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Report

on behalf of the Committee on Agriculture

on the proposal from the Commission of the European Communities to the Council (Doc. 111/73 – III) for a second directive amending the Council Directive of 14 June 1966 on the marketing of forest reproductive material

Rapporteur : Mr Peter BRUGGER

PE 34.437/fin.

By letter of 21 June 1973 the President of the Council of the European Communities requested the European Parliament, pursuant to Article 43 of the Treaty establishing the EEC, to deliver an opinion on a proposal from the Commission of the European Communities to the Council for a second directive amending the Council directive of 14 June 1966 on the marketing of forest reproductive material.

At its sitting of 3 July 1973 the European Parliament referred this proposal to its Committee on Agriculture.

At its meeting of 14 June 1973 the Committee on Agriculture appointed Mr Brugger rapporteur.

At its meeting of 25/26 October 1973 the Committee on Agriculture considered the proposal for a directive and, on the same occasion, adopted the following motion for a resolution by 7 votes with 3 abstentions.

The following were present:

Mr Houdet, Chairman; Mr Brugger, rapporteur; Mr Frehsee, Mr Gibbons, Mr John Hill, Mr Kavanagh, Mr Laban, Mr Ligios, Lord St. Oswald, Mr Scott-Hopkins

CONTENTS

	<u>Page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT.....	9

A

The Committee on Agriculture hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement.

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a second directive amending the Council Directive of 14 June 1966 on the marketing of forest reproductive material.

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (1)
- having been consulted by the Council pursuant to Article 43(2) of the Treaty establishing the EEC (Doc. 111/73 - III);
- having regard to the report of the Committee on Agriculture (Doc. 215/73)
 - a. considering the economic and ecological importance of forestry activities for the Community;
 - b. considering that Community regulations for reproductive materials would facilitate trade in such materials and therefore foster the development of the activities referred to;
 - 1. Approves in principle the present proposal for a directive
 - 2. Invites the Commission of the European Communities to adopt the following amendments pursuant to Article 149, second paragraph, of the EEC Treaty.
 - 3. Instructs its President to forward this resolution and the report of its committee to the Council and Commission of the European Communities.

(1) OJ N° C 90 of 26.10.1973, p. 85

Proposal for

A SECOND COUNCIL DIRECTIVE

amending the Council Directive of 14 June 1966 on the marketing of forest reproductive material

Preamble, recitals and Articles 1 to 12 unchanged

Article 13

The text of Article 13 is replaced by the following text:

Article 13

1. The Member States shall ensure that, as from 31 December of the second year following approval, reproductive material derived from basic material officially approved in accordance with the provisions of this directive is subject to no marketing restrictions as to its genetic characteristics.

2. Upon application by a Member State, which will be dealt with as provided in Article 17, that State

Article 13

The text of Article 13 is replaced by the following text:

Article 13

1. The Member States shall ensure that, as from 31 December of the first year following approval, reproductive material derived from basic material officially approved in accordance with the provisions of this directive is subject to no marketing restrictions as to its genetic characteristics.

1A. If, in the case of reproductive material derived from specific basic materials, any Member State does not consider marketing restrictions to be necessary, it shall give notification of this to the Commission or make a statement to this effect at a meeting of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry.

1B. If all the Member States give the notification or make the statement referred to in paragraph 2, the period specified in paragraph 1 shall no longer apply and the provisions of Article 13a shall apply.

2. Unchanged

¹ For full text see OJ No C 90 of 26.10.1973, p. 85

may be authorized to prohibit
after the date set in paragraph 1
the marketing in all or part of its
territory of reproductive material
derived from specific basic material.

3. The authorization provided for
in paragraph 2 shall be granted only
where there is reason to believe
that use of reproductive material
derived from specific basic material
would have an adverse effect on
forestry in that Member State.

3. Unchanged

Articles 14 to 22 unchanged

EXPLANATORY STATEMENT

The Community adopted a first directive on forest reproductive material on 14 June 1966 (OJ L25, 11 July 1966) and the Committee on Agriculture delivered its opinion on the proposals in the report drawn up by Mr BRIOT (Doc. 37/64-65).

This first directive established the criteria of genetic quality to be applied to forest reproductive material marketed within the Community.

In 1969 the Commission submitted to the Council a proposal for a regulation (OJ C 66, 3 June 1969) on the external quality criteria for forest reproductive material. This proposal was the subject of a further report by Mr BRIOT (Doc. 79/1969), and was approved by the Council on 30 March 1971 in the form of a directive.

Finally, in May of this year, the Commission submitted the proposal for a directive now under consideration which, as the title explains, is to amend and supplement the 1966 directive.

