

Commission Implementing Directive (EU) 2015/1168 of 15 July 2015 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 (EU) 2015/1168

of 15 July 2015

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 has since established further guidelines and has 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 Plants, Animals, Food and Feed,

HAS ADOPTED THIS DIRECTIVE:

*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 July 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 30 June 2016 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 July 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, 15 July 2015.

*For the Commission*

*The President*

Jean-Claude JUNCKER

## ANNEX

### PART A

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

I	Scientific name	Common name	CPVO protocol
	<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.) 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 × boucheanum</i> Kunth	Hybrid ryegrass	TP 4/1 of 23.6.2011
	<i>Pisum sativum</i> L.	Field pea	TP 7/2 Rev of 11.3.2015
	<i>Brassica napus</i> L.	Swede rape	TP 36/2 of 16.11.2011
	<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Swede	TP 89/1 of 11.3.2015
	<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. 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
	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 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 web site ([www.cpvo.europa.eu](http://www.cpvo.europa.eu)).

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

II	Scientific name	Common name	UPOV guideline
	<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
	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 × 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>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> (L.) 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 web site ([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	Allium cepa L. (Cepa group)
	Onion and Echalion	<i>Allium cepa</i> L.	Onion	TP 46/2 of 1.4.2009	(Aggregatum group)
	Shallot	<i>Allium fistulosum</i> L.	Shallot	TP 46/2 of 1.4.2009	Japanese bunching onion or Welsh onion
	Leek	<i>Allium porrum</i> L.	Leek	TP 85/2 of 1.4.2009	
	Garlic	<i>Allium sativum</i> L.	Garlic	TP 161/1 of 11.3.2010	
	Chives	<i>Allium schoenoprasum</i> L.	Chives	TP 162/1 of 25.3.2004	
	Asparagus	<i>Asparagus graveolens</i> L.	Asparagus	TP 82/1 of 13.3.2008	
	Asparagus	<i>Asparagus officinalis</i> L.	Asparagus	TP 130/2 of 16.2.2011	
	Beetroot including Cheltenham beet	<i>Beta vulgaris</i> L.	Beetroot	TP 60/1 of 1.4.2009	
	Spinach beet or Chard	<i>Beta vulgaris</i> L.	Spinach beet or Chard	TP 106/1 of 11.3.2015	
	Brassica oleracea L. Curly kale	<i>Brassica oleracea</i> L.	Brassica oleracea	TP 90/1 of 16.2.2011	
	Cauliflower	<i>Brassica oleracea</i> L.	Cauliflower	TP 45/2 of 11.3.2010	
	Sprouting broccoli or Calabrese	<i>Brassica oleracea</i> L.	Sprouting broccoli or Calabrese	TP 151/2 of 21.3.2007	
	Brussels sprouts	<i>Brassica oleracea</i> L.	Brussels sprouts	TP 54/2 of 1.12.2005	
	Savoy cabbage, White cabbage and Red cabbage	<i>Brassica oleracea</i> L.	Savoy cabbage, White cabbage and Red cabbage	TP 48/3 of 16.2.2011	
	Brassica rapa L. Chinese cabbage	<i>Brassica rapa</i> L.	Chinese cabbage	TP 105/1 of 13.3.2008	
	Chilli or Pepper	<i>Capsicum annuum</i> L.	Chilli or Pepper	TP 76/2 of 21.3.2007	
