article 3(7) of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation ...), may only be marketed if:

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

(ii) it has been derived from basic material which has been approved pursuant to Article 4 ~~and which meets the requirements of Annex V~~; and

(iii) the plant has obtained a declaration of category 1 NGT plant status pursuant to Article 6 or 7 of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation ...) or is progeny of such plant(s);

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(f) FRM of ~~tree species~~ **the tree species listed in Annex I and their hybrids** may only be marketed if it is accompanied by an official label and an **professional** operator's document containing a reference to the master certificate code;

(g) FRM marketed in accordance with this Regulation, shall also comply with the rules set out in, or pursuant to the relevant provisions of Regulation (EU) 2016/2031 concerning Union quarantine pests, protected zone quarantine pests and ~~RNQPs~~ **Union regulated non-quarantine pests**, and with the measures adopted pursuant to Article 30(1) of that Regulation;

(h) In the case of seed lots, FRM of ~~tree species~~ **the tree species listed in Annex I and their hybrids** may only be marketed if in addition to compliance with points (a) to (g), information is available as regards to:

(i) the purity, as measured by the percentage by weight of pure seed, other seed and inert matter ~~of the product marketed as a seed lot~~;

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

(iii) the weight of 1000 pure seeds;

(iv) the number of germinable seeds per kilogram or liter 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 liter;

(v) for **artificial** hybrids, the hybrid percentage~~, if appropiate~~.

In the case of small quantities, the requirements as laid down in subparagraph (ii), (iv) and (v) do not have to be fulfilled. The Commission shall, by means of implementing acts, determine the quantities for the respective species. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 27(2).

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1a. By way of derogation from paragraph 1, point (h), in order to make seed of the current season's crop rapidly available, notwithstanding the fact that the examination in respect of germination as laid down in paragraph (h) points (ii) and (iv) has not been concluded, marketing of FRM may take place as far as to the first buyer. The respect of the conditions as laid down in paragraph (h) points (ii) and (iv), shall be stated by the professional operator as soon as possible. A professional operator that intends to make use of this derogation shall notify **the competent authorities**, once, its intention to make use of the derogation.

2. 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.

3. The Commission is empowered to adopt delegated acts in accordance with Article 26(2), amending the table of Annex VI concerning categories under which FRM from the different types of basic material may be marketed.

That amendment shall adapt those categories to the development of scientific and technical knowledge and to the relevant international standards.

~~[Article 5a~~

~~Requirements Additional requirements for the production and marketing of FRM for the purpose of conservation of forest genetic resources~~

~~1. In addition to the provision of Article 5(1), FRM intended for the conservation of forest genetic resources, shall only be marketed if all of the following conditions are also fullfilled:~~

~~(a) (b) for generatively propagated FRM seeds: (i) that FRM shall be collected from an optimal number of individuals of the approved basic material, taking into account natural conditions; [(ii) genetic diversity is conserved during production and marketing];~~

~~(b) (c) in the case of vegetatively propagated FRM, other than seeds, that FRM shall contain a number of clones that is considered to be appropriate for maintaining genetic diversity;~~

~~(c) (a) that FRM, including FRM other than seeds, is harvested from basic material for *in situ* or *ex situ* conservation of forest genetic resources;~~

~~(d) the harvesting of FRM shall not have any considerable negative effects on the vitality or the survival of the stand basic material.~~

~~2. FRM deriving from basic material shall be accompanied by an official label and an operator's document issued pursuant to Articles 16(1) and 16(1b). In addition, that label and document shall state that:~~

~~(a) the FRM concerned is '*intended for the purpose of conservation of forest genetic resources';~~

~~(b) the FRM concerned complies with the requirements of paragraph 1.~~

~~6. The Commission may, by means of implementing acts specify the requirements set out in paragraph 1 and 5, with regard to the collection of FRM and the format and size of the respective official label, in addition to the rules adopted pursuant to Article 16 (5).]~~

~~*Article 6*~~

[…]

Article 7

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

0. In order to remove any temporary difficulties in the general supply of FRM satisfying the requirements of this Regulation that occur in one or more Member States and cannot be overcome within the Union, the Commission may, by means of implementing act, authorise one or more Member States to temporarily allow the marketing of FRM satisfying less stringent requirements than the ones referred to in Article 5(1) points ~~(e)~~ (a), (b) and (h) and Article 8, or deriving from basic material which satisfies less stringent requirements than the ones referred to in Article 4(2). That implementing act shall determine the conditions of such authorisation:

(a) the maximum duration of the authorisation, which authorisation can be at maximum 12 months;

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

(c) the Member State(s) that are concerned by the temporary authorisation;

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

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

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

(g) restriction to certain categories.

~~The~~ That implementing act ~~referred to in paragraph 1~~ shall be adopted in accordance with the examination procedure referred to in Article 27(2).

1. […]

1a. FRM referred to in paragraph 0 shall be accompanied by an official label and professional operator's document issued pursuant to Articles 16(1) and 16(1~~c~~b). In addition, that professional operator's document shall state that the FRM concerned satisfies less stringent requirements than the ones referred to in Article 5(1) points (a), (b) and (h) ~~and (c)~~ and Article 8. or has been derived from basic material which satisfies less stringent requirements than the ones set out in Article 4~~(1) and~~ (2).

2. […]

Article 8

Special requirements for certain species, categories and types of FRM

The Commission is empowered to adopt delegated acts, in accordance with Article 26, supplementing, as necessary, this Regulation as regards the requirements as appropriate for each type, species or category of FRM:

(a) concerning ~~fruits and or seed lots~~ seed units of ~~tree species~~ the tree species listed in Annex I other than their hybrids ~~and seeds used for direct sowing~~ as regards species purity, if technically feasible;

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

(c) for external quality standards for *Populus* spp. propagated by stem cuttings or sets as regards defects and minimum dimensions for stem cuttings and sets;

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

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

That delegated act shall be based on the experience gained by the application of the requirements as appropriate for each type, species or category of FRM as regards the provisions for inspections, sampling and testing, and isolation. It shall adapt those requirements based on the development of the respective international standards, the technical and scientific developments, or the climatic and ecological developments.

Article 9

Contingency plan ~~and national register~~

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 and pest outbreaks, disasters or any other event, as relevant and identified in the national risk assessments developed in accordance with Article 6(1) of Decision No 1313/2013/EU[22].

   Those plans may be coordinated between neighbouring countries.

[22] OJ L 347, 20.12.2013, p. 924.

That contingency plan may be prepared for one or more of ~~the tree species~~ **the tree species listed in Annex I and their hybrids**, that are on the basis of an evaluation made by the Member State, economically and/or ecologically relevant as stand forming species, under current and projected future climatic and ecological conditions of the Member State concerned.

The contingency plans shall take into account, when available, the projected future distribution of the relevant tree species, on the basis of national and/or regional climate model simulations, for the Member State concerned.

2. Member States shall, at an appropriate stage, consult relevant stakeholders in the process of drawing up and keeping up to date such contingency plans.

3. Each contingency plan shall as appropriate for the conditions of every Member State, include the following:

(a) the roles and responsibilities of the bodies involved in the execution of the contingency plan in case of any event causing a major shortage of FRM, as well as the coordination with neighbouring Member States and neighbouring third countries, where appropriate;

(b) […]

(c) […]

(d) measures concerning the submission of information to the Commission, the other Member States, the professional operators concerned and the public, as regards the major FRM shortage, and the measures taken against it in the event of an officially confirmed or suspected major FRM shortage;

(e) […]

(f) […]

(g) […]

(h) principles concerning the appropriate competence of personnel of the bodies referred to in point (a).

Member States shall regularly review and, where appropriate, update their contingency plans to take account of the technical and scientific developments in relation to climate model simulations addressing the projected future distribution of the relevant tree species.

PUBLIC

4. […]

5. Member States shall collaborate with each other and with all relevant stakeholders for the establishment of their contingency plans, on the basis of an exchange of best practices and experience gained with the establishment of those plans.

6. Member States shall make their contingency plans available to the Commission, the other Member States and all relevant professional operators through publication ~~[~~in FOREMATIS~~]~~.

PUBLIC

CHAPTER IIb

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. be registered in a register in each Member State where they have activities related to the production and marketing of FRM, as provided for in Article 65 of Regulation (EU) 2016/2031, for the activities related to the production and marketing of FRM, in accordance with Article 66 of that Regulation;

c. be available personally or designate another person, to liaise with the competent authorities for facilitating the official controls ~~**and to give access to their premises, goods, documents and all other relevant information**~~;

~~**d. ensure that the requirements pursuant to this paragraph are fulfilled, and keep records of the type, quantity and location of all stocks, receipts, mixtures, changes in stocks and outgoing FRM.**~~

1~~b~~ a The professional operators shall inform the competent authorities about any changes regarding points (a), (b) and ~~to~~ (~~d~~ c) and the competent authorities shall update that register accordingly.

2. Professional operators shall ensure traceability and identification of FRM at all stages of production and marketing, including information on the suppliers and buyers, and information contained in the official label and the professional operator's document. The professional operator shall have a system that allows monitoring the information relevant for traceability and identification of FRM for the purpose of own checks and official controls.

2a The information referred to in paragraph 2 shall be stored forgery-proof for at least 10 years. That period shall begin at the end of the year in which the professional operator's document has been created. The information may be stored in digitally readable form. The Member States are allowed to regulate the content of the records and to require only digital records.

3. The professional operators shall facilitate the access of users to the existing available information on FRM concerning its suitability for specific climatic and ecological conditions. 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. The professional operators may refer to websites managed by the competent authorities or public institutes if those are available.

4. To the extent that this 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 forest reproductive material under their control;

(d) their documents and any other relevant information.

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

PUBLIC

6. The obligations of professional operators set out in paragraphs 4, and 5 ~~and 6~~ shall also apply in cases where official controls are performed by delegated bodies and natural persons to which certain official control tasks or certain tasks related to have been delegated.

Article 10a

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

1. Competent authorities 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 official supervision of the competent authority ~~for FRM of the source-identified, selected, qualified or tested category~~ and to issue an official label for ~~them~~ that FRM.

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

(a) possess the necessary knowledge for complying with the requirements referred to 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 referred to 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;

(d) have in place systems to ensure the fulfilment of the requirements concerning lots pursuant to Article 15 and issuance of the official label pursuant to Article 16.

PUBLIC

2. The Commission is empowered to adopt delegated acts in accordance with Article 26, supplementing paragraph 1 by setting out one or more of the following elements:

(a) the procedure for the application submitted by the professional operator;

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

Article 10b

Withdrawal or modification of the authorisation of a professional operator

1. Where an authorised professional operator no longer fulfils the requirements set out in Article ~~**10a(1),**~~ 10(1)c**,** ~~**and**~~ 10(2)~~**,**~~ **and** 10a(1), the competent authority shall request that **the professional** operator to take corrective actions within a specified period of time.

2. The competent authority shall without delay withdraw, or modify as appropriate, the authorisation, if the professional operator does not apply the corrective actions referred to in paragraph 1 within the specified period of time. In case it is concluded that the authorisation had been granted following fraud, the competent authority shall impose the appropriate penalties to the professional operator.

3. When the authorised professional operator no longer performs the activities it is authorised for, it shall request the withdrawal of its authorisation according to the instructions of the competent authority.

Article 10c

Official supervision by the competent authorities

1. For the purposes of the activities under official supervision, the competent authorities, shall conduct regular checks to ensure that the professional operator fulfils the requirements referred to in Article 10a(1).

2. The checks referred to in paragraph 1 shall consist, as necessary, of official inspections, sampling and testing ~~**on adequate samples**~~ of the FRM ~~**on the site of production and on lots of the FRM**~~ in order to confirm compliance of that material with the requirements referred to in Article 5.

PUBLIC

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

3. Those checks may include the introduction of reference systems for the genetic verification of identity of FRM, such as ~~B~~biochemical and ~~M~~molecular ~~T~~techniques (BMT).

CHAPTER III
REGISTRATION OF BASIC MATERIAL AND DEMARCATION OF REGIONS OF PROVENANCE

Article 11

Demarcation of regions of provenance for certain categories

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.

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 other Member States through FOREMATIS.

Article 12

National register and national lists of basic material

1. Each Member State shall establish and keep updated, in electronic format, a national register of the basic material of the various species approved on its territory pursuant to Articles 4 and 19.

That register shall contain full details of each unit of approved basic material, together with its unique register reference.

By way of derogation from Article 4, the competent authorities shall immediately register in their national registers the basic material included, before … [*OJ, please, insert the application date of this Regulation*], in their respective national registers referred to in Article 10(1) of Directive 1999/105/EC, without applying the registration procedure set out in that Article.

2. Each Member State shall establish, publish and keep updated a national list of basic material, which shall be presented as a summary of the national register. It shall make that list available in electronic format to the Commission and the other Member States through and in accordance with the format of FOREMATIS.

