

This is a translation of the German "Forstvermehrungsgutgesetz" without obligation.

Act on Forest Reproductive Material (FoVG)¹

22 May 2002

(issued in the Official Gazette, Year 2002 Part I No. 32, issued at Bonn on May 29 2002, p. 1658 ff.)

The House of Parliament, in accordance with the Federal Council, has adopted the following act:

Contents

Section 1

General Provisions

Art. 1 Purpose and scope of the law

Art. 2 Definitions

Art. 3 Authorisation to modify of the list of tree species

Section 2

Approval

Art. 4 Approval of basic material

Art. 5 Regions of provenance

Art. 6 Register and list of approved basic material

Section 3

Production

Art. 7 Production of forest reproductive material

Art. 8 Master certificate

Art. 9 Separation, mixture and labelling of forest reproductive material

Art. 10 Separation and labelling of other material

Section 4

Marketing

Art. 11 Marketing of forest reproductive material

Art. 12 Requirements regarding the exterior conditions of forest reproductive material

Art. 13 Prohibition of the marketing

Art. 14 delivery notes

Section 5

Importation and Exportation

Art. 15 Importation of forest reproductive material

Art. 16 Exportation of forest reproductive material

Section 6

Assurance of origin and identity

Art. 17 Demands on the forest seed or forest plant enterprises

Art. 18 Supervision in the federal States

Art. 19 Supervision of importation

Art. 20 Collaboration between member states of the EU

Art. 21 Exceptional matters

Section 7

Transitional and final provisions

Art. 22 Criminal offence

Art. 23 Provisions regarding administrative fines

Art. 24 Rules for transition

Art. 25 Coming into force, overruled laws

Enclosure

(re. Art. 2 point1)

¹ This law serves the implementation of Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material (OJ EC 2000 No. L 11 p. 17, 2001 L 121 p.48)

Section 1 General Provisions

Art. 1

Purpose and scope of the law

(1) It is the purpose of the law to maintain and improve the forest with its manifold positive effects and its genetic diversity by providing high-quality forest reproductive material with secured identity as well as to promote the forestry and its performance.

(2) Forest reproductive material may only be produced, marketed, imported or exported in accordance with the provisions stated below.

(3) This law is not applicable

1. to reproductive material subject to the provisions of the Law on the marketing of seeds,
2. for parts of plants or for planting stocks which is demonstrable shown to be intended for purposes other than forestry, with the exception of provisions concerning import.

Art. 2

Definitions

For the purpose of this law

1. Forest reproductive material:

Reproductive material of tree species and artificial hybrids listed in the annex or in a regulation pursuant to art. 3 which are important for forestry purposes in Germany or in other EU member states.

2. Kinds of reproductive material

- a) Seed units:
cones, infructescences, fruits and seeds intended for sowing in the forest or for the production of planting stock
- b) parts of plants:
stem cuttings, leaf cuttings and root cuttings explants or embryos for micropropagation, buds, layers, offshoots, roots, scions, cut-offs, sets and any other parts of a plant exceptional seeds intended for planting in the forest or for the production of planting stock
- c) planting stock:
plants raised from seed units, from parts of plants, or from plants from natural regeneration

3. Types of basic material:

- a) Seed source:
Trees within an area from where seeds are collected;
- b) Stand:
Forest stand with a delineated population of trees possessing sufficient uniformity in composition which may also consist of closely related parts of populations;
- c) Seed orchard:
Plantation of selected clones or seedlings which is isolated or managed so as to avoid pollination from outside sources to the largest possible extent and which is managed abundant with the explicit intention to produce frequent, abundant, and easy seed harvests
- d) Family parents
Trees used to obtain progeny by controlled or open pollination of one identified parent with the pollen of one or a number of identified or unidentified parents
- e) Clone:
a vegetatively produced individual, derived originally from a single individual
- f) Clone mixture:
Mixture of clones in defined proportions, the characteristics of them are described

4. Autochthony

- a) Autochthonous stand or seed source:
a stand or a seed source which has been continuously regenerated by natural regeneration or

in exceptional cases a stand which was regenerated artificial with reproductive material collected in the same stand or in stands within the close proximity;

- b) indigenous stand or seed source:
a stand or seed source which is autochthonous or which was regenerated artificial from seed, the origin of which is situated in the same region of provenance.

