



Forest Policy Report

SFI/2022

Kommentierung des Gesetzentwurfs der Ukraine über forstliches Vermehrungsgut

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About the Project “Sustainable Forestry Implementation” (SFI)

The project “Technical Support to Forest Policy Development and National Forest Inventory Implementation” (SFI) is a project established in the framework of the Bilateral Cooperation Program (BCP) of the Federal Ministry of Food and Agriculture of Germany (BMEL) with the Ministry of Environment and Natural Resources of Ukraine (MENR). It is a continuation of activities started in the forest sector within the German-Ukrainian Agriculture Policy Dialogue (APD) forestry component.

The Project is implemented based on an agreement between GFA Group, the general authorized executor of BMEL, and the State Forest Resources Agency of Ukraine (SFRA) since October 2021. On behalf of GFA Group, the executing agencies - Unique land use GmbH and IAK Agrar Consulting GmbH - are in charge of the implementation jointly with SFRA.

The project aims to support sustainable forest management planning in Ukraine and has a working focus on the results in the Forest Policy and National Forest Inventory.

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Disclaimer

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Einleitung

Der nachfolgende Bericht zum Entwurf des Gesetzes der Ukraine über die Erzeugung und das Inverkehrbringen von forstlichem Vermehrungsgut (im Folgenden „Gesetzesentwurf“), ist zusammen mit der tabellarischen Kommentierung des Gesetzestextes (Anlage 1) und der zusammenfassenden Präsentation Gegenstand des Dienstleistungsvertrages mit der „unique land use GmbH“ vom August 2022 im Zusammenhang mit dem Projekt: „Technical support to Forest Policy Development and National Forest Inventory Implementation, Ukraine“.

Zum Zweck der Vertragserfüllung wurden dem Bearbeiter der entsprechende Gesetzestext mit 45 Anlagen (Annexes) übergeben. Letztere beziehen sich einerseits auf das Gesetz über Forstliches Vermehrungsgut, andererseits handelt es sich um technische Instruktionen im Zusammenhang mit der unmittelbaren betrieblichen Erzeugung von forstlichem Vermehrungsgut sowie der Durchführung der Waldverjüngung, der Wiederaufforstung und der Neuaufforstung (Waldmehrung) mit unterschiedlicher Zweckbestimmung. Letztere haben den Charakter von Ressort-Standards, welche im betrieblichen Vollzug einen stringenten Entscheidungs- und Gestaltungsrahmen vorgeben. Prinzipiell entspricht dieses Vorgehen dem, welches z. B. für die Staatsforstbetriebe der Tschechischen Republik, der Republik Polen üblich ist und bis 1989 in der staatlichen Forstwirtschaft der DDR Grundlage für Planung, Vollzug und Kontrolle von forstbetrieblichen Maßnahmen war.

Um ein ausgewogenes, letztendlich auf den forstbetrieblichen Erfolg gerichtetes Verhältnis zwischen Ressort-Standards und dem Entscheidungsrahmen für die ingenieurtechnische Umsetzung im mittelfristigen wie operativen Betriebsvollzug zu erreichen, sollte eine kritische Auseinandersetzung mit den vorliegenden technischen Instruktionen erfolgen. Als Prämisse kann die höchstmögliche Effizienz gelten, um ein hinreichend konkret definiertes, operationalisiertes waldbauliches Entwicklungsziel zu erreichen. Dafür ist es erforderlich, dass die unmittelbare forstbetriebliche Ergebnisverantwortung und auf den vorliegenden Ressort-Standards aufbauende Entscheidungsmöglichkeiten zielgerichtet zusammenwirken.

Als Grundlagen für die Kommentierung des Gesetzes über Forstliches Vermehrungsgut der Ukraine wurden das Forstvermehrungsgutgesetz (FoVG) der Bundesrepublik Deutschland (BRD) vom 22. Mai 2002 (Anlage 2) und die Richtlinie 1999/105/EG des Rates vom 22. Dezember 1999 über den Verkehr mit forstlichem Vermehrungsgut (Anlage 3) herangezogen. Letztere ist insbesondere im Zusammenhang mit der angestrebten Mitgliedschaft der Ukraine in der EU maßgeblich. Die Berücksichtigung im nationalen Recht kann einen Vorlauf an Konformität zum europäischen Recht schaffen. Darüber hinaus wurden die aktuellen Empfehlungen des gemeinsamen Gutachterausschusses der Länder der BRD (gGA), Stand April 2019, die Empfehlungen der Bund-Länder Arbeitsgruppe forstliche Genressourcen (BLAG), das Merkblatt über die Einfuhr von forstlichem Vermehrungsgut aus Drittländern in die BRD vom 01. April 2021, Empfehlungen zur

Saatgutprüfung [SCHNECK & UHLMANN 2007] sowie beispielhaft die Dokumentation von zugelassenem Ausgangsmaterial und das Pappelregister berücksichtigt. Die entsprechenden Unterlagen wurden den Partnern in der Ukraine Mitte September 2022 als übermittelt und sind Anlagen dieses Berichtes.

Als Beispiel einer hoch effizienten Organisationstruktur für den Vollzug des FoVG im Zusammenwirken mit dem forstgenetischen Versuchswesen, der forstgenetischen Laborforschung sowie der Erhaltung und Nutzung forstgenetischer Ressourcen, wurde das Amt für Waldgenetik des Bayerischen Staatsministerium für Ernährung, Landwirtschaft und Forsten herangezogen.

Als Referenz für die Waldbaugrundsätze und Waldbaustrategie sowie deren Untersetzung für die mittelfristige, 10-jährige Betriebsplanung und den operativen Betriebsvollzug, dienen die entsprechenden Richtlinien und Betriebsanweisungen für die Bewirtschaftung des Landeswaldes im Freistaat Sachsen. Gleiches gilt für die waldbauliche Erfolgskontrolle. Die entsprechenden Unterlagen wurden den ukrainischen ebenfalls während der Bearbeitung des Dienstleistungsvertrages übermittelt.

Insgesamt ergibt sich so eine Wirkungslinie von der Legislative über die Exekutive bis zur unmittelbaren forstbetrieblichen Umsetzung. In diesem Kontext soll der nachfolgende Bericht als Impuls für die Weiterentwicklung der Forstwirtschaft der Ukraine in Verbindung mit einem ambitionierten, strategisch ausgerichteten Waldmehrungsprogramm dienen.

Während der Bearbeitung der Expertise wurden drei Videokonferenzen durchgeführt. Diese konnten erheblich zur Verständigung über die Erwartungen der Partner in der Ukraine beitragen.

Kommentare zum Entwurf des Gesetzes der Ukraine über Forstliches Vermehrungsgut

Die folgenden Ausführungen sollen die tabellarisch dargestellten Kommentare zum Gesetzentwurf der Ukraine über Forstliches Vermehrungsgut (Anlage 1) untersetzen und ggf. Hinweise und /oder Empfehlungen vermitteln, die über den Gesetzestext hinausgehen. Dabei wird der Bezug zur tabellarischen Kommentierung durch die identische Verwendung der fortlaufenden Nummerierung der Kommentare hergestellt. Gegenstand des Berichtes sind nur die Kommentare, deren Inhalt über das tabellarische Extrakt hinausgehend erörterungswürdig erscheint.

2.1 Grundsätze

Prinzipiell orientiert sich der Gesetzentwurf in seiner Struktur, im Inhalt und den Anlagen an der Richtlinie 1999/105/EG des Rates vom 22. Dezember 1999 (Anlage 3) und daraus folgend am Forstvermehrungsgutgesetz (FoVG) der Bundesrepublik Deutschland vom 22. Mai 2002 (Anlage 2), nebst Durchführungsbestimmungen sowie den thematisch einschlägigen Verzeichnissen und Methoden (Anlage 2, 4a, b, 5a, b, c Vorratserhebungen in Baumschulen, 6a, b, 7a, b). Der vorliegende Gesetzesentwurf bildet auf dem Gebiet der Erzeugung und des Inverkehrbringens von forstlichem Vermehrungsgutes eine der maßgeblichen Grundlagen für die Weiterentwicklung der nationalen Forstpolitik Ukraine und unterstützt die Vorbereitung von Beitrittsverhandlungen der Ukraine zur EU. Letzteres ermöglicht eine effiziente abschließende Rechtsanpassung im Beitrittsprozess.

Der Gesetzeszweck sowohl der Direktive 1999/105/EG als auch des FoVG betonen neben dem unmittelbaren Gegenstand des Gesetzes, der Erzeugung und dem Inverkehrbringen von Forstlichem Vermehrungsgut, den Erhalt, ggf. die Erneuerung, sowie die Nutzung genetischer Vielfalt. Im Zusammenhang mit der forstwirtschaftlichen Nutzung werden die Wuchleistung und die potenziell zu erwartende Holzqualität hervorgehoben. Mit Bezug zum ambitionierten Walderneuerungs-, Wiederbewaldungs- und Waldmehrungsprogramm der Ukraine entscheidet die konsequente Operationalisierung der zuvor genannten Kategorien über das Maß der Realisierung eines nationalen strategischen Erfolgspotenzials mit weitreichender Bedeutung für die Entwicklung einer nationalen Bioökonomie und Klimaschutzpolitik. Schlüsselkomponenten sind die Struktur der Holzproduktion in Menge und Qualität sowie die Ausprägung und Stetigkeit der landschaftsökologisch bedeutenden Ökosystemleistungen von Wäldern. Weg und Ziel ist durch essentielle Berücksichtigung des Erhalts, der Erneuerung und der Nutzung forstlicher Genressourcen die Erneuerung und der dynamische Erhalt funktionaler Biodiversität als Prozess. Letzterer wird insbesondere durch die Veränderungen von klimatischen Standortfaktoren bestimmt.

Es handelt sich um übergeordnete programmatische bedeutende Ziele, die dem Gesetzestext vorangestellt werden sollten. Die Dimension des in Betracht zu ziehenden forstgenetischen Impacts kann in ihrer Bedeutung für die Zukunft

durchaus mit der historischen Einführung einer geregelten Forstwirtschaft verglichen werden.

Hervorzuheben ist, dass der Gesetzentwurf so genannte Nebenbaumarten und Sträucher einbezieht. Damit wird auch mit Bezug zur Bereitstellung von forstlichem Vermehrungsgut einem walddtypologischen Ansatz für die Waldentwicklung und so einer weit gefassten forstlichen Erhaltung, Wiederherstellung und Nutzung von genetischen Ressourcen entsprochen (Anlage 8).

2.2 Regelungstiefe, Aufgaben und Strukturen der Executive

Im Vergleich zur Richtlinie 1999/105 EG und zum FoVG weist der Gesetzentwurf eine deutlich weiterreichende Regelungstiefe auf. Diese wird vor allem in den Annex und technischen Instruktionen deutlich, die als Ressortstandards aufgefasst werden müssen und in einem hohen Maße die forstbetriebliche Durchführungsebene betreffen. Diese Vorgaben können einerseits zu einer stringenten programmatischen wie erfolgsorientierten Umsetzung von forstpolitischen Zielen beitragen, andererseits aber als Hemmnis für die Entwicklung von zielkonformen forstbetrieblichen Lösungen wirken. Letzteres betrifft weniger die Regelungen für die Produktion und das Inverkehrbringen von forstlichem Vermehrungsgut, als die waldbautechnischen Instruktionen. Eine Evaluierung und Beschränkung auf das Notwendige wird empfohlen. Vorstellbar wären Rahmenvorgaben für funktional differenzierte Waldentwicklungsziele (z. B. Schutzstreifen, Schutzwälder, Produktionswälder) zum Zeitpunkt Potenzialsicherung (frühes Dickungsstadium) in Verbindung mit einem gegenüber den vorliegenden Instruktionen erweiterten ingenieurtechnischen Entscheidungsrahmen für die Zielerreichung in Verbindung mit der entsprechenden Ergebnisverantwortung der Forstbetriebe.

Des Weiteren wird empfohlen, der Entwicklung einer stringenten wie effizienten Executive höchste Beachtung zu widmen und die im Gesetzentwurf beschriebenen Strukturen dahingehend zu evaluieren. Als Referenz kann das *Amt für Waldgenetik (AWG) des Bayerischen Staatsministerium für Ernährung, Landwirtschaft und Forsten*, mit den Sachgebieten, (A) *Angewandte forstgenetische Forschung*, (B) *Forstgenetisches Versuchswesen*, (C) *Erhalten und Nutzen forstlicher Genressourcen*, (D) *Hoheitliche und administrative Aufgaben nach dem Forstvermehrungsgutgesetz*, dienen (Anlage 8). Das AWG nimmt in direkter Unterstellung zum Staatsministerium die administrativen Aufgaben für die Umsetzung des FoVG vollständig wahr. Die unmittelbare strukturelle Verbindung von hoheitlichen Aufgaben, mit einer analytischen Komponente (DAN- und Forstsaatgutlabor), dem Monitoring, der Erhaltung und Nutzung forstgenetischer Ressourcen sowie der anwendungsorientierten Forschung und des Versuchswesens muss unter funktionalen Aspekten als exzellent bezeichnet werden. Für die Ukraine könnte unter naturräumlichen Gesichtspunkten eine ähnliche Struktur für die Naturräume I. (Polissya) – V. (Ukrainian Carpathian Mountains) erwägenswert sein. Dabei handelt es sich um eine Organisationseinheit, die sich bei gleichem Aufgabenportfolio in die genannten 5 naturräumlichen Struktureinheiten

untergliedert. Einer dieser Struktureinheiten wird die Funktion der „Zentrale“ und damit der Gesamtleitung bzw. -koordination zugeordnet. Deren räumliche Nähe zur einer universitären forstlichen Ausbildungs- oder nationalen forstlichen Forschungseinrichtung könnte im Hinblick auf Interdisziplinarität, Qualifikation und Personalentwicklung zweckmäßig sein.

