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## **REPORT**

on the proposal for a Council directive on the marketing of forest reproductive material

(COM(1999) 188 – C5-0128/1999 – 1999/0092(CNS))

Committee on Agriculture and Rural Development

Rapporteur: Mikko Pesälä

PE 231.062

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members to give assent*  
*majority of the votes cast in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Abbreviations for committees***

- I. AFET Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy
- II. BUDG Committee on Budgets
- III. CONT Committee on Budgetary Control
- IV. LIBE Committee on Citizens' Freedoms and Rights, Justice and Home Affairs
- V. ECON Committee on Economic and Monetary Affairs
- VI. JURI Committee on Legal Affairs and the Internal Market
- VII. INDU Committee on Industry, External Trade, Research and Energy
- VIII. EMPL Committee on Employment and Social Affairs
- IX. ENVI Committee on the Environment, Public Health and Consumer Policy
- X. AGRI Committee on Agriculture and Rural Development
- XI. PECH Committee on Fisheries
- XII. REGI Committee on Regional Policy, Transport and Tourism
- XIII. CULT Committee on Culture, Youth, Education, the Media and Sport
- XIV. DEVE Committee on Development and Cooperation
- XV. AFCO Committee on Constitutional Affairs
- XVI. FEMM Committee on Women's Rights and Equal Opportunities
- XVII. PETI Committee on Petitions

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## Procedural page

By letter of 9 September 1999 the Council consulted Parliament, pursuant to Article 37 of the EC Treaty, on the proposal for a Council Directive on the marketing of forest reproductive material (COM (1999) 188 – 1999/0092 (CNS)).

At the sitting of 13 September 1999 the President of Parliament announced that he had referred this proposal to the Committee on Agriculture and Rural Development as the committee responsible and the Committee on the Environment, Public Health and Consumer Policy for its opinion (C5-0128/1999).

At its meeting of 1 September 1999 the Committee on Agriculture and Rural Development had appointed Mr Pesälä rapporteur.

It considered the Commission proposal and the draft report at its meeting of 27 September 1999, 11 October 1999 and 23 November 1999.

At the last meeting it adopted the draft legislative resolution by 28 votes to 1.

The following took part in the vote: Graefe zu Baringdorf, chairman; (and Redondo Jiménez), vice chairman; Pesälä, rapporteur; Auroi, Ms Ayuso Gonzalez (for Ebner), Bautista Ojeda, Busk, Campos, Celli, Cercas Alonso (for Görlach), Cunha, Dary, Fiebiger, Fiori, Garot, Goepel, Ms Izquierdo Rojo, Ms Jeggle, Jové Peres, Keppelhoff-Wiechert, Kindermann, Koulourianos, Maat, Mayer, Parish, Procacci, Raymond, Stevenson, Vatanen (for Sturdy).

The opinion of the Committee on the Environment, Public Health and Consumer Policy is attached.

The report was tabled on 24 November 1999.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## LEGISLATIVE PROPOSAL

### Proposal for a Council directive on the marketing of forest reproductive material (COM(1999) 188 – C5-0128/1999 – 1999/0092(CNS))

The proposal is amended as follows:

<u>Text proposed by the Commission<sup>1</sup></u>	<u>Amendments by Parliament</u>
	(Amendment 1) 5th indent (new)
	<u>Having regard to the Communication from the Commission on a forestry strategy for the European Union (COM(1998)649 final) and the Council Declaration of December 1998 on the same subject.</u>
<i>Justification:</i> <i>The position of the Commission and the Council should be mentioned.</i>	
	(Amendement 2) Recital 2
Whereas forests cover a large area of the Community; whereas both the restocking of these forests and new afforestation require increasing quantities of forest reproductive material;	Whereas forests cover a large area of the Community; whereas both the restocking of these forests and new afforestation require increasing quantities of forest reproductive material; <u>whereas sustainable management is necessary to do justice to the multi-functional role of the forests with their environmental, economic and social aspects since all their benefits need to be considered in addition to their practical uses.</u>

*Justification:*  
*Sustainable management is necessary for the multifunctional role of the forests.*

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<sup>1</sup> OJ C 199, 14.7.1999, p. 1

(Amendment 3)

Recital 4

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 reproductive material which is phenotypically or genetically superior and which meets certain external quality standards;

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 reproductive material which is phenotypically or genetically superior; whereas forestry seed needs to meet certain external quality standards;

