Commission Directive 2010/46/EU of 2 July 2010 amending Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directives 2002/53/EC and 2002/55/EC respectively, as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species (Text with EEA relevance)

#### COMMISSION DIRECTIVE 2010/46/EU

#### of 2 July 2010

amending Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directives 2002/53/ EC and 2002/55/EC respectively, as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

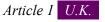
Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species<sup>(1)</sup>, and in particular Article 7(2)(a) and (b) thereof,

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed<sup>(2)</sup>, and in particular Article 7(2)(a) and (b) thereof,

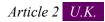
Whereas:

- (1) Commission Directives 2003/90/EC<sup>(3)</sup> and 2003/91/EC<sup>(4)</sup> were adopted to ensure that the varieties the Member States include in their national catalogues comply with the guidelines established by the Community Plant Variety Office (CPVO) as regards the characteristics to be covered as a minimum by the examination of the various species and the minimum conditions for examining the varieties, as far as such guidelines had been established. For other varieties those Directives provide that guidelines of the International Union for Protection of new Varieties of Plants (UPOV) are to apply.
- (2) The CPVO and UPOV have since established further guidelines for a number of other species, and have updated existing ones.
- (3) Directives 2003/90/EC and 2003/91/EC should therefore be amended accordingly.
- (4) 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,

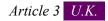
HAS ADOPTED THIS DIRECTIVE:



Annexes I and II to Directive 2003/90/EC are replaced by the text in part A of the Annex to this Directive.



The Annexes to Directive 2003/91/EC are replaced by the text in part B of the Annex to this Directive.



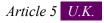
For examinations started before 1 January 2011 Member States may apply Directives 2003/90/EC and 2003/91/EC in the version applying before their amendment by this Directive.



Member States shall adopt and publish, by 31 December 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 January 2011.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.



This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 6 U.K.

This Directive is addressed to the Member States.

Done at Brussels, 2 July 2010.

For the Commission

The President

José Manuel BARROSO



# List of species referred to in Article 1(2)(a) which are to comply with CPVO test protocols

Scientific name	Common name	CPVO protocol
Pisum sativum L.	Field pea	TP 7/2 of 11.3.2010
Brassica napus L.	Swede rape	TP 36/1 of 25.3.2004
Helianthus annuus L.	Sunflower	TP 81/1 of 31.10.2002
Linum usitatissimum L.	Flax/Linseed	TP 57/1 of 21.3.2007
Avena nuda L.	Small naked oat, Hulless oat	TP 20/1 of 6.11.2003
Avena sativa L. (includes A. byzantina K. Koch)	Oats and Red oat	TP 20/1 of 6.11.2003
Hordeum vulgare L.	Barley	TP 19/2rev. of 11.3.2010
Oryza sativa L.	Rice	TP 16/1 of 18.11.2004
Secale cereale L.	Rye	TP 58/1 of 31.10.2002
<i>Triticosecale</i> Wittm. ex A. Camus	Hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>	TP 121/2 of 22.1.2007
Triticum aestivum L.	Wheat	TP 3/4rev. of 28.10.2009
Triticum durum Desf.	Durum wheat	TP 120/2 of 6.11.2003
Zea mays L.	Maize	TP 2/3 of 11.3.2010
Solanum tuberosum L.	Potato	TP 23/2 of 1.12.2005

The text of these protocols can be found on the CPVO website (www.cpvo.europa.eu).

### ANNEX II U.K.

## List of species referred to in Article 1(2)(b) which are to comply with UPOV test guidelines

Scientific name	Common name	UPOV guideline
Beta vulgaris L.	Fodder beet	TG/150/3 of 4.11.1994
Agrostis canina L.	Velvet bent	TG/30/6 of 12.10.1990
Agrostis gigantea Roth.	Red top	TG/30/6 of 12.10.1990

