
STATUTORY INSTRUMENTS

2002 No. 3026

**The Forest Reproductive Material
(Great Britain) Regulations 2002**

PART V

Marketing of Forest Reproductive Material

Forest reproductive material which may be marketed

- 17.—(1) Subject to regulation 18, no person shall market forest reproductive material unless—
- (a) (i) its collection and production meet the requirements of regulations 10 to 12 and 14 to 15;
 - (ii) its marketing and labelling meet the requirements of paragraphs (2) to (12) of this regulation and regulation 19, as read with regulation 20 in the case of seeds;
 - (iii) it is certified in accordance with regulation 13; and
 - (iv) it falls into one of the categories described in regulation 4(1), subject as the case may be to the application of regulation 7(2) and (3);
- (b) in the case of forest reproductive material from Northern Ireland or another member State,
- (i) it has met the requirements as to entry to Great Britain set out in regulations 23 and 24; and
 - (ii) after entry to Great Britain it meets the requirements of this regulation, and regulations 14 and 19, as read with regulation 20 in the case of seeds; and
- (c) it is marketed in compliance with regulation 31.
- (2) Forest reproductive material of the artificial hybrids listed in Schedule 1 may be marketed only if it is of the categories “selected”, “qualified” or “tested”.
- (3) Vegetatively reproduced forest reproductive material may be marketed only under the categories “selected”, “qualified” or “tested” and in the case of forest reproductive material of the category “selected”, may be marketed only if it is produced by means of subsequent multiplication by vegetative propagation from seeds.
- (4) Forest reproductive material derived from basic material in the form of a seed source may be marketed only under the category “source identified”.
- (5) Forest reproductive material derived from basic material in the form of a stand may be marketed only under the categories “source identified”, “selected” and “tested”.
- (6) Forest reproductive material derived from basic material of the following types may be marketed only under the categories “qualified” and “tested”—
- (a) seed orchard;
 - (b) parents of family;
 - (c) clone; and

(d) clonal mixture.

(7) Forest reproductive material which consists wholly or partly of genetically modified organisms may be marketed only under the category “tested”.

(8) Forest reproductive material in the form of fruit and seed lots of the species listed in Schedule 1 shall reach a minimum species purity level of 99%, except in the case of closely related species other than artificial hybrids in respect of which the purity of the fruit or seed lot shall be stated in any labelling or record documenting information about the seed required under regulations 14, 15 and 19.

(9) Forest reproductive material in the form of parts of plants shall be of fair marketable quality determined with reference to general characteristics, health and appropriate size.

(10) Forest reproductive material in the form of stem cuttings or sets of *Populus* spp. shall meet the standards described in Schedule 9.

(11) Forest reproductive material in the form of planting stock shall be of fair marketable quality determined with reference to general characteristics, health, vitality and physiological quality.

(12) Forest reproductive material in the form of planting stock which is intended to be marketed to the Mediterranean climatic region shall comply with the requirements of Schedule 10.

Licences

18.—(1) The Commissioners may authorise by licence in writing, whether subject to conditions, for a specified period or indefinitely, the marketing by a registered supplier of any forest reproductive material which would otherwise be prohibited under regulation 17—

- (a) where the material is marketed for use in tests, selection work, or for scientific or genetic conservation purposes; or
- (b) where the material consists of seed units which are clearly shown not to be intended for forestry purposes.

(2) The Commissioners shall give reasons in writing upon declining to provide a licence under paragraph (1).

Labelling and packaging of lots for marketing

19.—(1) Forest reproductive material in the separate, distinct lots required under regulation 14 may be marketed under regulation 17 only if the lot is accompanied by a supplier’s label or document which documents the following—

- (a) the identification criteria and any other information required to be recorded under regulation 14(2) and (3);
- (b) the Master Certificate number or numbers;
- (c) the name of the supplier;
- (d) the quantity supplied;
- (e) the words “provisionally approved” in the case of forest reproductive material of the category “tested” which has been approved under regulation 7(2);
- (f) whether the material has been vegetatively propagated;
- (g) in the case of forest reproductive material derived from basic material which consists of a genetically modified organism, the fact that it is so derived; and
- (h) in the case of parts of plants of *Populus* spp., the EC classification described in Schedule 9, paragraphs 1(b) and 2(b).

(2) In the case of forest reproductive material marketed as a seed lot, the supplier’s label or document shall, subject to paragraphs (3) and (4), in addition to the information required under

paragraph (1), also contain the following information, stating in each case the date on which any assessment which is the source of the information so provided was carried out—

- (a) the respective percentage by weight of pure seed, other seed and inert matter;
- (b) the germination percentage of the pure seed, or, where germination percentage is impossible or impractical to assess, the viability percentage assessed by reference to a method which shall be described;
- (c) the weight of 1,000 pure seeds; and
- (d) the number of germinable seeds per kilogram of the seed, or, where the number of germinable seeds is impossible or impractical to assess, the number of viable seeds per kilogram.

(3) When forest reproductive material in the form of seed of any given season's crop is first sold in that season as forest reproductive material, it need not meet the requirements of sub-paragraph (2) (b) if the testing required to ascertain that information has not been concluded, but shall meet those requirements during all subsequent marketing where the supplier's label or document is needed.

(4) The information requirements of sub-paragraphs (2)(b) and (d) shall not apply to forest reproductive material in the form of seed which is marketed in quantities no greater than those described in respect of the individual species and artificial hybrids listed in Schedule 11.

(5) Seed units shall be marketed only in sealed packages, the sealing device of which shall be such that it becomes unusable once the sealed package has been opened.

(6) Any label or document, other than those which may be created pursuant to regulation 14(1) or this regulation, which accompanies any lot of forest reproductive material derived from basic material consisting of a genetically modified organism shall clearly document that fact, whether the label is required by law or not.

(7) Where a supplier's labels or documents are printed or otherwise created using coloured labels, the colour of the supplier's label or document shall be—

- (a) yellow for forest reproductive material of the category "source-identified";
- (b) green for forest reproductive material of the category "selected";
- (c) pink for forest reproductive material of the category "qualified"; and
- (d) blue for forest reproductive material of the category "tested".

Seed testing

20. For the purposes of providing the information required under regulation 19(2), the supplier shall obtain assessments using testing techniques which the Commissioners have confirmed in writing, prior to the assessments taking place, they are satisfied are, so far as is practical in all the circumstances, internationally accepted techniques.