Die *Wahrnehmung des Aufgabengebietes (D)* erfordert eine weitere territoriale Gliederung. Diese sollte sich an der administrativen Struktur der Gebiete sowie der organisatorischen und logistischen Absicherung einer Mindest-Präsenz in der Fläche orientieren. Dem würden regionale Kontroll- und Servicestellen entsprechen, deren Leistungsschwerpunkt Inspektions-, Kontroll- und Dokumentationsaufgaben sind. Der Leiter des Aufgabengebietes (D) ist in Personalunion der Leiter / die Leiterin des Amtes. Ihm / Ihr ist eine Struktureinheit für innere Organisations- und Verwaltungsaufgaben unmittelbar zugeordnet. Die Leiter / Leiterinnen des Amtes und seiner regionalen Außenstellen bilden mit dem Repräsentanten der zentralen Exekutive die Kommission für Forstliches Vermehrungsgut (Anlage 1, Kommentare 46, 47, 48, 49). Darüber wird eine repräsentative Vertretung der Forstsaatgut- und Baumschulwirtschaft empfohlen. Letzteres dient dem Bezug der Kommission zur unmittelbaren Produktion von forstlichem Vermehrungsgut. Dieser ist für die Effizienz der Kommission wesentlich.

Die Vorteile des umrissenen Vorschlags können wie folgt zusammengefasst werden:

- (1) Stringente, zentral geführte und dennoch territorial wirksame Organisationsstruktur, die dem zuständigen Ministerium unmittelbar unterstellt ist;
- (2) Zusammenführung der administrativen Umsetzung des Gesetzes über forstliches Vermehrungsgut mit fachlichen Expertise, einschließlich der entsprechenden analytischen und technischen Infrastruktur, mit der wissenschaftlichen Flankierung und der angewandten forstgenetischen Forschung;
- (3) Effiziente Struktur für die Umsetzung und Weiterentwicklung der nationalen Forstpolitik auf dem Gebiet des forstlichen Vermehrungsgutes;
- (4) Grundlage für eine ergebnisorientierte Prozessorganisation und ein wirksames Controlling;
- (5) Einschränkung von Effizienzverlusten unterschiedlichster Art durch weit verzweigte Verwaltungsstrukturen;
- (6) Chance für ein ausgewogenes Verhältnis zwischen Leistungsadministration, einschließlich Controlling, und unmittelbarer Leistungserbringung zu Gunsten Letzterer (Insofern dieses Prinzip nicht konsequent eingehalten, die Einhaltung evaluiert, im Prozess eingefordert und erneuert wird, ist eine Überdimensionierung der Administration zu Lasten des unmittelbar produktiven Ressourceneinsatzes absehbar. Die Folge wäre die Erosion der produktiven Leistungserbringung.)

Die beschriebene Konzentration der fachlichen und administrativen Umsetzung des Gesetzes der Ukraine über forstliches Vermehrungsgut in einer Organisationseinheit

könnte im vorliegenden Gesetzentwurf festgelegt werden, in sich mit Ausnahme des Ministeriums alle inhaltlich organisatorischen Elemente der Executive vereinen und so zu einer effizienten Umsetzung der nationalen Forstpolitik der Ukraine beitragen (Anlage 1, 46, 47, 48,49, 50, 52, 53, 54, 55, 56)

2.3 Kommentare zu den Kapiteln I – VIII

2.3.1 Kapitel I, „Grundsätzliche Bestimmungen“

Begriffsdefinitionen, Artikel 1

Es ist zweckmäßig dem eigentlichen Gesetzestext die Definition der verwendeten Begriffe voranzustellen. Dafür wird empfohlen, der Nomenklatur und der Systematik der Richtlinie 1999/105/EG zu folgen. Für die englische Fassung des Gesetzentwurfs kann auf das entsprechende Glossar zurückgegriffen werden (Anlage 9). Darüber hinaus sollte der Absatz durch die Definition der Struktureinheiten der Executive bzw. der administrativen Umsetzung, auch unter Berücksichtigung der analytischen und wissenschaftlichen Unterstützung, ergänzt werden (z. B. central executiv body, territorial executive body,,; insofern dem Vorschlag gefolgt wird „National Office for Forest Genetic and Forest Reproductive Material“). In der Folge ist auf Grund einer Systematik, die von der unmittelbaren Fachterminologie ausgeht und in Begriffen, welche die Struktureinheiten und Instrumente der Executive betreffen, bereits ein begrifflicher und inhaltlicher Gesamtüberblick über den nachfolgenden Gesetzestext gegeben (vgl. Anlage 3, Anlage 1, 1-38).

Objekte der Produktion von Forstsaatgut und Forstpflanzen, Artikel 3

Die gegebene vollständige Nennung, einschließlich die Einbeziehung von forstlich bedeutenden Straucharten, ist unter folgenden Aspekten wesentlich:

- (1) Ein Dualismus zwischen dem Lebensraum- und Artenschutz und der forstwirtschaftlichen Nutzung der Ressource Wald wird im Ansatz schon dadurch vermieden, dass die Arten der Baum- und Strauchsicht insgesamt Gegenstand des vorliegenden Gesetzes über Forstliches Vermehrungsgut sind. Es wird davon ausgegangen, dass „forstwirtschaftlich bedeutend“ in diesem Sinne zu verstehen und nicht ausschließlich auf unmittelbare Produktionsaspekte (Holz, Waldfrüchte etc.) fokussiert ist. Gegebenenfalls wird empfohlen, den Wirkungsrahmen des Gesetzes dahingehend klar herauszustellen und die Artenliste zu ergänzen (vgl. Annex 21)
- (2) Der unter (1) herausgestellte Wirkungsrahmen korrespondiert klar mit der Erneuerung bzw. dem Erhalt *funktionaler* Biodiversität im Sinne der realen oder potenziellen Fähigkeit der Wald-Biozöosen zur Selbstregulation, z. B. im Zusammenhang mit der Gradation von unterschiedlichen Schadorganismen.
- (3) Der Gesetzentwurf fokussiert somit auch auf eine praxisorientierte Strategie der forstlichen Generhaltung, deren Gegenstand *alle* Arten von Gehölzen standortgerechter Waldtypen sind.

- (4) Im Kontext von (1) – (3) bildet der Gesetzentwurf einen walddtypologisch fundierten, forstwirtschaftlich ausgerichteten Impact in eine nationale Biodiversitätsstrategie.

2.3.2 Kapitel III, „System der forstlichen Saatgut- und Pflanzenproduktion sowie der Walderneuerung“

Das System der Produktion von forstlichem Saat- und Pflanzgut sowie der Walderneuerung, Artikel 10

Das Monitoring (*Welches nationale Potenzial ist vorhanden, nutzbar und wie entwickelt sich dieses?*), der Erhalt (*Kompensation von Umwelteinflüssen, anthropogenen Einwirkungen im engeren Sinne auf das nationale Potenzial forstgenetischer Ressourcen*) und die Nutzung forstgenetischer Ressourcen für eine Waldbewirtschaftung mit lokal / naturräumlich funktional differenzierter Ausrichtung, sollten in diesem Artikel einfürend platziert werden.

- (1) Der Fokus der Waldbewirtschaftung auf den Erhalt und die ökologisch nachhaltige Nutzung forstgenetischer Ressourcen wird damit in diesem Gesetz im unmittelbaren Zusammenwirken mit der Produktion von forstlichem Saat- und Pflanzgut sowie der Walderneuerung festgelegt.
- (2) Es wird explizit dargestellt, dass das gesamte System der Produktion von forstlichem Vermehrungsgut auf diesem nationalen Potenzial aufbaut.
- (3) Es wird, wie bereits zuvor dargestellt, ein unmittelbarer Anknüpfungspunkt zur Wald- und Biodiversitätsstrategie der EU geschaffen.

Autorisierte Institution für die Konformitätssicherung der Ressourcen von forstlichem Vermehrungsgut, Artikel 11

Dieser Institution sollte die *Schlüsselposition* für die fachliche und administrative Umsetzung der nationalen Forstpolitik auf dem Gebiet des forstlichen Vermehrungsgutes im Zusammenhang mit der Waldverjüngung, Walderneuerung, der Waldmehrung, dem Erhalt und der Nutzung von forstgenetischen Ressourcen in Verbindung mit der angewandten forstgenetischen (Labor-)Forschung und dem forstgenetischen Versuchswesen zugewiesen werden.

Ein solches „Amt für Waldgenetik“ (hypothetischer Arbeitsbegriff) wäre direkt dem Ministerium unterstellt. Grundzüge einer denkbaren, *zentral geführten Organisationsstruktur* wurden bereits dargestellt (vgl. 2.2). Die technische und wissenschaftlich – analytische Infrastruktur (DAN-Labor, Saatgutlabor, Genbank) sollte in diese Institution und deren territoriale Einheiten integriert werden bzw. stellt eine maßgebliche Grundlage für deren Arbeitsfähigkeit dar.

Territoriale Gutachterausschüsse, Artikel 13

Wesentliche Aspekte beinhalten die Anmerkungen unter 2.2 und zum Artikel 13. Unter Beachtung der dort dargestellten Systematik würden die territorialen Gutachterausschüsse vom Leiter / von der Leiterin der regionalen (naturräumlichen)

Organisationseinheit des „Nationalen Amtes für Waldgenetik“ (z.B. „Nationales Amt für Waldgenetik, Außenstelle Polyssia“ usw.) und die Leiter / Leiterinnen von dessen regionalen Service-Stellen (z. B. Volyn, Zhytomyr, Rivne, Cheriniv) gebildet werden. Eine repräsentative Vertretung der Forstsaatgut- und Forstpflanzenproduktion im territorialen Gutachterausschuss wird empfohlen.

Staatsreserve Forstsaatgut, Artikel 15

In Europa zeichnet sich ein Trend ab, mit dem die Bedeutung von Wald als strategische Ressource zunehmend offensichtlich wird. Der Begriff „Ressource“ schließt vor allem auch Ökosystemleistungen, die für die Funktionalität von Kulturlandschaften von außerordentlicher Bedeutung sind, ein, z. B. Abflussregulation, Grund- und Quellwasserneubildung, Bodenschutz, Ausgeglichenheit und Schutz von regionaler Klimaausprägungen etc.. Großflächige und weiter fortschreitende Störungen in Waldökosystemen haben zu einem enormen Bedarf an geeignetem forstlichem Vermehrungsgut von standortgerechten Baumarten geführt. Demgegenüber steht ein erhebliches Defizit in der Verfügbarkeit solchen Vermehrungsgutes. Ein kurzfristiger Ausgleich ist nicht absehbar.

Diese Situation betont die Bedeutung und die Weitsicht des Art. 15 im Gesetz der Ukraine über Forstliches Vermehrungsgut. Für den kontinuierlichen Vollzug des nationalen Programms zur Walderneuerung, Wiederaufforstung und Waldmehrung ist eine solche staatliche Forstsaatgutreserve unverzichtbar (Anlage 1; 51).

Es sollte in Betracht gezogen werden, den Aufbau (insofern nicht bereits vorhanden), die Pflege und die Verwaltung der nationalen Forstsaatgutreserve dem „Nationalen Amt für Waldgenetik“ zu übertragen. Die technische Infrastruktur und Dokumentation würde quasi der nationalen Genbank und deren regionaler (naturräumlicher) Gliederung entsprechen (vgl. 2.2).

Im Zusammenhang mit 2.2 sind die Kommentare zu den Artikeln 16 (Anlage 1; 52, 53), 17 (Anlage 1; 54, 55) und 18 (Anlage 1; 56) entsprechend einzuordnen. Die Zweckmäßigkeit, dass in Betracht zu ziehende Aufgabenportfolio durch eine zentrale, territorial untergliederte Institution, die unmittelbar dem zuständigen nationalen Ressort (Ministerium) unterstellt ist, abzusichern, wird bei der Analyse dieses Kapitels des Gesetzes der Ukraine über Forstliches Vermehrungsgut offensichtlich.

