



Forest reproductive material in Poland

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Legal basis

- Council Directive

1999/105/EC of 22

December 1999 in relations
to marketing of forest
reproductive material

Legal basis in EU

- Commission Regulation (EC) No 1598/2002 of 6 September 2002. Laying down detailed rules for the application of Council Directive 1999/105 / EC as regards the provisions on mutual administrative assistance by official bodies.

Commission Regulation (EC) No 1597/2002 of 6 September 2002. Laying down detailed rules for the application of Council Directive 1999/105 / EC as regards the format of national lists of the basic material for the production of forest reproductive material.

Legal basis in EU

- Commission Regulation (EC) No 2301/2002 of 20 December 2002. Laying down detailed rules for the application of Council Directive 1999/105 / EC as regards the definition of small quantities of seed.

Legal basis in Poland

- **Act on forest reproductive material (FRM)
from 7 June 2001 (Dz.U.2015.1092)**

Legal basis in Poland

The Minister of Environment of 29 July 2015. On the list of areas and maps of regions of origin of forest reproductive material

2. Regulation of the Minister of Environment of 29 July 2015. On the use of forest reproductive material outside its region of origin

3. Regulation of the Minister of the Environment of 14 January 2004. On fees for searching for information on the National Register of Forest Basic Material, the register of certificates of origin of forest reproductive material and the register of suppliers for copies and extracts and transfers, and manner of payment

4. Regulation of the Minister of the Environment of 15 May 2012. Amending Regulation on the use of forest reproductive material outside its region of origin

5. Regulation of the Minister of the Environment of 15 May 2012. Amending the regulation on the list of areas and regions maps of forest basic material

6. Regulation of the Minister of Environment of 16 January 2008. Amending the regulation on the use of forest reproductive material outside its region of origin

7. Regulation of the Minister of Environment of 2 November 2006. Amending the regulation on the use of forest reproductive material outside its region of origin

Legal basis in Poland

8. Regulation of the Minister of Environment of 25 October 2006. Amending the regulation on the list of areas and regions maps of forest basic material
9. Regulation of the Minister of Environment of 18 July 2005. Amending Regulation on detailed requirements to be met by forest basic material
10. Regulation of the Minister of Environment of 23 April 2004. On the detailed requirements to be met by forest basic material
11. Regulation of the Minister of Environment of 26 April 2004. On the entities authorized to conduct testing and evaluation of forest basic material and research of forest reproductive material
12. Regulation of the Minister of Environment of 23 April 2004. On the conduct of the suppliers of documentation in the field of marketing of forest reproductive material
13. Regulation of the Minister of Environment of 23 April 2004. On the method of testing of forest basic material (Regulation of the Minister of the Environment of 19 April 2004. On the use of forest reproductive material outside its region of origin
14. Regulation of the Minister of the Environment of 9 March 2004. On the list of areas and regions maps of forest basic material
15. Regulation of the Minister of Environment of 25 March 2004. On the organizational structure of the Office of Forest Seed
16. Regulation of the Minister of Environment of 18 February 2004. On the detailed requirements to be met by forest reproductive material
17. Regulation of the Minister of the Environment of 14 April 2003. On the model of certificates of origin of forest reproductive material
18. Regulation of the Ministry of the Environment of 14 April 2003. On the model application for a certificate of origin of forest reproductive material

Act on FRM

Act consists following issues:

- 1) FRM registration;
- 2) FRM marketing;
- 3) Forest Basic Material control and FRM dedicated to marketing;
- 4) regionalisation of seeds.

Exceptions out of the Act

FRM Act is not applicable to FRM:

- 1) intended for purposes other than forestry ;
- 2) export or re-export to countries outside of the European Union.

FRM categories

- **'Source-identified'** Reproductive material derived from basic material which may be either a seed source or stand located within a single region of provenance and which meets the requirements;
- **'Selected'** 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;
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- **'Qualified'** Reproductive material derived from basic material which shall be seed orchards, parents of families, clones or clonal mixtures, the components of which have been phenotypically selected at the individual level, and which meets the requirements . Testing need not necessarily have been undertaken or completed;
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- **'Tested'** Reproductive material derived from basic material which 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.

FRM shall belong only to one category.

