

COMMISSION DECISION

of 29 December 1978

amending Decisions 75/578/EEC, 76/221/EEC, 77/145/EEC and 78/124/EEC

(Only the French text is authentic)

(79/95/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
Directive 78/55/EEC of 19 December 1977⁽²⁾, and in
particular Article 7 thereof,

Having regard to Commission Decisions 75/578/EEC
of 30 June 1975⁽³⁾, 76/221/EEC of 30 December
1975⁽⁴⁾, 77/145/EEC of 29 December 1976⁽⁵⁾ and
78/124/EEC of 28 December 1977⁽⁶⁾, authorizing the
Grand Duchy of Luxembourg to restrict the
marketing of seed or propagating material of certain
varieties of agricultural plant species, and in particular
Article 2 thereof,

Whereas, in accordance with the provisions of Article
15 (1) of the abovementioned Directive, seed or propa-
gating material of these varieties of agricultural plant
species which have been officially approved in at least
one of the Member States and which also fulfil the
conditions laid down in the said Directive are, after
the expiry of a given period, no longer subject to any
marketing restrictions relating to variety within the
Community;

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

Whereas, with the abovementioned Decisions, the
Commission has authorized the Grand Duchy of
Luxembourg to prohibit the marketing of seed of
durum wheat and also of certain types of varieties of
oats (winter oats) and of maize (late varieties) because
it was well known that the varieties of these species or
types have not yet been suitable for cultivation in the

Grand Duchy of Luxembourg (Article 15 (3) (c),
second case, of the abovementioned Directive);

Whereas, meanwhile, varieties of winter oats have
been under test in the Grand Duchy of Luxembourg
for a possible cultivation of this species in that
country;

Whereas because of the results of this possible cultiva-
tion it can no longer be maintained that varieties of
this species are not suitable for cultivation in any part
of the territory of the Grand Duchy of Luxembourg;

Whereas, therefore, the conditions of Article 15 (3) (c),
second case, of the abovementioned Directive are no
longer satisfied in the case of varieties of winter oats;

Whereas for the species durum wheat and maize the
user information system in the Grand Duchy of
Luxembourg has been set up in such a way as to
permit the Grand Duchy to give up its prohibitions
on marketing;

Whereas, therefore, the authorization based on these
conditions should be withdrawn for these three
species;

Whereas it should be possible for the Grand Duchy of
Luxembourg to request at a later date, if necessary, a
new authorization for any of the varieties of winter
oats where growing trials show that these varieties,
because of their qualities, do not produce results, in
any part of its territory, which correspond to those
obtained from other comparable varieties (Article 15
(3) (c), first case, of the abovementioned Directive);

Whereas, therefore, the period for granting an authori-
zation should be extended appropriately for all varie-
ties concerned from this species;

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,

⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽²⁾ OJ No L 16, 20. 1. 1978, p. 23.

⁽³⁾ OJ No L 253, 30. 9. 1975, p. 45.

⁽⁴⁾ OJ No L 46, 21. 2. 1976, p. 33.

⁽⁵⁾ OJ No L 47, 18. 2. 1977, p. 62.

⁽⁶⁾ OJ No L 41, 11. 2. 1978, p. 38.

HAS ADOPTED THIS DECISION :

Article 1

The authorization for the Grand Duchy of Luxembourg granted in Decisions 75/578/EEC, 76/221/EEC, 77/145/EEC and 78/124/EEC shall be withdrawn with effect from 31 December 1978 as far as the varieties of durum wheat, oats and maize are concerned.

Article 2

The period provided for in Article 15 (1) of Directive 70/457/EEC shall be extended for the Grand Duchy of Luxembourg beyond 31 December 1983, for the varieties of winter oats referred to in Commission

Decisions 75/578/EEC, 76/221/EEC and 78/124/EEC where such period concerns authorization pursuant to Article 15 (2) of the abovementioned Directive.

Article 3

This Decision is addressed to the Grand Duchy of Luxembourg.

Done at Brussels, 29 December 1978.

For the Commission

Finn GUNDELACH

Vice-President