*Justification:*

*Forestry seed should meet certain external quality standards.*

(Amendment 4)

Recital 5

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 interests of all the Member States that Community rules imposing the highest possible standards should be established;

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 interests of all the Member States that Community rules imposing the highest possible standards should be established, while respecting the principle of subsidiarity;

*Justification:*

*The principle of subsidiarity should be respected.*

(Amendment 5)

Recital 7

Whereas Community rules should refer to the phenotypic and genetic characteristics and the external features of reproductive material;

Whereas Community rules should refer to the phenotypic and genetic characteristics of seed and plants and the external features of seed;

*Justification:*

*Community rules should refer to the phenotypic and genetic characteristics of seed and plants and the external features of seed.*

(Amendment 6)  
Article 4(3) a (new)

In the interest of conserving plant genetic resources used in forestry, the Member States may depart from the requirements as laid down in paragraph 2 and Annexes II, III, IV, and V in so far as specific conditions are established in accordance with the procedure laid down in Article 24.

*Justification:*

*Conservation of plant genetic resources requires a certain flexibility in the application of the Directive.*

(Amendment 7)  
Article 5(2)(b)

(b) the procedures ensuring that the environmental risk assessment and other relevant elements are equivalent to those laid down in Directive 90/220/EEC shall be introduced on a proposal from the Commission, in a Council Regulation based on the appropriate legal basis in the Treaty. Until such Regulation enters into force, genetically modified basic material shall only be accepted for inclusion in the National Register under Article 10 of this Directive after having been authorised in accordance with Directive 90/220/EEC

(b) the procedures ensuring that the environmental risk assessment, requirements regarding risk management, labelling, monitoring as appropriate, information to the public and safeguard clause are equivalent to those laid down in Directive 90/220/EEC shall be introduced on a proposal from the Commission, in a European Parliament and Council Regulation based on the appropriate legal basis in the Treaty. Until such Regulation enters into force, genetically modified basic material shall only be accepted for inclusion in the National Register under Article 10 of this Directive after having been authorised in accordance with Directive 90/220/EEC

*Justification:*

*Directive 90/220, currently in the course of revision, will extend the scope of the relevant provisions which must be taken over by any sectoral legislation for GMO marketing. The first part of this amendment uses the text of the common position which follows the direction of an EP amendment adopted at first reading.*

*The amending Regulation giving effect to these procedures is foreseen under 90/220 to be co-decision.*

(Amendment 8)

Article 6(7) (new)

Specific provisions may be established in accordance with the procedure laid down in Article 24 to take account of developments under which forest reproductive material suitable for organic production may be marketed.

*Justification:*

*A simpler procedure is necessary to encourage the marketing of forest reproductive material suitable for organic production.*

(Amendment 9)

Article 8

Member States may restrict the approval, in their territories, of basic material intended for the production of reproductive material to that of categories other than ‘source identified’.

Member States may restrict the approval and marketing, in their territories, of basic material intended for the production of reproductive material to that of categories other than ‘source identified’.

*Justification:*

*It must be possible for the Member States to regulate marketing too, in order to observe trade flows and eliminate genetically unusable material.*

(Amendment 10)

Article 12 (new)

In order to ensure that trade flows can be controlled and unsuitable reproductive material excluded an official certificate of origin setting out the essential parameters shall accompany the consignment throughout its journey.

*Justification:*

*The master certificate provided for in Article 12 is no substitute for the certificate of origin. Similarly, neither mutual assistance by official bodies (Article 16) nor spot checks can ensure that the whole trade flow is controlled.*

(Amendment 11)

Article 14(3) (new)



Where a delay occurs such that the details referred to in paragraph 2 (a) to (e) are not available at the time when the materials are put on the market, the supplier must provide them later once the results are available.

*Justification:*

*The documents must be supplied later in order to ensure that checks and supervision of trade flows can be carried out.*

(Amendment 12)  
Article 14a (new)

Forest reproductive material shall, where applicable, comply with the relevant plant health conditions laid down in Directive 77/93/EEC.

*Justification:*

*Forest reproductive material is similar to other propagating material as regards plant health requirements. The directives concerning propagating material for fruit and vegetables and ornamental plants already contain a similar provision.*

(Amendment 13)  
Article 15(5)

5. In the case of forest reproductive material derived from basic material which consists of a genetically modified organism, any label or document, official or otherwise, which is affixed to or accompanies the lot, under the provisions of this Directive, shall clearly indicate that the reproductive material consists of genetically modified organis

5. Where forest reproductive material is derived from basic material which consists of a genetically modified organism, the labels or documents for the lot shall clearly indicate that fact.

