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UPOV

TC/XIII/9

ORIGINAL: English

DATE: May 9, 1979

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

TECHNICAL COMMITTEE

Thirteenth Session Geneva, March 26 to 28, 1979

DRAFT REPORT

prepared by the Office of the Union

Opening of the Session

1. The Technical Committee (hereinafter referred to as "the Committee") held its thirteenth session in Geneva in the building of the World Meteorological Organization, from March 26 to 28, 1979. The List of Participants appears in Annex I to this report.
2. The session was opened by Mr. A. F. Kelly, Chairman of the Committee, who welcomed the participants.

Adoption of the Agenda

3. The Committee adopted the agenda as appearing in document TC/XIII/1. It also agreed, at the request of the Danish Delegation, to include under item 6 the question of the submission of invitations to attend meetings of Technical Working Parties.
4. The Chairman informed the Committee that he had reported to the twelfth session of the Council on the progress of the Committee's work and that the Council had noted the report with satisfaction and had approved the program mentioned in paragraphs 13 to 19 of document C/XII/15 and in document C/XII/8.

Adoption of the Report on the Twelfth Session

5. The Committee unanimously adopted the report on its twelfth session as appearing in document TC/XII/6, after having noted that in paragraph 17 the words "as reproduced in document TC/XII/4" should be replaced by "as distributed under cover of circular No. U 419."

DATA RECORDING AND INTERPRETATION

6. Discussions were principally based on Annex II to document TC/XII/6. The documents TC/XIII/6 and TG/1/1, and the circulars Nos. U 419 and U 473 were also taken into account, as were the first two paragraphs of document TC/XIII/7.

Distinctness

7. The question as set out in circular No. U 473 of March 1, 1979, was introduced by the Delegation of the Federal Republic of Germany. The ensuing discussion revealed that the sentence with respect to quantitative characteristics reading "it

is desirable to make a direct comparison between two such varieties" was interpreted differently in the various member States. With the exception of one member State and for certain species in this State, for the recording of quantitative characteristics which were measured, the varieties would not necessarily be grown side by side. When evaluating the results of the observations, some member States made direct comparisons between the two varieties to be compared, without taking into consideration the results of the other varieties under test, while other member States took into consideration also the complete analysis of all varieties, thereby of course applying different statistical methods. With respect to visual characteristics which could not be measured, it was revealed that the majority of the member States considered that eight to ten visual occasions showing a consistent difference would lead to the same reliability as a one per cent significance for measured characteristics based on the application of the least significant difference.

8. The Committee studied at length ASSINSEL's proposal reproduced in document TC/XIII/6. The Committee agreed with ASSINSEL on some of its proposals, but was obliged to reject several others. It finally asked the Office of UPOV to reply to ASSINSEL on the outcome of its discussions. Annex II to this report reproduces the letter addressed by the Vice Secretary-General of UPOV to the Secretary-General of ASSINSEL in this matter.

Homogeneity

9. The Committee discussed at length the table stating the maximum acceptable number of off-types of vegetatively propagated varieties and truly self-pollinated varieties in samples of various sizes. With respect to this table, the Committee decided that no reference would be made to any percentage of tolerance or reliability level but agreed that the figures mentioned had been reached by arbitrary decision based on experience in the past and were made in order to balance the risk of rejecting a homogeneous variety and the risk of accepting a non-homogeneous variety. The table now adopted by the Committee would read:

Maximum Acceptable Number of Off-Types in Samples of Various Sizes

Sample Sizes	Maximum Number of Off-Types
≤ 5	0
6 - 35	1
36 - 82	2
83 - 137	3

10. Annex II to this report contains the results of the discussions on the other proposals from ASSINSEL.

Stability

11. The Committee rediscussed the testing of stability and returned to the results of the discussions at its twelfth session, as reproduced in paragraphs 8 to 16 of document TC/XII/6. It emerged that the different views expressed at the past sessions had not changed and that no further refinement of the part of the document on data recording and interpretation concerning stability was necessary.

ASSINSEL Motion on "Harmonization in the DUS-Testing and Description of Cereal Varieties"

12. The Committee noted that the ASSINSEL motion on "Harmonization in the DUS-Testing and Description of Cereal Varieties," which had been forwarded to it with Circular No. U 419 had in the meantime been enlarged by ASSINSEL to apply also to forage plants, vegetables (with the understanding that the paragraph on seed certification did not apply), industrial plants and potatoes.

