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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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

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ANNEX

PART A

ANNEX **L**ist 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 protocolFestuca arundinacea Schreb.Tall fescueTP 39/1 of 1.10.2015Festuca filiformis Pourr.Fine-leaved sheep's fescueTP 67/1 of 23.6.2011Festuca ovina L.Sheep's fescueTP 67/1 of 23.6.2011Festuca pratensis Huds.Meadow fescueTP 39/1 of 1.10.2015Festuca rubra L.Red fescueTP 67/1 of 23.6.2011Festuca trachyphylla (Hack.) KrajinaHard fescueTP 67/1 of 23.6.2011Lolium multiflorum Lam.Italian ryegrassTP 4/1 of 23.6.2011Lolium perenne L.Perennial ryegrassTP 4/1 of 23.6.2011Lolium x hybridum Hausskn.Hybrid ryegrassTP 4/1 of 23.6.2011Pisum sativum L. (partim)Field peaTP 7/2 Rev. 2 of 15.3.2017Poa pratensis L.Smooth-stalked meadow grassTP 33/1 of 15.3.2017Vicia sativa L.Common vetchTP 32/1 of 19.4.2016Brassica napus L. var. napobrassica (L.) Rchb.SwedeTP 89/1 of 11.3.2015Raphanus sativus L. var. oleiformis Pers.Fodder radishTP 178/1 of 15.3.2017Brassica napus L. (partim)Swede rapeTP 36/2 of 16.11.2011Cannabis sativa L.HempTP 276/1 Partial rev. of 21.3.2018Glycine max (L.) Merr.Soya beanTP 80/1 of 15.3.2017Gossypium spp.CottonTP 88/1 of 19.4.2016Helianthus annuus L.SunflowerTP 81/1 of 31.10.2002Linum usitatissimum L.Flax/LinseedTP 57/2 of 19.3.2014Sinapis alba L.White mustardTP 179/1 of 15.3.2017Avena nuda L.Small naked oat, Hulless oatTP 20/2 of 1.10.2015Avena sativa L. (includes A. byzantina K. Koch)Oats and Red oatTP 20/2 of 1.10.2015Hordeum vulgare L.BarleyTP 19/4 of 1.10.2015Oryza sativa L.RiceTP 16/3 of 1.10.2015Secale cereale L.RyeTP 58/1 of 31.10.2002xTriticosecale Wittm. ex A. CamusHybrids resulting from the crossing of a species of the genus Triticum and a species of the genus SecaleTP 121/2 rev. 1 of 16.2.2011Triticum aestivum L.WheatTP 3/4 rev. 2 of 16.2.2011Triticum durum Desf.Durum wheatTP 120/3 of 19.3.2014Zea mays L. (partim)MaizeTP 2/3 of 11.3.2010Solanum tuberosum L.PotatoTP 23/3 of 15.3.2017

ANNEX **I**list of species referred to in Article 1(2)(b) which are to comply with UPOV test guidelinesThe text of these guidelines can be found on the UPOV web site (www.upov.int).Scientific nameCommon nameUPOV guidelineBeta vulgaris L.Fodder beetTG/150/3 of 4.11.1994Agrostis canina L.Velvet bentTG/30/6 of 12.10.1990Agrostis gigantea RothRed topTG/30/6 of 12.10.1990Agrostis stolonifera L.Creeping bent grassTG/30/6 of 12.10.1990Agrostis capillaris L.Brown topTG/30/6 of 12.10.1990Bromus catharticus VahlRescue grassTG/180/3 of 4.4.2001Bromus sitchensis Trin.Alaska brome grassTG/180/3 of 4.4.2001Dactylis glomerata L.CocksfootTG/31/8 of 17.4.2002xFestulolium Asch. et Graebn.Hybrids resulting from the crossing of a species of the genus Festuca with a species of the genus LoliumTG/243/1 of 9.4.2008Phleum nodosum L.Small timothyTG/34/6 of 7.11.1984Phleum pratense L.TimothyTG/34/6 of 7.11.1984Lotus corniculatus L.Birdsfoot trefoilTG 193/1 of 9.4.2008Lupinus albus L.White lupinTG/66/4 of 31.3.2004Lupinus angustifolius L.Narrow-leaved lupinTG/66/4 of 31.3.2004Lupinus luteus L.Yellow lupinTG/66/4 of 31.3.2004Medicago doliata Carmign.Straight-spined medicTG 228/1 of 5.4.2006Medicago italica (Mill.) FioriDisc medicTG 228/1 of 5.4.2006Medicago littoralis Rohde ex Loisel.Shore medic/Strand medicTG 228/1 of 5.4.2006Medicago lupulina L.TrefoilTG 228/1 of 5.4.2006Medicago murex Willd.Sphere medicTG 228/1 of 5.4.2006Medicago polymorpha L.Bur medicTG 228/1 of 5.4.2006Medicago rugosa Desr.Wrinkled medic/Gama medicTG 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