



**2023/0228(COD)**

10.11.2023

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## **DRAFT REPORT**

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)  
(COM(2023)0415 – C9-0237/2023 – 2023/0228(COD))

Committee on Agriculture and Rural Development

Rapporteur: Herbert Dorfmann

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

***Amendments to a draft act*****Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

**Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## **DRAFT EUROPEAN PARLIAMENT 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) (COM(2023)0415 – C9-0237/2023 – 2023/0228(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0415),
  - 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 (C9-0237/2023),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the Economic and Social Committee of [xxx]<sup>1</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the opinion of the Committee on the Environment, Public Health and Food Safety,
  - having regard to the report of the Committee on Agriculture and Rural Development (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 0, 0.0.0000, p. 0. / Not yet published in the Official Journal.

## Amendment 1

### Proposal for a regulation Article 1 – paragraph 1

*Text proposed by the Commission*

This 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 and the national contingency plans.

*Amendment*

This 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.

Or. en

## Amendment 2

### Proposal for a regulation Article 2 – paragraph 4 – point d a (new)

*Text proposed by the Commission*

*Amendment*

**(da) FRM used for non-forest purposes.**

Or. en

*Justification*

*There are FRM which are not used for forest purposes and this should not be covered by this regulation.*

## Amendment 3

### Proposal for a regulation Article 3 – paragraph 1 – point 7

*Text proposed by the Commission*

*Amendment*

(7) 'production' means all stages in the generation of the seed and plants, the

(7) 'production' means all stages in the generation of the seed, **parts of plants** and

conversion from seed unit to seed, and the raising of plants from a planting stock, with a view for the respective FRM to be marketed;

**whole** plants, the conversion from seed unit to seed, and the raising of plants from a planting stock, with a view for the respective FRM to be marketed;

Or. en

*Justification*

*This shall be included in FRM's category.*

**Amendment 4**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 15**

*Text proposed by the Commission*

(15) ‘unit of approval’ means the entire area of basic material for the production of FRM that has been authorised by the competent authorities;

*Amendment*

(15) ‘unit of approval’ means the entire area **or individuals** of basic material for the production of FRM that has been authorised by the competent authorities;

Or. en

**Amendment 5**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 16**

*Text proposed by the Commission*

(16) ‘unit of notification’ means the entire area of basic material for the production of FRM intended for the purpose of the conservation and sustainable use of forest genetic resources that has been notified to the competent authorities;

*Amendment*

(16) ‘unit of notification’ means the entire area **or individuals** of basic material for the production of FRM intended for the purpose of the conservation and sustainable use of forest genetic resources that has been notified to the competent authorities;

Or. en

**Amendment 6**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 17**

*Text proposed by the Commission*

*Amendment*

(17) ‘seed lot’ means a set of seeds **collected** from approved basic material and processed uniformly;

(17) ‘seed lot’ means a set of **extracted or cleaned** seeds from approved basic material and processed uniformly;

Or. en

*Justification*

*The definition of seed lot should be related to the concept of marketable set of seeds, which can be sold to nurseries or deliberate seeding in forests.*

**Amendment 7**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 18**

*Text proposed by the Commission*

*Amendment*

(18) ‘plant lot’ means a set of **planting stock that has** been grown from a single seed lot or **a** vegetatively propagated **planting stock** which **has** been raised in a delineable area and processed uniformly;

(18) ‘plant lot’ means a set of **plants that have** been grown from a single seed lot or vegetatively propagated **plants** which **have** been raised in a delineable area and processed uniformly;

Or. en

*Justification*

*The definition shall be adjusted according to the OECD rules (point (1)).*

**Amendment 8**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 19**

*Text proposed by the Commission*

*Amendment*

(19) ‘lot **number**’ means the identification **number** of the seed lot or plant lot, as appropriate;

(19) ‘lot **code**’ means the identification **code** of the seed lot or plant lot, as appropriate;

Or. en

*Justification*

*The lots are identified by alphanumeric code, not a number.*

**Amendment 9**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) FRM shall be collected from ***all*** individuals of the notified basic material.