5. Origin

- a) in case of autochthonous stands or seed sources: the place in which the trees are growing,
- b) in case of non autochthonous stands or seed sources or in case of other types of basic material: the place from which the basic material were originally introduced, while the origin may be unknown.

6. Provenance

the place in which the basic material is growing.

7. Region of provenance:

The area or the group of areas with approximately uniform ecological conditions in with stocks or seed sources of a certain species or sub-species are located that show similar phenotypic or genetic characteristics, taking account altitudinal boundaries.

8. Categories of forest reproductive material:

- a) source identified
Reproductive material from a seed source or a stand within a single region of provenance;
- b) Selected
Reproductive material derived from a stand within an single region of provenance which has been phenotypically selected at the population level;
- c) Qualified
Reproductive material from a seed orchard, from family parents, from a clone or a clone mixture the components of which has been phenotypically selected at the population level;
- d) Tested
Reproductive material from a stand, a seed orchard, family parents, a clone or a mixture of clones where the superiority of the reproductive material have been demonstrated by progeny tests or by the evaluation of the components of the basic material

9. Production, marketing, import and export:

- a) Production
all stages in the generation, harvest, storage, propagation, preparation conversion from seed unit to seed and transformation of reproductive material including propagation and harvesting of planting stock;
- b) marketing
Professional supplying, display with a view to sale, sale, hand-over or delivery including delivery under a service contract (*Dienstleistungsvertrag*) or a contract for work and labour (*Werkvertrag*), as well as moving in trade between the member states of the European Union;
- c) Import
Transport from a third country into the European Union
- d) Export
Transport to a third country.

10. Forest seed or forest plant enterprise:

any natural or legal person or association of persons producing, marketing, importing or exporting forest reproductive material commercially and self employed according to tax law

Art. 3

Authorisation to modify the list of tree species

The Federal Ministry of Consumer Protection, Food and Agriculture (Federal Ministry) is authorised to subject, by legal regulation approved by the Federal Council, forest reproductive material of further tree species and artificial hybrids to the provisions of this law as far as it is necessary for the implementation of legal acts of the European Community.

Section 2 Approval

Art. 4

Approval of basic material

(1) Basic material for the production of forest reproductive material to be marketed is subject to approval. Only

1. Stands under the category "selected",
2. Seed orchards under the category "Qualified" and
3. stands, seed orchards, family parents, clones and clone mixtures under the category "Tested"

may be approved. The basic material must appear suitable for regeneration and its progenies may not give rise to doubts concerning probable negative effects on the forest.

(2) Deviating from paragraph 1 sentence 2 stands and seed sources of the tree species Common Hornbeam, Large-leaved Linden, Silver Birch, Downy Birch, Wild cherry, Norway Maple and Black Locust may be approved under the category "source identified" for the production of reproductive material which is not intended for forest purposes. Approvals pursuant to sentence 1 expire after 31 December 2012.

(3) Basic material containing genetic modified organisms in terms of art. 3 point 3 of the gene technology act may be approved under the "Tested" category only. Approval is subject to an authorisation for marketing pursuant to art. 14 par. 1 point 2 also in connection with par. 5 of the gene technology act.

(4) The decision on the approval shall be made, upon the request of the forest or tree owner, of the forest association, or if public interest requires the conservation and usage of forest genetic resources, by the official body competent according to federal act (official body). One seed source, one stand, one seed plantation, several trees as family parents, one clone or clone mixture (approval unit) shall be approved.

(5) Where applicable, in order to assure the quality of the forest reproductive material, the approval may be subject, also retrospectively, to riders. The conditions for approval in respect to the categories "Selected", "Qualified" and "Tested" shall be verified regularly, especially if indications for changes are to be expected. Should the conditions no longer prevail, the approval shall be withdrawn. In addition, provisions of federal act equivalent to art. 48 and 49 of the Administrative Procedure Act remain untouched.

