



13 May 2013

Joint Position Paper

Review of the Legislation on the Marketing of Seed and Plant Propagating Material

The Commission is currently reviewing EU legislation on the marketing of seed and plant propagating material consisting of 12 basic acts. The plan is to create a common seed law, including the Council Directive 1999/105/EC on the marketing of Forest Reproductive Material (FRM). The [draft Regulation](#) has been adopted by the Commission on 6 May 2013.

The Standing Forestry Committee (SFC) rejected this effort unanimously in its joint opinion of 4 July 2012. Nevertheless, at the end of July the Commission presented a "non-paper", in which the FRM was included as part of the new regulation. In the Council Working Party on Forests in September 2012, Member States (MS) again opposed the Commission's plans.

The Commission's initiative to create a common seed law and to merge eleven directives that deal with reproductive material is generally welcome and needed in agriculture. However, the situation is totally different in forestry. The existing Council Directive 1999/105/EC on the marketing of FRM meets the needs of all forest stakeholders.

CEPEF and EUSTAfor consider it very important that the review of the current EU legislation on FRM does not change the basis of the existing law. Forestry and agriculture should not be put under the same regime. There are very few common terms or rules between agriculture and forestry. The use of FRM can in no way be compared with a situation of a farmer who can change the variety of crop each year. Hence the best way to regulate the marketing of seeds and FRM is to have a specific and separate legislation, as it is the case today. Legislation remains more effective when using separate instruments for agricultural and forestry issues.

Furthermore, the Commission proposes to integrate FRM into the new '[Official Controls Regulation](#)' adopted 6 May 2013 and to harmonise the principles for official controls to be applied to FRM with those applied in the agriculture sector. The current 'Official Controls Regulation' 882/2004 is based on food health risk analysis. Even though the Regulation is planned to be adapted to the plant reproductive material used in agriculture, its scope does not seem to be proportional to the risks linked to FRM.

The current rules on the marketing of FRM aim at securing the renewal of European forests in a context of climate change, using material of which the origin is known thanks to the initial certification of the basic material at the place of harvest. It guarantees traceability and detailed

information on the origin of FRM marketed in the EU. External quality requirements are defined by subsidiarity at the national level, due to varied climatic and bio-geographic conditions within the EU.

CEPF and EUSTAFOR strongly emphasise that Regulation 882/2004 is not applicable for FRM control. Extending the food industry control regulation to the control of FRM would only increase the administrative burden in Member States, without generating any added value. Moreover, the current Commission proposal will lead to an increase in costs for forest nurseries and, in the end, for forest owners and managers. The significant damage caused by the use of inappropriate FRM may appear several decades after planting and be extremely costly for forest owners and managers, the forest-based industries and the whole forest sector.

Confederation of European Forest Owner ([CEPF](#))
European State Forest Association ([EUSTAFOR](#))