**L.N. 273 of 2004**

## PLANT QUARANTINE ACT, 2001
## (ACT NO. XVIII OF 2001)

### Forest Reproductive Material Regulations, 2004

IN exercise of the powers conferred by article 32 of the Plant Quarantine Act, 2001, the Minister for Rural Affairs and the Environment has made the following regulations:-

Title and commencement.

**1.** (1) The title of these regulations is the Forest Reproductive Material Regulations, 2004.

(2) These regulations shall come in force on the 15th May, 2004.

Scope.

**2.** (1) The scope of these regulations is to make provisions for assuring that any forest reproductive material produced, placed on the market in Malta or being transhipped through Malta prior to its transport to another Member State meets specified standards of quality.

(2) These regulations shall apply to the production with a view to marketing and to the marketing of forest reproductive material within the European Union of the genera and species and artificial hybrids listed in Schedule I of these regulations.

(3) These regulations shall not apply to forest reproductive material:

(a) in the form of planting stock or parts of plants intended to be used for purposes other than forestry, or

(b) intended to be exported or re-exported to third countries.

Interpretation.

**3.** For the purpose of these regulations, the following definitions shall apply:

"the Act" means the Plant Quarantine Act, 2001;

"autochthonous" and "indigenous" refer to either of the following:

(a) "autochthonous stand" or "seed source" which refers to one that normally has been continuously regenerated by natural regeneration. The stand or seed source may be regenerated artificially from reproductive material collected in the same stand or seed source or, autochthonous stands or seed sources within close proximity; and

(b) "indigenous stand" or "seed source" which may be an autochthonous stand or seed source or, is a stand or seed source raised artificially from seeds, the origin of which is situated in the same region of provenance;

"basic material" refers to any of the following:

(a) "clone" being a group of individuals (ramets) derived originally from a single individual (ortet) by vegetative propagation, for example by cuttings, micropropagation, grafts, layers or divisions;

(b) "clonal mixture" being a mixture of identified clones in defined proportions;

(c) "parents of a family" which are trees used to obtain progeny by controlled or open-pollination of one identified parent used as a female, with the pollen of one parent (full-sibling) or a number of identified or unidentified parents (half-sibling);

(d) "seed orchard" being a plantation of selected clones or families which is isolated or managed so as to avoid or reduce pollination from outside sources, and managed to produce frequent, abundant and easily harvested crops of seed;

(e) "seed source" consisting of trees within an area from which seeds are collected;

(f) "stand" being a delineated population of trees possessing sufficient uniformity in composition;

"the Department" means the department responsible for plant health;

"the Director" means the Director responsible for the Department and includes to the extent of the authority given, any officer authorised by him, in writing, to act in that behalf for any of the purposes of the Act;

"forest reproductive material" is reproductive material of those tree species and artificial hybrids thereof which are important for forestry purposes in all or part of Malta and in particular those that are listed in Schedule I of these regulations in such manner that categories of forest reproductive material may be: -

(a) "qualified" referring to reproductive material derived from basic material that can be seed orchards, parents of families, clones or clonal mixtures, the components of which have been phenotypically selected at individual level and which meets the requirements set out in Schedule V. Testing need not necessarily have been undertaken or completed;

(b) "selected" referring to reproductive material derived from basic material which shall be a stand located within a single region of provenance, which has been phenotypically selected at the population level and which meets the requirements set out in Schedule IV;

(c) "source-identified" referring to reproductive material derived from basic material which may be either a seed source or a stand located within a single region of provenance and which meets the requirements set out in Schedule III;

(d) "tested" referring to reproductive material derived from basic material that shall consist of stands, seed orchards, parents of families, clones or clonal mixtures. The superiority of the reproductive material must have been demonstrated by comparative testing or an estimate of the superiority of the reproductive material calculated from the genetic evaluation of the components of the basic material. The material shall meet the requirements set out in Schedule VI;

"marketing" refers to a display with a view to sale, offering for sale, sale or delivery to another person including delivery under a service contract;

"official body" means the Department;

"origin" in respect of an autochthonous stand or seed source, the origin is the place where the trees are growing. For a non-autochthonous stand or seed source, the origin is the place where the seeds or plants were originally introduced. The origin of a stand or seed source may be unknown;

"production" includes all stages in the generation of the seed unit, the conversion from seed unit to seed and the raising of planting stock from seeds and parts of plants;

"provenance" refers to the place where any stand of trees is growing;

"region of provenance" in respect of a species or sub-species, the region of provenance is the area or group of areas subject to sufficiently uniform ecological conditions in which stands or seed sources showing similar phenotypic or genetic characters are found, taking into account altitudinal boundaries where appropriate;

"reproductive material" refers to any of the following:

(a) seed unit which consists of cones, infructescenses, fruits and seeds intended for the production of planting stock;

(b) parts of plants consisting of stem cuttings, leaf cuttings and root cuttings, explants or embryos for micropropagation, buds, layers, roots, scions, sets and any parts of a plant intended for the production of planting stock;

(c) planting stock being plants raised from seed units, from parts of plants, or from plants from natural regeneration;

"supplier" is any natural or legal person engaged professionally in the marketing or importation of forest reproductive material.

Certification.

**4.** No person shall produce, place on the market in Malta or tranship through Malta prior to its transport to another Member State any propagation material unless this has been certified by the Director for any such purpose.

Notification.

**5.** (1) Any person producing, placing on the market in Malta or transhipping through Malta prior to its transport to another Member State any propagation material shall notify the Director.

(2) A notice submitted in accordance to subregulation (1) of this regulation shall be submitted on such form and in such manner and within such time as the Director may form time to time by notice in the Gazette, establish.

General certification procedure.

**6.** (1) Upon receipt of a notice in accordance with the provisions of regulation 5 hereof, the Director shall ascertain that the conditions

for certification have been met and the Director shall issue such a certificate only if the propagation material meets such conditions or standards.

(2) Prior to certifying any propagation material in accordance with subregulation (1) of this regulation, the Director or his authorised representative shall inspect, collect and test such sample or samples as may be required in order to establish that any provisions of these regulations are satisfied.

