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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

**TECHNICAL WORKING PARTY
FOR
AGRICULTURAL CROPS****Eleventh Session
Madrid, Spain, May 19 to 21, 1982**

DRAFT REPORT

prepared by the Office of the UnionOpening of the Session

1. The eleventh session of the Technical Working Party for Agricultural Crops (hereinafter referred as "the Working Party") was held in Madrid, Spain, from May 19 to 21, 1982. The list of participants appears in the Annex to this report. Meetings of Subgroups on several species took place at the same place on May 18, 1982.

2. Dr. F. Miranda de Larra, Director of the Instituto Nacional de Semillas y Plantas de Vivero, welcomed the participants to his office in Madrid. The session was opened by Dr. G. Fuchs, Chairman of the Working Party.

Adoption of the Agenda

3. The Working Party unanimously adopted the agenda of the eleventh session as reproduced in document TWA/XI/1, after having agreed to discuss under "Any other business" problems connected with the impact of patents on varieties, plant breeding and plant breeders' rights, on relations between directives of the European Economic Community (EEC) and the UPOV Test Guidelines, between lists of characteristics for new cultivars to be established by the Organization for Economic Co-operation and Development (OECD) and the UPOV Test Guidelines, a general discussion on the reproducibility of characteristics in the Test Guidelines and the establishing of Test Guidelines or revised Test Guidelines in conjunction with the Technical Working Party for Vegetables.

Adoption of the Report of the Tenth Session

4. The Working Party unanimously adopted the report of its tenth session as appearing in document TW/43, after having agreed to correct in the list of participants (Annex I) the omission of Mr. J.M. Elena Rossello, who had attended the tenth session as representative of Spain, and after having deleted the title "Director" for the following experts from the United Kingdom: Mr. W.G. Sutton, Mr. M.S. Camlin and Mr. J.L. Keppie.

Report on the Seventeenth Session of the Technical Committee

5. The Chairman gave a short account of the last session of the Technical Committee, restricting himself to the main subjects discussed. The full report of the session is reproduced in document TC/XVII/5.

Reports of the Experts on Progress Made with Plant Breeders' Rights in Agricultural Species

6. Having noted that the exchange of lists of varieties under test, agreed upon during the last session of the Technical Committee, was well under way, the experts saw no need to have a more detailed discussion on this agenda item during the session, or to include the same item in the agenda of future sessions. If ever certain information were to be considered helpful to the other experts, this could always be given under "Any other business."

Reports on the Sessions of the Subgroups

7. On February 9 and 10, 1982, a Subgroup on Potato and on May 18, 1982, Subgroups on Rice, on Safflower, on Groundnut and on Cotton met to advance discussions on the establishing or revision of the respective Test Guidelines. Reports on the results of those meetings will be mentioned in connection with the report on the discussions of the respective species during the present session of the Working Party. In that connection it was once again confirmed that participation in the above Subgroups or those mentioned in the following paragraphs would be open to anybody having an interest in the given species and wishing to participate. Any wish to participate could be addressed to the Chairman of the Working Party or directly to the expert in charge of the preparation of a new working paper, if known.

8. A Subgroup on Grasses had met last year for the first time to discuss the revision of the Test Guidelines for Cocksfoot, for Timothy and for Meadow Fescue and Tall Fescue. That Subgroup will need a further meeting before it can present its results to the Working Party. The next meeting is scheduled to take place in Tystofte, Denmark in June 1982.

9. In addition, a Subgroup on Turnip composed of experts from the Netherlands, the United Kingdom and the Federal Republic of Germany had met at Wageningen, Netherlands, to start revising the Test Guidelines for Turnip. The experts will have to study several questions further during the 1982 growing season before a working paper on revised Test Guidelines for Turnip can be prepared and distributed to the experts of the Technical Working Parties for Agricultural Crops and for Vegetables for comments. It is intended to check whether it is possible to include also turnip rape in this working paper.

