COMMISSION DECISION

of 30 November 1992

authorizing Member States to permit temporarily the marketing of forest reproductive material not satisfying the requirements of Council Directives 66/404/EEC and 71/161/EEC

(92/566/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 Directive 90/654/EEC [2] and in particular Article 15 thereof,

Having regard to Council Directive 71/161/EEC of 30 March 1971 on external quality standards for forest reproductive material marketed within the Community [3], as last amended by Directive 90/654/EEC, and in particular Article 15 thereof,

Having regard to the requests submitted by certain Member States,

Whereas production of reproductive material of the species set out in the Annexes is at present insufficient in all Member States, with the result that their requirements for reproductive material conforming to the provisions of Directives 66/404/EEC or 71/161/EEC cannot be met;

Whereas third countries are not 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 provisions of the abovementioned Directives;

Whereas the Member States should therefore be authorized to permit, for a limited period, the marketing of reproductive material of the relevant species which satisfies less stringent requirements to cover the shortages of reproductive material satisfying the requirements of Directives 66/404/EEC or 71/161/EEC;

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

Whereas, furthermore, reproductive material should be marketed only if it is accompanied by a document bearing certain details of the reproductive material in question;

Whereas each of the Member States should furthermore be authorized to permit the marketing in its territory of seed and seedlings which satisfy less stringent requirements in respect of provenance, as laid down in Directive 66/404/EEC, or seed which satisfies less stringent requirements in respect of specific purity as laid down in Directive 71/161/EEC if the marketing of such material has been authorized in the other Member States under this Decision;

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 authorized to permit the marketing in their territory of seed satisfying less stringent requirements in respect of provenance on the terms set out in Annex I 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. The label on the seed shall state 'Intended exclusively for (the applicant Member State or States)'.

2. Member States are authorized to permit the marketing in their territory of seedlings produced from the abovementioned seed provided that the official document accompanying the seedling states 'Intended exclusively for (the applicant Member State or States)'.

Article 2

1. The proof referred to in Article 1 (1) shall be deemed to be furnished where the reproductive material is of the category 'source-identified reproductive material' as defined in the Organization for Economic Cooperation and Development (OECD) scheme for the control of forest reproductive material moving in international trade, or of another category defined in that scheme.

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

[1] OJ No 125, 11. 7. 1966, p. 2326/66.
[2] OJ No L 353, 17. 12. 1990, p. 48.
[3] OJ No L 87, 17. 4. 1971, p. 14.

3. Where official evidence cannot be provided, Member States may accept other non-official evidence.

Article 3

Member States are authorized on the terms set out in Annex II hereto and on condition that the proof specified in Article 2 is furnished with regard to the place of provenance of the seed, to permit the marketing in their territory of seedlings produced from seed satisfying less stringent requirements in respect of provenance. The official document accompanying the seedlings shall state 'Intended exclusively for (the applicant Member State or States)'.

Article 4

Member States are authorized on the terms set out in Annex III hereto, to permit the marketing in their territory of seed which does not satisfy the requirements relating to specific purity in Annex I to Directive 71/161/EEC, provided that the document required pursuant to Article 9 of Directive 66/404/EEC bears the wording:

'Seed not satisfying the standards in respect of specific purity' and the label states 'Intended exclusively for (the applicant Member State of States)'.

Article 5

Member States are authorized to permit the marketing in their territory of seeds and seedlings authorized to be marketed under this Decision provided that the label or official document, as the case may be, states 'Intended exclusively for (the applicant Member State or States)'.

Article 6

The authorizations provided for in Articles 1 (1), 3 and 5 in so far as they concern the import of forest reproductive material into the Community from third countries, shall expire on 30 November 1993. The authorizations, in so far as they do not concern such imports, shall expire on 31 December 1995.

Article 7

Member States shall, before 1 January 1994, notify the Commission of the quantities of seed or, where appropriate, seedlings satisfying less stringent requirements which have been approved for marketing in their territory under this Decision. The Commission shall inform the other Member States thereof.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 30 November 1992.

