

Commission Implementing Regulation (EU) No 763/2013 of 7  
August 2013 amending Regulation (EC) No 637/2009 as regards the  
classification of certain plant species for the purposes of assessing the  
suitability of the denominations of varieties (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) No 763/2013

of 7 August 2013

amending Regulation (EC) No 637/2009 as regards the classification of certain plant  
species for the purposes of assessing the suitability of the denominations of varieties

(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 9(6) 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 9(6) thereof,

Whereas:

- (1) As regards certain species, the classes set out in Annex I to Commission Regulation  
(EC) No 637/2009 of 22 July 2009 establishing implementing rules as to the suitability  
of the denominations of varieties of agricultural plant species and vegetable species<sup>(3)</sup>  
should be adapted to take into account changes in international botanical classification.  
The Community Plant Variety Office already included, in November 2012, those  
changes in the ‘Guidelines with explanatory notes on Article 63 of Council Regulation  
(EC) No 2100/94 of 27 July 1994 on Community Plant Variety Rights’.
- (2) Regulation (EC) No 637/2009 should therefore be amended accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the  
Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture  
and Forestry,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 637/2009 is amended in accordance with the Annex to  
this Regulation.

*Article 2*

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

*Status: Point in time view as at 07/08/2013.*

*Changes to legislation: There are currently no known outstanding effects for the  
Commission Implementing Regulation (EU) No 763/2013. (See end of Document for details)*

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This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7 August 2013.

*For the Commission*

*The President*

José Manuel BARROSO

**Status:** Point in time view as at 07/08/2013.

**Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 763/2013. (See end of Document for details)

## ANNEX

Annex I to Regulation (EC) No 637/2009 is amended as follows:

- (1) in Table 1, ‘Classes within a genus’, the rows concerning classes 4.1 and 4.2 are replaced by the following:

<b>Classes</b>	<b>Scientific names</b>
‘Class 4.1	<i>Solanum tuberosum</i>
Class 4.2	<i>Solanum lycopersicum</i> , rootstocks of tomato and interspecific hybrids
Class 4.3	<i>Solanum melongena</i>
Class 4.4	<i>Solanum other than classes 4.1, 4.2, 4.3</i> ’

- (2) in Table 2, ‘Classes encompassing more than one genus’, the rows concerning classes 201 and 203 are replaced by the following:

<b>Classes</b>	<b>Scientific names</b>
‘Class 201	<i>Secale, Triticum, xTriticosecale</i>
Class 203 (*)	<i>Agrostis, Dactylis, Festuca, xFestulolium, Lolium, Phalaris, Phleum and Poa</i> ’

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- (1) OJ L 193, 20.7.2002, p. 1.
- (2) OJ L 193, 20.7.2002, p. 33.
- (3) OJ L 191, 23.7.2009, p. 10.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 763/2013.