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EUSTAFOR Feedback on the Forest Reproductive Material Regulation proposal

EUSTAFOR is pleased to have the opportunity to give constructive feedback on the proposal for the new Forest Reproductive Material Regulation (FRM). As a representative of 38 State Forest Management Organizations from 26 European countries, EUSTAFOR firmly shares the opinion that active sustainable and multifunctional management of the European forests is crucial to keep them growing, healthy and resilient natural resource against the increasing biotic and abiotic risks linked to climate change. EUSTAFOR recognizes that the availability of certified seeds and planting material is a precondition to improve the quality and resilience of European forests in the long run.

Considering the legal proposal, EUSTAFOR cannot support setting up the new legislation in the form of a regulation. The Directive 1999/105/EC was implemented in Member States through enacting national laws, ensuring that Forest Reproductive Material has been tackled in a flexible way that reflects local circumstances. We understand the Commission's intention to have a level playing field and to uphold a European quality standard, but it is our opinion that the need for local adaptation to the conditions is more important than full harmonization. The concern is that a regulation may too much restrictive instrument to ensure adaptation to the local conditions and demands in the Member States. An example of such restrictions is *recital* 6 in the new proposal, which states that the Member States rights "to restrict the approval of certain basic material and to prohibit the marketing of certain FRM to final users" should be abolished. On the other hand, *Recital 32,* states that Member States should be allowed "to impose additional or more stringent requirements for the approval of basic material produced in their own territory, subject to authorization granted by the Commission". EUSTAFOR questions whether such authorization by the Commission is in line with the provisions of subsidiarity principle.

Directly related to this, EUSTAFOR deems it important that Member States and experts are involved in drafting new acts, instead of only having the option to comment on the final design. Therefore, EUSTAFOR cannot support empowering the Commission to adopt delegated acts to change crucial parts of the proposal.

EUSTAFOR is in general positive to harmonization of appearance and information in master certificates and labels as well as definitions, as the irregularities in certificates between different countries may cause in some cases misunderstandings. Regarding the issuance and printing labels by professional operators, it is of importance to have a quick procedure to not impede the production flow. The professional operators and forestry organizations must be involved in the discussions on this matter to ensure a smooth transition.

What EUSTAFOR is also concerned about is the Commission's requests to approve every new species that is to be added to the List of Tree Species and Artificial Hybrids (*Annex I*). EUSTAFOR members use tree species that fit the region's specific characteristics and demands, both the result of scientific reasoning and justification. When selecting new plant material, they do so with care and while upholding high quality standards. Thus, to avoid potential implementational bottlenecks, EUSTAFOR prefers for Member States to continue to have the right to approve species, and then inform the Commission on their decisions.

EUSTAFOR also questions the reasoning behind the requirement for a tree species to be marketed in at least two Member States, before authorization can be granted. It seems a redundant demand and not effective. Overall, it seems that several of these proposed demands, like new control procedures and reporting requirements, will lead to an increased financial and administrative burden for the sector, with limited advantages.

Another concern of EUSTAFOR is the demand for each Member State to have a contingency plan. While we understand the motivation behind it, we question its practicality. Seedlings are

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usually planted between 1-4 years of age, depending on the species type and its biological cycle. Without the right timing may the seedlings either be too vulnerable to external factors, or the planting costs will become too high to be economically feasible. As with all aspects of forestry, are tree nurseries fully dependent on the natural cycles for production. Demanding an increase of production without extra demand, just to keep a reserve stock in case of large-scale disturbances, would only lead to a bigger waste of resources. We recommend leaving the planning up to the very local level, whilst enabling producers and the free market to balance their stock with the market demand. After all, they have already a broad experience in balancing supply and demand, which includes preparing for unexpected events.

It is also important to EUSTAFOR members that the FRM will be consistent with the PRM and regulation on production of ornamental plants, so that operators can sell material approved as forest productive material for other purposes as well. It is not feasible to apply more than one standard within their operation.

Finally, EUSTAFOR recognizes that many plants are currently discarded due to weeds and diseases, as there is a lack of (mechanical) plant protection methods. The loss of material and added weeding costs drive up the price of the product. It is our opinion that investments in research and development in these areas would have a greater effect on the availability of suitable plants than a new administrative system.

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