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In English only

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Twenty-eighth Ordinary Session

Geneva, November 9, 1994

REPORT ON THE PROGRESS OF WORK OF THE TECHNICAL COMMITTEE
AND THE TECHNICAL WORKING PARTIES

Second Addendum prepared by the Office of the Union

TECHNICAL COMMITTEE

1. The Technical Committee (hereinafter referred to as "the Committee") held its thirty-first session from November 2 to 4, 1994, under the chairmanship of Ms. Jutta Rasmussen (Denmark). For the first time, the presence of observers from several non-member States and governmental and professional organizations was noted. The detailed report on the session will appear in document TC/31/6 Prov. The main results achieved during the session are set forth below.

Progress Reports on the Work of the Technical Working Parties, Including the BMT

2. The Committee noted the usual reports on the progress of the work of the Technical Working Parties, including the Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular (BMT) and approved their programs for the coming year.

Questions Presented by the Technical Working Parties

3. The Committee answered the various questions that individual Working Parties had submitted to it in documents TC/31/3 and TC/31/3 Add. The Councils' attention is drawn to the following items:

(i) Electrophoresis: The majority of the Committee was of the view that it was not possible to establish distinctness solely on the basis of a difference found in a characteristic derived by using electrophoresis. Such characteristics would only be used as a complement to other differences in morphological or physiological characteristics. The Committee decided to take these characteristics out of the main text of the Test Guidelines and to place them in an Annex, thereby creating a special category of characteristic. The Test Guidelines should state that these characteristics were considered useful but that they might not be sufficient on their own to establish distinctness. They should only be used at the request or with the agreement of the applicant of the candidate variety.

(ii) Working Procedures for the Establishing of Test Guidelines: The Committee recommended that, in the preparation of new or revised Test Guidelines, there should be at least two responsible experts/countries and not one as at present, especially in small crops where large subgroups were not justified, so as to ensure that work would continue if a responsible expert was prevented from attending a given session of a Working Party. It also agreed that in future new drafts would be presented to the Editorial Committee at the same time as they are sent to the professional organizations for comments. The Editorial Committee would not limit itself to highlighting linguistic discrepancies but would also ensure that UPOV concepts were maintained in the documents, would highlight where this was not the case, and would propose as far as possible solutions to any such shortcomings.

(iii) Balance of Risks in the Testing of Uniformity: The Committee re-discussed, and will further discuss, the balance of the risks of wrongly rejecting a uniform variety as heterogeneous and of wrongly accepting a heterogeneous variety as uniform, as well as the influence of the sample size on these risks. It noted that more discussion and explanations are necessary in the TWF and TWO before population standards and acceptance probabilities could be indicated in Test Guidelines for vegetatively propagated species as suggested in document TWC/11/16.

(iv) Other Statistical Methods: The Committee noted the studies on several statistical methods (sequential analysis, multivariate analysis, long-term LSD, handling of visually assessed characteristics, risks taken with tests after two or three years rather than one, use of the COYD analysis over two locations, possible use of COYD for species other than cross-pollinated). It encouraged the continuation of these studies and asked for reports on the progress made for its next session.

(v) Image Analysis: The Committee noted the studies on image analysis going on in the different member States. The purposes of these studies were to speed up observations on existing characteristics (length, width, shape of organs, etc.), to facilitate the storage of data collected and its checking and the digitalized storage of photos and also to provide the basis for possible new characteristics.

(vi) Color Groups for Naming Purposes: The Committee recommended the use of the names given by the TWO to the different color charts of the RHS Colour Chart as indicated in document TWO/27/3 whenever names had to be given to any of those charts.

(vii) Species on OECD List for which no UPOV Test Guidelines exist: The Committee recommended that the Technical Working Parties check the list of species on the OECD List for which no UPOV Test Guidelines exist and consider whether UPOV Test Guidelines should be prepared for some of them. The criteria

whether or not to establish Test Guidelines should, however, remain whether varieties of the species were actually the subject of applications for plant variety protection.

New Methods, Techniques and Equipment in the Examination of Varieties

4. The Committee noted with interest the information contained in document BMT/2/9. It will closely follow the discussions in that Working Group. It agreed with the Chairman of the BMT that it was important to not only discuss the possible biochemical methods and work on their harmonization, but that it was even more important to discuss and agree on the evaluation of results from those methods.

