

149/2003 Coll.
ACT
dated 18 April 2003
on introducing the reproductive material of forest woody plants
of important species and artificial hybrids intended for
forest regeneration and reforestation, and on amendments to some
relating acts (the act on trade in the reproductive material of forest woody plants).

Parliament has adopted this act of the Czech Republic:

PART ONE
INTRODUCING THE REPRODUCTIVE MATERIAL OF
FOREST WOODY PLANTS INTENDED FOR
FOREST REGENERATION AND REFORESTATION

HEAD I
INTRODUCTORY PROVISIONS

Section 1

Subject matter of the amendment

This act sets out the conditions under which the reproductive material of forest woody plants of important species and artificial hybrids may be introduced for forest regeneration and reforestation, for maintaining and enhancing the biological diversity of forests including the genetic diversity of trees, and for the sustainable cultivation in forests.

Section 2

Definitions of terms

For the purpose of this act, the following terms shall have these definitions:

a) reproductive material of forest woody plants means the reproductive material of woody plants species and their artificial hybrids that are significant for forestry in the entire European Community or its part, in particular the species of forest woody plants contained in the provision of section 3, paragraph 2 and in the appendix hereto (hereinafter referred to as the 'reproductive material')

1. seed material, i.e. cones, infructescence, fruits and seeds used for the production of planting stock or sowing in vegetation,

2. parts of plants, i.e. butt, leaf and root cuttings, explants and embryos for micro-vegetative multiplication, eyes, layers, roots, grafts, twigs and other parts of plants used for the production of planting stock,

3. planting stock, i.e. plants acquired from seed material, parts of plants or from natural reproduction,

b) identified reproductive material means the reproductive material acquired from a source of seeds or vegetation recognised under section 13,

c) selected reproductive material means the reproductive material acquired from vegetation recognised under section 14,

- d) qualified reproductive material means the reproductive material acquired from a seed plantation, parent trees, clone or a mixture of clones recognised under section 15,
- e) tested reproductive material means the reproductive material acquired from vegetation, seed plantation, parent trees, clone or a mixture of clones recognised under section 16,
- f) genetically modified reproductive material means the reproductive material that is a genetically modified organism,¹⁾
- g) a source of reproductive material
1. a source of seed, i.e. a tree growing in an area functioning as a forest,²⁾ alternatively, a tree growing outside a forest,³⁾ for the generative method of reproduction,
 2. a unit of spatial division of a forest,⁴⁾ provided it has homogeneous composition, for both the generative and vegetative method of reproduction,
 3. a seed plantation, i.e. special purpose planting of selected clones or reproductive material acquired from a parent tree that is isolated or cultivated in such a way as to prevent or significantly reduce pollination by pollen from plants growing outside the seed plantation, for the generative method of reproduction,
 4. a parent tree, i.e. a tree intended for the production of progeny through controlled or open pollination of one designated female parent by pollen of one male parent or pollen of more designated or undesignated male parents, for the generative method of reproduction,
 5. clone, i.e. vegetative progeny acquired from a single parent individual through vegetative multiplication, in particular through propagation by cuttings, micro-vegetative multiplication, grafting, layering or segmentation, for the vegetative method of reproduction,
 6. a mixture of clones, i.e. a mixture of designated clones with ratios determined for individual clones,
- h) autochthonous vegetation or a source of seeds means the vegetation or source of seeds originating from continuous natural reproduction or created artificially from reproductive material of generative origin that was gathered in autochthonous vegetation or a source of seeds and then planted in the same location or in its immediate vicinity,
- i) origin of autochthonous vegetation or a source of seeds means the place in which the vegetation or source of seeds is situated; origin of other vegetation or a source of seeds means the place of origin of the seed or planting stock used for the creation of vegetation or the source of seeds; the origin may also be unknown,
- j) owner of a reproductive material source means the owner of the land where the reproductive material source is located,
- k) production means all levels of acquiring, processing and treating seed material and parts of plants and acquiring or growing planting stock from seed material or parts of plants,
- l) supplier means the person introducing reproductive material,
- m) introducing means putting reproductive material up for sale, commercial storing, sale, export and import for the purpose of sale or any other method of the transfer of right to manipulate reproductive material to other person in business;⁵⁾ the transfer of right to manipulate reproductive material is not considered as introducing in the event of the first transfer of this right from the owner of the source to other person when neither the owner of the source nor his/her employees participate in the production connected with this transfer,
- n) group means the reproductive material of one woody plant species originating from the same provenance that is identically processed, stored and treated throughout the production; matures in the same year in case of seed material or is gathered in the same year in case of parts of plants or is grown in a nursery for the same period in case of planting stock and comes from the same recognised unit in case of identified, selected or tested reproductive material (section 12, paragraph 1).
- o) provenance means uninterrupted areas with similar ecological and growth conditions where, considering the effect of altitude, individual species of woody plants have similar

phenotypic and genetic characteristics; according to a special legal regulation⁶), these areas are for all species of woody plants territorially identical to natural woodlands,
p) vegetation means a basic unit of spatial division of a forest, identifiable in terrain.

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- 1) Section 2, letter d), act no. 153/2000 Coll., on manipulation of genetically modified organisms and products and on amendments to some relating acts.
 - 2) Section 3, act no. 289/1995 Coll., on forests and on modifications and amendments to some acts (forest act).
 - 3) Section 3, letter g), act no. 114/1992 Coll., on the protection of nature and land.
 - 4) Section 2, letter s), act no. 289/1995 Coll.
 - 5) Section 2, act no. 513/1991 Coll., Commercial Code.
 - 6) Section 2, letter p), act no. 289/1995 Coll.

HEAD II INTRODUCING REPRODUCTIVE MATERIAL

Section 3

Introductory provisions

(1) The reproductive material of forest woody plants contained in the appendix hereto may only be introduced as identified, selected, qualified or tested.

(2) The reproductive material of common spruce (*Picea abies* Karst.), Scotch pine (*Pinus sylvestris* L.), European larch (*Larix decidua* Mill.) and European-Japanese larch (*Larix x eurolepis* Henry) may only be introduced as selected, qualified or tested.

(3) The reproductive material acquired through the vegetative method of reproduction may only be introduced as qualified or tested.

(4) Genetically modified reproductive material may only be introduced as tested. This does not affect the provisions of a special legal regulation.⁷)

7) Act no. 153/2000 Coll.

Section 4

Requirements for the quality of reproductive material

Reproductive material may only be introduced, providing it meets the requirements concerning species purity, morphological and physiological quality and health. The details are stipulated in the implementing legal regulation. This does not affect the provisions of a special legal regulation⁸).

8) Act no. 147/1996 Coll., on phyto-medical care and amendments to some relating acts, as amended.

Section 5

Groups of reproductive material

(1) Reproductive material may only be introduced in groups.

