COUNCIL DIRECTIVE

of 12 November 1979

amending Directives 66/403/EEC, 70/457/EEC and 70/458/EEC on the marketing of seed potatoes, the common catalogue of varieties of agricultural plant species and the marketing of vegetable seed

(79/967/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas Member States may subdivide the categories of seed potatoes into grades satisfying different requirements; whereas it seems appropriate to provide that Community grades and their requirements may be established in an accelerated procedure; whereas in this respect it should be left to Member States to decide the extent to which they apply these grades to their own production;

Whereas the provisions of the common catalogues of varieties of agricultural plant species and of vegetable species permit Member States to allow in respect of their own territory a period for the disposal of seed or propagating materials of varieties whose acceptance has expired; whereas it is appropriate to provide for a disposal period at Community level in the case of seed or propagating materials of varieties which were listed in one of the two common catalogues;

Whereas, in order to improve the functioning of the system of the common catalogue of varieties of vegetable species, certain provisions relating to the acceptance of varieties at national level, to the names of varieties and to the exchange of information between the Member States should be adapted to internationally established rules, given the fact that certain provisions on the common catalogue of varieties of agricultural plant species have already been similarly adapted by Council Directive 79/692/EEC of 24 July 1979 amending Directives 66/401/EEC, 66/402/EEC, 70/458/EEC and 70/457/EEC on the marketing of fodder plant seed, cereal seed and vegetable seed and on the common catalogue of varieties of agricultural plant species (4),

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following paragraph shall be added to Article 3 of Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes (5), as last amended by Directive 78/816/EEC (6):

'3. For seed potatoes which have been officially certified, the following may be determined in accordance with the procedure laid down in Article 19:

— Community grades,

— the conditions applicable to such grades,

— designations applicable to such grades.

Member States may prescribe the extent to which they apply these Community grades in certifying their own production.'

Article 2

Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species (7), as last amended by Directive 79/692/EEC, is hereby amended as follows:

1. Article 14 (2) shall be replaced by the following:

'2. Member States may, in respect of their own territory, allow a period for the certification and marketing of seed or propagating material up to 30 June of the third year at the most after expiry of the acceptance.

In the case of varieties that were listed pursuant to Article 15 (1) in the common catalogue of varieties referred to in Article 18, the period which expires last among those granted by the various Member States of acceptance under the first subparagraph shall apply to marketing in all the Member States, provided that the seed or propagating material of the variety concerned has not been subject to any marketing restriction as regards the variety.'

(1) OJ No C 130, 3. 6. 1977, p. 2 and OJ No C 174, 21. 7. 1978, p. 8.
(2) OJ No C 183, 1. 8. 1977, p. 64 and OJ No C 239, 9. 10. 1978, p. 54.
(3) OJ No C 180, 28. 7. 1977, p. 29 and OJ No C 114, 7. 5. 1979, p. 26.
(4) OJ No L 205, 13. 8. 1979, p. 1.
(5) OJ No 125, 11. 7. 1966, p. 2320/66.
(6) OJ No L 281, 6. 10. 1978, p. 18.
(7) OJ No L 225, 12. 10. 1970, p. 1.