*Justification:*

*In order to clarify and make the provisions potentially less ambiguous.*

(Amendment 14)  
Article 17(2), first sub-paragraph

2. Upon its application, a Member State may be authorised, pursuant to the procedure provided for in Article 24, to prohibit the use in all or part of its territory of reproductive material.

2. Upon its application, a Member State may be authorised, pursuant to the procedure provided for in Article 24, to prohibit the marketing in all or part of its territory of reproductive material.

*Justification:*

*The proposal for a directive relates only to the production for marketing purposes, and the actual marketing, of forestry reproductive material. The Member States should retain the power to enact guidelines on the use of forestry reproductive material, seeking to ensure that the suitability – inter alia - of the material's provenance to the relevant climatic conditions is taken sufficiently into account by the forestry industry.*

(Amendment 15)  
Article 17(2) (second subparagraph)

Such authorisation shall be granted only where there is reason to believe on the basis of evidence relating to the region of provenance of the material or results of official trials carried out in appropriate locations, either with or outside the Community that the use of the said reproductive material would, on account of its phenotypic or genetic characteristics, have an adverse effect on forestry, the environment or on the genetic resources in all or part of that Member State, or if there are grounds for believing that the use of that reproductive material might play a part in reducing genetic variety and biodiversity.

*Justification:*

*Article 174(2) of the Treaty permits such an environmental safeguard clause, where appropriate.*

(Amendment 16)  
Article 17 (4)

Without prejudice to paragraph 1, member states which have implemented Article 8 in respect of the forest reproductive material of the category source identified may prohibit the use of such material.

Without prejudice to paragraph 1, member states which have implemented Article 8 in respect of the forest reproductive material of the category source identified may prohibit the marketing to the end user of such material.

*Justification:*

*The marketing to the end user should be prohibited.*

(Amendment 17)  
Article 17(5) (new)

The Member States shall specify the requirements which the reproductive material of particular species is required to

meet in order to be suited to particular climatic conditions and exposed upland situations.

*Justification:*

*Certain regions, such as the Alps (e.g. reafforestation following avalanches) or the Mediterranean, require selected reproductive material which needs to be adapted to the local climatic conditions in order to be resistant.*

(Amendment 18)  
Article 25 (1) and (2)

1. For a transitional period not exceeding 10 years from 1 January 2000, Member States may use, for the purpose of approving basic material for the production of tested reproductive material - not previously covered by Directive 66/404/EEC - the results of comparative tests which do not satisfy the requirements laid down in Annex V.

Such tests shall have commenced before 1 January 2000, and must have shown that the reproductive material derived from the basic material is superior.

2. For a transitional period not exceeding 10 years from 1 January 2000, Member States may use, for the purpose of approving basic material for the production of tested reproductive material of all species and artificial hybrids covered by this Directive, the results of genetic evaluation tests which do not satisfy the requirements laid down in Annex V.

Such tests shall have commenced before 1 January 2000, and must have shown that the reproductive material derived from the basic material is superior.

1. For a transitional period not exceeding 10 years from 1 January 2003, Member States may use, for the purpose of approving basic material for the production of tested reproductive material - not previously covered by Directive 66/404/EEC - the results of comparative tests which do not satisfy the requirements laid down in Annex V.

Such tests shall have commenced before 1 January 2003, and must have shown that the reproductive material derived from the basic material is superior.

2. For a transitional period not exceeding 10 years from 1 January 2003, Member States may use, for the purpose of approving basic material for the production of tested reproductive material of all species and artificial hybrids covered by this Directive, the results of genetic evaluation tests which do not satisfy the requirements laid down in Annex V.

Such tests shall have commenced before 1 January 2003, and must have shown that the reproductive material derived from the basic material is superior.

*Justification:*

*It is impossible for the Member States to comply with the timetable contained in the proposal whereby the directive would come into force from 2000, because the proposal requires new legislation. The date set in Article 26 for the entry into force of the directive must be postponed by at least two years.*

(Amendment 19)  
Article 26(1), first sub-paragraph

1. Member States shall bring into force the

1. Member States shall bring into force the

laws, regulations and administrative provisions necessary to comply with this Directive with effect from 1 January 2000.

laws, regulations and administrative provisions necessary to comply with this Directive with effect from 1 January 2003.

