II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 December 1993

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

(94/20/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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, 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 Directives 66/404/EEC and 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 shortage of reproductive material satisfying the requirements of Directive 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 plants 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,

(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.

HAS ADOPTED THIS DECISION:

Article 1

1. Member States are authorized to permit the marketing in their territory of seed which does not satisfy the requirements in respect of provenance in Directive 66/404/EEC 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, 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'.

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

With regard to the first placing on the market of forest reproductive material, as referred to in Article 5, Member States shall, by 1 January 1995, notify the Commission of the quantities of such material 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, 21 December 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*

A	=	Austria
BG	=	Bulgaria
CDN	=	Canada
CH	=	Switzerland
CROATIA	=	Croatia
CS	=	Czech Republic and/or Slovak Republic
CZECH Republic	=	Czech Republic
D (neue Bundesländer)	=	Germany (new *Länder)*
EC	=	European Community
H	=	Hungary
LITHUANIA	=	Lithuania
N	=	Norway
PL	=	Poland
PL (Ca.)	=	Poland (Carpathians)
R	=	Romania
SLOVAKIA	=	Slovak Republic
SLOVENIA	=	Slovenia
S	=	Sweden
TR	=	Turkey
UKRAINE	=	Ukraine
USA	=	United States of America

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	Fagus sylvatica L.		Larix decidua Mill.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	3 000	PL, R (max. alt. 900 m) SLOVAKIA	40	PL (max. alt. 900 m) SLOVAKIA, CZECH Republic (Sudeten)
D	10 000	D (neue Bundesländer) CS, R, CH	100	D (neue Bundesländer) CS
DK	18 800	CH, R, SLOVENIA, H, SLOVAKIA	10	PL
E	500	EC	—	—
F	—	—	100	PL (zones VI-7 and VII-8) CZECH Republic (Sudeten)
GB	7 000	EC, H, SLOVENIA, R, CZECH Republic, SLOVAKIA, CROATIA	100	PL, SLOVENIA, CROATIA, CZECH Republic, SLOVAKIA
GR	—	—	—	—
I	2 000	EC	—	—
IRL	700	EC, CS, H	6	CS, H
L	500	L	—	—
NL	10 000	R, CZECH Republic, SLOVAKIA	50	CZECH Republic, SLOVAKIA
P	60	P	—	—

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Picea abies Karst.		Pinus nigra Arn.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	80	PL (Ca.), R (max. alt. 900) SLOVAKIA (max. alt. 900 m) CZECH Republic (max. alt. 900 m)	50	SLOVENIA
D	100	CS, SLOVAKIA, R, D (neue Bundesländer), PL, UKRAINE, H	400	D (neue Bundesländer) SLOVENIA
DK	—	—	170	SLOVENIA, TR
E	100	EC, SLOVENIA, CROATIA	2 000	A, EC
F	50	PL	—	—
GB	250	EC, R, CZECH Republic, SLOVAKIA	50	EC
GR	—	—	—	—
I	—	—	—	—
IRL	160	EC, CS, H	10	EC
L	—	—	—	—
NL	50	CZECH Republic,	60	A, CROATIA, SLOVENIA
P	—	—	150	P

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Pinus sylvestria L.		Quercus boreatis Michx.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	—	—	10 000	CROATIA (vallée de la Save), SLOVENIA (vallée de la Save), SLOVAKIA, PL, CZECH Republic
D	800	D (neue Bundesländer) PL	4 000	D (neue Bundesländer), USA, CS
DK	210	N, S, LITHUANIA	—	—
E	2 000	EC	1 000	EC
F	15	PL (zone II-1 and 2)	20 000	F
GB	250	EC	3 000	EC, CDN, H, SLOVENIA, CROATIA, CZECH Republic, SLOVAKIA, USA
GR	—	—	—	—
I	—	—	—	—
IRL	—	—	1 400	EC, CS, H
L	—	—	—	—
NL	—	—	10 000	PL, R
P	8	P	8 000	P

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Quercus pedunculata Ehrh.		Quercus sessiliflora Sal.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	5 000	EC, PL, SLOVAKIA, CROATIA (vallée de la Save), SLOVENIA (vallée de la Save), CZECH Republic	5 000	CROATIA (vallée de la Save), SLOVENIA (vallée de la Save), PL, SLOVAKIA, CZECH Republic
D	10 000	CROATIA, H, D (neue Bundesländer)	—	—
DK	4 500	S, PL	60 500	N, PL
E	1 000	EC	500	EC
F	15 000	F	35 000	F
GB	25 000	EC, PL, H, SLOVENIA, CROATIA, CZECH Republic, SLOVAKIA, BG, N	25 000	EC, H, N, CZECH Republic, SLOVAKIA, CROATIA, SLOVENIA, PL
GR	—	—	—	—
I	2 000	EC	2 000	EC
IRL	8 000	EC, CS, H	5 000	EC, CS, H
L	1 000	L	300	L
NL	50 000	PL, R	25 000	SLOVAKIA, PL, CZECH Republic
P	3 000	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	kg
Quercus pedunculata Ehrh.	D	25 000
	GB	10 000
Quercus rubra	D	20 000
	GB	10 000