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**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Regulation of the European Parliament and
of the Council on the production and marketing of forest reproductive material,
amending Regulations (EU) 2016/2031 and 2017/625 of the European Parliament and of
the Council and repealing Council Directive 1999/105/EC (FRM Regulation)**

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council 6 July 2023
(document COM(2023) 415 final – 2023/0228 COD):

Date of the opinion of the European Economic and Social Committee: 13 December 2023

Date of the position of the European Parliament, first reading: 24 April 2024

Date of transmission of the amended proposal: N.A.

Date of adoption of the position of the Council: 21 April 2026

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The main objective of the proposal concerns the production and marketing of high-quality forest reproductive material (FRM) in the Union and the functioning of the internal market in the FRM sector.

The proposal strengthens the requirements for the assessment of the sustainability characteristics of the parent trees to speed up the climate change adaptation of forests. It aims to enhance the conservation of forest genetic resources by introducing simplified rules that enable the selection of genetically diverse parent trees. It also provides the opportunity for Member States to draw up contingency plans for ensuring a sufficient supply of FRM for reforestation of areas affected by fires and other disasters. These measures aim to help create resilient forests and restore forest ecosystems, while supporting the production of wood and biomaterials as well as climate adaptation and mitigation.

Finally, the proposal aligns the legislation with technological and scientific developments (innovative processes to produce FRM, bio-molecular techniques and digitalisation), as well as with other relevant legislation (e.g. the Plant Health Regulation (EU) 2016/2031) and establishes well-structured official control systems based on the principles of the Official Controls Regulation (OCR) (Regulation (EU) 2017/625).

3. COMMENTS ON THE POSITION OF THE COUNCIL

The position of the Council as adopted at first reading fully reflects the political agreement reached between the European Parliament and the Council on 8 December 2025. The Commission supports this agreement, the main points of which are set out below.

- **On official controls (Articles 28, 29, 30 and 36):** the compromise text agreed by the European Parliament and the Council extends the scope of application of the OCR to the FRM Regulation to Article 13 of the OCR, on written records of official controls, by including that provision in Article 36 of the FRM Regulation. In addition, the compromise text reproduces further OCR provisions in a simplified form in the FRM Regulation, including on official certification, as a new paragraph in Article 20; on Commission controls in Member States, as a new Article 30; on penalties, as a new Article 34; and on transparency of official controls, as a new Article 29.
- **Regarding the approval of basic material for forest genetic resources (FGR) conservation purposes (Article 6):** the European Parliament and the Council agreed on the Commission's compromise proposal (deleting Commission proposal Article 18 and redrafting Article 6). The Member States may authorise professional operators to approve basic material for the purpose of conservation of FGR. The Member States may also decide on the inclusion of that basic material in the national register (only basic material listed in the national register can be marketed).
- **On the marketing requirements for FRM concerning quality pests (Article 5):** the European Parliament and the Council agreed on the Parliament amendment on the inclusion of an additional provision under Article 5(1) point (d) requiring that for FRM to be marketed it must be free from quality pests, or the presence of such pests on that FRM is so low that those pests do not adversely affect its quality. The final agreement retains this provision, slightly adapted and accompanied by a corresponding definition under Article 3, point 47, to ensure that the related controls to assess whether there are symptoms of quality pests are conducted on a risk basis and limited to visual inspections, thereby mitigating potential administrative burdens.
- **On contingency plans (Article 9):** the European Parliament and the Council agreed on a compromise close to the Council's mandate where contingency plans remain voluntary. At the Parliament's request, the list of elements that may be included in the plan(s) has been extended. Additionally, an empowerment to the Commission was added under Article 9(4) for the latter to specify the elements to support the establishment and implementation of the contingency plans.
- **On the date of application of the Regulation (Article 39):** the European Parliament and the Council agreed to set the date of application at five years after entry into force of the FRM Regulation in accordance with the Council's mandate.

4. CONCLUSION

The Commission supports the results of the inter-institutional negotiations and can therefore accept the Council's position at first reading.