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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

(Text with EEA relevance)

(OJ L 254, 8.10.2003, p. 11)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Directive 2006/127/EC of 7 December 2006	L 343	82	8.12.2006
►M2	Commission Directive 2007/49/EC of 26 July 2007	L 195	33	27.7.2007
►M3	Commission Directive 2008/83/EC of 13 August 2008	L 219	55	14.8.2008
►M4	Commission Directive 2009/97/EC of 3 August 2009	L 202	29	4.8.2009
►M5	Commission Directive 2010/46/EU of 2 July 2010	L 169	7	3.7.2010
►M6	Commission Implementing Directive 2011/68/EU of 1 July 2011	L 175	17	2.7.2011
►M7	Commission Implementing Directive 2012/44/EU of 26 November 2012	L 327	37	27.11.2012
►M8	Commission Implementing Directive 2013/57/EU of 20 November 2013	L 312	38	21.11.2013
►M9	Commission Implementing Directive 2014/105/EU of 4 December 2014	L 349	44	5.12.2014
►M10	Commission Implementing Directive (EU) 2015/1168 of 15 July 2015	L 188	39	16.7.2015
►M11	Commission Implementing Directive (EU) 2016/1914 of 31 October 2016	L 296	7	1.11.2016
►M12	Commission Implementing Directive (EU) 2018/100 of 22 January 2018	L 17	34	23.1.2018
►M13	Commission Implementing Directive (EU) 2019/114 of 24 January 2019	L 23	35	25.1.2019
►M14	Commission Implementing Directive (EU) 2019/1985 of 28 November 2019	L 308	86	29.11.2019
►M15	Commission Implementing Directive (EU) 2021/746 of 6 May 2021	L 160	94	7.5.2021

►**M16**	Commission Implementing Directive (EU) 2022/905 of 9 June 2022	L 157	1	10.6.2022
►**M17**	Commission Implementing Directive (EU) 2022/1648 of 23 September 2022	L 248	52	26.9.2022
►**M18**	Commission Implementing Directive (EU) 2023/1438 of 10 July 2023	L 176	17	11.7.2023
►**M19**	Commission Implementing Directive (EU) 2024/2963 of 29 November 2024	L 2963	1	2.12.2024
►**M20**	Commission Implementing Directive (EU) 2025/1079 of 2 June 2025	L 1079	1	3.6.2025
►**M21**	Commission Implementing Directive (EU) 2025/2449 of 4 December 2025	L 2449	1	5.12.2025

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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

(Text with EEA relevance)

Article 1

1. Member States shall provide for the inclusion in a national catalogue within the meaning of Article 3(2) of Directive 2002/55/EC of varieties of vegetable species which fulfil the requirements set out in paragraph 2.

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2. As regards distinctness, uniformity and stability:

(a) the species listed in Annex I shall comply with the conditions laid down in the ‘Protocols for distinctness, uniformity and stability tests’ of the Administrative Council of the Community Plant Variety Office (CPVO) listed in that Annex;

(b) the species listed in Annex II shall comply with the test guidelines for the conduct of tests for distinctness, uniformity and stability of the International Union for the Protection of New Varieties of Plants (UPOV) listed in that Annex.

By way of derogation from the first subparagraph, as regards uniformity, the organic varieties suitable for organic production, which belong to the species listed in Annex III, Part A, may comply instead with the conditions listed in Part B of that Annex.

Member States shall report, to the Commission and the other Member States, by 31 December of each year, until 31 December 2030, on the number of applications for variety registrations and results of the examinations for distinctness, uniformity and stability (DUS) concerning those organic varieties.

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Article 2

All the varietal characteristics within the meaning of Article 1(2)(a), and any characteristics which are marked by an asterisk (*) in the test guidelines referred to in Article 1(2)(b) shall be used, providing that observation of a characteristic is not rendered impossible by the expression of any other characteristics, and providing that the expression of a characteristic is not prevented by the environmental conditions under which the test is conducted.

Article 3

Member States shall ensure that in respect of the species listed in Annexes I and II, the minimum requirements for carrying out the examinations in respect of trial design and growing conditions, as laid down

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in the test guidelines referred to in those Annexes are fulfilled at the time of the examinations.*Article 4*

Directive 72/168/EEC is repealed.

Article 5

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 31 March 2004 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall 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. Member States shall communicate to the Commission the text of the main provisions of domestic law they adopt in the field covered by this Directive.