		TTC /20//C 012 10 1000
Agrostis stolonifera L.	Creeping bent	TG/30/6 of 12.10.1990
Agrostis capillaris L.	Brown top	TG/30/6 of 12.10.1990
Bromus catharticus Vahl	Rescue grass	TG/180/3 of 4.4.2001
Bromus sitchensis Trin.	Alaska brome grass	TG/180/3 of 4.4.2001
Dactylis glomerata L.	Cocksfoot	TG/31/8 of 17.4.2002
Festuca arundinacea Schreber	Tall fescue	TG/39/8 of 17.4.2002
Festuca filiformis Pourr.	Fine-leaved sheep's fescue	TG/67/5 of 5.4.2006
Festuca ovina L.	Sheep's fescue	TG/67/5 of 5.4.2006
Festuca pratensis Huds.	Meadow fescue	TG/39/8 of 17.4.2002
Festuca rubra L.	Red fescue	TG/67/5 of 5.4.2006
<i>Festuca trachyphylla</i> (Hack.) Krajina	Hard fescue	TG/67/5 of 5.4.2006
Lolium multiflorum Lam.	Italian ryegrass	TG/4/8 of 5.4.2006
Lolium perenne L.	Perennial ryegrass	TG/4/8 of 5.4.2006
Lolium x boucheanum Kunth	Hybrid ryegrass	TG/4/8 of 5.4.2006
Phleum nodosum L.	Small timothy	TG/34/6 of 7.11.1984
Phleum pratense L.	Timothy	TG/34/6 of 7.11.1984
Poa pratensis L.	Smooth-stalked meadow grass	TG/33/6 of 12.10.1990
Lupinus albus L.	White lupin	TG/66/4 of 31.3.2004
Lupinus angustifolius L.	Narrow-leaved lupin	TG/66/4 of 31.3.2004
Lupinus luteus L.	Yellow lupin	TG/66/4 of 31.3.2004
Medicago sativa L.	Lucerne	TG/6/5 of 6.4.2005
Medicago x varia T. Martyn	Sand lucerne	TG/6/5 of 6.4.2005
Trifolium pratense L.	Red clover	TG/5/7 of 4.4.2001
Trifolium repens L.	White clover	TG/38/7 of 9.4.2003
Vicia faba L.	Field bean	TG/8/6 of 17.4.2002
Vicia sativa L.	Common vetch	TG/32/6 of 21.10.1988
Brassica napus L. var. napobrassica (L.) Rchb.	Swede	TG/89/6rev. of 4.4.2001 + 1.4.2009
Raphanus sativus L. var. oleiformis Pers.	Fodder radish	TG/178/3 of 4.4.2001
Arachis hypogea L.	Groundnut/Peanut	TG/93/3 of 13.11.1985
Brassica rapa L. var. silvestris (Lam.) Briggs	Turnip rape	TG/185/3 of 17.4.2002

Carthamus tinctorius L.	Safflower	TG/134/3 of 12.10.1990
Gossypium spp.	Cotton	TG/88/6 of 4.4.2001
Papaver somniferum L.	Рорру	TG/166/3 of 24.3.1999
Sinapis alba L.	White mustard	TG/179/3 of 4.4.2001
Glycine max (L.) Merrill	Soya bean	TG/80/6 of 1.4.1998
Sorghum bicolor (L.) Moench	Sorghum	TG/122/3 of 6.10.1989

The text of these guidelines can be found on the UPOV website (www.upov.int).

### PART B U.K.

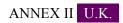
### ANNEX I U.K.

## List of species referred to in Article 1(2)(a) which are to comply with CPVO test protocols

Scientific name	Common name	CPVO protocol
Allium cepa L. (Cepa group)	Onion and Echalion	TP 46/2 of 1.4.2009
<i>Allium cepa</i> L. (Aggregatum group)	Shallot	TP 46/2 of 1.4.2009
Allium fistulosum L.	Japanese bunching onion or Welsh onion	TP 161/1 of 11.3.2010
Allium porrum L.	Leek	TP 85/2 of 1.4.2009
Allium sativum L.	Garlic	TP 162/1 of 25.3.2004
Allium schoenoprasum L.	Chives	TP 198/1 of 1.4.2009
Apium graveolens L.	Celery	TP 82/1 of 13.3.2008
Apium graveolens L.	Celeriac	TP 74/1 of 13.3.2008
Asparagus officinalis L.	Asparagus	TP 130/1 of 27.3.2002
Beta vulgaris L.	Beetroot including Cheltenham beet	TP 60/1 of 1.4.2009
Brassica oleracea L.	Cauliflower	TP 45/2 of 11.3.2010
Brassica oleracea L.	Sprouting broccoli or Calabrese	TP 151/2 of 21.3.2007
Brassica oleracea L.	Brussels sprouts	TP 54/2 of 1.12.2005
<i>Brassica oleracea</i> L.	Kohlrabi	TP 65/1 of 25.3.2004
Brassica oleracea L.	Savoy cabbage, White cabbage and Red cabbage	TP 48/2 of 1.12.2005
Brassica rapa L.	Chinese cabbage	TP 105/1 of 13.3.2008

