



CAJ/60/7

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Sixtieth Session
Geneva, October 19 and 20, 2009

MOLECULAR TECHNIQUES

Document prepared by the Office of the Union

1. The purpose of this document is to consider developments concerning the:

(a) UPOV Guidelines for DNA-profiling: molecular marker selection and database construction (BMT Guidelines);

(b) proposals for the utilization of biochemical and molecular techniques in the examination of Distinctness, Uniformity and Stability to be considered by the *Ad hoc* Subgroup of Technical and Legal Experts of Biochemical and Molecular Techniques (BMT Review Group); and

(c) revision of documents TC/38/14-CAJ/45/5 “*Ad Hoc* Subgroup of Technical and Legal Experts on Biochemical and Molecular Techniques (‘The BMT Review Group’)” and TC/38/14 Add.-CAJ/45/5 Add “Recommendations of the BMT Review Group and Opinion of the Technical Committee and the Administrative and Legal Committee Concerning Molecular Techniques”

2. An overview of the UPOV bodies involved in the consideration of biochemical and molecular techniques is provided on the first restricted area of the UPOV website at http://www.upov.int/restrict/en/upov_structure_index.html. That overview is also attached as Annex I to this document.

3. The following abbreviations are used in this document:

CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TC-EDC:	Enlarged Editorial Committee
TWA:	Technical Working Party for Agricultural Crops
TWC:	Technical Working Party on Automation and Computer Programs
TWF:	Technical Working Party for Fruit Crops
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWV:	Technical Working Party for Vegetables
TWP(s):	Technical Working Party(ies)
BMT:	Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular
BMT Review Group:	<i>Ad Hoc</i> Subgroup of Technical and Legal Experts on Biochemical and Molecular Techniques
Crop Subgroup:	<i>Ad Hoc</i> Crop Subgroup on Molecular Techniques

UPOV GUIDELINES FOR DNA-PROFILING: MOLECULAR MARKER SELECTION AND DATABASE CONSTRUCTION (BMT GUIDELINES)

4. At its fifty-ninth session, held in Geneva on April 2, 2009, the Administrative and Legal Committee (CAJ) noted an oral report that the Technical Committee (TC), at its forty-fifth session, had agreed that no changes were required to document BMT Guidelines (proj.14). The CAJ also noted that the draft BMT Guidelines would be presented for consideration by the CAJ at its sixtieth session. The CAJ agreed that, on the basis of the conclusions of the TC and CAJ at their sessions in 2009, a draft of the BMT Guidelines should be prepared for approval by the TC and CAJ in March 2010, in anticipation of adoption of the BMT Guidelines by the Council in 2010 (see document CAJ/59/7 "Report on the Conclusions", paragraph 34).

Background

5. At its eighth session held in Tsukuba, Japan, from September 3 to 5, 2003, the BMT concluded that there was an urgent need to harmonize methodologies for the generation of molecular data in order to ensure that the quality of the data produced would be universally acceptable for use in variety characterization. It was also noted that it would be useful to provide guidance on the planning of databases for molecular data based on different types of markers. On that basis, the BMT agreed that the Office of the Union should prepare a guidance document (BMT Guidelines).

6. Document BMT Guidelines (proj.9) was put forward for adoption by the Council at its forty-first ordinary session, held in Geneva on October 25, 2007.

7. At its seventy-fourth session, held in Geneva on October 24, 2007, the Consultative Committee made a preliminary examination of document BMT Guidelines (proj.9), proposed for adoption by the Council. The Consultative Committee made the following recommendations:

“[...]

“(b) consideration be given to the status of documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. with regard to their reference in the introduction of document BMT Guidelines (proj.9); and

“(c) in response to the comments made by some delegations concerning the need for editorial improvements, the Consultative Committee agreed that a circular be sent to the Consultative Committee, the Technical Committee (TC) and the CAJ providing an opportunity to comment within four weeks on documents TGP/4/1 Draft 10, TGP/9/1 Draft 10 and BMT Guidelines (proj.9). Based on the comments received, new drafts of those documents would be prepared for consideration by the [Enlarged] Editorial Committee (TC-EDC) at its meeting on January 8, 2008. Relevant drafts incorporating the comments by the TC-EDC would subsequently be presented to the TC, the CAJ, the Consultative Committee and the Council in April 2008.”

8. In accordance with the recommendations of the Consultative Committee, Circular E-606 was issued, inviting comments on document BMT Guidelines (proj.9) to be sent to the Office of the Union.

9. The Office of the Union received comments from China, Ukraine and the United States of America on document BMT Guidelines (proj.9). Those comments were incorporated in document BMT Guidelines (proj.10), which was considered by the TC-EDC, at its meeting on January 8, 2008. The TC-EDC noted a number of the comments received concerned technical aspects of the BMT Guidelines and concluded that those were matters which would need to be addressed by the TC in conjunction with the BMT, as considered appropriate.

