COMMISSION DECISION

of 30 June 1975

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)

(75/578/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to Council Directive No 70/457/EEC (1) of 29 September 1970 on the common catalogue of varieties of agricultural plant species, as last amended by Council Directive No 73/438/EEC (2) of 11 December 1973, and in particular Article 15 (2) thereof;

Having regard to the application lodged by the Grand Duchy of Luxembourg;

Whereas under Articles 15 (1), 16 and 17 of the said Directive, seed and propagating material of varieties of agricultural plant species, which have been officially accepted in one or more of the original Member States in accordance with principles corresponding to those of the said Directive, are, after 31 December 1974, no longer subject to any marketing restrictions relating to variety within the Community as originally constituted;

Whereas however Article 15 (2) of the said Directive provides that a Member State may be authorised 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 several varieties of fodder plants, cereals and potatoes;

Whereas the Commission by its Decision of 30 December 1974 (3) extended the period provided for in the said Article 15 (1) for the Grand Duchy of Luxembourg beyond 31 December 1974 until 30 June 1975, in respect of these varieties, with or without qualifications;

Whereas the Commission has meanwhile completed its examination of the Luxembourg application with regard to these varieties;

Whereas the varieties King, Olympia, Tiran (timothy) and the varieties of oats, durum wheat and maize listed in the application have not been the subject of official growing trials in the Grand Duchy of Luxembourg in view of the Luxembourg application;

Whereas the varieties of oats concerned are of the non-alternative winter type; whereas the varieties of maize concerned have an FAO maturity class index of 300 or over; whereas it is well known that varieties of non-alternative winter oats, varieties of durum wheat and varieties of maize which have an FAO maturity class index of 300 or over are at present not yet suitable for cultivation in the Grand Duchy of Luxembourg (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 Grand Duchy of Luxembourg; 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 comparable varieties accepted in the Grand Duchy of Luxembourg;

Whereas the other Member States have accepted these results for the varieties Rina, Tetraflorum (Italian Ray grass) Lofar, Melusine (Timothy), Weiristenta (red clover), von Kamekes (white clover); whereas it is therefore clear 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 there (Article 15 (3) (c), first case thereof);

Whereas, in respect of the other varieties listed in this Decision, the results of the trials show that they 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 there (Article 15 (3) (c), first case thereof); whereas, on the other hand, in respect of the variety Angeliter Elbo (red clover), this is established as a type of late red clover which is well known at present not yet to be suitable for cultivation in the Grand Duchy of Luxembourg (Article 15 (3) (c), second case thereof);

(1) OJ No L 225, 12. 10. 1970, p. 1.
(2) OJ No L 356, 27. 12. 1973, p. 79.
(3) OJ No L 32, 5. 2. 1975, p. 41.

Whereas therefore the application of the Grand Duchy of Luxembourg in respect of all these varieties should be granted in full ; whereas account should also be taken of the fact that some of these varieties are acceptable for the Grand Duchy of Luxembourg provided their seed is not intended for the production of fodder plants ;

Whereas other varieties are no longer included in the Luxembourg application ;

Whereas the measure provided for in this Decision is 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

1. The Grand Duchy of Luxembourg shall be authorized to prohibit the marketing in all of its territory of seed of the following varieties listed in the 1975 Common Catalogue of varieties of agricultural plant species :

I. Fodder plants

1. *Dactylis glomerata*

Germinal
Taurus

2. *Festuca pratensis*

Dufa
Enbela
Festina
Largo
Wendelmoed

3. *Lolium multiflorum*

a) alternativum
Eclata

b) non alternativum
Amenda
Fat
Hesa
Optima
Rina
Tedis
Tetraflorum

4. *Lolium perenne*

Animo
Combi
Doublet
Hunsballe
Petra (Havier)
Premo
Raidor
Real
Splendor

5. *Phleum pratense*

Barmoti
Eskimo
King
Lofar
Melusine
Olympia
Tiran
Topas Øtofte

6. *Trifolium pratense*

Angeliter Elbo
Heges Hohenheimer
Levezou
Oberhaunstädter Violettsamiger
Titus 71
Weiristenta (Resistenta)

7. *Trifolium repens*

von Kamekes

II. Cereals

1. *Avena sativa*

Avoine d'Hiver du Prieure
Blancheneige
Maris Quest
Pendrwm (Pendrum)
Penlarth

2. *Triticum durum*

All varieties at present listed in the common catalogue of varieties.

