

Proposal for a Council directive on the marketing of  
forestry reproductive material

(Submitted by the Commission to the Council on 3 March 1964)

COM (64) 25 final  
28 February 1964

**Supplement to**

**BULLETIN**

**of the European Economic Community**

**N° 4 - 1964**

pages 49-55

EXECUTIVE SECRETARIAT OF THE COMMISSION  
OF THE EUROPEAN ECONOMIC COMMUNITY

**Proposal for a Council directive on the marketing of  
forestry reproductive material**

(Submitted by the Commission to the Council on 3 March 1964)

*The Council of the European Economic Community,*

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

*Having regard to the proposal Commission;*

*Having regard to the opinion of the European Parliament;*

*Whereas 21.6% of the area of the European Community is woodland; and whereas afforestation and reafforestation call for increasing quantities of forestry reproductive material;*

*Whereas* research into forest plant breeding shows that reproductive material of high genetic quality must be used in order to obtain a substantial increase in forest production and thus improve the profitability of plantations;

*Whereas* several Member States have applied rules for this purpose for many years; whereas the divergences among these rules constitute an obstacle to trade among the Member States; and whereas strict Community rules must be introduced, which will benefit all Member States;

*Whereas* in principle these rules must be applicable to trade both among the Member

States and on national markets in order to prevent any divergence between national and Community systems;

*Whereas*, however, such rules must take account of practical needs and must be limited in scope to forest genera and species of importance in afforestation intended for the production of wood;

*Whereas* these rules must also be limited for the time being to the genetic value of the reproductive material, while the external characteristics of such material will be the subject of subsequent harmonization;

*Whereas* the basis of selection for reproductive material in the European Economic Community is the approval of the basic material and consequently the delimitation of regions of origin; whereas the Member States must apply identical and strict rules for the approval of basic material; whereas only reproductive material derived therefrom may be commercialized; and whereas the Member States must each draw up a list of regions of origin;

*Whereas* forestry reproductive materials not commercialized, having little economic importance, should be exempt from Community rules, though the Member States may still at their discretion apply special rules to them;

*Whereas*, furthermore, the Community rules should not apply to reproductive material shown to be intended for export to non-member countries;

*Whereas* the identity as well as the genetic value of reproductive material commercialized must be guaranteed;

*Whereas* the Member States must be authorized to stipulate that reproductive material imported into their territory from other States be accompanied by an official certificate of prescribed form;

*Whereas*, in order to ensure that requirements as regards both genetic value and identity are complied with in every case where material is commercialized, the Member States must make provision for appropriate inspection and control;

*Whereas* reproductive material satisfying all requirements must not be subject to marketing restrictions other than those laid down or permitted by Community rules; and whereas the restrictions allowed should include the right of the Member States to prohibit the

marketing of forestry reproductive material that is unsuitable for use on their territory;

*Whereas* reproductive material from non-member countries may be commercialized within the European Economic Community only if it affords the user the same guarantee as regards identity and the genetic value of the basic material as reproductive material from Community sources; and whereas, in order to obviate divergence in decisions on this matter between Member States, the Commission will decide whether these conditions have been fulfilled in the case of each of the non-member countries and will take the necessary measures having due regard to arrangements in the non-member countries concerned,

*Has issued the present directive:*

#### *Article 1*

The present directive concerns the genetic value of forestry reproductive material to be sold or commercialized within the Community.

#### *Article 2*

1. The present directive shall apply to:

a) reproductive material of:

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

*Fagus sylvatica* L.

*Larix*

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

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

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

*Pinus silvestris* L.

*Pinus strobus* L.

*Pseudotsuga taxifolia* (Poir.) Britt. (*Pseudotsuga douglassii* 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) vegetatively propagated reproductive material of:

*Populus*.

2. The Member States shall be free to apply the present directive to reproductive material of other genera and species or to sexually propagated reproductive material of *Populus*, in which case less stringent requirements may be specified; no requirements of a different kind shall be imposed as regards genetic value.

