COMMISSION DECISION

of 8 May 2006

authorising the Republic of Poland to prohibit on its territory the use of certain varieties of maize listed in the Common catalogue of varieties of agricultural plant species, pursuant to Council Directive 2002/53/EC

(notified under document number C(2006) 1790)

(Only the Polish text is authentic)

(2006/338/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the Common catalogue of varieties of agricultural plant species [1], and in particular Article 16(2)(b) thereof,

Whereas:

(1) The Commission, in accordance with Article 17 of Directive 2002/53/EC, published in the C series of the *Official Journal of the European Union*, in the Common catalogue of varieties of agricultural plant species, certain varieties of maize.

(2) Pursuant to Article 16(1) of the said Directive, Member States are to ensure that, with effect from the publication referred to in Article 17, seeds of varieties accepted in accordance with that Directive or in accordance with the principles corresponding to those of that Directive are not subject to any marketing restrictions relating to the variety.

(3) On 24 June 2005, the Commission received from the Republic of Poland a request for the prohibition, on the basis of Article 16(2)(b) of Directive 2002/53/EC, of the use and placing on the market of seed material from varieties of maize which are not suitable for cultivation in Poland. This request followed one concerning genetically modified varieties of maize which will be the subject of a separate decision.

(4) On 9 December 2005, Poland sent to the Commission a list of varieties of maize it considered not suitable for cultivation in Polish conditions. This list was completed by the Polish authorities in a letter of 9 January 2006. Poland requests the authorisation to prohibit all the varieties of maize of the list from its territory for an indefinite period of time.

(5) Having regard to the last sentence of Article 16(2)(b), which states that any such request by a Member State must be lodged before the end of the third calendar year following that of acceptance of the variety concerned in the Common catalogue, the request made by Poland in 2005 could not cover the varieties accepted in the Common catalogue before 1 January 2002.

(6) From the information available for the varieties concerned, it is well known that they are not suitable for cultivation in any part of Poland because of their too high maturity class which is at least of 350 FAO index or equivalent maturity class. The climatic and agricultural factors concerned provide a permanent obstacle to cultivating these varieties in Poland.

(7) Under these circumstances, the application of the Republic of Poland should be granted on the basis of Article 16(2)(b) for the varieties of maize listed in this decision, but refused for those varieties listed in the Common catalogue before 1 January 2002.

(8) In order to allow the Commission to inform the other Member States and update the Common catalogue of varieties of agricultural plant species provided for in Directive 2002/53/EC, Poland should be required to inform the Commission when it makes use of the authorisation granted by this decision.

(9) 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 L 193, 20.7.2002, p. 1. Directive as amended by Regulation (EC) 1829/2003 of the European Parliament and of the Council (OJ L 268, 18.10.2003, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The Republic of Poland is authorised to prohibit the use, in any part of its territory, of the varieties of maize listed in the Annex to this Decision.

Article 2

The remainder of the request by the Republic of Poland, covering varieties of maize listed in the Common catalogue before 1 January 2002, is refused.

Article 3

In order to allow the Commission to inform the other Member States, the Republic of Poland shall notify the Commission of the date from which it makes use of the authorisation given under Article 1.

Article 4

This Decision is addressed to the Republic of Poland.