(2) Throughout the production process, each group must be kept separate and contain data about:

- a) species of the woody plant,
- b) provenance,
- c) origin,
- d) altitude zone,
- e) type of reproductive material source,
- f) purpose of reproductive material use,
- g) year of maturing in case of seed material,
- h) age and species of seedlings and, in case planting stock, information about whether it was undercut or covered.

(3) In addition to the data specified in paragraph 2, each group of identified, selected, qualified or tested reproductive material must bear:

- a) a number confirming its origin according to section 6,
- b) a registration number of the recognised unit and
- c) data confirming that the reproductive material is genetically modified.

(4) Combining reproductive material from different groups in the course of production is only permissible in the event of there being:

- a) one and the same owner of the forest,
- b) one and the same species of the forest woody plant,
- c) one and the same natural woodland,
- d) the same altitude zone of the reproductive material origin,
- e) the same gene base of the reproductive material.

Groups of tested reproductive material are not combined. The details with regard to the combining of reproductive material and establishing of altitude zones are contained in the implementing legal regulation.

Section 6

Certificate of origin

(1) No fewer than 2 weeks in advance, the supplier is obliged to notify the relevant public authority responsible for the manipulation of reproductive material (hereinafter referred to as the 'public authority') (section 26) of the date when seed material, parts of plants or planting stock will be collected. This applies to identified, selected, qualified or tested reproductive material.

(2) The notification referred to in paragraph 1 shall contain:

- a) identification of the supplier; physical persons: first name and surname, date of birth or trade name or name, permanent residence or address and registered office if different from the permanent residence or address; juristic persons: trade name and registered office,

- b) supplier's identification number,
- c) supplier's licence number (section 22, paragraph 2),
- d) place where the seed material, parts of plants or planting stock are collected and the registration number of the recognised unit,
- e) date when the seed material, parts of plants or planting stock are collected,

(3) In case of seed material, parts of plants or planting stock being collected from natural reproduction and providing the supplier does not own the source, the notification referred to in paragraphs 1 and 2 shall also include the written approval of the owner of the reproductive material source with a certified signature.

(4) In case of identified, selected, qualified or tested reproductive material and providing the conditions set out in this act and its implementing legal regulations have been complied with, the public authority will, following the collection of seed material, parts of plants or planting stock, issue to the supplier, at his/her request, a certificate of the reproductive material origin valid for the collected groups (hereinafter referred to as the 'certificate of origin'). This shall be issued within 10 days following receipt of the request.

(5) If the supplier wishes to introduce a group, for which a certificate of origin has been issued according to paragraph 4, as a divided one, the public authority shall immediately issue to the supplier, at his/her request, new certificates of origin for the groups formed by the division.

(6) The public authority shall keep records of the certificates of origin issued. This certificate is a public record.

(7) The details with regard to the notification referred to in paragraphs 1 and 2 and the certificate of origin and its issue are set out in regulation.

Section 7

Reproductive material packaging

(1) Reproductive material may only be introduced in packaging that effectively avoids confusion and that is closed in such a way as to allow inspection of the contents genuineness. Packaging is also understood to be the material used for creating a bundle of plants, large volume bags and containers made of a firm material.

(2) The packaging of tested reproductive material must bear an official seal attached by the public authority at supplier's expense.

(3) Seed material may only be introduced in packaging that cannot be opened without visible damage to the packaging or its cap.

(4) In justified cases, the public authority may, at supplier's request and under exceptional circumstances, allow seed material to be introduced in packaging or vehicle not complying with the provision of paragraph 3. If so, the packaging or vehicle in which the seed material is transported must bear an official seal attached to the packaging or vehicle by the public authority at supplier's expense.

(5) The conditions with regard to the official seal are set out in regulation.

Accompanying document

Section 8

(1) Reproductive material may only be introduced, providing the supplier issues and attaches an accompanying document to each group, containing, in addition to section 5, paragraph 2, this information:

- a) identification of the supplier; physical persons: first name and surname or trade name or name, permanent residence or address and registered office if different from the permanent residence or address; juristic persons: trade name and registered office,
- b) supplier's identification number and licence number,
- c) identification of the customer; physical persons: first name and surname or trade name or name, permanent residence or address and registered office if different from the permanent residence or address; juristic persons: trade name and registered office,
- d) amount of the reproductive material and number of packaging pieces,
- e) information about whether the reproductive material was propagated in a vegetative way.

This does not affect the provisions of special legal regulations⁷⁾, 8) on introducing reproductive material.

(2) The accompanying document of reproductive material must also contain the data referred to in section 5, paragraph 3.

(3) The accompanying document of tested reproductive material acquired from a source recognised on the basis of early test results must also bear a label reading 'tentatively recognised'.

(4) The accompanying document of seeds and fruits being introduced as identified, selected, qualified or tested reproductive material must also contain the information about

- a) purity,
- b) germinating capacity or shelf life,
- c) weight of 1,000 seeds,
- d) number of germinant or live seeds per 1 kg of the seed material,

(5) If the data referred to in paragraph 4, letters b) and d) cannot be acquired due to the negotiated delivery periods, the seed material may be introduced on condition that the missing data will be confirmed by the supplier upon the completion of relevant tests.

(6) The accompanying document for *Populus* ssp. must also contain their classification mark.

(7) If the accompanying document or reproductive material packaging is colour-coded, the following colours may only be used

- a) yellow for identified reproductive material,
- b) green for selected reproductive material,
- c) pink for qualified reproductive material and
- d) blue for tested reproductive material.

(8) When introducing identified, selected, qualified or tested reproductive material, the supplier is, at customer's request, obliged to provide the customer with a copy of the relevant certificate of origin.

(9) The conditions with regard to the contents and format of the accompanying document, the method of its attaching and with regard to the classification marks of parts of plants and planting stock are set out in regulation.

7) Act no. 153/2000 Coll.

8) Act no. 147/1996 Coll., on phyto-medical care and amendments to some relating acts, as amended.

Section 9

Vegetable material not complying with the properties stipulated herein must not be introduced

- a) as reproductive material,
- b) in a manner that may lead to confusion with reproductive material.

Section 10

Phenotypic classification

(1) In phenotypic classification, vegetation is categorised into the following classes according to origin, volume production, morphological characteristics and health

- a) phenotypic class A for economically highly valuable vegetation that is autochthonous or for non-autochthonous vegetation featuring an excellent quantity and quality of production, morphological characteristics and resistance,
- b) phenotypic class B for other vegetation featuring above-average volume production and morphological characteristics and good health,
- c) phenotypic class C for vegetation having average volume production and morphological characteristics and good health,
- d) phenotypic class D for vegetation that is genetically or economically unsuitable, having clearly poor health or clearly inferior quality.

(2) Vegetation not included in the phenotypic classes A to C cannot be recognised as a source of reproductive material.