Competent body – tasks

The Minister of Environment is a competent body in central administration in relations to FRM.

Tasks of the Minister:

- 1) Maintenance of the National Forest Basic Material (FBM) and Limited FBM Register;
- 2) Maintenance of the register of certificates of origin;
- 3) Maintenance of the register of suppliers;
- 4) Issuing of permissions for import of FRM from non –EU countries;
- 5) Issuing of certificates of origin;

Competent body – tasks

- 6) Control of FRM that is to be registered in National register of FBM in relation to fulfillment of requirements listed in the Act;
- 7) Control of FRM in relation to fulfillment of requirements listed in the Act;
- 8) Control of suppliers in relations to obeying of the Act, including documentation;
- 9) Cooperation with international organisations in relations to forest seed sector and forest selection;
- 10) Development of FBM and FRM evaluation methods, in cooperation with scientific units.

The tasks are performed on behalf of the Minister by the Bureau (Office) of Forest Seed Production

Rights of the Minister

- The Minister and designated officers have a right to:
 - 1) Enter on the entity dedicated to the FRM production or commercialisation, or where the FRM is placed;
 - 2) Control and save documents related to FRM production or commercialisation ;
 - 3) Request of written or oral information or presentation of documents from producers, suppliers and purchasers of FRM , if it is necessary to explain the issue;
 - 4) Control and save FBM and FRM;
 - 5) Sample of FRM and FBM;
 - 6) Enter into area of the forest cultivation.

National Commission of Forest Seed Production

- advisory body of the Minister of Environment.
- Tasks of the Commission:
 - 1) Giving opinion in relations to registration of FBM in National FBM Register
 - 2) Giving opinion of FBM and FRM evaluation methods.

Forest Basic Material (FBM)

- FBM is a subject of registration in National Register of Forest Basic Material (NRFBM)
- NRFBM has an open access for public

National Register of Forest Basic Material

- National Register of Forest Basic Material consists of: :
- 1) part I, where a **'Source-identified' Reproductive material is registered;**
- 2) part II, where **'Selected' Reproductive material is registered;**
- 3) part III, where **'Qualified' Reproductive material is registered**
- 4) part IV, where **Tested' Reproductive material** is registered.

