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COMMISSION DECISION

of 18 October 2001

authorising 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

(notified under document number C(2001) 2859)

(2001/765/EC)

(OJ L 288, 1.11.2001, p. 40)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Decision 2002/17/EC of 31 December 2001	L 6	63	10.1.2002
►**M2**	Commission Decision 2002/919/EC of 22 November 2002	L 321	47	26.11.2002

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(notified under document number C(2001) 2859)

(2001/765/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 the Act of Accession of Austria, Finland and Sweden, 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 [2], as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 15 thereof,

Having regard to the requests submitted by 12 Member States,

Whereas:

(1) Production of reproductive material of the species set out in the Annexes is at present insufficient in certain Member States with the result that their requirements for reproductive material conforming to the provisions of Directive 66/404/EEC or 71/161/EEC cannot be met.

(2) Third countries are not in a position to supply sufficient reproductive material of the relevant species affording the same guarantees as Community reproductive material and conforming to the provisions of Directive 66/404/EEC or 71/161/EEC.

(3) Accordingly, the Member States concerned, namely Belgium, Denmark, Germany, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Austria, Portugal and the United Kingdom, have requested the Commission pursuant to those Directives to authorise them to accept for marketing reproductive material and/or seed satisfying less stringent requirements than those laid down by those Directives.

(4) In order to cover the shortage, the applicant Member States should therefore be authorised to permit, for a limited period, the marketing of reproductive material of the relevant species which satisfies less stringent requirements.

(5) For genetic reasons, the reproductive material should 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. Furthermore, reproductive material should be marketed only if it is accompanied by a document bearing certain details of the reproductive material in question.

(6) Any Member State should furthermore be authorised to permit, in its territory, the following three marketing operations: the marketing of seed and seedlings which satisfy less stringent requirements in respect of provenance; the marketing of seed and seedlings which satisfy less stringent requirements in respect of the category, as laid down in Directive 66/404/EEC for *Populus nigra*; and the marketing of seed which satisfies less stringent requirements in respect of specific purity as laid down

[1] OJ 125, 11.7.1966, p. 2326/66.
[2] OJ L 87, 17.4.1971, p. 14.

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in Directive 71/161/EEC, if the marketing of such material has been authorised in the other Member States under this Decision.

(7) 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 authorised to permit the marketing in their territory of seed satisfying less stringent requirements in respect of provenance, as laid down in Directive 66/404/EEC.

This authorisation is subject to the specifications set out in Annex I hereto, and to the condition that proof be furnished as to the place of provenance of the seed and the altitude at which it was collected.

2. Member States are authorised 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 Organisation for Economic Cooperation and Development (OECD) scheme for the control of forest reproductive material moving in international trade, or of any other 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 unofficial evidence.

Article 3

Member States are authorised to permit the marketing in their territory of vegetative reproductive material derived from *Populus nigra* which does not satisfy the requirements in respect of the category, as laid down in Article 4(1) of Directive 66/404/EEC, in accordance with Annex II hereto.

Article 4

Member States are authorised, in accordance with Annex III hereto, to permit the marketing in their territory of seed which neither satisfies the requirements in respect of provenance in Directive 66/404/EEC nor the requirements relating to specific purity set out in Annex I to Directive 71/161/EEC, on condition that:

(a) 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;

(b) 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 5

1. The Member States other than the applicant Member States are also authorised to permit, in accordance with Annexes I, II and III respectively and for the purposes intended by the applicant Member States, the marketing in their territory of the seed and seedlings or, in the case of *Populus nigra*, vegetative reproductive material.

2. For the purpose of the application of paragraph 1, the Member States concerned shall assist each other administratively. The applicant

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Member States shall be notified by other Member States of their intention to permit the marketing of such reproductive material before any authorisation may be granted. The applicant Member States may object only if the entire quantity set out in this Decision has already been allocated.

Article 6

The authorisation provided for in Article 1(1), Articles 3 and 4 and Article 5(1) shall expire on 31 December 2002.