3. Member States shall present the national list in a common form for each unit of approval of basic material.

The national list shall provide in particular the following details:

(a) scientific name of the genus and species and, if so decided by the competent authority, common name in an official Union language;

(b) category **of FRM**;

(c) type of basic material, as referred to in the table of Annex VI;

(d) register reference;

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

(i) for the 'source-identified' category, region of provenance and the exact geographical position(s) 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 defined by latitude, longitude and altitude or the latitudinal, longitudinal and altitudinal range;

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

In points (i) to -(iv) a uniform coordinate system as defined in the Forest Reproductive Material Information System of the Commission (FOREMATIS) shall apply;

(f) ~~**area:**~~ the size ~~**(in hectares or number of trees)**~~ of a seed source(s), stand(s) or seed orchard(s)**, indicated in hectares or number of trees**;

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(g) origin:

(i) indication whether the basic material is indigenous, non-indigenous or unknown and, in the case it is indigenous, whether it is autochthonous or not;

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

(iii) in the case of seed orchards, provenances or other relevant geographic information where its components were originally located shall be stated if known. For seed orchards representing a more advanced stage of breeding, information from breeding records may substitute the information about origin and region(s) of provenance;

(h) one or more ~~objective(s)~~ ~~purpose(s)~~ purposes of use of FRM as referred to in Article ~~2(2)~~ 3 point (1).

(ha) other information relevant for the characterisation of the basic material;

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

(i) it is authorised for cultivation as a genetically modified organism, for cultivation in the respective Member State pursuant to Article 19 of Directive 2001/18/EC or Articles 7 and 19 of Regulation (EC) 1829/2003, or, where applicable, in the respective Member State 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(7) of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation ...);

(iii) it contains or consists of a category 2 NGT plant as defined in Article 3(8) of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation);

(j) in the case of qualified and tested categories, information about the place of production of offsprings of parents of families, clone(s) or clonal mixture(s), which means the place or exact geographical position, where the FRM was produced;

(k) In case of a freely accessible data base of the competent authority, a link to that data base including the master certificates and codes corresponding to the respective units of approval and/or a link to the database referred to in Article 14(~~6~~13).

PUBLIC

Article 13

Union List of Approved Basic Material

~~1.~~ On the basis of the national lists provided by each Member State in accordance with Article 12, 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 IV

MASTER CERTIFICATE, LABELLING AND PACKAGING

Article 13a

Harvest and collection from basic material

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

2. In the case where FRM from ~~**a tree species listed in Annex I**~~ **the tree species listed in Annex I and their hybrids** ~~**are not**~~ **is** harvested with the intention **not** to be marketed as FRM within the Union, the professional operator referred to in Article 3(31) shall indicate this in the notification.

3. During the collection and processing of FRM before marketing or direct ~~**sowing**~~ **use**, the harvested FRM shall bear a provisional label issued by the professional operator, containing the 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, referred to in Article 16, once the respective 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 FRM harvesting, extraction, cleaning and packaging shall ensure that the ~~fruits lot or seed~~ seed units lots and parts of plants lots~~, other than plant lot,~~ ~~is~~ are sufficiently homogenous prior to marketing or ~~sowing~~ use in accordance with the applicable international standards.

6. Professional operators shall maintain ~~[~~for a period of at least 10 years~~]~~ and upon request, supply the competent authority with records which shall contain details of all consignments that have been detained and marketed.

Article 14

Master certificate of identity

~~1. Official certification shall result in the issuance of master certificate of identity ('master certificate').~~

~~2. Where the competent authorities delegate certain tasks related to the issuance of master certificates, such delegation shall comply with Articles 31m to 31q.~~

~~3~~1. The master certificate of identity ~~('master certificate')~~ ('master certificate') shall attest that the FRM:

(a) derives from a single unit of approved basic material in accordance with the requirements of Article 4(2);

(b) derives from a mixture of seed lots according to Article 15(3);

(c) is imported and its offical certificate is replaced in accordance with Article 25(3), point (a);

(d) derives from a subsequent vegetative propagation according to Article 15(2).

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

PUBLIC

4. Competent authorities shall designate the certifying officers who are authorised to sign master certificates and shall ensure that these officers:

(a) are impartial, free from any conflict of interest, and in particular are not in a situation which may, directly or indirectly, affect the impartiality of their professional conduct in relation to what is being certified; and

(b) have received appropriate training on the rules with which compliance is certified by an master certificate and on the technical assessment of compliance with those rules as well as with the relevant rules laid down in this Regulation.

5. Master certificates shall be signed by the certifying officer and issued on one of the following grounds:

(a) facts and data relevant for the certification, knowledge of which was ascertained by another person authorised for that purpose by, and acting under the control of, the competent authorities, provided that the certifying officer can verify the accuracy of such facts and data;

(b) facts and data relevant for the certification which were obtained from the operators' own control systems, complemented and confirmed by results from regular official controls, where the certifying officer is thus satisfied that the conditions for issuing the master certificate are met.

6. Master certificates shall:

(a) not be signed by the certifying officer where they are blank or incomplete;

(b) be drawn up in one or more of the official languages of the institutions of the Union understood by the certifying officer and, where relevant, in one of the official languages of the Member State of destination;

(c) be authentic and accurate;

(d) allow for the identification of the person who signed them and the date of issue; and

(e) allow the easy verification of the links between the master certificate, the issuing authority and the consignment, lot or individual forest reproductive material covered by the master certificate.

7. The competent authorities shall take all appropriate measures to prevent the issuance of false or misleading master certificates or the abuse of master certificates.

PUBLIC

8 ~~**1.**~~ The Commission shall, by means of an implementing act, adopt the content and the model for the master certificate of identity for FRM, and in particular for all of the following:

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

(b) Model master certificate for FRM that is derived from seed orchards or parents of family(ies);

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

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 27(2).

9~~**2**~~. Where in accordance with Article 15(2) a Member State adopts measures as regards subsequent vegetative propagation, a new master certificate shall be issued.

10~~**3**~~. Where mixing takes place in accordance with Article 15(3), Member States shall ensure that the register references of the components of the mixtures are identifiable, and a new master certificate persuant to paragraph 1 shall be issued. The professional operator shall notify the competent authority of its intention to carry out that mixing, within a reasonable period prior to that operation. The competent authority may decide to supervise the mixing process.

11~~**4**~~. Where a lot referred to in Article 15(1) is subdivided into smaller lots that are not processed uniformly and subjected to subsequent vegetative propagation, a new master certificate shall be issued and a reference shall be made to the previous master certificate code.

11a~~**4a**~~. Professional operators may request the competent authorities to issue a master certificate, pursuant to paragraph **8** ~~**1**~~, to replace a master certificate issued pursuant to Directive 1999/105/EC.

12~~**5**~~. A master certificate may also be issued in an electronic form ('electronic master certificate').

The Commission may, by means of implementing acts, set out technical arrangements for the issuance of electronic master certificates, for ensuring their compliance with this Article and an appropriate, credible and effective mode for the issuance of electronic master certificates. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

13~~**6**~~. The Commission is empowered to adopt delegated acts, in accordance with Article 26, supplementing this Article, by setting out rules on digital recording of all master certificates and 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 those master certificates.

14. The Commission may, by means of implementing acts, lay down rules concerning:

(a) the mechanisms 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 certificates;

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

(d) the format of documents that must accompany forest reproductive material after official controls have been performed.

(da) rules for the issuance of electronic certificates and for the use of electronic signatures.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

Article 15

Lots

1. FRM shall, during all stages of production and marketing, be kept separated in lots, by reference to individual units of approval. Each lot of FRM shall be identified by a master certificate reference and lot code.

Each lot of FRM shall be identified by the following:

(a) lot code, in the case of marketing;

(b) master certificate code;

(c) scientific name of the genus and species and, if so decided by the competent authority, common name in an official Union language;

(d) category of FRM;

(da) purpose of FRM use;

(e) type of basic material;

(f) register reference;

(g) region of provenance for FRM of the 'source-identified' and 'selected' categories or other FRM if appropriate;

(h) if appropriate, whether the origin of the basic material is autochtonous, indigenous, other origin or unknown;

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

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

(k) for the 'tested' category whether:

(i) it is authorised for cultivation as a genetically modified organism, for cultivation in the respective Member State pursuant to Article 19 of Directive 2001/18/EC or Articles 7 and 19 of Regulation (EC) 1829/2003, or, where applicable, in the respective Member State 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(7) of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation ...);

(iii) it contains or consists of a category 2 NGT plant as defined in Article 3(8) of Regulation (EU) …/… (Office of Publications, please insert reference to NGT Regulation).

2. Without prejudice to paragraph 1 ~~of this Article and to Article 5(1), point (c)~~, professional operators shall keep separately FRM, which is subject to subsequent vegetative propagation and shall identify it as such. ~~Such FRM shall have been harvested from a single unit of approval in the 'selected', 'qualified' and 'tested' categories for sustainable production of wood, or 'selected', 'qualified' and 'tested' for the sustainable production of biomaterials, biomass or other forest products.~~ In such cases, the produced FRM shall assume the same category as the original FRM.

3. Without prejudice to paragraph 1, the mixing of seed ~~FRM~~ lots shall be subject to all of the following conditions, as applicable:

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

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

~~(ab) it shall have at least one of the purpose(s) as its original lots, as referred to in paragraph 1(da);~~

(b) in the case of mixing of **seed** ~~**FRM**~~ lots within a single region of provenance, from seed sources and stands in the 'source-identified category, the new combined lot shall be certified as '**seed** ~~**FRM**~~ lot~~s~~ derived from a seed source';

(c) in the case of mixing of **seed** ~~**FRM**~~ lots derived from non-indigenous basic material with that from basic material of unknown origin, the new combined lot shall be certified as being 'of unknown origin';

(d) in the case of mixing of **seed** ~~**FRM**~~ lots derived from a single unit of approval from one or different years of ripening, the actual years of ripening and proportion of **seed** ~~**FRM**~~ from each year shall be recorded.

In the case of mixing in accordance with the first subparagraph, points (a), (b) or (c), the identity code for the region of provenance may be substituted for the register reference as in paragraph 1, point (f). The resulting lot shall be mixed in such a way that it is homogeneous.

Article 16

Official label and professional operator's document

1. An official label shall be issued and printed for each lot for marketing, with the exception of holding and offering for the purpose of sale by:

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

(b) the competent authority.

This official label shall attest compliance with the requirements of Articles 5, 8 as applicable, and 15~~**, or with the requirements of Article 5b**~~.

1a. That label shall ensure unique identification and traceability of the lot by accompanying that lot during all stages of marketing as referred to in paragraph 1.

1b. In case of delivery of ~~**FRM**~~ lots **of FRM** to another user, the professional operator**, in addition to the official label,** shall issue and print an professional operator's document for each delivered lot, which may be **either a delivery note or an invoice**, or combined with a delivery note or an invoice.

2. […]

3. […]

4. The official label shall contain all elements listed in points (a), (b), (c), (d), **(da),** (f) and (k) of Article 15(1), as well as:

(a) […]

(b) 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.

(c) […]

(d) […]

(e) […]

The official label may further include a digital element, such as a QR code, containing any of the above elements~~,~~ and the elements of the **professional** operator's document as referred to in paragraph 4a.

~~[~~In a non-official part, that label may also include one or more elements of the **professional** operator's document as referred to in paragraph 4a.~~]~~

4a. The **professional** operator's document shall contain all of the following elements:

(a) all elements identifying the lot of the official label as referred to in paragraph 4;

(b) all elements as referred to in Article 15(1) **not mentioned in paragraph 4**;

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

(d) the quantity of FRM supplied;

(e) Member State(s) of production and / or where applicable third country of origin of the respective FRM;

(f) the name and address of the recipient of the respective FRM;

(fa) date of issuing the **professional** operator's document

(fb) number of the **professional** operator's document

(g) whether the FRM has been vegetatively propagated;

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(h) additional information in the case of seed lots as referred to in Article 5(1) point (h);

(i) purity, as measured by the percentage by weight of pure seed, other seed and inert matter ~~of the product marketed as a seed lot~~;

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

(iii) the weight of 1000 pure seeds;

(iv) the number of germinable seeds per kilogram or liter 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 liter;

(v) for ~~artificial~~ artificial hybrids, the hybrid percentage~~, if appropriate~~.

In the case of small quantities of seed, as referred to in Article 5(1)(h), the information as required by this paragraph, subparagraph (ii) and (iv), may not be indicated on the professional operator's document.

4b. The professional operator's document may also include:

(a) an indication whether FRM is derived from autochthonous or non-autochthonous basic material, if so registered pursuant to Article 12(3) point (g);

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

4c. In case of seeds, the official label shall be affixed to the outside of the package as referred to in Article 17.

5. The Commission may, by means of implementing acts, set out the ~~following element concerning the official label and the operator's document:~~

(a) […]

(b) […]

(c) […]

(d) […]

~~(e)~~ format of the official label and the professional operator's document for all or specific categories or other types of FRM.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

5a. Member States may decide to use coloured labels. If coloured labels are used, they shall be in accordance with the OECD Forest Seed and Plant Scheme's colours.

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

The Commission may, by means of implementing acts, set out technical arrangements for the issuance of electronic official labels or **professional** operator's documents, to ensure their compliance with this Article and an appropriate, credible and effective mode for the issuance of those official labels or **professional** operator's documents. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

7. The Commission is empowered to adopt delegated acts, in accordance with Article 26, supplementing this Article, by setting out rules on:

(a) digital recording 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.

~~**[That delegated act may also include requirements concerning the reference to the applicable rules [reference to OCR rules] regarding the documents to be used in order to communicate the information about FRM which moves from one Member State to another.]**~~

Article 17

Packaging of seed units

Seeds with the exception of large quantities, may only be marketed in closed packages, such as nets or other containers, which are sealed. Those packages shall be sealed in such a way, that any of their opening is visible and traceable.

