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(Legislative acts)

DECISIONS

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****(Text with EEA relevance)**

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 Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) Council Directive 1999/105/EC ⁽³⁾ applies to the marketing of forest reproductive material within the Union. That Directive concerns reproductive material of tree species and artificial hybrids thereof which are important for forestry purposes in all or part of the Union.
- (2) Council Decision 2008/971/EC ⁽⁴⁾ establishes rules for the equivalence of forest reproductive material produced in third countries.
- (3) The United Kingdom has transposed and effectively implemented Directive 1999/105/EC, as well as the implementing acts adopted pursuant to that Directive.
- (4) Union law, including Directive 1999/105/EC and Decision 2008/971/EC, was applicable to and in the United Kingdom during the transition period that ended on 31 December 2020, 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 ⁽⁵⁾ (the 'Withdrawal Agreement'), and in particular Article 126 and Article 127(1) thereof.

⁽¹⁾ Opinion of 27 January 2021 (not yet published in the Official Journal).

⁽²⁾ Position of the European Parliament of 11 March 2021 (not yet published in the Official Journal) and decision of the Council of 17 March 2021.

⁽³⁾ Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material (OJ L 11, 15.1.2000, p. 17).

⁽⁴⁾ 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).

⁽⁵⁾ OJ L 29, 31.1.2020, p. 7.

- (5) In view of the end of the transition period provided for in the Withdrawal Agreement, the United Kingdom has submitted a request to the Commission for the recognition of the equivalence, from 1 January 2021, of forest reproductive material produced in that country to such material produced in the Union in accordance with applicable Union law.
- (6) The United Kingdom has informed the Commission that its legislation transposing Directive 1999/105/EC will not change and would continue to apply from 1 January 2021.
- (7) The Commission has examined the relevant legislation of the United Kingdom. It has concluded that forest reproductive material, and in particular such material within the categories 'source identified', 'selected' and 'qualified', produced in the United Kingdom is equivalent to forest reproductive material produced in the Union and complies with Directive 1999/105/EC and Annex II to Decision 2008/971/EC, since United Kingdom law affords the same assurances as Union law as regards the approval of basic material and the measures taken for the subsequent production of forest reproductive material intended for marketing.
- (8) Therefore, it is appropriate to recognise the equivalence of such forest reproductive material produced in the United Kingdom to corresponding material produced in the Union.
- (9) The United Kingdom should therefore be included in Annex I to Decision 2008/971/EC, 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.
- (10) Decision 2008/971/EC should therefore be amended accordingly.
- (11) In view of the fact that the transition period provided for in the Withdrawal Agreement ended on 31 December 2020, and in order to ensure continuity, this Decision should enter into force as a matter of urgency and should apply, with retroactive effect, from 1 January 2021,

HAVE ADOPTED THIS DECISION:

Article 1

Amendments to Decision 2008/971/EC

Annex I to Decision 2008/971/EC is amended as follows:

- (1) in the table, the following row is inserted between the rows 'CH' and 'NO':

'GB (**)	Department for Environment, Food & Rural Affairs (DEFRA) Eastbrook Shaftesbury Road Cambridge CB2 8DU
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(**) 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.;

- (2) in footnote (*), the following is inserted between 'CH – Switzerland,' and 'NO – Norway,':
'GB – United Kingdom,'.

*Article 2***Entry into force and application**

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

It shall apply from 1 January 2021.

Done at Brussels, 24 March 2021.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
A.P. ZACARIAS