Test Guidelines for Soya Bean

10. The Working Party noted the comments received from the experts from the University of Illinois, United States of America, on the draft Test Guidelines for Soya Bean as reproduced in document TWA/XI/2, and made the following main changes in the Technical Notes of that document (TG/80/1(proj.)):

Technical Note

- 2 to be incorporated in paragraph 1 and to read: "The minimum quantity of seed to be supplied by the applicant should be 1 kg in each year of testing and 5 kg for storage in the reference collection."
- 5 to have the first sentence deleted and the second and third sentences added to the end of paragraph 6
- 8 to have the word "similar" deleted
- 13 to be included in the Table of Characteristics under characteristic 15

11. With respect to the Table of Characteristics the Working Party discussed the comments made by the experts of the United States Department of Agriculture as reproduced in document TWA/XI/2. It could not however agree on any changes to the Table of Characteristics, and was forced to leave several questions open, to be studied further by the experts when they returned to their countries.

12. In connection with the discussions of characteristic 2 "Plant: growth type" with the states "determinate, semi-determinate, indeterminate" the experts were not certain whether the characteristic was applicable throughout the world or only at certain locations. The same was true with respect to a few other characteristics, for example, characteristic 16, "Plant: time of maturity" with states from very early to very late. The comments from the experts of the United States of America specified that "early" and "late" had meaning only in terms of a specified latitude and climate. The Working Party therefore asked the experts of the United States of America to inform them whether, with respect to the time of maturity, the order of states would be the same wherever the variety was grown, or whether, when certain example varieties were mentioned for given states, the order of the example varieties would change depending on the location. The same answer was also requested with respect to characteristic 4, "Plant: height" with states from very short to very tall.

13. The Working Party decided that the Office of UPOV should ask the experts from the United States of America for additional information, which should then be studied again by the experts of the Working Party and especially by the experts from France and South Africa, and that any further comments should reach the Office of UPOV early enough for distribution by the end of 1982.

14. The discussion on the characteristics mentioned in paragraph 12 led the Working Party to restate the necessity of comparing only test results taken at the same place and under the same environmental conditions, and to point to the danger of comparing test results obtained from different places with different environmental conditions.

15. In connection with the Test Guidelines for Soya Bean the Working Party also asked the Technical Committee to issue a general ruling on the place in the Test Guidelines in which additional information on a given characteristic or group of characteristics (e.g. on the date of observation, on how to observe a certain characteristic or group of characteristics) should be given, namely whether in the Technical Notes, in the Table of Characteristics or in the Explanations and Methods. It considered the explanation given by the Office of UPOV on present practice insufficient. So far general information, especially on the time of observation and the selection of the organs applying to more than one characteristic, would be included in the Technical Notes, information applicable to one characteristic only and quite short, in the Table of Characteristics, and more detailed information, especially drawings or methods relating to a single characteristic or group of characteristics, in the Explanations and Methods. The Working Party felt that, if possible, more information should be indicated in the Table of Characteristics, immediately after each characteristic, as the fear was expressed that the Table of Characteristics might frequently be detached from the Technical Notes, whereupon the information in the Technical Notes would not be read by the person using the Table of Characteristics or indeed available to him.

Test Guidelines for Sunflower

16. The Working Party noted the comments received from the experts from France, and reproduced in document TWA/XI/11, on the draft for Test Guidelines for Sunflower and made the following main changes to the latter document (TG/81/1(proj.)):

- (i) Changes made in the Technical Notes:

Technical Note

- 1 to have the last sentence read: "Recommended minimum quantities of seed are:

"(i) Hereditary components: 5,000 viable grains each year of testing and 1 kg for storing in the reference collection.

"(ii) Commercial hybrids and open-pollinated varieties: 1 kg each year of testing and 3 kg for storing in the reference collection."

3 to have the first sentence deleted and the second sentence added to the end of paragraph 4

4 to have the last sentence before the new addition read as follows: "As a minimum, each test should include a total of 50 plants for multiple hybrids and open-pollinated varieties and 20 plants for single hybrids and hereditary components, which should be divided between two or more replications."