10. At its forty-fourth session, held in Geneva from April 7 to 9, 2008, the TC noted the comments from China, Ukraine and the United States of America incorporated in document BMT Guidelines (proj.11). It noted that a number of the comments concerned technical aspects of the BMT Guidelines and concluded that, in the first instance, those were matters which would need to be addressed by the BMT. The TC agreed that the BMT should be invited to consider those matters in the form of a new draft of the BMT Guidelines at its eleventh session, to be held in Madrid, from September 16 to 18, 2008.

11. The TC noted the request of the Consultative Committee that consideration be given to the status of documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. with regard to their reference in the introduction of document BMT Guidelines (proj.11). The TC noted that documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. would need to be reviewed in conjunction with discussions on the approach presented in documents BMT/10/14 and BMT-TWA/2/11“Possible use of molecular techniques in DUS testing on maize: how to integrate a new tool to serve the effectiveness of protection offered under the UPOV system”, as explained in document TC/44/7, paragraph 30. On that basis, it agreed that it would be appropriate to submit a revised version of documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. to the Council in conjunction with the BMT Guidelines.

12. At its eleventh session, held in Madrid, from September 16 to 18, 2008, the BMT considered document BMT Guidelines (proj.12), and made its recommendations. Those recommendations were incorporated in document BMT Guidelines (proj.13), which was considered by the TC-EDC at its meeting on January 8, 2009.

13. The TC-EDC made no proposals to amend document BMT Guidelines (proj.13), as agreed by the BMT at its eleventh session. With regard to the status of documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add., the TC-EDC agreed that a solution would be to delete the second paragraph of Section A. "Introduction" on the basis that documents TC/38/14-CAJ/45/5 and TC/38/14Add. CAJ/45/5Add. were planned to be revised. However, in its discussion on document TGP/12/1 Draft 6 (see documents TC/45/5 and CAJ/59/2, paragraph 9), the TC-EDC also noted a question as to whether documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. might be considered to be approved by the Council when it "noted the work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular, as given in document C/36/10 ["Progress report of the work of the Technical Committee, the Technical Working Parties and the Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular"]" (see document C/36/13 "Report", paragraph 21). The TC-EDC agreed that it would be a matter for the Consultative Committee to consider that question.

Document BMT Guidelines (proj.15)

14. The TC considered document BMT Guidelines (proj.14) at its forty-fifth session, held in Geneva from March 30 to April 1, 2009 and agreed that no changes were required to that document. However, it noted that the French, German and Spanish translations of the original English text would be checked by the relevant members of the Editorial Committee prior to submission of the document for adoption by the Council. Document BMT Guidelines (proj.15) contains no changes in relation to document BMT Guidelines (proj.14), other than for the purposes of presenting the draft to the CAJ.

15. The highlighted text in document BMT Guidelines (proj.15) indicates text that has been amended with respect to the text presented to the Council at its forty-first ordinary session, held in Geneva on October 25, 2007 (document BMT Guidelines (proj.9)).

16. On the basis of the conclusions of the TC, at its forty-fifth session, and the CAJ at its sixtieth session, a draft of the BMT Guidelines will be prepared for approval by the TC and CAJ in March 2010, in anticipation of adoption of the BMT Guidelines by the Council in 2010. That timetable also anticipates the submission of a revised version of documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. to the Council for adoption in conjunction with the BMT Guidelines (see paragraph 11 above).

17. The CAJ is invited to:

(a) consider document BMT Guidelines (proj.15); and

(b) agree that a draft of the BMT Guidelines be prepared for approval by the TC and CAJ in March 2010, in anticipation of the adoption of the BMT Guidelines by the Council in 2010.

PROPOSALS FOR THE UTILIZATION OF BIOCHEMICAL AND MOLECULAR TECHNIQUES IN THE EXAMINATION OF DUS CONSIDERED BY THE BMT REVIEW GROUP

Background

18. At its fifty-ninth session, the CAJ noted that the approach presented in documents BMT/10/14 and BMT-TWA/Maize/2/11 “Possible use of molecular techniques in DUS testing on maize: how to integrate a new tool to serve the effectiveness of protection offered under the UPOV system”, prepared by experts from France, had been put forward for consideration by the BMT Review Group at its meeting on April 1, 2009. The composition of *Ad hoc* Subgroup of Technical and Legal Experts of Biochemical and Molecular Techniques (BMT Review Group) is set out in Annex II to this document.