13. The outcome of the discussion on this ASSINSEL motion is also reproduced in Annex II to this report.

General Introduction to the Guidelines for the Conduct of Tests for Distinctness, Homogeneity and Stability of New Varieties of Plants

14. Discussions were based on document TC/XIII/5. The Committee went through the Annex to the document paragraph by paragraph and made several changes to the document. The revised version of the document, taking into account all the decisions of the Committee, will be reproduced in document TC/XIII/10. The main decisions taken were the following:

(i) In paragraph 29, an explanation of the word "off-type" would be given in accordance with that already mentioned in the present General Introduction to the Test Guidelines (document TG/1/1).

(ii) The table given in paragraph 31 would be replaced by the table appearing in paragraph 9 of this report.

(iii) There would be no sample of a technical questionnaire added to the General Introduction to the Test Guidelines.

(iv) The interpretation of the requirement of consistency would have to be re-discussed during the coming session on the basis of a report on this question to be received from the Technical Working Party for Agricultural Crops, which would have to tackle the matter in connection with the discussion on the draft Test Guidelines for Ryegrass. At present, some member States checked consistency first before entering into a statistical analysis of the results. Thus a lack of consistency which might not be significant would be taken into account. Other member States first made a statistical analysis and only checked consistency afterwards, in that case only on those data which were significant.

(v) The Committee would rediscuss whether a State using one testing place only for the testing of distinctness would reach a different decision to a state using several testing places.

(vi) After paragraph 17, a new paragraph would be included indicating that, with respect to visually assessed quantitative characteristics, it would not always be necessary to use statistics to distinguish two varieties if the difference between them was clear and consistent, as would a statement that consistency noted in visual observations on eight to ten occasions would represent the same reliability as a one per cent significance for measured characteristics, based on the application of the Least Significant Difference.

(vii) The Committee would rediscuss the General Introduction to Test Guidelines during its coming session and ask the Council for permission to publish the document after that session. The document would not need to be presented to the professional organizations again as those organizations had been given the opportunity to present their views already on the document on data recording and interpretation.

15. The Committee agreed that the comments from CIOFORA, reproduced in document TC/XIII/7, should be distributed to the members of the Technical Working Party for Ornamental Plants as they mainly dealt with the Test Guidelines for Chrysanthemum.

16. The Committee furthermore took note of an additional letter from ASSINSEL on data recording and interpretation, which is reproduced in Annex III to this report.

Progress Reports by the Chairmen of the Technical Working Parties

17. Miss Jutta Rasmussen (Denmark), Chairman of the Technical Working Party for Agricultural Crops, reported that since the last session of the Technical Committee no session of her Working Party had taken place. The report on the last session had been distributed in document TW/28. The tenth session of that Working Party was to take place in La Minière (France), from May 21 to 23, 1979. During the Working Party's session, it was planned to finalize the draft Test Guidelines for Flax and Linseed, for Lupins, for Ryegrass and for Sheep's Fescue and Red Fescue. In addition, it was intended to prepare a first draft for revised Test Guidelines for Maize which would then be sent to the professional organizations for comments.

Furthermore, it was intended to discuss some questions with respect to the Test Guidelines for Rape, to continue combining results from different countries with respect to reference collections for ryegrass, to discuss the definition of hybrid ryegrass, continue discussing the establishing of a Growth Stage Code for Grasses as well as discuss the question of synthetic varieties and follow the discussions on data recording and interpretation of the Technical Committee. With respect to the long-term program, the Working Party intended to restrict itself more to problems of principle and leave the technical problems to smaller ad hoc groups. These ad hoc groups would establish first working papers for new Test Guidelines or for revised Test Guidelines as well as develop methods for the assessment of characteristics, and select grouping characteristics as well as example varieties. The Technical Working Party itself would then restrict its action to the approval of new draft Test Guidelines or drafts for revised Test Guidelines, as well as the harmonization of methods for testing and the harmonization of reference collections. In this connection, the Committee stressed the need to put more emphasis on the harmonization of methods and considered that the ad hoc groups should try to work mainly by correspondence.