10 after this paragraph a new paragraph to be inserted reading: "All seed characteristics should be observed on seed sent in by the breeder." The Working Party stated that technical reasons had led them to include this paragraph in the Technical Notes. They were however well aware of the fact that the inclusion of the new paragraph would have the possible consequence of characteristics of the submitted seed alone leading to the grant of plant variety protection for a variety that otherwise was not distinguishable; that in turn might result in reciprocal crosses being considered new varieties, which was a different decision from the one taken with respect to maize (see paragraph 11 of the Technical Notes of document TG/2/4). It therefore asked the Technical Committee to note and approve the proposal.

(ii) Changes made in the Table of Characteristics:

Characteristics

- 7 to have the additional state "brown"
- 9 to have the bracketed addition "two-leaf stage"
- 10 to have the bracketed addition "between 1/2 and 2/3 of height, at bud stage, just before flowering"
- 11, 16 to 22 - to be recorded as characteristic 10
- 12 to have the bracketed addition "between 1/2 and 2/3 of height, at appearance of buds"
- 13 to 15 to be recorded as characteristic 12
- 15 to receive an asterisk
- 22 to have the states "erect (1), semi-erect (3), horizontal (5)"
- 23 to have the bracketed addition "5 cm below head, just before flowering"
- 24 to be deleted

Several characteristics were to receive example varieties or different example varieties according to the proposals given in document TWA/XI/11.

(iii) In the Explanation and Methods the drawings for characteristic 19 were to be improved, and the state "absent" was to be clarified by the addition "parenchyma absent at base of lateral nerves."

17. As several questions, but especially the indication of example varieties, were still open, the Working Party agreed that the experts of the Subgroup --but also anybody else who would like to make comments or wished to indicate additional example varieties--were invited to submit comments or proposals by the end of January 1983 to the experts from France, who would use them in the preparation of a new working paper.

18. The deletion of the first sentence of paragraph 3 of the Technical Notes was preceded by a lengthy discussion on whether tests would have to be conducted at one or several stations and also on whether stability had to be tested in the second year using seed delivered by the applicant from another growing or generation. There was disagreement on both questions in the Technical Working Party and it was therefore decided that the Technical Committee would be asked to clarify whether testing at one station alone was considered sufficient to establish distinctness, and whether testing on the basis of a single sample supplied by the applicant and one testing year were considered sufficient to establish stability before plant breeders' rights were granted. If both questions were answered in the affirmative, the sentences in the Technical Notes of all Test Guidelines that corresponded to paragraph 3 of the Technical Notes of document TG/81/1(proj.) should be deleted. The paragraph in question reads as follows:

"3. If the tests are conducted at one station only, there should be at least two plots, but it is preferable to conduct the tests at two ecologically different stations with two replications at each. For the assessment of stability, seed delivered by the applicant in different years should be compared."

Test Guidelines for Potato

19. The Working Party noted documents TWA/XI/3, 7 and 8 as well as some corrections to document TWA/XI/8, especially on page 5, and agreed that the Technical Notes of document TWA/XI/7, paragraphs 1 and 2, should read as follows:

"1. The competent authorities decide when, where and in what quantity and quality the tubers required for testing the variety are to be delivered. Applicants submitting tubers from a State other than that in which the testing takes place must make sure that all customs formalities are complied with. As a minimum the following quantity of tubers is recommended:

150 tubers in each year of testing, or
300 tubers in one delivery.

"The diameter of the tubers to be delivered should be 35 to 50 mm. The quality of the tubers to be delivered should not be lower than the level for certification of basic seed or the level for marketing in the country concerned.

"2. The tubers must not have undergone any heat treatment or chemical treatment unless the competent authorities allow or request such treatment. If tubers have been treated, full details of the treatment must be given."