Article 6

1. Where, on the entry into force of this Directive, varieties have not been accepted for inclusion in the Common Catalogue of varieties of vegetable species, and official examinations started prior to that date in accordance with the provisions of either

(a) Directive 72/168/EEC or

(b) the CPVO guidelines listed in Annex I or the UPOV guidelines listed in Annex II, according to the species,

the varieties concerned shall be deemed to fulfil the requirements of this Directive.

2. Paragraph 1 shall only apply where the trials lead to the conclusion that the varieties comply with the rules set out in either

(a) Directive 72/168/EEC or

(b) the CPVO guidelines listed in Annex I or the UPOV guidelines listed in Annex II, according to the species.

Article 7

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

Article 8

This Directive is addressed to the Member States.

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ANNEX I

List of species referred to in Article 1(2), point (a), which are to comply with CPVO technical protocols [1]

Scientific name	Common name	CPVO protocol
Allium cepa L. (Cepa group)	Onion and Echalion	TP 46/2 of 1.4.2009
Allium cepa L. (Aggregatum group)	Shallot	TP 46/2 of 1.4.2009
Allium fistulosum L.	Japanese bunching onion or Welsh onion	TP 161/1 of 11.3.2010
Allium porrum L.	Leek	TP 85/2 of 1.4.2009
Allium sativum L.	Garlic	TP 162/2 of 30.5.2023
Allium schoenoprasum L.	Chives	TP 198/2 of 11.3.2015
Apium graveolens L.	Celery	TP 82/1 of 13.3.2008
Apium graveolens L.	Celeriac	TP 74/1 of 13.3.2008
Asparagus officinalis L.	Asparagus	TP 130/2 Rev. of 3.1.2025
Beta vulgaris L.	Beetroot including Cheltenham beet	TP 60/1 of 1.4.2009
Beta vulgaris L.	Spinach beet or Chard	TP 106/2 of 14.4.2021
Brassica oleracea L.	Kale group	TP 90/2 of 23.4.2025
Brassica oleracea L.	Cauliflower	TP 45/2 Rev. 3 of 11.4.2024
Brassica oleracea L.	Broccoli (sprouting type and calabrese type)	TP 151/2 Rev. 3 Corr. of 11.4.2024
Brassica oleracea L.	Brussels sprouts	TP 54/2 Rev. 2 of 11.4.2024
Brassica oleracea L.	Kohlrabi	TP 65/2 rev. of 11.4.2024
Brassica oleracea L.	Savoy cabbage	TP 48/3 Rev. 3 of 11.4.2024
Brassica oleracea L.	Capitata (white cabbage and red cabbage)	TP 48/3 Rev. 3 of 11.4.2024
Brassica oleracea L.	Palm kale group	TP 90/2 of 23.4.2025
Brassica oleracea L.	Tronchuda group (Portuguese cabbage)	TP 90/2 of 23.4.2025
Brassica rapa L.	Chinese cabbage	TP 105/2 of 23.4.2025
Capsicum annuum L.	Chilli or Pepper	TP 76/3 of 31.3.2025
Cichorium endivia L.	Curled-leaved endive and Plain-leaved endive	TP 118/3 of 19.3.2014
Cichorium intybus L.	Industrial chicory	TP 172/2 Rev. of 28.1.2025
Cichorium intybus L.	Leaf chicory	TP 154/2 Rev. of 31.3.2023
Cichorium intybus L.	Witloof chicory	TP 173/2 of 21.3.2018
Citrullus lanatus (Thunb.) Matsum. et Nakai	Watermelon	TP 142/2 Rev. 3 of 29.2.2024
Cucumis melo L.	Melon	TP 104/2 Rev. 3 of 31.3.2025

[1] The text of these protocols can be found on the CPVO web site (www.cpvo.europa.eu).