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Notwithstanding, stocks of forest reproductive material authorised under this decision and accumulated before 31 December 2002 shall be allowed to be marketed until their exhaustion.

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Article 7

Member States shall immediately notify the Commission and the other Member States of the quantities of seed labelled and approved for marketing throughout the Community pursuant to this Decision.

Article 8

This Decision is addressed to the Member States.

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NOTE

1. Member States

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

2. States or regions of provenance

   BG Bulgaria
   BY Belarus
   CA Canada
   CH Switzerland
   CN China
   CZ Czech Republic
   EC European Community
   HR Croatia
   HU Hungary
   JP Japan
   LV Latvia
   MK Former Yugoslav Republic of Macedonia
   NO Norway
   PL Poland
   RO Romania
   RU Russia
   SI Slovenia
   SK Slovakia
   US United States of America

3. Other abbreviations:

   max.alt maximum altitude
   OEP or equivalent provenance
   ECSA from EC selected areas
   SIA source identified ‘A’

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I — ANEXO I — LIITE I — BILAGA I

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenmaa Medlemsstat	*Abies alba*		*Larix leptolepis*		*Pinus strobus*	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
B	—	—	20	JP	10	CA (Ontario), US (Ohio)
DK	520	RO, PL	215	JP, PL	10	CA, US
D	100	CH, CZ, EC (D/OEP), MK, RO, PL, SK	50	EC (D/OEP), JP	50	US (Appalachians), EC (D/OEP)
E	►**M1** 70 ◄	►**M1** EC (E/OEP) ◄	►**M1** 15 ◄	►**M1** CN, JP ◄	►**M1** 3 ◄	►**M1** US ◄
F	—	—	►**M2** 85 ◄	JP	—	—
IRL	—	—	600	JP (Hokkaido, Suwa)	—	—
I	—	—	—	—	6	EC (I/OEP)
L	—	—	—	—	—	—
NL	—	—	►**M2** 40 ◄	JP	►**M2** 35 ◄	CA, US
A	200	CZ, HR, PL, SI	3	SI	35	US, SI, CZ
P	—	—	—	—	—	—
UK	5	US	►**M2** 300 ◄	CN, JP	5	US

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Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenmaa Medlemsstat	*Picea sitchensis*		*Pseudotsuga taxifolia*	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
B	15	US (Washington)	200	US (Washington, ECSA, SIA, alt. max. 450 m)
DK	45	CA, US	280	CA, US
D	100	CA (Queen Charlotte Island, West Coast) US (Washington), EC (D/OEP)	2 000	US (Washington, Oregon) CA (British Columbia), EC (D/OEP)
E	►**M1** 30 ◄	►**M1** US ◄	►**M1** 280 ◄	►**M1** EC (E/OEP), US (California, Oregon, Washington) ◄
F	►**M2** 65 ◄	US (Washington, Oregon and California)	►**M2** 1 360 ◄	EC (F/OEP), US (Washington, Oregon, California, SIA, alt. max. 450 m)
IRL	100	CA (Queen Charlotte Island), US (Washington)	150	US (Washington)
I	—	—	260	EC (I/OEP)
L	—	—	10	US (Washington, alt. max. 610 m)
NL	2	CA, US	►**M2** 30 ◄	US
A	1	US	153	CA (British Columbia), US (Washington, Oregon)
P	—	—	1 500	EC (P/OEP)
UK	►**M2** 450 ◄	CA (British Columbia), US	►**M2** 650 ◄	CA (British Columbia), EC (UK/OEP), US (Washington)

