COMMISSION DECISION

of 9 July 1980

extending as regards certain non-member countries the periods provided for in Article 21 (2) of Directive 70/457/EEC and in Article 32 (2) of Directive 70/458/EEC

(80/718/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 79/967/EEC (2), and in particular the third sentence of Article 21 (2) thereof,

Having regard to Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed (3), as last amended by Directive 79/967/EEC (2) and in particular the third sentence of Article 32 (2) thereof,

Whereas under Article 21 (1) of Directive 70/457/EEC and Article 32 (1) of Directive 70/458/EEC the Council shall determine, on a proposal from the Commission, whether the checks on practices for the maintenance of varieties carried out in non-member countries afford the same guarantees as those carried out by the Member States;

Whereas, by Decision 78/476/EEC (4), the Council has determined this question as regards a number of non-member countries;

Whereas the information available has not yet enabled this question to be determined as regards Austria, Switzerland, Czechoslovakia, Israel, Japan and Yugoslavia and to some extent Poland;

Whereas, in order to prevent certain Member States' traditional trade patterns from being disturbed, the periods provided for in Article 21 (2) of Directive 70/457/EEC and in Article 32 (2) of Directive 70/458/EEC must therefore be extended as regards checks on practices for the maintenance of varieties; whereas this extension should, however, be limited to the varieties which have already been accepted or entered for acceptance in the Member State making use of the authorization;

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 period provided for in Article 21 (2) of Directive 70/457/EEC, in so far as it applies to the finding of equivalence referred to in Article 21 (1) (b), shall, as regards Austria, Switzerland, Czechoslovakia, Israel and Yugoslavia, and in respect of agricultural species, be extended until 30 June 1981.

2. The period provided for in Article 32 (2) of Directive 70/458/EEC, in so far as it applies to the finding of equivalence referred to in Article 32 (1) (b), shall, as regards Austria, Switzerland, Israel, Japan and Poland, and in respect of vegetable species, be extended until 30 June 1981.

3. Paragraphs 1 and 2 shall apply only to varieties which have already been accepted, or in respect of which applications for acceptance have been properly lodged, before 1 July 1980, in the Member State making use of the authorization.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 9 July 1980.

For the Commission

Finn GUNDELACH

Vice-President

(1) OJ No L 225, 12. 10. 1970, p. 1.
(2) OJ No L 293, 20. 11. 1979, p. 16.
(3) OJ No L 225, 12. 10. 1970, p. 7.
(4) OJ No L 152, 8. 6. 1978, p. 17.