Plain-leaved endiveCichorium intybus L.Industrial chicoryTP 172/2 of 1.12.2005Cichorium intybus L.Witloof chicoryTP 173/1 of 25.3.2004Citrullus lanatus (Thumb.)WatermelonTP 142/1 of 21.3.2007Matsum. et NakaiMelonTP 104/2 of 21.3.2007Cucumis melo L.MelonTP 61/2 of 13.3.2008Cucurbita pepo L.Cucumber and GherkinTP 61/2 of 13.3.2008Cucurbita pepo L.Globe artichoke and CardoonTP 184/1 of 25.3.2004Daucus carota L.Carrot and Fodder carrotTP 49/3 of 13.3.2008Foeniculum vulgare Mill.FennelTP 13/4 of 1.4.2009Lycopersicon esculentum Mill.TomatoTP 44/3 of 21.3.2007Phaseolus coccineus L.Runner beanTP 9/1 of 21.3.2007Phaseolus vulgaris L.Dwarf French bean and Climbing French beanTP 12/3 of 1.4.2009Pisum sativum L. (partim)Wrinkled pea, Round pea and Sugar peaTP 7/2 of 11.3.2010Solanum melongena L.Aubergine or Egg plantTP 107/2 of 11.3.2007Valerianella locusta (L.)Corn salad or Lamb's lettuceTP 55/3 of 11.3.2010Vicia faba L. (partim)Broad beanTP 55/3 of 11.3.2007	Capsicum annuum L.	Chilli or Pepper	TP 76/2 of 21.3.2007
Cichorium intybus L.Witloof chicoryTP 173/1 of 25.3.2004Citrullus lanatus (Thumb.)WatermelonTP 142/1 of 21.3.2007Matsum. et NakaiMelonTP 104/2 of 21.3.2007Cucumis melo L.MelonTP 104/2 of 21.3.2007Cucumis sativus L.Cucumber and GherkinTP 61/2 of 13.3.2008Cucurbita pepo L.Marrow or CourgetteTP 119/1 of 25.3.2004Cynara cardunculus L.Globe artichoke and CardoonTP 184/1 of 25.3.2004Daucus carota L.Carrot and Fodder carrotTP 49/3 of 13.3.2008Foeniculum vulgare Mill.FennelTP 13/4 of 1.4.2009Lycopersicon esculentumTomatoTP 44/3 of 21.3.2007Mill.ParsleyTP 13/4 of 1.4.2009Lycopersicon esculentumTomatoTP 9/1 of 21.3.2007Mill.ParsleyTP 13/6/1 of 21.3.2007Phaseolus coccineus L.Runner beanTP 9/1 of 21.3.2007Phaseolus vulgaris L.Dwarf French bean and Climbing French beanTP 12/3 of 1.4.2009Pisum sativum L. (partim)Wrinkled pea, Round pea and Sugar peaTP 64/1 of 27.3.2002Solanum melongena L.Aubergine or Egg plantTP 117/1 of 13.3.2008Spinacia oleracea L.SpinachTP 55/3 of 11.3.2010Valerianella locusta (L.)Corn salad or Lamb's lettuceTP 75/2 of 21.3.2007Vicia faba L. (partim)Broad beanTP Broadbean/1 of 25.3.2004	Cichorium endivia L.		TP 118/2 of 1.12.2005
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Phaseolus vulgaris L.Dwarf French bean and Climbing French beanTP 12/3 of 1.4.2009Pisum sativum L. (partim)Wrinkled pea, Round pea and Sugar peaTP 7/2 of 11.3.2010Raphanus sativus L.RadishTP 64/1 of 27.3.2002Solanum melongena L.Aubergine or Egg plantTP 117/1 of 13.3.2008Spinacia oleracea L.SpinachTP 55/3 of 11.3.2010Valerianella locusta (L.) Laterr.Corn salad or Lamb's lettuceTP 75/2 of 21.3.2007Vicia faba L. (partim)Broad beanTP Broadbean/1 of 25.3.2004	<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill	Parsley	TP 136/1 of 21.3.2007
