

II

(Non-legislative acts)

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2021/773

of 10 May 2021

authorising Member States, in accordance with Council Directive 1999/105/EC, to temporarily decide on the equivalence of forest reproductive material of certain categories produced in certain third countries

(notified under document C(2021) 3194)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material ⁽¹⁾, and in particular Article 19(3) thereof,

Whereas:

- (1) Council Decision 2008/971/EC ⁽²⁾ establishes the rules for granting equivalence to certain third countries as regards the approval and registration of basic material and the subsequent production of forest reproductive material from that basic material. The third countries concerned are member countries of the OECD Scheme for the certification of forest reproductive material moving in international trade ('OECD Forest Seed and Plant Scheme').
- (2) Decision 2008/971/EC covers forest reproductive material of the 'source-identified', 'selected' and 'qualified' categories.
- (3) In 2011, the Rules and Regulations of the OECD Forest Seed and Plant Scheme ⁽³⁾ ('the OECD Forest Seed and Plant Scheme rules') covered forest reproductive material of the 'source-identified', 'selected', and 'qualified' categories. The OECD Forest Seed and Plant Scheme rules were amended in 2013 to include the 'tested' category³.
- (4) In the absence of a Decision at Union level in relation to the equivalence of forest reproductive material of the 'tested' category, Member States can be authorised to take decisions at national level pursuant to Article 19(3) of Directive 1999/105/EC.
- (5) In 2018, the United Kingdom became a member country of the OECD Forest Seed and Plant Scheme. It was included as a third country in Annex I to Decision 2008/971/EC ⁽⁴⁾, without prejudice to the application of Union law to and in the United Kingdom in respect of Northern Ireland in accordance with Article 5(4) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement in conjunction with Annex 2 to that Protocol.

⁽¹⁾ OJ L 11, 15.1.2000, p. 17.

⁽²⁾ Council Decision 2008/971/EC of 16 December 2008 on the equivalence of forest reproductive material produced in third countries (OJ L 345, 23.12.2008, p. 83).

⁽³⁾ Decisions of the Council of the Organisation for Economic Cooperation and Development, Decision of the Council establishing the OECD Scheme for the Certification of Forest Reproductive Material Moving in International Trade [OECD/LEGAL/0355]. <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0355>

⁽⁴⁾ Decision (EU) 2021/536 of the European Parliament and of the Council of 24 March 2021 amending Council Decision 2008/971/EC as regards the equivalence of forest reproductive material produced in the United Kingdom (OJ L 108, 29.3.2021, p. 1).

- (6) Member States should be authorised to temporarily decide on the equivalence of forest reproductive material from the 'tested' category produced in the third countries listed in Annex I to Decision 2008/971/EC, pending an amendment of Decision 2008/971/EC. Member States should in that context ensure that the material to be imported affords equivalent guarantees in all respects to forest reproductive material produced in the Union and complying with Directive 1999/105/EC.
- (7) In view of the time necessary for a possible extension of Decision 2008/971/EC and to avoid any risk of disruption of imports into Member States, this Decision should apply until 31 December 2024.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States are authorised to decide whether forest reproductive material of the 'tested' category produced in a third country, listed in the Annex, affords the same guarantees as forest reproductive material produced in the Union and complying with the provisions of Directive 1999/105/EC.
2. For the purposes of paragraph 1, the following shall apply:
 - (a) 'guarantees' means guarantees concerning the following:
 - (i) the approval of basic material for the production of forest reproductive material, and
 - (ii) the measures taken for the subsequent production, from that basic material, of forest reproductive material with a view to marketing;
 - (b) 'forest reproductive material of the 'tested' category' means forest reproductive material:
 - (i) produced from the types of basic material listed in the Annex, and
 - (ii) belonging to the respective species or artificial hybrids listed in Annex I to Directive 1999/105/EC.

Article 2

Member States shall immediately notify the Commission and other Member States of any decision taken pursuant to this Decision, and of any withdrawal of such decisions.

Article 3

This Decision shall apply until 31 December 2024.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 10 May 2021.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

Country of origin	Type of basic material ⁽¹⁾
Canada	St, SO, P, C, CM
Norway	St, SO, P, C, CM
Republic of Serbia	St, SO, P, C, CM
Switzerland	St, SO, P, C, CM
Turkey	St, SO, P, C, CM
United Kingdom ⁽²⁾	St, SO, P, C, CM
United States	St, SO, P, C, CM

⁽¹⁾ The abbreviations under this column mean the following:

- St: Stand
SO: Seed Orchard
P: Parents of family(ies)
C: Clone
CM: Clonal Mixture.

⁽²⁾ In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.