18. Mr. F. Schneider (Netherlands), Chairman of the Technical Working Party for Forest Trees reported that since the last session of the Technical Committee no further session of his Working Party had taken place. The report on the last session of the Working Party was reproduced in document TW/32. The seventh session of the Working Party was to take place in Wageningen (Netherlands) from September 25 to 27, 1979. During that session it was planned to finalize the draft Test Guidelines for Willow and to discuss the revision of the Test Guidelines for Poplar as well as problems arising from the protection of vegetatively propagated and generatively propagated varieties of one and the same species and also from the protection of rootstocks. The Working Party's work was normally slowed down by the fact that in forestry the experts had so far mainly looked at characteristics with respect to cultural value and less at characteristics for distinguishing purposes.

19. Mr. A. Berning (Federal Republic of Germany), Chairman of the Technical Working Party for Fruit Crops, reported on the last session of his Working Party, which had taken place in San Giuliano, Corsica (France) from January 30 to February 1, 1979. The report on that session was reproduced in document TW/33. During that session, the Working Party had finalized its work on the draft Test Guidelines for Apricot and for Hazelnut for submission to the Committee with the view to their adoption during the current session. It had prepared a first draft of Test Guidelines for Blackberry for submission to the professional organizations for comments. It had also discussed the working paper on Test Guidelines for Citrus and had started revising the existing Test Guidelines for Apple. These two last mentioned Test Guidelines would, however, have to be rediscussed during the coming session. It further discussed how the number of characteristics could be reduced in the Test Guidelines for Fruit Crops. The Working Party decided that the program for the coming session should include the finalization of the draft Test Guidelines for Blackberry, the continuation of discussions on the working paper on Test Guidelines for Citrus, and that the Working Party would start discussing working papers on Test Guidelines for Japanese Plum and for Olive, continue the discussion on the revision of the Test Guidelines for Apple and, time permitting, start discussing working papers on Test Guidelines for Apple Rootstocks, for Quince and for Kaki. In addition a general discussion on the establishing of working papers on Test Guidelines for Prunus Rootstocks and for Ribes was foreseen. In view of the above mentioned program the Working Party welcomed an invitation from South Africa to hold the next session in that country, especially as reference was made to the discussion during the last Council session in which the Council noted the "...desirability of holding some meetings outside Europe as membership of the Union extended further into other regions of the world." The dates reserved for this session were April 27 to May 11, 1980, as on that occasion visits to various institutes could also be scheduled.

20. As Mr. Berning had asked the Committee to give its view on certain items, a discussion was held on how to reduce the number of characteristics in Test Guidelines. It was finally agreed that the present system of listing characteristics which always had to be used and others which did not always have to be used, should be continued. The Editorial Committee should, however, investigate whether both could be presented in a different manner (for example in two separate lists).

21. The question was raised whether the Working Party would have to form subgroups, one for crops of the temperate zone and another for crops of the tropical zone. It was agreed that it was preferable to restrict the agenda of a session to crops of one of those zones in order to solve this problem, and thereby avoid a proliferation of permanent bodies in UPOV. In this connection, the Committee also expressed its wish that any ad hoc groups set up for establishing working papers on Test Guidelines should not become permanent bodies.

22. With respect to the intention of the Technical Working Party for Fruit Crops to hold its next session in South Africa, the Committee recommended to the Consultative Committee that it should consider this proposal favorably. From the technical point of view it was considered desirable that the experts from the UPOV member States should have an opportunity to study the species of other areas on the spot.

23. With respect to the establishing of one single document on Test Guidelines for Prunus Rootstocks, the Committee took the same view as it had already taken on a similar question during its last session (see paragraph 25 of document TC/XII/6). In general, the Committee recommended that as far as possible rootstocks should be included in the Test Guidelines which covered the respective fruit and/or ornamental varieties.

24. With respect to inviting experts from further non-member States to attend meetings of the Technical Working Party for Fruit Crops as observers, the Committee restated the decision of the Council that the Chairman of the Technical Working Party could invite observers from any State which was invited to send observers to sessions of the Council, but that invitations should only be extended in cases in which the Chairman expected real interest and help in the work of the Technical Working Party.

