



J.nr. 23-3612-000005
Ref.: MEB
1 July 2023

Contract-based quality scheme for forest reproductive material of OECD species

Voluntary mutual binding agreement for trade in Denmark with forest reproductive material that cannot be certified according to OECD rules. The agreement is administered by the Danish Agricultural Agency.

The quality scheme covers material originating from countries that have not implemented OECD certification for the species in question, cf. section 1 below. The scheme only covers species that can be OECD certified in Denmark, but which are not regulated by the EU rules on certification of forest reproductive material. At present, this concerns fourteen species.

The aim is to create a contract-based quality scheme that can provide the registered companies with a registration of the desired lots of seeds/plants that as far as possible follows the guidelines for OECD certification. However, in the contract-based quality scheme, unlike the rules for OECD certification, it will be possible to maintain the registration number for lots or parts of lots of seeds or plants when they are no longer covered by the contract-based scheme.

The importer must be able to document independent verification of the identity of the seeds until import. This verification must be carried out by an approved accredited auditing company in an EA member country or EA cooperating country. The auditing company must comply with the rules adopted for EA. The auditing company must audit the implementation of the company's quality system and must also carry out random checks of the handling of the seeds in the country of origin, cf. Annex 1 of the agreement. The Danish Agricultural Agency, hereafter referred to as the Agency, carries out controls on import and transfer/trade in Denmark, corresponding to the Danish control of trade in certified seeds and plants of OECD species. Companies that are registered in the agreement-based quality scheme will receive inspection of activities in Denmark, including storage and trade in registered lots, from the Agency.

The inspection in Denmark, at registered companies, covers: registered material covered by the contract-based quality scheme, as well as OECD certified material and material not covered by these schemes, provided that this material is of the same nature as the registered material.

The scheme is based on documentation of the origin and traceability of the material from harvest in the country of origin to import to Denmark and trade in Denmark. Seeds/plants are no longer covered by the scheme when they are transferred/sold to a company that is not registered in the contract-based scheme, cf. section 7.2. In the scheme, registered seeds and plants can retain the scheme's original registration number even if they are traded to parties that are not part of the scheme. When traded to parties who are not members of the scheme, the registered seeds and plants are no longer covered by the scheme. The scheme is established as a revenue-generating activity pursuant to the Danish Finance Act, and the Agency must therefore have all costs of operating the scheme covered through payment from the registered companies. The prices to cover the services are regulated prior to each harvest year. The Agency may discontinue the scheme at the end of a harvest year, e.g. if no financial basis can be created for it, cf. section 2(4).

The following agreement can be made between the Danish Agricultural Agency and registered companies

Area of application

Section 1. The Agency may register lots of forest reproductive material of plant species that are not covered by EU rules and for which Denmark, unlike the harvesting country, has implemented OECD certification, cf. Executive Order no. 654 of June 1, 2023 on forest reproductive material, Annex 2, Part B.

The scheme applies to:

- a) Seeds and cones produced in and exported directly to Denmark from countries that have not implemented OECD certification for the species in question, and which are harvested and imported by companies enrolled in the contract-based quality scheme.
- b) Plants produced in Denmark by registered companies on the basis of seeds imported under the contract-based quality scheme.

(2) The harvest year means the period from July 1 to June 30 of the following year in which the seed has matured and been harvested.

(3) Registered seeds/plants can be identified by a unique ID number, cf. Annex 1, item h. Registered seeds/plants are covered by the scheme until they are transferred to a company that is not registered in the scheme. Seeds/plants cannot re-enter the scheme.

Registration

Section 2. Companies that import seeds and pine cones to Denmark and companies that trade seeds and plants in Denmark can apply to register for the scheme by informing the Agency, cf. form 1. When applying for registration, the company must state whether its activities are exclusively in Denmark or whether it also imports seeds and pine cones. The company must also state that it is aware of the prices that the Agency will charge for services related to the scheme, cf. Appendix 3.

(2) Registration covers periods from July 1 to June 30 of the following year and is valid until the company deregisters. However, the Agency may deregister the company, cf. section 2(3).

(3) The Agency notifies the company that it has registered by sending an e-mail with a confirmation and a link to the Agency's list of registered companies.

(4) The Agency may notify enrolled companies that they are no longer enrolled as of a given date if the Agency finds that the company does not comply with significant parts of the guidelines for the scheme or if the company does not pay outstanding prices linked to the scheme after a reminder.

Section 3. Companies applying for registration as importers of seeds must, together with form 1, send a confirmation from an accredited auditing company that the auditing company has reviewed the company's quality manual and finds that the requirements in Appendix 1 are met, and that the auditing company will carry out an audit of the company's self-control and random checks of the company's activities in the first harvest year, cf. form 2.

