COMMISSION DECISION

of 20 October 1993

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

(93/573/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 Commission Decision 91/44/EEC [2], 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, as well as in Austria, for which the Council has stated the equivalence of the reproductive material there harvested, with the result that their requirements for reproductive material conforming to the provisions of Directive 66/404/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 Directive;

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 shortage of reproductive material satisfying the requirements of Directive 66/404/EEC;

Whereas, for genetic reasons, the reproductive material must be collected at places of origin within the natural range of the relevant species and 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 plants which satisfy less stringent requirements in respect of provenance, as laid down in Directive 66/404/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.

2. Member States are authorized to permit the marketing in their territory of plants produced in the Community from the abovementioned seed.

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.

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 plants produced in third countries from seed satisfying less stringent requirements in respect of provenance.

[1] OJ No 125, 11. 7. 1966, p. 2326/66.
[2] OJ No L 23, 29. 1. 1991, p. 32.

Article 4

The Member States other than the applicant Member States are also authorized to permit, on the terms set out in Annexes I and II respectively and for the purposes intended by the applicant Member States, the marketing in their territory of the seeds and plants authorized to be marketed under this Decision.

Article 5

The authorizations provided for in Articles 1 (1) and 3 in so far as they concern the first placing of forest reproductive material on the market of the Community, shall expire on 30 November 1994. Such authorizations, in so far as they concern subsequent placing on the market of the Community, shall expire on 31 December 1996.

Article 6

Member States shall, before 1 January 1997, notify the Commission of the quantities of seed or, where appropriate, plants 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 7

This Decision is addressed to the Member States.

Done at Brussels, 20 October 1993.

For the Commission

René STEICHEN

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*

CDN	=	Canada
CDN (QCI)	=	Canada (Queen Charlotte Island)
CDN (BC)	=	Canada (British Columbia)
CH	=	Switzerland
CROATIA	=	Croatia
CS	=	Czech Republic and/or Slovak Republic
D (neue Bundesländer)	=	Germany (new Länder)
EEC	=	European Economic Community
J	=	Japan
PEOPLE'S REPUBLIC OF CHINA	=	People's Republic of China
PL	=	Poland
R	=	Romania
SLOVENIA	=	Slovenia
USA	=	United States of America
YUGOSLAV REPUBLIC OF MACEDONIA	=	Yugoslav Republic of Macedonia

3. *Other abbreviations*

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.		Pinus strobus L.		Pseudotsuga taxifolia (Poir.) Britt.	
	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	40	CDN (Ontario), USA, Slovenia, Croatia	500	USA (Washington, West of Cascades) (max. alt. 610 m)
D	100	D (neue Bundesländer), CS, R, CH, Yugoslav Republic of Macedonia	50	USA (Appalachians), EEC	2 000	D (neue Bundesländer), USA (Washington, Oregon), CDN (BC)
DK	750	R	20	USA	60	USA
E	300	EEC	—	—	300	USA (Oregon, Washington)
F	—	—	—	—	3 000	USA (California, Oregon, Washington, EC-stands with SIA Category)
GB	5	PL (zone VIII)	5	USA (Eastern States)	400	EEC, CDN (BC), USA (Washington, Oregon)
GR	—	—	—	—	—	—
I	—	—	30	USA (Eastern States)	250	USA (Western States)
IRL	—	—	—	—	150	USA (Washington)
L	—	—	—	—	10	USA (Washington)
NL	40	R	25	CDN, USA	—	—
P	5	P	1	P	250	P

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Larix leptolepis (Sieb. & Zucc.) Gord.		Picea sitchensis Trautv. & Mey.	
	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)	50	USA (Washington)
D	50	D (neue Bundesländer) J	100	D (neue Bundesländer) CDN (QCI and West Coast), USA (Washington)
DK	75	J	250	CDN (QCI)
E	50	J, EEC	50	USA
F	100	J	200	USA (California : zones 091 and 092 ; Washington ; Oregon : zones 041, 051 to 053, 061, 062, 071, 072, 081, 082, 090)
GB	350	EEC, People's Republic of China, J (Hokkaido, Nagano)	700	CDN (QCI), EEC USA (Washington, Oregon)
GR	—	—	—	—
I	50	J (Hokkaido)	—	—
IRL	140	J	700	USA (Washington) CDN (QCI)
L	—	—	—	—
NL	20	J	2	USA CDN
P	2	P	5	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
Quercus petrea	D	800 000	PL
Quercus rubra	D	1 300 000	PL