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenmaa Medlemsstat	*Fagus sylvatica L.*		*Larix decidua Mill.*	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
B	—	—	20	CZ (Sudeten), PL (Sudeten)
DK	►**M2** 12 300 ◄	CH, PL, RO, SK, HU, CZ, SI	►**M2** 150 ◄	PL
D	—	—	50	CZ
E	1 050	EC (E/OEP)	35	EC (E/OEP), SK
F	—	—	►**M2** 315 ◄	►**M1** CZ (Sudeten), SK (Sudeten) and PL (central Poland) ◄
IRL	—	—	20	CZ (Sudeten), PL, SK (Tatra)
I	500	EC (I/OEP)	—	—
L	100	EC (L/OEP)	—	—
NL	5 000	CZ, RO, SK	50	CZ, SK
A	500	CZ, HR, HU, RO, SI, SK	250	CZ, HR, HU, PL, SI, SK
P	—	—	—	—
UK	15 000	EC (UK/OEP)	200	CZ (Sudeten), EC (UK/OEP), HU, RO, SK

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Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenmaa Medlemsstat	*Picea abies Karst.*		*Pinus nigra Arn.*	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
B	—	—	—	—
DK	—	—	—	—
D	—	—	200	SI
E	130	EC (E/OEP)	1 665	EC (E/OEP)
F	—	—	►**M2** 20 ◄	►**M2** BG (Kunstendil) respectively ◄
IRL	—	—	—	—
I	—	—	—	—
L	—	—	—	—
NL	50	CZ	60	HR, SI
A	10	CZ	420	HR, SI
P	—	—	5	EC (P/OEP)
UK	175	BG, BY, CZ, EC (UK/OEP), HU, RO	100	EC (UK/OEP), RO, SI

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Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenmaa Medlemsstat	*Pinus sylvestris L.*		*Quercus borealis Michx.*	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
B	—	—	—	—
DK	40	NO, PL, LV	1 000	PL
D	—	—	—	—
E	1 890	EC (E/OEP)	8 505	EC (E/OEP)
F	—	—	—	—
IRL	—	—	—	—
I	—	—	300	EC (I/OEP)
L	—	—	—	—
NL	—	—	—	—
A	110	CZ, HU, PL, SI	1 800	CZ, HR, HU, PL, RO, SI, SK
P	10	EC (P/OEP)	4 000	EC (P/OEP)
UK	225	EC (UK/OEP)	500	EC (UK/OEP)

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Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenmaa Medlemsstat	*Quercus pedunculata Ehrh.*		*Quercus sessiliflora Sal.*	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
B	—	—	—	—
DK	47 000	NO, PL	►**M2** 142 000 ◄	NO, PL
D	—	—	—	—
E	10 450	EC (E/OEP)	11 925	EC (E/OEP)
F	►**M1** 1 500 ◄	►**M1** EC (F/OEP) ◄	►**M1** 5 200 ◄	►**M1** EC (F/OEP) ◄
IRL	►**M2** 3 000 ◄	►**M2** EC (IRL/OEP) respectively ◄	►**M2** 4 000 ◄	►**M2** EC(IRL/OEP) respectively ◄
I	4 200	EC (I/OEP)	2 000	EC (I/OEP)
L	—	—	—	—
NL	50 000	PL, RO	25 000	CZ, PL, SK
A	3 300	CZ, HR, HU, PL, RO, SI, SK	1 700	CZ, HR, HU, PL, RO, SI, SK
P	1 000	EC (P/OEP)	—	—
UK	25 000	EC (UK/OEP), HU, NO, PL, RO	►**M2** 29 000 ◄	EC (UK/OEP), HU, NO, PL, RO

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ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II — LIITE II — BILAGA II

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenmaa Medlemsstat	Populus nigra Number of Plants	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
D	80 000	EC (D/OEP)

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ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ III — ANNEX III — ANNEXE III — ALLEGATO III — BIJLAGE III — ANEXO III — LIITE III — BILAGA III

Especies Arter Arten Είδη Species Espèces Specie Soorten Espécies Lajit Arter	Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lidstaat Estado-Membro Jäsenmaa Medlemsstat	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
Quercus pedunculata Ehrh.	D	40 000	EC (D/OEP)
Quercus pedunculata Ehrh.	UK	10 000	EC (UK/OEP)
Quercus sessiliflora Sal.	D	60 000	EC (D/OEP)
Quercus sessiliflora Sal.	UK	10 000	EC (UK/OEP)