19. The CAJ noted the oral report of the Vice Secretary-General that the BMT Review Group had concluded that the proposal in the Annex to document BMT-RG/Apr09/2 “System for combining phenotypic and molecular distances in the management of variety collections” was acceptable within the terms of the UPOV Convention and would not undermine the effectiveness of protection offered under the UPOV system. It further noted that the assessment of the BMT Review Group would be presented for consideration by the CAJ at its sixtieth session and by the TC at its forty-sixth session, in 2010. The CAJ also noted that, in the meantime, the report of the BMT Review Group (document BMT-RG/Apr09/3) would be posted on the first-restricted area of the UPOV website and that a report on the conclusions of the BMT Review Group would be made to the Technical Working Parties at their sessions in 2009 (see document CAJ/59/7 “Report on the Conclusions”, paragraphs 35 to 37).

Proposal considered by the BMT Review Group

20. At its meeting on April 1, 2009 the BMT Review Group considered document BMT-RG/Apr09/2 “Proposal for use of molecular techniques in DUS testing of Maize” and a presentation made by Mr. Joël Guiard (France), a copy of which is reproduced as document BMT-RG/Apr09/2 Add.. The BMT Review Group concluded that the proposal to be considered was set out in the Annex to document BMT-RG/Apr09/2, subject to the addition of the slide in the presentation (BMT-RG/Apr09/2 Add., slide 11), concerning the visual assessment by maize crop experts of a scale of similarity, and the clarification of certain points (see document BMT-RG/Apr09/3, paragraphs 7, 8 and 12).

21. The proposal considered by the BMT Review Group, on the basis set out in paragraph 20, is reproduced as Annex III to this document.

Recommendations of the BMT Review Group

22. At its meeting on April 1, 2009 the BMT Review Group:

- (a) concluded that the proposal in the Annex to document BMT-RG/Apr09/2 “Proposal: System for combining phenotypic and molecular distances in the management of variety collections”, incorporating the clarifications set out in document BMT-RG/Apr09/3, paragraphs 7 and 8 (Annex III to this document), where used for the management of variety collections, was acceptable within the terms of the

UPOV Convention and would not undermine the effectiveness of protection offered under the UPOV system;

(b) agreed that the proposal in the Annex to document BMT-RG/Apr09/2 (Annex III to this document) represented a model that might be applicable to other crops provided that the elements of the proposal were equally applicable. In that respect, it noted, for example, that the proposal in the Annex to document BMT-RG/Apr09/2 (Annex III to this document) applied only to maize parental lines and did not extend to other types of maize. The BMT Review Group concluded that it was important to consider on a case-by-case basis whether the model would be applicable; and

(c) noted that some of the elements of the proposal in the Annex to document BMT-RG/Apr09/2 (Annex III to this document) were similar to the Option 2 approach “Calibration of threshold levels for molecular characteristics against the minimum distance in traditional characteristics”, as set out in documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add.. However, the BMT Review Group concluded that it would not be appropriate to classify the proposal under Option 2 and agreed that the proposal should be referred to as the “System for combining phenotypic and molecular distances in the management of variety collections”.

23. The opinion of the CAJ on the recommendations of the BMT Review Group, as set out in paragraph 22, will be reported to the TC, at its forty-sixth session.

24. *The CAJ is invited to:*

(a) express its opinion concerning the recommendations of the BMT Review Group, as set out in paragraph 22; and

(b) note that the TC, at its forty-sixth session, will be invited to express its opinion on the recommendations of the BMT Review Group, as set out in paragraph 22, in conjunction with the opinion of the CAJ.

REVISION OF DOCUMENTS TC/38/14-CAJ/45/5 AND TC/38/14 ADD.-CAJ/45/5 ADD.

25. As noted in paragraph 11 above, at its forty-fourth session, the TC noted that documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. would need to be reviewed in conjunction with discussions on the approach presented in documents BMT/10/14 and BMT-TWA/2/11. On that basis, it agreed that it would be appropriate to submit a revised version of documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. to the Council in conjunction with the BMT Guidelines.

26. The CAJ noted, at its fifty-ninth session (see document CAJ/59/7 “Report on the Conclusions”, paragraphs 38 and 39), that the TC, at its forty-second session, held in Geneva, from April 3 to 5, 2006, had “reaffirmed its support for the presentation of the situation, set out in documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add., which presented the proposals developed in the *Ad hoc* Crop Subgroups, the recommendations of the BMT

Review Group concerning those proposals and the opinion of the TC and the CAJ regarding the recommendations of the BMT Review Group. [...]”. Therefore, the TC did not consider that it would be appropriate to make major changes to the structure and form of the information provided in documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. However, to assist the Office of the Union in the preparation of the revision of documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add., with the aim of developing a document for adoption by the Council, the CAJ, at its fifty-ninth session, agreed with the following proposals of the TC:

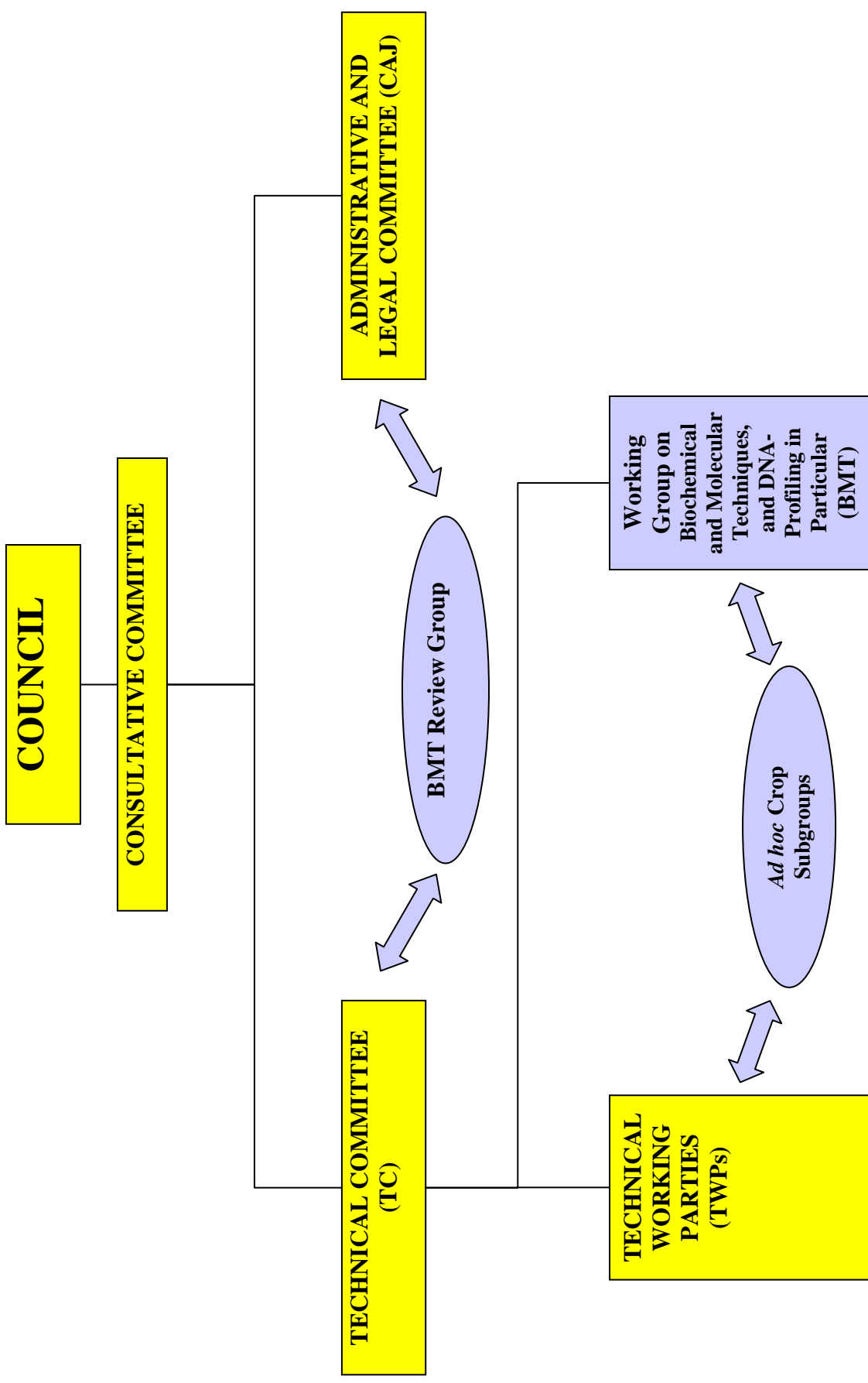
- (a) to consolidate document TC/38/14-CAJ/45/5, paragraphs 9 and 10 and the Annex, and document TC/38/14 Add.-CAJ/45/5 Add., paragraphs 3 to 7, into a single document;
- (b) subject to a positive assessment by the BMT Review Group of the approach presented in documents BMT/10/14 and BMT-TWA/Maize/2/11 and endorsement by the TC and CAJ, to add a section concerning the approach presented in documents BMT/10/14 and BMT-TWA/Maize/2/11; and
- (c) to emphasize the importance of the assumptions to be met in each of the options and proposals and to clarify that it is a matter for the relevant authority to consider if the relevant assumptions set out in documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. are met.

27. The CAJ agreed that a first draft of the revised version of documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. should be prepared for consideration by the TC at its forty-sixth session and by the CAJ at its sixty-first session, both in March 2010. On that basis, the CAJ noted that a document could be presented for adoption by the Council in 2010, in conjunction with the BMT Guidelines.

28. The CAJ is invited to note the timetable for the revision of documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add., as set out in paragraph 27.