Use of Disease Resistance Characteristics in Distinctness Testing

5. The Committee continued its discussions on the possibility of using disease resistance characteristics for the establishing of distinctness. It agreed that disease resistance and tolerance characteristics were acceptable for the establishing of distinctness if they fulfilled the same requirements for acceptance as any other characteristic. It was of importance that any such characteristic under consideration was well defined and that an accepted, standardized method existed for its evaluation. The Committee accepted the inclusion with an asterisk of resistance characteristics in the Test Guidelines adopted during the session, as well as the inclusion of a resistance characteristic with quantitative expressions from "absent or very weak" to "very strong." These two Guidelines did not, however, constitute a precedent for all future treatment of disease resistance characteristics. Future examples should be decided on a disease-by-disease and species-by-species basis.

Cooperation with Breeders in the Testing of Varieties

6. The Committee noted that as a result of the adoption by the Council of the revised declaration on the conditions for the examination of a variety based upon trials carried out by or on behalf of the breeder, several Working Parties had held discussions on the involvement of breeders or applicants in the testing of varieties. The Committee noted a document (TWA/23/7), containing a summary of the survey made by the TWA. It asked that the survey be repeated so as to also cover non-agricultural species in order to have full details of the testing systems of the individual member States.

Testing of Genetically Modified Organisms (GMO)

7. The Committee discussed the testing of varieties resulting from genetic modification. It noted that in several member States applications for such varieties are expected or have already been received and that tests on such varieties are under way or have already been concluded in other States. It took the position that, apart from the additional restrictions that might be imposed for reasons of biosafety, the testing of DUS would have to be performed as for any other candidate variety. A simplified test was not justified since the modifications to the candidate variety might not be limited to the intended changes.

UPOV Central Computerized Data Base

8. The Committee noted document CC/48/2 on the establishment of a UPOV Central Computerized Data Base and that in the meantime a prototype had been successfully tested. A demonstration of the prototype was given during the session. It welcomed the setting up of the UPOV Data Base and asked the Council to approve the program laid out in the above document. The Data Base was especially needed for ornamental species.

Test Guidelines

9. During the session, the Committee adopted for publication the Test Guidelines for the following species, after having agreed on changes proposed in document TC/31/2 Add. and orally by the Editorial Committee:

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|-----------------|---|
| TG/2/5(proj.) | Maize/Mais/Mais (Revision) |
| TG/3/10(proj.) | Wheat/Blé/Weizen (Revision) |
| TG/7/8(proj.) | Peas/Pois/Erbsen (Revision) |
| TG/12/7(proj.) | French Bean/Haricot/Bohne (Revision) |
| TG/17/4(proj.) | African Violet/Saint Paulia/Usambaraveilchen (Revision) |
| TG/19/9(proj.) | Barley/Orge/Gerste (Revision) |
| TG/20/9(proj.) | Oats/Avoine/Hafer (Revision) |
| TG/76/6(proj.) | Sweet Pepper, Hot Pepper/Piment/Paprika (Revision) |
| TG/145/1(proj.) | Gentiana/Gentiane/Enzian |
| TG/146/1(proj.) | Nerine/Nerine/Nerine |
| TG/147/1(proj.) | Pyracantha, Firethorn/Buisson Ardent/Feuerdorn |
| TG/148/1(proj.) | Weigela/Weigela/Weigelia |
| TG/149/1(proj.) | Japanese Pear/Poirier japonais/Japanische Birne |
| TG/150/2(proj.) | Fodder Beet/Betterave fourragère/Runkelrübe |
| TWO/27/2 | Kalanchoë, Technical Questionnaire/Questionnaire technique/Technischer Fragebogen |

For some documents, certain points have still to be clarified or information has to be completed. Because of substantial changes, certain documents will be circulated to the relevant Technical Working Parties to ensure that there is no significant problem with the changes made before they are published.

Program for the Next Session of the Technical Committee

10. The thirty-second session of the Technical Committee is planned to take place in Geneva, in October 1995 (the exact date to be decided by the Council when approving the calendar of meetings for 1995). It is planned that the following items be discussed during the session: progress reports and questions presented by the Technical Working Parties, new methods, techniques and equipment in the examination of varieties, including the progress report of the BMT. In addition, the Committee will take decisions on the Test Guidelines which are submitted by the Technical Working Parties for final adoption.

11. The Council is invited to

(i) note and approve the above information and the program of the Committee;

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(ii) note and approve the program of the Technical Working Parties as reproduced in documents C/28/10 and C/28/10 Add.

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