Done at Brussels, 8 May 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

1. Abelter
2. Abilio
3. Acarro
4. Acka
5. Actinio
6. Adelin
7. Adenia
8. Agosto
9. Agrister
10. Akira
11. Albeniz
12. Alegria
13. Alexander
14. Aligot
15. Alimor
16. Alinea
17. Alisun
18. Allater
19. Almeda
20. Alonzo
21. Alpaga
22. Alpha
23. Alpistar
24. Alumeo
25. Alyscan
26. Alyssa
27. Amazon
28. Ambassad
29. Ametiszt
30. Ammon
31. Anader
32. Anelka
33. Anetta
34. Anjou 299
35. Anjou 441
36. Antonius
37. Apex
38. Apollo
39. Appyver
40. Archimed
41. Arkam
42. Árpád
43. Arrazas
44. Arrius
45. Arzano
46. Asturial
47. Ász
48. Aucaria
49. Audistar
50. AW 641
51. Awax 580
52. Azema
53. Azzurro
54. Balzac
55. Bambino
56. Baobab
57. Baranya
58. Bardenas
59. Belisama
60. Bella TC
61. Biancama
62. Biotop
63. Bogát
64. Bora
65. Borja
66. Boydur
67. Briantis
68. Bronx
69. Bukari
70. Buzet
71. Caixa
72. Cambio
73. Canossa
74. Cantabris
75. Canto
76. Caporal
77. Casado
78. Célest SUMO
79. Célest
80. Celestis
81. Centis 350
82. Ceslav
83. Cestan 425
84. Chalcao
85. Changi CS
86. Charron
87. Chillan
88. Chimene
89. Ciad
90. Clementis
91. Codifirst
92. Codiroc
93. Codisil
94. Codistar
95. Coppelia
96. Corinthe
97. Corona
98. Coventry
99. Crudo
100. Cruzado
101. Csilla
102. CSL516
103. Cuartal CL
104. Cuartal Waxy
105. Dante
106. Darling
107. Debreceni SC 351
108. Debreceni TC 382
109. Deheb
110. Derkou
111. Dharma
112. Dina
113. Dior
114. DK 386
115. DK 434
116. DK 443
117. DK 454
118. DK 471
119. DK 471 IMI
120. DK 477
121. DK 523
122. DK 526
123. DK 527
124. DK 557
125. DK 573
126. DK Cesar
127. DK277
128. DKC 5211
129. DKC3617
130. DKC4604
131. DKC4622
132. DKC4626
133. DKC4778
134. DKC4845
135. DKC4851
136. DKC4915
137. DKC4950
138. DKC5011
139. DKC5041
140. DKC5050
141. DKC5143
142. DKC5150
143. DKC5303
144. DKC5353
145. DKC5434
146. DKC5442
147. DKC5542
148. DKC5555
149. DKC5560
150. DKC5735
151. DKC5783
152. DKC5847

153. DKC5856
154. DKC5943
155. DKC6006
156. DKC6011
157. DKC6022
158. DKC6040
159. DKC6142
160. DKC6203
161. DKC6309
162. DKC6348
163. DKC6417
164. DKC6418
165. DKC6441
166. DKC6455
167. DKC6457
168. DKC6515
169. DKC6521
170. DKC6528
171. DKC6530
172. DKC6535
173. DKC6610
174. DKC6644
175. DKC6652
176. DKC6653
177. DKC6660
178. DKC6710
179. DKC6749
180. DKC6810
181. DKC6818
182. DKC6819
183. DKC6841
184. DKC6842
185. DKC6843
186. DKC6854
187. Dorika
188. Draft
189. Dráva
190. Dumboa
191. Duplo
192. Durali CS
193. Dylan
194. Edistar
195. Eiffel
196. Elixxir
197. Ella
198. Entri CS
199. Epila
200. Eric
201. Erika
202. ES Acuerdo
203. ES Aficion
204. ES Antania
205. ES Archipel
206. ES Arrabal
207. ES Arroyo
208. ES Baila
209. ES Balaton
210. ES Beguin
211. ES Behobie
212. ES Bilal
213. ES Bishop
214. ES Bocuse
215. ES Borotra
216. ES Break
217. ES Brindis
218. ES Bronca
219. ES Bubka
220. ES Burkina
221. ES Littoral
222. ES Nutriplus
223. ES Paolis
224. Evelina
225. Evelina IT
226. Evolia
227. Exalto
228. Fakirus
229. Feiri
230. Felike
231. Ferouz
232. Figueras
233. Filia
234. Fiorinis
235. FMB0232
236. Foxtro
237. Frontal
238. Funni
239. Furio Sumo
240. Fusion
241. Galeon
242. Galgacorn
243. Gallego
244. Garabi CS
245. Garonis Waxy
246. Gavilan
247. Gazda MTC
248. Geyser
249. Gibsi
250. Goldaffe
251. Goldalbi
252. Goldalex
253. Goldami
254. Goldandy
255. Goldarielle
256. Goldblue
257. Goldbrando
258. Goldbull
259. Goldelfia
260. Goldenver
261. Goldexel
262. Goldextra
263. Goldfaber
264. Goldfalcon
265. Goldfast
266. Goldfenix
267. Goldfert
268. Goldfinger
269. Goldflash
270. Goldflorence
271. Goldfrank
272. Goldiego
273. Goldimax
274. Goldinter
275. Goldistal
276. Goldixos
277. Goldjane
278. Goldjulia
279. Goldkim
280. Goldkiwi
281. Goldland
282. Goldlord
283. Goldman
284. Goldmarian
285. Goldmatrix
286. Goldmaxim
287. Goldmedal
288. Goldmichel
289. Goldmistral
290. Goldolivia
291. Goldorac
292. Goldpatrick
293. Goldplus
294. Goldpollen
295. Goldposter
296. Goldragon
297. Goldrailer
298. Goldrocky
299. Goldsander
300. Goldsix
301. Goldstorm
302. Goldtom
303. Goldweb
304. Goldwest
305. Goldwin
306. Goldyork
307. Góré
308. Grecale