[Annexes follow]

UPOV Structure: Biochemical and Molecular Techniques



**ROLE OF THE
WORKING GROUP ON BIOCHEMICAL AND MOLECULAR TECHNIQUES, AND
DNA-PROFILING IN PARTICULAR (BMT)**

*(as agreed by the Technical Committee at its thirty-eighth session, held in Geneva,
from April 15 to 17, 2002 (see document TC/38/16, paragraph 204))*

The BMT is a group open to DUS experts, biochemical and molecular specialists and plant breeders, whose role is to:

- (i) Review general developments in biochemical and molecular techniques;
- (ii) Maintain an awareness of relevant applications of biochemical and molecular techniques in plant breeding;
- (iii) Consider the possible application of biochemical and molecular techniques in DUS testing and report its considerations to the TC;
- (iv) If appropriate, establish guidelines for biochemical and molecular methodologies and their harmonization and, in particular, contribute to the preparation of document TGP/15, "New Types of Characteristics." These guidelines to be developed in conjunction with the Technical Working Parties;
- (v) Consider initiatives from TWPs, for the establishment of crop specific subgroups, taking into account available information and the need for biochemical and molecular methods;
- (vi) Develop guidelines regarding the management and harmonization of databases of biochemical and molecular information, in conjunction with the TWC;
- (vii) Receive reports from Crop Subgroups and the BMT Review Group;
- (viii) Provide a forum for discussion on the use of biochemical and molecular techniques in the consideration of essential derivation and variety identification.

**TERMS OF REFERENCE OF *AD HOC* SUBGROUP OF TECHNICAL AND LEGAL
EXPERTS ON BIOCHEMICAL AND MOLECULAR TECHNIQUES
("BMT REVIEW GROUP")**

*(as agreed by the Administrative and Legal Committee at its forty-third session,
held on April 5, 2001 (see document CAJ/43/8, paragraph 58))*

1. The BMT Review Group should assess possible application models proposed by the Technical Committee, on the basis of the work of the BMT and crop subgroups, for the utilization of biochemical and molecular techniques in the examination of Distinctness, Uniformity and Stability in relation to the following:
 - (a) conformity with the UPOV Convention, and
 - (b) potential impact on the strength of protection compared to that provided by current examination methods and advise if this could undermine the effectiveness of protection offered under the UPOV system.
2. In conducting its assessment, the BMT Review Group may refer specific aspects to the Administrative and Legal Committee or the Technical Committee for clarification or further information as considered appropriate.
3. The BMT Review Group will report its assessment, as set out in paragraph 1 above, to the Administrative and Legal Committee, but this assessment will not be binding for the position of the Administrative and Legal Committee.

AD HOC CROP SUBGROUPS ON MOLECULAR TECHNIQUES (CROP SUBGROUPS)

At its thirty-sixth session, held in Geneva, from April 3 to 5, 2000, the Technical Committee agreed to the creation of the *Ad hoc* Crop Subgroups proposed by the BMT at its sixth session, held in Angers, France from March 1 to 3, 2000 (see document TC/36/11, paragraph 123).

Extract from document TC/36/3 Add.

“23. [At its sixth session, held in Angers, France from March 1 to 3, 2000] The BMT agreed that real progress could not be expected without intensive discussion in small groups on specific species. It therefore decided to propose establishing *ad hoc* crop subgroups during the eighteen month interval until the next session to make real progress in discussions on possibilities and consequences of the introduction of molecular techniques in DUS testing, the management of reference collection and the judgement of essential derivation.

“24. The BMT discussed the role of *ad hoc* crop subgroups and its relationship with the Technical Working Parties. It agreed that testing experts in the Technical Working Party should be involved with the discussion in the *ad hoc* crop subgroups. It also agreed that the chairmen of the *ad hoc* crop subgroups should be chosen from experts in the Technical Working Party in question. The role of the *ad hoc* crop subgroups would not be to make any decisions, but to prepare documents that could be a basis of further discussions in the BMT, the Technical Working Parties and the Technical Committee. The BMT confirmed that the Technical Working Parties should be the decision-making bodies for the introduction of new characteristics into DUS testing for each species.

[...]

“26. The BMT discussed the selection of species for the subgroups. A majority of experts supported two criteria, (i) the need for the introduction of molecular techniques in DUS testing (species for which a limited number of characteristics are available and species which urgently need effective methods for the management of reference collection) and (ii) the availability of DNA profiling data and on-going studies.”

At its forty-third session, held in Geneva, from March 26 to 28, 2007, the Technical Committee agreed to invite the Crop Subgroups to develop proposals concerning the possible use of molecular tools for variety identification in relation to the enforcement of plant breeders' rights, technical verification and the consideration of essential derivation.