20. Some experts stressed the strict need for the complete absence of any treatment as mentioned in the preceding paragraph. The submission of any treated material would result in rejection of the whole application. The Working Party did not enter into detailed discussions on the Table of Characteristics but decided that the document should be discussed once again by the Subgroup on Potatoes, especially with respect to the inclusion of example varieties and the deletion of a few more characteristics, as well as the possible inclusion of some further characteristics mentioned in document TWA/XI/3. The experts of the Working Party were invited to present comments to the experts of the Netherlands by September 1, 1982. The experts from the Netherlands would then prepare a new working paper for the next session of the Technical Working Party.

Test Guidelines for Rice

21. The Working Party noted working paper TWA/XI/6 and approved the changes that the Subgroup on Rice had made during its meeting on May 18, 1982, and reported to the Technical Working Party. Taking into account the changes made, the Table of Characteristics would read as follows:

Table of Characteristics

- 1 "Penultimate leaf: length (late vegetative stage)" with the states "short (3), medium (5), long (7)"
- 2 "Penultimate leaf: width (as for 1)" with the states "narrow (3), medium (5), broad (7)"
- 3 "Leaf: intensity of green color (as for 1)" with the states "pale green (3), green (5), dark green (7)"
- 3a "Leaf: distribution of anthocyanin coloration (as for 1)" with the states "absent (1), on tips (2), on margins (3), in blotches (4), uniform (5)"
- 4 "Penultimate leaf: attitude (prior to heading)" with the states "erect (1), semi-erect (3), horizontal (5), drooping (7), recurved (9)"
- 5 "Ligule: anthocyanin coloration of auricle (late vegetative stage)" with the states "absent (1), present (9)"
- 6 "Time of heading (from the effective seeding date to 50% of heading)" with the states "very early (1), early (3), medium (5), late (7), very late (9)"
- 7 "Stem: length including panicle (after flowering, excluding floating rice)" with the states "very short (1), short (3), medium (5), long (7), very long (9)"
- 8 "Stem: anthocyanin coloration of nodes (as for 7)" with the states "absent or very weak (1), weak (3), medium (5), strong (7), very strong (9)"
- 9 "Panicle: length (near maturity)" with the states "short (3), medium (5), long (7)"
- 10 "Grain: length of awns (flowering to maturity)" with the states "absent or very short (1), short (3), medium (5), long (7), very long (9)"
- 10a "Grain: distribution of awns (as for 10)" with the states "tip only (1), upper quarter (3), upper half (5), upper two thirds (7), whole length (9)"
- 11 "Grain: color of apiculus (at maturity)" with the states "white (1), straw (2), brown (tawny) (3), red (4), red apex (5), purple (6), purple apex (7)"
- 12 "Grain: color of stigma (at flowering)" with the states "white (1), light green (2), yellow (3), light purple (4), purple (5)"
- 13 "Grain: distribution of pubescence of lemma and palea (flowering to maturity)" with the states "on lemma keel (1), on upper portion (2)"
- 13a "Grain: length of presence on lemma and palea (as for 13)" with the states "absent or very short (1), short (3), medium (5), long (7), very long (9)"
- 14 "Grain: weight of 1,000 fully developed grains (at maturity)" with the states "very low (1), low (3), medium (5), high (7), very high (9)"
- 15 "Decorticated grain: length" with the states "short (3), medium (5), long (7)"
- 16 "Decorticated grain: width" with the states "narrow (3), medium (5), broad (7)"