(6) The Federal states shall install expert groups to advise the official body with the implementation of provisions regarding the approval.

(7) The Federal Ministry, by legal regulation approved by the Federal Council, determines details regarding the conditions for approval as well as the requirements for the basic material. Also the Federal Ministry may manage, by legal regulations pursuant to sentence 1, the composition of and procedures governing the expert groups.

Art. 5

Regions of provenance

(1) The Federal Ministry is authorised, by legal regulation approved by the Federal Council, to determine and to denominate regions of provenance for basic material of the individual tree species according to geographic boundaries and, where applicable, according to altitude or other boundaries and to publish the borderlines of regions of provenance in maps.

(2) The Land authorities may designate the units of approval to the regions of provenance where necessary, in order to assure an unequivocal allocation.

Art. 6

Register and list of approved basic material

(1) The units of approval are entered in a register by the official body, broken down according to tree species, type of basic material, category and purpose. Each unit of approval receives a register reference. The register is open to look at by everyone. The Federal States inform the Federal Agency for Agriculture and Food (Federal Agency) about the entries in the register and respectively changes.

(2) Summarising the register, the Federal Agency publishes a list of the units of approval broken down according to tree species, types of basic material, category and purpose. Stands of the categories "Source identified" and "Selected" as well as seed sources of the category "Source identified" within one region of provenance are summarised.

(3) The Federal Ministry is authorised, by legal regulation approved by the Council of Ministers, to determine in detail

1. contents and
2. form of the register and list.

Section 3 Production

Art. 7

Production of forest reproductive material

(1) Forest reproductive material which is to be marketed may only be produced by registered forest seed or forest plant enterprises. Production directly from basic material is to be notify in time in advance to the official body. This allowed only if the basic material pursuant to art. 4 has been approved. All further stages of production are allowed only with forest reproductive material which

1. is derived from basic material approved in member states of the European Union or
2. was imported into the European Union in accordance with art. 15 par. 1.

(2) Vegetative production of forest reproductive material to be marketed may only be done from basic material of the category "Tested".

(3) Forest reproductive material of artificial hybrids to be marketed may only be produced from category "Tested" basic material.

(4) The federal governments may, for the purpose of identity assurance determine by legal regulation that

1. certain forest reproductive material is to be directed via collecting points of forest or tree owners or of forestry associations following production directly from basic material and prior to transport to the place of destination,
2. ornamental cones may only be harvested at certain times of the year,
3. forest reproductive material may be produced directly from basic material only under the supervision of the forest or tree owner or his agent.

The federal governments may, by legal regulation, transfer the authorisation under sentence 1 to other authorities.

Art. 8

Master certificate

(1) Material which can serve as forest reproductive material may be removed from the place of the basic material, of vegetative propagation or of the collecting point and taken to the first point of destination only if it is accompanied by a master certificate which contains information about the basic material and about the lot produced from it in order to allowing the identification.

(2) The master certificate is issued by the Official body. It keeps a list of the lots produced from each unit of approval.

(3) The Federal Ministry is authorised, by legal regulation approved by the Federal Council, to determine in detail the content and the form of the master certificates.

Art. 9

Separation, mixture and labelling of forest reproductive material

(1) In order to safe the identity, forest seed or forest plant enterprises at all stages of production are obliged to keep forest reproductive material which is to be marketed in lots separated according to units of approval and they have to label the lots accordingly the rules.

(2) Lots may only be mixed if a regulation pursuant to paragraph 3 allows it. For the mixed lot a new master certificate is issued. Upon registration of the mixture in a book according to art. 17 par. 2 the register references of the mixture's components are to be indicated.

(3) The Federal Ministry is authorised by legal regulation approved by the Federal Council, to determine in detail the requirements concerning

1. the separation and labelling as well as
2. the legitimacy of mixtures.

Art. 10

Separation and labelling of other material

Forest seed and forest plant enterprises shall keep cones, infructescences, fruits and seeds which are not destined for sowing in the forest or for the production of planting stock, as well as reproductive material in the sense of art. 1 par. 3 and art. 21 sentence 1, separate from other reproductive material and shall label and document the material upon their entry in the enterprise and pursuant to rider-provisions of the exceptional permission according to art. 21 sentence 2, indicating the purpose of destination. Entry into and exit from the enterprise as well as sender and recipient are to be documented.

