COMMISSION DECISION

of 29 December 1976

authorizing Member States to permit temporarily the marketing of forestry reproductive material not complying with requirements of Council Directive 66/604/EEC

(77/152/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/404/EEC of 14 June 1966 on the marketing of forest reproductive material [1], as last amended by Council Directive 75/445/EEC of 26 June 1975 [2], and in particular Article 15 (1) thereof,

Having regard to the requests submitted by the nine Member States,

Whereas the production of reproductive material of the species set out in the Annex hereto is at present insufficient in all Member States so that their requirements for reproductive material conforming to the requirements of the above Directive cannot be met;

Whereas third countries are no more in a position to supply sufficient reproductive material of the relevant species which can afford the same guarantees as Community reproductive material and which conforms to the requirements of the above Directive;

Whereas the Member States should therefore be authorized to allow, for a limited period, the marketing of reproductive material of the relevant species which satisfies less stringent requirements;

Whereas, for genetic reasons, the seed must be collected at places of origin within the natural range of the relevant species and, while the strictest possible guarantees must be given to ensure the identity of the seed;

Whereas each of the nine Member States should furthermore be authorized to approve for marketing in its own territory seed which satisfies less stringent requirements, together with plants produced therefrom, which have been approved for marketing under this Decision in another Member State; whereas such a measure is likely to permit intra-Community trade in the relevant reproductive material and to satisfy better the respective needs of the Member States involved;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States are hereby authorized, on the terms set out in the Annex hereto and on condition that the proof specified in Article 2 is furnished with regard to the place of provenance of the seed and the altitude at which it was collected, to approve for marketing within their own territory seed satisfying less stringent requirements.

2. Member States are further authorized to approve for marketing in their own territory seed approved for marketing under this Decision in another Member State.

3. Member States are further authorized to approve for marketing in their own territory plants produced from the abovementioned seed.

Article 2

1. The proof referred to in Article 1 (1) shall be deemed to be furnished where the seed is of the category 'source-identified reproductive material' as defined in the 'OECD scheme for the control of forest reproductive material moving in international trade'.

2. Where the OECD scheme referred to in paragraph 1 is not used at the place of provenance of the seed, other official evidence shall be admissible.

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[1] OJ No 125, 11. 7. 1966, p. 2326/66.
[2] OJ No L 196, 26. 7. 1975, p. 14.

3. Where official evidence cannot be provided in the case of the species Larix Leptolepis and Pinus strobus, Member States may accept other, non-official, evidence.

Article 3

Authorizations granted under Article 1 (1), which concern the first marketing in the territory of different Member States, shall expire on 31 December 1977. Authorizations granted under Article 1 (1), which do not concern the first marketing, and authorizations granted under Article 1 (2), shall expire on 31 December 1981.

Article 4

Member States shall before 31 January 1978 notify the Commission of the quantities of seed satisfying less stringent requirements which are first marketed in their own territory under this Decision. The Commission shall inform the other Member States thereof.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 29 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Member State	Abies alba Mill.		Fagus silvatica L.		Larix decidua Mill.	
	(kg)	Provenance	(kg)	Provenance	(kg)	Provenance
Belgium	—		—		75	Czechoslovakia Poland
Denmark	800	Romania	—		—	
Federal Republic of Germany	200	Austria Switzerland Czechoslovakia Poland Romania	—		200	Austria Switzerland Czechoslovakia Poland
France	—		5 000	France	300	Austria Switzerland Czechoslovakia Poland
Ireland	—		500	Romania	5	Poland
Italy	—		—		80	Japan
Luxembourg	2	Washington (USA)	—		—	
Netherlands	50	Romania	25 000	Bulgaria Czechoslovakia Romania	50	Czechoslovakia Poland
United Kingdom	260	Austria Switzerland Democratic Republic of Germany Poland Romania	2 100	Romania	175	Czechoslovakia Poland

Member State	Larix leptolepis (Sieb. & Zucc.) Gord.		Picea abies Karst.		Picea sitchensis Trautv. et Mey.	
	(kg)	Provenance	(kg)	Provenance	(kg)	Provenance
Belgium	140	Japan	150	Czechoslovakia Poland Romania	70	Washington (USA)
Denmark	—		—		75	British Columbia (CDN) Washington (USA)
Federal Republic of Germany	—		100	Austria Switzerland Czechoslovakia Democratic Republic of Germany Poland Romania Yugoslavia	400	British Columbia (CDN) Washington (USA)
France	315	Japan	200	Poland	300	Washington (USA)
Ireland	70	Japan	—		30	British Columbia Queen Charlotte Islands (CDN)
Italy	—		—		—	
Luxembourg	2	Japan	—		—	
Netherlands	80	Japan	100	Czechoslovakia Poland	25	British Columbia (CDN) Washington (USA)
United Kingdom	1 045	Japan	125	Czechoslovakia Poland	2 432	British Columbia (CDN) Washington (USA)

Member State	Pinus nigra Arn.		Pinus silvestris L.		Pinus strobus L.	
	(kg)	Provenance	(kg)	Provenance	(kg)	Provenance
Belgium	200	Austria Yugoslavia	—		50	Austria Yugoslavia
Denmark	—		65	Norway	—	
Federal Republic of Germany	400	Austria Yugoslavia	100	Austria Czechoslovakia Democratic Republic of Germany Poland	100	Austria Switzerland Czechoslovakia Democratic Republic of Germany Appalachians (USA)
France	—		400	Poland USSR	250	Switzerland Appalachians (USA)
Ireland	—		—		—	
Italy	—		—		150	USA
Luxembourg	—		—		—	
Netherlands	200	Austria Yugoslavia	—		50	Ontario (CDN) Appalachians (USA)
United Kingdom	—		—		—	

Member State	Pseudotsuga taxifolia (Poir.) Britt.		Quercus borealis Michx.		Quercus pedunculata Ehrk.	
	(kg)	Provenance	(kg)	Provenance	(kg)	Provenance
Belgium	500	Washington (USA)	—		—	
Denmark	100	British Columbia (CDN) Oregon, Washington (USA)	—		—	
Federal Republic of Germany	9000	British Columbia (CDN) Oregon, Washington (USA)	—		10 000	Czechoslovakia Democratic Republic of Germany Poland Romania Yugoslavia
France	5 000	Oregon, Washington (USA)	—		8 000	France
Ireland	50	Washington (USA)	—		—	
Italy	500	North California Oregon, Washington (USA)	—		—	
Luxembourg	12	Washington (USA)	12	USA	—	
Netherlands	400	British Columbia (CDN) Washington (USA)	10 000	Hungary Poland Romania	50 000	Hungary Poland Romania Yugoslavia
United Kingdom	450	British Columbia (CDN) Oregon, Washington (USA)	5 450	Austria Czechoslovakia Poland Romania	17 500	Romania

Member State	Quercus sessiliflora Sal.					
	(kg)	Provenance	(kg)	Provenance	(kg)	Provenance
Belgium	—		—		—	
Denmark	15 000	Norway	—		—	
Federal Republic of Germany	—		—		—	
France	15 000	France	—		—	
Ireland	—		—		—	
Italy	—		—		—	
Luxembourg	—		—		—	
Netherlands	25 000	Czechoslovakia Democratic Republic of Germany Poland	—		—	
United Kingdom	7 400	Romania	—		—	