

COMMISSION DECISION

of 30 June 1976

authorizing the Grand Duchy of Luxembourg to restrict the marketing of seed
of certain varieties of agricultural plant species

(Only the French text is authentic)

(76/689/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 on the common catalogue of varieties
of agricultural plant species⁽¹⁾, as last amended by the
Council Directive of 11 December 1973⁽²⁾, and in
particular Article 15 (2) and (3) thereof,

Having regard to the request made by the Grand
Duchy of Luxembourg,

Whereas under Articles 15 (1), 16 and 17 of the said
Directive, seed or propagating material of varieties of
agricultural plant species which have been officially
accepted before 1 January 1974 in one or more of the
Member States and which fulfil the conditions
provided for in that Directive are, after 31 December
1975, no longer subject to any marketing restrictions
relating to variety in the Community;

Whereas, however, Article 15 (2) thereof provides that
a Member State may be authorized upon application
to prohibit the marketing of seed and propagating
material of certain varieties;

Whereas the Grand Duchy of Luxembourg has
applied for such authorization in respect of some varie-
ties of different species;

Whereas the Commission Decision of 30 December
1975⁽³⁾ extended the period provided for in the said
Article 15 (1) for the varieties listed in this Decision
for the Grand Duchy of Luxembourg from 31
December 1975 to 30 June 1976;

Whereas the Commission has meanwhile completed
its examination of the Luxembourg application in
respect of these varieties;

Whereas varieties of this type have been the subject of
official growing trials in the Grand Duchy of Luxem-
bourg; whereas the results of these trials have led the
Grand Duchy of Luxembourg to decide that their
value for cultivation or use is inferior to other varieties
accepted in the Grand Duchy of Luxembourg;

Whereas the other Member States have accepted these
conclusions; whereas it can therefore be shown that
these varieties do not produce results in the Grand
Duchy of Luxembourg which, with respect to their
qualities taken as a whole as regards their value for
cultivation or use, correspond to those obtained from
a comparable variety accepted therein (Article 15 (3)
(c), first case of the said Directive);

Whereas therefore the application of the Grand
Duchy of Luxembourg in respect of all these varieties
should be granted in full;

Whereas the measures provided for in this Decision
are in accordance with the opinion of the Standing
Committee on Seed and Propagating Material for Agri-
culture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The Grand Duchy of Luxembourg is hereby autho-
rized to prohibit the marketing in its territory of seed
of the following varieties listed in the 1976 common
catalogue of varieties of agricultural plant species:

FODDER PLANTS

Trifolium pratense

Aberystwyth S 123
Aberystwyth S 151
Altaswede
Cornish Marl
Cotswold Single Cut
Essex Single Cut
Grasslands Turoa
Krano Pajbjerg
Merkur
Montgomery
Nava Trifolium
Rea 4n
Resident Øtofte
Tenda Trifolium
Toma Øtofte
Vesta Dæhnfeldt

⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽²⁾ OJ No L 356, 27. 12. 1973, p. 79.

⁽³⁾ OJ No L 46, 21. 2. 1976, p. 35.

Article 2

The authorization under Article 1 shall be withdrawn as soon as it is established that the conditions thereof are no longer satisfied.

Article 3

The Grand Duchy of Luxembourg shall notify the Commission of the date from which it makes use of the authorization under Article 1 and the detailed methods to be followed. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Grand Duchy of Luxembourg.

Done at Brussels, 30 June 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission
