Commission Implementing Directive (EU) 2019/990 of 17 June 2019 amending the list of genera and species in Article 2(1)(b) of Council Directive 2002/55/EC, in Annex II to Council Directive 2008/72/EC and in the Annex to Commission Directive 93/61/EEC (Text with EEA relevance)

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2019/990

of 17 June 2019

amending the list of genera and species in Article 2(1)(b) of Council Directive 2002/55/EC, in Annex II to Council Directive 2008/72/EC and in the Annex to Commission Directive 93/61/EEC

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed[(1)], and in particular Article 2(2) thereof,

Having regard to Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material other than seed[(2)], and in particular Articles 1(3) and 22 thereof,

Having regard to Commission Directive 93/61/EEC of 2 July 1993 setting out the schedules indicating the conditions to be met by vegetable propagating and planting material, other than seed pursuant to Council Directive 92/33/EEC[(3)], and in particular Article 1 thereof,

Whereas:

(1) Directives 2002/55/EC and 2008/72/EC provide for the species they cover by way of a two-column table, one column listing the scientific name of the species and the other one listing one or several common names for each species.

(2) Certain varieties of vegetable species belong to species listed under their scientific names, but not to the types of varieties described by the common names. Therefore, it should be specified whether a variety is covered by the scope of Directives 2002/55/EC and 2008/72/EC.

(3) This specification should take into account the fact that, while some varieties of certain diverse vegetable species are marketed widely in the Union, others have nationally or regionally limited markets. It would thus not be appropriate to cover all varieties of those vegetable species. It should therefore be specified that for certain species all varieties are to be covered, while for certain other species only certain varieties should be covered.

(4) The International Code of Nomenclature for Cultivated Plants (ICNCP) introduced the formal category of ‘Group’ to classify varieties of cultivated species. The category of

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'Group' is a suitable instrument to define the varieties belonging to a certain species, which fall within the scope of Directives 2002/55/EC and 2008/72/EC.

(5) For the purpose of specifying whether all varieties of a vegetable species or only certain Groups are covered, the tables of species provided for in Directives 2002/55/EC and 2008/72/EC should be amended. The respective botanical names of vegetable species and the Group names belonging to them should be presented in a hierarchical order as to eliminate any possible ambiguity with respect to the scope of the varieties of the species concerned.

(6) The use of interspecific hybridisation and of intra-specific hybridisation of varieties can result in varieties of vegetable species that are not included into any established species or Group. In order to include such types of varieties in the scope of Directive 2002/55/EC, the list of species should include hybrids between species and Groups indicated in the list in point (b) of Article 2.1 of that Directive.

(7) The Groups indicated in the list in point (b) of Article 2.1 of Directive 2002/55/EC should also be reflected, where appropriate, in the lists in Annex II, point 3(a), and Annex III, point 2 of that Directive.

(8) Directives 2002/55/EC, 2008/72/EC and 93/61/EEC should therefore be amended accordingly.

(9) Moreover, Commission Directive 93/61/EEC implements Article 4 of Council Directive 92/33/EC[(4)], which has been repealed and replaced by Article 4 of Directive 2008/72/EC. The Annex to Directive 93/61/EEC establishes a schedule indicating the conditions to be met by vegetable propagating material listing those species and the harmful organisms liable to affect their quality.

(10) The botanical names of certain species in Directive 93/61/EEC should be updated in accordance with the development of scientific knowledge, as part of updating the respective schedule.

(11) 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

Amendments to Directive 2002/55/EC

Directive 2002/55/EC is amended in accordance with part A of the Annex to this Directive.

Article 2

Amendments to Directive 2008/72/EC

Annex II to Directive 2008/72/EC is replaced by the text set out in part B of the Annex to this Directive.

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Article 3

Amendments to Directive 93/61/EEC

The Annex of Directive 93/61/EEC is amended in accordance with part C of the Annex to this Directive.

Article 4

Transposition

Member States shall adopt and publish, by 30 June 2020, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof.

They shall apply those provisions from 1 July 2020.

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

Entry into force

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

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 17 June 2019.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

PART A

Directive 2002/55/EC is amended as follows:

(1) point (b) of Article 2(1) is replaced by the following:

Allium cepa L.
— Cepa Group (Onion, Echalion)
— Aggregatum Group (Shallot)
Allium fistulosum L. (Japanese bunching onion or Welsh onion)
— all varieties
Allium porrum L. (Leek)
— all varieties
Allium sativum L. (Garlic)
— all varieties
Allium schoenoprasum L. (Chives)
— all varieties
Anthriscus cerefolium (L.) Hoffm. (Chervil)
— all varieties
Apium graveolens L.
— Celery Group
— Celeriac Group
Asparagus officinalis L. (Asparagus)
— all varieties
Beta vulgaris L.
— Garden Beet Group (Beetroot including Cheltenham beet)
— Leaf Beet Group (Spinach beet or Chard)
Brassica oleracea L.
— Kale Group
— Cauliflower Group
— Capitata Group (Red cabbage and White cabbage)
— Brussel Sprouts Group
— Kohlrabi Group
— Savoy Cabbage Group
— Broccoli Group (calabrese type and sprouting type)
— Palm Kale Group
— Tronchuda Group (Portuguese cabbage)
Brassica rapa L.
— Chinese Cabbage Group
— Vegetable Turnip Group
Capsicum annuum L. (Chili or Pepper)
— all varieties
Cichorium endivia L. (Endive)
— all varieties
Cichorium intybus L.

— Witloof Chicory Group
— Leaf Chicory Group (Large-leaved chicory or Italian chicory)
— Industrial (Root) Chicory Group

Citrullus lanatus (Thunb.) Matsum. et Nakai (Watermelon)
— all varieties

Cucumis melo L. (Melon)
— all varieties

Cucumis sativus L.
— Cucumber Group
— Gherkin Group

Cucurbita maxima Duchesne (Gourd)
— all varieties

Cucurbita pepo L. (Marrow, including mature pumpkin and scallop squash, or Courgette, including immature scallop squash)
— all varieties

Cynara cardunculus L.
— Globe Artichoke Group
— Cardoon Group

Daucus carota L. (Carrot and Fodder Carrot)
— all varieties

Foeniculum vulgare Mill. (Fennel)
— Azoricum Group

Lactuca sativa L. (Lettuce)
— all varieties

Solanum lycopersicum L. (Tomato)
— all varieties

Petroselinum crispum (Mill.) Nyman ex A. W. Hill
— Leaf Parsley Group
— Root Parsley Group

Phaseolus coccineus L. (Runner bean)
— all varieties

Phaseolus vulgaris L.
— Dwarf French Bean Group
— Climbing French Bean Group

Pisum sativum L.
— Round Pea Group
— Wrinkled Pea Group
— Sugar Pea Group

Raphanus sativus L.
— Radish Group
— Black Radish Group

Rheum rhabarbarum L. (Rhubarb)
— all varieties

Scorzonera hispanica L. (Scorzonera or Black salsify)
— all varieties