Examination of the proposal for a directive

The basic objectives of the standardization of criteria which the present proposal would establish for the material in question can be defined as follows: the division of reproductive material into two categories, the establishment of a procedure for defining basic materials, and the publication of a Community Catalogue of Basic Material. The provisions now proposed (excluding those connected with adjustments of a technical nature) incorporate the following points:

I. The criteria established in the 1966 directive¹ are intended to define the category of materials now termed 'selected reproductive material', while further provisions² define a new category termed 'tested reproductive material' (Article 5).

¹ Article 5 of the proposal as the new Article 5 of the 1966 directive: 'The Member States shall provide that only basic material whose qualities are such as to make it suitable for reproductive purposes and which has no characteristics undesirable for forestry may be officially approved for the production of selected reproductive material. Approval shall be conditional upon satisfaction of the minimum requirements laid down in Annex I.' (This is the same Annex as the one in the 1966 directive).

² Article 6 of the proposal, Article 5b of the 1966 directive: 'The Member States shall provide that only basic material whose progeny possess satisfactory value for use may be officially approved for the production of "tested reproductive material". Satisfactory value for use shall be assessed by means of a comparative testing. The conduct of the comparative tests shall satisfy the minimum requirements laid down in Annex II (new Annex). The characteristics to be covered as a minimum by the examinations of the various species shall be fixed in accordance with the procedure laid down in Article 17 (Standing Committee on Seeds and Propagating Material).

II. Comparative tests based on common criteria are to be carried out on basic material before it is officially approved for the production of tested reproductive material.

In view of the fact that comparative tests produce definitive results only over a long period of time, however, each Member State may approve basic material exclusively for its own territory on the basis of provisional results for a period of 10 years. Also for a period of 10 years each Member State may base official approval on the results of comparative tests carried out before the entry into force of the present directive (Article 5).

III. Pursuant to the procedure to be established and the procedure of the Standing Committee, each Member State shall compile lists of basic materials officially approved in its territory (with those for the production of selected productive material and those for the production of tested reproductive material entered separately. These lists will be sent to the Commission which will communicate them to the other Member States (Article 7).

IV. Reproductive materials from basic materials officially approved under the present directive may not be subjected to marketing restrictions by any Member State on the grounds of genetic characteristics, as from 31 December of the second year following approval.

After this date a Member State may be authorized by the Standing Committee procedure to prohibit the marketing of specific materials only if it is feared that they would have an adverse effect on the forestry of the Member State (Article 13).

V. The Commission shall then publish in the Official Journal of the European Communities the 'Common Catalogue of Basic Material for Forest Reproductive Material' listing the basic material of which the derived reproductive material has not been subjected to the restrictions mentioned above in the period of two years following approval (Article 14).

VI. The information to be provided in trade between Member States is harmonized and defined in order to remove the difficulties previously encountered on this account (Articles 9, 11 and 15).

VII. The criteria set out in the Annexes in respect of the comparative tests for the approval of basic material may be modified by the Standing Committee procedure (Article 16).

CONCLUSIONS

An examination of the proposed directive shows that only two of the essential points it contains are of special importance: the definition of a new category of reproductive materials based on genetic superiority, and the

compilation of the 'Common Catalogue' of basic materials officially approved on the basis of common criteria, by Member States, for the production of propagating materials.

The compilation of the Catalogue is particularly relevant in that (apart from the fact that it will provide information) it will guarantee that propagating products derived from basic products included in the catalogue will not be subject to marketing restrictions in intra-Community trade.

Regarding this problem your rapporteur considers that a number of comments are called for arising from a comparison between the proposed text and existing regulations on agricultural plants which also make provision for the compilation of a common catalogue (Council Directive 457/70).

This observation refers to Article 13 (1) of the proposal, which allows Member States to prohibit imports into their territory of any propagating materials during a period of two years following the official approval of the basic materials from which they derive.

It follows that, in fact, only at the end of this period of two years can the provisions of Article 14, covering inclusion in the Common Catalogue of basic products which have been officially approved for production by a Member State be applied.

In order to speed up the procedure and shorten the time required for the compilation of the Common Catalogue, your rapporteur submits to the Committee for examination a proposed amendment which would reduce to one year the time allowed Member States under Article 13(1), and to ask the latter to notify the Commission or the Committee of the basic materials in respect of which they do not wish to exercise the right of prohibition allowed them during that year.

This is to ensure early inclusion in the Common Catalogue of those basic materials in respect of which all the Member States have made the communication referred to.

Apart from this modification, the Committee on Agriculture passes a favourable opinion on the content of this proposal.