2.3.3 Kapitel IV, Forstliches Vermehrungsgut: Produktion, Zertifizierung und Verzeichnisse (Register)

Anforderungen für die Zulassung von Ausgangsmaterial für die Erzeugung von Forstlichem Vermehrungsgut, Artikel 22

Die Anforderungen an die Zulassung von Ausgangsmaterial, welches für die Erzeugung von forstlichem Vermehrungsgut bestimmt ist, sollten für die einzelnen

Kategorien von *mindestens* dem Inhalt der Anhänge II – V, der Richtlinie 1999/105/EG entsprechen (Anlage 3, Anlage 1; 67).

Die Anforderungen an die Kategorie „herkunftsgesichert“ (identified) müssen als Minimalanforderungen zur „Lokalisierung“ und qualitativen Beschreibung der Saatgutquelle bezeichnet werden. Es wird empfohlen, im nationalen Recht der Ukraine oder in den entsprechenden Durchführungsbestimmungen, insbesondere für den Staatswald, restriktive Kriterien für Verwendung von forstlichem Vermehrungsgut dieser Kategorie festzulegen und diese für den Nichtstaatswald ausschließlich für den eigenen Betrieb zuzulassen.

Für den Staatswald sollte die Verwendung nur zeitlich und / oder funktional begrenzt z. B. in folgenden Fällen möglich sein (Anlage 1, 92):

- (1) Forstliches Vermehrungsgut der höherwertigen Kategorien ist über *mehrere* Jahre hinweg nicht verfügbar. Es ist absehbar, dass die daraufhin nicht realisierte Fläche der Waldverjüngung, Wiederaufforstung und Waldmehrung ein für den jeweiligen Forstbetrieb kritisches Niveau erreicht. Letzteres impliziert, dass die entsprechende Entscheidung zeitlich befristet und für den einzelnen Betrieb zu treffen ist. Zuständig wäre die regionale (naturräumliche) Organisationseinheit des „Nationalen Amtes für Waldgenetik“.
- (2) Verwendung für die Etablierung von Vorwäldern, Schutzwäldern und Schutzstreifen, insofern das Material standörtliche geeignet bzw. angepasst, gesund und widerstandsfähig ist, aber z. B. Kriterien wie Form, Habitus, Holzqualität, Volumenzuwachs eher gegen eine Zulassung in der Kategorie „ausgewählt“ (selected) sprechen.

Bei der Entscheidung über die Verwendung von forstlichem Vermehrungsgut dieser Kategorie sollte im Vordergrund stehen, dass es sich um einen investiven forstwirtschaftlichen Input handelt, der langfristig über die Qualität sowie die Ausprägung der landschaftsökologischen Wirksamkeit und unmittelbaren wirtschaftlichen Nutzbarkeit von Wald als nationale Ressource entscheidet.

Bei der Kategorie „ausgewählt“ (selected), wären bei der Anwendung im nationalen Recht bzw. im Zusammenhang mit dessen unmittelbarer Gewinnung folgende Aspekte zu erwägen:

- (1) Tatsächliche Bestandesgröße (Größe der effektiven Beerntungseinheit): Unter genetischen Aspekten wäre neben der Mindestfläche auch eine Mindestdichte der Zielbaumart für die Saatgutgewinnung zu benennen (z. B. für Rotbuche, Trauben- und Stieleiche 1 ha mit 50 Bäumen / ha).
- (2) Eine *funktionale* Differenzierung dieser Kategorie mit entsprechender Kennzeichnung im nationalen Erntezulassungsregister: Beerntungseinheiten mit herausragender Eignung für die Holzproduktion in Menge und Qualität (Volumenzuwachs, Holzqualität, Form und Habitus) wären gegenüber solchen, die in dieser Kategorie eher einer mittleren Merkmalsausprägung entsprechen kenntlich zu machen. Insofern dieser Weg gegangen wird, müsste dieser in die

Empfehlungen / Richtlinien für die Staatswaldbewirtschaftung einmünden und als Hinweis für andere Waldbesitzer ersichtlich sein.

Hinweise zur Registrierung und den entsprechend zu führenden Verzeichnissen ergeben sich neben der Anlage 3, Anhang VII und VIII, aus den Anlagen 6a, b und 7a, b. Die Anlage 10 gibt, neben dem im Text des vorliegenden Gesetzentwurfes gegebenen Bezug zur Saatgutprüfung nach den Standards der ISTA, Hinweise zur Probenahme für die Saatgutprüfung.

Die wissenschaftliche und analytische Unterstützung und administrative Umsetzung dieses Kapitels und insbesondere der Artikel 22, 24, 25, 26, 27, 29 und 30, würden vollständig dem Leistungsportfolio des „Nationalen Amtes für Waldgenetik“ mit seinen regionalen (naturräumlichen) Organisationseinheiten entsprechen (Anlage 1; 69, 71, 76, 79, 83, 84).

2.3.4 Kapitel V, Inverkehrbringen und Verwendung von forstlichem Vermehrungsgut

Regionalisierung von forstlichem Vermehrungsgut, Artikel 34

Bei der Ausweisung von Herkunftften und Herkunftsgebieten ist die Berücksichtigung der administrativen Gliederung eher unüblich. Die zonale Gliederung anhand der Höhe über NN lässt in Anbetracht des realen und weiter fortschreitenden Klimawandels deren kritische Würdigung zweckmäßig erscheinen (Anlage 1, 91). Ein entsprechender Anpassungsprozess steht in enger Beziehung zur Weiterentwicklung der zonalen forstlichen bzw. walddtypologischen Vegetationsgliederung und zur Veränderung der Areale von Baumarten und Waldgesellschaften bzw. walddtypologischen Einheiten (vgl. Anlage 11, 12). Für eine dynamische Ausweisung von Herkunftsgebieten einerseits und andererseits von Verwendungsgebieten für forstliches Vermehrungsgut, kann eine dynamische Klimagliederung die Grundlage bilden. Diese wäre im Wesentlichen aus der klimatischen Wasserbilanz / Monat der Vegetationszeit und der Länge der Vegetationszeit abzuleiten und mit den Arealen von Baumarten und walddtypologischen Einheiten zu verschneiden. Letzteres erfordert für die Nutzung von vegetationsökologischen Modellen die Berücksichtigung von weiteren Standortfaktoren (Bodenparameter, Exposition, Relief usw.), wobei die klimatische Wasserbilanz während der Vegetationsperiode und die Vegetationszeitlänge die vegetationsökologische Dynamik bestimmen. Durch die periodische 10-jährige Evaluierung kann die Veränderung von Klima- und Baumartenarealen sowie der Areale von Waldgesellschaften (walddtypologischen Einheiten) dargestellt werden. In Kombination mit der zonalen Gliederung ist es möglich eine dynamische Herkunfts- - Verwendungsgebietsmatrix abzuleiten. Aus dieser ergibt sich in Verbindung entsprechenden Herkunfts- und Verwendungsgebietskarten ein dynamischer, klimatisch und vegetationsökologisch begründeter Möglichkeitsraum für die Verwendung von forstlichem Vermehrungsgut. Das bedeutet konkret, dass z. B. forstliches Vermehrungsgut

welches aus Buchenbeständen der mittleren Berglagen, mit typischen Fageten bzw. Abieto-Fageten, erzeugt worden ist, im Bereich der höheren Berglagen, der Abieto-Piceten, Fageto-Piceten oder sogar Piceten verwendet werden kann, insofern dort die klimatischen und vegetationsökologischen Veränderungen bereits nachgewiesen sind. Im Umkehrschluss kann das aber auch bedeuten, dass dieses Vermehrungsgut, anders als in der bisherigen Praxis, nicht mehr in den unteren Berglagen, geprägt durch Fageto-Querceten, zu verwenden ist, insofern bereits heute eine Standortsdrift nachgewiesen ist, die dem Standortsbereich von Carpineto-Querceten entspricht.

Gerade im Zusammenhang mit dem nationalen Programm der Ukraine zur Walderneuerung, Wiederbewaldung und Waldmehrung ist es für die Regionalisierung und Verwendung von forstlichem Vermehrungsgut essentiell, derartige vegetationsökologische Veränderungen rechtzeitig und angemessen zu berücksichtigen.

Hinweise für das Inverkehrbringen sowie für die Einfuhr von forstlichem Vermehrungsgut geben die Anlagen 13 und 14. Für die Einfuhr von forstlichem Vermehrungsgut ist essentiell, dass

- (1) die Anforderungen laut OECD-Schema in weiten Teilen den der Richtlinie 1999/105 EG entsprechen,
- (2) nur die Kategorien „quellengesichert **ausgewählt**“ und „qualifiziert“ eingeführt werden dürfen,
- (3) die Kategorie „quellengesichert“ nicht für forstliche Zwecke an Endverbraucher angeboten und geliefert werden darf,
- (4) Saatgut der Kategorie „geprüft“ derzeit **nicht** importiert werden darf.

Zusammenfassung

Der Inhalt des vorliegenden Entwurfes für das Gesetz über Forstliches Vermehrungsgut der Ukraine ist bereits stark an der Direktive 1999/105 EG und am Gesetz über Forstliches Vermehrungsgut der Bundesrepublik Deutschland (FoVG) ausgerichtet. Diesbezügliche Hinweise orientieren sich an der weiteren Verbesserung der Kompatibilität zwischen dem nationalen Recht der Ukraine und dem Recht der Europäischen Union. Einem weiterführenden Abgleich dient der überwiegende Teil der Anlagen.

Als wesentlicher Aspekt für die effiziente administrative Umsetzung des Gesetzes sowie deren analytische wie wissenschaftliche Unterstützung, wird die Etablierung einer stringent zentral organisierten, direkt dem zuständigen Fachministerium unterstellten Organisationseinheit betrachtet.

Anlagen

- (1) EISENHAUER, D.-R.: Comments on Ukraine Law on forest reproductive resources with regard to the law, administrative and operative regulatories of the FRG (FoVG) and the EU, Federal State of Saxony as well.
- (2) Forstvermehrungsgutgesetz (FoVG) der Bundesrepublik Deutschland vom 22. Mai 2002. <https://www.gesetze-im-internet.de/fovg/BJNR165800002.html>
- (3) Richtlinie 199/105/EG des Rates vom 22. Dezember 1999 über den Verkehr mit forstlichem Vermehrungsgut.
https://www.ble.de/SharedDocs/Downloads/DE/Landwirtschaft/Saat-und-Planzgut/Richtlinie1999_105_EG.pdf?__blob=publicationFile&v=1
- (4) Empfehlungen des gemeinsamen Gutachterausschusses des Bundes und der Länder zur Umsetzung des FoVG vom April 2019.
https://www.ble.de/SharedDocs/Downloads/DE/Landwirtschaft/Saat-und-Planzgut/Empfehlungen.pdf?__blob=publicationFile&v=6 Stand 2024
- (5) Vorratserhebungen des Bestandes an Forstpflanzen in Baumschulen (a, b, c)
- (6) Liste der Erntebestände für forstliches Vermehrungsgut (a), Übersicht über Ausgangsmaterial für die Gewinnung von forstlichem Vermehrungsgut (b).
- (7) Verzeichnis der Pappelklone und Klonmischungen (a), Verzeichnis der Pappelmutterquartiere (b).
- (8) WOLF, H., TRÖBER, U., SCHILDBACH, M. (2021): Forstliche Genressourcen im Freistaat Sachsen: Erhaltung, Förderung und nachhaltige Nutzung.
<https://slub.qucosa.de/api/qucosa%3A76863/attachment/ATT-0/>
- (9) Das Amt für Waldgenetik – Empfehlung für eine effiziente Struktur zur administrativen, analytischen und wissenschaftlich unterstützten Umsetzung des Gesetzes über forstliches Vermehrungsgut der Ukraine
- (10) SCHNECK, D., UHLMANN, A. (2007): Hinweise zur Probennahme von Forstsaatgut.
https://www.ble.de/SharedDocs/Downloads/DE/Landwirtschaft/Saat-und-Planzgut/HinweiseProbeentnahme.pdf?__blob=publicationFile&v=1
- (11) GEMBALLA, R., SCHLUTOW, A. (2007): Überarbeitung der forstlichen Klimagliederung Sachsens.
https://www.researchgate.net/publication/363173854_Uberarbeitung_der_Forstlichen_Klimagliederung_Sachsens
- (12) SCHLUTOW, A., GEMBALLA, R. (2008): Sachsens Leitwaldgesellschaften.
https://www.researchgate.net/publication/313153892_Sachsens_Leitwaldgesellschaften_-_Anpassung_in_Bezug_auf_den_prognostizierten_Klimawandel
- (13) Bundesanstalt für Ernährung und Landwirtschaft (BLE): Formular für die Einfuhr von forstlichem Vermehrungsgut in die Bundesrepublik Deutschland.

https://www.ble.de/DE/Themen/Wald-Holz/Forstliches-Vermehrungsgut/forstliches-vermehrungsgut_node.html#doc15868832bodyText4

