

Commission Implementing Directive 2014/105/EU of 4 December 2014 amending Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC and Article 7 of Council Directive 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 IMPLEMENTING DIRECTIVE 2014/105/EU

of 4 December 2014

amending Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC and Article 7 of Council Directive 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 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:

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

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#### *Article 1*

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

#### *Article 2*

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

#### *Article 3*

For examinations started before 1 January 2016 Member States may apply Directives 2003/90/EC and 2003/91/EC in the version applying before their amendment by this Directive.

#### *Article 4*

Member States shall adopt and publish, by 31 December 2015 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.

They shall apply those provisions from 1 January 2016.

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.

#### *Article 5*

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

#### *Article 6*

This Directive is addressed to the Member States.

Done at Brussels, 4 December 2014.

*For the Commission*

*The President*

Jean-Claude JUNCKER

ANNEX

PART A

ANNEX I

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

| <b>Scientific name</b>  | <b>Common name</b>  | <b>CPVO protocol</b>         |
|---|---|------------------------------|
| <i>Festuca filiformis</i> Pourr.  | Fine-leaved sheep's fescue  | TP 67/1 of 23.6.2011         |
| <i>Festuca ovina</i> L.   | Sheep's fescue  | TP 67/1 of 23.6.2011         |
| <i>Festuca rubra</i> L.   | Red fescue  | TP 67/1 of 23.6.2011         |
| <i>Festuca trachyphylla</i> (Hack.)<br>Krajina                          | Hard fescue   | TP 67/1 of 23.6.2011         |
| <i>Lolium multiflorum</i> Lam.  | Italian ryegrass  | TP 4/1 of 23.6.2011          |
| <i>Lolium perenne</i> L.  | Perennial ryegrass  | TP 4/1 of 23.6.2011          |
| <i>Lolium</i> × <i>boucheanum</i> Kunth                                 | Hybrid ryegrass   | TP 4/1 of 23.6.2011          |
| <i>Pisum sativum</i> L.   | Field pea   | TP 7/2 of 11.3.2010          |
| <i>Brassica napus</i> L.  | Swede rape  | TP 36/2 of 16.11.2011        |
| <i>Cannabis sativa</i> L.   | Hemp  | TP 276/1 of 28.11.2012       |
| <i>Helianthus annuus</i> L.   | Sunflower   | TP 81/1 of 31.10.2002        |
| <i>Linum usitatissimum</i> L.   | Flax/Linseed  | TP 57/2 of 19.3.2014         |
| <i>Avena nuda</i> L.  | Small naked oat, Hulless oat  | TP 20/1 of 6.11.2003         |
| <i>Avena sativa</i> L. (includes <i>A.</i><br><i>byzantina</i> K. Koch) | Oats and Red oat  | TP 20/1 of 6.11.2003         |
| <i>Hordeum vulgare</i> L.   | Barley  | TP 19/3 of 21.3.2012         |
| <i>Oryza sativa</i> L.  | Rice  | TP 16/2 of 21.3.2012         |
| <i>Secale cereale</i> L.  | Rye   | TP 58/1 of 31.10.2002        |
| <i>xTriticosecale</i> Wittm. ex A.<br>Camus                             | Hybrids resulting from the<br>crossing of a species of the<br>genus <i>Triticum</i> and a species<br>of the genus <i>Secale</i> | TP 121/2 rev. 1 of 16.2.2011 |
| <i>Triticum aestivum</i> L.   | Wheat   | TP 3/4 rev. 2 of 16.2.2011   |
| <i>Triticum durum</i> Desf.   | Durum wheat   | TP 120/3 of 19.3.2014        |
| <i>Zea mays</i> L.  | Maize   | TP 2/3 of 11.3.2010          |
| <i>Solanum tuberosum</i> 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](http://www.cpvo.europa.eu)).

