




Basic information	
<p><b>2023/0228(COD)</b></p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p>	Awaiting Council's 1st reading position
<p>Production and marketing of forest reproductive material</p> <p>Repealing Directive 1999/105 <a href="#">1999/0092(CNS)</a> Amending Regulation 2017/625 <a href="#">2013/0140(COD)</a> Amending Regulation 2016/2031 <a href="#">2013/0141(COD)</a></p> <p><b>Subject</b></p> <p>3.10.03 Marketing and trade of agricultural products and livestock 3.10.09.02 Plant health legislation 3.10.11 Forestry policy 3.70.01 Protection of natural resources: fauna, flora, nature, wildlife, countryside; biodiversity</p>	




Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<a href="#">AGRI</a> Agriculture and Rural Development			
			Shadow rapporteur CARVALHAIS Isabel (S&D) TOLLERET Irène (Renew) DAVID Ivan (ID)	
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<a href="#">ENVI</a> Environment, Public Health and Food Safety (Associated committee)			
Council of the European Union				
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	
	Health and Food Safety		KYRIAKIDES Stella	
European Economic and Social Committee				

Key events			
Date	Event	Reference	Summary
05/07/2023	Legislative proposal published	COM(2023)0415 	Summary

19/10/2023	Committee referral announced in Parliament, 1st reading		
19/10/2023	Referral to associated committees announced in Parliament		
19/03/2024	Vote in committee, 1st reading		
21/03/2024	Committee report tabled for plenary, 1st reading	<a href="#">A9-0142/2024</a>	
23/04/2024	Debate in Parliament	<a href="#">CRE link</a>	
24/04/2024	Decision by Parliament, 1st reading	<a href="#">T9-0342/2024</a>	<a href="#">Summary</a>
24/04/2024	Results of vote in Parliament		
13/11/2024	Committee referral announced in Parliament, 1st reading		

Technical information	
<b>Procedure reference</b>	2023/0228(COD)
<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Nature of procedure</b>	Legislation
<b>Legislative instrument</b>	Regulation
	Repealing Directive 1999/105 <a href="#">1999/0092(CNS)</a> Amending Regulation 2017/625 <a href="#">2013/0140(COD)</a> Amending Regulation 2016/2031 <a href="#">2013/0141(COD)</a>
<b>Legal basis</b>	Rules of Procedure EP 57_o Treaty on the Functioning of the EU TFEU 043-p2
<b>Other legal basis</b>	Rules of Procedure EP 165
<b>Mandatory consultation of other institutions</b>	<a href="#">European Economic and Social Committee</a>
<b>Stage reached in procedure</b>	Awaiting Council's 1st reading position
<b>Committee dossier</b>	AGRI/9/12589

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE756.013</a>	10/11/2023	
Amendments tabled in committee		<a href="#">PE757.148</a>	05/12/2023	
Amendments tabled in committee		<a href="#">PE757.120</a>	20/12/2023	
Amendments tabled in committee		<a href="#">PE758.131</a>	22/01/2024	
Committee opinion	<a href="#">ENVI</a>	<a href="#">PE757.165</a>	12/03/2024	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0142/2024</a>	21/03/2024	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0342/2024</a>	24/04/2024	<a href="#">Summary</a>
<b>European Commission</b>				
Document type		Reference	Date	Summary
Legislative proposal		<a href="#">COM(2023)0415</a>	05/07/2023	<a href="#">Summary</a>
		<a href="#">SWD(2023)0414</a>		

Document attached to the procedure		06/07/2023	
Document attached to the procedure	SWD(2023)0415 	06/07/2023	
Document attached to the procedure	SWD(2023)0410 	06/07/2023	
Commission response to text adopted in plenary	SP(2024)394	08/08/2024	

#### National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2023)0415	01/12/2023	
Contribution	IT_CHAMBER	COM(2023)0415	13/12/2023	

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
ESC	Economic and Social Committee: opinion, report	CES3344/2023	13/12/2023	

