COMMISSION DIRECTIVE 2002/8/EC
of 6 February 2002
amending Directives 72/168/EEC and 72/180/EEC concerning the characteristics and minimum conditions for examining vegetable and agricultural varieties respectively

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,


Having regard to Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed (3), as last amended by Directive 98/96/EC, and in particular Article 7(2) thereof,

Whereas:

(1) Commission Directives 72/168/EEC of 14 April 1972 on determining the characteristics and minimum conditions for inspecting vegetable varieties (4) and 72/180/EEC of 14 April 1972 determining the characteristics and minimum conditions for examining agricultural varieties (5) have established, with a view to official acceptance of the varieties in the Member States’ catalogues, the characteristics to be covered as a minimum by the examinations of the various species, as well as the minimum requirements for carrying out the examinations.

(2) Test guidelines relating to the examinations have recently been issued by the Administrative Council of the Community Plant Variety Office established by Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (6), as amended by Regulation (EC) No 2506/95 (7), in respect of certain species.

(3) It is necessary to establish consistency between the test guidelines, on the one hand, and the determination of the characteristics to be covered as a minimum by the examinations of the species and also the minimum requirements for carrying out those examinations, on the other.

(4) Directives 72/168/EEC and 72/180/EEC should therefore be amended accordingly.

(5) The new provisions should also apply to the varieties which have not been accepted by 31 March 2002 for inclusion in the common catalogues.

(6) 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

Directive 72/168/EEC is hereby amended as follows:

1. Article 1 is replaced by the following:

‘Article 1

1. Member States shall provide that the official examinations carried out for the acceptance of varieties shall cover at least the following characteristics:


All the characteristics shall be referred to, providing that observation of a characteristic is not rendered impossible by the expression of any other characteristic, and providing that the expression of a characteristic is not prevented by the environmental conditions under which the test is conducted. This provision is without prejudice to the application of provisions governing vegetable varieties.

(b) for other vegetable species, those characteristics listed in Annex I.

2. Member States shall ensure that:

(a) in respect of the vegetable species listed in point (a) of paragraph 1, the minimum requirements for carrying out the examinations in respect of trial design and growing conditions, as laid down in the test guideline referred to in paragraph 1, point (a), are fulfilled at the time of the examinations;

(b) in respect of other vegetable species, the minimum requirements for carrying out the examinations, as listed in Annex II, are fulfilled at the time of the examinations.

2. In Annex I, points 2, 9, 12, 13, 14, 26, 29 and 33 are deleted.

3. In Annex II, Part A, points 2, 9, 12, 13, 14, 26, 29 and 33 are deleted.

**Article 2**

Directive 72/180/EEC is hereby amended as follows.

1. Article 1 is replaced by the following:

   'Article 1

   1. Member States shall provide that the official examinations carried out for the acceptance of varieties shall cover at least the following characteristics:

   (a) in respect of the characteristics as regards the examination of distinctness, stability and uniformity:


      All the characteristics shall be referred to, providing that observation of a characteristic is not rendered impossible by the expression of any other characteristic, and providing that the expression of a characteristic is not prevented by the environmental conditions under which the test is conducted. This provision is without prejudice to the application of provisions governing agricultural varieties.

      (ii) for other agricultural plant species, those characteristics listed in Annex I, Part A;

   (b) in respect of the characteristics as regards the examination of the value for cultivation and use, those listed in Annex I, Part B.

2. Member States shall ensure that:

   (a) in respect of wheat (*Triticum aestivum* L.) and maize (*Zea mays* L.), the minimum requirements for carrying out the examinations in respect of trial design and growing conditions, as laid down in the test guidelines referred to in paragraph 1, point (a), under (i), are fulfilled at the time of the examinations;

   (b) in respect of other agricultural plant species, the minimum requirements for carrying out the examinations, as listed in Annex II, are fulfilled at the time of the examinations.

   (*) OJ L 227, 1.9.1994, p. 1.'