The list of Crop Subgroups established by the Technical Committee (TC) is as follows:

<u>Crop Subgroup for:</u>	<u>TWP</u>	<u>TC Session which established</u>
Maize	TWA	thirty-sixth session (2000)
Oilseed Rape	TWA	thirty-sixth session (2000)
Potato	TWA	thirty-eighth session (2002)
Rose	TWO	thirty-sixth session (2000)
Ryegrass	TWA	forty-second session (2006)
Soybean	TWA	thirty-eighth session (2002)
Sugarcane	TWA	thirty-eighth session (2002)
Tomato	TWV	thirty-sixth session (2000)
Wheat and Barley	TWA	thirty-sixth session (2000) / forty-second session (2006)

[Annex II follows]

ANNEX II

BMT REVIEW GROUP

Chairman: Mr. Rolf Jördens (Office)

Members: Ms. Carmen Gianni (AR and Chair of the CAJ)
Mr. Doug Waterhouse (AU and President of the Council)
Mr. Bart Kiewiet / Mr. Carlos Godinho (European Community)
Mr. Michael Köller (DE)
Ms. Nicole Bustin (FR)
Mr. Joël Guiard (FR)
Mr. Yasuhiro Kawai (JP)
Mr. Henk Bonthuis (NL) (ex-Chairman of the BMT)
Mr. Chris Barnaby (NZ) (Chairman of the TC)
Mr. Michael Camlin (GB)
Mr. Andy Mitchell (GB and Chairman of the BMT)
Mrs. Beate Rücker (DE) (Chairperson of the *Ad Hoc* Crop Subgroup on
Molecular Techniques for Maize)

Observers: International Community of Breeders of Asexually Reproduced Ornamental
and Fruit-Tree Varieties (CIOPORA)
International Seed Federation (ISF)

Office: Mr. Peter Button
Mr. Raimundo Lavignolle
Mr. Makoto Tabata
Mrs. Yolanda Huerta

[Annex III follows]

ANNEX III

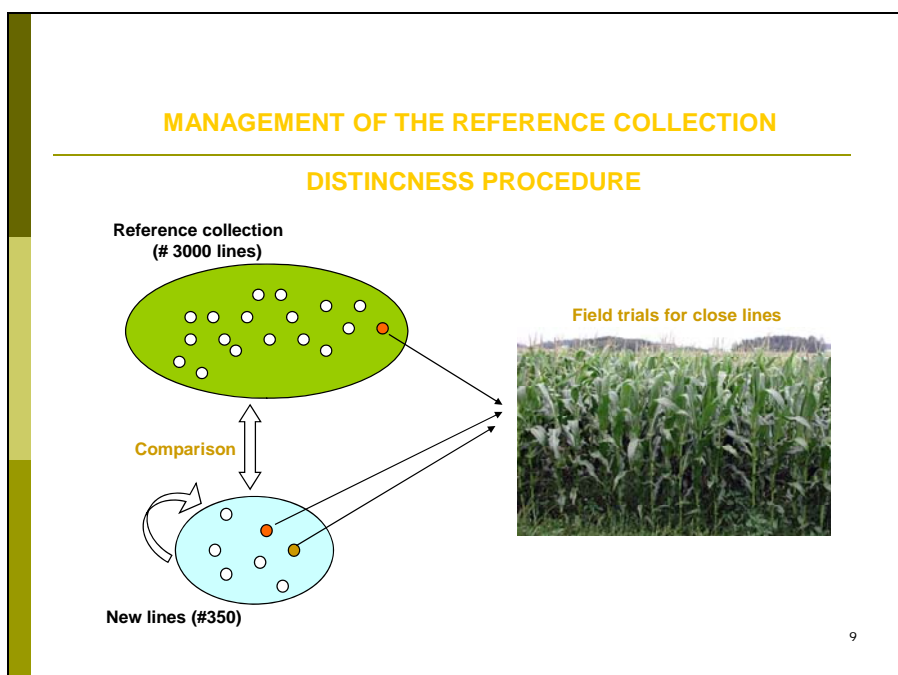
Proposal: “System for combining phenotypic and molecular distances
in the management of variety collections”

*considered by the Ad hoc Subgroup of Technical and Legal Experts of Biochemical and
Molecular Techniques (BMT Review Group) at its meeting on April 1, 2009*

1. Description

- 1.1 A key feature of the process of eliminating varieties of common knowledge prior to the DUS growing trial is that the threshold for deciding which varieties can be safely excluded (i.e. are distinct on the basis of descriptions), can be set with a suitable margin of safety, because those varieties which are eliminated, will not be included in the growing trial. This threshold, with a safety margin, is termed the “Distinctness plus” threshold which means that the distances between a candidate variety and “distinct plus” varieties are robust enough to take a decision without direct comparison in the growing trial.
- 1.2 The objective of this proposal is to develop an efficient tool, based on a combination of phenotypic and molecular distances, to identify within the variety collection, those varieties which need to be compared with candidate varieties (see Figure 1) in order to improve the selection of “distinct plus” varieties and so to limit the workload without decreasing the quality of the test. The challenge is to develop a secure system that:
- only selects varieties which are similar to the candidate varieties; and
 - limits the risk of not selecting a variety in the variety collection which needs to be compared in the field, especially when there is a large or expensive variety collection.