Section 4 Marketing

Art. 11

Marketing of forest reproductive material

(1) Forest reproductive material may only be marketed subject to the provisions of art. 7 regarding production and only by registered forest seed and forest plant enterprises. It must

1. derived from basic material approved in member states of the European Union or
2. be imported into the European Union according to art. 15 par. 1.

(2) Seeds may only be marketed in closed packages. The closure must be of a kind to become useless after its first opening.

Art. 12

Requirements regarding the exterior conditions of forest reproductive material

(1) Lots of fruits and seeds may only be marketed if their specific pure seed proportion at least 99 per cent of its mass or its number of units. In deviation from sentence 1 lots of closely related species of the same genus may also be marketed if the degree of purity is below 99 per cent of their mass or number of units and if percentages of each species determined according to generally recognised procedures are indicated on the delivery note. In case of artificial hybrids the percentage of hybrids contained in the lot must be indicated.

(2) Lots of parts of plants must be of commercial quality which is determined by verifying the absence of damage, the health condition, physiological quality and suitable size.

(3) Lots of plant stocks must be of commercial quality which is determined by verifying the absence of damage, the health condition, growing quality, growing and physiological quality.

Art. 13

Prohibition of the marketing

(1) Forest reproductive material of the category "source-identified" may only be offered or marketed to end users in Germany for non-forestry purposes and only until 31 December 2012.

(2) The Federal Ministry is authorised, by legal regulation approved without the Federal Council, to restrict the offer and the hand-over of certain reproductive material to the forestal end user, if it is allowed by a regulation of the European Union. The Federal Ministry may delegate the authorisation according to sentence 1 without approving of the Federal Council to the Federal Agency. The supplier of the reproductive material has to notify the prohibition of the marketing to every recipient by transfer.

Art. 14

Delivery notes

(1) Forest reproductive material may only be marketed in lots which

1. meet provisions

- a) of art. 9 and
- b) of a legal regulation pursuant to art. 9 par. 3,

2. are individually labelled with a label which contains the number of the master certificate and allows unequivocal correlation to the respective delivery note, and

3. which are accompanied by a delivery note which contains

- a) the number of the master certificate and
- b) information regarding basic material, reproductive material, quantity, supplier and recipient.

(2) In case of seeds the delivery note must additionally contain, and for each lot, information regarding purity, germination, thousand-seed weight and the number of germinable seeds per kilogram seed. These data are to be collected in the framework of a test, to be initiated by the supplier, according to commonly recognised procedures. Prior to the conclusion of the germination test, delivery to the first buyer is allowed. In that case the supplier has to communicate relevant data to the buyer immediately after the test have been concluded. In case of quantities of less than 10,000 seeds no data regarding germination or the number of germinable seeds per kilogram are required.

(3) In case of cutting explants and sets of the genus Poplar it may be indicated that the additional requirements laid down in Annex VII Part C of Council Directive 1999/105/EC of 22 December on the marketing of forest reproductive material (OJ EC 2000 Nr. L 11 p.17, 2001 No. L 121, p.48) the are fulfilled; when bringing sets into circulation the size is to be indicated according to No. 2 point b of that Annex.

(4) The Federal Ministry is authorised to regulate, by legal regulation approved by the Federal Council,

1. the contents of label and delivery note as well as
2. the form of label and delivery note,
3. for the purpose of quality assurance, requirements regarding seed tests as well as the procedure of seed tests.

Section 5 Importation and Exportation

Art. 15

Importation of forest reproductive material

(1) Forest reproductive material may only be imported if

1. pursuant to a Council Decision it is equal to forest reproductive material produced within the European Union and meets the requirements of Council Directive 1999/105/EC, or
2. on the basis of a Commission authorisation an exceptional permit has been granted.