(14) Bundesanstalt für Ernährung und Landwirtschaft (2021): Merkblatt zur Einführung von forstlichem Vermehrungsgut aus Drittländern in die Bundesrepublik Deutschland.

https://www.ble.de/SharedDocs/Downloads/DE/Landwirtschaft/Saat-und-Planzgut/ForstMerkblattEinfuhr.pdf?__blob=publicationFile&v=2

Anlage 1

<p>DRAFT</p> <p>introduced by people's Deputy of Ukraine A. Bondarenko and other people's deputies</p> <p>UKRAINE LAW</p> <p>on forest reproductive resources</p> <p>with regard to the law, administrative and operative regulatories of the FRG (FoVG) and the EU, Federal State of Saxony as well</p>	
Principles	Kommentare
<p>This Law establishes the basic principles of forest reproductive forestry in the field of forest seed production, seedling production, production, distribution and use of forest reproductive material, as well as the procedure for state management and regulation in this field.</p>	<ol style="list-style-type: none"> 1. Der Zweck des FoVG stellt im Vergleich zum Gesetzesentwurf der Ukraine mit den Begriffen „hochwertig“ und „identitätsgesichert“ den Erhalt und die Verbesserung der genetischen Vielfalt sowie der Leistungsfähigkeit der Forstwirtschaft klar heraus. <i>In Anbetracht des ambitionierten Waldmehrungsprogramms der Ukraine, halte ich diese Prioritäten für essentiell.</i> 2. Das Recht der Bundesrepublik Deutschland und der Bundesländer regelt im Vergleich zum Recht der Ukraine nur durch <i>Rahmenvorgaben den administrativen operationalen Vollzug des Gesetzes</i>. Das gilt insbesondere für die <i>administrative Umsetzung</i> durch die nachgeordneten Behörden sowie <i>die operative Anwendung</i> in Forstsaatgut-, Baumschul- und Forstbetrieben (vergleiche Kommentare zu den

	folgenden Abschnitten, Artikeln und Annex).
Chapter I: GENERAL PROVISIONS	
(1) Definition of terms	Comments
<p>In this Law, terms are used with this meaning:</p> <p>Autochthonous tree stand (1) is a tree stand that is continuously renewed naturally for many generations or restored artificially from reproductive material collected in the same tree stand, or in autochthonous trees of a certain population located in close proximity;</p> <p>parents of the family (families) (2) – the original trees used to produce offspring by controlled or free pollination of one defined source tree, which is used as the parent, pollen of another parent tree (full sibs are obtained) or several defined or indefinite original trees (semi-sibs);</p> <p>vegetative material (3) - stem cuttings, leaf cuttings and root cuttings, explants or germs for micropropagation, buds, transplants, roots, shoots, stakes and any parts of the plant intended for planting and planting material production;</p> <p>producer of forest reproductive material (4)– any legal or natural person-entrepreneur who carries out activities for the production of forest reproductive material;</p> <p>production of forest reproductive material - all stages of the formation of seed material and the cultivation of planting material from seeds or vegetative material;</p> <p>State reserve forest seed fund (5) - renewable seed stocks of forest tree and bush species certified as forest reproductive material and stored in the volume of its annual production needs;</p> <p>State forest gene bank (6) - specialised facilities for storing samples of genetic diversity (including valuable gene bank) of forest tree and bush species that are used for forestry;</p>	<p>It could be with regard to the Ukraine Law useful to apply the systematic of Council Directive 1999/105/EC of 22 December 1999:</p> <p>(a) Forest reproductive material in general</p> <p>(b) Reproductive material means any of the following</p> <p>(i) Seed unit (27)</p> <p>(ii) parts of plants</p> <p>(iii) planting stock</p> <p>(c) Basic material means any of the following (14)</p> <p>(i) Seed source (15)</p> <p>(ii) Stand (16): <i>homogenous tree species composition (?)</i>: It could be useful also accept mixed stands, i. e. oak – hornbeam – stands (basic material with regard to oak, spruce – fire – beech - stands, with regard to an minimal level / dominance / co-dominance and distribution as well of tree species as forest reproductive resource</p> <p>(iii) Seed orchard (18)</p> <p>(iv) Parents of family (18)</p> <p>(v) Clone (3, 19)</p> <p>(vi) Clone mixture (19)</p> <p>(d) Autochthonous and indigenous</p> <p>(i) Autochthonous stand or seed source (1)</p> <p>(ii) Indigenous stand or seed sourceis an autochthonous stand or seed source or is an stand or seed source raised artificially from seed , the origin of which is situated in the</p>

<p>label – a label intended for marking a batch of forest reproductive material;</p> <p>seed quality classes (7)– conditional seed groups established by the state standard based on indicators of its sowing qualities;</p> <p>reproduction (8)- a component of forestry aimed at obtaining circulation and using forest reproductive material;</p> <p>forest seeds (9) are seed material of species and hybrids of forest trees and bushes that are important for the needs of forestry in Ukraine;</p> <p>forest seed production (10) is a component of forestry aimed at obtaining in industrial volumes of seed material species of trees and bushes important for the needs of forestry;</p> <p>Forest planting (11) is a part of the forestry sector and is focused on the cultivation of planting material of tree and bush species that are important for the needs of the forestry sector;</p> <p>forest reproductive resources (13) are a component of forest resources, including forest reproduction of species and hybrids of forest trees and bushes important for the needs of forestry (Annex), objects and subjects of forest seed and seedlings, forest base material, forest reproductive material;</p> <p>forest base material (14) – objects from which forest reproductive material is harvested, and which include seeds of trees, woodland, parents of families, forest-seed plot, forest plantation, clone, a mixture of clones;</p> <p>forest base material "seed trees" (seed source) (15) - trees within a certain area from which seeds are collected;</p> <p>Forest base material " woodstand" (16) - a delimited set of trees, homogeneous in composition;</p> <p>forest base material "forest-seed area" (17) - selectively selected or artificially created and formed woodstand to obtain increased volumes of seed harvests;</p> <p>forest base material "forest plantation" (18) - artificially created plantations from selected clones or families, which is used to obtain maximum volumes of seed harvests with increased hereditary qualities;</p>	<p>same region of provenance. <i>(I can't found this term / definition in the Ukraine Law. Nevertheless it could be important for the development of forestry.)</i></p> <p>(e) Origin (34)</p> <p>(f) Provenance (35)</p> <p>(g) Region of Provenance (35)</p> <p>(h) Production (10)</p> <p>(i) Producer (4)</p> <p>(j) Marketing (27)</p> <p>(k) Supplier (27)</p> <p>(l) Official body (comp. Art. 7, 8, 9):</p> <p>(i) an authority, established by „Member“ State under the supervision of the national government (comp. Xx)</p> <p>(ii) any state authority established</p> <ul style="list-style-type: none"> ▪ either at national level, or ▪ at regional level, under supervision of national authorities (comp. Xx) <p>(m) Forest reproductive material (20) is divided into following categories (21, 22, 23, 24)</p> <p>The terms / definitions not mentioned in the comments are not mentioned also in the Article „Term and definitions“ in the federal law of the FRG or in the „Directive 199 ...“ as well.</p> <p>Nevertheless, it is useful to integrate these terms in the Ukraine Law.</p>
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forest base material "clone, a mixture of clones" (19) is a group of individuals (ramets) obtained from one individual plant (orthet) by vegetative reproduction, in particular, with the help of cuttings, microdevelopment, woodchipping or sprouts and / or their mixture in certain proportions;

forest reproductive material - seed, vegetative or planting material (20);

forest reproductive material of **category "identified" (normal) (21)** – reproductive material from a certain source and origin obtained from forest base material, which can be a source of seeds or a tree stand;

forest reproductive material of **the category "selected" (selected) (22)** – reproductive material obtained from forest base material, which is a tree stand located within a certain region of origin and selected by phenotypic characteristics at the population level;

forest reproductive material of category **"qualified" (improved) (23)** – reproductive material obtained from forest base material in the form of forest plantations, parents of families, clones or mixtures of clones, the components of which were selected on phenotypic grounds at an individual level, testing of which was not carried out or completed;

forest reproductive material of the category **"tested" (tested) (24)** – reproductive material obtained from forest base material in the form of woodlands, seed trees (seed sources), forest plantations, parents of families, clones or mixtures of clones tested by heredity;

forest seed and nursery complex (25) is an organizational structure created to provide forestry production with forest reproductive material;

seed material (seed unit) (26) - seed raw materials (cones, seedlings, fruits) and seeds intended for sowing and production of planting material;

circulation of forest reproductive material (27) – any movement (transportation), storage and / or other actions related to the sale or use of forest reproductive material;

the main certificate for forest reproductive material (28) is a document certifying the

conformity of its origin, sowing qualities of seeds, standard properties of vegetative material or planting material obtained from them and belonging to the appropriate category of reproductive material;

batch of forest seeds (29) – a certain mass of homogeneous seeds intended for sowing and certified by the relevant documents of the established sample in accordance with state standards;

batch of forest reproductive material (30) – a certain amount of seed, vegetative or planting material within the framework of one main certificate from which the constituent units (allocated parts of the batch) can be distinguished;

passport for a batch of forest seeds (forest planting material) (31) – an accompanying document of the sample established by law;

permanent forest planting base (32) is a system of natural and artificially created objects designed to meet the needs of forestry in the seeds of valuable genetic and breeding properties, which includes forest genetic reserves, permanent forest-seed areas, plus plantations, plus trees, clone archives and forest plantations;

of origin (forest-seeded area, sub-district) (33) – an area or set of territories that have homogeneous (similar) ecological conditions in which woodstands or seed trees of a certain species grow, having similar phenotypic or genotype features;

of forest reproductive material (forest-seed zoning) (34) – division of the territory of the state into regions of origin on the basis of identification of forest base material;

material (35) - seedlings and saplings grown from seed or vegetative material or from natural renewal;

certificate for forest seeds (36) – a document certifying the origin of forest seeds and compliance of its sowing qualities with the normative indicators of the relevant state standard;

certificate for forest seeds (37) of the International Association for Seed Quality Control (hereinafter referred to as the **ISTA** certificate) – a

<p>certificate issued in accordance with the rules and in accordance with the procedure established by the International Association for Seed Quality Control;</p> <p>forest base material holders (38) – forest owners, permanent forest users, other owners and persons who dispose of objects recognized as forest base material;</p> <p>Other terms are used in the meaning presented in the Forest Code of Ukraine, the Law of Ukraine "On Accreditation of Conformity Assessment Bodies" and other regulatory legal acts.</p>	
<p><i>Article 2. Scope of the Law</i></p>	<p>Comments</p>
<p>This Law applies to relations related to the production, circulation and use of forest reproductive material and the implementation of state administration and regulation in the field of forest reproductive resources on forest seed production and seedlings and forest reproduction.</p> <p>This Law does not apply to relations related to the production, storage, transportation and/ or use of forest reproductive material to meet the needs not related to forest management, as well as to the circulation of reproductive material of genetically modified organisms (plants), which is regulated by special legislation.</p>	<p>Systematic the Scope of law corresponds with the <i>Article 1</i>.</p>
<p><i>Article 3. Objects of forest seed production and seedlings</i></p>	<p>Comments</p>
<p>Objects of forest seed production and nursery include:</p> <p>forest tree and bush species (39) and hybrids important to forestry, indicated in the Annex;</p> <p>permanent forest seed facilities, other breeding and research facilities for forest trees and bushes;</p>	<p>Bush species (39): In comparison with the Law of FRG it's very useful to integrate these species in Ukraine Law on forest reproductive resources.</p>

<p>varieties of forest plants (forest trees and bushes);</p> <p>forest base material;</p> <p>forest reproductive material;</p>	
<p><i>Article 4. Subjects of forest seed production and seedlings</i></p>	<p>Comments</p>
<p>The subjects of forest seed production and seedlings (40) include individual entrepreneurs and legal entities that carry out at least one of the issues of production, circulation, use, testing, research, monitoring of forest seed production and seedlings and forest reproductive material.</p>	<p>(40) Systematic integrate in the article 2 „Terms and definitions“</p>
<p><i>Article 5. Legislation of Ukraine in the field of forest seed production and seedlings and forest reproductive material</i></p>	<p>Comments</p>
<p>Relations in the field of forest seed production and seedlings are regulated by the Constitution of Ukraine, the Forest Code of Ukraine, the laws of Ukraine, "On protection of rights to plant varieties", "On plant quarantine", "On seeds and planting material", by this Law, other legislative acts (41).</p>	<p>(41): Systematic this article integrate in the „Principles“ or the article 1.</p>
<p>Chapter II</p> <p>THE POWERS OF THE EXECUTIVE AUTHORITIES RESPONSIBLE FOR STATE MANAGEMENT AND REGULATION IN THE FIELD OF FOREST REPRODUCTIVE RESOURCES</p>	
<p><i>Article 6. Executive bodies exercising state administration and regulation in the field of forest relations in the field of forest reproductive resources</i></p>	<p>Comments</p>
<p>State administration and regulation in the field of forest relations in the field of forest reproductive resources is carried out by the</p>	

