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(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 July 1991

authorizing Member States to permit temporarily the marketing of forest reproductive material not satisfying the requirements of Council Directive 66/404/EEC

(91/409/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/404/EEC of 14 June 1966 on the marketing of forest reproductive material⁽¹⁾, as last amended by Directive 90/654/EEC⁽²⁾, and in particular Article 15 thereof,

Having regard to the requests submitted by certain Member States,

Whereas production of reproductive material of the species set out in the Annex hereto is at present insufficient in all Member States, with the result that their requirements for reproductive material conforming to the provisions of Directive 66/404/EEC cannot be met;

Whereas third countries are not in a position to supply sufficient reproductive material of the relevant species which can afford the same guarantees as Community reproductive material and which conforms to the provisions of the abovementioned Directive;

Whereas the Member States should therefore be authorized to permit, for a limited period, the marketing of reproductive material of the relevant species which satisfies less stringent requirements in respect of provenance to cover the shortages of reproductive material satisfying the requirements of Directive 66/404/EEC;

Whereas, for genetic reasons, the reproductive material must be collected at places of origin within the natural range of the relevant species and the strictest possible

guarantees should be given to ensure the identity of the material;

Whereas each of the Member States should furthermore be authorized to permit the marketing in its territory of seed which satisfies less stringent requirements in respect of provenance, together with seedlings produced therefrom, the marketing of which has been permitted under this Decision in the other Member States; whereas such a measure is likely to permit intra-Community trade in the relevant reproductive material and to satisfy better the needs of the Member States involved;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States are hereby authorized on the terms set out in the Annex hereto and on condition that the proof specified in Article 2 is furnished with regard to the place of provenance of the seed and the altitude at which it was collected, to permit the marketing in their territory of seed satisfying less stringent requirements in respect of provenance.

2. Member States are further authorized to permit the marketing in their territory of seed approved for marketing under this Decision in the other Member States.

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2326/66.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 48.

3. Member States are further authorized to permit the marketing in their territory of seedlings produced from the abovementioned seed.

Article 2

1. The proof referred to in Article 1 (1) shall be deemed to be furnished where the seed is of the category 'source-identified reproductive material' as defined in the OECD (Organization for Economic Cooperation and Development) scheme for the control of forest reproductive material moving in international trade, or of another category defined in that scheme.

2. Where the OECD scheme referred to in paragraph 1 is not used at the place of provenance of the seed, other official evidence shall be admissible.

3. Where official evidence cannot be provided in the case of the species *Pinus strobus*, Member States may accept other non-official evidence.

Article 3

The Federal Republic of Germany is authorized, on condition that the proof specified in Article 2 is furnished with regard to the place of provenance of the seed, to permit the marketing in its territory of the following seedlings, produced from seed satisfying less stringent requirements in respect of provenance, under the following conditions:

- (a) seedlings of *Quercus sessiliflora* Sal, the number of which does not exceed 1 000 000, must come from stands in the territory of the former German Democratic Republic;
- (b) seedlings of *Quercus pedunculata* Ehrh, the number of which does not exceed 10 000 000, must come

from stands in the territory of the former German Democratic Republic;

- (c) seedlings of *Fagus sylvatica* L, the number of which does not exceed 250 000, must come from stands in the territory of Czechoslovakia;
- (d) seedlings of *Picea abies* Karst, the number of which does not exceed 500 000, must come from stands in the territory of the former German Democratic Republic or of Czechoslovakia.

Article 4

The authorizations provided for in Article 1 (1) and (2), in so far as they concern the first marketing in the territory of the Member States, shall expire on 30 November 1992. The authorizations in so far as they do not concern the first marketing, shall expire on 31 December 1994.

Article 5

Member States shall, before 1 January 1993, notify the Commission of the quantities of seed or, where appropriate, seedlings satisfying less stringent requirements which have been approved for first marketing in their territory under this Decision. The Commission shall inform the other Member States thereof.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 12 July 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

LEGEND

The Member States and the States of provenance are indicated in the order of the abbreviations of the international code used for motor vehicles.