(3) Any certificate issued in accordance with this regulation shall only be valid for the propagation material for which the inspection, sampling and testing were carried out in accordance with subregulation (2) hereof.

Approval of basic material.

**7.** (1) Only approved basic material shall be utilised for the production of forest reproductive material that is to be marketed.

(2) Basic material may be approved only by:

(a) the Department if it meets the requirements set out in Schedules III, IV, V or VI hereto, as appropriate; or

(b) reference to a unit known as the unit of approval. Each unit of approval shall be identified by a unique register reference.

(3) The Department shall provide that:

(a) approval shall be withdrawn if the requirements of these regulations are no longer met; and,

(b) after approval, the basic material for the production of reproductive material under the "selected", "qualified" and "tested" categories shall be re-inspected at regular intervals.

(4) The Department may approve, for a maximum period of ten years, in all or part of Malta, basic material for the production of "tested" reproductive material where, from the provisional results of the genetic evaluation or comparative tests referred to in Schedules VI, it can be assumed that the basic material will, when tests have been completed, satisfy the requirements for approval under these regulations.

(5) In the interest of conserving plant genetic resources used in forestry as stated in specific conditions established by the Department taking into account the developments in relation to the conservation *in situ* and the sustainable use of plant genetic resources through growing

and marketing of forestry reproductive material of origin that is naturally adapted to the local and regional conditions and threatened by genetic erosion, the Department may depart from the requirements laid down in subregulation (2) and in Schedules III, IV, V and VI, insofar as the specific conditions mentioned earlier in this subregulation are established.

(6) The Department may restrict the approval of basic material intended for the production of forest reproductive material of the category "source-identified".

Genetically-modified material.

**8.** If the basic material referred to in subregulation 7(1) is genetically-modified within the meaning of Directive 2001/18/EC of the European Parliament and of the European Council of the 12th March, 2001, such material shall only be accepted if it safe for human health and the environment. Environmental risk assessments equivalent to that laid down in Directive 2001/18/EC should be carried out.

National Register of approved basic material.

**9.** (1) The Department shall draw up a national register of the basic material of the various species approved in Malta. Full details of each unit of approval shall be recorded together with its unique register reference, in the national register.

(2) A summary of the national register in the form of a national list shall be drawn up by the Department and shall be available on request to the European Commission and the other Member States. For the categories "source-identified" and "selected", a summary of the units of approval within one region of provenance is permitted. The national list shall be presented for each unit of approval as referred to in paragraph 7(2)(b) and specified for each category of forest reproductive material mentioned in regulation 3. This list shall be drawn up in a standardised form as described in Schedule II hereof and shall be available as an electronic spreadsheet or database.

The following details shall be provided:

(a) botanical name;

(b) category;

(c) purpose;

(d) type of basic material;

(e) register reference or, where appropriate, summary thereof, or identity code for the region of provenance;

(f) location: a short name, if appropriate, and any one of the following sets of particulars;

(i) for the "source-identified" category: region of provenance and the latitudinal and longitudinal range;

(ii) for the "selected" category: region of provenance and the geographical position defined by latitude and longitude and the latitudinal and longitudinal range;

(iii) for the "qualified" category: the exact geographical position(s) where the basic material is maintained;

(iv) for the "tested" category, the exact geographical position(s) where the basic material is maintained;

(g) altitude or altitudinal range;

(h) area: the size of a seed source(s), stand(s) or seed orchard(s);

(i) origin: it shall be stated whether the basic material is autochthonous/indigenous, non-autochthonous/non-indigenous or if the origin is unknown. For non-autochthonous/non-indigenous basic material, the origin shall be stated if known;

(j) in the case of material of the "tested" category, whether it is genetically-modified.

Identification of reproductive material.

**10.** (1) During all stages of production, reproductive material shall be kept separate by reference from the individual units of approval. Each lot of reproductive material shall be identified by the following:

(a) master certificate code and number;

(b) botanical name;

(c) category;

(d) purpose;

(e) type of basic material;

(f) register reference or identity code for the region of provenance;

(g) region of provenance – for reproductive material of the "source- identified" and "selected" categories or other reproductive material if appropriate;

(h) if appropriate, whether the origin of the material is autochthonous or indigenous, non-autochthonous or non-indigenous, or unknown;

(i) in the case of seed units, the year of ripening;

(j) age and type of planting stock of seedlings or cuttings, whether undercuts, transplants or containerised; and

(k) whether it is genetically-modified.

(2) Without prejudice to the provisions of subregulation (1) of this regulation and of paragraph 16(1)(c), the Department may provide for subsequent vegetative propagation of a single unit of approval in the "selected", "qualified" and "tested" categories. In such cases, the material shall be kept separate and identified as such.

(3) Without prejudice to the provisions of subregulation (1), the Department may provide:

(a) within a single region of provenance, for mixing of reproductive material derived from two or more units of approval within the "source-identified" category or within the "selected" category;

(b) when mixing of reproductive material, within a single region of provenance, from seed sources and stands in the "source-identified" category takes place, that the new combined lot will be certified as "reproductive material derived from a seed source";

(c) when mixing of reproductive material derived from non-autochthonous or non-indigenous basic material with reproductive material obtained from basic material of unknown origin takes place, that the new combined lot will be certified as being "of unknown origin";

(d) when mixing takes place in accordance with paragraphs (a) to (c) that the identity code for the region of provenance may be substituted for the register reference as in paragraph (1)(f) of this regulation;

(e) for mixing of reproductive material derived from a single unit of approval from different years of ripening; and

(f) when mixing takes place in accordance with paragraph (e) that the actual years of ripening and proportion of material from each year shall be recorded.

Regions of provenance.

**11.** In the case of basic material intended for the production of reproductive material of the "source-identified" and "selected" categories, the Department shall for the relevant species, demarcate the regions of provenance. Maps showing the demarcations of the regions of provenance shall be drawn up and published by the Department. These maps shall be sent to the European Commission and the other Member States.

Control of reproductive material.

**12.** (1) Reproductive material obtained from individual units of approval or lots shall remain clearly identifiable throughout the entire process from collection to delivery to the end user. Official inspections of registered suppliers shall be carried out regularly. Suppliers shall provide the Department with records, which shall contain details of all the consignments detained and marketed.