- 17 "Time of maturity (from date of putting into water up to when 80% of grains on panicle are mature)" with the states "very early (1), early (3), medium (5), late (7), very late (9)"
- 18 "Decorticated grain: profile of "brown rice" (at maturity)" with the states "rounded (1), semi-rounded (3), medium (5), spindle-shaped (7), very spindle-shaped (9)"
- 19 "Grain: pearl" with the states "always absent (1), often absent (3), occasionally present (5), often present (7), always present (9)"
- 20 "Panicle: attitude (at maturity)" with the states "erect (1), semi-erect (3), horizontal (5), drooping (7), deflexed (9)"
- 21 "Lemma: anthocyanin coloration of keel (at flowering)" with the states "absent or very weak (1), weak (3), medium (5), strong (7), very strong (9)"
- 22 "Lemma: anthocyanin coloration of upper quarter (area below apex, at flowering)" with the states "absent or very weak (1), weak (3), medium (5), strong (7), very strong (9)"
- 23 "Lemma: anthocyanin coloration of apex (at flowering)" with the states "absent or very weak (1), weak (3), medium (5), strong (7), very strong (9)"

22. The Working Party agreed that the experts of the Subgroup as well as the other experts of the Working Party should be invited to present comments on this amended working paper before the end of the year, and that the Spanish experts would prepare a new working paper for submission to the next session of that Working Party with the possibility, depending on the comments received, of another meeting of the Subgroup. This working paper should comprise Technical Notes, a Technical Questionnaire and example varieties and should mark the characteristics to be given an asterisk. The question whether panicle rows should be grown would have to be studied in the meantime.

Test Guidelines for Cotton

23. The Working Party received an oral report from the Subgroup which had met on May 18, 1982, to discuss a working paper for Test Guidelines for Cotton prepared by the experts from South Africa and also document TWA/IX/9. As the working paper on Test Guidelines for Cotton had not been available to all the experts but only to those participating in the Subgroup, it was agreed that it would be circulated, and it was given the document number TWA/XI/12. The main changes to document TWA/XI/12 agreed upon by the Subgroup were as follows:

- (i) In the Technical Notes the minimum quantity of seed should be 2 kg for plot trials and 2 kg for testing and storage in the reference collection, and the total number of plants should be 40.
- (ii) Changes made in the Table of Characteristics:

Characteristics

- 1, 2 to be reviewed and compared with characteristics 1 and 2 of document TWA/XI/9
- 4 to read: "Plant: time of flowering (50% of plants with at least one flower open)"
- 5, 6 to be deleted and replaced by the following two characteristics: "Plant: number of nodes of first fruiting branch" with the states "low, medium, high" and "Plant: length of internodes of first fruiting branch" with the states "short, medium, long"
- 7 to 12 to receive an indication in the Technical Notes reading: "All characteristics on the leaf should be recorded on fully developed upper leaves at time of flowering"

- 9 to have the characteristics "type 1 (an example variety still to be indicated), type 2 (example variety Okra), type 3 (example variety Super Okra)" and to receive drawings for explanation
- 10 to have the states "pale green (3), medium green (5), dark green (7)"
- 12 to have the percentage of leaves with 1, 2 and 3 nectaries studied by the experts
- 16 after this characteristic three other characteristics to be inserted reading: "Bolls: length of peduncle" with the states "short, medium, long", "Boll: number" with the states "few, medium, many" and "Boll: type" with the states "absent, partly developed, fully developed", the last characteristic to receive drawings for explanation
- 21 to receive an indication, still to be decided, as to which bracteoles have to be observed
- 26 to read: "Seed: fuzz"
- 27 to 35 to be studied further, with a request to the Technical Committee for advice on the use of technological characteristics
- 36 to 38 to be studied further, especially on whether standardized methods exist and whether the infections were carried out artificially under controlled conditions

24. As proposed by the Subgroup and agreed by the Working Party, the experts from South Africa will prepare a new working paper indicating example varieties, filling the gaps still remaining in the Technical Notes and the Technical Questionnaire, marking the characteristics that should receive an asterisk, indicating the time of assessment for certain of the characteristics, completing them with drawings and also comparing the working paper with the form for objective description of varieties of cotton used by the United States of America. To facilitate the task of the experts from South Africa, the Working Party asked its members to present any comments they still like to make on document TWA/XI/12 to the experts of South Africa before the end of the current year. Depending on those comments, a further meeting of the Subgroup could take place before the next session of the Working Party, either during the year or the day before the session.