However, that sealing shall not be required in the case of recalcitrant seeds.

Article 18

[…]

Article 19

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

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

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

(b) those extreme 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.

The Commission shall, by means of an implementing act, grant the approval ~~**referred to in paragraph 1,**~~ for each Member State for a certain defined period. The approval shall be granted if the conditions (a), (b) and (c) are fulfilled upon the request of the Member State concerned.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 27(2).

Article 20

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

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, from the provisional results of the genetic evaluation or comparative tests referred to in Annex V, it can be assumed that once the tests are completed, the basic material will satisfy the requirements for approval under this Regulation.

The Commission may, by means of an implementing act, specify the maximum number of units of FRM and the maximum area size that is to be subject to that approval.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 27(2).

PUBLIC

Article 21

[…]

Article 22

Temporary experiments to seek improved alternatives to provisions of this Regulation

1. By way of derogation from Articles ~~1,~~ 4 and 5, the Commission may decide, by means of implementing acts, on the organisation of temporary experiments to seek improved alternatives to provisions of this Regulation concerning ~~the tree species~~ **the tree species listed in Annex I and their hybrids** it applies to, the requirements for the approval of basic material and the production and marketing of FRM.

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

   Those experiments may take the form of technical or scientific trials examining the feasibility and appropriateness of new requirements compared to the ones set out in Articles ~~1,~~ 4 and 5 of this Regulation.

2. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 27(2) and 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;

   (c) the duration of the experiment;

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

   Those acts shall take into account the evolution of:

(a) the methods for the determination of the origin of the basic material including the use of bio-molecular techniques;

(b) the methods for the conservation 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 basic material;

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

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

Those acts 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.

3. The Commission shall review the results of those experiments and summarise them in a report, indicating, if necessary, the need to amend Articles ~~1,~~ 4 or 5.

Article 23

Authorisation to adopt more stringent requirements

1. By way of derogation from Article 4, the Commission, by means of implementing acts, may authorise Member States upon their request to:

(a) adopt, as regards the requirements for the approval of basic material and the production of FRM, more stringent or additional production requirements, than those referred to in that Article, in all or part of the territory of the Member State concerned provided that those more stringent or additional production 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 their territory, the approval of basic material intended for the production of FRM of the category "source-identified";

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

PUBLIC

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

2. Before changing the requirements referred to in paragraph 1, Member States shall submit to the Commission a notification setting out:

(a) the draft provisions containing the proposed requirements;

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

3. The authorisation referred to in paragraph 1 shall be validated 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: adaptation to climate change or the contribution to the protection of biodiversity, restoration of forest ecosystems;

(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. Where Member States have adopted additional or more stringent requirements pursuant to Article 7 of Directive 1999/105/EC, the Member States concerned shall, by … [one year after the *date of application of this Regulation*], ensure that those measures shall comply with this Regulation.

They shall inform the Commission and the other Member States of those actions.

PUBLIC

CHAPTER VI
IMPORTS OF FRM

PUBLIC

Article 24

Imports on the basis of Union equivalence

1. FRM may be imported from third countries to 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 decide, by means of implementing acts, if FRM of specific genera, species, 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, 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 has been considered necessary by the Commission;

   (c) that third country participates in the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade or has a comparable certification system.

   Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2) and shall state the import conditions.

3. When adopting the decisions referred to in paragraph 2, 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, 5 and, where applicable, Article 11, for the ‘source identified’, ‘selected’, ‘qualified’ and ‘tested’ categories.

Article 25

Notification and certificates of FRM imported from third countries

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

2. Imported FRM shall be accompanied by all of the following:

   (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;

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

3. Following the import referred to in paragraph 1, the competent authority of the Member State concerned shall replace:

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

   (b) the OECD label or the equivalent official label, referred to in paragraph 2, point (b) by a new official label, or a new official label shall be attached in addition to that OECD label or the equivalent label. This new official label shall be issued, under the official supervision of the competent authority, either by the professional operator or by a person contracted by the professional operator. The new official label shall be accompanied with an professional operator's document, in accordance with Article 16(1b).

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

PUBLIC

CHAPTER VIa

OFFICIAL CONTROLS

Article 25a

Official controls on forest reproductive material

1. Member States shall designate the competent authority or authorities on which they confer the responsibility to organise or perform official controls. 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 are free from any conflict of interest: commercial activities related to forest reproductive material which are carried out by such staff on behalf of their Member State do not represent any conflict 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.

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 basis and with appropriate frequency, taking into account of:
   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

PUBLIC

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 place of provenance of FRM.

5. 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 case of delegation of certain official control tasks and official activities.

6. Competent authorities may delegate certain official control tasks to delegated bodies or natural persons in application of Articles 28(1) and 29-31 of Regulation (EU) 2017/625. Competent authorities that have delegated certain official control tasks to delegated bodies or natural persons, or certain tasks related to other official activities to delegated bodies or natural persons, shall organise audits or inspections of such 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 to standards relevant to the delegated tasks.

6a. 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.

7. The Commission ~~shall~~ may, by means of implementing acts, lay 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) specification of the activities and frequencies, as referred to in paragraph 4;

c) specific reporting obligations of the delegated bodies and natural persons referred to in paragraph 6.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

PUBLIC

8. Any decision taken by the competent authority in application of Article 66 (3) and (6), Article 137(3) and 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.

9. Methods used for sampling and laboratory analyses, tests and diagnoses for the purpose of determining the information as referred to in Article 5(1) point (h), shall comply with ISTA rules, or other comparable international standards, establishing those methods or the performance criteria for those methods.

~~*Article 25a*~~

~~Official controls on forest reproductive material imported from third countries~~

~~1. The competent authorities shall perform official controls on forest reproductive material entering the Union regularly, on a risk basis and with appropriate frequency.~~

~~2. The appropriate frequency of the official controls shall be determined, taking into account:~~

~~(a) any information indicating the likelihood that consumers might be misled, in particular as to the quantity, quality, country of origin or provenance;~~

~~(b) the history of compliance with the requirements:~~

~~(i) of the third country;~~

~~(ii) of the exporter;~~

~~(iii) of the operator responsible for the consignment;~~

~~(c) the controls that have already been performed; and~~

~~(d) the guarantees that the competent authorities of the third country of origin have given with regard to compliance with the requirements established or with requirements recognised to be at least equivalent thereto.~~

PUBLIC

~~3. The official controls provided for in paragraph 1 shall be performed at an appropriate place within the customs territory of the Union, including:~~

~~(a) the point of entry into the Union;~~

~~(b) a border control post;~~

~~(c) the point of release for free circulation in the Union;~~

~~(d) the warehouses and the premises of the operator responsible for the consignment;~~

~~(e) the place of destination;~~

~~(f) other places designated by the national authorities.~~

~~4. Where official controls are performed in accordance with paragraph (1), they shall always include a documentary check, identity check and physical check.~~

~~5. Where the documentary checks, identity checks or physical checks referred to in paragraph 4 show that forest reproductive material do not comply with the rules referred to in Article 25c(1), (3) and (5), Article 25e, Article 25f, Articles 31ac and 31ad shall apply.~~

~~6. The Commission is empowered to adopt delegated acts in accordance to supplement this Regulation concerning the cases where and the conditions under which competent authorities may request operators to notify the arrival of forest reproductive material entering the Union.~~

~~*Article 25b*~~

~~Suspicion of non-compliance and intensified official controls~~

~~1. In the event of suspicion of non-compliance of consignments of forest reproductive material referred to in Articles 25a with the rules referred in this Regulation, the competent authorities shall perform official controls in order to confirm or to eliminate that suspicion.~~

~~2. The competent authorities shall place the consignments referred to in paragraph 1 under official detention pending the outcome of the official controls provided for in this paragraph.~~

PUBLIC

~~3. Where the competent authorities have reasons to suspect fraudulent or deceptive practices by an operator responsible for the consignment or the official controls give grounds to believe that the rules referred to in this regulation have been seriously or repeatedly infringed, they shall, where appropriate, and in addition to the measures provided for in Article 25c(2), intensify as appropriate official controls on consignments.~~

~~4. The competent authorities shall notify the Commission and the Member States through the computerised information management system of their decision to perform intensified official controls, indicating the reasons for their decision.~~

~~5. The Commission shall, by means of implementing acts, lay down rules on the procedures for the coordinated performance by competent authorities of the intensified official controls referred to in paragraphs 3 and 4 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).~~

~~*Article 25c*~~

~~Measures to be taken in cases of non-compliant consignments entering the Union~~

~~1. The competent authorities shall place under official detention any consignment of forest reproductive material entering the Union which does not comply with the rules provided for in this Regulation and shall refuse its entry into the Union or further marketing.~~

~~2. The competent authority shall, as regards the consignment referred to in paragraph 1 order, without delay, the operator responsible for the consignment to:~~

~~(a) re-dispatch the consignment outside the Union in accordance with Article 25f (1); or~~

~~(b) subject the consignment to any other measure necessary to ensure compliance with the rules provided for in this Regulation.~~

~~Before ordering the operator to take action in accordance with point (a) and (b), the competent authority shall hear the operator concerned.~~

~~3. Where the competent authority orders the operator to take one or more of the actions laid down in point (a) or (b) of the first subparagraph of paragraph 2, that competent authority may exceptionally authorise the action to be taken in respect of a part of the consignment only, provided that the re-dispatch, special treatment, or other measure:~~

PUBLIC

~~(a) is such as to ensure compliance;~~

~~(b) does not disrupt official control operations.~~

~~4. The competent authorities shall immediately notify any decision to refuse entry of a consignment as provided for in paragraph 1, and any order issued in accordance with paragraph 2 to:~~

~~(a) the Commission;~~

~~(b) the competent authorities of the other Member States;~~

~~(c) the customs authorities;~~

~~(d) the competent authorities of the third country of origin; and~~

~~(e) the operator responsible for the consignment.~~

~~That notification shall be performed via the computerised information management system.~~

~~5. The measures referred to in this Article shall be applied at the expense of the operator responsible for the consignment.~~

~~*Article 25d*~~

~~**Follow-up of decisions taken in relation to non-compliant consignments entering the Union from third countries**~~

~~**The competent authorities shall:**~~

~~(a) invalidate the official certificates and as appropriate other relevant documents accompanying consignments which have been subject to measures pursuant to Article 25c (2); and~~

~~(b) cooperate in accordance with Articles 31r - 31w to take any further measures necessary to ensure that it is not possible to reintroduce consignments into the Union which have been refused entry in accordance with Article 25c(1).~~

PUBLIC

~~*Article 25e*~~

~~**Failure by the operator to apply the measures ordered by the competent authorities**~~

~~**1. The operator responsible for the consignment shall carry out all the measures ordered by the competent authorities in accordance with Article 25c(2) without delay and, at the latest, within 60 days from the day on which the competent authorities notified the operator concerned of their decision in accordance with Article 25c(4). The competent authorities may specify a shorter period than the period of 60 days.**~~

~~**2. If, after the expiry of the period referred to in paragraph 1, no action has been taken by the operator concerned, the competent authorities shall order that the consignment be destroyed or subject to any other appropriate measure;**~~

~~**3. The measures referred to in this Article shall be applied at the expense of the operator responsible for the consignment.**~~

~~*Article 25f*~~

~~**Re-dispatch of consignments**~~

~~**The competent authorities shall allow the re-dispatch of consignments subject to compliance with the following conditions:**~~

~~**(a) the destination has been agreed with the operator responsible for the consignment;**~~

~~**(b) the operator responsible for the consignment has informed the competent authorities of the Member State in writing that the competent authorities of the third country of origin or, if different, the third country of destination have been informed of the reasons and circumstances for the refusal of the entry into the Union of the consignment concerned;**~~

~~**(c) where the third country of destination is not the third country of origin, the operator has obtained the agreement of the competent authorities of that third country of destination and those competent authorities have notified the competent authorities of the Member State that they are prepared to accept the consignment.**~~

PUBLIC

~~*Article 25g*~~

~~**Cooperation between authorities in relation to consignments entering the Union from third countries**~~

~~1. Competent authorities of the Member States dealing with forest reproductive material entering the Union shall cooperate closely to ensure that the official controls on consignments entering the Union are performed in accordance with the requirements of this Regulation.~~

~~For that purpose, competent authorities, customs authorities and other authorities shall:~~

~~(a) ensure reciprocal access to information which is necessary for the organisation and conduct of their respective activities in relation to forest reproductive material entering the Union; and~~

~~(b) ensure the timely exchange of such information, including via electronic means.~~

~~2. The Commission shall, by means of implementing acts, lay down rules on uniform cooperation arrangements that competent authorities, customs authorities and other authorities referred to in paragraph 1 are required to put in place to ensure:~~

~~(a) access by competent authorities to the information necessary for the immediate and complete identification of the consignments of forest reproductive material entering the Union;~~

~~(b) the reciprocal update, through exchanges of information or synchronisation of relevant data sets, of information gathered by competent authorities, customs authorities and other authorities on consignments of forest reproductive material entering the Union; and~~

~~(c) the swift communication of decisions taken by such authorities on the basis of the information referred to in points (a) and (b).~~

~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).~~

PUBLIC

CHAPTER VII

PROCEDURAL PROVISIONS

PUBLIC

Article 26

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(2), Article 5~~(3)~~ (~~1~~3) ~~(d) (iii)~~, Article 8~~(1)~~, Article 10a(2), Article 14(~~6~~13) and Article 16(7) shall be conferred on the Commission for a period of 5 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 9 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 3 months before the end of each period.