25. Mr. A. J. George (United Kingdom), Chairman of the Technical Working Party for Ornamental Plants reported that since the last session of the Technical Committee no session of his Working Party had taken place. The report on the last session had been distributed in document TW/30. The twelfth session of the Working Party was to take place in Hanover (Federal Republic of Germany) from July 17 to 19, 1979. During that session, it was planned to finalize the draft Test Guidelines for Berberis, for Chrysanthemum, for Forsythia and for Pelargonium. It was further planned to prepare first draft Test Guidelines for Thuya, for Gerbera, for Kalanchöe and for Narcissus as well as to continue the revision of the Test Guidelines for Rose, for which latter purpose an ad hoc group had met last year in Wageningen to prepare a first working paper. In future, it was planned to prepare further Test Guidelines for species for which cooperation was taking place or was envisaged. It was furthermore envisaged to discuss the examination of homogeneity and stability in varieties of normally vegetatively propagated species and, time permitting, also the examination of distinctness of these species. It was planned to keep in contact with the Technical Working Parties for Fruit Crops and for Forest Trees with regard to the two last mentioned questions as they would also arise in those Working Parties.

26. Mr. George continued to report that in the ornamental sector, especially Chrysanthemums and Roses, a situation had developed whereby, through mutation breeding, it had become very easy to arrive at differences from existing varieties. This would endanger the whole plant variety rights system as for example in the case of Chrysanthemum it was now possible within the space of two to three years to include in a protected variety sufficient differences to avoid paying for licenses when propagating the variety. The Committee took note of the report and requested the Chairman to hold a first discussion on the problem during the next session of the Technical Working Party for Ornamental Plants, and to report on its outcome at the next session of the Committee. In addition, the Committee asked its members to send in to the Office - which would collect the information - their own thoughts on that and similar problems arising in other fields.

27. Mr. J. Brossier (France), Chairman of the Technical Working Party for Vegetables reported that his Working Party had not met since the last session of the Technical Committee. The report on the last session of the Working Party was reproduced in document TW/29. The twelfth session of the Working Party was scheduled to be held at Avignon from June 5 to 7, 1979, or possibly one week afterwards. During that session it was planned to finalize work on the draft Test Guidelines for Black Radish, for Radish and for Kohlrabi. It was furthermore envisaged to start discussing working papers on Test Guidelines for Celery, for Cornsalad, for Capsicum and for Leek. Furthermore, it was envisaged to continue the revision of the Test Guidelines for Garden Peas and start revising the Test Guidelines for Lettuce. A further item would be the continuation of the discussion on reference collections and on disease tests carried out in the individual member States.

28. At the initiative of the experts from Denmark, the Committee agreed that the Chairmen should, when issuing invitations to sessions of Technical Working Parties and when transmitting the agenda of those sessions, always send a copy to the Plant Variety Rights Offices of the member States to make it easier for them to plan their representation in the Technical Working Parties. In this connection, it was mentioned that the efficiency of the Technical Working Parties in the past had partly been due to continuity of membership and that this should be maintained as far as possible.

Test Guidelines

29. The Committee discussed the draft Test Guidelines mentioned in paragraphs 1 and 3 of document TC/XIII/2 and finally adopted or confirmed adoption of the following Test Guidelines, subject to the changes made by the Editorial Committee and reported upon during the meeting:

- TG/70/2(proj.) - draft Test Guidelines for Almond
- TG/71/2(proj.) - draft Test Guidelines for Hazelnut
- TG/59/2(proj.) - draft Test Guidelines for Lily.

30. The Committee also took note of the stages of the draft Test Guidelines mentioned in paragraphs 4 and 5 of document TC/XIII/2, as well as in its Annex, and agreed on the priorities mentioned on page 2 of the Annex.

Cooperation in Examination

31. Discussions were based on document TC/XIII/3. As the document had already been issued on January 26, 1979, the experts from the different member States reported during the meeting on changes to the information in the Annex since that date. It was agreed that a revised version of the document would be prepared on the basis of the outcome of the present session. (This revised version will be reproduced in document TC/XIII/11).

32. The Committee also discussed the other forms of cooperation mentioned as examples in paragraph 2(ii). It finally asked the Technical Working Parties to examine whether any of those, or any other possibilities could be applied.