#### Additional information

Source	Document	Date
EP Research Service	Briefing	06/02/2024

## Meetings with interest representatives published in line with the Rules of Procedure

### Rapporteurs, Shadow Rapporteurs and Committee Chairs

Name	Role	Committee	Date	Interest representatives
DORFMANN Herbert	Rapporteur	AGRI	25/01/2024	Confederation of European Forest Owners (CEPF)
CLERGEAU Christophe	Rapporteur for opinion	ENVI	27/11/2023	Union des Coopératives Forestières Françaises

## Production and marketing of forest reproductive material

2023/0228(COD) - 05/07/2023 - Legislative proposal

PURPOSE: to ensure a harmonised approach with regard to the production and marketing of forest reproductive material (FRM).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: forests cover some 45% of the land area in the Union and fulfil a multifunctional role that comprises social, economic, environmental, ecological and cultural functions. Forests have a key function as a carbon sink in the climate mitigation policy. High-quality, climate-adapted and diverse FRM is essential to cover these needs.

Council Directive 1999/105/EC sets out rules on the production and marketing of forest reproductive material (FRM Directive). That Directive regulates forest reproductive material which is important for forestry purposes.

FRM refers to seeds, parts of plants and plants and is used for the creation of new forests ('afforestation'), the replanting of areas with trees ('reforestation') and other types of tree planting for different purposes: (i) wood and biomaterials production, (ii) biodiversity conservation, (iii) restoration of forest ecosystems, (iv) climate adaptation, (v) climate mitigation and (vi) conservation and sustainable use of forest genetic resources.

In the years since its adoption, several important developments have taken place, such as the adoption of the European Green Deal, the new EU Strategy on Adaptation to Climate Change, the New EU Forest Strategy for 2030 and the EU Biodiversity Strategy for 2030; and the update of the Rules and Regulations of the Organisation for Economic Co-operation and Development (OECD) Scheme for the Certification of Forest Reproductive Material Moving in International Trade ('OECD Forest Seed and Plant Scheme').

In the light of those developments, the new policy priorities of the EU in relation to sustainability, climate change adaptation and biodiversity, as well as the experience gained during the implementation of Directive 1999/105/EC, it is appropriate to **revise this part of the EU legislation on the production and marketing of forest reproductive material**.

**CONTENT:** the proposed Regulation lays down rules on the production and marketing of forest reproductive material (FRM) and, in particular, requirements relating to the approval of basic material intended for the production of FRM, the origin and traceability of such basic material, categories of FRM, requirements relating to the identity and quality of FRM, certification, labelling, packaging, imports, professional operators, registration of basic material and national contingency plans.

The proposed regulation replaces Directive 1999/105/EC, clarifying its scope and updating its provisions.

The proposed regulation revises the legislation applicable to the production and marketing of forest reproductive material (FRM) by replacing a marketing directive with a regulation. It is based on two pillars: (i) the harvesting of forest reproductive material from registered parent trees (i.e. basic material) to ensure traceability and (ii) the certification of FRM to guarantee the high quality of the seed.

### **Scope**

The proposed Regulation applies to FRM of species and artificial hybrids, which is used in afforestation, reforestation and other types of tree planting for the purposes of wood and biomaterials production, biodiversity conservation, restoration of forest ecosystems, climate adaptation, climate mitigation, and conservation and sustainable use of forest genetic resources.

Its **general objectives** aim to: (i) ensure a **level playing field** for operators across the EU; (ii) support **innovation and competitiveness** of the EU FRM industry; (iii) contribute to addressing **sustainability, biodiversity and climate-related challenges**.

It has the following **specific objectives**:

- to increase clarity and coherence of the legal framework through simplified, clarified and harmonised basic rules on fundamental principles presented in a modern legal form;
- to enable the uptake of new scientific and technical developments (in particular, innovative production processes, bio-molecular techniques and digital solutions);
- to ensure availability of FRM suitable for future challenges;
- to support the conservation and sustainable use of forest genetic resources.
- to harmonise the framework for official controls on FRM;
- to improve coherence of FRM legislation with the Plant health legislation.