In the case of sentence 1 point 2 it shall be imported as reproductive material with less stringent requirements. The condition for an exceptional permit to be granted prevails if the reproductive material is needed to assure the supply and does not risk to negatively affect forestry and the purposes stated in art. 1 par.1. Where applicable, the exceptional permit may contain riders in order to prevent the import of unsuitable reproductive material for use in forests. art. 21 remains untouched.

(2) Forest reproductive material to be marketed may only be imported by a registered forest seed or forest plant enterprise.

(3) Forest reproductive material at the import stage must be accompanied by a master certificate or an equal certificate issued by a third country.

(4) Forest reproductive material which is imported according to paragraph 1 sentence 1 point 2 must be kept separate from other reproductive material by the forest seed or forest plant enterprises at import level, at further levels of production and marketing and must, instead of the category to be indicated pursuant to art. 9 par. 3 point 1 be labelled as "reproductive material with less stringent

requirements” and also according to the riders regarding the exceptional permit under paragraph 1 sentence 4.

(5) Not subject to paragraphs 1 to 4 are the following points:

1. Plant parts and plant material of up to 300 units per importer and day which have been proven not to be destined for forestry purposes;
2. Reproductive material while it is in a free port or under customs supervision.

(6) The Federal Ministry is authorised, in order to avoid the import of unsuitable forest reproductive material, to specify by legal regulation approved by the Federal Council, the conditions for the import as well as its procedure.

Art. 16

Exportation of forest reproductive material

(1) The sender shall prove the export of forest reproductive material immediately to the official body by joining a customs declaration of export handled by a customs officer.

(2) For reproductive material destined for export the Official body may, upon request, issue a new master certificate or certificate of identity in accordance with respective binding agreements of international law.

Section 6

Assurance of origin and identity

Art. 17

Demands on the forest seed or forest plant enterprises

(1) Forest seed or forest plant enterprises shall notify the Official body within a month after the beginning or ending of their activities, indicating the name and address of the enterprise as well as the responsible persons. A change of the responsible person shall be notified immediately. The Official body informs the Federal Agency immediately of the beginning, ending or prohibition of activities, indicating the enterprise’s registration number. The Federal Agency keeps a list of the registered forest seed and forest plant enterprises which it publishes in appropriate form for information purposes.

(2) Forest seed or forest plant enterprises shall keep books on the species, quantities and locations of all stocks, entries, mixtures, stock modifications and exits of reproductive material, broken down by master certificate number. Administrative entries are to be made immediately. In addition, documents pertaining to the entries are to be collected. Books and documents shall be kept for at least ten years. The deadline according to sentence 4 begins upon expiration of the year in which documents to be kept are collected or arise. In justified cases the Official body may allow joint bookkeeping by enterprises uniformly managed by one owner.

(3) Forest seed or forest plant enterprises shall notify the Official body immediately of the production, marketing or the import of cones, infructescences, fruits and seeds which are not destined for sowing in the forest or for the production of planting stock.

(4) The continuation of activities by a forest seed or forest plant enterprises may, irrespective to other public provisions – be partially or totally prohibited by the Official body if

1. it does not dispose of the necessary technical equipment,
2. none of the responsible persons can prove having the necessary technical knowledge and experience,
3. books are not properly kept,

4. a person responsible for the management of the enterprise proves to be unreliable, acts punishable in particular pursuant to art. 22 or repeatedly act improperly pursuant to art. 23 par. 1.

The interdiction is to be lifted as soon as the conditions it was based on cease to prevail.

(5) The Federal Ministry is authorised to specify, by legal regulation approved by the Federal Council,

1. the contents and
2. the form

of the books.

(6) Should the controls provided by this law not suffice to supervise the circulation of forest reproductive material the Federal Ministry may, by legal regulation approved by the Federal Council, decide for individual or several tree species that the forest seed or forest plant enterprises are to notify to the Official body in a certain form the production, stocks, entries, stock modifications and exits of reproductive material. Such notifications may only be used for the application of this law.

Art. 18

Supervision in the Federal States

(1) The official bodies have to supervise the implementation of this law and of legal regulations adopted on its basis.

(2) In order to implement the tasks assigned to them, the official bodies may request natural or legal persons and associations the necessary information and may take or request samples of reproductive material free of charge.