<p>Cabinet of Ministers of Ukraine, the central executive body that ensures the formation and implementation of state policy in the field of forestry, in the field of forest reproductive resources, the central executive body that implements state policy in the field of forestry, in the field of forest reproductive resources on forest seed and seedlings and forest reproduction</p>	
<p><i>Article 7. Powers of the Cabinet of Ministers of Ukraine in the field of forest relations, in the field of forest reproductive resources</i></p>	<p>Comments</p>
<p>The powers of the Cabinet of Ministers of Ukraine in the field of forest reproductive resources include:</p> <ul style="list-style-type: none"> of priority directions of development; ensuring the implementation of state policy; coordination of activities of executive authorities; organization of state control; adaption of normative legal acts; organization of development of state, interstate and regional programs and other normative legal acts; state support for the development of forest seed production and seedlings and regulation of the use of forest reproductive material; of international cooperation in this area; implementation of other powers in the field of forest seed production and seedlings and forest reproductive material defined by this Law. 	
<p><i>Article 8. Powers of the central executive body that ensures the formation and implementation of state policy in the field of forestry in the field of forest reproductive resources</i></p>	<p>Comments</p>

<p>The powers of the central executive body that ensures the formation and implementation of state policy in the field of forest reproductive resources include:</p> <p>of state policy in the field of forest reproductive resources on forest seed production and seedlings and forest reproduction;</p> <p>identifying priority areas and development strategies;</p> <p>implementation of state administration and regulation;</p> <p>ensuring regulatory and legal regulation;</p> <p>participation in international cooperation in the field of forest reproductive resources on forest seed production and seedlings and forest reproduction;</p> <p>performing other powers defined by this Law.</p>	
<p><i>Article 9. Powers of the central executive body implementing the state policy in the field of forestry, in the field of forest reproductive resources</i></p>	
<p>The powers of the central executive body implementing the state policy in the field of forestry in the field of forest reproductive resources include:</p> <p>making proposals for the formation of state policy in the field of forest reproductive resources on forest seed production and seedlings and forest reproduction;</p> <p>implementation of state policy in the field of forest seed production and seedlings and forest reproduction;</p> <p>implementation of public administration in the field of forest reproductive resources on forest seed production and seedlings and forest reproductive material;</p> <p>ensuring the functioning of the system of forest seed production and seedlings and forest reproduction;</p>	<p>Systematic hierarchic order from the cabinet of ministers to executive bodies (article 7. up to article 9.)</p>

<p>development and organization of implementation of sectoral programs for the development of forest seed production and seedlings and forest breeding;</p> <p>authorization for activities on recognition, establishment of conformity and certification in the field of forest reproductive resources on forest seed and seedlings and forest basic and reproductive material;</p> <p>the establishment of compliance with the origin of forest reproductive material, determination of sowing qualities of seeds and standard properties of planting material;</p> <p>of certification of specialists in compliance and evaluation of forest reproductive material;</p> <p>coordination of the work of territorial bodies, enterprises, institutions and organizations belonging to the sphere of its management on forest seed production and seedlings and forest reproductive resources;</p> <p>coordination of scientific research in this area;</p> <p>participation in international cooperation on forest reproductive resources, forest seed production and seedlings;</p> <p>perform other powers defined by this Law.</p>	
<p>Chapter III</p> <p>SYSTEM OF FOREST SEED PRODUCTION, SEEDLINGS AND FOREST REPRODUCTION</p>	
<p><i>Article 10. System of forest seed production and seedlings and forest reproduction</i></p>	<p>Comments</p>
<p>The system of forest seed production and seedlings is a complex of organizational, regulatory, scientific and technological measures aimed to ensure the production, circulation and use of forest seeds and planting material;</p> <p>The implementation of these measures is ensured through:</p> <p>authorized body for conformity assessment of forest reproductive resources;</p>	<p>(42) ...including the monitoring and conservation of genetic resources?</p>

<p>attestation commissions of territorial bodies of the central executive body implementing the state policy in the field of forestry;</p> <p>State Reserve Forestry Fund;</p> <p>State Forest Gene Bank.</p> <p>The functioning of the system of forest seed production, seedlings and forest reproduction includes:</p> <p>scientific support and scientific supervision of the development of forest seed production and seedlings and forest reproduction;</p> <p>monitoring of forest seed production, seedlings and forest reproductive material (42);</p> <p>control over compliance with the system of forest seed production and seedlings and forest reproduction.</p> <p>The organization of the system of forest seed production and seedlings and forest reproduction relies on the central executive body that implements the state policy in the field of forestry and is carried out through its territorial bodies and the authorized body for assessing the conformity of forest reproductive resources.</p> <p>The regulation on the system of forest seed production and seedlings and forest reproduction shall be approved by the Cabinet of Ministers of Ukraine.</p>	
<p><i>Article 11. Authorized body for conformity assessment of forest reproductive resources (45a, b)</i></p>	<p>Comments</p>
<p>The authorized body for assessing the conformity of forest reproductive resources (hereinafter referred to as the Authorized Body) is a state institution belonging to the sphere of management of the central executive body that implements state policy in the field of forestry and is accredited by the national body of Ukraine for accreditation, the procedure for exercising powers of which is approved by the central executive body that ensures the formation and</p>	<p>(43) compare (42): implementation of the monitoring and conservation of forest genetic resources?</p> <p>(44) including zonal genbanks?</p> <p>(45a) analogous to §18 (art. 1 – 7 FoVG from 22.of May 2002), but these articles are with</p>

<p>implementation of state policy in the field of forestry.</p> <p>The powers of the Authorized Body include (43): conformity assessment of forest base material and forest reproductive material; maintaining registers of forest base material, certificates for forest reproductive material, registers of producers and suppliers of forest reproductive material; monitoring of forest seed production and seedlings on forest base material, forest reproductive material, producers and suppliers of forest reproductive material; the sowing qualities of seeds and standard properties of planting material of species of forest trees and bushes; issuance of certificates for forest seeds, seedlings and seedlings of forest trees and bushes, forest reproductive material; of methods of evaluation and certification of forest basic and forest reproductive material;</p> <p>The Authorized Body includes zonal forest-seed laboratories (44), which are assigned to the service areas taking into account forest-growing and forestry areas and forestry feasibility. The consolidation of such territories is approved by the central executive body implementing the state policy in the field of forestry.</p>	<p>regard to executive measurements more concrete!</p> <p>(45b) analogous You find the organisation and power structure of the authorized body for assessing the conformity ... in the Federal State of Bavaria</p>
<p><i>Article 12. Commission on Forest Reproductive Material (46)</i></p>	<p>Comments</p>
<p>The Commission on Forest Reproductive Material (hereinafter referred to as the Commission) is an advisory council of the central executive body implementing the state policy in the field of forestry. The personal composition of the Commission and the Regulations on the Commission shall be approved by the central executive body implementing the state policy in the field of forestry.</p> <p>The committee consists of five permanent members:</p>	<p>(46) analogous to the „gGA“ (Commission on Reproductive Material, but representatives of the producers and suppliers may be also members of this commission; the commission is´nt entrusted with executive powers;</p> <p>The commission is working out recommendations for he executive body in the field of forest reproductive material.</p>

<p>representative of the central executive body that ensures the formation of state policy in the field of forestry;</p> <p>representative of the central executive body implementing the state policy in the field of forestry;</p> <p>representative of the authorized body for assessing the conformity of forest reproductive resources;</p> <p>two representatives of research institutions of forestry profile, specialists in forest selection and forest seed production.</p> <p>Members of the Commission may not participate in commercial activities related to the production, circulation and use of forest reproductive material.</p> <p>Commission shall be entrusted with the following powers:</p> <p>advisory support of the activities of territorial attestation commissions on the attestation of forest base material and producers of forest reproductive material;</p> <p>evaluation of the results of certification of forest base material intended for obtaining forest reproductive material of categories "qualified" and "tested";</p> <p>analysis of scientifically based proposals for improving methods of certification, study and testing of forest base material;</p> <p>participation in the preparation of draft regulatory acts in the field of forest seed production and seedlings;</p> <p>performance of other tasks, in accordance with the Regulations on the Commission.</p>	
<p><i>Article 13. Territorial attestation commissions (47)</i></p>	
<p>The territorial attestation commission is created by the territorial body of the central executive body that implements the state policy in the field of forestry.</p>	<p>(47) I understand the territorial attestation commission analogous to article 12 on territorial level (?).</p>

<p>Territorial attestation commissions carry out certification of basic forest material and producers of forest reproductive material.</p> <p>Ensuring the activities of commissions is entrusted to the territorial bodies of the central executive body that implements the state policy in the field of forestry.</p> <p>The regulation on the territorial attestation commission is approved by the central executive body implementing the state policy in the field of forestry.</p>	<p>(48) It could be useful to think about the necessity to approve the regulations on the territorial attestation commission by the central executive body.</p> <p>Thesis: The territorial executive body is approved by the central executive body, including the regulations on the territorial attestation commission, because these regulations are signed by territorial executive body. The attestation commission is not entrusted with executive power.</p>
<p><i>Article 14. Scientific support of forest seed production and seedlings (49)</i></p>	<p>Comments</p>
<p>Scientific support of forest seed production and seedlings is realized by providing the authorities and subjects of forest seed production and seedlings with recommendations, advisory assistance and scientific developments on the selection, formation, care of permanent forest base facilities, the creation of forest nurseries and seed and nursery complexes, improved technologies and equipment, clarification of conformity assessment and approval of methods and recognition of forest base and forest reproductive material, improvement of regionalization of forest reproductive material, etc.</p> <p>Research developments in the field of forestry and seedlings are considered by the scientific and technical council under the central executive body implementing the state policy in the field of forestry, recommended for the implementation, improvement of existing and development of new regulatory legal acts.</p> <p>Scientific support of forest seed production and seedlings is carried out through the participation of scientists in territorial attestation commissions and their development of scientific substantiations on the improvement of forest seed production and seedlings, preservation and reproduction of objects of valuable gene pool and genetic diversity of forest species of trees and bushes (50).</p>	<p>(49) Scientific support of forest seed production ... is not regulated by the FoVG or i.e. the Law of Federal State of Saxony. In the Forest Law of the Federal State of Saxony the applied forest research and monitoring are regulated only on verbal level. So, the Ukraine Law is an important progress on field of forest reproductive material, seed and seedlings production, conservation and monitoring of genetic resources.</p> <p>The systematic, longterm, continuous and programmatic scientific support on the field of forest reproductive material, is one of the most important impacts in a successful development of forestry.</p> <p>The efficiency of this institution / scientific support and impact is depending on a strong cooperation with the executive bodies, the commission on reproductive material and the producers As well.</p> <p>To develop long-, middleterm and operative programme will be useful.</p> <p>(50) Implement monitoring and conservation of genetic resources and the gene bank as well.</p>

<i>Article 15. State Reserve Forest Seed Fund (51)</i>	Comments
<p>The State Reserve Forestry Fund is created in volumes approved by the central executive body that implements the state policy in the field of forestry and is designed to ensure the implementation of state forest formation programs in case of crop failure, additional needs for forest formation in the destruction or damage of significant areas of forest plantations due to technogenic and natural emergencies, including natural disasters, fires, disease damage or pest damage, to increase the volume of forestry and in other force majeure circumstances.</p> <p>The State Reserve Forestry Seed Fund includes renewable stocks of seeds certified as forest reproductive material stored in adapted premises of producers and suppliers, as well as accumulated in specialized storage facilities located on a zonal basis (mainly in seed and nursery complexes) in volumes of at least five percent of the annual need for forest seeds.</p> <p>Seeds from the State Reserve Forest Fund can be used for forest selection, sorting and sale under international treaties of Ukraine in volumes not more than ten percent of the storage volume.</p> <p>The purchase of seeds to the State Reserve Forest Fund is carried out in a manner that determines the principles of procurement of goods, works and services for public funds and on commercial or grant.</p> <p>The Regulations on the State Reserve Forest Seed Fund, the procedure for its formation and use are approved by the Cabinet of Ministers of Ukraine.</p>	<p>(51) With regard to the mentioned influences on forest regeneration and afforestation program as well the State Reserve Forestry Fund is an important strategic tool!</p> <p>In Middle Europe actually significant and probably longterm deficits on seed and seedlings following natural emergencies, indicate the mentioned importance of the State Reserve Forestry Fund of the Ukraine.</p>
<i>Article 16. State Forest Gene Bank (52)</i>	Comments
The State Forest Gene Bank is created by the central executive body that implements the state policy in the field of forestry to preserve	