For the Commission

Ray MAC SHARRY

Member of the Commission

LEGEND

1. *Member States*

B	=	Kingdom of Belgium
D	=	Federal Republic of Germany
DK	=	Kingdom of Denmark
E	=	Kingdom of Spain
F	=	French Republic
GB	=	United Kingdom
GR	=	Greece
I	=	Italian Republic
IRL	=	Ireland
L	=	Grand Duchy of Luxembourg
NL	=	Kingdom of the Netherlands
P	=	Republic of Portugal

2. *States of provenance*

BG	=	Bulgaria
CDN	=	Canada
CDN (QCI)	=	Canada (Queen Charlotte Island)
CDN (BC)	=	Canada (British Columbia)
CH	=	Switzerland
CROATIA	=	Croatia
CS	=	Czechoslovakia
EEC	=	European Economic Community
ESTONIA	=	Estonia
EX-DDR	=	The territory of the former German Democratic Republic
H	=	Hungary
J	=	Japan
LATVIA	=	Latvia
LITHUANIA	=	Lithuania
N	=	Norway
PEOPLE'S REP. OF CHINA	=	People's Republic of China
PL	=	Poland
PL (CA)	=	Poland (Carpathians)
R	=	Romania
S	=	Sweden
SLOVENIA	=	Slovenia
TR	=	Turkey
UKRAINE	=	Ukraine
USA	=	United States of America
YUGOSLAV REPUBLIC OF MACEDONIA	=	Yugoslav Republic of Macedonia

3. *Other abbreviations*

exc.	=	except
max. alt.	=	maximum altitude

ANEXO I — BILAG I — ANLAGE I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I — ANEXO I

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	**Abies alba Mill.**		**Fagus silvatica L.**		**Larix decidua Mill.**	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	25	R	3 000	R (max. alt. 2 000 m), CS, PL	40	CS, (Sudeten), PL (max. alt. 900 m)
D	200	ex-DDR, CS, R, CH Yugoslav Republic of Macedonia	20 000	ex-DDR, CS, R, CH	150	ex-DDR, CS
DK	700	R	36 300	BG, CH, CS, R, S, H, Slovenia	10	PL
E	100	EEC	500	EEC	50	EEC
F	—	—	—	—	150	CS (Sudeten), PL (zones II-1 and VIII-5)
GB	10	CS, PL, R	10 000	EEC, H, R, Slovenia, Croatia, CS	200	EEC, CS, PL, Slovenia, Croatia
GR	—	—	—	—	—	—
I	—	—	3 000	EEC	—	—
IRL	—	—	400	Slovenia	—	—
L	—	—	—	—	—	—
NL	75	R	5 000	R	50	CS
P	60	EEC	10	EEC	—	—

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	**Larix leptolepis (Sieb. & Zucc.) Gord.**		**Picea abies Karst.**		**Picea sitchensis Trautv. & Mey.**	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	60	J (Hokkaido, Nagano)	80	PL (Ca.), R (max. alt. 900 m), CS (max. alt. 900 m)	50	USA (Washington)
D	150	ex-DDR, J	200	CS, R, ex-DDR, PL, Ukraine, H	350	ex-DDR, CDN (QCI and West Coast), USA (Washington)
DK	85	PL, J	—	—	322	CDN, USA
E	50	J	—	—	—	—
F	60	J	150	PL (zones II-1, and 3, VIII-5)	100	USA (California : zones 091 and 092 ; Washington ; Oregon : zones 041, 051 to 053, 061, 062, 071, 072, 081, 082, 090)
GB	400	EEC, People's Republic of China, J	200	CS, R, PL	1 300	CDN (BC), USA (Washington, Oregon)
GR	—	—	—	—	—	—
I	100	J (Hokkaido)	—	—	—	—
IRL	110	J	—	—	800	USA (Washington) CDN (QCI)
L	—	—	—	—	—	—
NL	50	J	50	CS	25	USA (Washington, Oregon) CDN (BC)
P	10	EEC	10	EEC	10	EEC

