

Commission Directive 2005/91/EC of 16 December 2005 amending Directive 2003/90/EC 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 (Text with EEA relevance)

COMMISSION DIRECTIVE 2005/91/EC

of 16 December 2005

amending Directive 2003/90/EC 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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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,

Whereas:

- (1) Commission Directive 2003/90/EC⁽²⁾ was 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 and the minimum conditions for examining the varieties, as far as such guidelines had been established. For other varieties that Directive provides that the guidelines of the International Union for the Protection of New Varieties of Plants (UPOV) are to apply.
- (2) The CPVO has since established further guidelines for a number of other species.
- (3) Directive 2003/90/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:

Article 1

Annexes I and II to Directive 2003/90/EC are replaced by the text in the Annex to this Directive.

Article 2

For examinations started before 1 April 2006, Member States may decide to apply the text of Directive 2003/90/EC applying before its amendment by the present Directive.

*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After
IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

Article 3

Member States shall adopt and publish, by 31 March 2006 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 and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 April 2006.

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 4

This Directive shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 16 December 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

ANNEX I

List of species which shall comply with CPVO test guidelines

Species listed in the Common Catalogue	CPVO protocol
Field pea	Pea, TP 7/1 of 6.11.2003
Swede rape	Oilseed rape, TP 36/1 of 25.3.2004
Sunflower	Sunflower, TP 81/1 of 31.10.2002
Oats	Oats, TP 20/1 of 6.11.2003
Barley	Barley, TP 19/2 of 6.11.2003
Rice	Rice, TP 16/1 of 18.11.2004
Rye	Rye, TP 58/1 of 31.10.2002
Triticale	Triticale, TP 121/1 of 6.11.2003
Wheat	Wheat, TP 3/3 of 6.11.2003
Durum wheat	Durum wheat, TP120/2 of 6.11.2003
Maize	Maize, TP 2/2 of 15.11.2001
Potato	Potato, TP 23/1 of 27.3.2002

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

ANNEX II

List of species which shall comply with UPOV test guidelines

Species listed in the Common Catalogue	UPOV guidelines
Fodder beet	Fodder beet, guideline TG/150/3 of 4.11.1994
Velvet bent	Bent, guideline TG/30/6 of 12.10.1990
Red top	Bent, guideline TG/30/6 of 12.10.1990
Creeping bent	Bent, guideline TG/30/6 of 12.10.1990
Brown top	Bent, guideline TG/30/6 of 12.10.1990
Rescue grass	Rescue grass, guideline TG/180/3 of 4.4.2001
Alaska brome-grass	Alaska brome-grass, guideline TG/180/3 of 4.4.2001
Cocksfoot	Cocksfoot, guideline TG/31/8 of 17.4.2002
Tall fescue	Tall fescue, guideline TG/39/8 of 17.4.2002

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Sheep's fescue	Sheep's fescue, guideline TG/67/4 of 12.11.1980
Meadow fescue	Meadow fescue, guideline TG/39/8 of 17.4.2002
Red fescue	Red fescue, guideline TG/67/4 of 12.11.1980
Italian ryegrass	Ryegrass, guideline TG/4/7 of 12.10.1990
Perennial ryegrass	Ryegrass, guideline TG/4/7 of 12.10.1990
Hybrid ryegrass	Ryegrass, guideline TG/4/7 of 12.10.1990
Timothy	Timothy, guideline TG/34/6 of 7.11.1984
Smooth-stalked meadow grass	Kentucky bluegrass, guideline TG/33/6 of 12.10.1990
White lupin	White lupin, guideline TG/66/4 of 31.3.2004
Blue lupin	Blue lupin, guideline TG/66/4 of 31.3.2004
Yellow lupin	Yellow lupin, guideline TG/66/4 of 31.3.2004
Lucerne	Lucerne, guideline TG/6/5 of 6.4.2005
Red clover	Red clover, guideline TG/5/7 of 4.4.2001
White clover	White clover, guideline TG/38/7 of 9.4.2003
Field bean	Field bean, guideline TG/8/6 of 17.4.2002
Common vetch	Common vetch, guideline TG/32/6 of 21.10.1988
Swede	Swede, guideline 89/6 of 4.4.2001
Fodder radish	Fodder radish, guideline TG/178/3 of 4.4.2001
Groundnut/Peanut	Groundnut, guideline TG/93/3 of 13.11.1985
Turnip rape	Turnip rape, guideline TG/185/3 of 17.4.2002
Safflower	Safflower, guideline TG/134/3 of 12.10.1990
Cotton	Cotton, guideline TG/88/6 of 4.4.2001
Flax/Linseed	Flax/Linseed, guideline TG/57/6 of 20.10.1995
Opium poppy	Opium/Seed poppy, guideline TG/166/3 of 24.3.1999
White mustard	White mustard, guideline TG/179/3 of 4.4.2001
Soya bean	Soya bean, guideline TG/80/6 of 1.4.1998
Sorghum	Sorghum, guideline TG/122/3 of 6.10.1989

The text of these guidelines can be found on the UPOV web site (www.upov.int).

*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After
IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

- (1) [OJ L 193, 20.7.2002, p. 1](#). Directive as amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council ([OJ L 268, 18.10.2003, p. 1](#)).
- (2) [OJ L 254, 8.10.2003, p. 7](#).