National Register of Forest Basic Material

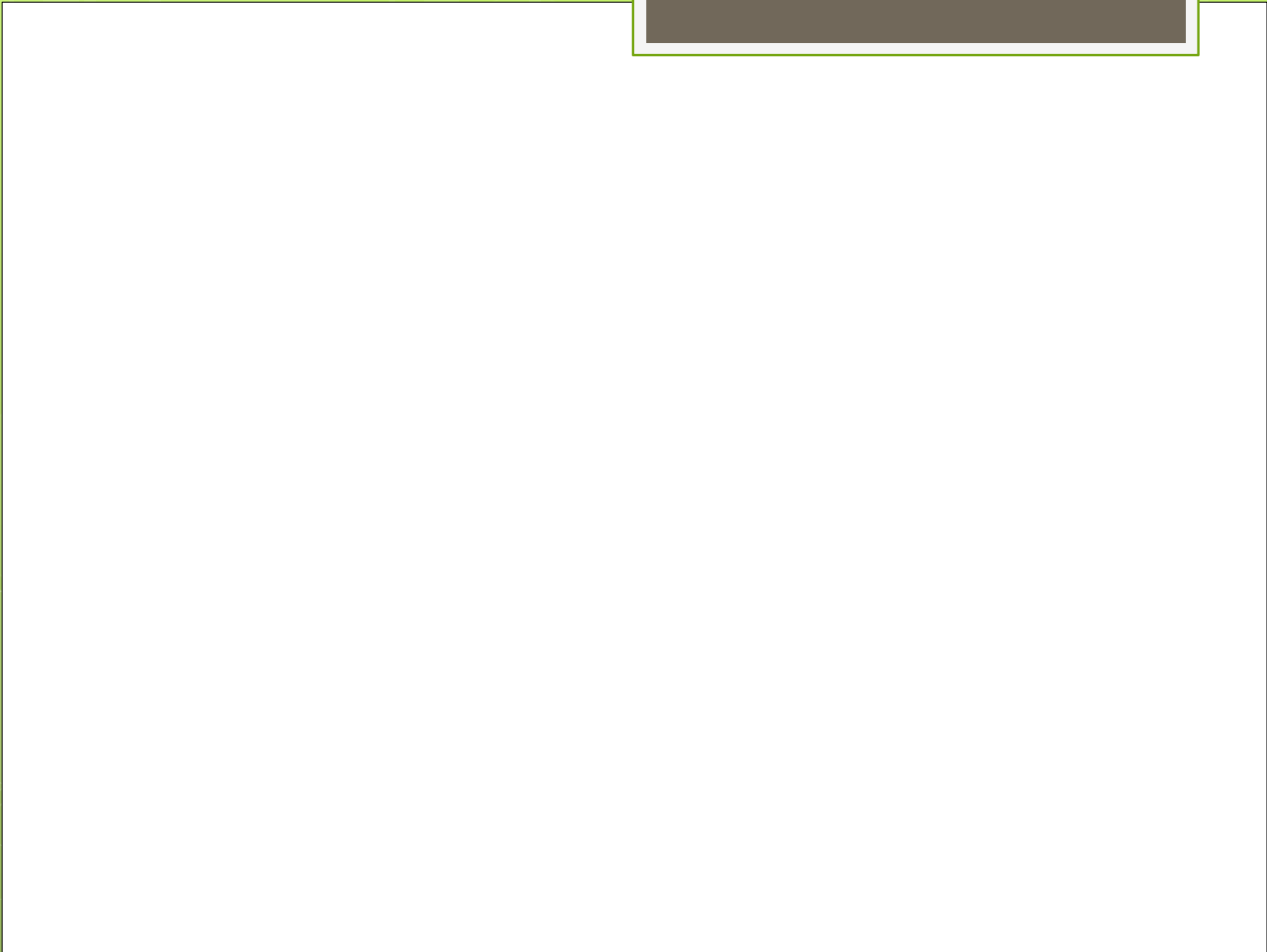
- In each part of the National Register shall contain the following data:
 - 1) registration number consisting of a sequence number and part number in the register;
 - 2) the number and date of the decision on registration;
 - 3) number and date of the decision on deletion of forest basic material from the National Register;
 - 4) name and the name and address of the owner or manager of the forest basic material;
 - 5) the botanical name of the forest basic material, as listed in the Annex to the Act;
 - 6) type of forest basic material;
 - 7) The purpose of forest basic material;
 - 8) the location by entering the name of the commune competent for the location of forest basic material, as well as:
 - a) in Part I and II - a symbol of the region of origin and geographical coordinates, and in parts III and IV - the geographical coordinates and
 - b) the names of the relevant due to the location of forest basic material: the Regional Directorate of State Forests, forest districts, precincts forest, forestry and the number of branch and sub-division of letters - when the manager of the forest basic material is the State Forests National Forest Holding;
 - 9) the height of the forest basic material above sea level or range of heights;
 - 10) the surface of which is forest basic material in the form of seed source, stand or seed orchard;
 - 11) whether forest basic material is autochthonous or non-autochthonous is

National Register of Forest Basic Material

- 12) whether forest basic material is native or a non-indigenous;
- 13) about the origin of the primary forest basic material if it is known - when the forest basic material is not indigenous and not indigenous;
- 14) of unknown origin of forest basic material - if the origin of the original forest basic material is unknown;
- 15) a description of soil and climatic conditions in the place where the forest basic material;
- 16) the number of certificates of origin issued for lmr produced from forest basic material;
- 17) the amount of lmr produced from forest base material, expressed in kilograms or pieces;
- 18) led by thinning the plantation and of the criteria taken into account during its conduct - in the case of registration of seed plantations;
- 19) with a controlled or uncontrolled supplementary pollination - for the registration of mother trees;
- 20) the relative proportions of mother trees produced in lmr- for the registration of mother trees;
- 21) the number of mother trees - in the case of registration of mother trees;
- 22) the method of determination mother trees that they can be identified;
- 23) the method of determination of clones included in a mix allowing their identification number and proportion of clones included in the mix, the criteria for the selection of clones into the mix and the registration numbers on the National Register under which the registered animals used to produce clones - in the case of registration of a mixture of clones;
- 24) the data to be disclosed in the National Register, as defined in the Regulation

Registration

- Registration in the National Register by the Minister of the Environment at the request of the owner or manager of the forest base material.