Test Guidelines for Groundnuts

25. The Working Party noted that no comments had been received on the working paper on Test Guidelines for Groundnuts prepared by the experts from South Africa, and that the Subgroup which had met on May 18, 1982, had therefore had only a general discussion on the document and agreed that the experts from South Africa would prepare a new working paper in which they would fill the still missing gaps in the Technical Notes, mark the characteristics that should receive an asterisk, add to certain characteristics the time of assessment or drawings if need be, choose the characteristics to be indicated by the breeder in the Technical Questionnaire and compare the working paper with the form for objective description of varieties of peanut used by the United States of America. As the working paper had been distributed only to the members of the Subgroup the Working Party decided that another distribution should be made to all members of the Working Party and that everybody was invited to present comments on the document (TWA/XI/13) to the experts of South Africa before the end of the current year.

Test Guidelines for Safflower

26. The Working Party noted that the Subgroup on Safflower had met on May 18, 1982, to discuss document TWA/XI/5, namely the List of Characteristics for Guidelines for Safflower prepared by the experts from Spain. Unfortunately no comments had been made on that document and so the Subgroup had only a short general discussion on it asking the experts from Spain to prepare a new work-

ing paper which would also contain Technical Notes, to mark the characteristics that should receive an asterisk and to prepare any drawings or explanations that might be necessary and also a Technical Questionnaire. The Working Party regretted that also no comments had been made on this working paper either, and invited the experts to look at the document once again and present their comments to the experts from Spain before the end of the current year.

Test Guidelines for Swede

27. The Working Party invited the experts to study the working paper on Test Guidelines for Swede (document TWA/XI/4) in which part of the comments to a previous working paper had been taken into consideration. Comments should be sent to the Office of UPOV, which would circulate them to the members of the Working Party. On the basis of those comments the experts from the United Kingdom would prepare a new working paper for the next session of the Working Party. Special attention would have to be given in the working paper to the characteristics on the lobes (characteristics 4 and 5) and to the dry matter content (characteristic 25).

Reports of the Experts on Contacts with Gene Banks

28. The individual experts reported on their contacts with gene banks at the national level. From the different reports it became clear that at present quite good contacts and cooperation with gene banks existed in several of the member States, whose plant breeders' rights offices would in some cases exchange information and in others supply material to the gene banks, especially material of varieties that had been taken off the national lists. Material of the varieties still remaining on national lists was in most cases not yet included in the gene banks' collections, as storage during the marketing of the variety was considered to be best left to the breeder. In several cases certain experts also participated actively in the preparation of descriptors for gene banks, mainly at the level of the European Economic Community (EEC), e.g. descriptors for forage grasses, for legumes and for apples. It was reported that in the coming months meetings of EEC gene bank committees were planned on fruit trees, seed storage, grasses, disease resistance, forest trees, brassica and durum wheat.

List of Varieties to be Exchanged

29. The Working Party noted that the exchange of lists of varieties under test, agreed upon by the Technical Committee, had started, and that some lists had already been distributed to individual member States. The Working Party stressed that the exchange of these lists was only of any value if the lists reached the persons actually doing the testing and if they were distributed as early as possible to be available during the growing season, so that, in the event of a problem with a candidate variety, the experts could check and find out what other country was testing the same candidate variety.

Harmonized Methods for the Testing of Diseases, Common Nomenclature for Different Diseases and their Races

30. The Working Party noted the request of the Technical Committee that priority be given to clarifying and agreeing on harmonized methods for the testing of diseases and then to agreeing on a common nomenclature for the various diseases and their races. After having discussed the possibilities, it finally agreed to set up a Subgroup on the testing of diseases, which would start by confining itself to two diseases, namely rust and mildew. The Working Party proposed that the Subgroup should consist of pathologists who actually did the work of testing disease resistance, certain specialists in that area who might not necessarily be directly involved in the tests, and experts with knowledge of the plant variety protection system. The Working Party finally proposed that Mrs. Jutta Rasmussen (Denmark) chair the Subgroup and that the member States interested in participating in the work of this Subgroup should apply to her. During the meeting the experts from Denmark, France, Germany (Federal Republic of), Ireland, the Netherlands, Spain, Sweden and the United Kingdom expressed their interest in this work. Mrs. Rasmussen

would contact the States which were not present at the current session of the Working Party to enquire whether they also would be interested in participating in that Subgroup. The Subgroup would then report to the Working Party once the first results had been achieved.

