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LIMITE

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CONSULTATION

From:	General Secretariat of the Council
To:	Counsellors/Attachés (Agri - Genetic Resources and Innovation in Agriculture) Working Party on Genetic Resources and Innovation in Agriculture (Seeds, Propagating and Planting Materials)
N° Cion doc.:	ST 11503 2023 INIT + ADD 1
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) - Revised draft Statement of the Council's reasons - informal consultations - deadline to react: 9 April 2026 cob

Delegations will find attached the revised draft Statement of the Council's reasons, which will accompany the adoption of the pre-negotiated Council Position on the Regulation of the European Parliament and of the Council on the production and marketing of forest reproductive material (FRM).

Any delegation that has a major difficulty with the revised draft in the annex is invited to inform the Presidency (apapadopoulou@environment.moa.gov.cy), with copy to the General Secretariat of the Council (life.3@consilium.europa.eu), **by Thursday, 9 April, cob.**

Position of the Council at first reading with a view to the adoption of a 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)

Draft Statement of the Council's reasons

I. INTRODUCTION

1. On 5 July 2023, the Commission adopted a legislative proposal on the production and marketing of forest reproductive material (FRM) in the EU and submitted it to the Council on 6 July 2023¹.
2. The proposal is based on Article 43(2) of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
3. The European Economic and Social Committee adopted its opinion on 13 December 2023².
4. In the European Parliament, the Committee on Agriculture and Rural Development (AGRI) has the lead responsibility, while the Committee on the Environment, Climate and Food Safety (ENVI) is associated. Mr Herbert Dorfmann (EPP, Italy) has been re-appointed as rapporteur. The European Parliament adopted its position at first reading on 24 April 2024.
5. The proposal and the relevant impact assessment were presented³ at an informal videoconference of the members of the Working Party on Genetic Resources and Innovation in Agriculture (hereinafter 'the Working Party') on 6 July 2023 and to the Agriculture and Fisheries (AGRIFISH) Council on 25 July 2023. The Working Party continued the examination of the proposal in further meetings under the Spanish, Belgian, Hungarian and Polish Presidencies.
6. On 13 June 2025, the Committee of Permanent Representatives agreed on a mandate for the Presidency to enter into negotiations with the European Parliament⁴.
7. On 1 September 2025, the European Parliament's AGRI Committee decided to open interinstitutional negotiations with the Council on the basis of the text agreed in plenary on 24 April 2024. The decision was confirmed during the September plenary session.

¹ 11503/23+ADD 1

² 5402/24

³ 11694/23

⁴ 9694/25 REV 1

8. On that basis, negotiations took place with the European Parliament and the Commission with a view to an early second reading agreement.
9. Between September and December, 12 interinstitutional technical meetings were held. The trilogue was prepared by the Committee of Permanent Representatives on 14 November 2025⁵ and held on 8 December 2025. The co-legislators reached an overall provisional agreement during that trilogue, and the agreement was subsequently consolidated into a final compromise text.
10. On 10 December 2025, the Committee of Permanent Representatives was debriefed on the outcome of the trilogue.
11. On 19 December 2025, the Committee of Permanent Representatives analysed the final compromise text and confirmed the agreement⁶.
12. On 24 February 2026, the European Parliament's AGRI Committee voted in favour of the agreed text. On 5 March 2026, the Chair of the AGRI Committee addressed a letter to the Chair of the Committee of Permanent Representatives stating that, should the Council transmit its position to the European Parliament as agreed, subject to legal-linguistic review, she will recommend to the plenary that the Council's position be accepted without amendments at Parliament's second reading⁷. The text annexed to the letter corresponds to the text supported by the Committee of Permanent Representatives on 19 December 2025.

II. OBJECTIVE

13. The objective of the proposed Regulation on FRM is to replace Council Directive 1999/105/EC by clarifying its scope and updating its provisions. The Regulation aims to achieve several key objectives, including ensuring traceability through the harvesting of forest reproductive material from registered parent trees (i.e. basic material) and certifying FRM to guarantee high material quality. It also seeks to ensure a level playing field for operators, enhance innovation and the competitiveness within the FRM sector, while addressing sustainability and climate-related challenges. Furthermore, the Regulation will adapt to new scientific and technical developments, such as biomolecular techniques and digitalisation, and support the conservation and sustainable use of forest genetic resources. Finally, it aims to improve consistency with existing legislation on official controls and plant health.

⁵ 13836/25

⁶ 17064/25.

⁷ 7031/26

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

14. The Council's position at first reading contains the following main elements, on which an agreement has been found between the co-legislators:
15. The new Regulation establishes a tailored and efficient **control system for FRM**, excluding it from the scope of the Official Controls Regulation (2017/625) but maintaining cross-references to certain articles contained in Regulation 2017/625. Member States will be required to designate competent authorities with adequate resources and powers, including access to operator premises and relevant documentation, to perform these controls.
16. To complement this system, selected provisions contained in Regulation 2017/625 will be adjusted and included in the FRM Regulation. These provisions will cover areas such as written records of controls, official certification, Commission controls in Member States, penalties, and transparency of controls.
17. The overall aim of this control system is to ensure consistent, reliable oversight by competent authorities while minimising administrative and financial burdens across Member States.
18. The co-legislators have agreed that the **national contingency plans** will remain voluntary, and their design be based on simplified requirements. This will reduce administrative burden while enabling Member States to build the necessary preparedness and capacity. Following a request from the Parliament, the list of elements that *may* be included in these plans has been extended, and the Commission has been empowered under Article 9(5) to specify elements to support their establishment and implementation.
19. Regarding **the approval of basic material**, the agreement maintains the existing principles of approval of 'basic material' and certification of harvested FRM. New provisions stipulate that the Member States must include approved basic material in their national registers, with a corresponding EU-wide list for traceability. Member States may authorise professional operators for approval of basic material for conservation purposes under official supervision, while retaining final decision-making authority regarding its inclusion in national registers.
20. To further strengthen the quality of FRM within the Union, **the list of tree species** covered by the Regulation has been extended. Member States will retain the flexibility to apply more stringent or less stringent measures to tree species not included in Annex I, allowing for flexibility to reflect national forestry realities.

21. As regards **marketing requirements for quality pests**, the final agreement includes a provision requested by the Parliament. Controls will be risk-based and the examination is limited to checking for the absence of symptoms, mitigating administrative burdens. This is supported by a new definition of ‘quality pests’ within the Regulation.
22. The date of **application** of the Regulation has been postponed from three to five years after its entry into force, to provide time for the necessary adaptation of over 25 years of established national practice and to implement the new control system.
23. For **imports of FRM from third countries**, participation in the OECD Forest Seed and Plant Scheme is no longer mandatory but may be taken into account by the Commission when assessing whether these FRM meet requirements equivalent to those applicable in the Union. By way of derogation, at the request of a Member State, the Commission may temporarily authorise imports of FRM from a third country that does not meet those requirements, where a demonstrable shortage of species exists in one or more Member States due to exceptional events and cannot be addressed by other Member States or third countries for which equivalence has been established.

IV. CONCLUSIONS

24. The Council’s position supports the aim of the Commission proposal and fully reflects the compromise reached in the negotiations between the Council and the European Parliament, with the support of the Commission.
25. The Council therefore believes that its position at first reading is a balanced representation of the outcome of the negotiations and that, once adopted, the Regulation will contribute to enhancing the sustainability and resilience of Europe’s forests by improving the quality and availability of FRM, supporting innovation and climate resilience. It will also support the competitiveness of the EU forest sector.