(3) Phenotypic classification is conducted by a person licensed to draw up forest economic plans and forest economic schemes according to a special legal regulation.⁹⁾ In justified cases, the public authority may, at the request of the owner of the reproductive material source, perform a phenotypic classification within the recognition procedure (section 11).

(4) The details with regard to the categorisation of vegetation into a phenotypic class and its labelling are set out in regulation.

9) Section 26, paragraph 1, act no. 289/1995 Coll.

HEAD III RECOGNITION PROCEDURE

Section 11

Recognising a source of reproductive material

(1) A decision on the recognition of a source of reproductive material is made by the public authority acting at the request of the source owner.

(2) Acting on its own initiative, the public authority may also make a decision on the recognition of a source of selected, qualified or tested reproductive material. The source owner is entitled to compensation for loss he/she incurred during a certain period due to the recognition of a source of reproductive material on the initiative of the public authority. The compensation shall be provided by the public authority that made the decision on the recognition.

(3) The recognition of a source of reproductive material is conducted for all species of woody plants. The source of reproductive material is recognised for a limited period specified in the decision on the recognition. This period may, at the request of the owner of the source, be prolonged by the public authority.

(4) The costs of the recognition procedure including the costs of an expert opinion (sections 14 to 16) shall be borne by the applicant except when the recognition of sources of reproductive material is done on the initiative of the public authority.

(5) The public authority shall send one copy of the decision on the recognition of the source of reproductive material or on its prolongation to a person authorised by the Ministry of Agriculture (hereinafter referred to as the 'Ministry').

(6) If the public authority responsible for the recognition of the source of reproductive material ascertains that the recognised source does not comply with the conditions specified in this act and its implementing regulations, it shall revoke the recognition of the source of the reproductive material.

Section 12

Recognised units

(1) A recognised source of reproductive material is included in a recognised unit only after the properties and purpose of the reproductive material have been established and its categorisation made. A recognised unit is comprised of one or more recognised sources of reproductive material. Thus recognised unit is assigned one registration number.

(2) The details with regard to the inclusion of a recognised source of reproductive material in a recognised unit are set out in regulation.

Section 13

Recognising a source of identified reproductive material

(1) The sources of seeds or vegetation included in the phenotypic class C are recognised as a source of identified reproductive material. The vegetation included in the phenotypic class A or B may also be recognised as a source of identified reproductive material, providing it is not recognised as a source of selected or tested reproductive material.

(2) A decision on the recognition of a source of identified reproductive material is made by the public authority

a) on the basis of local examination results in case of a source of seeds,

b) on the basis of a certificate of the vegetation phenotypic class in case of vegetation; the certificate is issued by a person authorised to perform phenotypic classification of vegetation as specified herein.

(3) Vegetation belonging to one and the same owner, being of the identical woody plant species growing in one and the same provenance and altitude zone and complying with the conditions of recognition may, with the consent of the source owner, be merged into one recognised unit. Sources of seeds or sources of seeds and vegetation may be merged into one recognised unit under the same conditions.

(4) The details with regard to the requirements for the recognition of a source of seeds and vegetation as a source of identified reproductive material are set out in regulation.

Section 14

Recognising a source of selected reproductive material

(1) The vegetation included in the phenotypic class A or B that complies with the requirements for genetic and morphological quality, location, area, age, structure, health and suitability for the habitat is only recognised as a source of selected reproductive material.

(2) A decision on the recognition of a source of selected reproductive material is made by the public authority on the basis of an expert opinion given by a person authorised by the Ministry (hereinafter referred to as the 'authorised person'). The expert opinion attests to the compliance with the requirements referred to in paragraph 1.

(3) Vegetation of the phenotypic class B belonging to one and the same owner, being of the identical woody plant species growing in one and the same provenance and altitude zone that complies with the conditions of recognition referred to in paragraph 1 may, with the consent of the source owner, be merged into one recognised unit. The public authority determines whether to merge vegetation into recognised units.

(4) The details with regard to the requirements for the recognition of a source of selected reproductive material and its labelling are set out in regulation.

Section 15

Recognising a source of qualified reproductive material

(1) A seed plantation, parent tree, clone or a mixture of clones may only be recognised as a source of qualified reproductive material. The above must meet the requirements as to the

method of creating and maintaining the source as well as the requirements for its genetic and morphological quality, location, area, age, structure, health and suitability for the habitat.

(2) A decision on the recognition of a source of qualified reproductive material is made by the public authority on the basis of an expert opinion given by an authorised person (section 30). The expert opinion attests to the compliance with the requirements referred to in paragraph 1.

(3) Sources of qualified reproductive material are not merged.

(4) The details with regard to the requirements for the recognition of a source of qualified reproductive material and its labelling are set out in regulation.

Section 16

Recognising a source of tested reproductive material

(1) Vegetation, seed plantation, parent tree, clone or a mixture of clones complying with the requirements for the recognition of a source of selected reproductive material or qualified reproductive material may only be recognised as a source of tested reproductive material. The properties of the source must be verified in comparative or genetic tests.

(2) A decision on the recognition of a source of tested reproductive material is made by the public authority on the basis of an expert opinion given by an authorised person. The expert opinion attests to the compliance with the requirements referred to in paragraph 1.

(3) Sources of tested reproductive material are not merged.

(4) The details with regard to the requirements for the recognition of a source of tested reproductive material and its labelling are set out in regulation.

Section 17

Limiting deliberate principal felling and protective period of time

(1) The decision on the recognition of vegetation as a source of selected or tested reproductive material may include limitations imposed by the public authority on the scope of deliberate principal felling¹⁰⁾ in this vegetation or may include a protective period of time in the course of which principal felling can only take place with the approval of the authority. The public authority may only grant this approval to collect seed material, increase the quality of vegetation or enhance natural regeneration.

(2) The public authority shall base its decision as to the limitations on the scope of deliberate principal felling¹⁰⁾ or the protective period of time on an expert opinion given by a person authorised to carry out technical assignments related to the recognition of a source of reproductive material (section 30).

10) Section 2, letter m), act no. 289/1995 Coll.

Section 18

Register of recognised sources of reproductive material

(1) The public authority that is hereunder authorised to make decisions on the recognition of a source of reproductive material shall keep records of the recognised units situated within its jurisdiction.

(2) The central records of recognised units in the territory of the Czech Republic are kept by an authorised person in the Register of recognised sources of reproductive material (hereinafter referred to as the 'Register'). The entry for each recognised unit contains as follows:

- a) woody plant species for which a source of reproductive material has been approved for inclusion in a recognised unit (section 12) (hereinafter referred to as the 'woody plant species'),
- b) properties, purpose and category of the reproductive material for which the source has been recognised (sections 12 to 16),
- c) source of the reproductive material,
- d) registration number,
- e) location,
- f) altitude or altitude zone in which the recognised unit is found,
- g) area,
- h) origin,
- i) information on whether the organism is genetically modified, in case of tested reproductive material,

(3) The register is open to the public. Each person has the right to make copies of or take extracts from the register.

