

**2006 No. 2530**

**SEEDS**

**The Forest Reproductive Material (Great Britain) (Amendment)  
Regulations 2006**

<i>Made</i>	- - - -	<i>15th September 2006</i>
<i>Laid before Parliament</i>		<i>18th September 2006</i>
<i>Coming into force</i>	- -	<i>9th October 2006</i>

The Forestry Commissioners are designated<sup>(a)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(b)</sup> in relation to measures relating to the common agricultural policy of the European Community in respect of forestry.

In exercise of the powers conferred by that section, the Forestry Commissioners make the following Regulations:

**Title and commencement**

1. These Regulations may be cited as the Forest Reproductive Material (Great Britain) (Amendment) Regulations 2006 and come into force on 9th October 2006.

**Amendments to the Forest Reproductive Material (Great Britain) Regulations 2002**

2. The Forest Reproductive Material (Great Britain) Regulations 2002<sup>(c)</sup> are amended in accordance with these Regulations.

**Amendments to regulation 2**

3. In regulation 2(2)—

(a) for the definition of “Master Certificate” substitute—

““Master Certificate” means, in the case of forest reproductive material collected or otherwise derived from basic material which is located in—

- (a) Great Britain, a Master Certificate issued in accordance with regulation 7(4), (6) and (7) in the form required under regulation 13(8);
- (b) Northern Ireland, a Master Certificate issued by the official body in accordance with Article 12 of the Directive;
- (c) another member State, a Master Certificate issued by the official body of that member State in accordance with Article 12 of the Directive; and

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(a) S.I. 1996/266.  
(b) 1972 c. 68.  
(c) S.I. 2002/3026.

- (d) a third country, an official certificate;”;
- (b) for the definition of “official body” substitute—
  - ““official body” in respect of—
    - (a) other member States has the meaning given to it in Article 2(k) of the Directive;
    - (b) Northern Ireland means the Department of Agriculture and Rural Development for Northern Ireland; and
    - (c) a third country means the body authorised by its national government to be responsible for questions concerning the control of marketing or the quality of forest reproductive material;”;
- (c) after the definition of “official body” insert—
  - ““official certificate”, in relation to forest reproductive material collected or otherwise derived from basic material which is located in a third country, means an official statement or other document, issued by the official body of that third country, accepted by the Commissioners in accordance with regulation 25(3);”.

#### **Amendment to regulation 4**

- 4. In regulation 4—
  - (a) in paragraph (1)(c), before ““qualified”” insert “subject to paragraph (1A),”; and
  - (b) after paragraph (1), insert a new paragraph (1A) as follows—
    - “(1A) Basic material of *Pinus pinaster* Ait. may be categorised as “qualified” if the requirement in Schedule 4, paragraph (1)(c) is not met, in accordance with Commission Regulation (EC) No. 69/2004 authorising derogations from certain provisions of Council Directive 1999/105/EC in respect of the marketing of forest reproductive material derived from certain basic material(a).”.

#### **Amendment to regulation 17**

- 5. In regulation 17—
  - (a) in paragraph (1)(b)(ii), delete the word ‘and’ where it appears for the second time; and
  - (b) for paragraph (1)(c) substitute—
    - “(c) in the case of forest reproductive material from a third country—
      - (i) it has met the requirements as to entry to Great Britain set out in regulation 25; and
      - (ii) after entry to Great Britain it meets the requirements of this regulation, and regulations 14 (except regulation 14(1)(f)) and 19, as read with regulation 20 in the case of seeds; or
    - (d) it is marketed in compliance with regulation 31.”.

#### **Amendments to regulation 19**

- 6. In regulation 19—
  - (a) at the end of paragraph (1)(e) add “or, in the case of forest reproductive material approved in Northern Ireland, another member State or a third country, under the equivalent procedure in that country”; and
  - (b) after paragraph (1)(h) add—
    - “(i) in the case of material derived from basic material of *Pinus pinaster* Ait. which does not (and by virtue of regulation 4(1A) does not need to) meet the requirement

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(a) O.J. L 10, 16.1.2004, p. 16.

in Schedule 4, paragraph (1)(c), compliance with Commission Regulation (EC) No. 69/2004 by stating that “the material meets the requirements as foreseen by Commission Regulation (EC) No. 69/2004”.”.

