

Commission Implementing Directive (EU) 2019/114 of 24 January 2019 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) 2019/114

of 24 January 2019

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⁽¹⁾, 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⁽²⁾, and in particular Article 7(2)(a) and (b) thereof,

Whereas:

- (1) Commission Directives 2003/90/EC⁽³⁾ and 2003/91/EC⁽⁴⁾ were adopted to ensure that the varieties the Member States include in their national catalogues comply with the protocols 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 protocols had been established. For the species not covered by CPVO protocols those Directives provide that guidelines of the International Union for Protection of New Varieties of Plants (UPOV) are to apply.
- (2) Since the last amendment to Directives 2003/90/EC and 2003/91/EC by Implementing Directive (EU) 2018/100⁽⁵⁾ the CPVO and UPOV have established further protocols and 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 Plants, Animals, Food and Feed,

HAS ADOPTED THIS DIRECTIVE:

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

Article 1

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

Article 2

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

Article 3

For examinations started before 1 September 2019 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 August 2019 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 September 2019.

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, 24 January 2019.

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

Scientific name	Common name	CPVO protocol
<i>Festuca arundinacea</i> Schreb.	Tall fescue	TP 39/1 of 1.10.2015
<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 pratensis</i> Huds.	Meadow fescue	TP 39/1 of 1.10.2015
<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 x hybridum</i> Hausskn.	Hybrid ryegrass	TP 4/1 of 23.6.2011
<i>Pisum sativum</i> L. (partim)	Field pea	TP 7/2 Rev. 2 of 15.3.2017
<i>Poa pratensis</i> L.	Smooth-stalked meadow grass	TP 33/1 of 15.3.2017
<i>Vicia sativa</i> L.	Common vetch	TP 32/1 of 19.4.2016
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Swede	TP 89/1 of 11.3.2015
<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.	Fodder radish	TP 178/1 of 15.3.2017
<i>Brassica napus</i> L. (partim)	Swede rape	TP 36/2 of 16.11.2011
<i>Cannabis sativa</i> L.	Hemp	TP 276/1 Partial rev. of 21.3.2018
<i>Glycine max</i> (L.) Merr.	Soya bean	TP 80/1 of 15.3.2017
<i>Gossypium</i> spp.	Cotton	TP 88/1 of 19.4.2016
<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>Sinapis alba</i> L.	White mustard	TP 179/1 of 15.3.2017
<i>Avena nuda</i> L.	Small naked oat, Hulless oat	TP 20/2 of 1.10.2015
<i>Avena sativa</i> L. (includes <i>A. byzantina</i> K. Koch)	Oats and Red oat	TP 20/2 of 1.10.2015
<i>Hordeum vulgare</i> L.	Barley	TP 19/4 of 1.10.2015
<i>Oryza sativa</i> L.	Rice	TP 16/3 of 1.10.2015
<i>Secale cereale</i> L.	Rye	TP 58/1 of 31.10.2002
<i>xTriticosecale</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 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. (partim)	Maize	TP 2/3 of 11.3.2010
<i>Solanum tuberosum</i> L.	Potato	TP 23/3 of 15.3.2017

ANNEX II List of species referred to in Article 1(2)(b) which are to comply with UPOV test guidelines. The text of these guidelines can be found on the UPOV web site (www.upov.int).

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 grass	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>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>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 doliata</i> Carmign.	Straight-spined medic	TG 228/1 of 5.4.2006
<i>Medicago italica</i> (Mill.) Fiori	Disc medic	TG 228/1 of 5.4.2006
<i>Medicago littoralis</i> Rohde ex Loisel.	Shore medic/Strand medic	TG 228/1 of 5.4.2006
<i>Medicago lupulina</i> L.	Trefoil	TG 228/1 of 5.4.2006
<i>Medicago murex</i> Willd.	Sphere medic	TG 228/1 of 5.4.2006
<i>Medicago polymorpha</i> L.	Bur medic	TG 228/1 of 5.4.2006
<i>Medicago rugosa</i> Desr.	Wrinkled medic/Gama medic	TG 228/1 of 5.4.2006

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228/1 of 5.4.2006Medicago sativa L.LucerneTG/6/5 of 6.4.2005Medicago scutellata (L.) Mill.Snail medic/Shield medicTG 228/1 of 5.4.2006Medicago truncatula Gaertn.Barrel medicTG 228/1 of 5.4.2006Medicago x varia T. MartynSand lucerneTG/6/5 of 6.4.2005Trifolium pratense L.Red cloverTG/5/7 of 4.4.2001Trifolium repens L.White cloverTG/38/7 of 9.4.2003Vicia faba L.Field beanTG/8/6 of 17.4.2002Phacelia tanacetifolia Benth.California BluebellTG/319/1 of 5.4.2017Arachis hypogaea L.Groundnut/PeanutTG/93/4 of 9.4.2014Brassica rapa L. var. silvestris (Lam.) BriggsTurnip rapeTG/185/3 of 17.4.2002Carthamus tinctorius L.SafflowerTG/134/3 of 12.10.1990Papaver somniferum L.PoppyTG/166/4 of 9.4.2014Sorghum bicolor (L.) MoenchSorghumTG/122/4 of 25.3.2015Sorghum sudanense (Piper) Stapf.Sudan grassTG 122/4 of 25.3.2015Sorghum bicolor (L.) Moench x Sorghum sudanense (Piper) StapfHybrids resulting from the crossing of Sorghum bicolor and Sorghum sudanenseTG 122/4 of 25.3.2015