(4) The details of the data entered into the register are set out in regulation.

HEAD IV GENE BASES

Section 19

(1) A complex of forest vegetation with a significant ratio of valuable regional population of forest woody plants covering an area sufficient for the preservation of biological diversity of population that is capable of reproduction may be declared a gene base. A forest situated in the territory of a gene base is included in the category of special forests according to a special legal regulation.¹¹⁾

(2) Acting on the initiative of the forest owner or on its own initiative, the public authority determines whether to declare a territory a gene base. The public authority shall base its decision on the declaration of a gene base on an expert opinion given by the authorised person. The public authority shall send one copy of the decision to declare a gene base to the authorised person.

(3) The public authority shall keep records of the gene bases situated within its jurisdiction. The central records of gene bases are kept by the authorised person.

(4) The owner of a forest included in a gene base is entitled to compensation for loss he/she incurred due to the declaration of the gene base on the initiative of the public authority or in a direct connection with it. The compensation shall be provided by the public authority that made the decision on the declaration of the gene base. Providing a forest owner requests that a gene base be declared, he/she shall bear the costs of the recognition procedure including the costs of the expert opinion.

(5) The details with regard to the declaration of gene bases and the details with regard to the management of forests situated in gene bases and their labelling are set out in regulation.

11) Section 8, paragraph 2, letter f), act no. 289/1995 Coll.

HEAD V LICENCE AND LICENSING PROCEDURES

Section 20

Licence

(1) Any supplier introducing reproductive material must hold a valid licence issued by the Ministry in accordance with this act. The Ministry shall keep central records of suppliers.

(2) On the basis of a supplier's written application, the Ministry shall issue the licence referred to in paragraph 1 to

- a) a physical person complying with the licensing conditions, or
- b) a juristic or physical person that appoints a representative meeting the licensing conditions; the representative has responsibility for adhering to legal regulations when introducing reproductive material.

(3) The details with regard to the submission of a licence application are set out in regulation.

Section 21

Licensing conditions

(1) The licence may be granted to a physical person [section 20, paragraph 2, letter a)] or a juristic or physical person having a representative [section 20, paragraph 2, letter b)], providing the physical person or his/her representative meets the following conditions:

- a) majority,
- b) full capacity to enter into legal acts,
- c) good character,
- d) comprehensive secondary education in forestry and a minimum of 5 years of professional experience or university education in forestry and a minimum of 3 years of professional experience.

(2) On written request, the Ministry shall issue the licence to a physical person or a representative of a juristic or physical person that is a citizen of a European Union member state and that is officially registered in the member state as a supplier of reproductive material and that meets the conditions referred to in paragraph 1, letters a) to d).

(3) For the purpose of this act, the condition of good character is met by a physical person that has not been lawfully sentenced

- a) for a crime that is committed deliberately and pertains to enterprise,
- b) for criminal negligence pertaining to the subject of the requested licence (section 20) if the person is not regarded as not sentenced.12)

(4) If the application does not satisfy the requirements stipulated under this act and regulation or if there are any obstacles to its processing, the Ministry shall call on the applicant to remedy the shortcomings and shall set an adequate period of time to do so. Concurrently, the Ministry shall warn the applicant of a suspension of the application if the shortcomings are not eliminated. Should the applicant not remedy the shortcomings, the Ministry will cease the processing.

12) Penal Code.

Section 22

Decision on licence

(1) If the applicant meets the licensing conditions referred to in section 21, paragraph 1, the Ministry shall issue the licence. The licence cannot be granted to a person banned by court or public authority from undertaking activities related to the introduction of reproductive material.

(2) In the decision on the licence granting, the Ministry shall include:

- a) the licence number,
- b) in case of physical persons: first name and surname, date of birth or trade name or name, permanent residence or address and registered office if different from the permanent residence or address; in case of juristic persons: trade name, registered office and identification number,
- c) first name and surname, permanent residence or address and date of birth of the representative, if appointed,
- d) licence validity period.

(3) If the supplier meets the given conditions, the Ministry shall, on the basis of his/her application lodged no later than 1 month prior to the licence expiry, make a decision on the prolongation of the licence validity period.

Section 23

Withdrawal and revocation of licence

(1) The Ministry shall withdraw the licence providing

- a) the supplier or his/her representative ceases to comply with the licensing conditions, or
- b) the supplier or his/her representative has been banned by court or public authority from undertaking activities related to the introduction of reproductive material, or
- c) the supplier violates the obligations stipulated in the decision on the licence granting or in this act, or
- d) the supplier requests that the licence be withdrawn.

(2) No later than 8 days after its arising, the supplier is obliged to advise the Ministry of any fact constituting a reason for the withdrawal of the licence.

- (3) The licence is revoked
- a) when its validity expires,
 - b) in the event of supplier's death or the supplier being pronounced dead if he/she is a physical person,
 - c) in the event of the supplier dissolving if the supplier is a juristic person.

HEAD VI RECORDS AND SUPERVISION

Section 24

Records

(1) The supplier is obliged to keep records of each group of reproductive material that has been introduced by him/her. The records must be filed for a period of 20 years. The supplier who runs a nursery must keep records of its activities.

(2) As at 30 November of each calendar year, the supplier is obliged to provide the authorised person with records of each group of reproductive material possessed or introduced by him/her and records of nursery activities done within the scope of the licence (head V).

(3) The details with regard to the records of groups of reproductive material and their presentation and with regard to the records of nursery activities and their presentation are set out in regulation.

Section 25

Importing reproductive material

(1) Except the import for the purpose of transit, reproductive material may only be imported if the importer notifies the customs authority of this fact when submitting a customs declaration and concurrently presents a Ministry-issued permit to import reproductive material. If the importer fails to provide the customs authority with the Ministry-issued permit to import reproductive material, the goods will not be cleared through customs to go into free circulation or into an active cultivating process.

- (2) Importer's application for an import permit shall contain:
- a) identification of the supplier; physical persons: his/her first name and surname, date of birth or name or trade name, permanent residence and registered office if different from the permanent residence or address; juristic persons: trade name and registered office,
 - b) supplier's identification number and licence number,
 - c) quantity and category of the reproductive material,
 - d) species of the woody plant,
 - e) in case the imported reproductive material is to be, on a contractual basis, modified, multiplied or grown solely for export, the application must also contain information about the person that will contractually receive the product made of the imported reproductive material.

- (3) The permit to import reproductive material hereunder is not required, providing
- a) the reproductive material was produced in a European Union member state,
 - b) the reproductive material is identified, selected, qualified or tested one and this fact is substantiated with the certificate of origin,
 - c) the reproductive material comes with an accompanying document or other document containing the data required by this act for the introduction of identified, selected, qualified and tested reproductive material,
 - d) the reproductive material meets the requirements concerning species purity and morphological and physiological quality and health as stipulated by regulation.