*Amendment*

(c) FRM shall be collected from ***a maximum number of*** individuals of the notified basic material, ***taking into account natural conditions and organisational and financial capacities.***

Or. en

*Justification*

*The number of individuals should be collected from a maximum and targeted number of individuals.*

**Amendment 10**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

***1. An official label shall be issued by the competent authority for every lot of FRM attesting compliance of that FRM with the requirements referred to in Article 5.***

*Amendment*

***deleted***

Or. en

*Justification*

*It is not practically possible for a competent authority to issue a label for each lot.*



## Amendment 11

### Proposal for a regulation Article 16 – paragraph 2

*Text proposed by the Commission*

2. Competent authorities shall authorise the professional operator to **print** the official label after the competent authority has attested compliance of that FRM with the requirements referred to in Article 5. The professional operator is authorised to **print** that label, if, on the basis of an audit, the competent authority has concluded that the operator possesses the infrastructure and resources to **print** the official label.

*Amendment*

2. Competent authorities shall authorise the professional operator to **issue** the official label after the competent authority has attested compliance of that FRM with the requirements referred to in Article 5. The professional operator is authorised to **issue** that label, if, on the basis of an audit, the competent authority has concluded that the operator possesses the infrastructure and resources to **issue** the official label.

Or. en

*Justification*

*The official label shall be issued by an authorized operator under the supervision of the competent authority.*

## Amendment 12

### Proposal for a regulation Article 16 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. By way of derogation from paragraph 1 of this Article, an official label shall be issued by the competent authority for every lot of FRM attesting compliance of that FRM with the requirements referred to in Article 5.**

Or. en

## Amendment 13

### Proposal for a regulation Article 19 – paragraph 2

*Text proposed by the Commission*

*Amendment*

That authorisation shall be **subject to approval by** the Commission.

That authorisation shall be **notified to** the Commission.

Or. en

*Justification*

*A notification is sufficient in order to maintain the standards of security and quality of the FRM.*

**Amendment 14**

**Proposal for a regulation  
Annex IV – point 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) The **professional operator shall select** component clones or families for their outstanding characteristics and shall **give due weight** to the requirements set out in points 4 and 6 to 9 of Section B of Annex III, taking into account the specific purpose for which the resulting FRM will be used.

(b) The component clones or families **shall be selected** for their outstanding characteristics and **due weight** shall **be given** to the requirements set out in points 4 and 6 to 9 of Section B of Annex III, taking into account the specific purpose for which the resulting FRM will be used.

Or. en

*Justification*

*In the FRM field there are many different categories of "operators" (for example research and forest institutes) which are responsible for the selection process.*

**Amendment 15**

**Proposal for a regulation  
Annex IV – point 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) The **professional operator shall select** parents for their outstanding characteristics or for their combining ability. In the case of a selection based on outstanding characteristics, due weight

(a) The parents **shall be selected** for their outstanding characteristics or for their combining ability. In the case of a selection based on outstanding characteristics, due weight shall be given to the requirements

shall be given to the requirements set out in points 4 and 6 to 9 of Section B of Annex III, taking into account the specific purpose for which the resulting FRM will be used.

set out in points 4 and 6 to 9 of Section B of Annex III, taking into account the specific purpose for which the resulting FRM will be used.

Or. en

*Justification*

*For FRM there are many different "operators" (research institute for example) responsible for the selection, not only professional operator.*

**Amendment 16**

**Proposal for a regulation**

**Annex V – point 1 – point a – paragraph 2**

*Text proposed by the Commission*

The professional operators shall ***prepare, lay out and conduct*** tests ***set up*** for the approval of the basic material. ***They shall interpret*** the results ***of those tests*** in accordance with the internationally recognised procedures. ***For*** comparative tests, ***the professional operator shall compare the FRM under test with*** one or preferably several approved or pre-chosen standards as described in point 3(b).

*Amendment*

The professional operators shall ***report the material, methods and results of*** tests ***to the competent authority responsible*** for the approval of the basic material. The results ***presented shall be analysed*** in accordance with the internationally recognised procedures. ***In*** comparative tests, one or preferably several approved or pre-chosen standards as described in point 3(b) ***shall be used***.

Or. en

*Justification*

*The professional operator followings strictly the indications of the local authority.*

**Amendment 17**

**Proposal for a regulation**

**Annex V – point 1 – point b – point i**

*Text proposed by the Commission*

(i) The professional operator shall ***design tests*** to assess the relevant characteristics specified in point (ii) and shall indicate ***these*** for each test in the test

*Amendment*

(i) The professional operator shall ***provide the test results*** to assess the relevant characteristics specified in point (ii) and ***that professional operator*** shall

records.

indicate **those results** for each test in the test records.