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## ANNEX II

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

| <b>Scientific name</b>                                       | <b>Common name</b>   | <b>UPOV guideline</b>              |
|--|--|------------------------------------|
| <i>Beta vulgaris</i> L.                                      | Fodder beet  | TG/150/3 of 4.11.1994              |
| <i>Agrostis canina</i> L.                                    | Velvet bent  | TG/30/6 of 12.10.1990              |
| <i>Agrostis gigantea</i> Roth.                               | Red top  | TG/30/6 of 12.10.1990              |
| <i>Agrostis stolonifera</i> L.                               | Creeping bent  | TG/30/6 of 12.10.1990              |
| <i>Agrostis capillaris</i> L.                                | Brown top  | TG/30/6 of 12.10.1990              |
| <i>Bromus catharticus</i> Vahl                               | Rescue grass   | TG/180/3 of 4.4.2001               |
| <i>Bromus sitchensis</i> Trin.                               | Alaska brome grass   | TG/180/3 of 4.4.2001               |
| <i>Dactylis glomerata</i> L.                                 | Cocksfoot  | TG/31/8 of 17.4.2002               |
| <i>Festuca arundinacea</i> Schreb.                           | Tall fescue  | TG/39/8 of 17.4.2002               |
| <i>Festuca pratensis</i> Huds.                               | Meadow fescue  | TG/39/8 of 17.4.2002               |
| <i>xFestulolium</i> Asch. et Graebn.                         | Hybrids resulting from the crossing of a species of the genus <i>Festuca</i> with a species of the genus <i>Lolium</i> | TG/243/1 of 9.4.2008               |
| <i>Phleum nodosum</i> L.                                     | Small timothy  | TG/34/6 of 7.11.1984               |
| <i>Phleum pratense</i> L.                                    | Timothy  | TG/34/6 of 7.11.1984               |
| <i>Poa pratensis</i> L.                                      | Smooth-stalked meadow grass  | TG/33/7 of 9.4.2014                |
| <i>Lotus corniculatus</i> L.                                 | Birdsfoot trefoil  | TG 193/1 of 9.4.2008               |
| <i>Lupinus albus</i> L.                                      | White lupin  | TG/66/4 of 31.3.2004               |
| <i>Lupinus angustifolius</i> L.                              | Narrow-leaved lupin  | TG/66/4 of 31.3.2004               |
| <i>Lupinus luteus</i> L.                                     | Yellow lupin   | TG/66/4 of 31.3.2004               |
| <i>Medicago sativa</i> L.                                    | Lucerne  | TG/6/5 of 6.4.2005                 |
| <i>Medicago x varia</i> T. Martyn                            | Sand lucerne   | TG/6/5 of 6.4.2005                 |
| <i>Trifolium pratense</i> L.                                 | Red clover   | TG/5/7 of 4.4.2001                 |
| <i>Trifolium repens</i> L.                                   | White clover   | TG/38/7 of 9.4.2003                |
| <i>Vicia faba</i> L.   | Field bean   | TG/8/6 of 17.4.2002                |
| <i>Vicia sativa</i> L.                                       | Common vetch   | TG/32/7 of 20.3.2013               |
| <i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rehb. | Swede  | TG/89/6rev. of 4.4.2001 + 1.4.2009 |
| <i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.      | Fodder radish  | TG/178/3 of 4.4.2001               |

|  |                  |                        |
|--|------------------|------------------------|
| <i>Arachis hypogaea</i> L.                                   | Groundnut/Peanut | TG/93/4 of 9.4.2014    |
| <i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs | Turnip rape      | TG/185/3 of 17.4.2002  |
| <i>Carthamus tinctorius</i> L.                               | Safflower        | TG/134/3 of 12.10.1990 |
| <i>Gossypium</i> spp.  | Cotton           | TG/88/6 of 4.4.2001    |
| <i>Papaver somniferum</i> L.                                 | Poppy            | TG/166/4 of 9.4.2014   |
| <i>Sinapis alba</i> L.                                       | White mustard    | TG/179/3 of 4.4.2001   |
| <i>Glycine max</i> (L.) Merr.                                | Soya bean        | TG/80/6 of 1.4.1998    |
| <i>Sorghum bicolor</i> (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](http://www.upov.int)).

## PART B

### ANNEX I

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

| Scientific name                          | Common name                            | CPVO protocol         |
|--|--|-----------------------|
| <i>Allium cepa</i> 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   |
| <i>Allium fistulosum</i> L.              | Japanese bunching onion or Welsh onion | TP 161/1 of 11.3.2010 |
| <i>Allium porrum</i> L.                  | Leek                                   | TP 85/2 of 1.4.2009   |
| <i>Allium sativum</i> L.                 | Garlic                                 | TP 162/1 of 25.3.2004 |
| <i>Allium schoenoprasum</i> L.           | Chives                                 | TP 198/1 of 1.4.2009  |
| <i>Apium graveolens</i> L.               | Celery                                 | TP 82/1 of 13.3.2008  |
| <i>Apium graveolens</i> L.               | Celeriac                               | TP 74/1 of 13.3.2008  |
| <i>Asparagus officinalis</i> L.          | Asparagus                              | TP 130/2 of 16.2.2011 |
| <i>Beta vulgaris</i> L.                  | Beetroot including Cheltenham beet     | TP 60/1 of 1.4.2009   |
| <i>Brassica oleracea</i> L.              | Curly kale                             | TP 90/1 of 16.2.2011  |
| <i>Brassica oleracea</i> L.              | Cauliflower                            | TP 45/2 of 11.3.2010  |
| <i>Brassica oleracea</i> L.              | Sprouting broccoli or Calabrese        | TP 151/2 of 21.3.2007 |
| <i>Brassica oleracea</i> L.              | Brussels sprouts                       | TP 54/2 of 1.12.2005  |