(4) The details with regard to the notification of reproductive material imports referred to in paragraph 1 are set out in regulation.

HEAD VII REPRODUCTIVE MATERIAL PUBLIC AUTHORITIES

Section 26

Public authorities

(1) The following bodies have the authority over the field of the introduction of reproductive material

- a) municipalities with extended jurisdiction,
- b) regions,
- c) the Ministry,
- d) the Czech Environmental Inspection, 13)
- e) customs authorities.14)

(2) The Military Forest Office has hereunder the authority over military forests administered by the Ministry of Defence, within the scope of jurisdiction of a municipality with extended jurisdiction and region.15)

13) Act no. 282/1991 Coll., on the Czech Environmental Inspection and its jurisdiction over forest protection, as amended by act no. 309/2002 Coll.

14) Act no. 13/1993 Coll., Customs Act, as amended.

15) Section 47, paragraph 2, act no. 289/1995 Coll., as amended by act no. 320/2002 Coll.

Section 27

Municipalities with extended jurisdiction

Municipalities with extended jurisdiction having delegated jurisdiction

- a) receive suppliers' notifications of intended collection of seed material, parts of plants and planting stock (section 6, paragraph 1),
- b) issue certificates of origin of reproductive material acquired from recognised sources of reproductive material within their territory, and keep records of the certificates,
- c) issue certificates of origin of reproductive material for groups acquired through a division of a group for which a certificate of origin has been issued, and keep records of the certificates,

- d) determine whether to impose penalties under this act,
- e) inspect whether physical and juristic persons comply with the provisions of this act, regulations issued for its implementation and decisions issued on their basis; and impose measures aimed at eliminating the detected shortcomings.

Section 28

Regions

Regions having delegated jurisdiction

- a) determine whether to recognise sources of identified, selected, qualified and tested reproductive material; and to revoke recognition,
- b) assign registration numbers to recognised units, in case of sources of identified reproductive material,
- c) determine whether to merge sources of reproductive material recognised by them into one recognised unit,
- d) keep records of the recognised sources of reproductive material in their territory,
- e) notify the authorised person of recognising sources of reproductive material within their territory and of assigning registration numbers to recognised units of identified reproductive material,
- f) determine whether to limit deliberate principal felling in areas recognised as a source of selected and tested reproductive material or to impose a protective period of time in these areas,
- g) permit deliberate principal felling¹⁰) in areas recognised as a source of selected and tested reproductive material where a protective period of time has been imposed,
- h) attach an official seal to the packaging of tested reproductive material,
- i) determine whether to grant dispensation according to section 7, paragraph 4 and they attach an official seal to the packaging or vehicle in which seed material is transported on the basis of the dispensation given,
- j) determine whether to declare gene bases and how to manage them,
- k) decide on legal remedies against decisions issued in accordance with section 27,
- l) determine whether to impose penalties under this act,
- m) decide whether special measures are to be imposed,
- n) inspect whether physical and juristic persons comply with the provisions of this act, regulations issued for its implementation and decisions issued on their basis; and impose measures aimed at eliminating the detected shortcomings.

Section 29

The Ministry

(1) The Ministry represents the central authority over the field of reproductive material of forest woody plants.

(2) The Ministry

- a) determines whether to grant/withdraw a licence to/from suppliers,
- b) keeps central records of suppliers,
- c) issues permits to import reproductive material,
- d) appoints the authorised person,
- e) determines whether to impose penalties under this act,

- f) decides whether special measures are to be imposed,
- g) inspects whether public authorities, physical and juristic persons comply with the provisions of this act, regulations issued for its implementation and decisions issued on their basis; and imposes measures aimed at eliminating the detected shortcomings,
- h) decides on legal remedies against verdicts of the Military Forest Office¹⁴⁾ issued hereunder.

14) Act no. 13/1993 Coll., Customs Act, as amended.

Section 30

Power of the authorised person

- (1) For conducting technical operations with reproductive material, the Ministry shall appoint a juristic person that
- a) has professional and technical competence,
 - b) is not engaged in competition in the given sphere and has no interest whatsoever in results of the processes for which the authorised person conducts technical operations,
 - c) is subject to supervision and inspection by the Ministry,

- (2) The authorised person
- a) gives expert opinions forming the basis for decisions on suitability of sources of reproductive material to be recognised as a source of selected, qualified and tested reproductive material. The opinions shall include his/her recommendation for possible merging of more sources of reproductive material into one recognised unit; assignment of a registration number to a recognised unit; and a recommendation for possible limitations on deliberate principal felling¹⁰⁾ or imposition of a protective period of time in the vegetation recognised as a source of selected and tested reproductive material,
 - b) gives expert opinions forming the basis for decisions on suitability of vegetation to be declared a gene base,
 - c) keeps a register of recognised sources of reproductive material,
 - d) keeps central records of declared gene bases,
 - e) keeps central records of groups of reproductive material held and introduced by suppliers,
 - f) keeps central records of nursery activities undertaken within the scope of the licence (head V).

- (3) In his/her activities, the authorised person is obliged to maintain secrecy of all facts he/she has learnt while acting under this act; the same applies to the employees of the authorised person. This obligation shall apply 5 years beyond the termination of the employment or similar relationship.

10) Section 2, letter m), act no. 289/1995 Coll.

Section 31

Inspection

- (1) The public authorities (section 26) are allowed to inspect whether the obligations stipulated herein are complied with.

(2) For the purpose of inspecting, employees of the public authority and employees of the authorised person called on by the public authority to conduct an inspection are allowed to

- a) enter the premises where reproductive material is produced; and the premises and facilities where reproductive material is modified, stored, labelled, packed and sold; as well as the vehicles used for its transport,
- b) request necessary documentation, information and practical, personal and other cooperation needed for the execution of their activities, including the right to collect control samples of reproductive material.

(3) The person subject to inspection is obliged to allow employees of the public authority and employees of the authorised person called on by the public authority to conduct the inspection to

- a) enter the premises where reproductive material is produced; and the premises where reproductive material is modified, stored, labelled, packed and traded in; as well as the vehicles used for its transport,
- b) provide necessary documentation, information and practical, personal and other cooperation needed for the execution of their activities, including the provision of control samples of reproductive material.

(4) Carrying out an inspection, the public authority is obliged to

- a) produce a service card,
- b) keep trade secrets and classified information the authority learnt while acting under this act.¹⁶⁾

(5) Depending on the nature of the shortcomings detected, the public authority may decide on how and when to eliminate the shortcomings and their causes.

(6) Persons working with reproductive material are entitled to seek compensation from the Ministry for the production costs of the collected control samples if they have properties required by this act and if they have not been returned in the original state.

(7) Unless stated herein otherwise, the public authority acts in accordance with a special act,¹⁷⁾ when conducting an inspection.