<p>the genetic resources of species of forest trees and bushes.</p> <p>The State Forest Gene Bank consists of collections of reproductive material with long-term storage (in special vaults, clone archives, collectible areas).</p> <p>The state forest gene bank is used to store and preserve samples of genetic diversity and valuable gene pool of species of forest trees and bushes.</p> <p>Ensuring the functioning of the State Forest Gene Bank relies on the central executive body implementing the state policy in the field of forestry.</p> <p>The regulations on the State Forest Gene Bank and the procedure for its formation and use are approved by the Cabinet of Ministers of Ukraine (53).</p>	<p>(52) It will be useful to create one national forest research and monitoring organisation in the field of genetic resources, forest reproductive material for recommendations, advisory assistance and scientific development on ... (comp. Art. 14,). A substructure (territorial organisation bodies), i. e. with regard to the seed zones, could be more efficient.</p> <p>(53) Why not by the central executive body?</p>
<p><i>Article 17. Monitoring of forest seed production and seedlings and forest reproductive material (54)</i></p>	<p>Comments</p>
<p>Monitoring of forest seed production and seedlings and forest reproductive material includes tracking of qualitative and quantitative indicators that characterize the production, circulation and use of forest reproductive material, systematic collection of information on objects of permanent forest base, forest base material, assessment of their condition and analysis of use.</p> <p>Monitoring of forestry and seedlings relies on the central executive body implementing the state policy in the field of forestry, which carries out these functions through the Authorized Body (55).</p> <p>Monitoring is carried out in accordance with the methodology approved by the central executive body that forms the state policy in the field of forestry.</p>	<p>(54) Compare with (52),</p> <p>(55) Compare with (53), (44), (45a, b)</p>

<p><i>Article 18. Control of compliance with the system of forest seed production and seedlings and forest reproduction</i></p>	<p>Comments</p>
<p>Control over compliance with the system of forest seed production and seedlings and forest reproduction is carried out by officials (56) of the central executive body implementing the state policy in the field of forestry, its territorial bodies and the Authorized Body in accordance with the procedure established by this Law.</p> <p>Officials exercising control in the field of forest seed production and seedlings and forest reproduction are subject to the Law of Ukraine "On Civil Service".</p> <p>The procedure for monitoring compliance with the system of forest seed production and seedlings and forest reproduction is approved by the central executive body, which ensures the formation and implementation of state policy in the field of forestry.</p>	<p>(56) Compare with (44), (45a,b), (52), (53).</p> <p>Recommendation: With regard to the art. 14, 16, 17,18 create one organisation with analytic – scientific background and infrastructure as well (i.e. gene bank) relies on the central executive body.</p>
<p>Chapter IV</p> <p>FOREST REPRODUCTIVE MATERIAL: PRODUCTION, CERTIFICATION AND REGISTRIES</p>	
<p><i>Article 19. Forest reproductive material</i></p>	<p>Comments</p>
<p>Forest reproductive material (57) - seed and vegetative material obtained from forest base material and intended for sowing, producing planting material or planting certain species of trees and bushes (Annex 1) for the purpose of forest management.</p> <p>The production and use of forest reproductive material is determined by the following categories: identified (normal), selected (selected), qualified (improved), tested (tested). The minimum requirements for forest base material for obtaining these categories are approved by the central executive body that ensures the formation and implementation of state policy in the field of forestry.</p>	<p>(57) compare „Terms and definition“ (13)</p> <p>Is it from a consequent systematic point of few necessary to reped it?</p> <p>(58) compare the comments to art. 18</p>

<p>Production of all categories of forest reproductive material, including varieties of forest plants, is ensured by sowing quality inspection, compliance with standard properties, certification and state registration (58).</p>	
<p><i>Article 20. The right to production and sale of forest reproductive material (59)</i></p>	<p>Comments</p>
<p>Registered producers of forest reproductive material have the right to produce, reproduce, harvest and use forest reproductive material obtained using registered plant varieties, subject to intellectual property rights to the relevant varieties.</p> <p>Individual entrepreneurs and legal entities that are not included in the register of producers and suppliers of forest reproductive material have the right to produce and sell forest seeds and planting material only if there are certificates for seeds, nurselings and seedlings of species of forest trees and bushes issued in accordance with current state standards (60).</p> <p>Forestry entities that use forest reproductive material of the category "identified" exclusively for their own forestry needs are granted the right to produce such material (61)</p>	<p>(59) analogous to §§ 7, 11,17 FoVG</p> <p>(60) It's crucial, because of a more or less significant possibility to produce and supply forest outside of efficient control mechanism. In the law of FRG and Federate states as well, the registration is the base to produce and supply forest registration material.</p> <p>(61) identical to the FoVG and the law of federate states</p>
<p><i>Article 21. Rights and obligations of producers of forest reproductive material</i></p>	<p>Comments</p>
<p>Producers of forest reproductive material have the right to:</p> <p>harvest, propagate and use forest reproductive material;</p> <p>create and select objects of forest base material;</p> <p>submit forest basic material for certification to the territorial attestation commission;</p> <p>submit applications for surveys of forest base material and the forest reproductive material obtained from it to the zonal forest-seed laboratory of the body for assessing the conformity of forest reproductive resources;</p>	<p>(62) Classification categories (?), recommendation in accordance with the Law of the FRG and Federal states as well:</p> <ul style="list-style-type: none"> ➤ Seed excluding from stands of the category „selected“ ➤ Seed from seed orchards excluding of the category „qualified“ ➤ Seed stands, seed orchards, family parents, clone and clone mixtures excluding of the category „tested“ ➤ Seed from stands of the category „identified“ and also seedlings from

<p>in the work of the territorial attestation commission when considering their application (application).</p> <p>participate in the implementation of state target programs for the production of forest seeds and planting material;</p> <p>purchase forest reproductive material from other producers of forest reproductive material;</p> <p>participate in the formation of the state reserve forest fund and receive seed material from it in accordance with the powers of the Fund.</p> <p>Producers of forest reproductive material are obliged to (62):</p> <p>to ensure compliance with the established requirements for reproductive material, standards for forest seeds and planting material, other technological and methodological requirements in the field of forest seed production and seedlings;</p> <p>compliance of forest reproductive material with the indicators specified in the certificates for forest reproductive material;</p> <p>a separate record of forest reproductive material by category and store information on its regionalization;</p> <p>send medium seed samples selected from the formed batches of forest reproductive material to the zonal forest-seed laboratories (63) of the Authorized Body for checking sowing qualities, conducting test analyses and applying for a certificate for forest reproductive material;</p> <p>with the established procedure for packaging, labeling, transportation and storage of forest seeds and planting material in accordance with the requirements of current regulations and standards (65);</p> <p>to reimburse material losses to the consumer in case of sale of forest reproductive material that does not meet the established requirements;</p> <p>carry out internal control over the production and circulation of forest reproductive material;</p> <p>to assist the authorities exercising state control in the field of forestry and plantation management in exercising their responsibilities</p>	<p>seed of this category only for use in the own entities</p> <p>➤ Other as in the FoVG these regulatories had to be applied to all tree and bush (?) species important for forest use. Option: With regard to bush species least apply the category „identified“</p> <p>(63) zonal forest-seed laboratories are here mentioned at first, recommendation: comp. comments to art. 18</p> <p>(64) The law of the FRG and the Federal States as well obtains for „special kind“ of seed the possibility to collect it on central localities of the owners of the basic material before first step of circulation.</p> <p>(65) It is in accordance with the law of FRG, the labeling is carried out by the territorial executive body. Without labeling as the base for identification the first step of circulation has not to be carried out (comp. §§ 8, 9 FoVG).</p>
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<p>in carrying out state control activities in the field of forestry and plantation management.</p> <p>Producers of forest reproductive material may have other rights and obligations defined by the Law.</p> <p>Producers of forest reproductive material are responsible for the truthfulness of the information submitted in certification or validation applications and supporting documents, as well as for complying with the procedure and requirements for the production and handling of forest reproductive material.</p> <p>(64)</p>	
<p><i>Article 22. Requirements for forest base material</i></p>	<p>Comments</p>
<p>The forest base material used for the production of forest reproductive material must meet the minimum attestation requirements approved by the central executive body that ensures the formation and implementation of state policy in the field of forestry.</p> <p>For attestation of forest base material for the category of forest reproductive material "identified", the location-defined objects, which may not refer to certified permanent forest seed base facilities (66), and for the categories "selected", "qualified", "tested". shall refer to certified permanent forest seed base facilities and may refer to research and testing selection facilities of forest seed production.</p> <p>Certification of forest base material is carried out by the territorial attestation commission of the territorial body of the central executive body that implements the state policy in the field of forestry, and the forest base material used to obtain forest reproductive material of categories "qualified" and "tested" - in agreement with the commission on forest reproductive material.</p> <p>The decision of the attestation commission on the certification of forest basic material or on non-compliance with its attestation requirements is taken by a simple majority of votes (67) of the full composition of the territorial attestation commission and approved</p>	<p>(66) It is very important, because indicates only temporary limited and / or restrictive using (Which goals of forest management?) of this category of forest reproductive material.</p> <p>(67) On the basis of which objective indicators?</p> <p>(68) A 10-years interval could be also functional..</p> <p>(69) Recommendation: Check to get more executive competences and responsibility to the territorial executive body. The competences of the central executive body could be more in the field of central regulatory, control of its implementation</p>

<p>by the territorial body of the central executive body implementing the state policy in the field of forestry.</p> <p>The decision on the registration of certified forest basic material in the State Register of Forest Basic Material is made by the Authorized Body on the basis of the order of the territorial body of the central executive body implementing the state policy in the field of forestry.</p> <p>Forest base material is certified for a period of five years (68).</p> <p>Information on forest basic material is entered in the State Register of Forest Base Material no later than five working days from the date of the decision to register certified forest base material in the State Register of Forest Base Material.</p> <p>Regulations on objects of forest base material and the procedure for certification of forest basic material are approved by the central executive body (69), which ensures the formation and implementation of state policy in the field of forestry, which indicates the content of the information entered into the registers and the application form and the list of documents attached to the application.</p>	
<p><i>Article 23. Rights and obligations of forest base material holders (70)</i></p>	<p>Comments</p>
<p>Holders of forest base material have the right to: and select objects of forest base material; submit forest basic material for certification to the territorial attestation commission; submit appeals (applications) regarding surveys of forest base material and the forest reproductive material obtained from it to the zonal forest-seed laboratory of the authorized body for assessing the conformity of forest reproductive resources; form commissions for conducting simultaneous (periodic) inventory of objects of permanent forest seed base;</p>	<p>(70) In comparison to the law of the FRG and the Federal States the Ukraine Law is much more detailed, in the case of this article with regard to the §4 FoVG</p>

<p>participate in the work of the territorial attestation commission within its competence.</p> <p>Forest base material holders are required to:</p> <p>to maintain passports for objects of permanent forest-based base, which are recognized as forest base material;</p> <p>to protect the objects of the permanent forest seed base, care and maintain them in a state in accordance with regulatory documents;</p> <p>to facilitate the organization and conduct of tests of forest seed facilities in order to recognize the forest base material of categories of forest reproductive material.</p>	
<p><i>Article 24. Certification of forest reproductive material</i></p>	<p>Comments</p>
<p>The procedure for certification, issuance and cancellation of the main certificates for forest reproductive material and the form of the certificate is approved by the central executive body that ensures the formation and implementation of state policy in the field of forestry.</p> <p>The main certificates for batches of forest reproductive material are issued by the Authorized Body (71). The main certificate is not a permit and its issuance is an administrative service. The cost of services for certification and issuance of certificates, determination of conformity of origin, sowing qualities and standard properties is established by the Cabinet of Ministers of Ukraine.</p> <p>As part of the validity of the main certificate, certificates may be duplicated for part of a certified batch of forest reproductive material allocated and packaged for circulation and use (72).</p> <p>The main certificate for forest reproductive material can be issued free of charge to research institutions (organizations), for the purpose of scientific research and testing on forest selection and genetics, varietal testing, varietal study, microclonal reproduction, genetic analysis and identification of the genomes of forest trees and bushes (73).</p>	<p>(71) ... by the territorial authorized executive body (analogous to the FoVG – Law FRG)</p> <p>(72) analogous to the FoVG – Law FRG)</p> <p>(73) This aspect is 'nt regulated by the Law FRG (FoVG), but is most usefull fon analytic based progress in the developement of forest reproductiv rессources.</p> <p>(74) analogous to Law FRG, implementation of grid references and site / forest typological information could be usefull.</p>