33. In this connection the expert from Switzerland reported that probably in the very near future - as soon as the administrative and legal preparations had been concluded - Switzerland would be in a position to offer to undertake tests for fennel for the other UPOV member States.

Grouping of Vegetable Species for Naming Purposes

34. Discussions were based on document TC/XIII/4. Most of the member States reported that they did not consider it necessary to adopt any changes in the grouping at the present stage. However, in a few years it might be useful to reconsider the whole system of classes for naming purposes. At that time, however, the different Technical Working Parties concerned would have to make proposals for grouping.

Program for the Fourteenth Session

35. The Committee noted that the Council had approved its coming session being held at Geneva from November 12 to 14, 1979. During its fourteenth session, the Committee planned to continue its discussion on the General Introduction to the Test Guidelines. It would ask the Council, which planned to meet in October, to give it the authority to publish the revised General Introduction to the Test Guidelines after its discussion in November. The Committee would further receive, during its coming session, reports from the Chairmen of the Technical Working Parties on the work achieved by those Working Parties and, especially, the report of the Technical Working Party for Ornamental Plants on the question of mutations. It would finally study Test Guidelines presented to it by the different Technical Working Parties and would continue its discussion on cooperation in examination.

[Three Annexes follow]

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS/TEILNEHMERLISTE

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NETHERLANDS/PAYS-BAS/NIEDERLANDE

- Mr. M. HEUVER, Chairman, Board for Plant Breeders' Rights, Nudestraat 11, Wageningen
- Mr. R. DUUVENDAK, RIVRO, Postbox 32, 6700 AA Wageningen
- Mr. F. SCHNEIDER, Chairman of the Technical Working Party for Forest Trees, RIVRO, p/a IVT, P.B. 16, 6140 Wageningen
- Mr. K.A. FIKKERT, Legal Advisor, Ministry of Agriculture and Fisheries, Bezuidenhoutseweg 73, The Hague

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SWITZERLAND/SUISSE/SCHWEIZ

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- M. R. GUY, Station fédérale de recherches agronomiques de Changins, 1260 Nyon

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- Mr. A.F. KELLY, Deputy Director, National Institute of Agricultural Botany, Huntingdon Road, Cambridge CB3 0LE
- Mr. A.J. GEORGE, Chairman of the Technical Working Party for Ornamental Plants, The Plant Variety Rights Office, Lee Valley Experimental Horticultural Station, Ware Road, Hoddesdon, Hertfordshire EN11 9AQ

II. OFFICER/BUREAU/VORSITZ

- Mr. A.F. KELLY, Chairman

III. OFFICE OF UPOV/BUREAU DE L'UPOV/BÜRO DER UPOV

- Dr. H. MAST, Vice Secretary-General
- Dr. M.-H. THIELE-WITTIG, Senior Technical Officer
- Mr. A. WHEELER, Legal Officer
- Mr. A. HEITZ, Administrative and Technical Officer

[Annex II follows/
L'annexe II suit/
Anlage II folgt]

TC/XIII/9

ANNEX II

INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

GENÈVE, SCHWEIZ

☎ (022) 99 91 11

☒ 2.23.76



UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

GENÈVE, SUISSE

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW VARIETIES OF PLANTS

GENÈVE, SWITZERLAND

34, chemin des Colombettes
1211 Genève 20

May 9, 1979

Dear Dr. Leenders,

During its thirteenth session, held from March 26 to 28, 1979, the Technical Committee discussed the proposals made by ASSINSEL concerning the UPOV document on data recording and interpretation and the ASSINSEL motion on harmonization in the DUS testing and description of cereal varieties, as well as the proposals on the grouping of vegetable species for naming purposes and on cooperation in examination with respect to vegetable varieties. The following conclusions were reached by the Technical Committee.

Data Recording and Interpretation

The Committee fully shared the opinion expressed by ASSINSEL that the main prerequisite for the recognition by the other UPOV member States of testing results obtained in one member State was the harmonization of the examination methods. It therefore agreed that every effort should be made to achieve such harmonization. At present, UPOV was already working in that direction and especially was establishing for certain species an inventory of the different reference collections and exchanging this information between the member States as a first step towards harmonization. It was furthermore said that a large part of the problem would be solved if testing were regionalized.

Dr. H. H. Leenders
Secretary-General
ASSINSEL
Rokin 50
NL-1012 KV Amsterdam

/...