Or. en

## Amendment 18

### Proposal for a regulation

#### Annex V – point 1 – point c – paragraph 1

##### *Text proposed by the Commission*

The professional operator shall **keep records describing the test sites**, including the location, climate, soil, past use, establishment, management and any damage due to abiotic/biotic factors. **He shall make those records available** to the competent authority **upon request**. The competent authority shall record the age of the basic material and the FRM and the results at the time of the evaluation.

##### *Amendment*

The professional operator shall **provide all information necessary for evaluation test results**, including the location, climate, soil, past use, establishment, management and any damage due to abiotic/biotic factors, to the competent authority. The competent authority shall record the age of the basic material and the FRM and the results at the time of the evaluation.

Or. en

##### *Justification*

*The professional operator followings strictly the indications of the local authority.*

## Amendment 19

### Proposal for a regulation

#### Annex V – point 1 – point d – point i

##### *Text proposed by the Commission*

(i) **The professional operator shall raise, plant and manage** each sample of FRM in an identical way as far as the types of plant material permit.

##### *Amendment*

(i) Each sample of FRM **shall be raised, planted and managed** in an identical way as far as the types of plant material permit.

Or. en

## Amendment 20

### Proposal for a regulation

#### Annex V – point 1 – point d – point ii

*Text proposed by the Commission*

(ii) ***The professional operator shall establish*** each experiment in a valid statistical design ***with a sufficient number of trees***, in order that the individual characteristics of each component under examination can be evaluated.

*Amendment*

(ii) Each experiment ***shall be established*** in a valid statistical design, in order that the individual characteristics of each component under examination can be evaluated.

Or. en

**Amendment 21**

**Proposal for a regulation**

**Annex V – point 1 – point e – point i**

*Text proposed by the Commission*

(i) ***The professional operator shall analyse*** the data from experiments using internationally recognised statistical methods and ***shall present*** the results for each characteristic examined.

*Amendment*

(i) The data from ***the*** experiments ***shall be analysed*** using internationally recognised statistical methods and the results ***shall be presented*** for each characteristic examined.

Or. en

## EXPLANATORY STATEMENT

Forest reproductive material (FRM) were so far regulated by Regulations EU 2016/2031 and 2017/625 and the Directive 1999/105/EC.

With this proposal, the Commission unifies and updates the previous legal acts under a single legal framework, while taking into account new scientific and technological discoveries on FRM.

The Rapporteur agrees broadly with the proposal of the Commission and welcomes the separation of plant and forest reproductive material, which are now treated in two different regulations.

The Rapporteur appreciates the structure of the regulation as it improves the current framework and its implementation. The Rapporteur agrees with the derogations in case of supply difficulties and for research purposes. These derogations take into account the complex context of FRM and the management of forests in the European Union by respecting regional differences and existing partnerships between local authorities and research institutes. However, the Rapporteur underlines that it is not possible to collect all conservation varieties under Article 6, due to the complexity of forest material in comparison to plant reproductive materials (PRM).

With regards to the labelling regulated under Article 16, the approach, the relation and the authorization between the competent authority and the final operator is improved with this proposal. The Rapporteur suggests reinforcing the role of the competent authority and proposes a new structure for the authorization procedure regarding labelling, with reference to the current Regulation 2016/2031.

Concerning the role of the competent authority under Article 19, the Rapporteur suggests that although a derogation shall be notified to the Commission, it shall not be subject to its approval.

The Rapporteur is confident that with this proposal and the suggested amendments to it, we can achieve the goal of having a single regulation on FRM that improves the situation for producers, forest managers, market operators, researchers and competent authorities.

**ANNEX: List of entities or persons  
from whom the rapporteur has received input**

The following list is drawn up under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the [draft report / report, until the adoption thereof in committee]:

Entity and/or person
IFOAM Organics Europe
Bayerische Pflanzenzucht- und Saatbauverbände
COCERAL
KWS SAAT SE & Co. KGaA
Euroseeds
CropLife Europe
ARCHE NOAH, Gesellschaft für die Erhaltung der Kulturpflanzenvielfalt und ihre Entwicklung
Copa & Cogeca