309. Grip
310. Gruni CS
311. Guadalquivir
312. Gutwein 2553
313. Gutwein 2605
314. Hajnal
315. Helen
316. Horus
317. Horus CL
318. Hunor
319. Hypnos CL
320. Hypnos
321. Ida MTC
322. Inka
323. Iseran
324. ISH402
325. ISH601
326. Izabella
327. Jázmin
328. Jazzi CS
329. Jennifer
330. Jorale
331. Jouvence
332. Joyyo
333. Jozefina
334. Jumper
335. Kabey
336. Kabir
337. Kabos
338. Kámasil
339. Kamil
340. Kamilla
341. Kandoo
342. Karate
343. Karedas
344. Karen
345. Karmental
346. Karolina
347. Karrier
348. Kelving
349. Kemer
350. Kent
351. Keplero
352. Kermess
353. Kincs
354. Kiskun 449
355. Kiskun 4532
356. Kiskun DC 4325
357. Kiskun DC 4430
358. Kiskun DC 4468
359. Kiskun Nora
360. Kiskun SC 297
361. Kiskun SC 398
362. Kiskun SC 4390
363. Kiskun SC 4444
364. Kiskun SC 4451
365. Kiskun SC 4517
366. Kiskun TC 351
367. Kiskun TC 380
368. Kiskun TC 4255
369. Kiskun TC 4361
370. Kiskun TC 4371
371. Kiskun TC 4394
372. Kiskun TC 4454
373. Kiskun TC 4487
374. Kiskun TC 4515
375. Kismet
376. Kitty
377. Klaxon
378. Klimt
379. Kodipack
380. Kompakt
381. Konsol
382. Korlitia
383. Kosha
384. Kratere
385. Kristallo
386. Krokus
387. Kuadro
388. Kubrick
389. Kudos
390. Kumin
391. Kursus
392. Kuxxoa
393. KWS 2376
394. KWS 379
395. KWS 459
396. KWS 474
397. KWS0551
398. KWS1393
399. KWS1394
400. KWS1398
401. Lacasta
402. Larigal
403. Lazaro
404. Ledina
405. Leila
406. Leopard
407. LG 24.47 waxy
408. LG 2470
409. LG 2481
410. LG 2533
411. LG 3362
412. LG 34.57
413. LG3330
414. LG3409
415. LG3440
416. LG3442
417. LG3443
418. LG3458
419. LG3472
420. LG3520
421. LG3531
422. LG3562
423. LG3691
424. LG3715
425. Limasil
426. Liza
427. Loxxam
428. Lucero
429. Luciana
430. Ludovo
431. Lugano
432. Mahawax
433. Mahora
434. Maibi
435. Majeste
436. Manolo
437. Maraton
438. Marina
439. Mars
440. Martinic
441. Marusia
442. Mastri CS
443. Mátra
444. Maxima
445. Maximmo
446. Maxxis
447. Medor
448. Mehari
449. Meknes
450. Melinda
451. Mellor
452. Melodis
453. Meridien
454. Micastar
455. Mitic
456. Monrovia
457. Monsone
458. Montello
459. Montoni
460. Mucho
461. Murcia
462. Mv 342
463. Mv 355 DMSC
464. Mv 437