(8) The power to inspect referred to in paragraphs 1 to 7 is also held by the persons authorised by the European Commission to conduct inspections.

16) Act no. 148/1998 Coll., on the protection of classified information and amendments to some acts, as amended.

17) Act no. 552/1991 Coll., on state inspection, as amended.

Section 32

Supreme state supervisory body

As the supreme state supervisory body¹⁸⁾, the Ministry of Environment supervises whether public authorities, physical and juristic persons comply with the provisions of this act, regulations issued for its implementation and decisions issued on their basis. The Ministry of Environment is entitled to impose measures aimed at eliminating the shortcomings detected.

18) Section 19, paragraph 1, act no. 2/1969 Coll., on the establishment of ministries and other central bodies of the public administration of the Czech Republic, as amended.

Section 33

Power of the Ministry in exceptional cases

(1) Providing the supply of reproductive material of some species of woody plants contained in the appendix hereto is seriously endangered, the Ministry may issue a regulation specifying the species of woody plants the reproductive material of which may be introduced for a given period of time even if not complying with the requirements stipulated in sections 4 and 5.

(2) The packaging and accompanying document of the reproductive material introduced as stated in paragraph 1 must be visibly marked with the 'Reproductive material complying with less stringent requirements' text.

(3) The Ministry may issue a regulation laying down the minimum requirements for species purity, morphological and physiological quality and health that must be met by the reproductive material that is introduced as stated in paragraph 1.

(4) The Ministry may issue a regulation stipulating under which conditions reproductive material may be imported into the Czech Republic without an import permit granted hereunder, and set out the conditions that such imports must meet.

HEAD VIII PENALTIES AND SPECIAL MEASURES

Section 34

Penalties

(1) The public authority shall impose a penalty of up to CZK 100,000 to the person that

- a) fails to notify of the collection of seed material, parts of plants and planting stock despite being hereunder obliged to do so,
- b) fails to keep the prescribed records of groups of reproductive material,
- c) introduces reproductive material without an accompanying document specified in this act or with an accompanying document containing incomplete information.

(2) The public authority shall impose a penalty of up to CZK 200,000 to the person that impedes or obstructs the execution of the public administration under this act.

(3) The public authority shall impose a penalty of up to CZK 1,000,000 to the person that

- a) introduces reproductive material failing to comply with the requirements stipulated in this act and its implementing legal regulations,
- b) introduces reproductive material contrary to the bans according to section 36, paragraph 1, letter b),
- c) fails to comply with the obligations imposed by this act and its implementing legal regulations concerning work with groups of reproductive material,

- d) deliberately conducts principal felling¹⁰⁾ contrary to a decision of the public authority on the recognition of vegetation as a source of selected or tested reproductive material,
- e) introduces reproductive material without a valid licence,
- f) introduces reproductive material with an accompanying document containing false information,
- g) imports reproductive material without the Ministry's permit required hereunder,
- h) fails to comply with the obligations arising from a decision on how and when shortcomings and their causes are to be eliminated; the decision is issued as a result of an inspection by the public authority.

10) Section 2, letter m), act no. 289/1995 Coll.

Section 35

Joint provisions on penalties

(1) The public authority that first detects a violation of the obligations set out herein is authorised to institute penalty proceedings. The authority shall take action within 1 year from the date of learning of the violation but no later than 3 years from the date when the violation happened; this shall not apply if the violation is still being committed. The authority shall notify other relevant authorities under this act of commencing the penalty proceedings.

(2) The seriousness, method, length and consequences of the illegal act shall be taken into consideration when determining the amount of penalty. The penalty is payable within 30 days from the day on which the decision on its imposition becomes final.

(3) If, within 1 year after a decision on the imposition of a penalty becomes final, a person commits a violation of the same obligation for which the penalty was imposed according to this act, another penalty may be imposed amounting up to double of the sum stipulated by this act.

(4) Being imposed a penalty does not affect the obligation to compensate for damages or the obligation to remedy the unlawful situation.

(5) Penalties are collected by the authority that imposed them. Penalties are levied by a territorial financial authority. A special legal regulation¹⁹⁾ is followed in the collecting and levying of penalties.

(6) The proceeds from penalties imposed and collected by the Ministry or the Czech Environmental Inspection constitute revenue of the State Environmental Fund of the Czech Republic.

(7) The proceeds from penalties imposed and collected by municipalities with extended jurisdiction or regions having delegated jurisdiction constitute revenue of these municipalities and regions respectively.

19) Act no. 337/1992 Coll., on tax and duty administration, as amended.

Section 36

Special measures

- (1) The public authority shall take a special measure
- a) ordering destruction of reproductive material the introduction of which would endanger the environment; the authority shall specify the method of the destruction,
 - b) banning the introduction of reproductive material that is not labelled pursuant to this act or fails to comply with the quality- and packaging-related requirements set out by this act and its implementing legal regulations.
- (2) An appeal against a decision imposing a special measure does not have a suspensory effect.

HEAD IX JOINT AND TEMPORARY PROVISIONS

Section 37

Statutory exceptions

- (1) The provisions hereof shall not apply to
- a) planting stock or parts of plants that are not intended for forest regeneration and reforestation,
 - b) reproductive material intended for scientific, experimental or cultivating purposes,
 - c) reproductive material intended for export to the states not being members of the European Union.
- (2) The reproductive material intended for scientific, experimental or cultivating purposes must not be used for other purposes or introduced.
- (3) The reproductive material intended for export to the states that are not members of the European Union must not be introduced in the territory of the Czech Republic unless it meets the conditions stipulated herein.

Section 38

Relation to the Administrative Procedure Code

Unless stated herein otherwise, the Administrative Procedure Code²⁰) and the act on tax and duty administration¹⁹) shall apply under this act to the decision-making of the public authorities.

19) Act no. 337/1992 Coll., on tax and duty administration, as amended.

20) Act no. 71/1967 Coll., on administrative proceedings (Administrative Procedure Code), as amended.

Section 39

Enabling provisions

The Ministry shall issue a regulation to implement section 4, section 5 – paragraph 4, section 6 – paragraph 7, section 7 – paragraph 5, section 8 – paragraph 9, section 10 – paragraph 4, section 12 – paragraph 2, section 13 – paragraph 4, section 14 – paragraph 4, section 15 – paragraph 4, section 16 – paragraph 4, section 18 – paragraph 4, section 19 – paragraph 5, section 20 – paragraph 3, section 24 – paragraph 3 and section 25 – paragraph 4.

Section 40

Temporary provisions

(1) Licences to work with seeds and seedlings of woody plants issued in accordance with the existing rules are considered to be licences issued in accordance with this act.

(2) Reproductive material acquired or produced in accordance with the existing legal regulations and having accompanying documents in accordance with the existing legal regulations may be introduced until 31 December 2005.

