2326/66 OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES 11.7.66

COUNCIL DIRECTIVE

of 14 June 1966

on the marketing of forest reproductive material

(66/404/EEC)

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament[1];

Having regard to the Opinion of the Economic and Social Committee;

Whereas forests cover 21·6% of the area of the European Economic Community and whereas both the restocking of these forests and new afforestation require increasing quantities of forest reproductive material;

Whereas research on forest tree selection has shown that if forest production is to be increased substantially and the conditions necessary for land productivity thus improved it is necessary to use genetically superior reproductive material;

Whereas, moreover, various Member States have for some years been applying rules based on these considerations; whereas the discrepancies between those rules constitute an obstacle to trade between Member States; whereas it is in the interest of all the Member States that Community rules imposing the highest possible standards should be established;

Whereas such rules should apply to marketing both in other Member States and on domestic markets;

Whereas such rules should take account of practical needs and should apply only to those genera and species which are of importance for timber crop afforestation;

Whereas genetic characters as understood at present in forestry work means the hereditary constitution, as opposed to the external features of reproductive material; whereas research has been undertaken on problems connected with these external features but has not yet been completed; whereas Community rules should therefore refer at present only to the genetic characters of reproductive material;

Whereas, as regards Community reproductive material, approval of basic material and, consequently, delimitation of regions of provenance are fundamental to selection; whereas the Member States should apply uniform rules imposing the highest possible standards for the approval of basic material; whereas only reproductive material derived from such material should be placed on the market; whereas the Member States should establish lists of regions of provenance specifying, where known, the origin of basic material;

Whereas reproductive material which is not placed on the market should not, in view of its minor economic importance, be subject to Community rules; whereas the Member States must retain the right to make such reproductive material subject to special measures;

Whereas certain derogations should be permitted in respect of reproductive material intended for export, or re-export, to third countries;

Whereas it is necessary to ensure that, in addition to possessing the required genetic quality, reproductive material intended for marketing or placed on the market is properly source-identified;

Whereas the Member States should be authorised to require that reproductive material introduced into their territory be accompanied by an official certificate;

Whereas, in order to ensure that requirements as to genetic quality and proper source-identification are

[1] OJ No 109, 9.7.1964, p. 1777/64.

satisfied at the time of marketing, the Member States must make provision for appropriate control arrangements;

Whereas reproductive material satisfying these requirements must be subject only to such marketing restrictions as are provided for in Community rules; whereas the restrictions allowed include, in particular, the right of Member States to prohibit trade in reproductive material which is unsuitable for use in their territory;

Whereas reproductive material coming from third countries may not be marketed within the Community unless it affords the same assurances as Community reproductive material as regards the genetic value of the basic material and its source-identity;

Whereas, during periods in which there are temporary difficulties in obtaining supplies of certain genera and species of reproductive material complying with the principles of this Directive, reproductive material satisfying less stringent requirements should, subject to certain conditions, be temporarily approved;

Whereas the Commission should be entrusted with the task of adopting certain measures for the application of this Directive; whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close co-operation between the Member States and the Commission within a Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry;

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply, in so far as genetic character is in question, to forest reproductive material marketed within the Community.

Article 2

1. This Directive covers:

(a) Reproductive material derived from:

Abies alba Mill. (*Abies pectinata* D.C.)

Fagus sylvatica L.

Larix decidua Mill.

Larix leptolepis (Sieb. & Zucc.) Gord.

Picea abies Karst. (*Picea excelsa* Link.)

Picea sitchensis Trautv. et Mey. (*Picea menziesii* Carr.)

Pinus nigra Arn. (*Pinus laricio* Poir.)

Pinus sylvestris L.

Pinus strobus L.

Pseudotsuga taxifolia (Poir.) Britt (*Pseudotsuga douglasii* Carr., *Pseudotsuga menziesii* (Mirb.) Franco.)

Quercus borealis Michx. (*Quercus rubra* Du Roi.)

Quercus pedunculata Ehrh. (*Quercus robur* L.)

Quercus sessiliflora Sal. (*Quercus petraea* Liebl.)

(b) Vegetative reproductive material derived from:

Populus

2. Member States shall remain free to make reproductive material of other genera and species and *Populus* reproductive material produced by sexual means subject to the principles of this Directive; where such action is taken less stringent requirements may be imposed.

Article 3

For the purposes of this Directive the following definitions shall apply:

A. Reproductive material:

(a) Seeds: cones, infructescences, fruits and seeds intended for the production of plants;

(b) Parts of plants: cuttings, layers and scions intended for the production of plants;

(c) Young plants: plants raised by means of seeds or parts of plants; also includes natural regeneration.

B. Basic material:

(a) Stands and conservation seed orchards—for reproductive material produced by sexual means;

(b) Clones—for reproductive material produced by vegetative means.

C. Conservation seed orchard:

An orchard raised artificially from reproductive material originating in one or more officially approved stands of the same region of provenance, and intended for the production of seed.

D. Provenance:

The area on which any indigenous or non-indigenous stand of trees is growing.

E. Origin:

The area on which an indigenous stand of trees is growing, or the place from which a non-indigenous stand was originally introduced.

F. Region of provenance:

For a genus, species, subspecies or distinct variety, the area or group of areas subject to sufficiently uniform ecological conditions on which are found stands whose genetic or at least morphological characters are similar and of equivalent value for the production of wood.

The region of provenance of reproductive material grown in a conservation seed orchard is that of the basic material used for the creation of the orchard.

G. Official measures: measures taken

(a) by State authorities, or

(b) by any legal person, whether governed by public or by private law, acting under the responsibility of a State, provided that such person derives no private gain from such measures.

Article 4

1. The Member States shall provide that reproductive material may not be placed on the market unless it is derived from officially approved basic material.

2. Member States may provide for derogations from the provisions of paragraph 1:

(a) for tests or for scientific purposes;

(b) for selection work.

3. Paragraph 1 shall not apply to parts of plants or to young plants which are shown to be intended mainly for purposes other than the production of wood.

Article 5

The Member States shall provide that only basic material whose qualities are such as to make it suitable for reproductive purposes and which has no characters undesirable for the production of wood may be officially approved. Approval shall be based on the criteria given in Annex 1.

Article 6

Each Member State shall, for each of the various genera and species, establish a list of the basic material officially approved in its territory. The origin of the basic material shall be given where it is known. These lists and any alterations made to them shall be sent forthwith to the Commission which shall communicate them to the other Member States.

Article 7

In the case of reproductive material produced by sexual means, the Member States shall delimit regions of provenance defined by means of administrative or geographic boundaries and, where applicable, by altitudinal boundaries.

Article 8

1. The Member States shall provide that reproductive material must, during collection, processing, storing, transport and raising, be kept in lots separated and identified according to the following criteria:

(a) Genus and species and, where applicable, subspecies and variety;

(b) Clone—for reproductive material produced by vegetative means;

(c) Region of provenance—for reproductive material produced by sexual means;

(d) Place of provenance and altitude—for reproductive material produced by sexual means which is not derived from officially approved basic material;

(e) Origin—indigenous or non-indigenous;

(f) Year of ripening of seed;

(g) Length of time in the nursery as seedlings or, in the case of young plants, as young plants transplanted one or more times.

2. Paragraph 1 shall not apply to parts of plants or young plants which are shown to be intended mainly for purposes other than the production of wood.

Article 9

1. The Member States shall provide that reproductive material may be marketed only in consignments which conform to the requirements of Article 8 and are accompanied by a document