PART B

ANNEX List of species referred to in Article 1(2)(a) which are to comply with CPVO technical protocolsThe text of these protocols can be found on the CPVO web site (www.cpvo.europa.eu).Scientific nameCommon nameCPVO protocolAllium cepa L. (Cepa group)Onion and EchalionTP 46/2 of 1.4.2009Allium cepa L. (Aggregatum group)ShallotTP 46/2 of 1.4.2009Allium fistulosum L.Japanese bunching onion or Welsh onionTP 161/1 of 11.3.2010Allium porrum L.LeekTP 85/2 of 1.4.2009Allium sativum L.GarlicTP 162/1 of 25.3.2004Allium schoenoprasum L.ChivesTP 198/2 of 11.3.2015Apium graveolens L.CeleryTP 82/1 of 13.3.2008Apium graveolens L.CelериacTP 74/1 of 13.3.2008Asparagus officinalis L.AsparagusTP 130/2 of 16.2.2011Beta vulgaris L.Beetroot including Cheltenham beetTP 60/1 of 1.4.2009Beta vulgaris L.Spinach beet or ChardTP 106/1 of 11.3.2015Brassica oleracea L.Curly kaleTP 90/1 of 16.2.2011Brassica oleracea L.CauliflowerTP 45/2 Rev. 2 of 21.3.2018Brassica oleracea L.Sprouting broccoli or CalabreseTP 151/2 Rev. of 15.3.2017Brassica oleracea L.Brussels sproutsTP 54/2 Rev. of 15.3.2017Brassica oleracea L.KohlrabiTP 65/1 Rev. of 15.3.2017Brassica oleracea L.Savoy cabbage, White cabbage and Red cabbageTP 48/3 Rev. of 15.3.2017Brassica rapa L.Chinese cabbageTP 105/1 of 13.3.2008Capsicum annum L.Chilli or PepperTP 76/2 Rev. of 15.3.2017Cichorium endivia L.Curled-leaved endive and Plain-leaved endiveTP 118/3 of 19.3.2014Cichorium intybus L.Industrial chicoryTP 172/2 of 1.12.2005Cichorium intybus L.Leaf chicoryTP 154/1 of 21.3.2018Cichorium intybus L.Witloof chicoryTP 173/2 of 21.3.2018Citrullus lanatus (Thunb.) Matsum. et NakaiWatermelonTP 142/2 of 19.3.2014Cucumis melo L.MelonTP 104/2 of 21.3.2007Cucumis sativus L.Cucumber and GherkinTP 61/2 Rev. of 21.3.2018Cucurbita maxima DuchesneGourdTP 155/1 of 11.3.2015Cucurbita pepo L.Marrow or CourgetteTP 119/1rev. of 19.3.2014Cynara cardunculus L.Globe artichoke and CardoonTP 184/2 of 27.2.2013Daucus carota L.Carrot and Fodder carrotTP 49/3 of 13.3.2008Foeniculum vulgare Mill.FennelTP 183/1 of 25.3.2004Lactuca sativa L.LettuceTP 13/6 of 21.3.2018Solanum lycopersicum L.TomatoTP 44/4 Rev. 3 of 21.3.2018Petroselinum crispum (Mill.) Nyman ex A. W. HillParsleyTP 136/1 of 21.3.2007Phaseolus coccineus L.Runner beanTP 9/1 of 21.3.2007Phaseolus vulgaris L.Dwarf French bean and Climbing French beanTP 12/4 of 27.2.2013Pisum sativum L. (partim)Wrinkled pea, Round pea and Sugar peaTP 7/2 Rev. 2 of 15.3.2017Raphanus sativus L.Radish, Black radishTP 64/2 Rev. of 11.3.2015Rheum rhabarbarum LRhubarbTP 62/1 of 19.4.2016Scorzonera hispanica L.Scorzonera or Black salsifyTP 116/1 of 11.3.2015Solanum melongena

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L.Aubergine or Egg plantTP 117/1 of 13.3.2008Spinacia oleracea L.SpinachTP 55/5
Rev. 2 of 15.3.2017Valerianella locusta (L.) Laterr.Corn salad or Lamb's lettuceTP
75/2 of 21.3.2007Vicia faba L. (partim)Broad beanTP Broadbean/1 of 25.3.2004Zea
mays L. (partim)Sweet corn and Pop cornTP 2/3 of 11.3.2010Solanum habrochaites
S. Knapp & D.M. Spooner; Solanum lycopersicum L. x Solanum habrochaites S.
Knapp & D.M. Spooner; Solanum lycopersicum L. x Solanum peruvianum (L.) Mill.;
Solanum lycopersicum L. x Solanum cheesmaniae (L. Ridley) Fosberg; Solanum
pimpinellifolium L. x Solanum habrochaites S. Knapp & D.M. SpoonerTomato
rootstocksTP 294/1 Rev. 3 of 21.3.2018Cucurbita maxima Duchesne x Cucurbita
moschata DuchesneInterspecific hybrids of Cucurbita maxima Duchesne x Cucurbita
moschata Duchesne for use as rootstocksTP 311/1 of 15.3.2017

ANNEX List of species referred to in Article 1(2)(b) which are to comply with UPOV
II test guidelinesThe text of these guidelines can be found on the UPOV web
site (www.upov.int).Scientific nameCommon nameUPOV guidelineBrassica rapa
L.TurnipTG/37/10 of 4.4.2001

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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.](#)).
- (5) Commission Implementing Directive (EU) 2018/100 of 22 January 2018 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 ([OJ L 17, 23.1.2018, p. 34.](#)).