Abbreviated Register of FBM

- Minister leads Abbreviated Register of Forest Basic Material, provided the European Commission and European Union Member States at their request.
It includes:
 - 1) information on the category of forest reproductive material;
 - 2) information on the genetic modification of forest basic material recorded in Part IV of the National Register,
 - 3) the data set included in the basic register.

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Control

- Registered forest basic material shall be verified against the requirements specified in the Act and Regulation, Control is carried out by the Minister of not less frequently than once every 5 years.

Registration refusal

- Minister refuses registration of the forest basic material if:
 - 1) determines that the data contained in the application or its annexes are untrue;
 - 2) forest base material does not meet the requirements specified in the Act or Regulation,Registration forest basic material in Part II, III and IV of the National Register, require consultation with the National Commission.

Deleting from the register

- Minister deletes from the National Register of forest basic material in the case of:
 - 1) failure to satisfy the requirements specified in the Act or Regulation;
 - 2) neglect obligation to update and report data on FRM;
 - 3) deposit by the owner or manager of the forest basic material application for its deletion.Registration, refusal and removal from the National Register, is followed by an administrative decision.

Marketing of FRM

- marketing of forestry reproductive material are:
 - a) the acquisition of forest reproductive material
 - b) offering for sale or selling forest reproductive material,
 - c) mediation in the activities referred to in point a and b;
- **producer**: a natural or legal person or entity without legal personality, engaged in the production of forest reproductive material.
- **supplier** is: a natural or legal person or entity without legal personality, the subject of labor activity is the trading of forest reproductive material.

Marketing of FRM

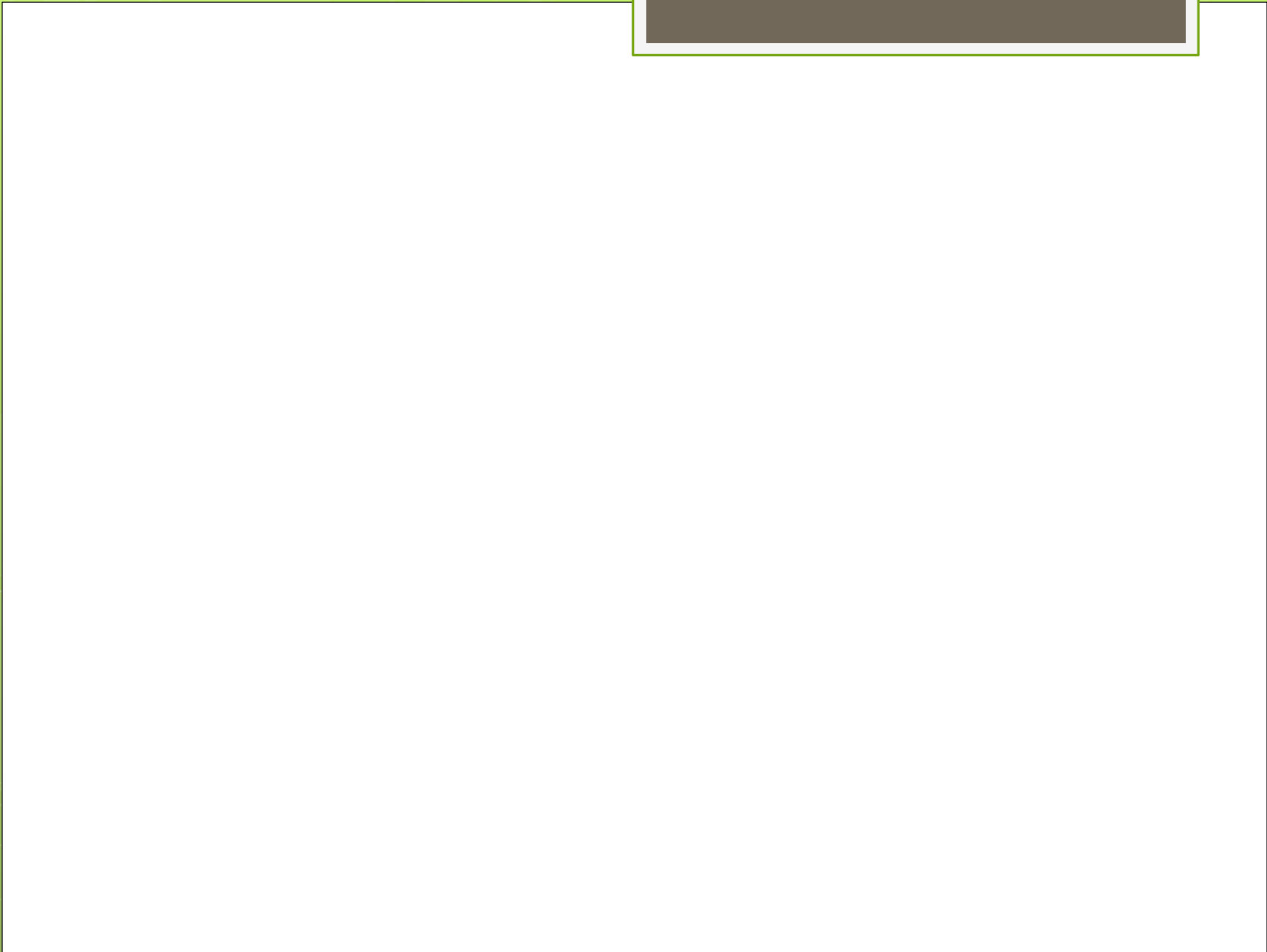
- Traded a forest reproductive material satisfying the following conditions:
 - 1) was obtained by the manufacturer of the forest basic material registered in the National Register or in the relevant register of a Member State of the European Union;
 - 2) has been issued to him a certificate of origin, or equivalent document issued by a Member State of the European Union.