Estado miembro / Medlemsstat / Mitgliedstaat / Κράτος μέλος / Member State / État membre / Stato membro / Lid-Staat / Estado-membro	Pinus nigra Arn.		Pinus silvestris L.		Pinus strobus L.	
	kg	Procedencia / Oprindelse / Herkunft / Προέλευση / Provenance / Provenance / Provenienza / Herkomst / Proveniência	kg	Procedencia / Oprindelse / Herkunft / Προέλευση / Provenance / Provenance / Provenienza / Herkomst / Proveniência	kg	Procedencia / Oprindelse / Herkunft / Προέλευση / Provenance / Provenance / Provenienza / Herkomst / Proveniência
B	50	Slovenia	—	—	40	CDN (Ontario), USA, Slovenia, Croatia
D	400	ex-DDR, Slovenia	800	PL, ex-DDR	200	USA (Appalachians), CS, EEC
DK	200	Slovenia, TR	200	N, Lithuania, S	30	USA
E	500	EEC, Slovenia	500	EEC	—	—
F	80	BG (Kustendil)	—	—	—	—
GB	100	EEC	300	EEC	10	USA
GR	—	—	—	—	—	—
I	—	—	—	—	50	USA (Eastern States)
IRL	—	—	—	—	—	—
L	—	—	—	—	—	—
NL	60	Slovenia	—	—	75	CDN (Ontario), USA (Appalachians)
P	150	EEC	5	EEC	—	—

Estado miembro / Medlemsstat / Mitgliedstaat / Κράτος μέλος / Member State / État membre / Stato membro / Lid-Staat / Estado-membro	Pseudotsuga taxifolia (Poir.) Britt.		Quercus borealis Michx.		Quercus pedunculata Ehrh.	
	kg	Procedencia / Oprindelse / Herkunft / Προέλευση / Provenance / Provenance / Provenienza / Herkomst / Proveniência	kg	Procedencia / Oprindelse / Herkunft / Προέλευση / Provenance / Provenance / Provenienza / Herkomst / Proveniência	kg	Procedencia / Oprindelse / Herkunft / Προέλευση / Provenance / Provenance / Provenienza / Herkomst / Proveniência
B	500	USA (Washington, West of Cascades) (max. alt. 610 m)	10 000	CS, PL, Croatia and Slovenia (Save Valley), USA (Ohio)	5 000	Croatia and Slovenia (Save Valley), CS, PL, EEC
D	6 000	ex-DDR, USA (Washington, Oregon), CDN (BC)	2 000	USA, ex-DDR, CS	15 000	Croatia, ex-DDR
DK	75	USA	1 000	PL	30 500	Estonia, Latvia, Lithuania, N, PL, S
E	—	—	1 000	EEC	1 000	EEC
F	1 000	USA (California, Oregon, Washington, EC-stands with SIA Category)	20 000	USA (Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia)	15 000	EEC
GB	500	EEC, CDN (BC), USA (Washington, Oregon)	5 000	EEC, H, CS, Slovenia, Croatia, USA	50 000	EEC, BG, Slovenia, Croatia, PL, CS, R, N, H
GR	—	—	—	—	—	—
I	300	USA (Oregon, Northern California)	—	—	—	—
IRL	100	USA (Washington)	—	—	—	—
L	—	—	—	—	—	—
NL	—	—	10 000	PL, R	—	—
P	700	EEC	1 600	EEC	1 500	EEC

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Quercus sessiliflora Sal.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	5 000	Croatia and Slovenia (Save Valley), CS, PL
D	2 000	ex-DDR
DK	59 000	N, PL
E	1 000	EEC
F	40 000	EEC
GB	40 000	EEC, H, N, PL, CS, Slovenia, Croatia, R
GR	—	—
I	2 000	EEC
IRL	—	—
L	—	—
NL	10 000	PL, CS
P	—	—

ANEXO II — BILAG II — ANLAGE II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

Especies Arter Arten Είδη Species Espèces Specie Soorten Espécies	Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member state État membre Stato membro Lid-Staat Estado-membro	Plantones Frøbedsplanter Sämlinge Φυτά Seedlings Plants Piantine Plantgoed Plântulas	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
Fagus silvatica L.	D	4 000 000	PL
	GB	250 000	PL, Slovenia
Picea abies Karst.	GB	200 000	PL
Quercus pedunculata Ehrh.	D	4 000 000	PL
	GB	200 000	PL
Quercus sessiliflora Sal.	D	4 000 000	PL
	GB	200 000	PL

ANEXO III — BILAG III — ANLAGE III — ΠΑΡΑΡΤΗΜΑ III — ANNEX III — ANNEXE III — ALLEGATO III — BIJLAGE III — ANEXO III

Especies Arter Arten Είδη Species Espèces Specie Soorten Espécies	Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member state État membre Stato membro Lid-Staat Estado-membro	kg
Quercus pedunculata Ehrh.	D	25 000
	GB	10 000
Quercus sessiliflora Sal.	D	20 000
	GB	10 000