Climbing French beanPisum sativum L. (partim)Wrinkled pea, Round pea and Sugar peaTP 7/2 of 11.3.2010Raphanus sativus L.RadishTP 64/1 of 27.3.2002Solanum melongena L.Aubergine or Egg plantTP 117/1 of 13.3.2008Spinacia oleracea L.SpinachTP 55/3 of 11.3.2010Valerianella locusta (L.) Laterr.Corn salad or Lamb's lettuceTP 75/2 of 21.3.2007Vicia faba L. (partim)Broad beanTP Broadbean/1 of 25.3.2004	Phaseolus coccineus L.	Runner bean	TP 9/1 of 21.3.2007
Sugar peaSugar peaRaphanus sativus L.RadishTP 64/1 of 27.3.2002Solanum melongena L.Aubergine or Egg plantTP 117/1 of 13.3.2008Spinacia oleracea L.SpinachTP 55/3 of 11.3.2010Valerianella locusta (L.) Laterr.Corn salad or Lamb's lettuceTP 75/2 of 21.3.2007Vicia faba L. (partim)Broad beanTP Broadbean/1 of 25.3.2004	Phaseolus vulgaris L.		TP 12/3 of 1.4.2009
Image: Solanum melongena L.Aubergine or Egg plantTP 117/1 of 13.3.2008Spinacia oleracea L.SpinachTP 55/3 of 11.3.2010Valerianella locusta (L.) Laterr.Corn salad or Lamb's lettuce Broad beanTP 75/2 of 21.3.2007Vicia faba L. (partim)Broad beanTP Broadbean/1 of 25.3.2004	Pisum sativum L. (partim)		TP 7/2 of 11.3.2010
Spinacia oleracea L.SpinachTP 55/3 of 11.3.2010Valerianella locusta (L.) Laterr.Corn salad or Lamb's lettuce Broad beanTP 75/2 of 21.3.2007Vicia faba L. (partim)Broad beanTP Broadbean/1 of 25.3.2004	Raphanus sativus L.	Radish	TP 64/1 of 27.3.2002
Valerianella locusta (L.) Laterr.Corn salad or Lamb's lettuce Broad beanTP 75/2 of 21.3.2007Vicia faba L. (partim)Broad beanTP Broadbean/1 of 25.3.2004	Solanum melongena L.	Aubergine or Egg plant	TP 117/1 of 13.3.2008
Laterr.TP Broad beanVicia faba L. (partim)Broad beanTP Broadbean/1 of 25.3.2004	Spinacia oleracea L.	Spinach	TP 55/3 of 11.3.2010
	<i>Valerianella locusta</i> (L.) Laterr.	Corn salad or Lamb's lettuce	TP 75/2 of 21.3.2007
Zea mays L. (partim)Sweet corn and Pop cornTP 2/3 of 11.3.2010	Vicia faba L. (partim)	Broad bean	TP Broadbean/1 of 25.3.2004
	Zea mays L. (partim)	Sweet corn and Pop corn	TP 2/3 of 11.3.2010

The text of these protocols can be found on the CPVO website (www.cpvo.europa.eu).



List of species referred to in Article 1(2)(b) which are to comply with UPOV test guidelines

Scientific name	Common name	UPOV guideline

Beta vulgaris L.	Spinach beet or Chard	TG/106/4 of 31.3.2004
Brassica oleracea L.	Curly kale	TG/90/6 of 31.3.2004
Brassica rapa L.	Turnip	TG/37/10 of 4.4.2001
Cichorium intybus L.	Large-leaved chicory or Italian chicory	TG/154/3 of 18.10.1996
Cucurbita maxima Duchesne	Gourd	TG/155/4rev. of 28.3.2007 + 1.4.2009
Raphanus sativus L.	Black radish	TG/63/6 of 24.3.1999
Rheum rhabarbarum L.	Rhubarb	TG/62/6 of 24.3.1999
Scorzonera hispanica L.	Scorzonera or Black salsify	TG/116/4 of 24.3.2010

The text of these guidelines can be found on the UPOV website (www.upov.int).

IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (**2**) OJ L 193, 20.7.2002, p. 33.
- (**3**) OJ L 254, 8.10.2003, p. 7.
- (4) OJ L 254, 8.10.2003, p. 11.