### Article 3

#### Definitions

a) Reproductive material:

i) seeds: cones, infructescences, fruits and seeds intended for the production of plants;

ii) parts of plants: cuttings and scions intended for the production of plants;

iii) plants: plants raised from seeds or parts of plants or layerings produced by natural regeneration;

b) Basic material:

i) seed stands and seed orchards — for sexually propagated material;

ii) clones — for vegetatively propagated material;

c) Seed orchard:

Artificial plantation derived from reproductive material from one or more officially approved stands from a single region of origin and intended for the production of seed;

d) Region of origin:

For a given genus, species, sub-species or variety, the territory or group of territories subject to sufficiently uniform ecological conditions on which are found stands showing characters that are genetically or at least morphologically analogous and of equal value for the production of wood; the region of origin of material produced by a seed orchard is that of the basic material used in forming the said orchard;

e) Official measures:

Measures taken:

i) by the authorities of a Member State, or

ii) on the responsibility of the State by public or private corporations, or

iii) for ancillary activities, also under the supervision of that State, by persons who have taken a professional oath, provided that such persons have no interest in the outcome of such measures.

### Article 4

1. The Member States shall stipulate that forestry reproductive material may only be commercialized if it is derived from officially approved basic material.

2. The Member States shall be free to make exceptions to paragraph 1 for

a) experimental or scientific purposes, or

b) selection work.

3. Paragraph 1 shall not apply to plants or parts of plants shown to be not mainly intended for the production of wood.

### Article 5

The Member States shall stipulate that only material that appears to be of suitable quality for reproduction and does not show generic characters unfavourable for the production of wood shall be officially approved as basic material. The approval procedure shall follow the principles set out in Annex I.

### Article 6

Each Member State shall draw up a list of officially approved basic materials for the various genera and species. The list and any amendments thereto shall be communicated promptly to the Commission, which shall notify the other Member States.

### Article 7

The Member States shall define regions of origin for sexually propagated material by means of administrative or geographic boundaries and, where applicable, by altitudinal boundaries.

### Article 8

1. The Member States shall stipulate that, in raising, gathering, storage and transport, forestry reproductive material shall be kept in separate lots according to the following criteria:

a) Genus and species and, where applicable, sub-species and variety;

b) Clone — for vegetatively propagated material;

c) Région of origin — for sexually propagated material;

d) Place of origin and altitude — for sexually propagated material not derived from officially approved basic material (Article 13);

e) Length of time in the nursery as seedlings or as plants transplanted one or more times — for plants.

2. Paragraph 1 shall not apply to plants or parts of plants shown to be not mainly intended for the production of wood.

### Article 9

1. The Member States shall lay down that forestry reproductive material may only be commercialized in lots as specified in Article 8 and only if accompanied by a document bearing the criteria set out in Article 8, together with the botanical name of the reproductive material.

2. The Member States may at their discretion stipulate that the following additional particulars shall be furnished:

a) Designation of supplier;

b) Quantity;

c) Any treatment applied to the reproductive material;

d) Seed-test results;

e) The words "Reproductive material from a seed orchard" — for seeds from seed orchards and for plants derived therefrom.

3. Paragraph 1 shall not apply to plants or parts of plants shown to be not mainly intended for the production of wood.

### Article 10

1. The Member States shall stipulate that forestry reproductive material may only be offered for sale if its identity is guaranteed by an appropriate official system from gathering until delivery to the final user.

2. Paragraph 1 shall not apply to plants or parts of plants shown to be not mainly intended for the production of wood.

### Article 11

1. The Member States may at their discretion stipulate that forestry reproductive material may be imported into their territory from another state only if it is accompanied by an official certificate conforming to the model provided in Appendix II in the case of another Member State or by an equivalent certificate in the case of a non-member country stating:

a) the origin — for sexually propagated material;

b) the clonal identity — for vegetatively propagated material.

2. Paragraph 1 shall not apply to plants or parts of plants shown to be not mainly intended for the production of wood.

### Article 12

1. The Member States shall ensure that forestry reproductive material is subject to no marketing restrictions in respect of the genetic value of its basic material and measures taken to guarantee its identity other than those laid down or permitted in the present directive.

2. The Member States may at their discretion take measures to prevent the yield capacity or the production of wood in their forests from being impaired as regards genetic value by reproductive material unsuited to their territories as a whole.

In so doing they shall not, subject to a strict check on this point, restrict trade in seedlings or parts of plants shown to be not mainly intended for the production of wood.

3. Where measures allowed under paragraph 2 relate to material produced in another Member State, there shall be prior consultation of the Commission and the other Member States. In urgent cases such consultation shall be confined to the Commission and the Member States concerned.

### Article 13

On application by one or more Member States and after hearing the other Member States, the Commission shall determine, by decision that forestry reproductive material produced in a non-member country or forestry reproductive material derived from officially approved basic material and whose identity is guaranteed by an appropriate official system from gathering until delivery to the final user, provided that it offers the same guarantee as regards the genetic value of its basic material and the measures taken to ensure identity.

