COMMISSION DECISION

of 29 December 1987

authorizing the Federal Republic of Germany to restrict the marketing of seed of certain varieties of agricultural plant species

(Only the German text is authentic)

(88/94/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 86/155/EEC [2], and in particular Article 15 (2) (3) thereof,

Having regard to the application lodged by the Federal Republic of Germany,

Whereas, pursuant to Article 15 (1) of Directive 70/457/EEC, seed or propagating material of varieties of agricultural plant species which have been officially accepted during 1985 in at least one of the Member States and which also meet the conditions laid down in Directive 70/457/EEC is, with effect from 31 December 1987, no longer subject to any marketing restrictions relating to the variety in the Community;

Whereas, however, Article 15 (2) of Directive 70/457/EEC provides that a Member State may be authorized upon application to prohibit the marketing of seed and propagating material of certain varieties;

Whereas the Federal Republic of Germany has applied for such authorization for a certain number of varieties of different species;

Whereas the varieties of maize concerned, in respect of the value for cultivation and use, have not been the subject of official growing trials in the Federal Republic of Germany in view of the German application;

Whereas the varieties of oats concerned are of the winter type; whereas the varieties of maize concerned have an FAO maturity class index over 350; whereas it is well known that the varieties of winter oats and the varieties of maize which have an FAO maturity class over 350 are at present not yet suitable for cultivation in view of all the kinds of utilization in the Federal Republic of Germany (second subparagraph of Article 15 (3) (c) of Directive 70/457/EEC);

Whereas, therefore, the application of the Federal Republic of Germany in respect of these varieties should be granted in full;

Whereas the measures provided for in this Decision are 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

The Federal Republic of Germany is hereby authorized to prohibit the marketing in its territory of seed of the following varieties listed in the 1988 Common Catalogue of Varieties of Agricultural Plant Species:

[1] OJ No L 225, 12. 10. 1970, p. 1.
[2] OJ No L 118, 7. 5. 1986, p. 23.

Cereals

1. *Avena sativa* L.

Image
Lustre

2. *Zea mays* L.

Acer	Fagus	Oro
Adriatico	Fedro	Ortensia
Alexandros	Flucsia	Palma
Alton	G 4647	Palma PR-3352
America	Geneva	Panarea
Anjou 39	Giano	Paolo
Aquilon	Gladiator	Parade
Apollon	Gloria	Pardus G-4580
Arc	Glory	Performer
Aris-7	Harwest	Pilade
Artemis	Helios Adour 640	Pink
Astore	Indiana	Profit
Astro	Isora	PS 71
Athina	Isora PR-3380	Rea
Atlantis	Jack	Rodano
Bob	Kokomo	Ruby
Candido	Lara	Rusk
Capraia	LG 90	Salto
Carassin (w)	LG 94	Squale
Cargizeus	LG 2350	Squalo T-1054
Cedrus 71	Lito	Star '2000'
Cevedale	Logan	Strato
Commander	Loira	Tango
Dahlia	Maiorca	Themis
Dario	Majority	Tiro
Decio	Marmolada	Titano
Dekalb XL 28	Martina (w)	Topper
Dekalb XL 67	Miejour LG 57	Trebbia
Dekalb XL 70	Mirabel	Trefor
Dekalb XL 74 A	Mizar	Verada
Delo	Nevada	Xenon
Deneb	Nicialus	Zeno
Dias	Nitsa	Zeres
Dona	Norex G 4610	Zeta
Enea	Opale	Zico
Excalibur	Orfeas	Zingaro

Article 2

The authorization given in Article 1 shall be withdrawn as soon as it is established that the conditions thereof are no longer satisfied.

Article 3

The Federal Republic of Germany shall notify the Commission of the date from which it makes use of the authorization under Article 1 and the detailed methods to be followed. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 29 December 1987.

For the Commission

Frans ANDRIESSEN

Vice-President