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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: 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 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC **(first reading)**

- Adoption of the Council's position at first reading and of the statement of the Council's reasons
- = Statements

Slovenia has requested that the following statement be entered in the Council minutes

Slovenia considers that while the agreement reached in the trilogue negotiations on the proposal for a Regulation on forest reproductive material has brought some improvements, a number of important issues have not been adequately addressed.

In particular, Slovenia underlines the need for clearer and more robust provisions on uniform application of the rules across the internal market in order to avoid divergence in implementation between Member States, which could undermine fair competition and traceability. Particular attention should be paid to the role of competent authorities in issuing official certificates, and to the possibility for Member States to maintain effective national control mechanisms, taking into account the sector-specific circumstances.

Slovenia also underlines that the approach to official controls requires further fine-tuning to appropriately reflect the specific characteristics of the forest sector. While the introduction of a risk-based approach may offer greater flexibility, it must be underpinned by adequate safeguards to ensure a uniform level of control across the Union and to avoid unequal treatment of operators.

Furthermore, Slovenia has concerns about the provisions on the quality of forest reproductive material, in particular in relation to certain deficiencies being allowed - including the presence of pests - provided that no adverse effect on quality is demonstrated. In this context, Slovenia considers it essential to strengthen the safeguards relating to biosafety, forest health and prevention of long-term risks, especially given the irreversible nature of the impact on forest ecosystems.

Notwithstanding these concerns, Slovenia acknowledges that the agreement does contain some positive elements, in particular the voluntary nature of national contingency plans, the condition of participation in the OECD scheme on forest reproductive material applicable to imports from third countries, and the inclusion of a five-year transitional period.

In the light of the above, Slovenia underlines that further improvements to the text are needed to ensure a high level of protection of forest genetic resources, legal certainty for operators, and a level playing field in the internal market, while fully taking into account the specific characteristics of the forest sector; therefore, Slovenia will abstain from voting.

Slovakia has requested that the following statement be entered in the Council minutes

Slovakia supports the aim of the draft Regulation to contribute to strengthening the sustainability, adaptive capacity and resilience of the European Union's forests by improving the quality and availability of forest reproductive material, while also promoting related innovations, particularly in the context of climate change. We therefore view this proposal as necessary.

However, as regards the possible impacts of the final compromise proposal that emerged from the inter-institutional negotiations on the competitiveness of the EU's forestry sector, Slovakia maintains its position that the inclusion of forest reproductive material in the scope of the Official Controls Regulation (OCR) raises fundamental questions regarding the proportionality of such a solution given the size and specificities of the forest reproductive material sector. As an example of this specific situation in the forestry sector, we would note the following: Unlike in the veterinary, food, and agricultural sectors, the consequences of using unsuitable reproductive material in forest regeneration may only become apparent later, often after many years.

At the same time, we believe that such a solution could disproportionately increase the administrative and financial burden on both the competent authorities and professional operators, and necessitate significant changes to the legal and institutional framework at the national level, with a particular impact on small Member States.