### Article 14

The present directive shall not apply to forestry reproductive material shown to be intended for export to non-member countries.

### Article 15

The Member States shall make appropriate arrangements for the official checking of forestry reproductive material commercialized at least by the testing samples for conformity with the conditions laid down in the present directive.

### Article 16

1. The Member States shall introduce the necessary laws or regulations to conform with the provisions of the present directive and its annexes:

a) no later than 30 June 1966 for seeds and parts of plants of

*Abies alba* Mill.

*Picea abies* Karst.

*Pinus silvestris* L.

*Pseudotsuga taxifolia* Britt.,

b) no later than 30 June 1968 for seeds and parts of plants of

*Larix*

*Picea sitchensis* Trautv. et Mey.

*Pinus nigra* Arn.

*Pinus strobus* L.,

c) no later than 30 June 1970 for seeds and parts of plants of

*Fagus silvatica* L.

*Quercus borealis* Michx.

*Quercus pedunculata* Ehrh.

*Quercus sessiliflora* Sal.

*Populus*.

2. For seeds of conifer genera and species harvested before the dates specified in paragraph 1, the time-limits may be extended by two years.

3. For plants, the time-limits shall be extended by four years beyond the dates specified in paragraph 1 or those fixed in pursuance of paragraph 2.

4. The Member States shall notify the Commission immediately these provisions have been put into effect.

5. The Member States shall inform the Commission, in time for it to make its comments, of any further drafts of laws or regulations they may contemplate adopting in the matters covered by the present directive.

### Article 17

The present directive is addressed to the Member States.

## ANNEX I

### *Criteria for the approval of basic material*

#### A. Stands

1. *Origin* — The basic material should, for preference, consist of indigenous stands, or introduced stands that have proved their value.

2. *Isolation* — The stands should be sufficiently isolated from poor stands of the same species or from stands of a related species or variety which can form hybrids with the species in question. This isolation is particularly important when the surrounding stands are not indigenous.

3. *Uniformity* — The stands should show a normal degree of individual variation in morphological characters.

4. *Volume production* — Volume production is an essential criterion for the acceptance of basic material. Volume production must normally be superior to the accepted mean under the same ecological conditions.

5. *Wood quality* — The quality of the wood should be taken into account and, in some cases, may become an essential criterion.

6. *Form or growth habit* — The stands must show particularly good morphological features, especially straightness of stem, favourable branching habit, small size of branches, and good natural pruning; in addition, the frequency of forking and incidence of spiral grain should be as weakly developed as possible.

7. *Resistance* — The stands should in general be free from and show resistance to dam-

aging organisms and also to severe climatic or site conditions.

8. *Age* — The stands should consist of trees of such an age that the criteria given above can be clearly judged.

9. *Effective size of the population* — The stands must consist of one or more groups of trees sufficient to make possible adequate cross-pollination. To avoid the unfavourable effects of inbreeding, stands should consist of a sufficient number of individuals on a given minimum area.

#### B. Seed orchards

Seed orchards should be planted so as to provide sufficient guarantee that the seeds raised there have at least the average genetic quality of the basic material from which the orchard is derived.

#### C. Clones

1. Points 4, 5, 6, 7 and 8 under A above shall be applicable by analogy.

2. The clones should be identifiable by their distinguishing features.

3. The utility of the clones should be supported by experience or established by sufficiently prolonged experiments.

ANNEX II

*Certificate of origin* <sup>(1)</sup>

*Certificate of clonal identity* <sup>(1)</sup>

..... No. ....  
(country)

It is hereby certified that the forestry reproductive material described below has been controlled by the responsible authorities and that, from the declarations made and the documents presented, it complies with the following specifications:

1. Nature of produce: seed/parts of plants/plants <sup>(1)</sup>
2. Genus and species, sub-species, variety, clone <sup>(1)</sup>
  - (a) common name: .....
  - (b) botanical name: .....
3. Region of origin <sup>(1)</sup>: .....  
(Place of origin and altitude) <sup>(1)</sup> <sup>(2)</sup>
4. Length of time in nursery as seedling  
or transplant <sup>(1)</sup> .....
5. Quantity: .....
6. Number and nature of packages: .....
7. Marking of packages: .....
8. Additional information <sup>(1)</sup>: .....

..... 19.....  
.....  
(Stamp of responsible authority) (Signature)

.....  
(Description)

<sup>(1)</sup> Delete the words that do not apply.  
<sup>(2)</sup> For reproductive material not derived from basic material officially approved within the European Economic Community.