

OPINION 2065 (Case 3147)***Hydroporus neuter* Fairmaire & Laboulbène, 1854 (Insecta, Coleoptera): priority maintained**

Abstract. The Commission has ruled that priority should be maintained for the specific name of a Palaearctic diving beetle, *Hydroporus neuter* Fairmaire & Laboulbène, 1854. The name *Hydroporus discretus* Fairmaire & Brisout in Fairmaire, 1859 is not conserved.

Keywords. Nomenclature; taxonomy; Coleoptera; DYTISCIDAE; *Hydroporus*; *Hydroporus discretus*; *Hydroporus neuter*; diving beetle; Europe; Palaearctic.

Ruling

- (1) Under the plenary power it is hereby ruled that priority is to be maintained for the name *neuter* Fairmaire & Laboulbène, 1854, as published in the binomen *Hydroporus neuter*.
- (2) The name *neuter* Fairmaire & Laboulbène, 1854, as published in the binomen *Hydroporus neuter*, is hereby placed on the Official List of Specific Names in Zoology.

History of Case 3147

An application to conserve the specific name of *Hydroporus discretus* Fairmaire & Brisout in Fairmaire, 1859, for a Palaearctic diving beetle, threatened by *H. neuter* Fairmaire & Laboulbène, 1854, was received from Hans Fery (*Räuschstrasse 73, Berlin, Germany*) on 18 October 1999. After correspondence the case was published in BZN 58: 105–107 (June 2001). The title, abstract and keywords of the case were published on the Commission's website. A comment opposing the application was published in BZN 58: 305. A comment in support of the application was published in BZN 59: 38.

The application was sent to the Commission for voting on 1 December 2002. The case received a majority of the votes cast but failed to reach the required two-thirds majority (14 votes FOR and 10 AGAINST). The application was submitted for a second vote under Bylaw 35.

Decision of the Commission

On 1 September 2003 the members of the Commission were invited to vote again on the proposals published in BZN 58: 106. At the close of the voting period on 1 December 2003 the votes were as follows: 12 Commissioners voted FOR the proposals, 9 Commissioners (Alonso-Zarazaga, Bouchet, Brothers, Calder, Kerzhner, Lamas, Martins de Souza, Minelli and Štys) voted AGAINST, Ng abstained, no vote was received from Eschmeyer. Böhme and Patterson were on leave of absence.

The case received a majority of the votes cast on the second vote but since the two-thirds majority required under Bylaw 35 was not achieved the proposals were not approved.

Voting against, Calder commented that evidence presented concerning prevailing usage of the junior synonym *Hydroporus discretus* Fairmaire & Brisout in Fairmaire, 1859 was insufficient to warrant suppression of its senior synonym *H. neuter* Fairmaire & Laboulbène, 1854.

Original reference

The following is the original reference to the name placed on an Official List by the ruling given in the present Opinion:

neuter, *Hydroporus*, Fairmaire & Laboulbène, 1854, *Faune entomologique française ou description des insectes qui se trouvent en France. Coléoptères*, vol. 1, p. 205.