Duties of the producer

- The manufacturer applying for a certificate of origin is obliged to provide written notification to the Minister of the planned date of acquisition of forest reproductive material of forest basic material. Notification shall be made 14 days before the scheduled date of obtaining FRM.
- After acquiring forest reproductive material manufacturer is obliged to proceed in front of the Minister with a request for a certificate of origin. Until the issue of the certificate of origin manufacturer is obliged to keep the various parties FRM, obtained in a given year maturation of forest basic material registered in the National Register under a single registration number, so that its identification and to prevent its mixing with FRM produced from the forest basic material registered under a different registration number.

Certificate of origin

- The minister issue to forest reproductive material produced in a given year maturation of forest basic material registered in the National Register under one registration number certificate of origin specifying the name of the forest reproductive material, the type, category, purpose and method of manufacture, and data on forest basic material of which has been acquired



Register of certificates of origin

- The Minister shall keep a register of certificates of origin.
Register of certificates includes:
 - 1) ordinal number;
 - 2) name and the name and address of the manufacturer;
 - 3) the date of issue of the certificate of origin;
 - 4) the number of certificate of origin;
 - 5) information about the mixing of forest reproductive material,
 - 6) information identifying the mixed components.

FRM in production...

- It is allowed to the market of forestry reproductive material remaining in production.
Forest reproductive material remaining in production, which has been issued one certificate of origin is determined to possess, at all stages of production, a label containing detailed information on FRM.
For reproductive material produced it is not necessary to obtain the new certificate of origin.

Mixture of FRM

- However, a mixture of forest reproductive material produced from the forest basic material registered under more than one registration number:
 - 1) belonging to the category source identified, if it comes from the same region of origin;
 - 2) made from non-autochthonous or non-indigenous forest basic material of forest reproductive material produced from the forest basic material of unknown origin;
 - 3) taken in different years fruiting of forest basic material.

With the mixing operation shall be drawn up. The minutes shall contain information enabling the subsequent identification of the mixed ingredients. For forest reproductive material mixed Minister (BNL) is issuing the new certificate of origin.

Not each FRM may be traded...

