

# Forest Reproductive Material

Issue 6, February 2019 (updated 26 March 2019)

## Important information to Forest Reproductive Material suppliers in the event of leaving the EU with 'no deal'



### What's in this edition?

In June 2016, the United Kingdom (UK) voted to leave the European Union (EU). Since that time, the government has implemented a significant programme of work to ensure that the UK will be business ready following exit from the EU, whether a deal is agreed or not. An outcome, whereby the UK leaves the EU without an agreement is known as a 'no deal' scenario. Leaving the EU with a deal remains the Government's top priority. This has not changed. However a responsible government must plan for every eventuality, including a no deal scenario.

In March 2017 the EU issued a [notice](#) to stakeholders explaining how controls on propagating material will apply to UK exports to the EU if the UK leaves the EU without a ratified withdrawal agreement. The Department for Exiting the European Union (DExEU) has published its own series of [technical notices](#) which set out the information necessary to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations. There is a technical notice that refers specifically to [propagating material](#) and separate guidance that applies to plant health export controls on [plants and seed](#).

- Important information to FRM suppliers in the event of leaving the EU with 'no deal'
- Planning for a 'no deal' scenario
- Exports to the EU
- Imports from the EU
- Q & A
- Enquiries

## Planning for a 'no deal' Brexit scenario

The information that follows is of most relevance to suppliers of forest reproductive material (FRM) who trade with countries that are part of the EU. Leaving the EU with a deal remains the Government's top priority. It remains the case that the only way to rule out no deal is to agree a deal – the Prime Minister has been consistent on this. An Article 50 extension would not rule out no deal. So, the Government will continue with its no deal preparations to ensure the country is ready for every eventuality. Businesses and the public should ensure they are prepared for EU Exit.

The UK's FRM regulations currently implement the [EU Council Directive 1999/105/EC \(the Directive\)](#) which sets out the controls that apply to the marketing of forest seeds and plants within the EU. The UK's regulations will continue to apply after EU exit, but for the legislation to continue to operate effectively [in a 'no deal' scenario], it will be necessary to amend these regulations through a statutory instrument. [The Marketing of Seeds and Plant Propagating Material \(Amendment\) \(England and Wales\) \(EU Exit\) Regulations 2019](#), will come in to force, in the event of leaving the EU. Scotland and Northern Ireland will amend FRM legislation applying in Scotland and Northern Ireland through a separate statutory instrument.

## GB Exports to the EU

In a no-deal scenario the UK will be treated by the EU in the same way as any other third country. In order to market seed to the EU, a third country must demonstrate that its standards for the production and the certification of propagating material are equivalent to the EU's own measures. As a first step in addressing

this, the UK has joined the Organisation for Economic Co-operation and Development (OECD) Forest Seed and Plant Scheme<sup>1</sup>. This is an internationally recognised scheme and will help to demonstrate EU equivalence. Membership of the OECD scheme is the basis of the UK's application to the EU for third country equivalent status. Supplies of FRM to EU Member States will require OECD master certificates and registered suppliers will need to apply to the Forestry Commission (FC) for OECD master certificates to cover material for export. Suppliers will be issued with a template to produce labels according to the OECD scheme requirements.

Unfortunately, we have been informed by the European Commission that our application is not currently being treated as a priority. Without the EU's approval, the UK will not be able to export certified seed, forest reproductive material and other propagating material to the EU.

## Imports from the EU

Basic material which is registered as FRM in EU Member States, or has been certified for marketing by an EU Member State, will be treated as equivalent to basic material registered in the UK. Certification of material according to the Directive, or according to the OECD Forest Seed and Plant Scheme will be accepted.

## How will this affect movement within the UK?

There will be no change to the current marketing arrangements for the supply of FRM within the UK. However, following an EU Exit, suppliers will be issued with Master Certificates that meet the requirements of the [OECD Forest Seed and Plant Scheme<sup>1</sup>](#) as opposed to [the Directive](#).

## Q & A – What a 'no deal' outcome means for FRM registered suppliers

### What changes can FRM registered seed suppliers expect following a 'no deal' outcome?

The Master Certificates will look slightly different, as they will no longer have any reference to Member States or the EU Directive and instead will be UK specific and comply with the OECD Forest Seed and Plant Scheme.

### What will registered suppliers of FRM need to do differently?

New labels will be required which are UK and OECD specific, in accordance with the OECD Forest Seed and Plant Scheme. The Forestry Commission will provide new templates for OECD labels at the same time as OECD Certificates.

### What stays the same?

The process for making an application for a Master (OECD) Certificate to the Forestry Commission within GB remains the same.

A Registered supplier will still need to:

---

1 The OECD Forest Seed and Plant Scheme is a certification system that facilitates international trade in forest seed and plants. The UK has reengaged in OECD meetings since 2016 and re-joined the scheme in December 2018.

- Pre-notify the Forestry Commission, providing 14 days notice, with details of all sites, prior to FRM collection.
- Apply to the Forestry Commission for a Master (OECD) certificate (within 9 months of the collection or prior to marketing).
- Provide customers with a suppliers' document giving a set of standard details of the material they are supplying.

### **Will material that I have certified, prior to exiting the EU under a 'no deal' scenario need to be re-certified?**

No, material will not need to be re-certified. Seed collected before the accession of the UK to the OECD Forest Scheme can be marketed under the Scheme until the exhaustion of the stocks previously accumulated. For plants raised from such seed, the period may be extended for 5 years.

### **Who should registered suppliers contact if they have any questions?**

[frm@forestrycommission.gov.uk](mailto:frm@forestrycommission.gov.uk)

Also, information will be available from the website.

<https://www.gov.uk/guidance/work-with-planting-material-for-forestry-purposes>

---

All enquiries relating to this newsletter should be directed to the relevant FRM team member –

**Nick Mainprize**

Deputy Head of Plant Health with responsibility for FRM

[nick.mainprize@forestrycommission.gov.uk](mailto:nick.mainprize@forestrycommission.gov.uk)

**0300 067 5149**

For enquiries relating to the FRM regulations, Basic Material (e.g. new applications for approval or changes to existing details), web pages, inspections and general guidance, please contact:

**Amanda Campbell**

[amanda.campbell@forestrycommission.gov.uk](mailto:amanda.campbell@forestrycommission.gov.uk)

**0300 067 5041**

For enquiries relating to the seed collection notifications, the issue of Master certificates, registration of new suppliers or for export notifications please contact:

**Greg McCormack**

[frm@forestrycommission.gov.uk](mailto:frm@forestrycommission.gov.uk)

**0300 067 5129**

For Poplar or Aspen issues or for enquiries relating to the issuing of a licence to market material that does not meet the full requirements of the regulations, contact:

**Stuart A'Hara**

[stuart.ahara@forestry.gsi.gov.uk](mailto:stuart.ahara@forestry.gsi.gov.uk)

**0300 067 5906**

**Issued by:** Amanda Campbell

Forestry Commission, Silvan House, 231 Corstorphine Road, Edinburgh EH12 7AT

**T:** 0300 067 5041 **E:** [frm@forestrycommission.gov.uk](mailto:frm@forestrycommission.gov.uk) **W:** [www.gov.uk/guidance/work-with-planting-material-for-forestry-purposes](http://www.gov.uk/guidance/work-with-planting-material-for-forestry-purposes)

**Protecting and Expanding Britain's Forests and Woodlands and increasing their Value to Society and the Environment**

---