Intergeneric Varieties

31. Mr. Seaton (United Kingdom) introduced document TWA/XI/10, which contained a working paper, prepared by him, on Intergeneric and Interspecific Hybrids in Plant Variety Registration. After having discussed several items in more detail, the Working Party finally agreed that more experience was necessary before any final conclusions could be drawn. It therefore agreed to collect data on the range of varieties in the various countries and exchange experience. As a start it was agreed that the experts would collect the specific cases of intergeneric or interspecific varieties in their countries, including pending cases as long as the requirements of secrecy permitted, summarize the information and send it to Mr. Seaton before the end of 1982, so that he could prepare a new working paper for the next session of the Working Party. The experts of the member States that were not present during the session were also specially invited to collect the same information and mail it to Mr. Seaton.

Status of Test Guidelines

32. The Working Party agreed that the draft Test Guidelines for Soya Bean and for Sunflower would require further discussion during its coming session before they could be presented to the Technical Committee for final adoption.

33. It likewise agreed that the working papers on revised Test Guidelines for Potato and for Rice would require further discussion before they could be sent to the professional organizations for comments.

34. Finally it agreed that the working papers on new Test Guidelines for Cotton, for Groundnut, for Safflower and for Swede would require further discussion during the coming session before they could be sent to the professional organizations for comments.

Future Program, Date and Place of Next Session

35. At the invitation of the experts from Denmark, the Working Party agreed to hold its twelfth session at Tystofte, Skaelskør, Denmark, from June 8 to 10, 1983. Depending on the preparation of further working papers for revised or new Test Guidelines, various Subgroups would already be meeting on June 7, 1983, to prepare and speed up the discussions during the session of the Working Party itself. During that session there would be discussions on working papers or first drafts on the following species (the indication in brackets refers to the country or entity that will prepare a new working paper): (i) for presentation to the Technical Committee: drafts for new Test Guidelines for Soya Bean and for Sunflower (F); (ii) for the professional organizations for comments: (a) working papers on revised Test Guidelines for Potato (NL), for Rice (E), for Cocksfoot (Subgroup), for Timothy (Subgroup), for Meadow Fescue and Tall Fescue (Subgroup), for Turnip (NL), and for Broad Bean (Office); (b) working papers on new Test Guidelines for Cotton (ZA), for Groundnuts (ZA), for Safflower (E), and for Swede (UK). The Working Party intended to also discuss the question of data recording and interpretation in grasses (a report to be prepared by the Subgroup), the reproducibility of characteristics (a document to be prepared by the Office of UPOV on the basis of a Questionnaire), harmonized methods for the testing of diseases, a common nomenclature for the various diseases and their races (a report to be prepared by the Subgroup) and intergeneric varieties (a new working paper to be prepared by the experts from the United Kingdom). The Working Party agreed to start revising the existing Test Guidelines for Bent, for Kentucky Bluegrass, for Red Clover and for White Clover and asked the Subgroup at present working on the revision of the Test Guidelines for Cocksfoot, for Timothy and for Meadow Fescue and Tall Fescue to start revising the above Test Guidelines also.