3. The delegation of power referred to in Article 2(3), Article 4(2) ~~and (6)~~, Article 5~~(3)~~ (~~1~~3) ~~(d) (iii)~~, Article 8~~(1)~~, Article 10a(2), Article 14(~~6~~13) and Article 16(7) 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(2) ~~and (6)~~, Article 5~~(3)~~ ~~(~~13~~)~~ ~~(d) (iii)~~, Article 8~~(1)~~, Article 10a(2), Article 14(~~6~~13) and Article 16(7) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of 2 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 2 months at the initiative of the European Parliament or of the Council.

Article 27

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[23]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011[24].

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

   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.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

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23 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).

24 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 Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

CHAPTER VIII

~~**Reporting, amendments of Regulations (EU) 2016/2031 penalties, [official controls], penalties, and amendments of Regulations (EU) 2016/2031 and 2017/625**~~

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

Article 28

Reporting

By … [*Office of Publications, please insert date of 5 years after the date of application of this Regulation*], and every 5 years thereafter, Member States shall transmit to the Commission a report on the following:

(a) quantities of certified ~~**seeds**~~ **FRM**~~**, parts of plants or marketed plants**~~ by categories per year;

(b) […]

(c) […]

(d) quantities of FRM per genera and species imported from third countries under Union equivalence as referred to in Article 24;

(e) penalties imposed pursuant to Article ~~**29**~~ ~~31ad~~ 29;

(f) number of registered professional operators.

The Commission shall, by means of implementing acts, specify the technical formats, including 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 27(2).

~~*Article 29*~~

~~**Penalties**~~

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

~~**2. Member States shall ensure that financial penalties for violations of this Regulation, perpetrated through fraudulent or deceptive practices, reflect, in accordance with national law, at least either the economic advantage for the professional operator or, as appropriate, a percentage of the professional operator's turnover.**~~

Article 30

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, by means of an implementing act, where appropriate, 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 measures shall, where appropriate, concern the introduction into and the movement within the Union of those plants.' Those measures shall be adopted in accordance with the principles set out in Section 2 of Annex II to this Regulation;

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

'5a. In the case of plants for planting produced, or marketed, as categories source-identified, selected, qualified or tested, as referred to in Regulation (EU) …/…*+, the plant passport shall be combined, in a distinct form, with the official label produced in accordance with the respective provisions of that Regulation.

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* Regulation (EU) .../... of the European Parliament and of the Council of ... … (OJ ...).';

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

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.';

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

~~***Article 31***~~

~~**Amendments of Regulation (EU) 2017/625**~~

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

~~**(1) in Article 1(2), the following point is added:**~~

~~**'(l) production and marketing of forest reproductive material.';**~~

~~**(2) in Article 3, the following point is added:**~~

~~**'(532) 'forest reproductive material' means material as defined in Article 3(1) of Regulation (EU) …/… of …*+**~~

~~*** Regulation (EU) .../... of the European Parliament and of the Council of ... … (OJ ...).';**~~

~~***+ OJ: Please insert in the text the number of this Regulation and institutions and insert the number, date, title and OJ reference of this Regulation in the footnote.***~~

~~**(3) the following article is inserted after Article 22a:**~~

PUBLIC

Article 31

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, 28-33 except 29(b)iv and 33 (a), 43-46, 65-72, 75, 88-89, 102-108, 120, 130-138 shall apply, as applicable, to controls performed for the verification of compliance with requirements laid down in Regulation … on FRM to the extent determined by that Regulation.

(2) in Articles 31, 44, 45(3), 65, 66, 67, 71, 88, 102, 106, 107, 108, 120, 130, 131, 132, 133(1) first subparagraph, 138, where reference is made to Article 1(2), the following point is added after the reference to Article 1(2):

'and 1 (2a)'.

*** Regulation (EU) .../... of the European Parliament and of the Council of ... … (OJ ...).';**

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

~~***'Article 22b***~~

~~**Specific rules on official controls and for action taken by the competent authorities in relation to forest reproductive material**~~

~~**1. Official controls to verify compliance with the rules referred to in Article 1(2), point (l), shall include official controls on the production and marketing of forest reproductive material, and on operators subject to those rules.**~~

PUBLIC

~~2. The Commission is empowered to adopt delegated acts in accordance with Article 144 to supplement this Regulation by laying down rules for the performance of official controls on forest reproductive material in order to check compliance with Union rules referred to in Article 1(2), point (l), applicable to those goods and for action taken by the competent authorities following the performance of those official controls.~~

~~Those delegated acts shall lay down rules on:~~

~~(a) specific requirements for the performance of such official controls on the production and marketing within, the Union of particular forest reproductive material subject to the rules referred to in Article 1(2), point (l), to respond to non-compliance with the Union rules on forest reproductive material of a particular origin or provenance;~~

~~(b) specific requirements for the performance of such official controls on the activities of professional operators related to the production of particular forest reproductive material subject to the rules referred to in Article 1(2), point (l), to respond to non-compliance with the Union rules on forest reproductive material of a particular origin or provenance; and~~

~~(c) the cases where the competent authorities are to take one or more of the measures referred to in Article 137(2) and Article 138(2) in relation to specific non-compliances.~~

~~3. The Commission shall, by means of implementing acts, lay down rules on uniform practical arrangements for the performance of official controls on forest reproductive material in order to verify compliance with Union rules referred to in Article 1(2), point (l), applicable to those goods and for action taken by the competent authorities following such official controls on:~~

~~(a) uniform minimum frequency of such official controls, where a minimum level of official control is necessary to respond to recognised uniform risks of non-compliance with the rules on forest reproductive material of a particular origin or provenance;~~

~~(b) frequency of official controls performed by competent authorities on operators authorised to issue official labels under official supervision in accordance with Article 16(1) of Regulation (EU) …/…*+~~

PUBLIC

~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 145(2).~~

~~* Regulation (EU) .../... of the European Parliament and of the Council of ... … (OJ ...).'~~

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

~~[*Article 31a*~~

~~Derogations from Regulation (EU) 2017/625~~

~~1. Articles 5(1) to (4), 6, 9(1) and (2), 11, 29(b) point (iv), 33 point (a), 34 to 42, 78 to 85, 92 to 101 and 109 to 114 of Regulation (EU) 2017/625 shall not apply for the purpose of this Regulation.~~

~~2. Notwithstanding paragraph 1, 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.]~~

~~*Article 31c*~~

~~Official controls on forest reproductive material~~

~~10. The competent authorities shall have arrangements in place to ensure:~~

~~d) the effectiveness and appropriateness of official controls and other official activities;~~

~~e) the impartiality, quality and consistency of official controls and other official activities;~~

~~f) that staff performing official controls and other official activities are free from any conflict of interest: commercial activities related to forest reproductive material which are carried out by such staff on behalf of their Member State do not represent any conflict of interest;~~

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

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

~~11. 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, operators.~~

~~12. Competent authorities shall perform official controls on all operators on a risk basis and with appropriate frequency, taking into account of:~~

~~d) identified risks of non-compliance with Regulation (EU) …/… [on FRM] and the evolution of those risks;~~

~~e) the activities under the control of operators; and~~

~~f) 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 place of provenance of FRM.~~

~~13. Competent authorities that have delegated certain official control tasks to delegated bodies or natural persons in accordance with Article 28(1) of Regulation (EU) 2017/625, or certain tasks related to other official activities to delegated bodies or natural persons in accordance with Article 31 of Regulation (EU) 2017/625, may organise audits or inspections of such 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 to standards relevant to the delegated tasks.~~

PUBLIC

~~14. The Commission may, by means of implementing acts, lay 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 1;~~

~~b) specification of the activities and frequencies, as referred to in paragraph 3;~~

~~c) specific reporting obligations of the delegated bodies, as referred to in paragraph 4.~~

~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).~~

~~15. Methods used for sampling and laboratory analyses, tests and diagnoses for the purpose of determining the information as referred to in Article 5(1) point (h), shall comply with ISTA rules, or other comparable international standards, establishing those methods [or the performance criteria for those methods].~~

~~*Article 31d*~~

~~Designation of competent authorities~~

~~1. Member States shall designate the competent authority or authorities on which they confer the responsibility to organise or perform official controls.~~

~~2. Where a Member State confers the responsibility to organise or perform official controls on more than one competent authority, or where the competent authorities designated in accordance with paragraph 1 are allowed by that designation to transfer specific responsibilities for official controls to other public authorities, the Member State shall:~~

~~(a) ensure coordination between all authorities involved, and the consistency and effectiveness of official controls across its territory;~~

~~(b) designate a single authority responsible for coordinating the cooperation and the contacts with the Commission and with other Member States in relation to the official controls.~~

PUBLIC

4. 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, the single authorities designated in accordance with point (b) of paragraph 2, and the delegated bodies referred to in Article 28(1) 31m.

The information referred to in the first subparagraph shall also be made available by Member States to the public, including on the internet.

Article 31e

General obligations concerning the competent authorities

When more than one unit is competent to perform official controls, coordination and cooperation shall be ensured between the different units.

Article 31f

Right of appeal

The decisions taken by the competent authorities in accordance with Article 25c (2), point (b) of Article 31ac (2), and Article 31ad (1) and (2), concerning natural or legal persons shall be subject to such persons' right of appeal in accordance with national law.

Article 31g

Confidentiality obligations of the competent authorities

1. Competent authorities shall ensure that, subject to paragraph 3, information acquired when performing their duties in the context of official controls is not disclosed to third parties where, under national or Union legislation, that information is, by its nature, covered by professional secrecy.

For that purpose, Member States shall ensure that appropriate confidentiality obligations are established for staff and other individuals employed during official controls.

2. Paragraph 1 shall also apply to delegated bodies and natural persons to which specific official control tasks have been delegated.

PUBLIC

3. Unless there is an overriding public interest in the disclosure of information covered by professional secrecy as referred to in paragraph 1, and without prejudice to situations where disclosure is required by Union or national legislation, such information shall include information whose disclosure would undermine:

(a) the purpose of inspections, investigations or audits;

(b) the protection of commercial interests of an operator or any other natural or legal person; or

(c) the protection of court proceedings and legal advice.

4. The confidentiality obligations provided for in this Article shall not prevent the competent authorities from publishing or making otherwise available to the public information about the outcome of official controls regarding individual operators, provided, without prejudice to situations where disclosure is required by Union or national legislation, that the following conditions are met:

(a) the operator concerned is given the opportunity to comment on the information that the competent authority intends to publish or make otherwise available to the public, prior to its publication or release, taking into account the urgency of the situation; and

(b) the information which is published or made otherwise available to the public takes into account the comments expressed by the operator concerned or is published or released together with such comments.

Article 31h

General rules on official controls

1. Official controls shall be performed with prior notice.

2. Official controls shall be performed as much as possible in such a manner that the administrative burden and operational disruption for operators are kept to the minimum necessary, but without this negatively affecting the effectiveness of those controls.

PUBLIC

~~*'Article 22b*~~

~~**Specific rules on official controls and for action taken by the competent authorities in relation to forest reproductive material**~~

~~**1. Official controls to verify compliance with the rules referred to in Article 1(2), point (l) provided for in this Regulation, shall include official controls on the production and marketing of forest reproductive material, and on professional operators subject to those rules.**~~

~~2. **The Commission is empowered to adopt delegated acts in accordance with Article 144 27 (2) to supplement this Regulation by laying down rules for the performance of official controls on forest reproductive material in order to check compliance with Union rules referred to in Article 1(2), point (l) provided for in this Regulation, applicable to those goods forest reproductive material and for action taken by the competent authorities following the performance of those official controls.**~~

~~**Those delegated acts shall lay down rules on:**~~

~~**(a) specific requirements for the performance of such official controls on the production and marketing within, the Union of particular forest reproductive material subject to the rules referred to in Article 1(2), point (l) provided for in this Regulation, to respond to non-compliance with the Union rules on forest reproductive material of a particular origin or provenance;**~~

~~**(b) specific requirements for the performance of such official controls on the activities of professional operators related to the production of particular forest reproductive material subject to the rules referred to in Article 1(2), point (l) provided for in this Regulation, to respond to non-compliance with the Union rules on forest reproductive material of a particular origin or provenance; and**~~

~~**(c) the cases where the competent authorities are to take one or more of the measures referred to in Article 137(2) 31ac (1) and Article 138(2) 31ad (2) in relation to specific non-compliances.**~~

PUBLIC

~~3. The Commission shall, by means of implementing acts, lay down rules on uniform practical arrangements for the performance of official controls on forest reproductive material in order to verify compliance with Union rules referred to in Article 1(2), point (l) provided for in this Regulation, applicable to those goods forest reproductive material and for action taken by the competent authorities following such official controls on:~~

~~(a) uniform minimum frequency of such official controls, where a minimum level of official control is necessary to respond to recognised uniform risks of non-compliance with the rules on forest reproductive material of a particular origin or provenance;~~

~~(b) frequency of official controls performed by competent authorities on operators authorised to issue official labels under official supervision in accordance with Article 16(1) of Regulation (EU) …/…*+.~~

~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 144 27(2).~~

~~* Regulation (EU) .../... of the European Parliament and of the Council of ... … (OJ ...).'~~

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

PUBLIC

~~*Article 31c*~~

~~**Official controls on forest reproductive material**~~

~~**1. 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 are free from any conflict of interest: commercial activities related to forest reproductive material which are carried out by such staff on behalf of their Member State do not represent any conflict 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.**~~

~~**2. 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, operators.**~~

~~**3. Competent authorities shall perform official controls on all operators on a risk basis and with appropriate frequency, taking into account of:**~~

~~**g) identified risks of non-compliance with Regulation (EU) …/… [on FRM] rules provided for in this Regulation and the evolution of those risks;**~~

~~**h) the activities under the control of operators; and**~~

~~**i) 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 place of provenance of FRM.**~~

PUBLIC

4. Competent authorities that have delegated certain official control tasks to delegated bodies or natural persons in accordance with Article 28(1) of Regulation (EU) 2017/625, or certain tasks related to other official activities to delegated bodies or natural persons in accordance with Article 31 of Regulation (EU) 2017/625, may organise audits or inspections of such 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 to standards relevant to the delegated tasks.