(3) The persons designated by the official bodies to gather respective information are authorised in the framework of paragraph 2, to access, during uptime and office hours, premises, offices, production sites and means of transport, to carry out controls, take samples and see business documents. The person obliged to give information has to accept the measures under sentence 1 and has to present the business documents upon request.

(4) The Official bodies may order a certain usage or the destruction of reproductive material which is not nationally marketable and may confiscate respective reproductive material if that should be necessary to prevent the use of this reproductive material in forests.

(5) The persons designated by the official bodies to gather respective information may not have any personal or fiscal interest in them. Information obtained may be used for the application of this law only.

(6) The person obliged to give information may refuse to answer such requests which would subject him or one of the relatives named in art. 383 par. 1 point 1 to 3 Civil process order to the risk of prosecution or a procedure under the Regulatory Offences Act.

(7) Upon request the official body may subject individual lots of reproductive material of further tree species and artificial hybrids to an official control. The Federal Ministry is authorised to further define, by legal regulation approved by the Federal Council and in accordance with binding international agreements the provisions applicable for this reproductive material.

Art. 19

Supervision of importation

(1) The Federal Agency supervises the import of reproductive material. Article 18.2 to 18.6 applies accordingly. The Federal Ministry of Finance and the customs authorities support the supervision of the imports of reproductive material. The authorities mentioned may

1. stop consignments of reproductive material as well as their means of transport, boxes, loading and packaging materials for the purpose of supervision,
2. inform the competent administrative authorities of a suspected infringement of prohibitions or limitations under this law or under legal regulations adopted under this law which may occur during customs clearance and may
3. in cases described under point 2 take samples and order that consignments of reproductive material have to be presented to an authority competent for the control of reproductive material moving in trade.

(2) The Federal Ministry of Finance, in agreement with the Federal Ministry, regulates, by legal regulation without agreement of the Federal Council, details of the procedure under paragraph 1 sentences 3 and 4. It may, in particular, provide obligations concerning notifications, registrations, information as well as giving ancillary service, toleration of inspection of business documents and toleration of free sampling.

(3) The Federal Ministry is authorised to regulate, in agreement with the Federal Ministry of Finance, by legal regulation approved by the Federal Council, to lay down detailed rules for the supervision of provisions under paragraph 1 as well as articles 15 and 16. The legal regulation may provide that certain reproductive material may only be imported via certain customs offices. These customs offices shall be published in the German Federal Gazette.

Article 20

Collaboration between the member states of the European Union

(1) The Federal Agency directly transmits to the official bodies of other member states of the European Union the necessary information for the supervision of the provisions of Directive 1999/105/EC.

(2) The Federal Agency and the Official bodies provide official authorities of other member states direct mutual assistance towards the supervision of the compliance with provisions of Directive 1999/105/EG.

(3) The Federal Ministry is authorised to order, by legal regulation approved by the Federal Council, that the forest seed or forest plant enterprises and the official bodies notify the Federal Agency of Agriculture and Food certain information on the transport of lots among member states of the European Union as well as on importation and exportation.

Art. 21

Exceptional matters

The Federal Agency may, in derogation from art. 1 para. 2 and upon request allow production, marketing and importation of

1. adequate quantities of reproductive material for the purpose of tests, scientific purposes, selection work or genetic conservation purposes,
2. reproductive material which is demonstrable shown to be for exportation to third countries,
3. seeds which is demonstrable shown to be intended for non forestry purposes, or
4. vegetative reproductive material of the category "Selected" which will produced in order to assure the supply of reproductive material appropriate for mass reproduction from seedlings

and which does not satisfy the requirements of this law. The permits issued by the Federal Agency may, where appropriate, contain additional riders in order to prevent improper reproductive material from being marketed for use in forests.

Section 7
Transitional and Final Provisions

Art. 22

Criminal offence

Marketing of reproductive material against article 14 (1) point 3 (a) shall be liable to a term of imprisonment of up to one year or to a administrative fine.

Art. 23

Provisions regarding administrative fines

(1) An action mentioned in Art. 22 committed by negligence is considered an administrative offence.

