

Commission Implementing Directive (EU) 2019/1985 of 28 November 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) 2019/1985

of 28 November 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<sup>(1)</sup>, 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<sup>(2)</sup>, and in particular Article 7(2)(a) and (b) thereof,

Whereas:

- (1) Commission Directives 2003/90/EC<sup>(3)</sup> and 2003/91/EC<sup>(4)</sup> 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 Commission Implementing Directive (EU) 2019/114<sup>(5)</sup>, the CPVO has established further protocols and has 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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UK legislation. After exit day no further amendments will be applied to this version.

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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 June 2020 Member States may apply Directives 2003/90/EC and 2003/91/EC in the versions applying before their amendment by this Directive.

### *Article 4*

Member States shall adopt and publish, by 31 May 2020, 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 June 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*

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, 28 November 2019.

*For the Commission*

*The President*

Jean-Claude JUNCKER

## ANNEX

### PART A

#### ‘ANNEX I

#### **List of species referred to in Article 1(2)(a) which are to comply with CPVO technical protocols<sup>(6)</sup>**

Scientific name	Common name	CPVO protocol
<i>Festuca arundinacea</i> Schreb.	Tall fescue	TP 39/1 of 1.10.2015
<i>Festuca filiformis</i> Pourr.	Fine-leaved sheep's fescue	TP 67/1 of 23.6.2011
<i>Festuca ovina</i> L.	Sheep's fescue	TP 67/1 of 23.6.2011
<i>Festuca pratensis</i> Huds.	Meadow fescue	TP 39/1 of 1.10.2015
<i>Festuca rubra</i> L.	Red fescue	TP 67/1 of 23.6.2011
<i>Festuca trachyphylla</i> (Hack.) Krajina	Hard fescue	TP 67/1 of 23.6.2011
<i>Lolium multiflorum</i> Lam.	Italian ryegrass	TP 4/2 of 19.3.2019
<i>Lolium perenne</i> L.	Perennial ryegrass	TP 4/2 of 19.3.2019
<i>Lolium x hybridum</i> Hausskn.	Hybrid ryegrass	TP 4/2 of 19.3.2019
<i>Pisum sativum</i> L. (partim)	Field pea	TP 7/2 Rev. 2 of 15.3.2017
<i>Poa pratensis</i> L.	Smooth-stalked meadow grass	TP 33/1 of 15.3.2017
<i>Vicia faba</i> L.	Field bean	TP/8/1 of 19.3.2019
<i>Vicia sativa</i> L.	Common vetch	TP 32/1 of 19.4.2016
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Swede	TP 89/1 of 11.3.2015
<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.	Fodder radish	TP 178/1 of 15.3.2017
<i>Brassica napus</i> L. (partim)	Swede rape	TP 36/2 of 16.11.2011
<i>Cannabis sativa</i> L.	Hemp	TP 276/1 Partial rev. of 21.3.2018
<i>Glycine max</i> (L.) Merr.	Soya bean	TP 80/1 of 15.3.2017
<i>Gossypium</i> spp.	Cotton	TP 88/1 of 19.4.2016
<i>Helianthus annuus</i> L.	Sunflower	TP 81/1 of 31.10.2002
<i>Linum usitatissimum</i> L.	Flax/Linseed	TP 57/2 of 19.3.2014
<i>Sinapis alba</i> L.	White mustard	TP 179/1 of 15.3.2017
<i>Avena nuda</i> L.	Small naked oat, Hulless oat	TP 20/2 of 1.10.2015

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<i>Avena sativa</i> L. (includes <i>A. byzantina</i> K. Koch)	Oats and Red oat	TP 20/2 of 1.10.2015
<i>Hordeum vulgare</i> L.	Barley	TP 19/5 of 19.3.2019
<i>Oryza sativa</i> L.	Rice	TP 16/3 of 1.10.2015
<i>Secale cereale</i> L.	Rye	TP 58/1 of 31.10.2002
<i>Sorghum bicolor</i> (L.) Moench	Sorghum	TP 122/1 of 19.3.2019
<i>Sorghum sudanense</i> (Piper) Stapf.	Sudan grass	TP 122/1 of 19.3.2019
<i>Sorghum bicolor</i> (L.) Moench x <i>Sorghum sudanense</i> (Piper) Stapf	Hybrids resulting from the crossing of <i>Sorghum bicolor</i> and <i>Sorghum sudanense</i>	TP 122/1 of 19.3.2019
<i>xTriticosecale</i> Wittm. ex A. Camus	Hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>	TP 121/2 rev. 1 of 16.2.2011
<i>Triticum aestivum</i> L.	Wheat	TP 3/5 of 19.3.2019
<i>Triticum durum</i> Desf.	Durum wheat	TP 120/3 of 19.3.2014
<i>Zea mays</i> L. (partim)	Maize	TP 2/3 of 11.3.2010
<i>Solanum tuberosum</i> L.	Potato	TP 23/3 of 15.3.2017

## ANNEX II

### List of species referred to in Article 1(2)(b) which are to comply with UPOV test guidelines<sup>(7)</sup>

Scientific name	Common name	UPOV guideline
<i>Beta vulgaris</i> L.	Fodder beet	TG/150/3 of 4.11.1994
<i>Agrostis canina</i> L.	Velvet bent	TG/30/6 of 12.10.1990
<i>Agrostis gigantea</i> Roth	Red top	TG/30/6 of 12.10.1990
<i>Agrostis stolonifera</i> L.	Creeping bent grass	TG/30/6 of 12.10.1990
<i>Agrostis capillaris</i> L.	Brown top	TG/30/6 of 12.10.1990
<i>Bromus catharticus</i> Vahl	Rescue grass	TG/180/3 of 4.4.2001
<i>Bromus sitchensis</i> Trin.	Alaska brome grass	TG/180/3 of 4.4.2001
<i>Dactylis glomerata</i> L.	Cocksfoot	TG/31/8 of 17.4.2002
<i>xFestulolium</i> Asch. et Graebn.	Hybrids resulting from the crossing of a species of the genus <i>Festuca</i> with a species of the genus <i>Lolium</i>	TG/243/1 of 9.4.2008
<i>Phleum nodosum</i> L.	Small timothy	TG/34/6 of 7.11.1984