

**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,

*Article 2*

Having regard to the Treaty establishing the European Community,

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.

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,

*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.

Whereas:

They shall apply those provisions from 1 April 2006.

(1) Commission Directive 2003/90/EC<sup>(2)</sup> 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.

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.

(2) The CPVO has since established further guidelines for a number of other species.

*Article 4*

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

(3) Directive 2003/90/EC should therefore be amended accordingly.

*Article 5*

This Directive is addressed to the Member States.

(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:

Done at Brussels, 16 December 2005.

*Article 1*

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

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 254, 8.10.2003, p. 7.

## 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](http://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         |
| 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               |

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| Species listed in the Common Catalogue | UPOV guidelines                                   |
|--|---|
| 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          |

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The text of these guidelines can be found on the UPOV web site ([www.upov.int](http://www.upov.int)).

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