3. *Zea mais*

951 J
A 728
Adour 500
Adour 560
Anjou 306
Anjou 360
Anjou 450
Anjou 500
Anjou 510
Apollo 125
Apollo 133
Apollo 136
Asgrow 33
Asgrow 46
Asgrow 55
Asgrow 66
Asgrow 72
Asgrow 90 B
Asgrow 153 W
Asgrow 6215 A
Asgrow ASC 95
Asgrow ASX 58
Asgrow ATC 79
Asgrow rusticus

Asgrow Supercross ATC 57
Attila
BC 420
BC 490
Cargill 444
Cargill 555 A
Cargill 608
Cargill Real 350
Cervino W
Ciclope
Cise 2 V 8
Cise 2 X 1
Cise 2 X 3
Cise 380
Cise 480
Cise 780
Cise OP 2
Cise X 6
Colorcim Funk's G 330
Colorcim Funk's G 377
Danubia
Dekalb 238
Dekalb 404 (Dekalb XL 306)
Dekalb 666
Dekalb 805
Dekalb Brach 1
Dekalb DF 48
Dekalb DF 58
Dekalb DF 686
Dekalb Silage 220
Dekalb Silage 440
Dekalb Silage 1051
Dekalb XL 24
Dekalb XL 38
Dekalb XL 71
Dekalb XL 316
Dekalb XL 342
Dekalb XL 361 (Dekalb 12)
Dekalb XL 363
Dekalb XL 707
Ercole
Ercole H
Felsinea 650
Felsinea Z 4
Felsinea Z 5
Funk's G 10 A
Funk's G 33
Funk's G 50
Funk's G 77
Funk's G 433
Funk's G 4411
Funk's G 4444 Waxy
Funk's G 4652
Funk's G 6719
Funk's G 18500
Funk's G 18503
Funk's G 18504
Funk's G 19207
Funk's G 20220
Funk's G Best
Funk's G Fast
Funk's G King
Funk's G Lider
Funk's G Lion
Funk's G Lord
Funk's G President
Funk's G Rock W
Funk's G Rock W 3
Funk's G Start
Funk's G Strong (Funk's G 4384)
Funk's G Top
Funk's G Vitrocim
Gransile
Hice 3670 (Pioneer Hice 3670)
IGR 340
IGR 450
Indiana 750 A
INRA 300 (Inraspät)
INRA 310
INRA 321 (Inraweiß)
INRA 508
INRA 540
Insubria 295 A
Insubria 300
Insubria 305
Insubria 511
Insubriat 521
Insubria 620
Insubria 640
Insubria 651
Iowa 4417
Kappa 600
LG 19
Marano Ibrido Maliani
Maya 311
Maya 399
Maya 500
Mielmais 50
PAG 30 S
PAG 45
PAG 52 S
Piave W
Pioneer 368 A
Pioneer 370
Pioneer 388
Pioneer 3567
Pioneer 3911
Plata TV
Polesano 730
Pride 450
Provence 480
Roffi 300 G
Saturno TV 23
Saturno TV 37 G
Saturno TV 37 R
Sfibramais
Sile W
Silomais 1000
Silomais Sprint
Sivam 700
Sivam 800
Sugar 078
Supercross ATC 67
Supercross ATC 75

T 477
Titano
U 24
U 39 V 3 G
(U 600)
U 39 V 3 R
U 42
U 42 A
United 530
United 550
Verda

2. In respect of the varieties Real, Splendor (Lolium perenne), King, Olympia, Tiran (Phleum pratense) this authorization shall be valid only to the extent that their seed is intended for the production of fodder plants.

Article 2

The authorization given in Article 1 shall be withdrawn once 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 is making use of the authorization given under Article 1 and the detailed methods to be followed. The Commission shall inform the other Member States thereof.

Article 4

The Decision is addressed to the Grand Duchy of Luxembourg.

Done at Brussels, 30 June 1975.

For the Commission

P. J. LARDINOIS

Member of the Commission