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|   |  |                             |
|---|--|-----------------------------|
| <i>Brassica oleracea</i> L.   | Kohlrabi                                     | TP 65/1 of 25.3.2004        |
| <i>Brassica oleracea</i> L.   | Savoy cabbage, White cabbage and Red cabbage | TP 48/3 of 16.2.2011        |
| <i>Brassica rapa</i> L.   | Chinese cabbage                              | TP 105/1 of 13.3.2008       |
| <i>Capsicum annuum</i> L.   | Chilli or Pepper                             | TP 76/2 of 21.3.2007        |
| <i>Cichorium endivia</i> L.   | Curled-leaved endive and Plain-leaved endive | TP 118/3 of 19.3.2014       |
| <i>Cichorium intybus</i> L.   | Industrial chicory                           | TP 172/2 of 1.12.2005       |
| <i>Cichorium intybus</i> L.   | Witloof chicory                              | TP 173/1 of 25.3.2004       |
| <i>Citrullus lanatus</i> (Thunb.)<br>Matsum. et Nakai   | Watermelon                                   | TP 142/2 of 19.3.2014       |
| <i>Cucumis melo</i> L.  | Melon  | TP 104/2 of 21.3.2007       |
| <i>Cucumis sativus</i> L.   | Cucumber and Gherkin                         | TP 61/2 of 13.3.2008        |
| <i>Cucurbita pepo</i> L.  | Marrow or Courgette                          | TP 119/1rev. of 19.3.2014   |
| <i>Cynara cardunculus</i> L.  | Globe artichoke and Cardoon                  | TP 184/2 of 27.2.2013       |
| <i>Daucus carota</i> L.   | Carrot and Fodder carrot                     | TP 49/3 of 13.3.2008        |
| <i>Foeniculum vulgare</i> Mill.   | Fennel                                       | TP 183/1 of 25.3.2004       |
| <i>Lactuca sativa</i> L.  | Lettuce                                      | TP 13/5 of 16.2.2011        |
| <i>Solanum lycopersicum</i> L.  | Tomato                                       | TP 44/4 rev. of 27.2.2013   |
| <i>Petroselinum crispum</i> (Mill.)<br>Nyman ex A. W. Hill  | Parsley                                      | TP 136/1 of 21.3.2007       |
| <i>Phaseolus coccineus</i> L.   | Runner bean                                  | TP 9/1 of 21.3.2007         |
| <i>Phaseolus vulgaris</i> L.  | Dwarf French bean and Climbing French bean   | TP 12/4 of 27.2.2013        |
| <i>Pisum sativum</i> L. (partim)  | Wrinkled pea, Round pea and Sugar pea        | TP 7/2 of 11.3.2010         |
| <i>Raphanus sativus</i> L.  | Radish, Black radish                         | TP 64/2 of 27.2.2013        |
| <i>Solanum melongena</i> L.   | Aubergine or Egg plant                       | TP 117/1 of 13.3.2008       |
| <i>Spinacia oleracea</i> L.   | Spinach                                      | TP 55/5 of 27.2.2013        |
| <i>Valerianella locusta</i> (L.)<br>Laterr.   | Corn salad or Lamb's lettuce                 | TP 75/2 of 21.3.2007        |
| <i>Vicia faba</i> L. (partim)   | Broad bean                                   | TP Broadbean/1 of 25.3.2004 |
| <i>Zea mays</i> L. (partim)   | Sweet corn and Pop corn                      | TP 2/3 of 11.3.2010         |
| <i>Solanum lycopersicum</i> L.<br>× <i>Solanum habrochaites</i> S.<br>Knapp & D.M. Spooner;<br><i>Solanum lycopersicum</i> L. ×<br><i>Solanum peruvianum</i> (L.) | Tomato rootstocks                            | TP 294/1 of 19.3.2014       |

Mill.; *Solanum lycopersicum*  
L. × *Solanum cheesmaniae*  
(L. Ridley) Fosberg

The text of these protocols can be found on the CPVO website ([www.cpvo.europa.eu](http://www.cpvo.europa.eu)).

## ANNEX II

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

| Scientific name                  | Common name                                | UPOV guideline                          |
|----------------------------------|--|---|
| <i>Beta vulgaris</i> L.          | Spinach beet or Chard                      | TG/106/4 of 31.3.2004                   |
| <i>Brassica rapa</i> L.          | Turnip                                     | TG/37/10 of 4.4.2001                    |
| <i>Cichorium intybus</i> L.      | Large-leaved chicory or<br>Italian chicory | TG/154/3 of 18.10.1996                  |
| <i>Cucurbita maxima</i> Duchesne | Gourd                                      | TG/155/4rev. of<br>28.3.2007 + 1.4.2009 |
| <i>Rheum rhabarbarum</i> L.      | Rhubarb                                    | TG/62/6 of 24.3.1999                    |
| <i>Scorzonera hispanica</i> L.   | Scorzonera or Black salsify                | TG/116/4 of 24.3.2010                   |

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- (1) [OJ L 193, 20.7.2002, p. 1.](#)
- (2) [OJ L 193, 20.7.2002, p. 33.](#)
- (3) Commission Directive 2003/90/EC of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC 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 ([OJ L 254, 8.10.2003, p. 7](#)).
- (4) 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 ([OJ L 254, 8.10.2003, p. 11](#)).