

Commission Implementing Directive 2013/57/EU of 20 November 2013 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 2013/57/EU

of 20 November 2013

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 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 and UPOV have since established further 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 Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

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 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 2014 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 2014 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 2014.

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, 20 November 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX

PART A

ANNEX List of species referred to in Article 1(2)(a) which are to comply with CPVO
I test protocolsThe text of these protocols can be found on the CPVO web site (www.cpvo.europa.eu).Scientific nameCommon nameCPVO protocolFestuca filiformis Pourr.Fine-leaved sheep's fescueTP 67/1 of 23.6.2011Festuca ovina L.Sheep's fescueTP 67/1 of 23.6.2011Festuca 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 boucheanum KunthHybrid ryegrassTP 4/1 of 23.6.2011Pisum sativum L.Field peaTP 7/2 of 11.3.2010Brassica napus L.Swede rapeTP 36/2 of 16.11.2011Cannabis sativa L.HempTP 276/1 of 28.11.2012Helianthus annuus L.SunflowerTP 81/1 of 31.10.2002Linum usitatissimum L.Flax/LinseedTP 57/1 of 21.3.2007Avena nuda L.Small naked oat, Hulless oatTP 20/1 of 6.11.2003Avena sativa L. (includes A. byzantina K. Koch)Oats and Red oatTP 20/1 of 6.11.2003Hordeum vulgare L.BarleyTP 19/3 of 21.3.2012Oryza sativa L.RiceTP 16/2 of 21.3.2012Secale 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 120/2 of 6.11.2003Zea mays L.MaizeTP 2/3 of 11.3.2010Solanum tuberosum L.PotatoTP 23/2 of 1.12.2005

ANNEX List of species referred to in Article 1(2)(b) which are to comply with
II 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 Roth.Red topTG/30/6 of 12.10.1990Agrostis stolonifera L.Creeping bentTG/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 17.4.2002Festuca arundinacea SchreberTall fescueTG/39/8 of 17.4.2002Festuca pratensis Huds.Meadow fescueTG/39/8 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 7.11.1984Poa pratensis L.Smooth-stalked meadow grassTG/33/6 of 12.10.1990Lotus 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 sativa L.LucerneTG/6/5 of 6.4.2005Medicago 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 17.4.2002Vicia sativa L.Common vetchTG/32/7 of 20.3.2013Brassica napus L. var. napobrassica (L.) Rchb.SwedeTG/89/6rev. of 4.4.2001 + 1.4.2009Raphanus sativus L. var. oleiformis Pers.Fodder radishTG/178/3 of 4.4.2001Arachis hypogea L.Groundnut/PeanutTG/93/3 of 13.11.1985Brassica rapa L. var. silvestris (Lam.) BriggsTurnip rapeTG/185/3 of 17.4.2002Carthamus tinctorius L.SafflowerTG/134/3 of 12.10.1990Gossypium spp.CottonTG/88/6 of 4.4.2001Papaver somniferum L.PoppyTG/166/3 of 24.3.1999Sinapis alba L.White

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mustardTG/179/3 of 4.4.2001Glycine max (L.) MerrillSoya beanTG/80/6 of 1.4.1998Sorghum bicolor (L.) MoenchSorghumTG/122/3 of 6.10.1989

PART B

ANNEX List of species referred to in Article 1(2)(a) which are to comply with CPVO test protocolsThe text of these protocols can be found on the CPVO web site (www.cpvo.europa.eu).Scientific nameCommon nameCPVO protocol

I
 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 198/1 of 1.4.2009Apium graveolens L.CeleryTP 82/1 of 13.3.2008Apium graveolens L.CeleriacTP 74/1 of 13.3.2008Asparagus officinalis L.AsparagusTP 130/2 of 16.2.2011Beta vulgaris L.Beetroot including Cheltenham beetTP 60/1 of 1.4.2009Brassica oleracea L.Curly kaleTP 90/1 of 16.2.2011Brassica oleracea L.CauliflowerTP 45/2 of 11.3.2010Brassica oleracea L.Sprouting broccoli or CalabreseTP 151/2 of 21.3.2007Brassica oleracea L.Brussels sproutsTP 54/2 of 1.12.2005Brassica oleracea L.KohlrabiTP 65/1 of 25.3.2004Brassica oleracea L.Savoy cabbage, White cabbage and Red cabbageTP 48/3 of 16.2.2011Brassica rapa L.Chinese cabbageTP 105/1 of 13.3.2008Capsicum annuum L.Chilli or PepperTP 76/2 of 21.3.2007Cichorium endivia L.Curled-leaved endive and Plain-leaved endiveTP 118/2 of 1.12.2005Cichorium intybus L.Industrial chicoryTP 172/2 of 1.12.2005Cichorium intybus L.Witloof chicoryTP 173/1 of 25.3.2004Citrullus lanatus (Thumb.) Matsum. et NakaiWatermelonTP 142/1 of 21.3.2007Cucumis melo L.MelonTP 104/2 of 21.3.2007Cucumis sativus L.Cucumber and GherkinTP 61/2 of 13.3.2008Cucurbita pepo L.Marrow or CourgetteTP 119/1 of 25.3.2004Cynara 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 13/5 of 16.2.2011Solanum Lycopersicum L.TomatoTP 44/4 rev. of 27.2.2013Petroselinum 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 of 11.3.2010Raphanus sativus L.Radish, Black radishTP 64/2 of 27.2.2013Solanum melongena L.Aubergine or Egg plantTP 117/1 of 13.3.2008Spinacia oleracea L.SpinachTP 55/5 of 27.2.2013Valerianella 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 11.3.2010

ANNEX 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 guideline

II
 Beta vulgaris L.Spinach beet or ChardTG/106/4 of 31.3.2004Brassica rapa L.TurnipTG/37/10 of 4.4.2001Cichorium intybus L.Large-leaved chicory or Italian chicoryTG/154/3 of 18.10.1996Cucurbita maxima DuchesneGourdTG/155/4rev. of 28.3.2007 + 1.4.2009Rheum rhabarbarum L.RhubarbTG/62/6 of 24.3.1999Scorzonera hispanica L.Scorzonera or Black salsifyTG/116/4 of 24.3.2010Solanum 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) FosbergTomato rootstocksTG/294/1 of 20.3.2013

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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](#)).