- It can not be traded forest reproductive material:
 - 1) in the form of artificial hybrids or produced by asexual reproduction, if it does not belong to the category selected, qualified or tested;
 - 2) which, in whole or in part is composed of genetically modified organisms within the meaning of regulations on genetically modified organisms, unless it belongs to the category tested;
 - 3) belonging to the category selected, propagated asexually more than once

Exemptions in marketing

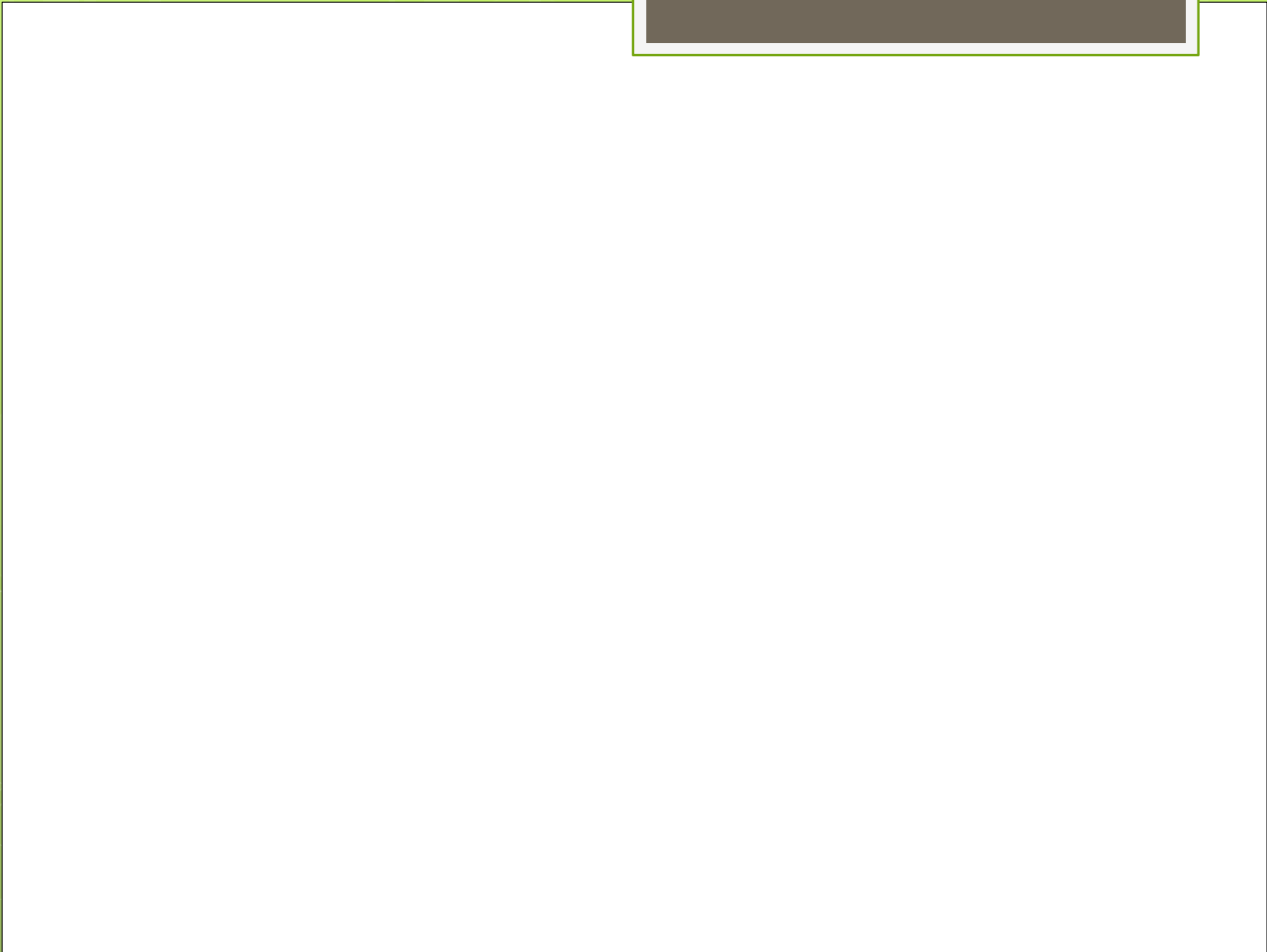
- The Minister may grant providers consent to marketing within the territory of the Republic of Poland seed units do not meet the requirements specified in the Act, which are not intended for forestry purposes, provided it clear that on the packaging.