Stk. 2. The quality manual must be submitted to the Agency together with form 1 so that the Agency can also assess whether the requirements in Appendix 1 are met prior to registration.

Documentation for pre-import checks

Section 4. Companies enrolled in the contractual quality scheme as importers of seeds and pine cones must have a quality manual describing how the identity of the seed is ensured from harvest to import. The quality manual must be kept up to date. The quality manual must include a description of:

- a) The company's own inspection,
- b) External audit of the company's own inspection carried out by an accredited auditing company and
- c) The auditing company's random inspection of the company's collection and storage of seeds and cones in the country of harvest.

External audit may be replaced by a Danish organic approval of the seed, cf. Annex 1.

(2) The Agency's guidelines for requirements for the company's quality manual and quality control, external audit and external random inspection are set out in Annex 1.

(3) Companies registered as importers must each harvest year and prior to registration of batches in this harvest year request an accredited auditing company to confirm to the Agency that: a) the company's quality manual complies with the requirements in Annex 1, b) there is documentation for the company's own inspection, c) an external audit has been performed, and d) the auditing company has performed random checks as described in the quality manual. The auditing company must confirm this by completing form 2 and sending it to the agency.

(4) If the auditing company finds deviations during the external audit, the auditing company must inform the agency whether the deviations are critical, of a significant nature or of a non-significant nature, cf. Annex 1 and form 2. Similarly, the auditing company must inform the Agency if errors or deficiencies are found during the random inspection that cause the seed to be non-registered, cf. Annex 1. Notification must be made together with the submission of form 2 for the harvest year in question.

(5) The auditing company's confirmation and any notifications to the Agency for the harvest year in question must be received by the Agency before the Agency can register imported seed lots from the company for the harvest year in question.

Import control

Section 5. Imports must be notified to the agency at least two full working days prior to import. The notification must be made on a form, cf. form 3, which is sent to planter&biosikkerhed@lbst.dk.

(2) Imported batches must be sealed and labeled with unique identification as described in the company's quality manual.

(3) The Agency carries out checks of the batch, including quantity, sealing and labeling at the importer's premises. Seals must not be broken before an import inspection has been carried out.

(4) The Agency informs the company of the outcome of the import inspection in connection with the inspection, cf. form 4. The Agency informs the company that the batch has been registered by sending an e-mail with a confirmation and a link to the Agency's list of registered batches.

Control of trade in Denmark

Section 6. Registered companies must keep records of the transfer/trading and handling of registered lots, both those covered by the contract-based scheme and those lots/parts of lots not covered by the scheme. If all or parts of a registered batch are discarded, this must be stated in the accounts.

(2) When cleaning cones and seed lots, it must be stated how much by weight has been discarded.

When sowing seeds, the resulting approximate number of plants in the field must be noted, and when replanting, it must be stated how much of the batch has been discarded. Thus, an updated inventory of registered lots must be available at each registered company.

(3) The Agency performs random checks in the period July 1 to June 30 at registered companies. For seed traders, inventory, labeling and documentation are covered by the inspection. At plant dealers, inventory, labeling and documentation, including field book with area information, are covered by the inspection.

(4) If registered companies, in addition to seeds/plants registered and covered by the contract-based quality scheme, also trade or store seeds/plants of the same species, but which are not covered by the scheme, this material and documentation may also be included in the inspection at the registered company. Seeds/plants that are not covered by the contract-based scheme may for example be:

- a) OECD-certified seeds/plants,
- b) Seeds/plants that have previously been, but are no longer, covered by the contract-based scheme, or
- c) Seeds/plants that have not been covered by any of these schemes.

Requirements for seeds and plants registered under and covered by the contractual quality scheme

Section 7. Seeds and plants registered under and covered by the quality scheme must meet the requirements for material of the selected category, cf. Executive Order no. 654 of June 1, 2023 on forest reproductive material, Annex 3, item 1, no. 13 and Annex 7, nos. 1, 2 and 3.

(2) Seeds must be marketed in labeled and sealed units and must be in labeled and sealed units during transport within or between companies. Plants must be clearly labeled and clearly distinguished from non-covered plants and from covered plants with a different registration number. Registered companies can label registered and covered seeds/plants according to the guidelines in Annex 2.

(3) If a registered company has seeds or plants with the same registration number that are covered and not covered by this scheme, the registered company must clearly separate the material and keep accounts for each of the two categories.

(4) The Agency may notify a registered company that a lot or parts of a lot included in the company's stock cannot continue to be covered by this scheme if it appears that the seeds or plants do not comply with the requirements for registered lots covered by the contract-based quality scheme.