5. The Commission may, by means of implementing acts, lay 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 1;

b) specification of the activities and frequencies, as referred to in paragraph 3;

c) specific reporting obligations of the delegated bodies, as referred to in paragraph 4.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

6. Methods used for sampling and laboratory analyses, tests and diagnoses for the purpose of determining the information as referred to in Article 5(1) point (h), shall comply with ISTA rules, or other comparable international and national standards, establishing those methods [or the performance criteria for those methods].

Article 31i

Operators, processes and activities subject to official controls

Competent authorities shall perform official controls on:

(a) forest reproductive material at any stage of production and marketing;

(b) operators as regards activities, including the equipment, premises and other places, including basic material, under their control and on related documentation.

PUBLIC

~~*Article 31j*~~

~~**Documented control procedures**~~

~~1. Competent authorities shall perform official controls in accordance with documented procedures.~~

~~2. Competent authorities shall have control verification procedures in place.~~

~~3. Paragraphs 1 and 2 shall also apply to delegated bodies.~~

~~*Article 31k*~~

~~**Written records of official controls**~~

~~1. Competent authorities shall draw up written records of every official control that they perform. Those records may be on paper or in electronic form.~~

~~Those records shall contain:~~

~~(a) a description of the purpose of the official controls;~~

~~(b) the control methods applied;~~

~~(c) the outcome of the official controls; and~~

~~(d) where appropriate, action that the competent authorities require the operator concerned to take as a result of their official controls.~~

~~2. Unless the purposes of judicial investigations or the protection of court proceedings require otherwise, the operators subject to an official control shall be provided with a copy of the records provided for in paragraph 1. The operator shall be promptly informed in writing by the competent authorities of any case of non- compliance identified through the official controls.~~

~~3. Paragraphs 1 and 2 shall also apply to delegated bodies and natural persons to which certain official control tasks have been delegated.~~

PUBLIC

~~*Article 31l*~~

~~**Methods and techniques for official controls**~~

~~**Official control methods and techniques shall include the following as appropriate:**~~

~~**(a) an examination of the controls that operators have put in place and of the results obtained;**~~

~~**(b) an inspection of:**~~

~~**(i) equipment, premises and other places under operators control;**~~

~~**(ii) traceability and labelling;**~~

~~**(c) an examination of documents;**~~

~~**(d) interviews with operators and with their staff;**~~

~~**(e) the verification of measurements taken by the operator and other test results;**~~

~~**(f) sampling, analysis, diagnosis and tests;**~~

~~**(g) audits of operators;**~~

~~**(h) any other activity required to identify cases of non-compliance.**~~

~~*Article 31m*~~

~~**Delegation by the competent authorities of certain official control tasks**~~

~~**Competent authorities may delegate certain official control tasks to one or more delegated bodies or natural persons in accordance with the conditions provided for in Articles 31n and 31o respectively. The competent authority shall ensure that the delegated body or natural person, to which such tasks have been delegated, have the powers needed to effectively perform these tasks.**~~

PUBLIC

~~*Article 31n*~~

~~**Conditions for delegating certain official control tasks to delegated bodies**~~

~~**The delegation of certain official control tasks to a delegated body referred to in Article 31m shall be in writing and shall comply with the following conditions:**~~

~~**(a) the delegation contains a precise description of those official control tasks that the delegated body may perform, and the conditions under which it may perform those tasks;**~~

~~**(b) the delegated body:**~~

~~**(i) has the expertise, equipment and infrastructure required to perform those official control tasks delegated to it;**~~

~~**(ii) has a sufficient number of suitably qualified and experienced staff;**~~

~~**(iii) is impartial and free from any conflict of interest and in particular is not in a situation which may affect the impartiality of its professional conduct as regards the performance of those official control tasks delegated to it;**~~

~~**(iv) has sufficient powers to perform the official control tasks delegated to it; and**~~

~~**(c) there are arrangements in place ensuring efficient and effective coordination between the delegating competent authorities and the delegated body.**~~

~~*Article 31o*~~

~~**Conditions for delegating certain official control tasks to natural persons**~~

~~**Competent authorities may delegate certain official control tasks to one or more natural persons. Such delegation shall be in writing and shall comply with the following conditions:**~~

~~**(a) the delegation contains a precise description of those official control tasks that the natural persons may perform and the conditions under which the natural persons may perform those tasks;**~~

PUBLIC

~~(b) the natural persons:~~

~~(i) have the expertise, equipment and infrastructure required to perform those official control tasks delegated to them;~~

~~(ii) are suitably qualified and experienced;~~

~~(iii) act impartially and are free from any conflict of interest as regards the exercise of those official control tasks delegated to them; and~~

~~(c) there are arrangements in place ensuring efficient and effective coordination between the delegating competent authorities and the natural persons.~~

PUBLIC

~~*Article 31p*~~

~~Obligations of the delegated bodies and natural persons~~

~~Delegated bodies or natural persons to which certain official control tasks have been delegated in accordance with Article 31m, shall:~~

~~(a) communicate the outcome of the official controls performed by them to the delegating competent authorities on a regular basis and whenever those competent authorities so request;~~

~~(b) immediately inform the delegating competent authorities whenever the outcome of the official controls indicate non-compliance or point to the likelihood of non-compliance, unless specific arrangements established between the competent authority and the delegated body or the natural person concerned provides otherwise; and~~

~~(c) give competent authorities access to their premises and facilities and cooperate and provide assistance.~~

~~*Article 31q*~~

~~**Obligations of the delegating competent authorities**~~

~~**Competent authorities that have delegated certain official control tasks to delegated bodies or natural persons in accordance with Article 31m, shall:**~~

~~**(a) organise audits or inspections of such bodies or persons;**~~

~~**(b) fully or partly withdraw the delegation without delay where:**~~

~~**(i) there is evidence that such a delegated body or natural person is failing to properly perform the tasks delegated to it;**~~

~~**(ii) the delegated body or the natural person fails to take appropriate and timely action to remedy the shortcomings identified; or**~~

~~**(iii) the independence or impartiality of the delegated body or natural person has been shown to be compromised.**~~

~~**This point shall be without prejudice to the competence of the competent authorities to withdraw the delegation for reasons other than those provided for in this Regulation.**~~

~~*Article 31r*~~

~~**General rules of administrative assistance and cooperation**~~

~~**1. The competent authorities in the Member States concerned shall provide each other with administrative assistance in accordance with Articles 31t – 31v, in order to ensure the correct application of the rules referred to in this Regulation in cases which have relevance in more than one Member State.**~~

~~**2. This Title shall be without prejudice to national law:**~~

~~**(a) applicable to the release of documents and information that are the object of, or related to, judicial investigations and court proceedings, including criminal investigations; and**~~

~~**(b) aimed at the protection of natural or legal persons' commercial interests.**~~

PUBLIC

~~3. Member States shall take measures to facilitate the transmission, from other law enforcement authorities, public prosecutors and judicial authorities, to the competent authorities, of information on possible non-compliance with the rules referred to in this Regulation which is relevant for the application of this Article and which may constitute a possible violation of the rules referred to in this Regulation perpetrated through fraudulent or deceptive practices.~~

~~4 All communications between competent authorities in accordance with Articles 31t - 31v shall be in writing, on paper or in electronic form.~~

~~5 In order to streamline and simplify communication exchanges, the Commission shall, by means of implementing acts, establish a standard format for:~~

~~(a) the requests for assistance provided for in Article 31t(1); and~~

~~(b) the communication of common and recurrent notifications and responses.~~

~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).~~

~~*Article 31s*~~

~~Liaison bodies~~

~~1. Each Member State shall designate one or more liaison bodies acting as contact points responsible for facilitating the exchange of communications between competent authorities in accordance with Articles 31t - 31v.~~

~~2. The designation of liaison bodies shall not preclude direct contacts, exchange of information or cooperation between the staff of competent authorities in different Member States.~~

~~3. Member States shall communicate to the Commission and other Member States the contact details of their liaison bodies designated in accordance with paragraph 1, and any subsequent modification of those details.~~

~~4. The Commission shall publish and update on its website the list of liaison bodies communicated to it by the Member States in accordance with paragraph 3.~~

PUBLIC

~~5. All requests for assistance pursuant to Article 31t(1), and notifications and communications pursuant to Articles 31u and 31v shall be transmitted by a liaison body to its correspondent in the Member State to which the request or the notification is addressed.~~

~~6. The Commission shall, by means of implementing acts, establish the specifications of the technical tools and the procedures for communication between liaison bodies designated in accordance with paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).~~

PUBLIC

~~*Article 31t*~~

~~Assistance on request~~

~~1. Where the competent authorities in a Member State consider that, for the performance of official controls in their territory, they require data or information from the competent authorities of another Member State, they shall issue a reasoned request for administrative assistance to the competent authorities of that Member State. The requested competent authorities shall:~~

~~(a) acknowledge receipt of the request without delay;~~

~~(b) where the requesting competent authority so specifies, indicate within ten working days from the date of receipt of the request, the estimated time necessary to provide an informed response to the request; and~~

~~(c) perform official controls necessary to provide the requesting competent authorities without delay with all necessary information and documents to enable them to take informed decisions and verify compliance with Union rules within their jurisdiction.~~

~~2. Documents may be transmitted in their original form or copies may be provided.~~

~~*Article 31u*~~

~~Assistance without request in the event of non-compliance~~

~~1. When the competent authorities in a Member State become aware of a case of non-compliance, and if such non-compliance may have implications for another Member State, they shall notify such information to the competent authorities of that other Member State without being requested to do so and without undue delay.~~

~~2. The competent authorities notified in accordance with paragraph 1 shall:~~

~~(a) acknowledge receipt of the notification without undue delay;~~

~~(b) where the notifying competent authority so specifies, indicate within ten working days from the date of receipt of the notification:~~

~~(i) what official controls they intend to carry out; or~~

~~(ii) the reasons why they consider that no official controls are necessary; and~~

~~(c) where official controls referred to in point (b) are considered necessary, investigate the matter and inform the notifying competent authorities without delay of the results and, where appropriate, of any measures taken.~~

~~*Article 31v*~~

~~Assistance on the basis of information provided by third countries~~

~~1. When competent authorities receive information from a third country indicating non-compliance with rules referred to in this Regulation, they shall, without delay:~~

~~(a) notify such information to the competent authorities in other concerned Member States;~~

~~(b) communicate such information to the Commission where it is or may be relevant at Union level.~~

~~2. Information obtained through official controls performed in accordance with this Regulation may be communicated to the third country referred to in paragraph 1, provided that:~~

PUBLIC

~~(a) the competent authorities which have provided the information consent to such communication;~~

~~(b) the third country has undertaken to provide the assistance necessary to gather evidence of practices that are or appear to be non-compliant with Union rules; and~~

~~(c) relevant Union and national rules applicable to the communication of personal data to third countries are complied with.~~

~~*Article 31w*~~

~~Coordinated assistance and follow-up by the Commission~~

~~1. Where the competent authorities in the Member States concerned are unable to agree on appropriate action to address the non-compliance with the rules provided for in this Regulation, the Commission shall coordinate the measures and actions undertaken by competent authorities where information available to the Commission either:~~

~~(a) reports activities that are, or appear to be, non-compliant with the rules provided for in this Regulation, and such activities have, or might have, ramifications in more than one Member State; or~~

~~(b) indicates that the same, or similar, activities that are, or appear to be, non-compliant with the rules provided for in this Regulation might be taking place in more than one Member State.~~

~~2. In the cases referred to in paragraph 1, the Commission may:~~

~~(a) in collaboration with the Member State concerned, send an inspection team to perform an on-the-spot official control;~~

~~(b) request, by means of implementing acts, that the competent authorities in the Member State of dispatch and, where appropriate, in other Member States concerned, appropriately intensify official controls and report to it on the measures taken by them;~~

~~(c) take any other appropriate measure.~~

~~3. The Commission is empowered to adopt delegated acts in accordance with Article 27(2) to supplement this Regulation by establishing rules for the rapid exchange of information in the cases referred to in paragraph 1.~~

PUBLIC

~~*Article 31x*~~

~~Commission controls in Member States~~

~~1. Commission experts may perform controls or audits in Member States to:~~

~~(a) verify the application of the rules provided for in this Regulation;~~

~~(b) verify the functioning of national control systems in the areas governed by the rules provided for in in this Regulation, and of the competent authorities which operate them;~~