(2) Administrative offences are committed, by negligence or premeditation, if

1. against art. 8 para. 1 material is removed
2. against art. 9 para. 1 in connection with a legal regulation pursuant to para. 3 point 1, art. 10 sentence 1 or art. 15 para. 4, cones, infructescences, fruits or seeds not destined for sowing in forests or for the production of planting stock, or reproductive material are not kept separately, are not labelled, or labelled either incorrectly or not in time,
3. against art. 9 para. 2 sentence 1 in connection with a legal regulation pursuant to para. 3 point 2 a lot is mixed,
4. against art. 11 para. 1 sentence 1 or para. 2 sentence 1, art. 12 subsection 1 sentence 1 or art. 14 para. 1 Nr. 2 or 3 (b), each also in connection with a legal regulation pursuant to para. 4 point 1, reproductive material or a lot is marketed,
5. against art. 13 para. 1 reproductive material is ceded,
6. against art. 15 para. 1 sentence 1 reproductive material is imported
7. against art. 16 para. 1 proof is not given, is given improperly or not in time,
8. against art. 17 para. 1 sentence 1 or 2 or para. 3 a note is not brought, or is brought improperly, or incompletely or not in time,
9. against art. 17 para. 2 sentence 1, also in connection with a legal regulation pursuant to para. 5 point 1 or para. 2 sentence 4 a book is not kept, or is kept improperly, or incompletely, or if a book or document is not kept or not kept for a minimum of ten years,
10. contravenes an ruling pursuant to
 - a) art. 17 para. 4 sentence 1 or
 - b) art. 18 para. 2 or 4 ,
11. against art. 18 para. 3 sentence 2 does not accept a measure or does not present a document or does not present it in time,
1. contravenes an enforcable rider pursuant to art. 21 sentence 2 or
13. contravenes a legal regulation pursuant to
 - a) art. 7 para. 4 sentence 1, art. 13 para. 2 sentence 1, art. 14 para. 4 point 3 or art. 15 para. 6, or
 - b) art. 19 para. 2 sentence 1 or art. 20 para. 3

or contravenes an enforcable order pursuant to such a legal regulation, where the regulation refers to this fine provision for certain elements of an offence.

(3) In cases of para. 2 point 7, 8, 10 (b), point 11 and 13 (b), the offence may be sanctioned by a administrative fine of up to twenty-thousand Euro, in the remaining cases by a administrative fine of up to fifty-thousand Euros.

(4) For the purpose of art. 36 para. 1 No 1 of the Regulatory Offences Act, the responsible administrative authority is

1. the Federal Agency in cases of para. 2 point 2, 6, 12 and 13, where the administrative offence was committed during importation or moving between member states of the European Union,

2. the main customs office in whose district the reproductive material is subject to import provisions for the first time, in cases pursuant to para. 2 point 13 b) in case of offences against a legal regulation under art. 19 para. 2 sentence 1.

Art. 24

Rules for transition

(1) Forest reproductive material which was covered from the act about forest seed and planting stocks dated 26th of July 1979 (Federal Law Gazette part I p. 1242), last modified with art. 201 of the regulation of 29th of Oct. 2001 (Federal Law Gazette I. p. 2785) or which was produced in accordance with the rule of this act before 1th of Jan. 2003, may be marketed according to the rules of this act.

(2) Forest reproductive material which was not covered from the act about forest seed and planting stocks dated 26th of July 1979 (Federal Law Gazette part I p. 1242), last modified with art. 201 of the regulation of 29th of Oct. 2001 (Federal Law Gazette I. p. 2785) was not produced in accordance with the rule of this act before 1th of Jan. 2003, may be marketed after declaration at the Federal Agency or the official body according to the rules of this act and with the labelling "nicht unter dem FoVG erzeugtes Vermehrungsgut", but only until 31th of Dec. 2009.

Art. 25

Coming into force, overruled laws

Rules authorising to issue regulations, come into force one day after publication. For the rest this act comes into force on 1st of Jan. 2003. At the same date was overruled the act about forest seed and planting stocks dated 26th of July 1979 (Federal Law Gazette part I p. 1242), last modified with art. 201 of the regulation of 29th of Oct. 2001 (Federal Law Gazette I. p. 2785)

The aforesaid act is hereby engrossed. It has to be proclaimed in the Federal Law Gazette.