*Justification:*

*Same as in article 25.*

(Amendment 20)  
Article 26(3) (new)

3. However;
- The Republic of Finland and the Kingdom of Sweden may maintain their national legislation relating to the marketing of forest reproductive material, as laid down in Council Directive 66/404/EEC, within their territory until 1 January 2003 at the latest.
  - the Republic of Finland may maintain its national legislation on external quality standards relating to the marketing of forest reproductive material, as laid down in Council Directive 71/161/EEC, within its territory until 1 January 2003 at the latest.

*Justification:*

*When Finland and Sweden joined the European Union, they were allowed a transitional period until the end of 1999 to comply with the provisions of the forestry directives. This transitional period should be extended until the new directive enters into force.*

(Amendment 21)  
Article 27, first sentence

Directive 66/404/EEC and Directive 71/161/EEC are hereby repealed with effect from 1 January 2000.

Directive 66/404/EEC and Directive 71/161/EEC are hereby repealed with effect from 1 January 2003.

*Justification:*

*Same as in article 25.*

(Amendment 22)  
Article 27, second sentence (new)

The Member States shall be allowed to market until exhaustion stocks of forest reproductive material accumulated before 1 January 2003.

*Justification:*

*The marketing of seed accumulated before the entry into force of the directive should continue to be permitted, because there are areas within the EU in which seed supplies are based on a very few prolific seed-years. It should remain possible for the forestry industry to make use of the stocks gathered in these good years after the directive has entered into force.*

## **DRAFT LEGISLATIVE RESOLUTION**

**European Parliament legislative resolution on the proposal for a Council Directive on the marketing of forest reproductive material (COM(1999) 188 – C5-0128/1999 - 1999/0092(CNS)).**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal to the Council, (COM(1999) )<sup>1</sup>,
  - having been consulted by the Council pursuant to Article 37 of the EC Treaty (C5-0128/1999),
  - having regard to Rule 67 of its Rules of Procedure,
- having regard to the report of the Committee on Agriculture and Rural Development and the opinion of the Committee on the Environment, Public Health and Consumer Policy (A5-0072/1999),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250 (2) of the EC Treaty ;
  3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
  5. Instructs its President to forward its position to the Council and Commission.

## **EXPLANATORY STATEMENT**

### **1. Introduction**

On 27 May 1999 the Commission submitted a proposal for a Directive on the marketing of forest reproductive material ( COM(1999) 188 final). The directive is what is known as a minimum directive, amending the existing directives in this area, 66/404/EEC and 71/161/EEC.

The directive would be brought into force in each Member State by law or other appropriate regulation. Once it has come into force the proposal will create some additional administrative and supervisory tasks for the Member States in the field of the production and marketing of forest reproductive material.

### **2. Substance of the proposal**

The objective of the proposal is to bring up to date the directives on the trade in forest reproductive material, taking into account the accession of the new Member States and the developments in the single market and in research in this area. It seeks to harmonise practice in the classification of forest reproductive material in the EU, as far as possible in line with the OECD system.

The proposal would apply both to the marketing of forestry reproductive material and to its production for marketing purposes. 'Forest reproductive material' is defined in the directive as reproductive material of those tree species and artificial hybrids thereof which are important for forestry purposes in all or part of the Community and in particular those which are listed in Annex I. The proposal would apply at all times to the seeds of those tree species referred to in Annex I, but to seedlings and cuttings only when these are used for forestry purposes.

All basic material intended for the production of reproductive material would have to be approved by the authorities. It is proposed that basic material be classified in four classes: "source-identified", "selected", "qualified" and "tested". The requirements for the various classes are set out in Annexes II to IV. Seeds and seedlings need to fulfil the quality requirements set out in Annex VII. The Member States would be permitted, if they so wished, to impose additional, stricter requirements on the production and approval of basic material in their own area.

The Commission could grant Member States authorisation to prohibit the use of individual reproductive materials on their territory. Such authorisation could be granted only if there was reason to suspect, on the basis of information about the material's provenance or as a result of official tests, that the use of the material would have harmful effects. The Commission would also be able to grant authorisation for the marketing of materials fulfilling less strict requirements if there was a danger of a shortage of reproductive material.

The Member States should define the regions of provenance of the source-identified and selected material. These should be published in map form and forwarded to the Commission

and the other Member States. The Commission could publish on the basis of this information a list of basic materials covering the whole EU.