<p>Certificates for forest reproductive material contain information about (74):</p> <p>unique certificate number in the certificate register and the code of the corresponding basic forest material in the register of basic forest material;</p> <p>name of the species (variety);</p> <p>category of forest reproductive material;</p> <p>intended purpose;</p> <p>type of forest base material;</p> <p>region of origin - for forest reproductive material of categories identified and selected or for others, if necessary;</p> <p>origin, which may be autochthonous or non-autochthonous, local or non-native, or unknown;</p> <p>year of ripening, if it concerns seeds;</p> <p>age and type of planting material.</p>	
<p><i>Article 25. Determination of sowing qualities of forest seeds and standard properties of forest planting material</i></p>	<p>Comments</p>
<p>Determination of sowing qualities of forest seeds and standard properties of forest planting material (75) is carried out on the basis of an analysis of the set of indicators characterizing the degree of suitability of seeds for sowing. Sowing qualities of forest seeds are characterized by quality classes.</p> <p>to the results of determining the sowing qualities of the zonal forestry laboratory of the Authorized Body (76), a certificate of conditioning or a certificate of the results of the analysis of forest seeds could be issued.</p> <p>Determination of the standard properties of forest planting material is carried out in accordance with the requirements of state standards (77) for obtaining standard forest planting material.</p> <p>Determination of sowing qualities of seeds or standard properties of planting material is carried out by the authorized body for assessing the compliance of forest reproductive resources</p>	<p>(75) is´nt regulated in FRG Law or Federal States Law as well.</p> <p>(76) territorial authorized body (?), one zonal forest laboratory for the authorized bodies of this zone (?),</p> <p>territorial, political – administrative differentiation versus zonal-natural differentiation, a compromiss could be usefull.</p> <p>(77) Is´nt regulated in the FRG Law and the Law of Federal States as well. Existing „standards“ are more recommendations, which may be obligated by the forest entities using the planting material and / or the maangement of nursery production as well.</p> <p>(78) comp. (76)</p> <p>(79) comp. comments on article 14,</p>

<p>by analysing the average samples selected from batches of seeds or planting material by zonal forest-seed laboratories (78).</p> <p>In determining the sowing qualities of forest seeds and the standard properties of forest planting material, uniform methods and laboratory and technical means are used, the only terminology that is enshrined in regulatory documents in the field of forest seed production and seedlings. Normative indicators of sowing qualities of forest seeds, standard properties of forest planting material, phytocontamination, settlement and damage by harmful insects are established by state standards in the field of seed production and seedlings (79).</p>	<p>Recommendation: Establish or develop a central to territorial structured administrative - analytic-scientific institution would be useful for efficiency of the whole process. This institution and its organisation structure relies to the central and territorial executive body / bodies.</p>
<p><i>Article 26. Certification of forest seeds and forest planting material (80)</i></p>	<p>Comments</p>
<p>Certification of forest seeds and forest planting material includes:</p> <p>notification to the forest reproductive resources conformity assessment body by the producer on the formation of a consignment of forest seeds or planting material;</p> <p>selection of medium seed samples for analysis and sending them to the zonal forest-seed laboratory with the appropriate accompanying documents (passport for forest seeds and label);</p> <p>determination of sowing qualities of seeds or standard properties of planting material and establishing their origin;</p> <p>The producer shall obtain a certificate confirming the origin of forest seeds and planting materials and their sowing qualities or standard characteristics.</p> <p>Each batch of forest seeds and forest planting material for sale must be accompanied by certificates.</p> <p>The procedure for certification, issuance of certificates for forest seeds and / or planting material and the form of certificates for forest seeds and / or planting material is approved by the central executive body implementing the state policy in the field of forestry.</p>	<p>(80) in accordance with the Law EU, FRG and Federal States as well.</p>

<p><i>Article 27. Expert determination of sowing qualities of forest seeds and standard properties of planting material</i></p>	<p>Comments</p>
<p>Expert determination of sowing qualities of seeds and standard properties of planting material may be made by the Authorised Body (81) at the request of the subjects of forest seed production and seedling production by inspection in accordance with the state standards in force. The procedure for expert determination shall be approved by the central authority implementing the state policy in the area of forestry.</p>	<p>(81) comp. (79)</p>
<p><i>Article 28. Guarantees for forest reproductive material (82)</i></p>	
<p>The manufacturer (supplier) of forest reproductive material guarantees compliance with the origin, varietal properties, sowing qualities of seeds and commodity properties of planting material, which are indicated in the certificates.</p> <p>For the purchased forest reproductive material, guarantees are valid for the period specified in the certificate. After the expiration of the period specified in the certificate, forest reproductive material can be put into circulation after re-checking the sowing qualities of forest seeds and the standard properties of planting material and the continuation of the certificate.</p> <p>In case of violation of guarantees, the manufacturer (supplier) of forest reproductive material is liable in accordance with the Law.</p>	<p>(82) Is'nt regulated by FRG law or law of Federal States</p>
<p><i>Article 29. Registers of forest reproductive resources (83)</i></p>	<p>Comments</p>
<p>The central executive body implementing the state policy in the field of forestry, through the</p>	

<p>Authorized Body, ensures the maintenance of such state registers:</p> <p>register of forest base material;</p> <p>register of certificates for forest reproductive material;</p> <p>register of producers and suppliers of forest reproductive material.</p> <p>The authorized body provides free and uncompensated access via the Internet to the information contained in these registers.</p> <p>Information of state registers provided for in part one of this article, obtained by accessing them via the Internet:</p> <p>have the status of official information of the central executive body implementing the state policy in the field of forestry;</p> <p>do not require additional confirmation of the central executive body implementing the state policy in the field of;</p> <p>be used by state authorities and local self-government bodies, individuals, individual entrepreneurs, legal entities.</p> <p>Regulations on the register of forest base material, regulations on the register of producers and suppliers of forest reproductive material, regulations on the register of certificates for forest reproductive material, as well as the procedure for maintaining these registers are approved by the central executive body that ensures the formation and implementation of state policy in the field of forestry.</p>	<p>(83) In accordance with EU, FRG and Federal States law at a modern level of digitalization.</p>
<p><i>Article 30. Registration of producers of forest reproductive material</i></p>	<p>Comments</p>
<p>The right to produce forest reproductive material is granted for a period of five years to producers who, according to the results of certification, are included in the state register of producers and suppliers of forest reproductive material.</p>	<p>(84) The territorial body may be representative in the commission and participate on the decision, so an seperate approve oft he decision could´nt be necessary.</p>

<p>Certification of producers of forest reproductive material is carried out by the territorial attestation commission of the territorial body of the central executive body that implements the state policy in the field of forestry according to the statements of forest seed and seedlings. The results of certification are approved by the territorial body (84) of the central executive body implementing the state policy in the field of forestry.</p> <p>The procedure for certification of producers of forest reproductive material is approved by the central executive body that ensures the formation and implementation of state policy in the field of forestry, the procedure includes the application form, the list of documents attached to the application and attestation requirements for producers of forest reproductive material.</p> <p>The territorial body of the central executive body implementing the state policy in the field of forestry has the right to check the information submitted by the applicants and submit requests for additional information to state authorities and local self-government bodies (85), as well as to have access to the relevant state registers in accordance with the established procedure.</p> <p>Information about the certified producer of forest reproductive material is entered in the state register of producers and suppliers of forest reproductive material no later than five working days from the date of the decision of the territorial attestation commission on the certification of this manufacturer.</p> <p>The decision to exclude the producer of forest reproductive material from the register of producers and suppliers of forest reproductive material could be made by the territorial body of the central executive body implementing the state policy in the field of forestry, in the case of:</p> <p>failure to submit within the prescribed period by the subject of seed production and seedlings to the territorial attestation commission information on changes made to the documents attached to the application for certification, the list and form of which are determined;</p> <p>The repeated violation of the requirements of the legislation in the field of forest seed</p>	<p>(85) According to the FRG Law, ...,...</p>
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<p>production and seedlings relating to the obligations specified in Paragraph 2 of Article 21; court decision;</p> <p>submission by the subject of seed production and seedlings of an application for exclusion from the state register of producers and suppliers of forest reproductive material;</p> <p>termination of a legal entity or entrepreneurial activity by an individual entrepreneur;</p> <p>the expiration of the term of registration of the producer of forest reproductive material.</p> <p>On the basis of registration of producers of forest reproductive material, the Authorized Body issued a passport of the producer of forest reproductive material for a period of five years, which is confirmed electronically by the data of the state register.</p>	
<p>Chapter V</p> <p>CIRCULATION AND USE OF FOREST REPRODUCTIVE MATERIAL</p>	
<p><i>Article 31. Introduction to circulation of forest reproductive material</i></p>	<p>Comments</p>
<p>Forest reproductive material will be put into circulation if it is obtained from forest base material and a certificate is issued for it (86).</p> <p>Forest reproductive material, which is put into circulation, is subject to mandatory labeling and is packed in the manner prescribed by the central executive body that ensures the formation and implementation of state policy in the field of forestry.</p> <p>If forest reproductive material is obtained using an appropriately registered variety, suppliers are obliged to supply such forest reproductive material in compliance with intellectual property rights to plant varieties (87).</p> <p>Categories of forest seeds that can be used for the production and reproduction of the variety are regulated in accordance with the current</p>	<p>(86) FRG Law: Use in the own entitie is possible.</p> <p>(87) Is´nt regulated in FRG Law</p> <p>(88) The FRG and Federal States Law no distiguishs beetween „producers and suppliers“, in generell the termin „companies, entities, enterprises“ producing or suppling forest seed or plants“ is used.</p>

<p>legislation and regulations on varieties of forest plants.</p> <p>(88)</p>	
<p><i>Article 32. Registration of suppliers of forest reproductive material</i></p>	<p>Comments</p>
<p>The right to supply forest reproductive material is granted to suppliers who are included in the State Register of Producers and Suppliers of Forest Reproductive Material.</p> <p>Registration of suppliers of forest reproductive material in the State Register of Producers and Suppliers of Forest Reproductive Material is carried out by the Authorized Body on their application.</p> <p>The procedure for registration of suppliers of forest reproductive material, which, among other things, includes the application form and the list of documents attached to the application, etc., is approved by the central executive body responsible for the formation and implementation of state policy in the field of forestry.</p> <p>The authorized body has the right to check the information provided by the applicants and submit requests for information to state authorities and local self-government bodies, as well as to have access to proper state registers in accordance with the established procedure.</p> <p>Information about the registered supplier of forest reproductive material shall be entered in the State Register of Producers and Suppliers of Forest Reproductive Material no later than five working days from the date of adoption by the authorized body for assessing the conformity of forest reproductive resources of the decision to attestation of this supplier.</p> <p>The decision to exclude the supplier of forest reproductive material from the register of producers and suppliers of forest reproductive material can be made by the Authorized Body, in case of:</p> <p>failure to submit within the prescribed period to the authorized body for assessing the</p>	<p>(89) The FRG and Federal States Law regulate:</p> <ul style="list-style-type: none"> ➤ the qualification of producers and suppliers in the field of forest reproductive material, ➤ the documentation of stock of seed and seedlings (species, assortments, input, output, changes on stock based on the number of the main certificate), ➤ disponibility of this documentation at least for ten years ➤ cancel the exclusion when compliance and accuracy are at news given producers and suppliers („companies, entities, enterprises“ producing or supplying forest seed or plants“, comp. 88) have to immediately inform the authorized body on seed not planned for use in forests or production of seedlings.

<p>conformity of forest reproductive resources information on changes made to the documents attached to the application for registration;</p> <p>violation of legislation in the field of forest seed production and seedlings;</p> <p>court decision;</p> <p>submission by the supplier of an application for exclusion from the state register of producers and suppliers of forest reproductive material;</p> <p>termination of a legal entity or entrepreneurial activity by an individual entrepreneur.</p> <p>(89)</p>	
<p><i>Article 33. Rights and obligations of suppliers of forest reproductive material</i></p>	<p>Comments</p>
<p>Suppliers of forest reproductive material have the right to:</p> <p>to purchase forest reproductive material from producers of forest reproductive material;</p> <p>participate in the implementation of state target programs for the production of forest seeds and planting material.</p> <p>Suppliers of forest reproductive material are obliged to:</p> <p>ensure compliance with the established requirements for reproductive material, standards for forest seeds and planting material, other technological and methodological requirements in the field of forest seed production and seedlings;</p> <p>ensure compliance of forest reproductive material with the indicators specified in the certificates for forest reproductive material;</p> <p>keep a separate record (90) of forest reproductive material by category and store information on its regionalization;</p> <p>send average seed samples to zonal forest-seed laboratories of the body for assessing the compliance of forest reproductive resources for checking sowing qualities, conducting test tests and statements (notifications) for obtaining a</p>	<p>(90) comp. also (89)</p>

<p>certificate for forest reproductive material and extending its operation;</p> <p>comply with the established procedure for packaging, labeling, transportation and storage of forest seeds and planting material in accordance with the requirements of current regulations and standards;</p> <p>to reimburse material losses to the consumer in case of sale of forest reproductive material that does not meet the established requirements;</p> <p>to assist officials exercising state control in the field of forest seed production and seedlings in the exercise of their powers during state control measures in the field of forest seed production and seedlings.</p> <p>Suppliers of forest reproductive material may also have other rights and obligations defined by the Law.</p> <p>Suppliers of forest reproductive material are responsible for the accuracy of the information submitted in applications for registration or certification and accompanying documents to them, and compliance with the procedure and requirements for the circulation of forest reproductive material.</p>	
<p><i>Article 34. Regionalization of forest reproductive material</i></p>	<p>Comments</p>
<p>Regionalization of forest reproductive material ensures the identification of regions of origin by the place where trees grow (grew), tree stand, which are recognized as a source of reproductive material (forest base material) within the population of the forestry species and the establishment of boundaries and principles of the permitted movement of forest reproductive material from them.</p> <p>The basis for identifying regions of origin are autochthonous tree stands or seed sources that have long been continuously renewed naturally, can be recovered artificially from reproductive material collected in the same tree or seed source, or in autochthonous trees or seed sources located in close proximity.</p> <p>The turnover of forest reproductive material is ensured on the basis of the identification of</p>	<p>(91) Caused by climate change additional implementation of climatic water balance / month of vegetation period („x“) and the duration of vegetation period may be useful (in the FRG and also in Saxony we are thinking about this.)</p> <p>(92) The use of reproductive material of the category „identified“ could be limited:</p> <ul style="list-style-type: none"> ➤ for use outside forest areas ➤ depending on purpose of afforestation / reforestation (i.e. for protection forests) ➤ in case of deficits of forest reproductive material

forest base material by region of origin (source regions), taking into account the requirements of forest seed zoning within the natural range of the respective species and/or areas outside its natural range, establishing areas (locations) of successful cultivation of the species with minimal risks of possible losses of productivity, quality and sustainability of newly established tree stands.