(3) At supplier's request submitted no later than 31 December 2005, the public authority shall, in accordance with section 6, paragraph 4, issue a certificate of origin for seed material acquired from sources recognised in accordance with the existing legal regulations and planting stock grown in nurseries in accordance with the existing legal regulations.

(4) The sources of reproductive material recognised for the collection of reproductive material in accordance with the existing legal regulations are considered to be recognised sources according to this act in the following way:

- a) forest vegetation recognised for harvest of seed material in accordance with the existing legal regulations is considered to be vegetation recognised as a source of selected reproductive material,
- b) forest vegetation recognised for harvest of seed material and labelled as a tested source in accordance with the existing legal regulations is considered to be vegetation recognised as a source of tested reproductive material,
- c) seed groups recognised in accordance with the existing legal regulations are considered to be seed groups recognised as a source of qualified reproductive material,
- d) trees considered superior in accordance with the existing legal regulations are, if used for the acquisition of seed material, considered to be parent trees,
- e) trees considered superior in accordance with the existing legal regulations are, if used for the acquisition of parts of plants, considered to be clones recognised as a source of qualified reproductive material,
- f) mother plants recognised in accordance with the existing legal regulations are considered to be mixtures of clones recognised as a source of qualified reproductive material of vegetative origin,
- g) recognised seed plantations labelled as a tested source in accordance with the existing legal regulations are considered to be seed plantations recognised as a source of tested reproductive material,
- h) superior trees labelled as a tested source in accordance with the existing legal regulations are, if used for the acquisition of seed material, considered to be parent trees recognised as a source of tested reproductive material,
- i) superior trees labelled as a tested source in accordance with the existing legal regulations are, if used for the acquisition of parts of plants, considered to be clones recognised as a source of tested reproductive material.

PART TWO

Modification of the act on forests and modifications and amendments to some acts
(forest act).

Section 41

Act no. 289/1995 Coll. on forests and on modifications and amendments to some acts (forest act), as amended by act no. 238/1999 Coll., act no. 67/2000 Coll., act no. 132/2000 Coll., act no. 76/2002 Coll. and act no. 320/2002 Coll., is modified as follows:

1. Section 29 including footnote no. 20a) reads as follows:

‘Section 29

Reproductive material of forest woody plants

(1) Seeds or seedlings of woody plants from the same or appropriate natural woodland and an appropriate altitude are used for artificial forest regeneration and reforestation of areas declared to function as a forest (section 3, paragraph 4). In case of common spruce, Scotch pine and European larch (hereinafter referred to as the ‘selected forest woody plants’), only the reproductive material from the sources of selected, qualified or tested material recognised according to a special legal regulation^{20a)} may be used for artificial forest regeneration and reforestation. The Ministry shall determine in a legal regulation whether other forest woody plants are to be included in the selected forest woody plants.

(2) In case of emergency, the state forest administration may permit reproductive material of the selected forest woody plants from a source of identified reproductive material according to a special legal regulation^{20a)} to be used for artificial forest regeneration and reforestation.

(3) A forest owner is under an obligation to keep records of the source of selected, qualified and tested reproductive material used for forest regeneration and reforestation. The records shall be kept for a period of 20 years following the forest regeneration and reforestation.

(4) The Ministry shall issue a legal regulation providing details on the transmission of seeds and seedlings of forest woody plants, on records and origin of reproductive material and details on regeneration of woodlands and reforestation of areas declared to function as a forest.

20a) Act no. 149/2003 Coll., on introducing the reproductive material of forest woody plants of important species and artificial hybrids intended for forest regeneration and reforestation, and on amendments to some relating acts (the act on trade in the reproductive material of forest woody plants).’

2. Section 30 is revoked.

3. Paragraph 6 is added to section 33, reading as follows:

‘(6) The Ministry may issue an implementing legal regulation providing details on the labelling, measuring, recording and classification of wood.’.

4. In section 41, paragraph 1, the words ‘or citizenship of a European Union member state’ are added to the end of the text of letter b).

5. In section 42, paragraph 3 is revoked.

Existing paragraphs 4 and 5 are numbered as paragraphs 3 and 4 respectively.

6. In section 48, paragraph 1, letter d) reads as follows:
‘d) about the approval to issue planning permission that will affect the areas intended to function as a forest covering up to 1 ha, if the border does not exist, and about the approval to issue a decision on placing a structure or using the land within 50 m from the forest border (section 14, paragraph 2),’.

7. In section 48, paragraph 1, letter k) is revoked.

The existing letters l) to t) are marked as the letters k) to s) respectively.

8. In section 48, paragraph 1, the letters p) and s) read as follows:
‘p) on the imposition of penalties (head nine),
s) on the necessary measures to avert an imminent danger (section 57), if they do not extend beyond their administrative district.’.

9. In section 48, paragraphs 2 and 3 read as follows:

‘(2) Municipalities with extended jurisdiction
a) keep records of leases and loans of land intended to function as a forest in their administrative district (section 12, paragraph 2),
b) provide for the preparation of guidelines (section 25, paragraph 1),
c) grant dispensation as to the set size or width of clear felling (section 31, paragraph 2),
d) grant dispensation as to the legal periods of reforestation and cultivation of forest woody plants (section 31, paragraph 6),
e) appoint forest wardens and cancel their appointment (section 38) in their administrative district,
f) gather forest economic records about forests in their administrative district and submit these to the authorised organisational body of the state,
g) inspect the compliance with this act, regulations issued for its implementation and decisions issued on their basis (section 51, paragraph 1).

(3) Unless another body of the state forest administration is designated by this act, municipalities with extended jurisdiction are in all other cases in charge of the state administration and duties assigned to the bodies of the state forest administration under this act and regulations issued on its basis.’.

10. In section 48a, paragraph 1, the letter h) reads as follows:
‘h) when approving plans to grant dispensation as to the ban on principal felling in woodlands younger than 80 years (section 33, paragraph 4),’.

11. In section 48a, paragraph 1, the letter l) is revoked.

The existing letters m) to s) are marked as the letters l) to r) respectively.

12. In section 48a, paragraph 1, the letter o) reads as follows:

‘o) for a permit to use the reproductive material of the selected forest woody plants from a source of identified reproductive material for artificial forest regeneration and reforestation (section 29, paragraph 2),’.

13. In section 48a, paragraph 2, the letter b) reads as follows:

‘b) approves drawn up plans and allows their modifications (section 27, paragraphs 1 and 4); within the plan approval procedure, he/she grants dispensation as to the set size or width of clear felling (section 31, paragraph 2) and dispensation as to the legal periods of reforestation and cultivation of forest woody plants (section 31, paragraph 6); in military forests, plans are approved by the Military Forest Office (section 47, paragraph 2) following discussion with the central body of the state forest administration,’.

14. In section 49, paragraph 2, the letter b) is revoked.

The existing letters c) to f) are marked as the letters b) to e) respectively.