~~(c) investigate and collect information:~~

~~(i) on official controls and enforcement practices in the areas governed by the rules provided for in this Regulation;~~

~~(ii) on important or recurring problems with the application or enforcement of the rules provided for in this Regulation;~~

~~(iii) in relation to emergency situations, emerging problems or new developments in the Member States in the areas governed by the rules provided for in this Regulation.~~

~~2. The controls provided for in paragraph 1 shall be organised in cooperation with the competent authorities of the Member States.~~

~~3. The Commission shall:~~

~~(a) prepare a draft report on the findings and on recommendations addressing the shortcomings identified by its experts during controls performed in accordance with paragraph (1);~~

~~(b) send to the Member State where those controls have been performed a copy of the draft report provided for in point (a) for its comments;~~

~~(c) take the comments of the Member State referred to in point (b) into account in preparing the final report on the findings of the controls performed by its experts in the Member States as provided for in paragraph (1).~~

PUBLIC

~~4. Member States shall:~~

~~(a) take appropriate follow-up measures to remedy any specific or systemic shortcomings identified through the controls performed by the Commission experts in accordance with paragraph (1);~~

~~(b) give the necessary technical assistance and provide the available documentation upon justified request, and other technical support that Commission experts request to enable them to perform controls efficiently and effectively; and~~

~~(c) give the necessary assistance to ensure that the Commission experts have access to all premises, forest reproductive material, and to information, including computing systems, relevant for the execution of their duties.~~

PUBLIC

~~*Article 31y*~~

~~Commission controls in third countries~~

~~1. Commission experts may perform controls in third countries in order to:~~

~~(a) verify the compliance or equivalence of third-country legislation and systems, including official certification and the issuance of official certificates, official labels and other official documents, with the requirements laid down in the rules provided for in this Regulation;~~

~~(b) verify the capacity of the third country control system to ensure that consignments of forest reproductive material exported to the Union comply with relevant requirements established by the rules provided for in this Regulation or with requirements recognised to be at least equivalent thereto;~~

~~(c) collect information and data to elucidate the causes of recurring or emerging problems in relation to exports of forest reproductive material from a third country.~~

~~2. The Commission shall report on the findings of each control performed in accordance with this Article. The Commission shall make its reports publicly available.~~

~~Article 31z~~

~~Training and exchange of staff~~

1. ~~The Commission may organise training activities for the staff of the competent authorities and, where appropriate, for staff of other authorities of the Member States involved in investigations of possible infringements of this Regulation. The Commission shall organise those activities in cooperation with the Member States concerned.~~

2. ~~The training activities referred to in paragraph 1 shall facilitate the development of a harmonised approach to official controls in Member States.~~

3. ~~The training activities referred to in paragraph 1 may be open to staff of the competent authorities of third countries and may be organised outside the Union.~~

4. ~~Competent authorities shall ensure that the knowledge acquired through the training activities referred to in paragraph 1 is disseminated as necessary and appropriately used in the staff training activities.~~

5. ~~The Commission may organise, in cooperation with the Member States, programmes for the exchange of staff of the competent authorities performing official controls or other official activities between two or more Member States.~~

~~Article 31aa~~

~~Information management system for official controls~~

1. ~~The Commission shall, in collaboration with the Member States, set up and manage a computerised information management system for official controls for the integrated operation of the mechanisms and tools through which data, information and documents concerning official controls are managed, handled, and automatically exchanged.~~

2. ~~The processing of personal data by the Member States and the Commission through the computerised information management system and any one of its components shall only be carried out for the purpose of performing official controls in accordance with this Regulation.~~

PUBLIC

~~3. The information management system shall:~~

~~(a) allow for the computerised handling and exchange of information, data and documents necessary for the performance of official controls, resulting from the performance of official controls or the recording of the performance or outcome of official controls in all cases where this Regulation provides for the exchange among competent authorities, between the competent authorities and the Commission, and where appropriate with other authorities and the operators, of such information, data and documents;~~

~~(b) provide a mechanism for the exchange of data, information and documents in accordance with Articles 31r – 31w;~~

~~(c) provide a tool to collect and manage the reports on official controls provided by Member States to the Commission.~~

~~4. The Commission shall adopt implementing acts for the functioning of the computerised information management system which lay down:~~

~~(a) the technical specifications of the computerised information management system and its system components, including the electronic data exchange mechanism for exchanges with existing national systems, identification of applicable standards, definition of message structures, data dictionaries, exchange of protocols and procedures;~~

~~(b) the specific rules for the functioning of the computerised information management system and of its system components to ensure protection of personal data and security of exchange of information;~~

~~(c) the specific rules for the functioning and use of the computerised information management system and of its components;~~

~~(d) contingency arrangements to be applied in the event of unavailability of any of the functionalities of the computerised information management system;~~

~~(e) the cases where, and the conditions under which, the third countries and international organisations concerned may be granted partial access to the functionalities of the computerised information management system and the practical arrangements of such access;~~

PUBLIC

~~(f) the cases where, and the conditions under which, the data, information and documents are to be transmitted using the computerised information management system;~~

~~(g) the rules concerning an electronic system under which electronic certificates issued by the competent authorities of third countries are to be accepted by the competent authorities; and~~

~~(h) the cases where, and the conditions under which, exemptions from the use of the computerised information management system can be granted to occasional users.~~

~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).~~

~~*Article 31ab*~~

~~Data protection and data security~~

~~1. Directive 95/46/EC and Regulation (EC) No 45/2001 of the European Parliament and of the Council[25] shall apply to the extent that the information processed through the computerised information management system contains personal data as defined in point (a) of Article 2 of Directive 95/46/EC and in point (a) of Article 2 of Regulation (EC) No 45/2001.~~

~~2. In relation to their responsibilities to transmit the relevant information to the computerised information management system and the processing of any personal data that might result from that activity, the competent authorities of the Member States shall be regarded as controllers as defined in point (d) of Article 2 of Directive 95/46/EC.~~

~~3. In relation to its responsibility to manage the computerised information management system and the processing of any personal data that might result from that activity, the Commission shall be regarded as controller as defined in point (d) of Article 2 of Regulation (EC) No 45/2001.~~

[25] Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

~~4. Member States may restrict the rights and obligations under Article 6(1), Article 10, Article 11(1) and Article 12 of Directive 95/46/EC as necessary to safeguard the interest referred to in points (d) and (f) of Article 13(1) of that Directive.~~

~~5. Member States and the Commission shall ensure that the computerised information management system complies with the rules on data security adopted by the Commission under Article 17 of Directive 95/46/EC and Article 22 of Regulation (EC) No 45/2001 respectively.~~

~~*Article 31ae*~~

~~General obligations of the competent authorities as regards enforcement action~~

~~1. In case of suspicion of non-compliance, the competent authorities shall perform an official controls in order to confirm or to eliminate that suspicion.~~

~~2. Where necessary, actions taken in accordance with paragraph 1 shall include:~~

~~(a) the performance of intensified official controls on forest reproductive material and operators for an appropriate period;~~

~~(b) the official detention of forest reproductive material as appropriate.~~

~~*Article 31ad*~~

~~Actions in the event of established non-compliance~~

~~1. Where the non-compliance is established, the competent authorities shall take:~~

~~(a) any action necessary to determine the origin and extent of the non-compliance and to establish the operator's responsibilities;~~

~~(b) appropriate measures to ensure that the operator concerned remedies the non-compliance and prevents further occurrences of such non-compliance.~~

~~2. When acting in accordance with paragraph 1 of this Article, competent authorities shall take any measure they deem appropriate to ensure compliance with the rules provided for in this Regulation.~~

PUBLIC

~~3. The competent authorities shall provide the operator concerned, or its representative, with:~~

~~(a) written notification of their decision concerning the action or measure to be taken in accordance with paragraphs 1 and 2, together with the reasons for that decision; and~~

~~(b) information on any right of appeal against such decisions and on the applicable procedure and time limits with respect to such right of appeal.~~

~~4. All expenditure incurred under this Article shall be borne by the responsible operators.~~

PUBLIC

Article 29

Penalties

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

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

CHAPTER IX
FINAL PROVISIONS

PUBLIC

Article 32

Repeal of Directive 1999/105/EC

Directive 1999/105/EC is repealed.

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

Article 32a

Transitional measures

1. FRM produced, before [date of application] in accordance with the provisions of Directive 1999/105/EC or national rules, may continue to be marketed until exhaustion of the respective stocks. FRM produced in accordance with Directive 1999/105 may continue to be marketed with a master certificate issued pursuant to that Directive.
2. FRM produced in accordance with the provisions of Directive 1999/105/EC or national rules shall be accompanied with a label stating that it concerns 'FRM not approved according to the rules of [enter title of this Regulation].

Article 33

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 … ~~[~~*5 years after the date of entry into force of this Regulation*~~]~~**~~., with the exception of Article 31, which shall apply from [7 years *after the date of entry into force of this Regulation*].~~**

~~**Article 32 shall apply from [5 years *after the date of entry into force of this Regulation]*, with the exception of article 16 of directive 1999/105/EC which shall apply until *[7 years after the date of entry into force of this Regulation].***~~

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

Done at Brussels,

For the European Parliament *For the Council*

The President

PUBLIC

ANNEX I

LIST OF TREE SPECIES

Abies alba Mill.

Abies cephalonica Loud

Abies grandis Lindl

Abies nordmanniana (Steven) Spach

Acer campestre L.

Acer monspenssulanum L.

Acer opalus (W. et K. ex. Willd.)

Acer platanoides L.

Acer pseudoplatanus L.

Alnus cordata (Loisel) Desf.

Alnus glutinosa Gaertn

Alnus incana Moench

Paulownia spp.

Picea abies Karst.

Picea sitchensis Carr.

Pinus brutia Ten.

Pinus cembra L.

Pinus halepensis Mill.

Pinus leucodermis Antoine

Pinus mugo Turra

Pinus nigra Arnold

Pinus peuce Griseb.

Pinus pinaster Ait.

Pinus pinea L.

Pinus radiata D. Don

Pinus sylvestris L.

Pinus taeda L.

Pinus uncinata

PUBLIC

Populus spp.

Alnus lusitanica Vít. Douda & Mandák

Prunus avium L.

Prunus padus L.

Betula pendula Roth.

Pseudotsuga menziesii Franco

Betula pubescens Ehrh.

Pyrus pyraster (L.) Burgsd.

Carpinus betulus L.

Carpinus orientalis Mill.

Quercus cerris L.

Castanea sativa Mill.

Quercus frainetto Ten.

Cedrus atlantica Carr.

Quercus ilex L.

Cedrus libani A. Richard

Celtis australis L.

Ceratonia siliqua L.

Quercus petraea Liebl.

Chamaecyparis lawsoniana (Murray)

Quercus pubescens Willd.

Corylus colurna L.

Quercus robur L.

Cupressus sempervirens Smith

Quercus rubra L.

[*Eucalyptus* spp.]

Quercus suber L.

PUBLIC

Fagus orientalis Lipsky

Fagus sylvatica L.

Fraxinus angustifolia Vahl.

Fraxinus excelsior L.

Fraxinus ornus L.

Juglans spp.

Larix decidua Mill.

Larix kaempferi Carr.

Larix sibirica Lebed.

Malus sylvestris Mill.

Olea europaea L.

Ostrya carpinifolia Scop.

Robinia pseudoacacia L.

Salix alba

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 tomentosa Moench

Tilia platyphyllos Scop.

Ulmus glabra Huds.

Ulmus laevis Pall.

Ulmus minor Mill.

PUBLIC

~~ANNEX II~~

~~REQUIREMENTS FOR THE APPROVAL OF BASIC MATERIAL INTENDED FOR THE PRODUCTION OF FRM OF THE 'SOURCE-IDENTIFIED' CATEGORY~~

PUBLIC

~~A. General requirements:~~

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

~~The seed source or stand shall meet the criteria set by the competent authorities.~~

~~B. Specific requirements:~~

~~1. Type of basic material~~

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

~~2. Minimum number of harvestable and sexually mature trees or adequate genetic diversity (seed sources and stands).~~

~~The seed source or stand shall consist of one individual stand or more groups of trees (stands). Those trees (seed sources or stands) shall be well distributed and sufficiently numerous to maintain genetic diversity and ensure adequate cross-pollination between the trees in those seed sources or stands.~~

~~3. Origin and region of provenance~~

~~(a) The region of provenance, the location and the geographical position defined by the latitude, longitude and altitude for stands seed sources or the latitudinal, longitudinal and altitudinal range for stands seed sources of the place(s), where the basic material is located, shall be stated in the national register.~~

(b) The competent authority shall determine either by historical evidence (bibliography, documentation kept by competent authorities, research institutes or any other organisations) or by other appropriate means (provenance trials), including internationally recognised bio-molecular techniques, whether the origin of the basic material is:

(i) autochthonous;

(ii) non-autochthonous;

(iii) indigenous;

(iv) non-indigenous;

(v) unknown.

In the case of non-indigenous basic material, the origin of that basic material shall be stated if known.

The competent authority shall verify the information provided by the professional operator.

4. Sustainability characteristics

(a) The trees shall be well-adapted to the climatic and ecological conditions including the biotic and abiotic factors prevailing in the region of provenance.

(b) The trees show resistance or tolerance to pests and the adverse climatic and site conditions in the place where they are growing.