The **movement of forest reproductive material within the territory of Ukraine**, as well as its import and export, is carried out **in accordance with the schemes of regionalization** of forest reproductive material (forest-seed zoning) of Ukraine, developed for certain types of forest trees or their ancestral complexes. **Schemes of regionalization of forest reproductive material and their subsequent additions or changes are approved by the central executive body** implementing the state policy in the field of forestry. The **territories of the regions of origin (primary sources) are determined on the basis of the current administrative division, taking into account the existing difference in height above sea level (91).**

Forest reproductive material of forest tree and bush species of the categories **"identified" (92)** and **"selected" may be used for reforestation or afforestation exclusively in the region of origin** (within the forest seed area) in which the base material from which it was produced is located. Forest reproductive material of **"tested" categories**, in particular using the variety, **can be used for reforestation or afforestation outside forest areas in accordance with the recommendations for its purpose and regions of use.**

The central executive body implementing the state policy in the field of forestry, **taking into account the need to comply with the regionalization of forest reproductive material, the preservation of genetic diversity and biotic stability of forests** in the country, **determines cases in which the use** of forest reproductive material of species of forest trees and bushes for forest reproduction **outside the regions of origin, outside the forest-mountainous area is determined.**

<p><i>Article 35. Import and export of forest reproductive material</i></p>	<p>Comments</p>
<p>Forest seeds and planting material may be imported into Ukraine:</p> <p>forest reproductive material in the categories "selected", "qualified" and "proven", taking into account the regionalization of forest reproductive material and the varieties of use on the forest reproductive material certificates of the exporting country;</p> <p>forest reproductive material of the "identified" category (93) - under the relevant international treaties;</p> <p>from countries where indicators of conformity of categories of forest reproductive material are not determined – subject to confirmation by a certificate of forest reproductive material in Ukraine on the basis of sufficient reliable information in a commercial agreement or other accompanying documents and taking into account the regionalization of forest reproductive material.</p> <p>Forest reproductive material is exported from the territory of Ukraine if it meets the requirements of the importing country or under the relevant interstate agreements.</p> <p>The importation of forest reproductive material shall be carried out in accordance with the appropriate phytosanitary inspection requirements.</p> <p>Forest reproductive material imported into the territory of Ukraine for which the EU certificate, OECD certificate or ISTA certificate is issued does not require additional verification of the indicators specified in these certificates.</p>	<p>(93) Recommendation: exclude this categorie for import; in Saxony is the minimal categorie „selected“</p>
<p><i>Artikel 36. Labeling and packaging of forest reproductive material (94)</i></p>	<p>Comments</p>
<p>The procedure for labeling and packaging of forest reproductive material and the relevant forms of technical documentation are approved</p>	

<p>by the central executive body implementing the state policy in the field of forestry.</p> <p>Labeling means the application of a label for a certified batch of forest reproductive material on the packaging, which necessarily indicates such information:</p> <p>of botanical taxon in Ukrainian and Latin;</p> <p>name of the sort (if necessary);</p> <p>party number;</p> <p>category of forest reproductive material;</p> <p>packing date;</p> <p>name and surname or name of manufacturer (supplier) as well as its address;</p> <p>registration number of the forest base material from which the forest reproductive material was obtained in the state register of forest base material;</p> <p>number and date of issue of the certificate for forest reproductive material;</p> <p>the amount of forest reproductive material in the batch in kilograms or pieces;</p> <p>manufacturer's signature;</p> <p>other information in accordance with the requirements of this Article and, if necessary, with the possibility of duplication of information in another language.</p> <p>The label may indicate additional information for the relevant categories of forest reproductive material. Seeds and planting material of forest trees and bushes, to which the provisions of the Law do not apply, should have a label of the following content: "Not for forestry".</p> <p>Forest reproductive material may be put into circulation only in packages, each marked with a label of the manufacturer (supplier) for the batch and its part (composite unit). At the initiative of the manufacturer (supplier) the label may be duplicated within the package. Packaging of forest reproductive material is sealed with a seal of the manufacturer (supplier) in such a way that after opening the package the seal is damaged to the extent that it cannot be used further.</p>	<p>(94) corresponds with the EU, FRG and Federal States Law</p> <p>(95) regulations on vegetative material (stem cuttings, leaf cuttings and root cuttings, explants or germs for micropropagation, buds, transplants, roots, shoots, stakes and any parts of the plant intended for planting)?</p>
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<p>In the case of the sale of seeds, the package label shall, in addition to the information referred to in paragraph 1 of this Article, contain the following information:</p> <p>the weight content of pure seeds that are the subject of circulation, the weight content of seeds of another type, as well as the weight content of components that are not pure seeds (waste and impurities) in the package;</p> <p>the percentage of germination or, if its determination is complicated, the percentage of viability or seed quality of pure seeds;</p> <p>the weight of 1,000 seeds in grams;</p> <p>the weight number of seeds suitable for germination in one kilogram or, if it is difficult to determine germination, the number of viable or good-quality seeds in one kilogram.</p> <p>For the relevant reproductive material category, the manufacturer's (supplier's) label colours are set:</p> <p>yellow – for forest reproductive material, which belongs to the category "identified";</p> <p>green – for forest reproductive material, which belongs to the category of "selected";</p> <p>pink – for forest reproductive material, which belongs to the category "qualified";</p> <p>blue – for forest reproductive material, which belongs to the category "tested".</p> <p>Mixing batches of seeds is allowed in exceptional cases with the permission of the zonal forest-seed laboratory and must be properly registered.</p>	
<p><i>Article 37. Use of forest reproductive material</i></p>	<p>Comments</p>
<p>Forest reproductive material is used for forestry purposes for the purpose of reforestation, forestry, plantation and protective forest growing, forest recreation and forestry, etc.</p> <p>Forest reproductive material of categories "identified" and "selected" is used for forestry needs by region of origin (primary sources) taking into account forest-seed zoning.</p>	

<p>Forest reproductive material of the category "qualified" and "tested" is used for forestry needs exclusively within the territories where this material is zoned or taking into account its intended purpose.</p>	
<p>Chapter VI STATE SUPPORT FOR FOREST SEED PRODUCTION AND SEEDLINGS AND FOREST BREEDING</p>	
<p><i>Article 38. State support for forest seed production and seedlings and forest breeding</i></p>	<p>Comments</p>
<p>State support for forest seed production and seedlings and forest breeding is provided from priority areas determined by the executive body responsible for the formation and implementation of state policy in the field of forestry (96).</p> <p>State support, forest seed production and seedlings and forest selection is carried out within the funds provided for in the State Budget of Ukraine for the corresponding year.</p> <p>Priority areas for state support are provided by an sectoral development program approved by the executive body that ensures the formation and implementation of state policy in the field of forestry. Priority areas may be changed, clarified and adjusted based on the results of the adoption and implementation of the relevant programs.</p>	<p>(96) Clarification of co-funding by (co-finnacing) by the EU could be usefull (indepent on the regulation of the Ukraine Law</p>
<p>Chapter VII FOR VIOLATION OF LEGISLATION ON FOREST REPRODUCTIVE RESOURCES</p>	
<p><i>Article 39. Liability for violation of legislation on the use of forest reproductive resources</i></p>	<p>Comments</p>
<p>Violation of the legislation on the use of forest reproductive ressources, entails disciplinary, administrative, civil liability in accordance with the legislation of Ukraine.</p>	<p>(97) in accordance with EU, FRG, Federal States Law</p>

<p>Producers (suppliers) are exempted from liability for a breach of legislation if it has occurred as a result of an emergency of a technogenic or natural character, including fires, accidents, natural or technogenic disasters or acts of war.</p> <p>Liability for violation of the legislation on forest reproductive resources comes in the following cases:</p> <p>violation of the established requirements for the production, certification, circulation and use of forest reproductive material, standards for forest seeds and planting material;</p> <p>of untested sowing qualities and standard properties of forest seeds and forest planting material;</p> <p>indication of inaccurate information on the origin of forest reproductive material and the mass of the formed batch or its allocated part;</p> <p>absence of producers of forest reproductive material by category and storage of information on its regionalization when put on the market;</p> <p>with the established procedure for packaging, labeling, transportation and storage of forest reproductive material;</p> <p>non-compliance with the guarantees on forest reproductive material regarding the indicators specified in the certificates;</p> <p>Preventing forest seed and nursery officials from exercising their powers.(97)</p>	
<p>Chapter VIII INTERNATIONAL RELATIONS</p>	
<p><i>Article 40. Participation in international cooperation in the field of forest seed production and seedlings on forest reproductive resources</i></p>	<p>Comments</p>
<p>Ukraine participates in international cooperation in the field of seed production and seedlings on forest reproductive resources, in particular on the basis of international treaties of Ukraine.</p> <p>Ukraine's participation in international cooperation in the field of seed production and</p>	<p>(98) May be it could be usefull to implement the cooperation with the EU on the basis oft he upper mentioned directive</p>

<p>seedlings on forest reproductive resources is carried out in accordance with the procedure established by the Law.</p> <p>If the international treaties of Ukraine establish rules other than those given in this Law, the rules of international treaties of Ukraine shall apply. (98)</p>	
<p>Chapter IX FINAL PROVISIONS</p>	
<p>1. This Law shall enter into force six months after the date of its publication, except for parts two and three of Article 19, which are governed by the transitional period before Ukraine's accession to the EU and shall expire on the date of Ukraine's accession to the EU, but not later than five years after the date of adoption of this Law.</p> <p>2. To amend such laws of Ukraine:</p> <p>1) in the Forest Code of Ukraine (Information of the Verkhovna Rada of Ukraine, 2006, No. 21, Article 170):</p> <p>in part 1 of the Article 6, replace the word "woody", replace the words "wood, reproductive", and the words "other products" with the words "other products (materials)";</p> <p>in the Article 19:</p> <p>Part one shall be supplemented by paragraph 6 of following content;</p> <p>the right to use forest reproductive material;</p> <p>part two shall be supplemented be paragraph 7 of the following content:</p> <p>"7) retain the timber base material";</p> <p>In the Article 28-1:</p> <p>Paragraph 2) carries out state control over compliance with forestry regulations, add - including forest seed production, seedling production and forest reproductive material;</p> <p>should be supplemented by paragraph 5)1 as follows:</p>	

"5)1 ensures monitoring of forest seed production and seedlings and forest reproductive material";

Article 35 shall be supplemented by paragraph 9 of the following content:

"9) monitoring of forest seed production and seedlings and forest reproductive material";

part two of Article 105 is supplemented by paragraph 21 of the following content:

"21) violation of the requirements for the maintenance of forest base material and the circulation of forest reproductive material";

2) In the Law of Ukraine **"On Seeds and Planting Material"** (Information of the Verkhovna Rada of Ukraine, 2013, No. 42, Article 585; 2016, No. 4, Article 39):

the second preambular paragraph shall be amended to read as follows:

"This Law does not apply to the activities of individuals in the production, storage, transportation and / or use of seeds and planting material to meet their own needs not related to the implementation of economic activities, as well as the production, circulation, use of forest reproductive material and the circulation of seeds and planting material of genetically modified organisms (plants) regulated by special legislation";

In part 1 of the Article 1:

paragraph forty-six should be excluded;

paragraph fifty-two should be excluded;

in the thirteenth paragraph of part one of Article 7, the words "forest and" should be excluded.

3. the Cabinet of Ministers of Ukraine within a year from the date of entry into force of this Law:

Adopt regulations that come out of this Act;

bring their regulations in accordance with this Law;

Ensure that ministries and other central bodies of executive power review and repeal their regulations contrary to this Law.

Chairman of the Verkhovna Rada of Ukraine R. STEFANCHUK

