

Commission Directive 2003/91/EC of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/55/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of vegetable species (Text with EEA relevance)

COMMISSION DIRECTIVE 2003/91/EC

of 6 October 2003

setting out implementing measures for the purposes of Article 7 of Council Directive 2002/55/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of vegetable species

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed⁽¹⁾, as amended by Directive 2003/61/EC⁽²⁾, and in particular Article 7(2)(a) and (b) thereof,

Whereas:

- (1) Commission Directive 72/168/EEC of 14 April 1972 determining the characteristics and minimum conditions for examining vegetable varieties⁽³⁾, as amended by Directive 2002/8/EC⁽⁴⁾ has established, with a view to official acceptance of the varieties in the Member States' catalogues, the characteristics to be covered as a minimum by the examinations of the various species, as well as the minimum requirements for carrying out the examinations.
- (2) Test guidelines relating to the conditions for the examination of the varieties have been issued by the Administrative Council of the Community Plant Variety Office (CPVO) established by Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights⁽⁵⁾, as last amended by Regulation (EC) No 1650/2003⁽⁶⁾, in respect of certain species.
- (3) Test guidelines establishing the conditions for the examinations of the varieties exist at international level. The International Union for the Protection of New Varieties of Plants (UPOV) has developed test guidelines.
- (4) Directive 72/168/EEC was amended by Directive 2002/8/EC to ensure consistency between the CPVO test guidelines and the conditions for examining the varieties with a view to their acceptance in the national catalogues of varieties of the Member States, as far as CPVO test guidelines had been established. The CPVO has since issued guidelines for a number of other species.

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- (5) It is appropriate to ensure consistency between the CPVO test guidelines and the conditions for the varieties, with a view to their acceptance into national catalogues of the Member States.
- (6) It is appropriate to base the Community system on the UPOV test guidelines, in so far as CPVO has not yet developed specific guidelines. National law applies for the species not covered by this Directive.
- (7) Directive 72/168/EEC should therefore be repealed.
- (8) The measures provided for in this directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

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- (1) OJ L 193, 20.7.2002, p. 23.
- (2) OJ L 165, 3.7.2003, p. 23.
- (3) OJ L 103, 2.5.1972, p. 6.
- (4) OJ L 37, 7.2.2002, p. 7.
- (5) OJ L 227, 1.9.1994, p. 1.
- (6) OJ L 245, 29.9.2003, p. 28.