(2) The Department shall take all the necessary measures to ensure compliance with the provisions of these regulations by making suitable arrangements for forest reproductive material to be officially controlled during production with a view to marketing and marketing.

Health of forest reproductive material.

**13.** Forest reproductive material shall, where applicable, comply with the relevant plant health conditions laid down in the Act.

Master certificates.

**14.** (1) After harvesting, a master certificate showing the unique register reference shall be issued by the official body for all reproductive material derived from approved basic material, giving the relevant information set out in Schedule IX.

(2) Where subsequent vegetative propagation is provided for in accordance with subregulation 10(2), a new master certificate shall be issued.

(3) Where mixing takes place in accordance with sub-paragraphs (a), (b), (c) or (e) of subregulation 10(3), it shall be ensured that the register references of the components of the mixtures are identifiable and a new master certificate or other document identifying the mixture shall be issued.

Packaging of seed units.

**15.** Seed units shall be marketed only in sealed packages. The sealing device shall be such that it will become unserviceable when the package is opened.

Marketing of basic material.

**16.** (1) The following statements apply to the marketing of forest reproductive material derived from approved basic material:

(a) material of the species listed in Schedule I shall not be marketed unless it is of the categories "source-identified", "selected", "qualified" or "tested", and meets the requirements of Schedules III, IV, V and VI respectively;

(b) material of the artificial hybrids listed in Schedule I shall not be marketed unless it is of the "selected", "qualified" or "tested" categories and meets the requirements of Schedules IV, V and VI respectively;

(c) material of the species and artificial hybrids listed in Schedule I which are reproduced vegetatively shall not be marketed unless it is of the "selected", "qualified" or "tested" categories and meets the requirements of Schedules IV, V and VI respectively. In the case of reproductive material of the "selected" category, it may only be marketed if it has been mass propagated from seeds;

(d) material of the species and artificial hybrids listed in Schedule I, which is wholly or partly genetically-modified, shall not be marketed unless it is of the "tested" category and meets the requirements of Schedule VI.

(2) The categories under which reproductive material obtained from the different types of basic material may be marketed, are as set out in Table 1.5 of Schedule VII.

(3) Forest reproductive material of the species and artificial hybrids listed in Schedule I shall not be marketed unless it meets the relevant requirements in Schedule VIII. Parts of plants and planting stock may not be marketed unless they meet the requirements of prevailing international standards, once those standards are approved in accordance with rules of the European Union.

(4) Suppliers of forest reproductive material shall be officially registered. The official body may deem suppliers, who are already registered under the Act to be registered for the purposes of these regulations. Such suppliers shall nonetheless comply with the requirements of these regulations.

(5) Notwithstanding the provisions of subregulation (1), suppliers may be authorised to place on the market in Malta appropriate quantities of:

(a) forest reproductive material for tests, scientific purposes, selection work or genetic conservation purposes; and

(b) seed units that are shown clearly that they are not intended for forestry purposes.

(6) Without prejudice to subregulation (1) and in the case of reproductive material derived from basic material which does not meet all the requirements of the appropriate category mentioned in subregulation (1), the Department may authorise the marketing of such material subject to conditions which will be drawn up in accordance with rules of the European Union.

(7) Specific provisions may be established in accordance with the rules of the European Union to take account of developments under which forest reproductive material suitable for organic production may be marketed.

Information required for the marketing of reproductive material.

**17.** (1) Reproductive material may be marketed only in lots which comply with regulation 10 and are accompanied by a label or other document from the supplier (the supplier's label or document) giving, in addition to the information required under regulation 10, the following information:

(a) master certificate number(s) issued under regulation 14 or reference to the other document available according to subregulation 14(3);

(b) name of supplier;

(c) quantity supplied;

(d) in the case of reproductive material of the "tested" category whose basic material is approved under subregulation 7(4), the words "provisionally approved";

(e) whether the material has been vegetatively propagated.

(2) In the case of seeds, the supplier's label or document referred to in subregulation (1) shall also include the following additional information, assessed, as far as possible, by internationally accepted techniques:

(a) purity: the percentage by weight of pure seeds, other seeds and inert matter of the product marketed as a seed lot;

(b) the germination percentage of the pure seeds, or, where germination percentage is impossible or impractical to assess, the viability percentage assessed by reference to a specified method;

(c) the weight of 1000 pure seeds;

(d) the number of germinable seeds per kilogram of product marketed as seeds, or, where the number of germinable seeds is impossible or impractical to assess, the number of viable seeds per kilogram.

(3) In order to make seeds of the current season's crop rapidly available, notwithstanding the fact that the examination in respect of germination as stated in paragraph (2)(b) has not been concluded, the Department may authorise the marketing as far as to the first buyer. The respect of the conditions stated in paragraphs (2)(b) and (d) of this regulation shall be stated by the supplier as soon as possible.

(4) In the case of small quantities of seeds, the requirements stated in paragraphs (2)(b) and (d) above do not apply. The quantities and conditions may be determined in accordance with procedures established by the Department.

(5) In the case of *Populus* spp., parts of plants shall only be marketed if the EC classification number according to Table 1.6 of Section C of Schedule VIII is given on the supplier's label or document.

(6) If a coloured label or document is used in respect of any category of forest reproductive material, the colour of the supplier's label or document shall be:

(a) yellow for "source-identified" reproductive material,

(b) green for "selected" reproductive material,

(c) pink in the case of "qualified" reproductive material, and

(d) blue for "tested" reproductive material.

(7) In the case of forest reproductive material derived from basic material that is genetically-modified, any label or document, official or otherwise, of the lot shall clearly indicate this fact.

(8) In the case where forest reproductive material is in the form of planting stock or parts of plants intended to be used for purposes other than for forestry, the material shall be accompanied by a label or other document required by other national or European Union provisions which are applicable to such material for the intended purpose. In the absence of any such provisions, when a supplier handles material intended for both forestry purposes and also material for non-forestry purposes, the latter shall be accompanied by a label or other document bearing the following statement: "Not for forestry purposes".

Less stringent requirements.

