

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 February 1977

authorizing in particular Ireland and the United Kingdom to permit temporarily the marketing of seeds of certain species not complying with Community conditions

(Only the Dutch, English and German texts are authentic)

(77/161/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directives 66/400/EEC and 66/401/EEC of 14 June 1966 on the marketing of beet seed ⁽¹⁾, and fodder plant seed ⁽²⁾, as last amended by Commission Directive 76/331/EEC ⁽³⁾, and Council Directive 75/444/EEC ⁽⁴⁾ respectively, and in particular Article 17 thereof,

Having regard to the requests made by Ireland and the United Kingdom,

Whereas in Ireland and the United Kingdom the production of fodder beet seed of varieties with specific characteristics for a given use and of swede and fodder kale seed, in accordance with the rules of the above Directives, have been insufficient mainly due, in the case of fodder beet seed, to temporary difficulties arising from a change in production conditions required by the accession of these two countries;

Whereas it has not been possible adequately to meet these needs with 'certified seed' from other Member States meeting all the conditions laid down in these Directives, with the exception of small quantities of seeds of swede and fodder kale;

Whereas the said temporary difficulties should be taken into account, and Ireland and the United Kingdom should be authorized to permit, for a period expiring on 31 July 1977, the marketing of seeds of the abovementioned species subject to less stringent requirements, provided that the small quantities referred to above are taken into account;

Whereas in addition it is necessary to authorize those other Member States which are able to supply Ireland and the United Kingdom with swede and fodder kale seed subject to less stringent requirements, to permit the marketing of such seed, provided that it is intended exclusively for Ireland and the United Kingdom;

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

1. Ireland and the United Kingdom are hereby authorized to permit, for a period expiring on 31 July 1977, the marketing on their territory, of a maximum

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2290/66.

⁽²⁾ OJ No L 125, 11. 7. 1966, p. 2298/66.

⁽³⁾ OJ No L 83, 30. 3. 1976, p. 34.

⁽⁴⁾ OJ No L 196, 26. 7. 1975, p. 6.

of 85 tonnes of fodder beet seed (*Beta vulgaris* L.) of varieties with the characteristics proper to 'mangels' which have not been officially certified, provided that :

- (a) the seed satisfied the conditions laid down in Part B of Annex I to Directive 66/400/EEC, with the exception of the provisions relating to identity and varietal purity, referred to under point 1 ;
- (b) the packages containing the seed bear an official label which is brown and states :
 - that the seed has not been officially certified,
 - the examining authority,
 - the type or variety,
 - the reference number or the lot,
 - the declared net or gross weight,
 - the words 'Intended exclusively for Ireland or the United Kingdom' ;
- (c) packages containing the seed bear a special label from the supplier indicating and guaranteeing the variety of seed ;
- (d) official tests are carried out *a posteriori* to check whether the statement concerning the variety is accurate.

2. The United Kingdom is hereby authorized to permit, for a period expiring on 31 July 1977, the marketing on its territory of a maximum of 500 tonnes of fodder kale seed (*Brassica oleracea* L. convar. *acephala* (DC)) of the category 'certified seed' of the first generation which does not satisfy the requirements with regard to minimum germination capacity laid down in Annex II to Directive 66/401/EEC, provided that the following requirements are satisfied :

- (a) the germination capacity is at least 70 % of pure seed ;
- (b) the official label shows that the germination capacity is reduced : 'Minimum germination capacity 70 %' and also bears the words 'Intended exclusively for the United Kingdom'.

3. Ireland and the United Kingdom are hereby authorized to permit, for a period expiring on 31 July 1977, the marketing on their territory of :

- a maximum of 200 tonnes of swede seed (*Brassica napus* L. var. *napobrassica* (L.) Peterm.), and
- a maximum of 125 tonnes of fodder kale seed (*Brassica oleracea* L. Convar. *acephala* (DC)) of the category 'commercial seed' which does not satisfy the requirements with regard to minimum germination

capacity laid down in Annex II to the Directive referred to in paragraph 2, provided that the following requirements are satisfied :

- (a) the germination capacity is at least 70 % of pure seed ;
- (b) the official label shows that the germination capacity is reduced :
'Minimum germination capacity 70 %' and also bears the words 'Intended exclusively for Ireland or the United Kingdom'.

4. With regard to swede and fodder kale, Ireland and the United Kingdom shall use the authorization given successively under paragraphs 2 and 3 to market such quantities of seed of these species of the category 'certified seed' in accordance with the rules of the Directive referred to in paragraph 2 as may be supplied by other Member States.

Article 2

The Federal Republic of Germany and the Kingdom of the Netherlands are hereby authorized to permit, under the same conditions, the marketing in their territories of the seed referred to in Article 1 (2) and (3) provided that it is intended exclusively for Ireland or the United Kingdom. The official label shall bear the words 'Intended exclusively for Ireland or the United Kingdom'.

Article 3

Ireland, the United Kingdom, the Federal Republic of Germany and the Kingdom of the Netherlands shall notify the Commission, before 1 October 1977, of the quantities of seed marketed in their territories under this Decision. The Commission shall inform other Member States thereof.

Article 4

This Decision is addressed to Ireland, the United Kingdom, the Federal Republic of Germany and the Kingdom of the Netherlands.

Done at Brussels, 7 February 1977.

For the Commission

Finn GUNDELACH

Vice-President