COMMISSION DECISION

of 20 March 1979

authorizing the Kingdom of Belgium to permit temporarily the marketing of seed not complying with the requirements of Council Directive 66/402/EEC

(79/358/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed (1), as last amended by Directive 78/1020/EEC (2), and in particular Article 17 thereof,

Having regard to the request made by the Kingdom of Belgium,

Whereas unfavourable weather conditions during the winter of 1978/79 have destroyed the majority of sowing in winter wheat; whereas, therefore, Belgium will be forced to substitute part of its winter wheat harvest with spring wheat; whereas, therefore, the demand for spring wheat seed will increase substantially; whereas, therefore, the production in Belgium of certified spring wheat seed fulfilling the requirements of Directive 66/402/EEC is insufficient to meet the increased demand;

Whereas it has not been possible to cover this demand entirely by seed of spring wheat coming from other Member States;

Whereas it seems expedient to authorize Belgium to permit, for a period which expires on 15 April 1979, the marketing of 1 000 tonnes of certified seed of spring wheat which have a germination of at least 75 % of the seeds;

Whereas, however, there will still remain an unfulfilled demand for 2 500 tonnes of spring wheat seed;

Whereas it seems expedient therefore to authorize Belgium to permit, for a period which expires on 15 April 1979, the marketing of seed of some varieties of spring wheat satisfying less stringent requirements;

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. The Kingdom of Belgium is authorized to permit, for a period which expires on 15 April 1979, the marketing in its territory of a maximum of 1 000 tonnes of spring wheat seed belonging to the categories 'certified seed of the first generation' and 'certified seed of the second generation' which do not satisfy the requirements with regard to germination capacity laid down in Annex II to Directive 60/402/EEC, provided that the following requirements are satisfied:

(a) the germination capacity is at least 75 % of the pure seeds;

(b) the official label shall state:

— 'Germination capacity ... %',

— 'Intended exclusively for Belgium'.

2. The Kingdom of Belgium is authorized to permit, for a period which expires on 15 April 1979, the marketing in its territory of 2 500 tonnes of spring wheat seed which has not been officially certified, of the varieties included in the common catalogue of varieties of agricultural plant species or in a national catalogue of varieties in the Community under the following conditions:

(a) the seed shall comply with the requirements laid down for certified seed in Annex II to Directive 66/402/EEC on the marketing of cereal seed, with the exception of the provisions of items 1 and 3 concerning varietal identity and purity and of the requirements concerning the germination capacity, on the condition that the germination capacity is at least 75 % of the pure seeds;

(b) the packages of this seed shall be labelled with an official brown label, bearing at least the following specifications:

— a statement that this seed has not been subject to official certification,

— the words 'Germination capacity ... %',

— the inspection service,

(1) OJ No 125, 11. 7. 1976, p. 2309/66.
(2) OJ No L 350, 14. 12. 1978, p. 27.

— the species,
— reference number permitting identification of the origin of the seed,
— declared net or gross weight,
— the words 'Intended exclusively for Belgium';

(c) the packages of this seed shall be labelled with a special supplier's label indicating the variety of the seed;

(d) official post-control tests on random check may be carried out to check whether the indication of variety was correct.

Article 2

The other Member States are hereby authorized to permit, subject to the conditions laid down in Article 1, the marketing in their territory of a maximum of 3 500 tonnes of seed, provided that it is intended exclusively for Belgium. The official label shall state: 'Intended exclusively for Belgium'.

Article 3

Member States shall notify the Commission before 15 June 1979 of the quantities of seed marketed in their territory pursuant to this Decision. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 20 March 1979.

For the Commission

Finn GUNDELACH

Vice-President