**18.** (1) In order to remove any temporary difficulties in the general supply, to the end user, of forest reproductive material satisfying the requirements of these regulations, that occur in one or more Member States and cannot be overcome within the European Union, the Department may authorise one or more suppliers to approve for marketing, for a period specified by the Department, forest reproductive material of one or more species which satisfies less stringent requirements. Where such action is taken, the suppliers' label or documents required under subregulation 17(1) shall state that the material in question satisfies less stringent requirements.

(2) As certain species and artificial hybrids are not subject to the measures of these regulations, the Department may take such measures or less stringent measures in respect of the territory of Malta.

Additional or more stringent requirements.

**19.** (1) As regards the conditions laid down in Schedules III to VI and VIII, the Department may impose additional or more stringent requirements for the approval of basic material and the production of reproductive material in Malta.

(2) Malta may, as regards the conditions laid down in Schedules III to VI and VIII, impose additional or more stringent requirements for the approval of basic material of the category "source-identified".

Marketing restrictions.

**20.** (1) The Department shall ensure that reproductive material placed on the market in accordance with the provisions of these regulations, shall not be subject to any marketing restrictions as regards its characteristics, examination and inspection requirements, labelling and sealing other than those laid down in these regulations.

(2) Upon application, Malta may in certain circumstances be authorised to prohibit the marketing to the end user with a view to seeding or planting in all or part of its territory, of specified reproductive material unsuitable for use in Malta. Such authorisation may be granted

only when there is reason to believe that the use of the said reproductive material would, on account of its phenotypic or genetic characteristics, have an adverse effect on forestry, environment, genetic resources or biodiversity in all or part of Malta.

Equivalence.

**21**. (1) In order to prevent trade patterns from being disrupted, the Department may take a decision to determine whether forest reproductive material produced in a third country affords the same assurances as regards the approval of its basic material of the species listed in the European Commission Decision 2003/122/EC of 21st February, 2003, and the measures taken for its production with a view to marketing as does forest reproductive material produced within the European Union and complying with the provisions of these regulations.

(2) This authorisation shall apply till the 31st December, 2005 and the Department shall notify the European Commission and the other Member States of the decisions taken pursuant to this regulation and of any withdrawals of such decisions.

(3) Such imported material shall be accompanied by a master certificate or an official certificate issued by the country of origin and records which shall contain details of all consignments to be exported, to be provided by the supplier in the third country.

Implementing procedures.

**22.** Detailed rules for implementing the provisions of these regulations are established by the Department.

Experimentation to improve certain provisions.

**23.** For the purpose of seeking improved alternatives to certain provisions set out in these regulations, it may be decided to organise temporary experiments under specified conditions at Community level. The duration of an experiment shall not exceed seven years. In the context of such experiments, Malta may be released from certain obligations laid down in these regulations. The extent of that release shall be defined with reference to the provisions to which it applies.

## Schedule I

## List of tree species and artificial hybrids

The following table lists the genera, species and artificial hybrids to which these regulations apply:

Table 1.1:

| Latin Name | Common Name |
|---|---|
| *Castanea sativa* Mill. | Sweet/Spanish chestnut |
| *Fraxinus angustifolia* Vahl. | Narrow-leaved ash |
| *Pinus brutia* Ten. | Brutia/Calabrian pine |
| *Pinus canariensis* C.Smith | Canary Island pine |
| *Pinus halepensis* Mill. | Aleppo pine |
| *Pinus nigra* Arnold | Austrian/Black pine |
| *Pinus pinaster* Ait. | Cluster pine |
| *Pinus pinea* L. | Stone pine |
| *Pinus radiata* D.Don | Radiata pine |
| *Pinus sylvestris* L. | Scots pine |
| *Populus* spp. and artifical hybrids between those species | Poplar |
| *Prunus avium* L. | Cherry tree |
| *Pseudotsuga menziesii* Franco | Douglas fir |
| *Quercus cerris* L. | Turkey oak |
| *Quercus ilex* L. | Evergreen/holm oak |
| *Quercus robur* L. | English/common oak |
| *Quercus suber* L. | Cork oak |
| *Robinia pseudoacacia* L. | False acacia/Locust |

## Schedule II

## National list of basic material

### Section A
### Structure of the national list

The standardised form of the national list of basic material mentioned in subregulation 9(2) of these regulations, shall be as indicated in Table 1.2 overleaf :

Table 1.2:

| A | B | C | D | Location of basic material source | | | | I | J | K | L | M | N |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | E | F | G | H | | | | | | |
| Member State | Tree species and artificial hybrids thereof | Category | Region of provenance and/or national register reference of basic material | Location name or approved name | Latitude | Longitude | Altitude | Type of basic material | Area | Origin | Origin for non-autochthonous/ non-indigenous basic material | Purpose | Remarks |
| | | | | | | | | | | | | | |
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**Section B**
**Guidelines for filling in the national list of basic material as presented in Table 1.2 of Section A of this Schedule**

1. The species should be listed in alphabetical order (column B) and within each species in the order of the categories of forest reproductive material listed in these regulations (column C) commencing with "source identified", followed by "selected", "qualified" and "tested". Within the category "qualified", the order will be "seed orchard", "parents of family(ies)", "clone" and "clonal mixture" while within "tested", "stand" will precede "seed orchard".

2. The different columns shall be filled in accordance with the standardised order and coding of information as specified in point 4 of this Section.