It is intended that the proposal should enter into force on 1 January 2000. The proposal's transitional provisions, to apply for no more than 10 years, would cover only tested material.

### **3. Assessment of the proposal**

The proposal for a Council Directive on the marketing of forest reproductive material reflects developments in this field. The central concepts and classifications of the directive have worked well and are in line with the OECD system – currently under revision – governing to the international trade in forest reproductive material. This will also simplify trading with OECD countries outside the EU.

The proposal extends the scope of the directive particularly in the light of the growth in the number of species. The need for monitoring is on the increase, as is the cost of monitoring. In return, however, purchasers of forest reproductive material should be given better guarantees about the reliability of the material's provenance.

The proposal successfully takes account of the differing needs of the Member States. For example it has added to the basic categories of forest reproductive material the 'source identified' class, which it would not have been possible to use under the existing directive. The use of material in this class will continue to be essential particularly in Finland and Sweden. Those Member States which do not wish to use such material may prohibit it in their national legislation.

### **Specific observations**

- The provisions on genetically modified reproductive material are still evolving in the European Union. The wording of the proposal reflects the current legislation and decisions in the Council.
- The proposed Article 24 is out of date in the light of the Council's decision to reform the committee procedure. The Committee on Agriculture and Rural Development calls for the text to be revised to reflect this Council decision.
- The viewpoint of small farmers and producers should be taken into consideration when controls and inspections are implemented at national level. Registration and conservation costs must be limited.



17 November 1999

## **OPINION**

(Rule 162)

for the Committee on Agriculture and Rural Development

on the proposal for a Council Directive on the marketing of forest reproductive material (COM(1999) 188 – C5-0128/1999 – 1999/0092(CNS)) (report by Mr Pesälä)

Committee on the Environment, Public Health and Consumer Policy

Draftsman: Karl Erik Olsson

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## **PROCEDURE**

At its meeting of 22 September 1999 the Committee on the Environment, Public Health and Consumer Policy appointed Karl Erik Olsson draftsman.

It considered the draft opinion at its meetings of 26 October and 16 November 1999.

At the last meeting it adopted the following conclusions unanimously.

The following took part in the vote: Jackson, chairman; De Roo, vice-chairman/chairmen; Olsson, draftsman; Arvidsson, Ayuso Gonzalez, Blokland, Bowe, Bowis, Breyer, Corbey, Doyle, Flemming, Florenz, Garcia Orcoyen Tormo, Gonzalez Álvarez, Goodwill, Gorostiaga Atxalandabaso (for Kronberger), Gutierrez-Cortines, Helmer, Hulthén, Isler Béguin, Keppelhoff-Wiechert (for De Sarnez), Klass, Maaten, Martens (for Grossetête), McKenna, Meijer (for Papayannakis), Menéndez Del Valle (for Lage), Moreira Da Silva, Müller E., Müller R., Nistico, Patrie, Paulsen, Ries, Roth-Behrendt, Sacconi, Saint-Josse, Schleicher (for Oomen-Ruijten), Schörling, Sommer (for Korhola), Sornosa Martinez, Sturdy (for Liese), Taylor (for Lange), Trakatellis and Vachetta.

### **1. BACKGROUND**

The Commission proposal for a Council directive on the marketing of forest reproductive material<sup>1</sup>- based on Article 37 of the Treaty of Amsterdam – is a ‘minimum’ directive pursuant to which the Member States may introduce stricter national requirements, and would replace Directives 66/404/EEC and 71/161/EEC which are currently in force.

In recent years there have been drastic changes in the circumstances for EU legislation on forestry matters; for example, when Finland and Sweden joined the EU in 1995 its area under forest was doubled. The new proposal for a directive would update what is in many respects obsolete legislation drawn up by the Community’s original six Member States, to take

account of modern agricultural theory, new methods of improving quality, industrial plant production, and the northern forestry industry. The proposal also seeks to harmonise the classification for forest reproductive material so that the EU classification as far as possible coincides with the OECD scheme. The proposal covers both the marketing of forest reproductive material and production for marketing purposes. Forest reproductive material is taken to mean seeds, plants and parts of plants of tree species and artificial hybrids listed in Annex I. It is proposed that approval by an official body shall be required for all seed sources, which are divided into four categories: 'source-identified', 'selected', 'qualified' and 'tested'. The proposal would come into force on 1 January 2000.