15. In section 49, paragraph 2, the words ‘in military forests’ are deleted from the letter e).

16. In section 49, paragraph 3, the letters g) and h) are revoked.

The existing letters i) to o) are marked as the letters g) to m) respectively.

PART THREE

Amendment to the act on administrative charges

Section 42

Act no 368/1992 Coll. on administrative charges as amended by act no. 10/1993 Coll., act no. 72/1994 Coll., act no. 85/1994 Coll., act no. 273/1994 Coll., act no. 36/1995 Coll., act no. 118/1995 Coll., act no. 160/1995 Coll., act no. 301/1995 Coll., act no. 151/1997 Coll., act no. 305/1997 Coll., act no. 149/1998 Coll., act no. 157/1998 Coll., act no. 167/1998 Coll., act no. 63/1999 Coll., act no. 166/1999 Coll., act no. 167/1999 Coll., act no. 223/1999 Coll., act no. 326/1999 Coll., act no. 352/1999 Coll., act no. 357/1999 Coll., act no. 360/1999 Coll., act no. 363/1999 Coll., act no. 46/2000 Coll., act no. 62/2000 Coll., act no. 117/2000 Coll., act no. 133/2000 Coll., act no. 151/2000 Coll., act no. 153/2000 Coll., act no. 154/2000 Coll., act no. 156/2000 Coll., act no. 158/2000 Coll., act no. 227/2000 Coll., act no. 241/2000 Coll., act no. 242/2000 Coll., act no. 307/2000 Coll., act no. 365/2000 Coll., act no. 140/2001 Coll., act no. 231/2001 Coll., act no. 76/2002 Coll., act no. 107/2002 Coll., act no. 120/2002 Coll., act no. 146/2002 Coll., act no. 149/2002 Coll., act no. 173/2002 Coll., act no. 308/2002 Coll., act no. 320/2002 Coll., act no. 129/2003 Coll., act no. 131/2003 Coll. and act no. 148/2003 Coll., is modified as follows:

In the appendix, a new item 87a is inserted after item 87, reading as follows:

‘Item 87a

Granting of a licence to a supplier of reproductive material (section 22, paragraph 1, act no. 149/2003 Coll. on introducing the reproductive material of forest woody plants of important species and artificial hybrids intended for forest regeneration and reforestation, and on amendments to some relating acts (the act on trade in the reproductive material of forest woody plants) CZK 100.00’.

PART FOUR

Amendment to the act on the Czech Environmental Inspection and its jurisdiction over forest protection

Section 43

Act no. 282/1991 Coll., on the Czech Environmental Inspection and its jurisdiction over forest protection, as amended by act 309/2002 Coll., is modified as follows:

1. Footnote no. 1a) reads as follows:

‘1a) Act no. 289/1995 Coll., on forests and on modifications and amendments to some acts (forest act), as amended.’.

2. In section 4, the full stop at the end of the letter d) is replaced with a comma and the letter e) and footnote no. 1b) are added, reading as follows:

‘e) fails to comply with the obligations set out in a special legal regulation.1b)

1b) Act no. 149/2003 Coll., on introducing the reproductive material of forest woody plants of important species and artificial hybrids intended for forest regeneration and reforestation, and on amendments to some relating acts (the act on trade in the reproductive material of forest woody plants).’.

3. Footnote no. 2) reads as follows:

‘2) Section 47, act no. 289/1995 Coll., as amended.’.

PART FIVE

EFFECT

Section 44

This act comes into effect on 1 January 2004 except the provisions of section 25, paragraph 3, letter a); section 31, paragraph 8 and section 41, point 4 that come into effect on the day the Treaty of Accession of the Czech Republic to the European Union comes into force.

Signed

Zaorálek
Klaus
Špidla

Appendix

List of woody plants species (Section 3, paragraph 1)

<i>Abies alba</i> Mill.	Silver fir
<i>Abies cephalonica</i> Loud.	Grecian fir
<i>Abies grandis</i> Lindl.	Giant fir
<i>Abies pinsapo</i> Boiss	Spanish fir
<i>Acer platanoides</i> L.	Norway maple
<i>Acer pseudoplatanus</i> L.	Sycamore maple
<i>Alnus glutinosa</i> (L.) Gaertn.	Common alder
<i>Alnus incana</i> (L.) Moench	Grey alder
<i>Betula pendula</i> Roth	European white birch (common birch)
<i>Betula pubescens</i> Ehrh.	Pubescent birch
<i>Carpinus betulus</i> L.	European hornbeam
<i>Castanea sativa</i> Mill.	European chestnut
<i>Cedrus atlantica</i> Carr.	Atlas cedar
<i>Cedrus libani</i> A. Richard	Cedar of Lebanon
<i>Fagus sylvatica</i> L.	European beech
<i>Fraxinus exelsior</i> L.	European ash
<i>Larix decidua</i> Mill.	European larch
<i>Larix kaempferi</i> (Lamb.) Carr.	Japanese larch
<i>Larix sibirica</i> Ledeb.	Siberian larch
<i>Picea abies</i> Karst.	Common spruce
<i>Picea sitchensis</i> Carr.	Sitka spruce
<i>Pinus brutia</i> Ten	Calabrian pine
<i>Pinus canariensis</i> C. Smith	Canary pine
<i>Pinus cembra</i> L.	Alpine stone pine
<i>Pinus contorta</i> Loud.	Lodgepole pine
<i>Pinus halepensis</i> Mill.	Aleppo pine
<i>Pinus leucodermis</i> Antoine	Bosnian pine
<i>Pinus nigra</i> Arnold	Austrian pine
<i>Pinus pinaster</i> Ait	Maritime pine
<i>Pinus pinea</i> L.	Italian stone pine
<i>Pinus radiata</i> D. Don	Monterey pine
<i>Pinus sylvestris</i> L.	Scotch pine
<i>Populus nigra</i> L.	Black poplar
<i>Populus alba</i> L.	White poplar
<i>Populus tremula</i> L.	Aspen
<i>Populus ssp. x hybridus</i>	Aspen ssp. – artificial hybrids
<i>Prunus avium</i> L.	Birch cherry
<i>Pseudotsuga menziesii</i> (Mirb.) Franco	Douglas fir
<i>Quercus cerris</i> L.	Turkey oak
<i>Quercus ilex</i> L.	Evergreen oak
<i>Quercus petraea</i> (Mattuschka) Liebl.	Maiden oak
<i>Quercus pubescens</i> Willd.	Pubescent oak
<i>Quercus robur</i> L.	English oak
<i>Quercus rubra</i> L.	Red oak
<i>Quercus suber</i> L.	Cork oak

Robinia pseudoacacia L.

Tilia cordata Mill.

Tilia platyphyllos Scop.

Ulmus glabra Huds.

Ulmus laevis Pallas

False acacia

Winter lime

Summer lime

Scotch elm

European white elm