3. Column B shall be filled in accordance with the abbreviations as specified in point 5 of this Section.

4. Standardised order and coding information for the different columns of the national list of basic material as presented in Table 1.2 of Section A, are indicated in Table 1.3:

Table 1.3:

| Column of the national list as specified in Section A | Data type | Information on completion |
|---|---|---|
| A | Abbreviation | EU Member State abbreviation |
| B | Abbreviation | See Section B point 5 of this Schedule. Varieties of *Pinus nigra* and *Populus* species to be indicated in column N |
| C | Code | Source identified: 1<br>Selected: 2<br>Qualified: 3<br>Tested (genetically evaluated/comparatively tested/provisionally tested to be indicated in column N) 4 |
| D | Identity code | For seed sources and stands:<br>*Region of provenance code and/or national register reference*<br>For qualified and tested entries:<br>*National register reference only* |
| E | Text | Location name for seed source, stand, seed orchard, parents of a family or where this is not appropriate, for example for a clone or clonal mixture, the approved name |
| F | Degrees and minutes | Expressed in sudo-decimal format - for example 56°31'N is written as 56.31N; exact or a range. |
| G | Degrees and minutes | Expressed in sudo-decimal format; exact or range; East or West of Greenwich |
| H | Metres | Exact or range |
| I | Code | Seed source: 1<br>Stand: 2<br>Seed orchard: 3<br>Parents of family(ies): 4<br>Clone: 5<br>Clonal mixture: 6 |
| J | Hectares | For mixed stands, the effective area of the species in question. Where this is not appropriate, the number of trees followed by T shall be indicated |
| K | Code | Autochthonous/indgenous: 1<br>Non-autochthonous/non-indigenous: 2<br>Unknown: 3 |
| L | Text | Origin of basic material to be stated if identified as non-autochthonous/non-indigenous in column K |
| M | Code | Multifunctional forestry: 1<br>Other specific purpose (to be indicated in column N): 2 |
| N | Text | Other information (see also columns B, C and M) |

Where any column does not need to be completed, NA will be used to indicate *not applicable*, in order to distinguish it from the situation in which it is blank due to missing information. Columns F, G, H and J do not need to be completed for basic material of the type parents of family(ies), clone or clonal mixture.

5. Abbreviations of the botanical name of tree species and artificial hybrids thereof to be used for column B of the national list as presented in Section A of this Schedule.

Table 1.4:

| **Botanical Name** | **Var./Spp.** | **Abbreviation** |
|---|---|---|
| *Castanea sativa* Mill. | | csa |
| *Fraxinus angustifolia* Vahl. | | fan |
| *Pinus brutia* Ten. | | pbr |
| *Pinus canariensis* C.Smith | | pca |
| *Pinus halepensis* Mill. | | pha |
| *Pinus nigra* Arnold | var. *austriaca*<br>var. *calabrica*<br>var. *corsicana*<br>var. *maritima*<br>var. *clusiana* | pni |
| *Pinus pinaster* Ait. | | ppa |
| *Pinus pinea* L. | | ppe |
| *Pinus radiata* D.Don | | pra |
| Pinus sylvestris L. | | psy |
| *Populus* spp. and artificial hybrids between those species | *alba*<br>*canadensis*<br>*nigra*<br>*tremula*<br>etc. | pop |
| *Prunus avium* L. | | pav |
| *Pseudotsuga menziesii* Franco | | pme |
| *Quercus cerris* L. | | qce |
| *Quercus ilex* L. | | qil |
| *Quercus robur* L. | | qro |
| *Quercus suber* L. | | qsu |
| *Robinia pseudoacacia* L. | | rps |

## Schedule III

### Minimum requirements for the approval of basic material intended for the production of reproductive material to be certified as "source-identified"

The basic material shall be a seed source or a stand located within a single region of provenance. It shall be at the discretion of the Department in each individual case as to whether a formal inspection is required except that it must be carried out in instances when the material is destined for a specific forestry purpose. The seed source or stand shall meet criteria laid down by the Department.

The region of provenance, the location and the altitude or altitudinal range of the place(s) where the reproductive material is collected must be stated, and also whether the basic material is:

(a) autochthonous, non-autochthonous or of unknown origin, or
(b) indigenous, non-indigenous or of unknown origin.

In the case of non-autochthonous or non-indigenous basic material, the origin must be stated if known.

## Schedule IV

### Minimum requirements for the approval of basic material intended for the production of reproductive material to be certified as "selected"

The stand will be judged with respect to the specific stated purpose for which the reproductive material will be intended and special attention shall be given to the requirements described below, depending on the specific purpose. The criteria for selection shall be determined by the Department and the purpose shall be indicated in the national register.

**1. Origin**
It must be determined either by historical evidence or other appropriate means whether the stand is autochthonous/indigenous, non-autochthonous/non-indigenous or of unknown origin, and for non-autochthonous/non-indigenous basic material, the origin must be stated if known.

**2. Isolation**
Stands must be situated at a sufficient distance from poor stands of the same species or from stands of a related species or variety that can form hybrids with the species in question. Particular attention shall be paid to this requirement when the stands surrounding autochthonous/indigenous stands are non-autochthonous/non-indigenous or of unknown origin.

**3. Effective size of the population**
Stands must consist of one or more groups of trees well distributed and sufficiently numerous to ensure adequate inter-pollination. To avoid the unfavourable effects of inbreeding, selected stands shall consist of a sufficient number and density of individuals on a given area.

**4. Age and development**
Stands must consist of trees of such an age or stage of development that the criteria given for the selection can be clearly judged.

**5. Uniformity**
Stands must show a normal degree of individual variation in morphological characters. When necessary, inferior trees should be removed.

**6. Adaptation**
Adaptation to the ecological conditions prevailing in the region of provenance must be evident.

**7. Health and resistance**
Trees in stands must in general be free from attacks by damaging organisms and show resistance to the adverse climatic and site conditions, except for damage by pollution, in the place where they are growing.

**8. Volume production**
For the approval of selected stands, volume production of wood must normally be superior to the accepted mean under similar ecological and management conditions.

**9. Wood quality**
The quality of the wood shall be taken into account and, in some cases it may be an essential criterion.

**10. Form or growth habit**
Trees in stands must show particularly good morphological features, especially straightness and circularity of the stem, favourable branching habit, small size of the branches and good natural

pruning. In addition, the proportion of forked trees and those showing spiral grain should be low.

## Schedule V

**Minimum requirements for the approval of basic material intended for the production of reproductive material to be certified as "qualified"**

**1. Seed Orchards**

(a) The type, objective, crossing design and field layout, components, isolation and location and any changes of these must be approved and registered with the official body;

(b) The component clones or families shall be selected for their outstanding characters and special consideration shall be given to the requirements stated in points 4, 6, 7, 8, 9 and 10 of Schedule IV;

(c) The component clones or families shall be planted or shall have been planted according to a plan which has been approved by the official body and established in such a way that each component can be identified;

(d) Thinning carried out in seed orchards shall be described together with the selection criteria used for such thinnings and registered with the official body;

(e) The seed orchards shall be managed and seeds are harvested in such a way that the objectives of the orchards are attained. In the case of a seed orchard intended for the production of an artificial hybrid, the percentage of hybrids in the reproductive material must be determined by a verification test.

