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INFORMATION NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council

Subject: Proposal for a Decision of the European Parliament and of the Council amending Council Decision 2008/971/EC as regards the inclusion of forest reproductive material of the 'qualified' category within the scope of that Decision and the updating of the name of the authorities responsible for the approval and control of the production
– Outcome of the European Parliament's first reading
(Strasbourg, 22 to 23 October 2012)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure ¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

In this context, the rapporteur, Mr Paolo DE CASTRO (S&D - IT) presented a report which recommends that the European Parliament adopts its position at first reading taking over the Commission proposal. This had been agreed during the informal contacts referred to above.

¹ OJ C 145, 30.6.2007, p.5

II. VOTE

When it voted on 23 October 2012, the plenary adopted the report and took over the Commission proposal without any changes. This constitutes the European Parliament position at first reading, it reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve it. The legislative act would then be adopted in the wording which corresponds to the European Parliament's position.

The text of the proposal for a Decision and the European Parliament's legislative resolution are set out in the Annex hereto.

Forest reproductive material ***I

European Parliament legislative resolution of 23 October 2012 on the proposal for a decision of the European Parliament and of the Council amending Council Decision 2008/971/EC as regards the inclusion of forest reproductive material of the 'qualified' category within the scope of that Decision and the updating of the name of the authorities responsible for the approval and control of the production (COM(2012)0355 – C7-0175/2012 – (2012/0172(COD))) (Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0355),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0175/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 18 September 2012¹,
 - having regard to the undertaking given by the Council representative by letter of 28 September 2012 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 55 and 46(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A7-0277/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

Position of the European Parliament adopted at first reading on 23 October 2012 with a view to the adoption of Decision No .../2012/EU of the European Parliament and of the Council amending Council Decision 2008/971/EC to include forest reproductive material of the 'qualified' category and to update the name of the authorities responsible for the approval and control of the production

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure²,

Whereas:

- (1) Council Decision 2008/971/EC of 16 December 2008 on the equivalence of forest reproductive material produced in third countries³ determines the conditions under which forest reproductive material of the 'source identified' and 'selected' categories, produced in third countries listed in Annex I to that Decision, is to be imported into the Union.

¹ Opinion of 18 September 2012 (not yet published in the Official Journal).

² Position of the European Parliament of 23 October 2012.

³ OJ L 345, 23.12.2008, p. 83.

- (2) The national rules for the certification of forest reproductive material in Canada, Croatia, Norway, Serbia, Switzerland, Turkey and the United States provide for an official field inspection to be carried out during the collection and processing of seed and the production of planting stock.
- (3) According to those rules, the systems for the approval and registration of basic material and the subsequent production of reproductive material from that basic material should follow the OECD Scheme for the certification of forest reproductive material moving in international trade (OECD Forest seed and plant scheme). In addition, those rules require seed and planting stock of the 'source identified', 'selected' and 'qualified' categories to be officially certified and the seed packages to be officially closed in accordance with the OECD Forest seed and plant scheme.
- (4) An examination of those rules as regards the 'qualified' category has shown that the conditions for approval of basic material satisfy the requirements laid down in Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material¹. Furthermore, with the exception of the conditions regarding seed quality, species purity and planting stock quality, the rules of these third countries afford the same guarantees as regards the conditions applicable to seed and planting stock of the new 'qualified' category as those set out in Directive 1999/105/EC. It follows that the rules relating to the certification of forestry material of the 'qualified' category in Canada, Croatia, Norway, Serbia, Switzerland, Turkey and the United States should be considered to be equivalent to those set out in Directive 1999/105/EC, provided that the conditions set out in Annex II to Decision 2008/971/EC are satisfied as regards seed and planting stocks.

¹ OJ L 11, 15.1.2000, p. 17.