Publication

Section 8. The Agency publishes a list of registered companies and a list of registered imported seed lots. The lists are published on the agency's website. For importers, the list of companies contains information about which company has audited the company's activities in the country of harvest in the individual harvest years. The list of registered, imported seed lots contains information about the size and

registration number of the imported lot. The registration number indicates which company has imported the seed, cf. Annex 1, point h.

Payment

Section 9. The Agency collects payment from registered companies for services associated with the contract-based scheme, cf. Appendix 3.

(2) Upon registration, a payment is charged to cover the Agency's processing of the company's application, including the Agency's assessment of the quality manual for importers.

(3) For continued enrollment, an annual payment for enrollment is charged, which covers continued enrollment of a company in a harvest year. The payment covers the agency's expenses in maintaining the quality scheme.

(3) A payment is charged for import control and registration of a seed lot. The payment covers the Agency's expenses for import control and registration of the seed lot.

(4) A fee shall be charged for control of trade in registered lots covered by the contract-based scheme of seeds and plants in Denmark. The payment covers the Agency's expenses for company control, including control of documentation, labeling of lots and inventory.

Arbitration

Section 10. The contractual quality scheme is subject to Danish law.

If a dispute arises between the parties in connection with the quality scheme, each party is entitled to demand that the dispute be finally settled by arbitration. The arbitration agreement does not imply a waiver of the use of provisional remedies such as arrest and injunction.

The arbitral tribunal is composed of three members appointed by the President of the Eastern High Court. The chairman of the arbitral tribunal must fulfill the requirements for being a judge. The parties may submit recommendations for the other two members, who shall be appointed with due regard to the special expertise deemed desirable in the assessment of the dispute submitted to the arbitral tribunal.

In the absence of a majority vote, the chairman shall have a casting vote.

The arbitral tribunal shall determine its own procedure. The award of the arbitral tribunal, which shall be reasoned, shall be rendered as soon as possible and within six months of the establishment of the arbitral tribunal.

The decision of the arbitral tribunal is final.

Otherwise, the Arbitration Act applies.

Marketing abuse

Section 11. It is the responsibility of the registered companies to monitor and, if necessary, act against marketing abuse. As a contractual partner in the contract-based quality scheme, the Agency will support the legal action that the participating companies may take against any abuse.

Section 12. The Agency may terminate the scheme at the end of a harvest year, e.g. if there is insufficient financial basis to maintain it.

Overview of appendices and tables:

Annex 1 The Danish Agricultural Agency's requirements for quality control in the harvest country

Annex 2 Labeling of seeds and plants transferred/traded in Denmark

Annex 3 Prices for the Danish Agricultural Agency's services in connection with the contract-based scheme

The appendices are attached.

Form 1 (Form 322) Registration for the contract-based quality scheme for forest reproductive material of OECD species

Form 2 (Form 323) Confirmation of agreement to carry out quality control of seed harvest in the country of harvest

Form 3 (Form 324) Pre-notification of import of forest reproductive material to be registered under the contractual quality scheme for forest reproductive material of OECD species

Form 4 (Form 326) Registration of quality control and random checks in the country of harvest

[The forms are available on the Agency's website via this link](#)

Annex 1. The Danish Agricultural Agency's requirements for quality control in the harvest

Companies that import seeds that are to be covered by the contract-based quality scheme must have and document quality control in the country of harvest, cf. section 4 of the scheme.

The quality control must include:

- Self-monitoring, anchored in a quality manual
- External audit of the quality system, performed by an accredited auditing company
- Random inspection of the company's collection and storage of seeds and pine cones in the harvest country, carried out by the auditing company.

The quality manual must describe all relevant activities that are important for ensuring traceability and identity of the seeds, from the designation of harvest areas until import inspection can be carried out at the importer in Denmark. The company's self-monitoring must include registration of all activities in connection with identification of the harvest area, harvesting of cones, packing and sealing of cones, transportation of cones, treatment of cones and seeds, packing and sealing of seeds, possible storage of seeds outside Denmark, transportation of seeds until they reach the Danish recipient. There must be random external control of these activities, and the quality manual must describe the scope and requirements for this external control.

External audit can be replaced by control in the country of harvest in relation to the Danish organic scheme, so that seeds that can be traded according to the organic rules in Denmark will also fulfill the requirements for external audit in relation to the contract-based scheme upon import. In these cases, the company's quality manual must be approved by the accredited auditing company that performs audits in relation to the organic rules.

