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COMMISSION DIRECTIVE 2003/90/EC

of 6 October 2003

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)

(OJ L 254, 8.10.2003, p. 7)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Directive 2005/91/EC of 16 December 2005	L 331	24	17.12.2005
►M2	Commission Directive 2007/48/EC of 26 July 2007	L 195	29	27.7.2007
►M3	Commission Directive 2009/97/EC of 3 August 2009	L 202	29	4.8.2009
►M4	Commission Directive 2010/46/EU of 2 July 2010	L 169	7	3.7.2010
►M5	Commission Implementing Directive 2011/68/EU of 1 July 2011	L 175	17	2.7.2011
►M6	Commission Implementing Directive 2012/8/EU of 2 March 2012	L 64	9	3.3.2012
►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

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COMMISSION DIRECTIVE 2003/90/EC

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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)

Article 1

1. Member States shall provide for the inclusion in a national catalogue, within the meaning of Article 3(1) of Directive 2002/53/EC, of varieties of agricultural plant species which fulfil the requirements set out in paragraphs 2 and 3.

2. As regards distinctness, stability and uniformity:

(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.

3. As regards the value for cultivation or use, the varieties shall comply with the conditions laid down in Annex III, without prejudice to Article 4(2) of the Directive.

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 in the test guidelines referred to in those Annexes, are fulfilled at the time of the examinations.

Article 4

Directive 72/180/EEC is repealed.

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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 agricultural plant species, and official examinations started prior to that date in accordance with the provisions of either

(a) Directive 72/180/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 72/180/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)(a), which are to comply with CPVO technical protocols [1]

Scientific name	Common name	CPVO protocol
Festuca arundinacea Schreb.	Tall fescue	TP 39/1 of 1.10.2015
Festuca filiformis Pourr.	Fine-leaved sheep's fescue	TP 67/1 of 23.6.2011
Festuca ovina L.	Sheep's fescue	TP 67/1 of 23.6.2011
Festuca pratensis Huds.	Meadow fescue	TP 39/1 of 1.10.2015
Festuca rubra L.	Red fescue	TP 67/1 of 23.6.2011
Festuca trachyphylla (Hack.) Hack.	Hard fescue	TP 67/1 of 23.6.2011
Lolium multiflorum Lam.	Italian ryegrass	TP 4/2 of 19.3.2019
Lolium perenne L.	Perennial ryegrass	TP 4/2 of 19.3.2019
Lolium x *hybridum* Hausskn.	Hybrid ryegrass	TP 4/2 of 19.3.2019
Pisum sativum L. (partim)	Field pea	TP 7/2 Rev. 3 of 6.3.2020
Poa pratensis L.	Smooth-stalked meadow grass	TP 33/1 of 15.3.2017
Vicia faba L.	Field bean	TP 8/1 of 19.3.2019
Vicia sativa L.	Common vetch	TP 32/1 of 19.4.2016
Brassica napus L. var. *napobrassica* (L.) Rchb.	Swede	TP 89/1 of 11.3.2015
Raphanus sativus L. var. *oleiformis* Pers.	Fodder radish	TP 178/1 of 15.3.2017
Brassica napus L. (partim)	Swede rape	TP 36/3 of 21.4.2020
Cannabis sativa L.	Hemp	TP 276/1 Partial Rev. of 21.3.2018
Glycine max (L.) Merr.	Soya bean	TP 80/1 of 15.3.2017
Gossypium spp.	Cotton	TP 88/2 of 11.12.2020
Helianthus annuus L.	Sunflower	TP 81/1 of 31.10.2002
Linum usitatissimum L.	Flax/Linseed	TP 57/2 of 19.3.2014
Sinapis alba L.	White mustard	TP 179/1 of 15.3.2017
Avena nuda L.	Small naked oat, Hulless oat	TP 20/3 of 6.3.2020
Avena sativa L. (includes *A. byzantina* K. Koch)	Oats and Red oat	TP 20/3 of 6.3.2020
Hordeum vulgare L.	Barley	TP 19/5 of 19.3.2019
Oryza sativa L.	Rice	TP 16/3 of 1.10.2015
Secale cereale L.	Rye	TP 58/1 of 31.10.2002
Sorghum bicolor (L.) Moench subsp. *bicolor*	Sorghum	TP 122/1 of 19.3.2019
Sorghum bicolor (L.) Moench subsp. *drummondii* (Steud.) de Wet ex Davidse	Sudan grass	TP 122/1 of 19.3.2019
Sorghum bicolor (L.) Moench subsp. *bicolor* x *Sorghum bicolor* (L.) Moench subsp. *drummondii* (Steud.) de Wet ex Davidse	Hybrids resulting from the crossing of *Sorghum bicolor* subsp. *bicolor* and *Sorghum bicolor* subsp. *drummondii*	TP 122/1 of 19.3.2019
xTriticosecale Wittm. ex A. Camus	Hybrids resulting from the crossing of a species of the genus *Triticum* and a species of the genus *Secale*	TP 121/2 Rev. 1 of 16.2.2011
Triticum aestivum L. subsp. *aestivum*	Wheat	TP 3/5 of 19.3.2019
Triticum turgidum L. subsp. *durum* (Desf.) van Slageren	Durum wheat	TP 120/3 of 19.3.2014
Zea mays L. (partim)	Maize	TP 2/3 of 11.3.2010
Solanum tuberosum L.	Potato	TP 23/3 of 15.3.2017

