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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

Slovenija meni, da kljub temu, da dogovor, dosežen v tristranskih pogajanjih o predlogu uredbe o gozdnem reprodukcijskem materialu, prinaša določene izboljšave, več pomembnih vprašanj ni zadostno obravnavanih.

Zlasti Slovenija poudarja potrebo po jasnejših in trdnejših določbah glede enotne uporabe pravil na notranjem trgu, da bi preprečili razhajanja pri izvajanju med državami članicami, ki bi lahko ogrozila pošteno konkurenco in sledljivost. Posebno pozornost bi bilo treba nameniti vlogi pristojnih organov pri izdajanju uradnih certifikatov ter možnosti, da države članice ohranijo učinkovite nacionalne nadzorne mehanizme ob upoštevanju posebnosti posameznega sektorja.

Slovenija nadalje poudarja, da pristop k uradnim nadzorom zahteva dodatno izpopolnitev, da bi ustrezno odražal posebne značilnosti gozdarskega sektorja. Čeprav lahko uvedba pristopa, ki temelji na tveganju, prinese večjo prožnost, mora biti ta podprta z zadostnimi varovalkami za zagotavljanje enotne ravni nadzora v Uniji in za preprečevanje neenake obravnave izvajalcev.

Poleg tega Slovenija izraža zaskrbljenost glede določb o kakovosti gozdnega reprodukcijskega materiala, zlasti glede dopuščanja določenih pomanjkljivosti, vključno s prisotnostjo škodljivih organizmov, pod pogojem, da ni dokazan negativen vpliv na kakovost. V tem kontekstu Slovenija meni, da je bistveno okrepiti varovalke, povezane z biološko varnostjo, zdravjem gozdov in preprečevanjem dolgoročnih tveganj, zlasti glede na nepovratno naravo vplivov na gozdne ekosisteme.

Ne glede na te pomisleke Slovenija priznava, da dogovor vsebuje nekatere pozitivne elemente, zlasti prostovoljno naravo nacionalnih načrtov za izredne razmere, pogojevanje uvoza iz tretjih držav z vključitvijo v shemo OECD za gozdni reprodukcijski material ter uvedbo petletnega prehodnega obdobja.

Glede na navedeno Slovenija poudarja, da so potrebne nadaljnje izboljšave besedila za zagotovitev visoke ravni varstva gozdnih genskih virov, pravne varnosti za izvajalce in enakih pogojev na notranjem trgu, ob hkratnem polnem upoštevanju posebnosti gozdarskega sektorja, zato se bo Slovenija pri glasovanju vzdržala.

Courtesy translation in English

Slovenia considers that, while the agreement reached in the trilogue negotiations on the Proposal for a Regulation on forest reproductive material introduces certain improvements, a number of important issues remain insufficiently addressed.

In particular, Slovenia underlines the need for clearer and more robust provisions regarding the uniform application of rules across the internal market, in order to prevent divergences in implementation between Member States that could undermine fair competition and traceability. Special attention should be given to the role of competent authorities in the issuance of official certificates, as well as to the possibility for Member States to maintain effective national control mechanisms in light of sector-specific circumstances.

Slovenia further stresses that the approach to official controls requires additional refinement to adequately reflect the specific characteristics of the forestry sector. While the introduction of a risk-based approach may offer greater flexibility, it must be accompanied by sufficient safeguards to ensure consistent levels of oversight across the Union and to avoid unequal treatment of operators.

Moreover, Slovenia expresses concerns regarding the provisions on the quality of forest reproductive material, in particular the allowance of certain deficiencies, including the presence of pests, provided that no negative impact on quality is demonstrated. In this context, Slovenia considers it essential to strengthen safeguards related to biological safety, forest health and the prevention of long-term risks, especially given the irreversible nature of impacts on forest ecosystems.

Notwithstanding these concerns, Slovenia acknowledges that the agreement introduces some positive elements, notably the voluntary nature of national emergency plans, the conditioning of imports from third countries on participation in the OECD scheme for forest reproductive material, and the inclusion of a five-year transitional period.

Against this background, Slovenia emphasizes that further improvements to the text would be necessary to ensure a high level of protection of forest genetic resources, legal certainty for operators, and equal conditions on the internal market, while fully respecting the specificities of the forestry sector, and accordingly, Slovenia will abstain from the vote.

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

Slovensko podporuje zámer návrhu nariadenia prispieť k posilneniu udržateľnosti, adaptačnej kapacity a odolnosti lesov Európskej únie zlepšením kvality a dostupnosti lesného reprodukčného materiálu a zároveň podporou súvisiacich inovácií, najmä v kontexte zmeny klímy. Tento návrh preto vnímame ako potrebný.

Pokiaľ však ide o možné vplyvy konečného kompromisného návrhu, ktorý vzišiel z medzi inštitucionálnych rokovaní, na konkurencieschopnosť lesníckeho sektora EÚ, Slovensko trvá na svojom stanovisku, že zahrnutie lesného reprodukčného materiálu do rozsahu pôsobnosti nariadenia o úradných kontrolách (OCR) vyvoláva základné otázky týkajúce sa proporcionality takéhoto riešenia vzhľadom na veľkosť a špecifiká sektora lesného reprodukčného materiálu. Ako príklad špecifickej situácie v odvetví lesníctva uvádzame nasledovné: Na rozdiel od veterinárneho, potravinárskeho a poľnohospodárskeho sektora sa dôsledky používania nevhodného reprodukčného materiálu pri obnove lesov prejavia až neskôr, často po mnohých rokoch.

Zároveň sa domnievame, že takéto riešenie môže neprimerane zvýšiť administratívnu a finančnú záťaž pre príslušné orgány aj profesionálnych operátorov a vyvolať potrebu významných zmien právneho a inštitucionálneho rámca na vnútroštátnej úrovni s osobitným dopadom na malé členské štáty.

Courtesy translation in English

Slovakia supports the aim of the proposal for a regulation to contribute to enhancing the sustainability, adaptive capacity and resilience of European Union's forests by improving the quality and availability of forest reproductive material, while supporting related innovation, specifically in the context of climate change. Therefore, we regard this proposal as necessary.

However, regarding the possible impacts of the final compromise proposal, that has resulted from interinstitutional deliberations, on the competitiveness of the EU forest sector, Slovakia maintains its position that inclusion of forest reproductive material under the scope of the Official Control Regulation (OCR) raises fundamental questions as regards the proportionality of such a solution given the size and specificities of the forest reproductive material sector. As an example of specific situation in the forestry sector, we note the following: Unlike veterinary, food and agriculture, the consequences of using inappropriate reproductive material in forest regeneration will only become apparent later, often after many years.

At the same time, we are of the view that this solution may inadequately increase the administrative and financial burden for both competent authorities and professional operators and generate the need for significant legal and institutional changes at a national level with an impact specifically on small-sized Member States.
