

**COMMISSION DIRECTIVE 2008/83/EC****of 13 August 2008****amending Directive 2003/91/EC 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)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Having regard to the Treaty establishing the European Community,

Annexes I and II to Directive 2003/91/EC are replaced by the text in the Annex to this Directive.

*Article 2*Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed <sup>(1)</sup>, and in particular Article 7(2)(a) and (b) thereof,

For examinations started before 1 November 2008 Member States may apply Directive 2003/91/EC in the version applying before its amendment by this Directive.

*Article 3*

Whereas:

Member States shall adopt and publish, by 31 October 2008 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.

- (1) Commission Directive 2003/91/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 the Directive provides that guidelines of the International Union for Protection of new Varieties of Plants (UPOV) are to apply.

They shall apply those provisions from 1 November 2008.

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 4*

- (2) The CPVO and UPOV have since issued further guidelines for a number of other species, and have updated existing ones.

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.*Article 5*

- (3) Directive 2003/91/EC should therefore be amended accordingly.

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,

Done at Brussels, 13 August 2008.

For the Commission  
Androulla VASSILIOU  
Member of the Commission

<sup>(1)</sup> OJ L 193, 20.7.2002, p. 33. Directive as last amended by Commission Directive 2006/124/EC (OJ L 339, 6.12.2006, p. 12).

<sup>(2)</sup> OJ L 254, 8.10.2003, p. 11. Directive as last amended by Directive 2007/49/EC (OJ L 195, 27.7.2007, p. 33).

## ANNEX

## 'ANNEX I

**List of species referred to in Article 1(2)(a) which are to comply with CPVO test protocols**

Scientific name	Common name	CPVO protocol
<i>Allium cepa</i> L. (Cepa group)	Onion and Echalion	TP 46/1 of 14.6.2005
<i>Allium cepa</i> L. (Aggregatum group)	Shallot	TP 46/1 of 14.6.2005
<i>Allium porrum</i> L.	Leek	TP 85/1 of 15.11.2001
<i>Allium sativum</i> L.	Garlic	TP 162/1 of 25.3.2004
<i>Apium graveolens</i> L.	Celery	TP 82/1 of 13.3.2008
<i>Apium graveolens</i> L.	Celeriac	TP 74/1 of 13.3.2008
<i>Asparagus officinalis</i> L.	Asparagus	TP 130/1 of 27.3.2002
<i>Brassica oleracea</i> L.	Cauliflower	TP 45/1 of 15.11.2001
<i>Brassica oleracea</i> L.	Sprouting Broccoli or Calabrese	TP 151/2 of 21.3.2007
<i>Brassica oleracea</i> L.	Brussels sprouts	TP 54/2 of 1.12.2005
<i>Brassica oleracea</i> L.	Kohlrabi	TP 65/1 of 25.3.2004
<i>Brassica oleracea</i> L.	Savoy cabbage, White cabbage and Red cabbage	TP 48/2 of 1.12.2005
<i>Brassica rapa</i> L.	Chinese cabbage	TP 105/1 of 13.3.2008
<i>Capsicum annuum</i> L.	Chilli or Pepper	TP 76/2 of 21.3.2007
<i>Cichorium endivia</i> L.	Curled-leaved endive and Plain-leaved endive	TP 118/2 of 1.12.2005
<i>Cichorium intybus</i> L.	Industrial chicory	TP 172/2 of 1.12.2005
<i>Cichorium intybus</i> L.	Witloof chicory	TP 173/1 of 25.3.2004
<i>Citrullus lanatus</i> (Thunb.) Matsum. & Nakai	Watermelon	TP 142/1 of 21.3.2007
<i>Cucumis melo</i> L.	Melon	TP 104/2 of 21.3.2007
<i>Cucumis sativus</i> L.	Cucumber and Gherkin	TP 61/2 of 13.3.2008
<i>Cucurbita pepo</i> L.	Marrow or Courgette	TP 119/1 of 25.3.2004
<i>Cynara cardunculus</i> L.	Globe artichoke and Cardoon	TP 184/1 of 25.3.2004
<i>Daucus carota</i> L.	Carrot and Fodder carrot	TP 49/3 of 13.3.2008
<i>Foeniculum vulgare</i> Mill.	Fennel	TP 183/1 of 25.3.2004
<i>Lactuca sativa</i> L.	Lettuce	TP 13/3 of 21.3.2007
<i>Lycopersicon esculentum</i> Mill.	Tomato	TP 44/3 of 21.3.2007
<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill	Parsley	TP 136/1 of 21.3.2007
<i>Phaseolus coccineus</i> L.	Runner bean	TP 9/1 of 21.3.2007
<i>Phaseolus vulgaris</i> L.	Dwarf French bean and Climbing French bean	TP 12/2 of 1.12.2005
<i>Pisum sativum</i> L. (partim)	Wrinkled pea, Round pea and Sugar pea	TP 7/1 of 6.11.2003

Scientific name	Common name	CPVO protocol
<i>Raphanus sativus</i> L.	Radish	TP 64/1 of 27.3.2002
<i>Solanum melongena</i> L.	Aubergine or Egg plant	TP 117/1 of 13.3.2008
<i>Spinacia oleracea</i> L.	Spinach	TP 55/2 of 13.3.2008
<i>Valerianella locusta</i> (L.) Laterr.	Corn salad or Lamb's lettuce	TP 75/2 of 21.3.2007
<i>Vicia faba</i> L. (partim)	Broad bean	TP Broadbean/1 of 25.3.2004
<i>Zea mays</i> L. (partim)	Sweet corn and Pop corn	TP 2/2 of 15.11.2001

The text of these protocols can be found on the CPVO website ([www.cpvo.europa.eu](http://www.cpvo.europa.eu)).

#### ANNEX II

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

Scientific name	Common name	UPOV guideline
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion	TG/161/3 of 1.4.1998
<i>Allium schoenoprasum</i> L.	Chives	TG/198/1 of 9.4.2003
<i>Beta vulgaris</i> L.	Spinach beet or Chard	TG/106/4 of 31.3.2004
<i>Beta vulgaris</i> L.	Beetroot including Cheltenham beet	TG/60/7 of 9.4.2008
<i>Brassica oleracea</i> L.	Curly kale	TG/90/6 of 31.3.2004
<i>Brassica rapa</i> L.	Turnip	TG/37/10 of 4.4.2001
<i>Cichorium intybus</i> L.	Large-leaved chicory or Italian chicory	TG/154/3 of 18.10.1996
<i>Cucurbita maxima</i> Duchesne	Gourd	TG/155/4 of 28.3.2007
<i>Raphanus sativus</i> L.	Black radish	TG/63/6 of 24.3.1999
<i>Rheum rhabarbarum</i> L.	Rhubarb	TG/62/6 of 24.3.1999
<i>Scorzonera hispanica</i> L.	Scorzonera or Black salsify	TG/116/3 of 21.10.1988

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