### **Substitution of regulation 20**

7. For regulation 20 substitute—

“20.— The information required under regulation 19(2) shall be obtained from assessments using testing techniques which—

- (a) are, so far as is practical in all the circumstances, internationally accepted techniques; and
- (b) in the case of seeds to be tested in Great Britain, have been confirmed by the Commissioners as internationally accepted techniques prior to the assessments taking place.”.

### **Amendment to regulation 22**

8. In regulation 22, for paragraph (3)(c) to (e) substitute—

- “(c) addresses to and from which the forest reproductive material has been or is to be despatched;
- (d) the botanical name, and (if different from that stated in the Master Certificate), the nature and quantity of the forest reproductive material;
- (e) the supplier’s label or document number; and
- (f) where applicable, the length of time in nursery.”.

### **Substitution of regulation 25**

9. For regulation 25 substitute—

“25.—(1) No person acting in the course of a business or trade whether or not for profit shall import into Great Britain from a third country forest reproductive material which he intends to market unless—

- (a) the forest reproductive material was produced in a third country listed in the first column of Schedule 13, is of a species listed in the second column of that Schedule opposite the reference to that country and is—
  - (i) of a category; and
  - (ii) derived from a type of basic material, specified in the third and fourth column, respectively, of that Schedule in relation to that species;
- (b) at least three days before the intended date of import of the forest reproductive material, he provides to the Commissioners notice in writing that complies with the requirements of paragraph (2); and
- (c) the forest reproductive material is accompanied upon entry into Great Britain by an official certificate.

(2) The notice required by paragraph (1)(b) shall—

- (a) specify the anticipated place of entry into Great Britain of the forest reproductive material;
- (b) specify the anticipated date and time of arrival of the forest reproductive material into Great Britain; and
- (c) be accompanied by a copy of the official certificate issued in respect of the forest reproductive material or, if no certificate has been issued, contain the following information—

- (i) the botanical name of the forest reproductive material;
- (ii) the country and region of provenance of the forest reproductive material;
- (iii) the name and address of the exporter;
- (iv) the category and nature of the forest reproductive material and the type of basic material from which it is derived; and
- (v) the quantity of the forest reproductive material.

(3) The Commissioners shall accept as an official certificate an official statement or other document, issued by the official body of the third country in which is located the basic material from which forest reproductive material is collected or otherwise derived, if they are satisfied that the official statement or other document—

- (a) contains equivalent information to that required to complete the document set out in Schedule 6, 7 or 8, as appropriate; and
- (b) meets equivalent requirements to those specified in regulation 13(9) and (10).”.

**Amendment to regulation 26**

10. In regulation 26(3)(a), for paragraph (vii) substitute—

- “(vii) plant passports and phytosanitary certificates;
- (viii) notification under regulation 25 of intended import of forest reproductive material; and”.

**Amendment to regulation 30**

11.—(1) For regulation 30(2), substitute—

“(2) Proceedings for an offence under this regulation may, subject to paragraph (2A) below, be commenced within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.”.

(2) After regulation 30(2), insert—

“(2A) No such proceeding shall be commenced by virtue of this regulation more than 3 years after the commission of the offence.

(2B) For the purposes of this regulation—

- (a) a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact;
- (b) a certificate stating that matter purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(2C) In relation to proceedings in Scotland, subsection (3) of section 136 of the Criminal Procedure (Scotland) Act 1995(a) (date of commencement of proceedings) shall apply for the purposes of this regulation as it applies for the purposes of that section.”.

**Addition of Schedule 13**

12. After Schedule 12, add—

“ **SCHEDULE 13** Regulation 25

<i>Country of origin</i>	<i>Species</i>	<i>Category</i>	<i>Type of basic material</i>
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(a) 1995 c. 46.