The quality control shall include:

- a) The harvesting area shall be clearly identified, e.g. by GPS coordinates. An overview of the importer's potential harvesting areas must be included in the quality documents by July 1st at the latest, and the overview must be made available for external quality control upon request.
- b) Cone/seed set must be estimated well in advance of the start of the harvest.
- c) A log must be available for each lot and for each harvest area. The log for the batches must contain information about: allocated pickers/brigades, the amount of cones delivered to the collection point/cone barn by the allocated pickers. Each log entry must have a quantity/area indication and the signature of the person responsible for the activity.
- d) Seeds and pine cones must be packed in sealed and labeled units during transport and storage. Sealing must be done in such a way that it is clear who has done the sealing. Labeling must include security features or procedures. Packaging must be done in such a way that the contents cannot be replaced without being seen. Where it provides increased assurance of identity, records of seals, labels and packing material must be kept.
- e) The transportation of pine cones or seeds must be notified to the external inspection at least two full working days before transportation begins. Alternatively, other means of logging the transportation must be provided, e.g. GPS chips in the packing units.
- f) Stock records must be kept for cones and seeds stored outside Denmark.
- g) There must be a procedure for dispatch of seeds from the country of origin, control of transportation and notification for import control in Denmark.

h) The company must describe the format for ID marking of import lots. ID marking must contain an ID number. The ID number must consist of 11 or 12 characters and be in the format "7 or 8 capital letters that uniquely identify the importer; 2 numbers that identify the harvest year; 2 numbers that must be unique to the company/harvest year in question".

Nonconformities found during the external audit by the auditing company

If the auditing company finds non-conformities during the external audit, the auditing company must inform the board of directors whether the non-conformities are

- a) critical,
 - b) of a material nature, or
 - c) of a non-significant nature,
- cf. section 4(3) and (4) of the quality scheme.

Critical deviations and deviations of a significant nature must be briefly described. Information on non-significant deviations should not be sent to the Agency.

Errors and deficiencies found during the audit company's spot check

The auditing company must inform the Agency if errors or deficiencies are found during the random inspection that cause the seed not to be registered, cf. section 4(3) and (4) of the quality scheme.

Errors or deficiencies that cause the seed not to be registered are, for example: that the harvest inspection could not be carried out or if the seal on units is broken.

Annex 2. Labeling of seeds and plants transferred/traded in Denmark

Registered companies may label registered and covered seeds/plants according to the guidelines below. The label must be affixed to the individual packaging units in such a way that it cannot be transferred to other packaging units without being clearly visible.

The labeling must not have a design that could be confused with OECD-certified material.

The labeling of seed shall, if a registered company chooses to label according to this scheme, contain the following information:

Royal crown and the name of the agency, cf. the agency's design manual

Heading with the name of the scheme, possibly in abbreviated form "Voluntary Provenance Control"

Wrapped by "insert company name"

Lot number (11 or 12 characters, cf. Appendix 1, point h)

Species name (Danish and/or Latin name)

Country of origin

Geographical indication of place of harvest, if applicable

Quantity in the packaging unit (kg or pieces)

Number of germinable seeds per kg

The labeling of seeds must include security elements or procedures, e.g. accounting of packaging/labeling, difficult-to-copy elements or similar.

The labeling of plants must, if a registered company chooses to label according to this scheme, contain the following information:

The name of the scheme, possibly in abbreviated form "Voluntary Provenance Control"

Packed by "insert company name"

Lot number (11 or 12 characters, see Appendix 1, point h)

Species name (Danish and/or Latin name)

Country of origin

Quantity in the packaging unit (kg or pcs.)

In addition, the labeling of plants may contain the following information:

Royal crown and the name of the agency, cf. the agency's design manual

Geographical name of the harvesting site

Age and type of plant material

Annex 3. Prices for the Danish Agricultural Agency's services in connection with the agreement-based scheme

All prices exclude VAT:

Registration/continued registration of importer	DKK 6,500
Registration/continued registration of trader in Denmark	DKK 4,000
Registration of consignment	DKK 1,500
Import control, incl. transportation time	Time consumption*
Inspection at importers/traders, once a year**	Time consumption*
Approval of quality manual by the Agency	Time consumption*
The Agency's processing of deviations or errors and deficiencies found by the auditing company	Time consumption*
The Agency's guidance of auditing companies for companies that are or want to be registered	Time consumption*
The Agency's guidance to companies on: enrollment, continued enrollment or registration of seed lots or guidance on registered lots	Time consumption*

*) Time spent is invoiced according to the applicable rates in the agency's price list. For the harvest year July 1, 2023 - June 30, 2024, the hourly rate is DKK 820 for voluntary requested services. The time spent on the task is calculated per hour or part thereof.

***) For importers/traders who are not registered as traders/importers of forest reproductive material, cf. paragraph 3 of Executive Order no. 654 of June 1, 2023 on forest reproductive material, the time spent on the inspector's transport to the inspection site is also calculated.