**2. Parents of Family(ies)**

(a) The parents shall be selected for their outstanding characters and special consideration shall be given to the requirements stated in points 4, 6, 7, 8, 9 and 10 of Schedule IV, or selected for their combining ability;

(b) The objective, crossing design and pollination system, components, isolation and location and any significant changes of these must be approved and registered with the official body;

(c) The identity, number and proportion of the parents in a mixture must be approved and registered with the official body;

(d) In the case of parents intended to be used for the production of an artificial hybrid, the percentage of hybrids in the reproductive material must be determined by a verification test.

**3. Clones**

(a) Clones shall be identifiable by distinctive characters which have been approved and registered with the official body;

(b) The value of individual clones shall be established by experience or have been demonstrated by sufficiently prolonged experimentation;

(c) Ortets used for the production of clones shall be selected for their outstanding characters and special consideration should be given to the requirements stated in points 4, 6, 7, 8, 9 and 10 of Schedule IV;

(d) Approval shall be restricted by the Department to a maximum number of years or a maximum number of ramets produced.

**4. Clonal mixtures**

(a) Clonal mixtures shall meet the requirements of points 3(a) to (c);

(b) The identity, number and proportion of the component clones of a mixture, and the selection method and foundation stock must be approved and registered with the official body. Each mixture must contain sufficient genetic diversity;

(c) Approval shall be restricted by the Department to a maximum number of years or a maximum number of ramets produced.

## Schedule VI

## Minimum requirements for the approval of basic material intended for the production of reproductive material to be certified as "tested"

### 1. Requirements for all tests

**(a) General**

The basic material must satisfy the appropriate requirements in Schedule IV or V. Tests set up for the approval of basic material are to be prepared, laid out, conducted and their results interpreted in accordance with internationally recognised procedures. For comparative tests, the reproductive material under test must be compared with one or preferably several approved or pre-chosen standards.

**(b) Characters to be examined**

(i) Tests must be designed to assess specified characters and these must be indicated for each test;

(ii) Particular attention shall be given to adaptation, growth, abiotic/biotic factors. In addition, other characters, considered important in view of the intended specific purpose, shall be evaluated in relation to the ecological conditions of the region in which the test is carried out.

**(c) Documentation**

Records must describe the test sites, including location, climate, soil, past use, establishment, management and any damage due to abiotic/biotic factors, and be available to the official body. Age of the material and results at the time of the evaluation must be recorded by the official body.

**(d) Setting up the tests**

(i) Each sample of reproductive material shall be raised, planted and managed in an identical way as far as the types of plant material permit;

(ii) Each experiment must be established in a valid statistical design with a sufficient number of trees in order for the individual characteristics of each component under examination to be evaluated.

**(e) Analysis and validity of the results**

(i) The data obtained from experiments must be analysed using internationally recognised statistical methods and the results presented, for each character examined;

(ii) The methodology used for the test and the detailed results obtained shall be freely available;

(iii) A statement of the suggested region of probable adaptation within the country in which the test was carried out and characteristics which might limit its usefulness, must also be given;

(iv) If during the tests, it is proved that the reproductive material does not possess at least the characteristics:

- of the basic material, or
- of similar resistance of the basic material to harmful organisms of economic importance,

then such reproductive material shall be eliminated.

### 2. Requirements for the genetic evaluation of components of basic material

The components of the following basic material may be genetically evaluated:

(i) seed orchards,

(ii) parents of family(ies),
(iii) clones and clonal mixtures.

**(a) Documentation**

The following additional documentation is required for approval of the basic material:
(i) The identity, origin and pure breed of the evaluated components;
(ii) The crossing design used to produce the reproductive material used in the evaluation tests.

**(b) Test procedures**

The following requirements must be met:
(i) The genetic value of each component must be estimated in two or more evaluation test-sites, at least one of which must be in an environment relevant to the suggested use of the reproductive material;
(ii) The estimated superiority of the reproductive material to be marketed shall be calculated on the basis of these genetic values and the specific crossing design;
(iii) Evaluation tests and genetic calculations must be approved by the official body.

**(c) Interpretation**

(i) The estimated superiority of the reproductive material shall be calculated against a reference population for a character or set of characters;
(ii) It shall be stated whether the estimated genetic value of the reproductive material is inferior to the reference population for any important character.

**3. Requirements for the comparative testing of reproductive material**

**(a) Sampling of the reproductive material**

(i) The sample of the reproductive material for comparative testing must be truly representative of the reproductive material derived from the basic material to be approved;
(ii) Sexually produced reproductive material for comparative testing shall be:
- harvested in years of good flowering and good fruit/seed production; artificial pollination may be utilised,
- harvested by methods that ensure that the samples obtained are representative.

**(b) Standards**

(i) The performance of standards used for comparative purposes in the tests should if possible have been known over a sufficiently long period in the region in which the test is to be carried out. The standards represent, in principle, material that has been shown to be useful for forestry at the time that the test starts, and in ecological conditions for which it is proposed to certify the material. They should come as far as possible from stands selected according to the criteria in Schedule IV or from basic material officially approved for the production of "tested" material;
(ii) For comparative testing of artificial hybrids, both parent species must, if possible, be included among the standards;
- whenever possible several standards are to be used. When necessary and justified, standards may be replaced by the most suitable of the material under test or the mean of the components of the test;
- the same standards will be used in all tests over as wide a range of site conditions as possible.

**(c) Interpretation**

(i) A statistically significant superiority as compared with the standards must be demonstrated for at least one important character;

(ii) It will be clearly reported if there are any characters of economic or environmental importance which show significantly inferior results to the standards and their effects must be compensated for by favourable characters.

**4. Conditional approval**

Preliminary assessment of young trials may be the basis for conditional approval. Claims of superiority based on an early assessment must be re-examined at a maximum interval of ten years.