The permission is issued for the least amount of seed units, resulting from their particular destination. The application for authorization shall include information on the quantity of seed units and their special purpose.

Consent is granted by administrative decision, subject to the conditions specified by the competent authority of the European Union

Requirements for FRM

- forest reproductive material in the form of seeds, fruits, plant parts and planting traded should be of good quality, in particular in terms of purity, development, health and resistance and phenotypic characteristics.
- forest reproductive material traded must meet the phytosanitary requirements specified in the regulations on the protection of cultivated plants
- forest reproductive material may be marketed only in packages bearing a label supplier.



Imports of FRM from non-members of the EU

- Imports of forest reproductive material from the area of non-members of the European Union requires the permission of the Minister. The permit is issued for forest reproductive material satisfying the conditions specified in the Act in respect of:
 - 1) the registration of the forest basic material in the country in which was produced forest reproductive material;
 - 2) the marketing of forest reproductive material.The permit is issued on conditions laid down by the competent authority of the European Union.

Register of suppliers

- The commercialisation of forest reproductive material can only be carried out by the suppliers registered in the registry conducted by the Minister (BNL).

The register contains the following data:

- 1) ordinal number;
 - 2) the name or the name of the supplier and his address;
 - 3) number and date of decision on registration of the supplier;
 - 4) number and date of the decision on deletion from the register of suppliers of suppliers;
 - 5) The registration number of the forest basic material in the National Register - if the supplier is also a producer;
 - 6) the number of suppliers in the register of entrepreneurs in the National Court Register and tax identification number
- Registration by the Minister, at the request of the supplier.

Removal from the suppliers register

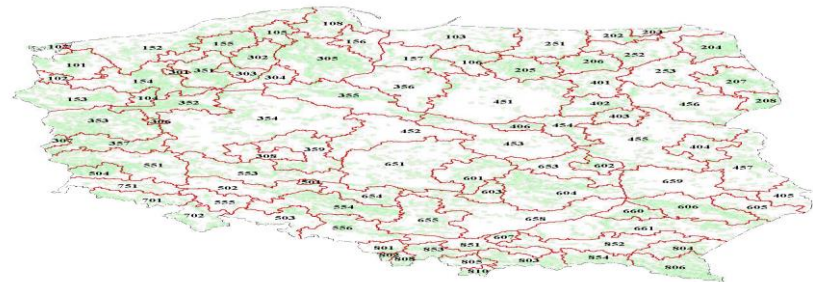
- Minister plotted provider of registry suppliers in case of:
 - 1) determine that the information contained in the application for registration are false;
 - 2) failure by the supplier of the Act with regard to the marketing of forest reproductive material;
 - 3) the submission by the provider of the application for removal from the register of suppliers;
 - 4) death of the supplier or its removal from the National Court Register or the Central Registration and Information on Economic Activity;
 - 5) failure by the provider to update the data.Registration, refusal of registration and de-registration of suppliers followed by an administrative decision.

Documentation of the marketing

- All activities in the field of marketing of forest reproductive material shall be documented by the suppliers. The minister responsible for environmental affairs shall specify by regulation the manner of keeping the documentation concerning the marketing of forest reproductive material by suppliers, taking into account the type of activity performed and the regularity of trading.

Seed regionalisation

- Forest reproductive material 9 species listed in Annex I to the Act may be used to growing in the woods or on the land intended for afforestation exclusively in the region of origin, where the seed source, stand or parent trees from which it was produced



Exceptions from regionalisation

- The minister responsible for the environment determines, by regulation, the cases in which it is allowed to use the forest reproductive material of selected species for cultivation in forests or land for afforestation outside their regions of origin, taking into account the need to preserve biodiversity in the country.

Sanctions

Each person/body that :

- 1) Commercialises FRM produced out of FBM non-registered in NR;
- 2) Introduces into market FRM without the certificate of origin and not labeled with „Not for forestry”,
- 3) Commercialises FRM, and is not registered in the suppliers register; ,
- 4) Utilises FRM in forests of land dedicated to afforestation not in accordance with the regionalisation –
- is a subject of penalty (fine), restriction or depriving of freedom up to 3 years. –

Everyone

who:

- 1) makes it difficult or impossible for the authorities and authorized by the employees carrying out official duties,
- 2) misleading buyers, providing false information on labels,
- 3) without the required permits imported forest reproductive material from a non-EU member –is a subject of the fine.