	Curled-leaved endive and Plain-leaved endive	<i>Cichorium endivia</i> L.	Curled-leaved endive and Plain-leaved endive	TP 118/3 of 19.3.2014	
	Industrial chicory	<i>Cichorium intybus</i> L.	Industrial chicory	TP 172/2 of 1.12.2005	
	Witloof chicory	<i>Cichorium intybus</i> L.	Witloof chicory	TP 173/1 of 25.3.2004	
	Watermelon	<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	TP 142/2 of 19.3.2014	
	Cucumber and Gherkin	<i>Cucumis sativus</i> L.	Cucumber and Gherkin	TP 61/2 of 13.3.2008	
	Gourd	<i>Cucurbita maxima</i> Duchesne	Gourd	TP 155/1 of 11.3.2015	
	Courgette	<i>Cucurbita pepo</i> L.	Marrow or Courgette	TP 119/1 rev. of 19.3.2014	
	Cardoon	<i>Cynara cardunculus</i> L.	Globe artichoke and Cardoon	TP 184/2 of 27.2.2013	
	Carrot	<i>Daucus carota</i> L.	Carrot	TP 49/3 of 13.3.2008	
	Fennel	<i>Foeniculum vulgare</i> Mill.	Fennel	TP 183/1 of 25.3.2004	
	Lettuce	<i>Lactuca sativa</i> L.	Lettuce	TP 13/5 of 16.2.2011	
	Tomato	<i>Solanum lycopersicum</i> L.	Tomato	TP 44/4 rev. of 27.2.2013	
	Parsley	<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill	Parsley	TP 136/1 of 21.3.2007	
	Runner bean	<i>Phaseolus coccineus</i> L.	Runner bean	TP 9/1 of 21.3.2007	
	Dwarf French bean and Climbing French bean	<i>Phaseolus vulgaris</i> L.	Dwarf French bean and Climbing French bean	TP 12/4 of 27.2.2013	
	Wrinkled pea, Round pea and Sugar pea	<i>Pisum sativum</i> L.	(partim) Wrinkled pea, Round pea and Sugar pea	TP 7/2 Rev. of 11.3.2015	
	Radish, Black radish	<i>Raphanus sativus</i> L.	Radish, Black radish	TP 64/2 Rev. of 11.3.2015	
	Scorzoner	<i>Scorzonera hispanica</i> L.	Scorzoner	TP 116/1 of 11.3.2015	
	Aubergine or Egg plant	<i>Solanum melongena</i> L.	Aubergine or Egg plant	TP 117/1 of 13.3.2008	
	Spinach	<i>Spinacia oleracea</i> L.	Spinach	TP 55/5 of 27.2.2013	
	Valerianella locusta (L.) Laterr.	<i>Valerianella locusta</i> (L.) Laterr.	Corn salad or Lamb's lettuce	TP 75/2 of 21.3.2007	
	Broad bean	<i>Vicia faba</i> L.	(partim) Broad bean	TP Broadbean/1 of 25.3.2004	
	Sweet corn and Pop corn	<i>Zea mays</i> L.	(partim) Sweet corn and Pop corn	TP 2/3 of 11.3.2010	
	Solanum lycopersicum L. × Solanum habrochaites S. Knapp & D.M. Spooner; Solanum lycopersicum L. × Solanum peruvianum (L.) Mill.; Solanum lycopersicum L. × Solanum cheesmaniae (L. Ridley) Fosberg	<i>Solanum lycopersicum</i> L. × <i>Solanum habrochaites</i> S. Knapp & D.M. Spooner; <i>Solanum lycopersicum</i> L. × <i>Solanum peruvianum</i> (L.) Mill.; <i>Solanum lycopersicum</i> L. × <i>Solanum cheesmaniae</i> (L. Ridley) Fosberg	Tomato rootstocks	TP 294/1 of 19.3.2014	

The text of these protocols can be found on the CPVO web site ([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
	Brassica rapa L. Turnip	<i>Brassica rapa</i> L.	Turnip	TG/37/10 of 4.4.2001
	Large-leaved chicory or Italian chicory	<i>Cichorium intybus</i> L.	Large-leaved chicory or Italian chicory	TG/154/3 of 18.10.1996
	Rhubarb	<i>Rheum rhabarbarum</i> L.	Rhubarb	TG/62/6 of 24.3.1999

The text of these guidelines can be found on the UPOV web site ([www.upov.int](http://www.upov.int)).



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*Status: This is the original version (as it was originally adopted).*

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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.](#))