Berlin, 22nd of May 2002

The Federal President
Johannes Rau

The Federal Cancellor
Gerhard Schröder

The Federal Minister of Consumer Protection, Food and Agriculture
Renate Künast

Enclosure (re. Art. 2 point1)

List of tree species and artificial hybrids subject to the Council Directive No. 1999/105/EG

(Tree species with no importance for the forestry within the country are marked with *)

botanical name	German name
<i>Abies alba</i> Mill.	Weißtanne
<i>Abies cephalonica</i> Loud.	Griechische Tanne*
<i>Abies grandis</i> Lindl.	Große Küstentanne
<i>Abies pinsapo</i> Boiss.	Spanische Tanne*
<i>Acer platanoides</i> L.	Spitzahorn
<i>Acer pseudoplatanus</i> L.	Bergahorn
<i>Alnus glutinosa</i> (L.) Gaertn.	Schwarzerle (Roterle)
<i>Alnus incana</i> (L.) Moench	Grauerle
<i>Betula pendula</i> Roth	Sandbirke
<i>Betula pubescens</i> Ehrh.	Moorbirke
<i>Carpinus betulus</i> L.	Hainbuche
<i>Castanea sativa</i> Mill.	Esskastanie
<i>Cedrus atlantica</i> (Endl.) Manetti	Atlaszeder*
<i>Cedrus libani</i> A. Richard	Libanonzeder*
<i>Fagus sylvatica</i> L.	Rotbuche
<i>Fraxinus angustifolia</i> Vahl	Schmalblättrige Esche*
<i>Fraxinus excelsior</i> L.	Esche
<i>Larix decidua</i> Mill.	Europäische Lärche
<i>Larix kaempferi</i> (Lamb.) Carr.	Japanische Lärche
<i>Larix sibirica</i> (Muenchh.) Ledeb.	Sibirische Lärche*
<i>Larix x eurolepis</i> Henry	Hybridlärche
<i>Picea abies</i> (L.) Karst.	Fichte (Gemeine Fichte)
<i>Picea sitchensis</i> (Bong.) Carr.	Sitkafichte
<i>Pinus brutia</i> Ten.	Kalabrische Kiefer*
<i>Pinus canariensis</i> C. Smith	Kanarenkiefer*
<i>Pinus cembra</i> L.	Zirbelkiefer*
<i>Pinus contorta</i> Dougl. ex Loud.	Drehkiefer*
<i>Pinus halepensis</i> Mill.	Aleppokiefer (Seekiefer)*
<i>Pinus leucodermis</i> Ant.	Schlangenhautkiefer*
<i>Pinus nigra</i> Arnold	Schwarzkiefer
<i>Pinus pinaster</i> Ait.	Strandkiefer*
<i>Pinus pinea</i> L.	Pinie*
<i>Pinus radiata</i> D. Don	Montereykiefer*
<i>Pinus sylvestris</i> L.	Waldkiefer (Gemeine Kiefer)
<i>Populus</i> spp.	Pappeln
(all species and artificial hybrids)	(alle Arten und künstlichen Hybriden)
<i>Prunus avium</i> L.	Vogelkirsche
(with exception for the use in fruit-growing)	(außer zur Verwendung im Obstbau)
<i>Pseudotsuga menziesii</i> (Mirb.) Franco	Douglasie
<i>Quercus cerris</i> L.	Zerreiche*
<i>Quercus ilex</i> L.	Steineiche*
<i>Quercus petraea</i> (Mattuschka) Liebl.	Traubeneiche
<i>Quercus pubescens</i> Willd.	Flaumeiche*
<i>Quercus robur</i> L.	Stieleiche
<i>Quercus rubra</i> L.	Roteiche
<i>Quercus suber</i> L.	Korkeiche*
<i>Robinia pseudoacacia</i> L.	Robinie
<i>Tilia cordata</i> Mill.	Winterlinde
<i>Tilia platyphyllos</i> Scop.	Sommerlinde