Important

- Act on FRM is relating ONLY to species listed in the Annex to the Act!!!

Brzoza brodawkowata , Brzoza omszona , Buk zwyczajny , Cedr atlantycki Cedr libański, Czereśnia ptasia, Daglezja zielona, Dąb bezszypułkowy, Dąb burgundzki, Dąb czerwony, Dąb korkowy, Dąb omszony, Dąb ostrolistny, Dąb szypułkowy, Grab zwyczajny, Grochodrzew, Jesion wyniosły, Jesion wyniosły odmiana wąskolistna, Jodła grecka, Jodła hiszpańska, Jodła olbrzymia, Jodła pospolita ,Kasztan jadalny , Klon jawor, Klon zwyczajny, Lipa drobnolistna, Lipa szerokolistna, Modrzew europejski, Modrzew eurojapoński, Modrzew japoński , Modrzew syberyjski ,Olsza czarna, Olsza szara, Sosna alepska, Sosna alepska odmiana kalabryjska , Sosna bośniacka, Sosna czarna , Sosna limba, Sosna kalifornijska , Sosna nadmorska, Sosna pinia, Sosna wydmowa, Sosna zwyczajna , Świerk pospolity , Świerk sitkajski , Topola oraz jej sztuczne hybrydy.

- *Abies alba* Mill. – Silver Fir
- *Abies cephalonica* Loud. – Greek fir
- *Abies grandis* Lindl. – Grand fir
- *Abies pinsapo* Boiss. – Spanish fir
- *Acer platanoides* L. – Norway maple
- *Acer pseudoplatanus* L. – Sycamore maple
- *Alnus glutinosa* Gaertn. Black alder
- *Alnus incana* Moench. – Gray alder
- *Betula pendula* Roth. – Silver birch
- *Betula pubescens* Ehrh. – Downy birch
- *Carpinus betulus* L. – Common hornbeam
- *Castanea sativa* Mill. – Sweet chestnut
- *Cedrus atlantica* Carr. – Atlas cedar
- *Cedrus libani* A. Richard Lebanon cedar
- *Fagus silvatica* L. – Common beech
- *Fraxinus angustifolia* Vahl. Narrow-leafed ash
- *Fraxinus excelsior* L. – Common ash
- *Larix decidua* Mill. – European larch,
- *Larix x eurolepis* Henry – Hybrid Larch
- *Larix kaempferi* Carr. – Japanese larch
- *Larix sibirica* Ledeb. – Siberian larch
- *Picea abies* Karst. – Norway spruce
- *Picea sitchensis* Carr. – Sitka spruce

- *Pinus brutia* Ten. – Turkish pine
- *Pinus canariensis* C. Smith – Pitch pine
- *Pinus cembra* L. - Swiss pine
- *Pinus contorta* Loud. - Lodgepole pine
- *Pinus halepensis* Mill. – Aleppo pine
- *Pinus leucodermis* Antoine – Bosnian pine
- *Pinus nigra* Arnold – European black pine
- *Pinus pinaster* Ait. - Maritime pine
- *Pinus pinea* L. –Stone pine
- *Pinus radiata* D. Don - Monterey pine
- *Pinus sylvestris* L. - Scots pine
- *Populus* spp.-Poplar and artificial hybrids between those species
- *Prunus avium* L.- Wild cherry
- *Pseudotsuga menziesii* Franco – Douglas-fir
- *Quercus cerris* L. - Austrian oak
- *Quercus ilex* L. – Holm oak
- *Quercus petraea* Liebl. – Irish oak
- *Quercus pubescens* Willd. – Downy oak
- *Quercus robur* L. – English oak
- *Quercus rubra* L. – Red oak
- *Quercus suber* L. – Cork oak
- *Robinia pseudoacacia* L. – Black locust
- *Tilia cordata* Mill. – Littleleaf linden
- *Tilia platyphyllos* Scop. – Largeleaf linden
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Dziękuję za uwagę