Figure 1



1.3 The new system has been elaborated on the following background:

- (a) Studies done on molecular distances in maize for DUS testing and essential derivation, which showed the link with the parentage between varieties (see documents BMT/3/6 “The Estimation of Molecular Genetic Distances in Maize or DUS and ED Protocols: Optimization of the Information and new Approaches of Kinship” and document BMT/3/6 Add.)
- (b) An experiment done by GEVES on a set of maize parental lines, which showed that there is a link between the evaluation of distinctness by experts (global assessment) and a molecular distance computed on Simple Sequence Repeat (SSR) molecular data (see Figure 2).

1.4 Components of the system

1.4.1 GAIA distance

The GAIA distance component is computed with the GAIA software developed by GEVES. The GAIA distance is a combination of differences observed on phenotypic characteristics, where each difference contributes to the distance according to the reliability of the characteristics, especially regarding its variability and its susceptibility to environment. The larger the size of the difference and the greater the reliability of the characteristic, the more the difference contributes to the GAIA distance. Only differences that are equal or larger than the minimum distance required for each individual characteristic are included.

1.4.2 Molecular distance

The molecular distance component is computed on the differences observed on a set of markers. Different types of molecular markers and distances can be used. In the case of the study done in France on maize, 60 SSR markers and Roger’s distance have been used. It is important that sufficient markers, with a good distribution on the chromosomes, are used. The type of markers, the effect of the number of markers and the distribution of the markers need to be considered according to the species concerned.

1.4.3 Before combining these two components, an evaluation of the link between molecular distance and a global assessment of distinctness by a panel of experts needs to be done on a set of pairs of varieties. In the case of maize, that evaluation was made on the following basis:

Material : 504 pairs of varieties tested in parallel with molecular markers

Field design : pairs of varieties grown side by side
(1 plot = 2 rows of 15 plants)

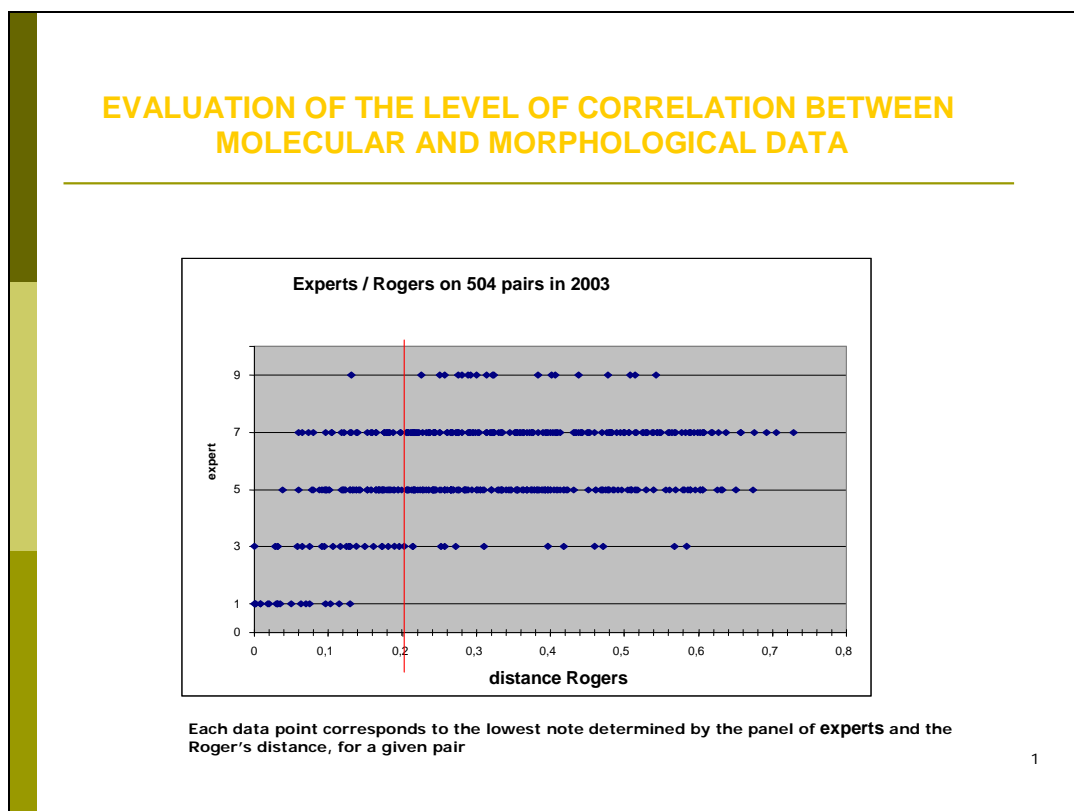
Visual assessment by maize crop experts:

Scale of similarity:

1. the two varieties are similar or very close
 3. the two varieties are distinct but close
 5. the comparison was useful, but the varieties are clearly distinct
 7. the comparison should have been avoided because the varieties are very different
 9. the comparison should have been avoided because the varieties are totally different
- (“even” notes are not used in the scale)

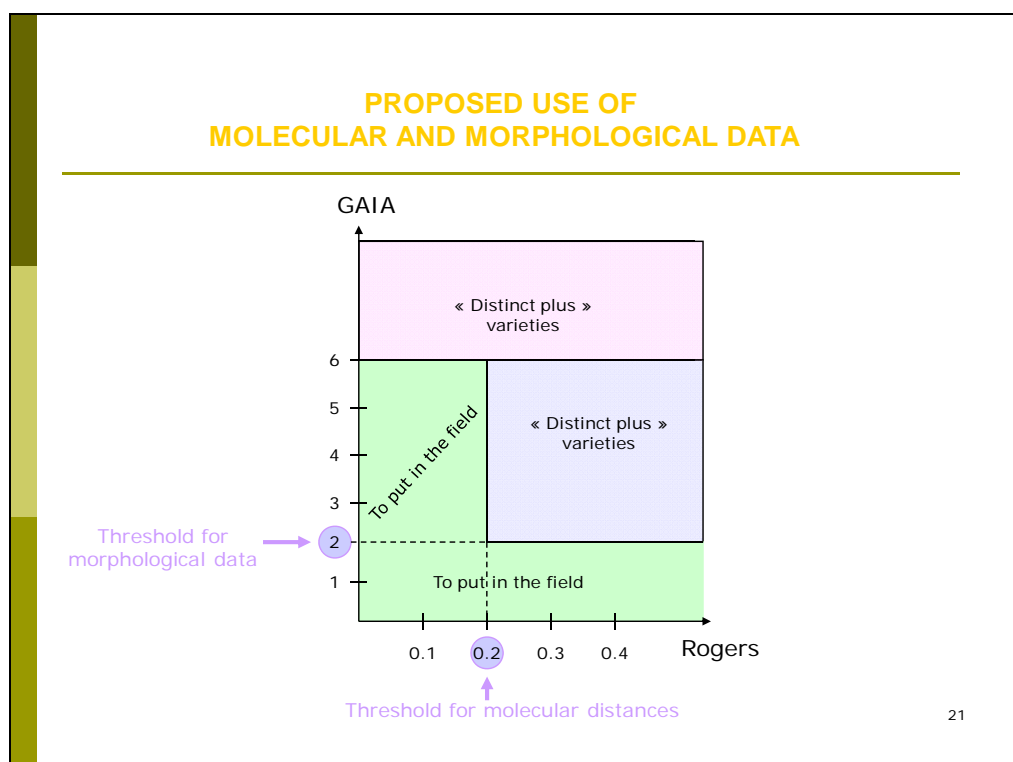
In the case of maize, this evaluation showed that no parental lines with a molecular distance greater than 0.15 were considered as similar or very close by a DUS expert evaluation (see Figure 2).

Figure 2



1.4.4 On the basis of that result, the combination of morphological and molecular distances offers the possibility to establish a decision scheme as follows (see Figure 3):

Figure 3



1.4.5 All pairs of varieties with a GAIA distance equal to, or larger than, 6 and all varieties with a GAIA distance between 2 and 6, plus a molecular distance equal to, or larger than, 0.2 are declared “Distinct plus”.

1.4.6 This scheme shows that less parental lines need to be observed in the field compared to the situation where only a GAIA distance of 6 is used on its own.

1.4.7 The robustness of this system has been studied with different GAIA and molecular distances.

2. Advantages and constraints

2.1 Advantages

- Improvement of the management of variety collections with less varieties needing to be compared in the field;
- Use of morphological and molecular distances with thresholds defined by DUS experts. GAIA was also calibrated against DUS experts' evaluations when developed by GEVES;
- Use of molecular data that are not susceptible to the environment; the set of markers and the laboratory protocol are well defined;
- Use of only phenotypic characteristics with a good robustness and possibility to use descriptions coming from different origins under close cooperation (The maize database that has been developed in cooperation between Germany, France,

Spain and the Community Plant Variety Office of the European Community (CPVO) is a good example to illustrate the value of this approach with a variety collection shared between different offices);

- (e) Electrophoresis characteristics can also be replaced; and
- (f) There is no influence of lack of uniformity in molecular profiles provided enough markers are used and the number of variants is low. In the case of maize parental lines, the level of molecular uniformity is high but could be a problem in some other crops.

2.2 Constraints

- (a) Not efficient, or less efficient, for species with synthetic varieties or populations;
- (b) Necessity to have enough good DNA markers and enough phenotypic characteristics with low susceptibility to environment; and
- (c) Preliminary work with calibration in comparison with DUS expert evaluation of distinctness.

[End of Annex III and of document]