1. *Member States*

B	=	Kingdom of Belgium
D	=	Federal Republic of Germany
D (EST)	=	The territory of the former German Democratic Republic
DK	=	Kingdom of Denmark
E	=	Kingdom of Spain
F	=	French Republic
GB	=	United Kingdom
GR	=	Greece
I	=	Italian Republic
IRL	=	Ireland
L	=	Grand Duchy of Luxembourg
NL	=	Kingdom of the Netherlands
P	=	Republic of Portugal

2. *States of provenance*

A	=	Austria
BG	=	Bulgaria
CDN	=	Canada
CDN (QCI)	=	Canada (Queen Charlotte Island)
CDN (BC)	=	Canada (British Columbia)
CH	=	Switzerland
CS	=	Czechoslovakia
H	=	Hungary
J	=	Japan
N	=	Norway
PL	=	Poland
PL (CA)	=	Poland (Carpathians)
R	=	Romania
S	=	Sweden
SU	=	Union of Soviet Socialist Republics
TR	=	Turkey
USA	=	United States of America
YU	=	Yugoslavia

3. *Other abbreviations*

exc.	=	except
max. alt.	=	maximum altitude

ANEXO — BILAG — ANLAGE — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Abies alba Mill.		Fagus silvatica L.		Larix decidua Mill.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	25	R	4 000	R (max. alt. 900 m)	40	CS (Sudeten strain) PL (max. alt. 900 m)
D	900	D(EST), CS, R, CH, YU	20 000	D(EST), CS, R, CH	100	CS
DK	700	R, PL	16 800	R, CS, CH, YU, PL, BG	25	CS, PL
E	—		—		25	YU, A
F	—		10 000	F	500	CH, CS, PL, F
GB	10	EEC	7 000	EEC, R, CS, H, YU	250	EEC, A, CS, YU, PL
GR	—		—		—	
I	—		2 000	I	—	
IRL	—		100	R, CS, YU, EEC	—	
L	—		—		—	
NL	75	R	5 000	R	50	CS
P	—		—		—	
Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Larix leptolepis (Sieb. & Zucc.) Gord.		Picea abies Karst.		Picea sitchensis Trautv. & Mey.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	60	J (Hokkaido, Nagano)	80	PL (Carpathians) R (max. alt. 900 m) CS (max. alt. 900 m)	50	USA (Washington)
D	—		200	CS, R, D(EST), PL, H, SU	300	CDN (QCI, West Coast) USA (Washington)
DK	65	J	100	CS, SU	420	CDN (QCI) USA (Washington)
E	50	J	100	YU, D	100	USA (Washington, Oregon)
F	200	J (Hokkaido)	400	PL (zones II, VIII)	400	USA (Washington, Oregon)
GB	300	EEC, J	250	R, CS, EEC	1 000	USA (Washington, Oregon) CDN (British Columbia)
GR	—		—		—	
I	120	J (Hokkaido)	—		—	
IRL	75	J	40	EEC, CS, R	250	USA (Washington) CDN (QCI)
L	—		—		—	
NL	50	J	50	CS	25	USA (Washington, Oregon) CDN (QCI)
P	—		—		—	

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Pinus nigra Arn.		Pinus silvestris L.		Pinus strobus L.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	50	YU (exc. Dalmatia)	—		40	CDN (Ontario) USA, YU
D	300	YU	150	PL, D(EST)	150	D, USA (Appalachians), CS
DK	200	TR, YU	210	N, S, SU, PL	50	USA
E	1 000	YU, A, F, D, E	1 000	E	10	USA
F	300	BG (Kustendil)	200	PL (zone II)	—	
GB	150	EEC, A	200	EEC	20	USA
GR	—		—		—	
I	—		—		50	USA (Eastern States)
IRL	2	EEC, A	4	EEC	—	
L	—		—		—	
NL	60	A, YU	—		75	CDN (Ontario) USA (Appalachians)
Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Pseudotsuga taxifolia (Poir.) Britt.		Quercus borealis Michx.		Quercus pedunculata Ehrh.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	500	USA (Washington, West of Cascades) (max. alt. 610 m)	—		8 000	R, YU (Save Valley)
D	6 000	USA (Washington, Oregon) CDN (British Columbia)	2 000	D(EST), CS, USA	15 000	D(EST), YU
DK	125	USA (Washington)	—		4 500	S, PL
E	300	USA (Washington, Oregon)	1 000	EEC	2 000	EEC
F	2 800	USA (Washington, Oregon, California)	50 000	F	110 000	F
GB	500	USA (Washington, Oregon) CDN (British Columbia)	1 500	EEC, USA, CDN	35 000	EEC, CS, YU, H, PL
GR	—		—		—	
I	450	USA (Oregon, North California)	—		3 000	I
IRL	50	USA (Washington, North Oregon)	250	USA, CS, EEC	1 500	EEC, YU, R, CS
L	10	USA Washington, West of Cascades) (max. alt. 610 m)	—		—	
NL	—		10 000	PL, R	50 000	PL, R
P	—		—		—	

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Quercus sessiliflora Sal.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência
B	8 000	R
D	—	
DK	61 000	N, PL
E	2 000	EEC
F	160 000	F
GB	35 000	EEC, CS, H, YU, PL
GR	—	
I	2 000	I
IRL	400	EEC, YU, R, CS
L	—	
NL	10 000	PL, CS
P	—	