

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 December 1978

authorizing the Federal Republic of Germany to restrict the marketing of seed
of certain varieties of agricultural plant species

(Only the German text is authentic)

(79/92/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Directive 70/457/EEC of 29
September 1970 on the common catalogue of varieties
of agricultural plant species⁽¹⁾, as last amended by
Council Directive 78/55/EEC of 19 December
1977⁽²⁾, and in particular Article 15 (2), (3) and (7)
thereof,

Having regard to the application lodged by the
Federal Republic of Germany,

Whereas under Article 15 (1) of the said Directive,
seed or propagating material of varieties of agricultural
plant species which have been officially accepted
during 1976 in one or more Member States and which
also meet the conditions laid down in the said Direc-
tive are, with effect from 31 December 1978, 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 Federal Republic of Germany has
applied for such authorization for a certain number of
varieties of different species;

Whereas the varieties of oats concerned are of the
winter type; whereas the varieties of maize concerned,
with the exception of the Gavroche variety, have an
FAO maturity class index of 350 or over; whereas it is
well known that the varieties of winter oats and the
varieties of maize which have an FAO maturity class
of 350 or over are at present not yet suitable for culti-
vation in the Federal Republic of Germany (Article 15
(3) (c), second case, of the said Directive);

Whereas the other varieties listed in this Decision
have been the subject of official growing trials in the
Federal Republic of Germany; whereas the results of
these trials have led the Federal Republic of Germany
to decide that these varieties are not distinct or suffi-
ciently uniform there;

Whereas, in respect of the varieties Visti (Italian
ryegrass) and Gavroche (maize), the results of the trials
show that in the Federal Republic of Germany, when
compared with the national rules governing the accep-
tance of varieties there, which apply within the frame-
work of current Community provisions, they are not
distinct from other varieties accepted therein (Article
15 (3) (a), first case, of the said Directive);

Whereas, in respect of the variety Arminda (common
wheat), the results of the trials show that in the
Federal Republic of Germany, when compared with
the national rules governing the acceptance of varie-
ties there, which apply within the framework of
current Community provisions, it is not sufficiently

⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽²⁾ OJ No L 16, 20. 1. 1978, p. 23.

uniform in certain characteristics (Article 15 (3) (a), third case, of the said Directive);

Whereas therefore the application of the Federal Republic of Germany in respect of all these varieties should be granted in full;

Whereas in respect of the other cases it is not possible to complete examination of the varieties Carmen (creeping bent grass), Tamara (red fescue), Angela, Pablo, Pippin (perennial ryegrass), Orna (smooth stalk meadow grass) and Sverre (lucerne) before expiry of the period provided for in Article 15 (1) of the said Directive;

Whereas it consequently seems desirable to extend for the Federal Republic of Germany the period in question for an appropriate time to permit a full examination of the request for those varieties (Article 15 (7) of the said Directive);

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

HAS ADOPTED THIS DECISION:

Article 1

The Federal Republic of Germany is hereby authorized to prohibit the marketing in its territory of seed of the following varieties listed in the 1979 common catalogue of varieties of agricultural plant species:

I. Fodder plants

Lolium multiflorum Lam.
Visti

II. Cereals

1. *Avena sativa* L.
Amandine
Pennal
2. *Triticum aestivum* L.
Arminda
3. *Zea mays* L.
Adda 90
Arno 39
Cappa
Cargill 449
Cargill 875
Cargill 888
Cargill 930
Carina
Charlie
Chris
Condor
Crisanternio
Dekalb XL 22

Dekalb XL 41
Dekalb XL 68
Dekalb XL 72 A
Dekalb XL 76
Dekalb XL 77
Dekalb XL 80
Dekalb XL 365
Delfo
Denver
Eclair 'Pag 51'
Embro X 2
Energamid 124
Energamid 128
Euroso 6T 24
Euroso 6T 47
Euroso 405
Euroso 630
Euroso 650
Fiora
Funk's G 4309
Funk's G 5723
Funk's G 7360
Funk's G First
Funk's G Most
Funk's G Red
Funk's G Rich
Gavroche
Horca
H 724088
Harro
Iota
Iseo 72
Lambda
Major
Mas
Maya 403 TV
Marzio
Meta
Nada
Novi
Omega
Orazio
Prisco
Record
Remo 74
Rho
Ronnie
RX 42
Score
Serio 13
Sileno
Srem
Stratos
Superstar PX 47 E
Superstar PX 50 X
Superstar PX 77
Superstar PX 611
Tao
Taro
Theta
Tito
Vega

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 Federal Republic of Germany 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

The period provided for in Article 15 (1) of Directive 70/457/EEC shall be extended, for the Federal Republic of Germany, beyond 31 December 1978 until 28 February 1979 in respect of the following varieties:

Fodder plants :

1. *Agrostis stolonifera* L.
Carmen
2. *Festuca rubra* L.
Tamara

3. *Lolium perenne* L.

Angela
Pablo
Pippin

4. *Poa pratensis* L.

Orna

5. *Medicago sativa* L.

Sverre

Article 5

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 December 1978.

For the Commission

Finn GUNDELACH

Vice-President