465. Mv 444
466. Mv 500
467. Mv Majoros
468. Mv MTC 448
469. Mv TC 434
470. Mv TC 514
471. MvNK 333
472. Nasdac
473. Nauwax
474. NC 4563
475. NC5500
476. Nessi CS
477. Netto
478. NK Cryso
479. NK Pilaro
480. NK Sycora
481. NK Thermo
482. NK Turtop
483. NKArma
484. NKAtria
485. NKFactor
486. NKFox
487. NKNakor
488. NKStep
489. NKTago
490. NKTerra
491. Noemi
492. Norma S.C.
493. Novara
494. Novello
495. Novistar
496. Nóra
497. NX 5206
498. Oktan
499. Olivia
500. Omár
501. Ortensia
502. Ortowax
503. Pacal
504. Palomis
505. Pardi
506. Paulinis
507. Petunio
508. Piroska
509. Pixxia
510. Poem
511. Poncho
512. Posadas
513. Potenza
514. Poxxim
515. PR31G66
516. PR31K18
517. PR31N27
518. PR31Y43
519. PR32B10
520. PR32B33
521. PR32B56
522. PR32D12
523. PR32D99
524. PR32F27
525. PR32F89
526. PR32H21
527. PR32H57
528. PR32H58
529. PR32K22
530. PR32T78
531. PR32W86
532. PR33A46
533. PR33A84
534. PR33D31
535. PR33H05
536. PR33J58
537. PR33M54
538. PR33N09
539. PR33P71
540. PR33R77
541. PR33V15
542. PR34B19
543. PR34B28
544. PR34B39
545. PR34B97
546. PR34D71
547. PR34G07
548. PR34G13
549. PR34G84
550. PR34G86
551. PR34H31
552. PR34K49
553. PR34M94
554. PR34N16
555. PR34N43
556. PR34N84
557. PR34P93
558. PR34W47
559. PR35D28
560. PR35M39
561. PR35P21
562. PR35R57
563. PR35T92
564. PR35Y54
565. PR35Y65
566. PR36B06
567. PR36D75
568. PR36H92
569. PR36K20
570. PR36K67
571. PR36N70
572. PR36P85
573. PR36R10
574. PR36T58
575. PR37B04
576. PR37K55
577. PR37K85
578. PR37M81
579. PR37M81 IT
580. PR38B85
581. PR38T27
582. PR39F04
583. PR39T99
584. PR39V62
585. Prisca
586. Prodis
587. Profeta
588. Profistar
589. Promi
590. Puccini CS
591. Puli
592. Quintal
593. Ranja
594. Rasa
595. Rastto
596. Ravel
597. Ravistar
598. Raxxia
599. Readi
600. Redel
601. Rekord
602. Reporter
603. Riglos
604. Rixxer
605. RK14
606. RK25
607. RK36
608. Roano
609. Rodellar
610. Rona
611. Rosery
612. Sabia
613. Saeta
614. San Luis
615. Sancia
616. Sangria
617. Sanmiguel
618. Sardane
619. Scaila
620. Seba

621. Seoul
622. Sephora
623. Serina
624. Shiva
625. Sidonis
626. Silagro
627. Silóma
628. Simbali
629. Sinatra
630. Sixtina
631. Sopronis
632. Soraya
633. Sperlona
634. Spinoza
635. Squadra
636. Status
637. Stira
638. Stradi
639. Stratos
640. SUM 0241
641. SUM 0246
642. SUM 330
643. SUM 420
644. SUM 490
645. Szandra
646. Szarvasi DC 310 S
647. Szarvasi édes szárú
648. Szegedi 331
649. Szegedi 455
650. Szegedi 462
651. Szegedi 470
652. Szegedi DC 488
653. Szegedi SC 463
654. Szegedi TC 358
655. Szegedi TC 367
656. Szegedi TC 377
657. Szegedi TC 465
658. Szegedi TC 513
659. Szentesi SC 623
660. Szentesi TC 390 S
661. Szilvia
662. Tacca
663. Tajo
664. Talung
665. Tamara
666. Tanjuska
667. Tavasz
668. Tékila
669. Texxud
670. Tikal
671. Tilda
672. Tina
673. Tisza
674. Titlis
675. Tixxus
676. Tizona
677. Tonachi
678. Tornado
679. Toxxol
680. Trofeo
681. Tucson
682. Tünde
683. Türkiz
684. Tuxxeo
685. Tyrexx
686. Valika
687. Vanda
688. Varenne
689. Vasilica
690. Vegale
691. Velin
692. Venici
693. Vénusz
694. Veracruz
695. Veroni CS
696. Veronika
697. Viana
698. Vic
699. Viktoria
700. Vilma
701. Virgi
702. Viridis
703. Virtuoz
704. Wendy
705. Wexxil
706. Windi
707. Wonga
708. Zeusz