### **Basic material and categories**

Only basic material approved by the competent authorities may be used to produce and market FRM. For the same reason, only FRM derived from such basic material may be placed on the market.

The competent authorities will assess the **sustainability characteristics** of basic material during the procedure for approving that basic material. The characteristics concern the adaptation of the basic material to the local climatic and ecological conditions and the freedom of trees from pests and their symptoms.

The procedure for approving basic material will include the use of bio-molecular techniques as a complementary method, and innovative clonal FRM production techniques.

After FRM is harvested, a **master certificate** will be issued by the competent authorities for all FRM derived from approved basic material. The master certificate may also be issued in electronic form.

### **Registers of FRM and contingency plans**

Each Member State will establish, publish and keep updated, in electronic format, (i) a **national register** of the basic material for the various species and artificial hybrids approved on its territory, and (ii) a **national list**, which should be presented as a summary of the national register. In addition, each Member State must draw up and keep up to date a **contingency plan** to ensure a sufficient supply of FRM to reforest areas affected by extreme weather events, wildfires, disease and pest outbreaks, or other disasters.

## **Production and marketing of forest reproductive material**

2023/0228(COD) - 24/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 416 votes to 61, with 136 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the production and marketing of forest reproductive material, amending Regulations (EU) 2016/2031 and 2017/625 of the European Parliament and of the Council and repealing Council Directive 1999/105/EC (Regulation on forest reproductive material).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

### ***Subject matter***

The proposed Regulation sets out rules concerning the production and marketing of forest reproductive material ('FRM') and in particular requirements for the approval of basic material intended for the production of FRM, the origin and traceability of that basic material, FRM categories, requirements for FRM identity and quality, certification, labelling, packaging, imports, professional operators, the registration of basic material, official controls and the national contingency plans.

This Regulation applies to FRM of the tree species and artificial hybrids, listed in Annex I, with a view to being marketed. It should aim to:

- ensure the production and marketing of **high-quality FRM in the Union** and the correct functioning of the internal market in FRM;
- help create **resilient and productive forests**, conserve biodiversity, prevent the use of invasive species and restore forest ecosystems and their functioning, inter alia, by promoting interspecific and intraspecific genetic variation.

### ***Requirements applicable to the marketing of FRM derived from approved basic material***

FRMs of forest tree species and their artificial hybrids listed in Annex I, which are or contain genetically modified organisms, could only be marketed under the following conditions: (i) the material is approved by the competent authority; (ii) it bears a label stating "New genomic techniques".

### ***Production from basic material***

Traceability should be ensured from the collection of FRM up to the marketing to the end user.

Professional operators should notify the competent authority of their intention to harvest forest reproductive material prior to harvesting in order to allow the competent authority to organise controls. They should submit to the competent authority records documenting the harvest of the FRM. Removal from the place of harvest is only permitted with a **master certificate**.

Each Member State should establish and update a national list of issued master certificates and make that list available to the Commission and competent authorities.

### ***Packaging***

**Professional operators** should be authorised by the competent authority to issue and print the official label under official supervision for certain species and categories of FRM, if all requirements defined by the competent authority are fulfilled, and after an audit of the competent authority determines they have the necessary competence, infrastructure and resources. That authorisation is necessary due to the official character of the official label and to guarantee the highest possible quality standards for the users of FRM. This will give more flexibility to the professional operators in relation to the subsequent marketing of that FRM. Rules should be set out for the withdrawal or modification of that authorisation.

To maintain the quality of seeds, the **packages** should be designed to become unserviceable once opened, thus ensuring that users are aware of any tampering with the seeds and encouraging them to use the entire content properly, thereby avoiding the seeds being stored incorrectly or used when they are likely to have become spoiled.

### ***Imports from third countries***

FRM may be imported from third countries to the Union only if it is established, that it fulfils requirements equivalent to those applicable to FRM produced and marketed in the Union. This is necessary in order to ensure that such imported FRM affords the same level of quality as the FRM produced in the Union. That approach will ensure that FRM imports not only meet Union standards but also that they contribute to plant genetic diversity and sustainability.