## **2. REMARKS**

The rapporteur welcomes the Commission's proposal to replace outdated legislation, taking the changed conditions for European forestry into account.

Although genetically modified forest reproductive material is not being used for commercial purposes in the EU today<sup>2</sup>, the rapporteur notes that there is a clear reference to Directive 90/220/EEC in Article 5 of the proposal and that a seed source will be accepted simply if it is 'safe for human health and the environment'.

It is most important that EU legislation is not potentially a cause of the loss of genetic variety and biodiversity; the rapporteur therefore welcomes the provision allowing Member States to authorise the placing on the market on their own territory of small quantities of reproductive material for gene conservation purposes (Article 6(4)(a)), and the broadening of the classification of forest reproductive material by the introduction of the new 'source identified' category, which allows the Member States to use local reproductive material without requiring genetic superiority. The present classification system is much narrower in its definitions and may thus reduce biodiversity and encourage highly intensive cultivation of a small number of species and provenances.

The rapporteur considers that stocks of seed acquired before the directive comes into force should be allowed to be placed on the market after that date; this is particularly important for regions in the Community where up to 15 years may pass between abundant seed years for individual species.

## **3. CONCLUSIONS**

The Committee on the Environment, Public Health and Consumer Policy calls on the Committee on Agriculture and Rural Development, as the committee responsible, to incorporate the following amendments in its report:

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Text proposed by the Commission

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Amendments by Parliament

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### **(Amendment 1)**

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<sup>2</sup> There are however at present 15 or so trial plantations in the EU of trees from genetically modified seed sources.

Article 5(2)(b)

(b) the procedures ensuring that the environmental risk assessment and other relevant elements are equivalent to those laid down in Directive 90/220/EEC shall be introduced on a proposal from the Commission, in a Council Regulation based on the appropriate legal basis in the Treaty. Until such Regulation enters into force, genetically modified basic material shall only be accepted for inclusion in the National Register under Article 10 of this Directive after having been authorised in accordance with Directive 90/220/EEC;

(b) the procedures ensuring that the environmental risk assessment, requirements regarding risk management, labelling, monitoring as appropriate, information to the public and safeguard clause are equivalent to those laid down in Directive 90/220/EEC shall be introduced on a proposal from the Commission, in a European Parliament Council Regulation based on the appropriate legal basis in the Treaty. Until such Regulation enters into force, genetically modified basic material shall only be accepted for inclusion in the National Register under Article 10 of this Directive after having been authorised in accordance with Directive 90/220/EEC;

*Justification:*

*Directive 90/220, currently in the course of revision, will extend the scope of the relevant provisions which must be taken over by any sectorial legislation for GMO marketing. The first part of this amendment uses the text of the common position which follows the direction of an EP amendment adopted at first reading. The amending Regulation giving effect to these procedures is foreseen under 90/220 to be codecision.*

(Amendment 2)  
Article 15(5)

5. In the case of forest reproductive material derived from basic material which consists of a genetically modified organism, any label or document, official or otherwise, which is affixed to or accompanies the lot, under the provisions of this Directive, shall clearly indicate that the reproductive material consists of genetically modified organis

5. Where forest reproductive material is derived from basic material which consists of a genetically modified organism, the labels or documents for the lot shall clearly indicate that fact.

*Justification:*

*In order to clarify and make the provisions potentially less ambiguous.*

(Amendment 3)  
Article 17(2) (second subparagraph)

Such authorisation shall be granted only where there is reason to believe on the basis of evidence relating to the region of provenance of the material or results of

official trials carried out in appropriate locations, either with or outside the Community that the use of the said reproductive material would, on account of its phenotypic or genetic characteristics, have an adverse effect on forestry, the environment or on the genetic resources in all or part of that Member State, or if there are grounds for believing that the use of that reproductive material might play a part in reducing genetic variety and biodiversity.

*Justification:*

*Article 174(2) of the Treaty permits such an environmental safeguard clause, where appropriate.*

(Amendment 4)  
Article 27a (new)

Member States may continue to permit the placing on the market of forest reproductive material collected before January 2000 while stocks last.

*Justification:*

*The marketing of seed accumulated before the entry into force of the directive should continue to be permitted, because there are areas within the EU in which seed supplies are based on a very few prolific seed-years. It should remain possible for the forestry industry to make use of the stocks gathered in these good years after the directive has entered into force.*