- (5) As regards material of the 'qualified' category, those conditions should include the provision of information on whether the products have been genetically modified or not. Such information should facilitate the application of the requirements set out in Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms¹, or, where applicable, in Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed² and Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms³.
- (6) In addition, the names of some authorities responsible for the approval and control of the production, as listed in Annex I to Decision 2008/971/EC, have changed.
- (7) Decision 2008/971/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1

Decision 2008/971/EC is hereby amended as follows:

- (1) in Article 1, the first paragraph is replaced by the following:

"This Decision determines the conditions under which forest reproductive material of the 'source identified', 'selected' and 'qualified' categories produced in a third country listed in Annex I shall be imported into the Union.";

¹ OJ L 106, 17.4.2001, p. 1.

² OJ L 268, 18.10.2003, p. 1.

³ OJ L 268, 18.10.2003, p. 24.

(2) in Article 3, paragraph 2 is replaced by the following:

"2. Seed and planting stock of the 'source identified', 'selected' and 'qualified' categories of species listed in Annex I to Directive 1999/105/EC, produced in the third countries listed in Annex I to this Decision and officially certified by the third country authorities listed in that Annex, shall be considered equivalent to seed and planting stock complying with Directive 1999/105/EC, provided that the conditions laid down in Annex II to this Decision are satisfied.";

(3) in Article 4, the first paragraph is replaced by the following:

"When seed and planting stock enter the Union, the supplier importing this material shall inform the official body of that Member State in advance of the import. The official body shall issue a Master Certificate based on the official OECD Certificate of Provenance before the material is placed on the market.";

(4) Annexes I and II are amended in accordance with the Annex to this Decision.

Article 2

This Decision shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2013.

Article 3

This Decision is addressed to the Member States.

Done at ...,

For the European Parliament

For the Council

The President

The President

ANNEX

Annexes I and II to Decision 2008/971/EC are amended as follows:

- (1) Annex I is replaced by the following:

"ANNEX I

Countries and authorities

Country (*)	Authority responsible for the approval and control of production
CA	National Forest Genetic Resources Centre/ Centre national des ressources génétiques forestières Natural Resources Canada/Ressources naturelles Canada Canadian Forest Service-Atlantic/Service canadien des forêts - Atlantique P.O. Box 4000, FREDERICTON, NB E3B 5P7

CH	Federal Office for the Environment (FOEN) Department of the Environment, Transport, Energy and Communications (UVEK) Forest Division Federal Plant Protection Service Zürcherstraße 111 CH-8903 BIRMENS DORF
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HR	Croatian Forest Research Institute – CFI Division of Genetics, Forest Tree Breeding and Seed Science Cvjetno naselje 41 10450 Jastrebarsko
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NO	<p>Norwegian Forest Research Institute Høgskoleveien 12 N-1432 AAS Norwegian Forest Seed Station P.O. Box 118 N-2301 HAMAR</p>
RS	<p>Group for Forest Reproductive Material and Genetic Resources Directorate for Forest Ministry of Agriculture, Forestry and Water Management Ministry of AFW - Directorate for Forest Omladinskih brigada 1 Novi Beograd</p>

TR	Ministry of Environment and Forestry General Directorate of Forestation and Erosion Control Bestepe 06560 Ankara
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US	<p>USA United States Department of Agriculture, Forest Service Cooperative Forestry National Seed Laboratory 5675 Riggins Mill Road Dry Branch, Georgia 31020</p> <p>OFFICIAL STATE CERTIFICATION AUTHORITIES (Authorised to issue OECD certificates through cooperative agreement with USDA Forest Service)</p> <p>Washington State Crop Improvement Association, Inc. 1610 NE Eastgate Blvd, Suite 610 Pullman, Washington 99163</p>
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(* CA – Canada, CH – Switzerland, HR – Croatia, NO – Norway, RS – Serbia, TR – Turkey,
US – United States.";

(2) in Annex II, the following section is added:

"C. Additional conditions relating to the 'qualified' category of seed and planting stock produced in third countries

As regards seed or planting stock of the 'qualified' category, the OECD Label and the supplier's label or document shall state whether genetic modification has been used in the production of the basic material."