**5. Early tests**

Nursery, greenhouse and laboratory tests may be accepted by the official body for conditional approval or for final approval if it can be shown that there is a close correlation between the measured trait and the characters that would normally be assessed in foreststage tests. Other characters to be tested must meet the requirements stated in point 3 of this Schedule.

## Schedule VII

## Marketing of basic reproductive material

Categories under which reproductive material obtained from various types of basic material may be marketed, are indicated in the following table (Table 1.5):

Table 1.5:

| **Type of basic material** | **Category of forest reproductive material (Label colour if coloured label or document is used)** | | | |
|---|---|---|---|---|
| | **Source identified (Yellow)** | **Selected (Green)** | **Qualified (Pink)** | **Tested (Blue)** |
| Seed source | X | | | |
| Stand | X | X | | X |
| Seed orchard | | | X | X |
| Parents of family(ies) | | | X | X |
| Clone | | | X | X |
| Clonal mixture | | | X | X |

## Schedule VIII

## Requirements to be met by forest reproductive material

### Section A
### Requirements to be met by fruit and seed lots of the species listed in Schedule I

**1. Marketing**
Fruit and seed lots of the species listed in Schedule I may not be marketed unless the fruit or seed lot reaches a minimum species purity level of 99%.

**2. Species purity**
Notwithstanding the provisions of point 1, in the case of closely related species in Schedule I, excluding artificial hybrids, the species purity of the fruit or seed lot if it does not reach 99%, shall be stated.

### Section B
### Requirements to be met by parts of plants of the species and artificial hybrids listed in Schedule I

Parts of plants of the species and artificial hybrids listed in Schedule I, shall be of fair marketable quality. This quality shall be determined by reference to the general characteristics, health and appropriate size. In the case of *Populus* spp., it may be stated that the additional requirements set out in Section C are met.

### Section C
### Requirements for external quality standards for *Populus* spp. propagated by stem cuttings or sets

**1.Stem cuttings**

(a) Stem cuttings shall not be considered to be of fair marketable quality if any of the following defects exist:
  (i) wood (more that two years old);
  (ii) less than two well-formed buds;
  (iii) damage produced by harmful organisms or necrosis;
  (iv) signs of desiccation, overheating, mould or decay.

(b) Minimum dimensions for stem cuttings:
  (i) minimum length shall be 20cm;
  (ii) minimum top diameter for Class EC 1 shall be 8mm and for Class EC 2, 10mm.

**2. Sets**

(a) Sets shall not be considered to be of fair marketable quality if any of the following defects exist:
  (i) wood (more than three years old);
  (ii) less than five well-formed buds;
  (iii) damage made by harmful organisms or necrosis is present;
  (iv) signs of desiccation, overheating, mould or decay;
  (v) injuries other than pruning cuts;
  (vi) multiple stems;
  (vii) excessive stem curvature.

(b) Size classes for sets
These are indicated in the table below (Table 1.6):

Table 1.6:

| Class | Minimum diameter at mid-length (millimetres) | Minimum height (metres) |
|---|---|---|
| *Non-Mediterranean regions* | | |
| N1 | 6 | 1.5 |
| N2 | 15 | 3.0 |
| *Mediterranean regions* | | |
| S1 | 25 | 3.0 |
| S2 | 30 | 4.0 |

**Section D**
**Requirements to be met by planting stock of the species and artificial hybrids listed in Schedule I**

The planting stock shall be of fair marketable quality. This shall be determined by reference to the general characteristics, health, vitality and physiological quality.

**Section E**
**Requirements to be met by planting stock that shall be marketed to the end-user in regions having a Mediterranean climate**

**1. Marketing**
Planting stock shall not be marketed unless 95% of each lot is of fair marketable quality.

**2. Fair marketable quality**
Planting stock shall not be considered to be of fair marketable quality if any of the following defects exist:
(i) injuries other than pruning cuts or injuries due to damage when lifting;
(ii) lack of buds with the potential to form a leading shoot;
(iii) multiple stems;
(iv) deformed root system;
(v) signs of desiccation, overheating, mould, decay or other harmful organisms;
(vi) the plants are not well balanced.

**3. Size of the plants**
This is indicated in the following table (Table 1.7):

Table 1.7:

| Species | Maximum age (years) | Minimum height (centimetres) | Maximum height (centimetres) | Minimum root collar diameter (millimetres) |
|---|---|---|---|---|
| *Pinus halepensis* | 1 | 8 | 25 | 2 |
| | 2 | 12 | 40 | 3 |
| *Pinus nigra* | 1 | 8 | 15 | 2 |
| | 2 | 10 | 20 | 3 |
| *Pinus pinaster* | 1 | 7 | 30 | 2 |
| | 2 | 15 | 45 | 3 |
| *Pinus pinea* | 1 | 10 | 30 | 3 |
| | 2 | 15 | 40 | 4 |

| | | | | |
|---|---|---|---|---|
| *Quercus ilex* | 1<br>2 | 8<br>15 | 30<br>50 | 2<br>3 |
| *Quercus suber* | 1 | 13 | 60 | 3 |

**4. Size of the container (when used)**
The minimum volume of the container is stated in Table 1.8:

Table 1.8:

| **Species** | **Minimum volume of the container (centimetres$^3$)** |
|---|---|
| *Pinus pinaster* | 120 |
| Other species | 200 |

## Schedule IX

## Master certificates

Model master certificates regarding the identity of forest reproductive material derived from different sources, can be referred to in the subsequent pages. The certificates must contain all the information outlined in the models exactly in the same format and should be issued in accordance with these regulations.

**MODEL MASTER CERTIFICATE OF IDENTITY FOR REPRODUCTIVE MATERIAL DERIVED FROM SEED SOURCES AND STANDS**

| **MEMBER STATE:** ……. | **CERTIFICATE No EC:/(MEMBER STATE CODE)/(No)** …..…….. |
|---|---|

**It is certified that the forest reproductive material described below has been produced:**

In accordance with the regulations ☐
Under transitional arrangements ☐

**1. Botanical name:** ……..……..……...…

**2. Nature of reproductive material:**
Seed unit ☐
Part of plants ☐
Planting stock ☐

**3. Category of reproductive material:**
Seed unit ☐
Part of plants ☐
Planting stock ☐

**4. Type of basic material:**
Seed source ☐
Stand ☐

**5. Purpose:** ……..…….

**6. Country register reference or identity of basic material in national register:** ……..……...

…… /Mixture: ……..…….