PUBLIC

~~C. Specific requirements for the purpose of conservation of forest genetic resources:~~

~~Seed sources or stands can be approved as basic material for the purposes of the conservation of forest genetic resources, if, in addition to the requirements listed under B,~~

~~(i) are located [if possible] at a sufficient distance from other genetic pool of the same species or from stands of a related species or variety, which can form undesired hybrids with the species concerned;~~

~~(ii) present sufficient genetic variability to ensure the ability to be adapted to changing site conditions and thus the long-term survival of the populations with the exception of populations for which the ecological conditions are not currently adequate due to climate change or are endangered.~~

~~B. Specific requirements for the purpose of multifunctional forestry:~~

~~C. Specific requirements for the purpose of production of wood:~~

~~D. Specific requirements for the purpose of production of biomaterials, biomass or other forest products:~~

~~E. Specific requirements for the purpose of conservation of forest genetic resources or conservation of forest ecosystems:~~

PUBLIC

~~ANNEX III~~

~~REQUIREMENTS FOR THE APPROVAL OF BASIC MATERIAL INTENDED FOR THE PRODUCTION OF FRM OF THE 'SELECTED' CATEGORY~~

~~A. General requirements: The competent authority shall assess the stand with respect to the specific purpose(s) for which the FRM will be used and shall give due weight to requirements set out in Section B, depending on that (those) purpose(s). The competent authority shall determine the criteria for selection on the basis of that (those) specific purpose(s) for use of the FRM. Stands must shall be of outstanding suitability for the purpose(s) stated in the approval. That (those) purpose(s) shall be indicated in the national register of the Member State concerned.~~

~~B. Specific requirements:~~

~~Origin: It shall be determined either by historical evidence (bibliography, documentation kept by competent authorities, research institutes or any other organisations) or by other appropriate means (provenance trials), including internationally recognised bio-molecular techniques, whether the stand is indigenous, non-indigenous or whether its origin is unknown and, in the case it is indigenous, whether it is autochthonous or not. For non-indigenous basic material the origin shall be stated if known.~~

~~1. Isolation: Stands shall be situated 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 the stands surrounding autochthonous/indigenous stands are non-autochthonous/non-indigenous or of unknown origin.~~

~~2. Minimum number of harvestable and sexually mature trees: To maintain genetic diversity and ensure adequate cross-pollination, 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 ensure adequate cross-pollination between those trees.~~

~~3. Age and development: The age or stage of development of the trees in the stands shall be such to allow the criteria given for the selection of those trees to be clearly judged.~~

~~4. Uniformity: Stands shall show a normal degree of individual variation in morphological characteristics. When necessary, inferior trees shall be removed.~~

PUBLIC

5. Sustainability characteristics:

(a) Stands shall be well-adapted to the climatic and ecological conditions, including the biotic and abiotic factors prevailing in the region of provenance.

(b) The trees show resistance or tolerance to pests and the adverse climatic and site conditions in the place where they are growing.

6. Volume production: For the approval of selected stands, the volume of wood produced shall normally be superior to the accepted average volume produced under similar ecological and management conditions.

7. Wood quality: The quality of the wood shall be taken into account. The quality of the wood is an essential criterion, if the FRM will be used in the forestry industry for the purpose of producing timber, furniture or pulp. In that case the competent authority shall give more weight to this criterion.

8. Form or growth habit: Trees in stands 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. When necessary such trees shall be removed.

C. Specific requirements for the purpose of conservation of forest genetic resources

By way of derogation, stands may be approved as basic material for the purposes of the conservation of forest genetic resources, without considering the requirements under points 4, 5, 7, 8 and 9 of Part B of this Annex.

In addition, stands shall have high genetic variability that ensures the ability to adapt to changing site conditions and thus the long-term survival of the population.

B. Specific requirements for the purpose of multifunctional forestry:

C. Specific requirements for the purpose of production of wood:

D. Specific requirements for the purpose of production of biomaterials, biomass or other forest products:

PUBLIC

~~E. Specific requirements for the purpose of conservation of forest genetic resources or conservation of forest ecosystems:~~

PUBLIC

~~ANNEX IV~~

~~REQUIREMENTS FOR THE APPROVAL OF BASIC MATERIAL INTENDED FOR THE PRODUCTION OF FRM OF THE 'QUALIFIED' CATEGORY~~

~~1. Seed orchards~~

~~A. General requirements~~

~~(a) The competent authority shall approve and register the type and objective purposes of the crossing design, 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 of these.~~

~~(b) The component clones or families shall be selected for their outstanding characteristics and due weight shall be given to the requirements set out in points 4 and 6 to 9 of Section B of Annex III, taking into account the specific purpose for which the resulting FRM will be used.~~

~~(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 clones and genetic gain needs to be considered.~~

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

~~(e) The seed orchards shall be managed, and seed harvested, in such a way that the objectives purposes of the orchards are attained, which includes maximising the desired genetic diversity or panmixia and attaining the best possible conformity between the genetic content of the approved unit of basic material and harvested seed lots. 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 a molecular test.~~

PUBLIC

B. Specific requirements for the purpose of conservation of forest genetic resources

1. By way of derogation, in the case of basic material approved for the purposes of the conservation of forest genetic resources, the component clones or families may be selected without considering the requirement under point (b) of Part A of this Annex.
2. The competent authorities may define additional criteria for the selection that are relevant to the priorities of their conservation programmes.

B. Specific requirements for the purpose of multifunctional forestry:

C. Specific requirements for the purpose of production of wood:

D. Specific requirements for the purpose of production of biomaterials, biomass or other forest products:

E. Specific requirements for the purpose of conservation of forest genetic resources or conservation of forest ecosystems:

2. Parents of family(ies)

A. General requirements

(a) The parents shall be selected for their outstanding characteristics or for their combining ability. In the case of a selection based on outstanding characteristics, due weight shall be given to the requirements set out in points 4 and 6 to 9 of Section B of Annex III, taking into account the specific purpose for which the resulting FRM will be used.

(b) The objective purpose, crossing design and pollination system, components, isolation and/or limitation of pollen flow, if possible, location and any significant changes of these characteristics shall be approved and registered by the competent authority.

(c) The identity, number and proportion of the parents in a mixture shall be approved and registered by the competent authority.

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

PUBLIC

B. Specific requirements for the purpose of conservation of forest genetic resources

Component clones or families shall be established according to:

a) the requirements under points (b), (c) and (d) of Annex IV 2. Parents of families Section A.

b) additional criteria for conservation of forest genetic resources defined by the competent authorities.

B. Specific requirements for the purpose of multifunctional forestry:

C. Specific requirements for the purpose of production of wood:

D. Specific requirements for the purpose of production of biomaterials, biomass or other forest products:

E. Specific requirements for the purpose of conservation of forest genetic resources or conservation of forest ecosystems:

3. Clones

A. General requirements

(a) The competent authority shall approve and register clones that shall either be identifiable by distinctive characteristics or traceable through propagation cycles and/or molecular markers, as appropriate.

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

(c) Ortets used for the production of clones shall be selected for their outstanding characteristics and due weight shall be given to the requirements set out in points 4 and 6 to 9 of Section B of Annex III, taking into account the specific purpose for which the resulting FRM will be used.

(d) Approval shall be restricted by the competent authority to a maximum number of years or a maximum number of ramets produced.

PUBLIC

B. Specific requirements for the purpose of conservation of forest genetic resources

Approval and registration of clones shall be done on the basis of

(a) the requirements (a), (b) and (d) in Annex IV 3. Clones. Section A.

(b) Additional criteria for establishing the value of individual clones for the conservation of genetic resources, as defined by the competent authorities.

B. Specific requirements for the purpose of multifunctional forestry:

C. Specific requirements for the purpose of production of wood:

D. Specific requirements for the purpose of production of biomaterials, biomass or other forest products:

E. Specific requirements for the purpose of conservation of forest genetic resources or conservation of forest ecosystems:

4. Clonal mixtures

A. General requirements

(a) Clonal mixtures shall meet the requirements set out in point 3(a), (b) and (c).

(b) The identity, number and proportion of the component clones of a mixture, and the selection method and foundation stock shall be approved and registered by the competent authority. Each mixture shall contain sufficient genetic diversity.

(c) Approval shall be restricted by the competent authority to a maximum number of years or a maximum number of ramets produced.

B. Specific requirements for the purpose of conservation of forest genetic resources

a) Individual clones shall meet the criteria under point 3B.

b) Clonal mixtures shall meet therequirements under points (b) and (c) of Annex IV 4. Clonal mixtures Section A.

B. Specific requirements for the purpose of multifunctional forestry:

C. Specific requirements for the purpose of production of wood:

PUBLIC

~~D. Specific requirements for the purpose of production of biomaterials, biomass or other forest products:~~

~~E. Specific requirements for the purpose of conservation of forest genetic resources or conservation of forest ecosystems:~~

PUBLIC

~~ANNEX V~~

~~REQUIREMENTS FOR THE APPROVAL OF BASIC MATERIAL INTENDED FOR THE PRODUCTION OF FRM OF THE 'TESTED' CATEGORY~~

PUBLIC

~~1. REQUIREMENTS FOR ALL TESTS~~

~~(a) General~~

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

~~Tests set up for the approval of the basic material are to be prepared, laid out, conducted and their result interpreted in accordance with the internationally recognised procedures. For comparative tests, FRM shall be compared under test with one or preferably several approved or pre-chosen standards as described in point 3(b).~~

~~(b) Characteristics to be examined~~

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

(ii) ~~Weight shall be given to adaptation, growth, biotic and abiotic factors of importance. In addition, other characteristics, considered important in view of the intended specific purpose, shall be evaluated in relation to the ecological conditions of the region in which the test is carried out including current and future 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/biotic factors, alongside with all the results at the time of the evaluation. In the case where those records are kept by the professional operators, they shall be made available to the competent authority.~~

(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 experiment shall be established in a valid statistical 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 experiments 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 the suggested deployment area, and shall inform 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 that FRM was produced, including in particular the resistance/tolerance to plant pests of economic importance, then such FRM shall not be certified as tested material.

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

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

(b) Documentation

The following additional documentation shall be required for approval of the basic material providing information about:

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

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

PUBLIC

(c) Test procedures

The following requirements shall be met:

(i) The genetic value of each component shall be estimated using information fromin 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 these 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 professional operator shall define the reference population in the breeding program and describe this reference population in the test reports.

(ii) It shall be stated 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 utilised for the production of such FRM.

PUBLIC

(b) Standards

(i) The performance of standards used for comparative purposes 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 represent, in principle, basic material that has been shown to be useful for the intended purpose for forestry at the time that the test starts, and in ecological conditions for which it is proposed to certify the FRM. The standards used for comparative purposes 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 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) The professional operator It shall be reported if there are any characteristics of economic or environmental importance which show significantly inferior results to the standards, 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 at a maximum interval of ten years.

PUBLIC

~~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 meet the requirements set out in point 3.~~

PUBLIC

ANNEX II

REQUIREMENTS FOR THE APPROVAL OF BASIC MATERIAL INTENDED FOR THE PRODUCTION OF FRM OF THE 'SOURCE-IDENTIFIED' CATEGORY

PUBLIC

A. General requirements:

1. Assessment of basic material

The competent authority shall assess the seed source or stand with respect to the specific purpose(s) for which the FRM will be used and determine the criteria for selection on the basis of that (those) specific purpose(s). That (those) purpose(s) shall be indicated in the national register of the Member State concerned.

2. Origin.

It shall be determined either by historical evidence (bibliography, documentation kept by competent authorities, research institutes or any other organisations) or by other appropriate means (provenance trials), including internationally recognised bio-molecular techniques, whether the seed source or stand is indigenous, non-indigenous or whether its origin is unknown and, in the case it is indigenous, whether it is autochthonous or not. 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 seed source or stand shall be such to allow the criteria given for the selection of those trees to be clearly judged.

4. Location

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

B. Specific requirements

1. Isolation

No requirements.

2. Number of harvestable and sexually mature trees

a) purposes 'multifunctional forestry', 'production of wood', 'production of biomaterials, biomass or other forest products':

No requirements.

b) purpose 'conservation of forest genetic resources':

Stands shall consist of one or more groups of sexually mature trees (if possible). 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 ensure adequate cross-pollination between those trees (if possible). 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', 'production of biomaterials, biomass or other forest products':

Stands shall show a normal degree of individual variation in morphological characteristics. When necessary, inferior trees shall be removed.

No requirements for seed sources.

b) purpose 'conservation of forest genetic resources':

Stands shall show a normal degree of individual variation in morphological characteristics (if possible). When necessary, inferior trees shall be removed.

No requirements for seed sources.

PUBLIC

4. Sustainability characteristics

a) purpose 'multifunctional forestry', 'production of wood', 'production of biomaterials, biomass or other forest products':

Seed sources or 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 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':

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

5. Volume production

a) purposes: 'production of wood', 'production of biomaterials, biomass or other forest products':

The volume of wood produced shall normally be not lower than the accepted average volume produced under similar ecological and management conditions.

b) purposes "multifunctional forestry", "conservation of forest genetic resources":

No requirements.

6. Wood quality

a) purposes 'multifunctional forestry', 'production of wood':

The wood quality shall normally be not lower than the accepted average quality under similar ecological and management conditions.

b) purposes 'production of biomaterials, biomass or other forest products', 'conservation of forest genetic resources':

No requirements.