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

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ANNEX II

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

Scientific name	Common name	UPOV guideline
Beta vulgaris L.	Fodder beet	TG/150/3 of 4.11.1994
Agrostis canina L.	Velvet bent	TG/30/6 of 12.10.1990
Agrostis gigantea Roth	Red top	TG/30/6 of 12.10.1990
Agrostis stolonifera L.	Creeping bent grass	TG/30/6 of 12.10.1990
Agrostis capillaris L.	Brown top	TG/30/6 of 12.10.1990
Bromus catharticus Vahl	Rescue grass	TG/180/3 of 4.4.2001
Bromus sitchensis Trin.	Alaska brome grass	TG/180/3 of 4.4.2001
Dactylis glomerata L.	Cocksfoot	TG/31/8 of 17.4.2002
xFestulolium Asch. et Graebn.	Hybrids resulting from the crossing of a species of the genus *Festuca* with a species of the genus *Lolium*	TG/243/1 of 9.4.2008
Phleum nodosum L.	Small timothy	TG/34/7 of 17.12.2020
Phleum pratense L.	Timothy	TG/34/7 of 17.12.2020
Lotus corniculatus L.	Birdsfoot trefoil	TG 193/1 of 9.4.2008
Lupinus albus L.	White lupin	TG/66/4 of 31.3.2004
Lupinus angustifolius L.	Narrow-leaved lupin	TG/66/4 of 31.3.2004
Lupinus luteus L.	Yellow lupin	TG/66/4 of 31.3.2004
Medicago doliata Carmign.	Straight-spined medic	TG/228/1 of 5.4.2006
Medicago italica (Mill.) Fiori	Disc medic	TG/228/1 of 5.4.2006
Medicago littoralis Rohde ex Loisel.	Shore medic/Strand medic	TG/228/1 of 5.4.2006
Medicago lupulina L.	Trefoil	TG/228/1 of 5.4.2006
Medicago murex Willd.	Sphere medic	TG/228/1 of 5.4.2006
Medicago polymorpha L.	Bur medic	TG/228/1 of 5.4.2006
Medicago rugosa Desr.	Wrinkled medic/Gama medic	TG/228/1 of 5.4.2006
Medicago sativa L.	Lucerne	TG/6/5 of 6.4.2005
Medicago scutellata (L.) Mill.	Snail medic/Shield medic	TG/228/1 of 5.4.2006
Medicago truncatula Gaertn.	Barrel medic	TG/228/1 of 5.4.2006
Medicago x *varia* T. Martyn	Sand lucerne	TG/6/5 of 6.4.2005
Trifolium pratense L.	Red clover	TG/5/8 of 17.12.2020
Trifolium repens L.	White clover	TG/38/7 of 9.4.2003
Trifolium subterraneum L.	Subterranean clover	TG/170/3 of 4.4.2001
Phacelia tanacetifolia Benth.	California Bluebell	TG/319/1 of 5.4.2017
Arachis hypogaea L.	Groundnut/Peanut	TG/93/4 of 9.4.2014
Brassica juncea (L.) Czern	Brown mustard	TG/335/1 of 17.12.2020
Brassica rapa L. var. *silvestris* (Lam.) Briggs	Turnip rape	TG/185/3 of 17.4.2002
Carthamus tinctorius L.	Safflower	TG/134/3 of 12.10.1990
Papaver somniferum L.	Poppy	TG/166/4 of 9.4.2014

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

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ANNEX III

CHARACTERISTICS AS REGARDS THE EXAMINATION OF THE VALUE FOR CULTIVATION OR USE

1. Yield.

2. Resistance to harmful organisms.

3. Behaviour with respect to factors in the physical environment.

4. Quality characteristics.

The methods used shall be specified when the results are submitted.