Dr. H. H. Leenders, Secretary-General, ASSINSEL, Amsterdam -
May 9, 1979

As to some proposals made by ASSINSEL with respect to true qualitative and quantitative characteristics, the Committee took a somewhat different approach. In particular it could not agree that the characteristics "must be capable of measurement," since in its view non-measurable characteristics could very well be used as distinguishing characteristics. It could also not follow the suggestion that there should be no restriction on the methods or combinations. In each single case it would have to be examined whether new methods or characteristics could really be used for distinguishing purposes taking into account also the cost and time requirements involved.

With respect to visually observed characteristics (paragraph 6 of the UPOV document), the Committee took the view that standard procedures should be used as far as possible. It therefore hesitated to provide for additional procedures as proposed by ASSINSEL for "critical cases." The Committee also found it unnecessary to take measurements in all cases (e.g. number of hairs, thickness of wax layer) and therefore maintained paragraph 8 of the document unchanged.

The Committee decided to follow ASSINSEL's proposal that an explanation of the word "off-types," as given in document UPOV/TG/1/1 ("...off-types, that is plants which differ in their description from that of the variety,..."), be included in the document.

The Committee discussed ASSINSEL's proposal to change the table indicating the maximum acceptable number of off-types for vegetatively propagated varieties and truly self-pollinated varieties. It decided that this table should be prepared in such a way that it would no longer be based on a certain percentage of tolerance or reliability level but on an arbitrary decision taken by the Technical Committee based on experience in the past and in order to balance the risk of rejecting a homogeneous variety and the risk of accepting a non-homogeneous variety. In addition, the number of sample sizes in the table should be reduced. The Committee finally reached the following compromise between its former table and the table prepared by ASSINSEL:

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Dr. H. H. Leenders, Secretary-General, ASSINSEL, Amsterdam -
May 9, 1979

Maximum Acceptable Number of Off-Types in
Samples of Various Sizes

Sample Sizes	Maximum Number of Off-Types
≤ 5	0
6 - 35	1
36 - 82	2
83 - 137	3

The Committee paid special attention to the proposal of ASSINSEL to make an exception for lines of cross-pollinated varieties maintained by artificial self-pollination, in paragraph 20 of the document on data recording and interpretation. It could not agree to include an additional sentence as proposed by ASSINSEL. The Technical Working Parties of UPOV will have to list within their competence those crops where a higher tolerance will have to be applied.

The Committee was not prepared to replace (as proposed by ASSINSEL) the standard deviation or the variance by the variation coefficient when judging homogeneity in cross-pollinated varieties as the last mentioned was affected by the level of the mean. Furthermore, the Committee agreed to maintain for the time being the present wording of paragraph 25 of the document on data recording and interpretation. Should the cases foreseen by ASSINSEL arise, they would have to be checked individually.

The Committee was not certain what was intended by ASSINSEL's proposal that "homogeneity tests should be made on the basis of seeds sent in by the breeder for the first and the second testing year." It would appreciate further clarification.

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Dr. H. H. Leenders, Secretary-General, ASSINSEL, Amsterdam -
May 9, 1979

Motion on "Harmonization in the DUS Testing and Description
of Cereal Varieties"

The Committee noted ASSINSEL's wish that the motion should also apply to forage plants, vegetables (with the understanding that the paragraph on seed certification did not apply), industrial plants and potatoes.

The Committee agreed with the recommendation that a variety already recognized in one UPOV member State should normally be accepted in the other UPOV member States also on the basis of the description given in the first State. UPOV was at present working towards that aim.

With respect to the national listing the Committee stated that UPOV had no competence in that field, but remarked nevertheless that UPOV was already working in the direction suggested by ASSINSEL, for example by providing in the UPOV Model Agreement for International Cooperation in the Testing of Varieties, that "the provision on this agreement shall apply also for the purposes other than the protection of new varieties of plants in so far as the tests undertaken are comparable to those conducted for the purposes of protection of plant breeders' rights."

The Committee noted that the proposal to make available to all interested parties, on a paid subscription basis, the descriptions of varieties for which plant breeders' rights had been granted, as proposed by ASSINSEL, would create legal difficulties in some member States. Breeders having a legitimate interest in such descriptions should be advised to approach the different national offices which normally would be prepared to furnish the documents.