PUBLIC

7. Form or growth habit

a) purposes 'multifunctional forestry', 'production of wood':

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 - when necessary such trees shall be removed.

b) purposes 'production of biomaterials, biomass or other forest products', 'conservation of forest genetic resources':

No requirements.

8. Genetic variability

a) purposes 'multifunctional forestry', 'production of wood', 'production of biomaterials, biomass or other forest products':

Seed sources or stands shall show sufficient genetic variability to ensure the ability to be adapted to changing site conditions and thus the long-term survival of the populations.

b) purpose 'conservation of forest genetic resources':

Seed sources or stands shall show sufficient genetic variability to ensure the ability to be adapted to changing site conditions and thus the long-term survival of the populations with the exception of populations for which the ecological conditions are not currently adequate due to climate change or are endangered.

PUBLIC

9. Additional requirements

Addistional requirements for specific traits or products will be set and judged by the competent authorities of Member States and will be made available on request.

		Purposes			
		Multifunctional forestry	Production of wood	Production of biomaterials, biomass or other forest products	Conservation of forest genetic resources
Specific requirements	Isolation				
	Number of harvestable and sexually mature trees				x
	Uniformity	x	x	x	x
	Sustainability characteristics	x	x	x	x
	Volume production		x	x	
	Wood quality	x	x		
	Form or growth habit	x	x		
	Genetic variability	x	x	x	x
	Additional requirements (specific traits or products)	If necessary	If necessary	If necessary	If necessary

PUBLIC

ANNEX III

REQUIREMENTS FOR THE APPROVAL OF BASIC MATERIAL INTENDED FOR THE PRODUCTION OF FRM OF THE 'SELECTED' CATEGORY

A. General requirements

1. Assessment of basic material

The competent authority shall assess the stand with respect to the specific purpose(s) for which the FRM will be used and determine the criteria for selection on the basis of that (those) specific purpose(s). That (those) purpose(s) shall be indicated in the national register of the Member State concerned.

2. Origin

It shall be determined either by historical evidence (bibliography, documentation kept by competent authorities, research institutes or any other organisations) or by other appropriate means (provenance trials), including internationally recognised bio-molecular techniques, whether the stand is indigenous, non-indigenous or whether its origin is unknown and, in the case it is indigenous, whether it is autochthonous or not. 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 to allow the criteria given for the selection of those trees to be clearly judged.

4. Location

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

PUBLIC

B. Specific requirements

1. Isolation

a) purposes 'multifunctional forestry', 'production of wood', 'production of 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 the 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 the 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', 'production of 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 ensure adequate cross-pollination between those trees.

b) purpose 'conservation of forest genetic resources':

Stands shall consist of one or more groups of sexually mature trees (if possible). 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 ensure adequate cross-pollination between those trees (if possible). FRM shall be collected from an optimal number of individuals of the approved basic material, taking into account natural conditions.

PUBLIC

3. Uniformity

a) purposes 'multifunctional forestry', 'production of wood', 'production of biomaterials, biomass or other forest products':

Stands shall show a normal degree of individual variation in morphological characteristics (not apply for biomass production). When necessary, inferior trees shall be removed.

b) purpose 'conservation of forest genetic resources':

Stands shall show a normal degree of individual variation in morphological characteristics (if possible). When necessary, inferior trees shall be removed.

4. Sustainability characteristics

a) purposes 'multifunctional forestry', 'production of wood', 'production of 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 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 be well-adapted to the climatic and ecological conditions, including the biotic and abiotic factors prevailing in the region of provenance (if possible). The trees show resistance or tolerance to pests and the adverse climatic and site conditions in the place where they are growing (if possible).

5. Volume production

a) purposes: 'production of wood', 'production of biomaterials, biomass or other forest products':

The volume of wood produced shall normally be superior to the accepted average volume produced under similar ecological and management conditions.

b) purposes "multifunctional forestry", "conservation of forest genetic resources":

No requirements.

PUBLIC

6. Wood quality

a) purposes 'multifunctional forestry', 'production of wood':

The wood quality shall normally be superior to the accepted average quality under similar ecological and management conditions.

b) purposes 'production of biomaterials, biomass or other forest products', 'conservation of forest genetic resources':

No requirements.

7. Form or growth habit

a) purposes 'multifunctional forestry', 'production of wood':

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 - when necessary such trees shall be removed.

b) purposes 'production of biomaterials, biomass or other forest products', 'conservation of forest genetic resources':

No requirements.

8. Genetic variability

a) purposes 'multifunctional forestry', 'production of wood', 'production of biomaterials, biomass or other forest products':

Stands shall show sufficient genetic variability to ensure the ability to be adapted to changing site conditions and thus the long-term survival of the populations.

b) purpose 'conservation of forest genetic resources':

Stands shall show sufficient genetic variability to ensure the ability to be adapted to changing site conditions and thus the long-term survival of the populations with the exception of populations for which the ecological conditions are not currently adequate due to climate change or are endangered. Genetic diversity shall be conserved during production and marketing of FRM.

PUBLIC

9. Additional requirements

Additional requirements for specific traits or products will be set and judged by the competent authorities of Member States and will be made available on request.

PUBLIC

		Purposes			
		Multifunctional forestry	Production of wood	Production of biomaterials, biomass or other forest products	Conservation of forest genetic resources
Specific requirements	Isolation	x	x	x	x
	Number of harvestable and sexually mature trees	x	x	x	x
	Uniformity	x	x	x	x
	Sustainability characteristics	x	x	x	x
	Volume production		x	x	
	Wood quality	x	x		
	Form or growth habit	x	x		
	Genetic variability	x	x	x	x
	Additional requirements (specific traits or products)	If necessary	If necessary	If necessary	If necessary

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

1. 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 of these.

2. 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 clones and genetic gain needs to be considered.

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

4. The seed orchards shall be managed, and seed harvested, in such a way that the purposes of the orchards are attained. 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 a molecular test.

B. Specific requirements

1. For the purpose 'multifunctional forestry', the component clones or families shall be selected for their outstanding characteristics and due weight shall be given to the requirements set out in points 4 a), 6 a), 7 a), 8 a) of Section B of Annex III.

2. For purposes 'production of wood' and 'production of biomaterials, biomass or other forest products', the component clones or families shall be selected for their outstanding characteristics and due weight shall be given to the requirements set out in point 5 a) of Section B of Annex III.

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3. For the purpose ‘conservation of forest genetic resources’, the component clones or families shall be selected for their outstanding characteristics and due weight shall be given to the requirements set out in points 4 b) and 8 b) of Section B of Annex III.

4. Additional requirements for specific traits or products will be set and judged by the competent authorities of Member States and will be made available on request.

II. Parents of family(ies)

A. General requirements

1. The purpose, crossing design and pollination system, components, isolation and/or limitation of pollen flow, if possible, location and any significant changes of these characteristics shall be approved and registered by the competent authority.

2. The identity, number and proportion of the parents in a mixture shall be approved and registered by the competent authority.

3. In the case of parents intended for the production of artificial hybrids, the percentage of hybrids in the FRM shall be determined by a molecular test.

B. Specific requirements

1. For the purpose ‘multifunctional forestry’, the parents shall be selected for their outstanding characteristics and due weight shall be given to the requirements set out in points 4 a), 6 a), 7 a), 8 a) of Section B of Annex III.

2. For purposes ‘production of wood’ and ‘production of biomaterials, biomass or other forest products’, the parents shall be selected for their outstanding characteristics and due weight shall be given to the requirements set out in point 5 a) of Section B of Annex III.

3. For the purpose ‘conservation of forest genetic resources’, the parents shall be selected for their outstanding characteristics and due weight shall be given to the requirements set out in points 4 b) and 8 b) of Section B of Annex III.

4. Additional requirements for specific traits or products will be set and judged by the competent authorities of Member States and will be made available on request.

PUBLIC

III. Clones

A. General requirements

a) The competent authority shall approve and register clones that shall either be identifiable by distinctive characteristics or traceable through propagation cycles and/or molecular markers, as appropriate.

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

c) Approval shall be restricted by the competent authority to a maximum number of years or a maximum number of ramets produced.

B. Specific requirements

1. For the purpose 'multifunctional forestry', the ortets shall be selected for their outstanding characteristics and due weight shall be given to the requirements set out in points 4 a), 6 a), 7 a), 8 a) of Section B of Annex III.

2. For purposes 'production of wood' and 'production of biomaterials, biomass or other forest products', the ortets shall be selected for their outstanding characteristics and due weight shall be given to the requirements set out in point 5 a) of Section B of Annex III.

3. For the purpose 'conservation of forest genetic resources', the ortets shall be selected for their outstanding characteristics and due weight shall be given to the requirements set out in points 4 b) and 8 b) of Section B of Annex III.

4. Additional requirements for specific traits or products, will be set and judged by the competent authorities in Member State and will be made available on request.

PUBLIC

IV. Clonal mixtures

A. General requirements

a) Clonal mixtures shall meet the requirements set out in point III A. (a) and (b).

b) The identity, number and proportion of the component clones of a mixture, and the selection method and foundation stock shall be approved and registered by the competent authority. Each mixture shall contain sufficient genetic diversity.

c) Approval shall be restricted by the competent authority to a maximum number of years or a maximum number of ramets produced.

B. Specific requirements

Clonal mixtures shall meet the requirements set out in point III B. For the purpose 'conservation of forest genetic resources' number of clones shall be appropriate for maintaining genetic diversity.

PUBLIC

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

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

b) Characteristics to be examined

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

(ii) Weight shall be given to characteristics considered important in view of the intended specific purpose. They shall be evaluated in relation to the ecological conditions of the region in which the test is carried out including current and future 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/biotic factors, alongside with all the results at the time of the evaluation. In the case where those records are kept by the professional operators, they shall be made available to the competent authority.

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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 experiment shall be established in a valid statistical 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 experiments 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 the suggested deployment area, and shall inform 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 that FRM was produced, then such FRM shall not be certified as tested material.

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

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

b) Documentation

The following additional documentation shall be required for approval of the basic material providing information about:

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

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

PUBLIC

c) Test procedures

The following requirements shall be met:

(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 these 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 professional operator shall define the reference population in the breeding program and describe this reference population in the test reports.

(ii) It shall be stated 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 utilised for the production of such FRM.

PUBLIC

(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 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) It shall be reported if there are any characteristics of economic or environmental importance which show significantly inferior results to the standards, 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 at a maximum interval of ten years.

PUBLIC

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 meet the requirements set out in point 3.

PUBLIC

ANNEX VI

CATEGORIES UNDER WHICH FRM FROM THE DIFFERENT TYPES OF BASIC MATERIAL MAY BE MARKETED

Basic material	Category of FRM			
	Source-identified	Selected	Qualified	Tested
Seed source	x			
Stand	x	x		x
Seed orchard			x	x
Parents of family(ies)			x	x
Clone			x	x
Clonal mixture			x	x

PUBLIC

ANNEX VII

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

PUBLIC

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(5), second subparagraph

(1) The plant passport for movement within the Union territory, combined in a joint label with the official label referred to in Article 83(5), 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(5), third subparagraph

(1) The plant passport for introduction into and movement within protected zones, combined in a joint label with the official label for FRM referred to in Article 83(5), 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 those words, 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 in the joint label immediately above the official label and have the same width {as that official label.

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

ANNEX VIII

Correlation table

Council Directive 1999/105/EC	This Regulation
Article 1	Article 1, subparagraph 1
Article 2	Article 3
Article 3(1)	Article 2(1)
Article 3(2)	Article 2(5)
Article 3(3)	–
Article 3(4)	Article 2(4), point (c)
Article 4(1)	Article 4(1)
Article 4(2), point (a)	Article 4(2), subparagraphs 1 to 4
Article 4(2), point (b)	Article 4(2), subparagraph 7 and Article 4(3)
Article 4(3), point (a)	Article 4(4)
Article 4(3), point (b)	Article 4(5)
Article 4(4)	Articles 6 and 18

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Article 4(5)	Article 21
Article 5	–
Article 6(1)	Article 5(1)
Article 6(2)	Article 5(2)
Article 6(3), subparagraph 1	Article 8(1)
Article 6(3), subparagraph 2	Article 8(2)
Article 6(4)	Article 10(1)
Article 6(5), point (a)	Article 2(4), point (d)
Article 6(5), point (b)	–
Article 6(6)	–
Article 6(7)	Article 7
Article 6(8)	Article 4(6)
Article 7	Article 23
Article 8	–
Article 9	Article 11
Article 10	Article 12

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Article 11	Article 13
Article 12	Article 14
Article 13	Article 15
Article 14(1), subparagraph 1	Article 16(1)
Article 14(1), points (a) to (e)	Article 16(4)
Article 14(2) to (6)	–
Article 14(7)	Article 15(1)(j)
Article 15	Article 17
Article 16	Article 31
Article 17	–
Article 18	Article 21
Article 19	Article 24
Article 20	–
Article 21	Article 22
Article 22	Article 5(1)(g)
Article 23	Articles 2(2), 4(2), 4(6), 5(3)

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Article 24	Articles 14(1), 14(5), 16(5), 16(6), 18(4), 21(3), 22(1), 23(1)
Article 25	Article 26
Article 26	Article 27
Article 27	–
Article 28	–
Article 29	Article 32
Article 30	Article 33
Annex I	Annex I
Annex II	Annex II
Annex III	Annex III
Annex IV	Annex IV
Annex V	Annex V
Annex VI	Annex VI
Annex VII	Article 8
Annex VIII	Article 14

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