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Scientific name	Common name	CPVO protocol
Cucumis sativus L.	Cucumber and Gherkin	TP 61/2 Rev. 3 of 3.1.2025
Cucurbita maxima Duchesne	Gourd	TP 155/1 of 11.3.2015
Cucurbita pepo L.	Marrow or Courgette	TP 119/1 Rev. 2 of 31.3.2025
Cynara cardunculus L.	Globe artichoke and Cardoon	TP 184/2 Rev. of 6.3.2020
Daucus carota L.	Carrot and Fodder carrot	TP 49/3 Corr. of 13.3.2008
Foeniculum vulgare Mill.	Fennel	TP 183/2 of 14.4.2021
Lactuca sativa L.	Lettuce	TP 13/6 Rev. 5 of 3.1.2025
Solanum lycopersicum L.	Tomato	TP 44/5 of 23.4.2025
Petroselinum crispum (Mill.) Nyman ex A. W. Hill	Parsley	TP 136/1 Corr. of 21.3.2007
Phaseolus coccineus L.	Runner bean	TP 9/1 of 21.3.2007
Phaseolus vulgaris L.	Dwarf French bean and Climbing French bean	TP 12/4 of 27.2.2013
Pisum sativum L. (partim)	Wrinkled pea, Round pea and Sugar pea	TP 7/2 Rev. 3 Corr. of 6.3.2020
Raphanus sativus L.	Radish, Black radish	TP 64/2 Rev. 2 of 29.2.2024
Rheum rhabarbarum L	Rhubarb	TP 62/1 of 19.4.2016
Scorzonera hispanica L.	Scorzonera or Black salsify	TP 116/1 of 11.3.2015
Solanum melongena L.	Aubergine or Egg plant	TP 117/1 of 13.3.2008
Spinacia oleracea L.	Spinach	TP 55/5 Rev. 5 of 23.4.2025
Valerianella locusta (L.) Laterr.	Corn salad or Lamb's lettuce	TP 75/2 rev. of 29.2.2024
Vicia faba L. (partim)	Broad bean	TP 206/1 of 25.3.2004
Zea mays L. (partim)	Sweet corn and Pop corn	TP 2/3 of 11.3.2010
Solanum habrochaites S. Knapp & D.M. Spooner*; Solanum lycopersicum* L. x *Solanum habrochaites* S. Knapp & D.M. Spooner*; Solanum lycopersicum* L. x *Solanum peruvianum* (L.) Mill.*; Solanum pimpinellifolium* L. x *Solanum habrochaites* S. Knapp & D.M. Spooner	Tomato rootstocks	TP 294/1 Rev. 6 of 29.2.2024
Cucurbita maxima Duchesne x *Cucurbita moschata* Duchesne	Interspecific hybrids of *Cucurbita maxima* Duchesne x *Cucurbita moschata* Duchesne for use as rootstocks	TP 311/1 of 15.3.2017

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ANNEX II

List of species referred to in Article 1(2), point (b), which are to comply with UPOV test guidelines (*)

Scientific name	Common name	UPOV guideline
Brassica rapa L	Ternip	TG/37/11 of 23.9.2022

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

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ANNEX III

PART A

List of species referred to in the second subparagraph of Article 1(2)

Carrot

Kohlrabi

PART B

Specific provisions concerning tests for distinctness, uniformity and stability for organic varieties of vegetable species suitable for organic production

1. **General rule**

The following shall apply to organic varieties of vegetable species suitable for organic production

1.1. As regards distinctness and stability, all characteristics of the protocols and guidelines referred to in Annexes I and II shall be observed and described.

1.2. As regards uniformity, all characteristics of the protocols and guidelines referred to in Annexes I and II shall be observed and described and the following shall apply to the characteristics listed under point 2:

(a) those characteristics may be assessed in a less stringent way;

(b) where for those characteristics a derogation from the respective technical protocol is provided for in that point 2, the level of uniformity within the variety shall be similar to the level of uniformity of comparable varieties of common knowledge in the Union.

2. **Derogation from technical protocols**

2.1. Carrot

For the varieties belonging to species carrot (*Daucus carota* L.) the following DUS characteristics of the CPVO protocol CPVO-TP/049/3 of the tested variety may deviate from the following DUS requirements for uniformity:

CPVO No 4 – Leaf: division

CPVO No 5 – Leaf: intensity of green colour

CPVO No 19 – Root: diameter of core relative to total diameter

CPVO No 20 – Root: colour of core

CPVO No 21 – Excluding varieties with white core; Root: intensity of colour of core

CPVO No 28 – Root: time of coloration of tip

CPVO No 29 – Plant: height of primary umbel at time of its flowering

2.2. Kohlrabi

For the varieties belonging to species kohlrabi (*Brassica oleracea* L.) the following DUS characteristics of the CPVO protocol CPVO-TP/065/1 Rev. of the tested variety may deviate from the following DUS requirements for uniformity of the respective CPVO technical protocol:

CPVO No 2 – Seedling: intensity of green coloration of cotyledons

CPVO No 6 – Petiole: attitude

CPVO No 8 – Leaf blade: length

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CPVO No 9 – Leaf blade: width

CPVO No 10 – Leaf blade: shape of apex

CPVO No 11 – Leaf blade: division to midrib (on lower part of leaf)

CPVO No 12 – Leaf blade: number of margin incisions (on upper part of leaf)

CPVO No 13 – Leaf blade: depth of margin incision (on upper part of leaf)

CPVO No 14 – Leaf blade: shape in cross section

CPVO No 19 – Kohlrabi: number of inner leave.