**7.** Autochthonous ☐ Non-autochthonous ☐ Unknown ☐
Indigenous ☐ Non-indigenous ☐

**8. Origin of basic material (for non-autochthonous/non-indigenous material, if known):** ……...…….…….

……..……..

**9. Country and region of provenance of basic material:** ……...

Provenance (short title, if appropriate): ……...…….……

**10. Altitude and altitudinal range of site of basic material:** ……...……

**11. Year in which seeds ripened:** …….

**12. Quantity of reproductive material:** ……..……..…….

**13. Is the material covered by this certificate the result of a subdivision of a larger lot covered by a previous EC certificate?** Yes ☐ No ☐

Previous certificate number …… Quantity in initial lot ……..

**14. Length of time in nursery:**
……
……...

**15. Has there been subsequent vegetative propagation of material derived from seed?** Yes ☐ No ☐

Method of propagation ……..…….…… Number of cycles of propagation ……

**16. Other relevant information:** ……..……..….

**17. Name and address of supplier:**

| **Name and address of Official Body:** | **Stamp of Official Body:**<br><br>**Date:** | **Name of Responsible Officer:**<br><br>**Signature:** |
|---|---|---|

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**MODEL MASTER CERTIFICATE OF IDENTITY FOR REPRODUCTIVE MATERIAL DERIVED FROM SEED ORCHARDS OR PARENTS OF FAMILY(IES)**

| **MEMBER STATE:** …… | **CERTIFICATE No EC:/(MEMBER STATE CODE)/(No)** …… |
|---|---|

It is certified that the forest reproductive material described below has been produced:

In accordance with the regulations ☐
Under transitional arrangements ☐

**1. a) Botanical name:** ……

**b) Name of basic material (as mentioned in the catalogue):** ……..

**2. Nature of reproductive material:**
Seed unit ☐
Part of plants ☐
Planting stock ☐

**3. Category of reproductive material:**
Qualified ☐
Tested ☐

**4. Type of basic material:**
Seed orchard ☐
Parents of family/ies ☐

**5. Purpose:** ……...

**6. Country register reference or identity of basic material in national register:** ……..…… .

**7.** (If appropriate) Autochthonous ☐ Non-autochthonous ☐ Unknown ☐
Indigenous ☐ Non-indigenous ☐

**8. Origin of basic material (for non-autochthonous/non-indigenous material, if known):** ……...…….……..
……..…….…….……

**9. Country and region of provenance or location of basic material:** ……..……...

Provenance (Short title): ……...……..……..

**10. Seed derived from:** Open- pollination ☐
Supplemental pollination ☐
Controlled pollination ☐

**11. Year in which seeds ripened:** ……

**12. Quantity of reproductive material:** ……..……..…

**13. Is the material covered by this certificate the result of a subdivision of a larger lot covered by a previous EC certificate?** Yes ☐ No ☐
Previous certificate number …….. Quantity in initial lot …….…….

**14. Length of time in nursery:**
……..……..……
……...

**15. Number of components represented:**
Families: ……..……..
Clones: ……..…….

**16. Altitude or altitudinal range of site of basic material:** …… ……..…

**17. Has genetic modification been used in the production of the basic material?** Yes ☐ No ☐

**18. For reproductive material derived from parents of family(ies):**
Crossing design …… Range of percentage composition of component families ……..

**19. Has there been subsequent vegetative propagation of material derived from seed?** Yes ☐ No ☐
Method of propagation ……..……..…… Number of cycles of propagation ……

**20. Other relevant information:** ……...…

**17. Name and address of supplier**

| **Name and address of Official Body:** | **Stamp of Official Body:**<br><br>**Date:** | **Name of Responsible Officer:**<br><br>**Signature:** |
|---|---|---|

**MODEL MASTER CERTIFICATE OF IDENTITY FOR REPRODUCTIVE MATERIAL DERIVED FROM CLONES AND CLONAL MIXTURES**

| **MEMBER STATE:** …….... | **CERTIFICATE No EC:/(MEMBER STATE CODE)/(No)** ……..… |
|---|---|

**It is certified that the forest reproductive material described below has been produced:**

In accordance with the regulations ☐
Under transitional arrangements ☐

**1. a) Botanical name:** ……

**b) Name of clone or clonal mixture:** ……..……..

**2. Nature of reproductive material:**
Part of plants ☐
Planting stock ☐

**3. Category of reproductive material:**
Qualified ☐
Tested ☐

**4. Type of basic material:**
Clones ☐
Clonal mixtures ☐

**5. Purpose:** ……..……..

**6. Country register reference or identity of basic material in national register:** ……...……..

**7.** (If appropriate) Autochthonous ☐ Non-autochthonous ☐ Unknown ☐
Indigenous ☐ Non-indigenous ☐

**8. Origin of basic material (for non-autochthonous/non-indigenous material, if known):** ……...…….…….…
……..…….…

**9. Country and region of provenance or location of basic material:** …….…...

Provenance (Short title): ……...……...……..

**10. Has genetic modification been used in the production of the basic material?** Yes ☐ No ☐

**11. a) Method of propagation:** ……..

**b) Number of cycles of propagation:** ……..

**12. Quantity of reproductive material:** ……...…….…...

**13. Is the material covered by this certificate the result of a subdivision of a larger lot covered by a previous EC certificate?** Yes ☐ No ☐
Previous certificate number …….. Quantity in initial lot ……..……..

**14. Length of time in nursery:**
……..……..……

**15. For clonal mixtures:**
Number of clones in the mixture: …… Range of percentage composition of component clones: ……

**16. Other relevant information:** ……..……

**17. Name and address of supplier**

| **Name and address of Official Body:** | **Stamp of Official Authority:**<br><br>**Date** | **Name of Responsible Officer:**<br><br>**Signature:** |
|---|---|---|