The Committee agreed that with respect to the proposal on "varietal authentication" for certification purposes, it would be preferable to have one variety concept, but as this proposal was outside the UPOV sphere of influence, it proposed that ASSINSEL should address itself to the seed certification offices. Nowhere was the granting of breeders' rights for a new variety considered a guarantee of acceptance of seed for certification as, in the case of the small samples submitted in connection with the application for breeders' rights, very often different tolerance limits were used.

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Dr. H. H. Leenders, Secretary-General, ASSINSEL, Amsterdam -
May 9, 1979

The Committee saw no need to set up a permanent group of technical experts composed of representatives of UPOV, ASSINSEL and the certification authorities. It agreed, however, that if certain special problems rendered this desirable, ad hoc groups consisting of ASSINSEL and UPOV experts could be convened, as had been done last year at Klarskovgaard.

The Committee decided that it would rediscuss the question of data recording and interpretation, which is being integrated into the General Introduction to the Guidelines for the Examination of Distinctness, Homogeneity and Stability of New Varieties of Plants (UPOV document TG/1/1), at its next session in November.

Grouping of Vegetable Species for Naming Purposes

The Committee also discussed ASSINSEL's proposal on the grouping of vegetable species for naming purposes. Most of the member States considered that it was not yet the appropriate time to amend the present classes given in the UPOV Guidelines for Variety Denominations. However, in a few years it might be useful to reconsider the whole system of classes for naming purposes. At that time the different UPOV Technical Working Parties would have to study the technical aspects and would also take into account the above-mentioned proposal by ASSINSEL.

Cooperation in Examination

The Committee further studied ASSINSEL's proposal with respect to the centralization of the testing of vegetable varieties. It agreed that, when making further offers for regionalized testing, States would bear these proposals in mind. The subject of cooperation would continue to be on the agendas of the coming sessions of the Committee.

Sincerely yours,



H. Mast
Vice Secretary-General

Comments of ASSINSEL France transmitted by the Secretary General of ASSINSEL to the Vice Secretary-General of UPOV in a letter dated March 23, 1979

DATA RECORDING AND INTERPRETATION

Vine - Ornamental Plants - Fruit Trees

For Vine , document TG/50/3, 1977-11-17, defines the guidelines for the conduct of the tests.

A very large proportion of the characteristics used are visually observed characteristics according to the definition given in the observations of the UPOV Technical Committee.

On page 2, paragraph 11, of the document it is said that "In each comparison, it is acceptable to note a difference between two varieties as soon as this difference can be seen with the eye ..." and a little further on "The simplest criterion for establishing distinctness is of course to require consistent differences ..."

In the case of vine, the differences that are visible with the naked eye in certain secondary characteristics which are consistent do not always lead to a distinction being made between two varieties. At least, that is the result of current usage since one and the same variety may include various types or clones between which it is possible to make out differences.

For Ornamental Plants

Page 1, B, "caractères qualificatifs" ... this is to be understood as qualitative.

The main problem is that the definition of the varieties to which the text is to refer is not known. It would seem implied that the definition of the varieties is to state nothing in respect of the importance of the characteristics which enable it to be said whether two varieties are different. As regards ornamentals in particular, it is possible to have mutants of a sort as regards a characteristic that is discernible but of no interest.

Page 2 (page 1 of English) - quantitative characteristics. A lot could be said as regards the precautions to be taken when comparing batches of bulbs, for example (what are "comparable" batches).

Page 4 (page 3 of English) - mainly for cumbersome varieties, if testing concerns a sample of 10 the tolerance of 1 out of 10 is very large, but for a sample of 9 it becomes nil.

For Fruit Trees

If we are to accept one off-type for a vegetatively propagated cultivar in the sample class 10 to 89 (i.e. 10% to 1.1%), then let us no longer talk of homogeneity! For these species, no single off-type should be found among the samples submitted for observation, the numbers of which will probably vary between five (fruit trees) and 100 (potatoes, bulb plants). If one plant is an off-type then it would be necessary to state (or have the applicant state) the variability factors: unstable mutant (chimeral structure) or virus contamination. The assessment of the homogeneity would take into account the nature of the factors involved.