Belarus	<i>Picea abies</i> Karst.	SI	SS, St
Canada (British Columbia)	<i>Abies grandis</i> Lindl.	SI, Q, T	SS, St, SO, PF
	<i>Picea sitchensis</i> Carr.	SI, Q	SS, St, SO
	<i>Pinus contorta</i> Loud.	SI	SS, St
	<i>Pseudotsuga menziesii</i> Franco	SI, Q, T	SS, St, SO, PF
Croatia (I-1. Podravina, Podunavlje, I-2. Posavina)	<i>Quercus robur</i> L.	SI	SS, St
Norway	<i>Picea abies</i> Karst.	SI	SS, St
	<i>Pinus sylvestris</i> L.	SI	SS, St
	<i>Quercus petraea</i> Liebl.	SI	SS, St
	<i>Quercus robur</i> L.		SS, St
Romania	<i>Abies alba</i> Mill.	SI	SS, St
	<i>Acer platanoides</i> L.	SI	SS, St
	<i>Fagus sylvatica</i> L.	SI	SS, St
	<i>Larix decidua</i> Mill.	SI	SS, St
	<i>Picea abies</i> Karst.	SI	SS, St
	<i>Pinus nigra</i> Arnold	SI	SS, St
	<i>Prunus avium</i> L.	SI	SS, St
	<i>Quercus cerris</i> L.	SI	SS, St
	<i>Quercus petraea</i> Liebl.	SI	SS, St
	<i>Quercus robur</i> L.	SI	SS, St
	<i>Quercus rubra</i> L.	SI	SS, St
	<i>Robinia pseudoacacia</i> L.	SI	SS, St
Switzerland	<i>Fagus sylvatica</i> L.	SI	SS, St
Turkey	<i>Cedrus libani</i> A. Richard	SI, SE	SS, St
	<i>Pinus brutia</i> Ten.	SI, SE	SS, St
United States of America (Washington, Oregon, California)	<i>Abies grandis</i> Lindl.	SI, Q, T	SS, St, SO, PF
	<i>Picea sitchensis</i> Carr	SI	SS, St
	<i>Pinus contorta</i> Loud	SI	SS, St
	<i>Pseudotsuga menziesii</i> Franco	SI, Q, T	SS, St, SO, PF
Legend			
Category		Type of basic material	
SI	Source identified	SS	Seed source
SE	Selected	St	Stand
Q	Qualified	SO	Seed orchard
T	Tested	PF	Parents of family".

The official Seal of the Forestry Commissioners 15th September 2006

*Wilma Harper*  
Secretary to the Forestry Commissioners

15th September 2006

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Forest Reproductive Material (Great Britain) Regulations 2002 (S.I. 2002/3026) so as to implement—

Commission Decision 2005/942/EC of 21st December 2005 authorising Member States to take decisions under Directive 1999/105/EC on assurances afforded in respect of forest reproductive material produced in third countries (O.J. L 342, 24.12.2005, p. 92) and Commission Regulation 69/2004/EC of 15th January 2004 authorising derogations from certain provisions of Council Directive 1999/105/EC in respect of the marketing of forest reproductive material derived from certain basic material (O.J. L 10, 16.1.2004, p. 16).

The principal changes introduced by these Regulations are as follows—

- (a) amendment of the definitions of “master certificate” to include an official certificate from a third country and of “official body” to include official bodies in third countries (regulation 3);
- (b) exemption from the requirement in paragraph (c) of Part 1 of Schedule 4 (Seed Orchards) in the case of *Pinus pinaster* Ait. and corresponding requirement for a statement to be included in the supplier’s label for such material (regulations 4 and 6(b));
- (c) provision for the conditions under which forest reproductive material from third countries may be marketed (regulation 5);
- (d) addition of “the length of time in nursery” to the information which a registered supplier must provide when dispatching forest reproductive material to a destination in another member State (regulation 8);
- (e) removal of the prohibition on importing forest reproductive material in respect of certain material from certain third countries (listed in Schedule 13), providing certain conditions are met (regulations 9 and 12);
- (f) addition of phytosanitary certificates and import notifications to the list of documents which must be retained by a registered supplier or other person who undertakes the collecting or production, storage, processing or transportation of forest reproductive material (regulation 10); and
- (g) insertion of new procedural provisions on the period for bringing a prosecution under the Regulations (regulation 11).

A transposition note has been prepared and a copy has been placed in the library of each House of Parliament. Copies can be obtained from Plant Health Division, Defra, Foss House, Kings Pool, Peasholme Green, York YO1 7PX. A full regulatory impact assessment has not been produced for these Regulations as they have no impact on the costs for business.



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