

COMMISSION DECISION

of 13 June 1974

provisionally authorizing the French Republic to prohibit the marketing, in France,
of dwarf french bean seed of the variety 'Dustor'

(Only the French text is authentic)

(74/367/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the
European Economic Community;

Having regard to the Council Directive of
29 September 1970 ⁽¹⁾ on the marketing of vegetable
seed, as last amended by the Council Directive of
11 December 1973 ⁽²⁾, and in particular Article 16 ⁽²⁾
thereof;

Having regard to the request made by the French
Republic;

Whereas the variety of dwarf french beans 'Dustor'
has been accepted in one Member State in
accordance with principles which comply with those
of the abovementioned Directive and also of the
Commission Directive of 14 April 1972 ⁽³⁾ on
determining the characteristics and minimum
conditions for inspecting vegetable varieties; whereas,
consequently, it is published in the 'Common
Catalogue of varieties of vegetable species' ⁽⁴⁾ and
therefore, in accordance with the provisions of
Article 16 (1) of the aforesaid Directive, the seed of
this variety is not subject within the Community to
any marketing restrictions relating to variety;

Whereas the variety 'Dustor' has been subjected, in
France, to official examinations which also complied
with the principles of the Commission Directive of
14 April 1972;

Whereas according to the results of these
examinations and in comparison with national rules
governing the acceptance of varieties in France, and
applicable within the framework of the definitions
prescribed under Article 5 of the Directive quoted in
the citation, the variety is not sufficiently uniform;
whereas, in particular, the degree of homogeneity of
the leaf colour, length and transversal cut of the
pod, (characteristics listed under Nos 3, 5.1 and 5.2
of point 29 'French beans' of Annex I to the
abovementioned Directive on determining the
characteristics) does not comply with French
requirements;

Whereas the Community has not yet laid down
comprehensive and uniform rules governing the
admission of french bean varieties; whereas,
nevertheless, crop examinations of the variety
'Dustor' should be carried out, under Community
responsibility, in order to arrive at a uniform
conclusion regarding its homogeneity;

Whereas it is appropriate therefore to accede
provisionally to the request of the French Republic,
while awaiting the outcome of the results of these
crop examinations;

Whereas the measures provided for in this Decision
are in accordance with the Opinion of the Standing
Committee on Seeds and Propagating Material for
Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The French Republic is authorized, pending a
further Decision, to prohibit the marketing, in its
territory, of dwarf french bean seed of the variety
'Dustor' published in the Common Catalogue of
varieties of vegetable species.

Article 2

The French Republic shall inform the Commission
from which date and according to what methods it
will avail of the authorization given in Article 1.
The Commission shall inform the other Member
States.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 13 June 1974.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 225, 25. 10. 1970, p. 7.

⁽²⁾ OJ No L 356, 27. 12. 1973, p. 79.

⁽³⁾ OJ No L 103, 2. 5. 1972, p. 6.

⁽⁴⁾ OJ No C 69, 29. 6. 1972, p. 71.