Any Other Business

36. Reproducibility of Characteristics. The Working Party started discussing the use and usefulness of certain characteristics in the Test Guidelines. As there were different opinions on what characteristics or what types of characteristics should be included in a given Test Guidelines document (e.g. all characteristics that were used on a routine basis by at least one of the member States or only the "lowest common denominator," meaning those characteristics on which the majority of the experts could agree), the experts finally decided to make a more detailed study of the question, taking wheat as an example. It therefore agreed that the expert from Denmark would prepare a Questionnaire asking for information for all characteristics--others as well as those of the Test Guidelines--used by one of the member States, which then would be collated by the Office of the Union to form the basis of discussions during the coming session.

37. Electrophoresis. In connection with the discussions on the working paper on revised Test Guidelines for Potato, the Working Party discussed once again the problems connected with the use of electrophoresis for the testing of distinctness. During the discussions it was mentioned that all of the various questions would have to be solved for all species before characteristics obtained by this method could be used for distinctness purposes, namely

(i) whether the characteristics obtained by the use of electrophoresis would be considered important characteristics and whether varieties that could be identified by characteristics obtained by electrophoresis would have a sufficient minimum distance from each other to justify the grant of plant variety protection,

(ii) whether varieties would be homogeneous in characteristics obtained by electrophoresis,

(iii) whether harmonized and standardized methods existed for the use of electrophoresis to obtain these characteristics, and

(iv) whether there was a need to use new or additional characteristics.

38. The Working Party agreed that the situation regarding potatoes was different from that regarding cereals, discussed during its last session, as potatoes were vegetatively reproduced and therefore presented fewer or no problems in terms of homogeneity. Moreover, standardized methods had been established for the testing of potatoes. It remained therefore mainly to solve the other two questions, namely whether there was a need for additional characteristics and the question of importance and minimum distances. Some experts therefore proposed to take potatoes as a starting point for the introduction of electrophoresis in the testing of distinctness. Others warned against the risk involved in the introduction of characteristics obtained by means of electrophoresis. Even if it were possible and justifiable to use characteristics obtained by those methods to distinguish potato varieties, there was the risk of a precedent being set which in the end would force the introduction of characteristics obtained by that method for other species also, for which their application was less justified or not at all. The question of the use of characteristics obtained by means of electrophoresis would therefore have to be solved for all species together.

39. So far it had not been possible to establish a direct correlation between morphological characteristics and characteristics obtained by electrophoresis with respect to potatoes. Moreover, it appeared that it had not been possible to distinguish by electrophoresis three potato varieties that had been distinguished by traditional characteristics. The reverse situation, namely where inside a given variety with a broad distribution in several countries different band patterns could be detected with the application of electrophoresis, was still under study. As the question of electrophoresis was in any case under discussion in the Technical Committee, the Working Party asked that the details of its discussion be brought to the attention of the Technical Committee during its coming session.

40. It was further pointed out that, with respect to potatoes, there was no urgent need for further characteristics, as there was already an abundance of them. Different countries would however place emphasis on different types of characteristics, such as the Netherlands on light sprout characteristics and the United Kingdom on field characteristics, while the Federal Republic of Germany, for identification of seed lots in the trade, would place emphasis on characteristics obtained by means of electrophoresis.

41. Impact of Patents on Varieties, Plant Breeding and Plant Breeders' Rights. Mr. Duyvendak (Netherlands) reported that a patent application was currently pending at the European Patent Office which claimed the use of tissue culture for the maintenance of parent plants which consequently did not need to be homozygous but produced homogeneous offspring. He asked the experts to bring the case to the attention of their Offices and to the Technical Committee, as the grant of the patent applied for could have an important effect on the future of the plant variety protection system. With a patent of the above type, a kind of protection could be obtained that would make it unnecessary to apply for plant variety protection. The question might also be raised during the UPOV Symposium on "Genetic Engineering and Plant Breeding" to be held on October 13, 1982, in Geneva.

42. Relations between Directives of the EEC and the UPOV Test Guidelines and Between Lists of Characteristics for new Cultivars to be Established by the OECD and the UPOV Test Guidelines. Owing to lack of knowledge on the OECD's plans for its list of characteristics and its current stage of preparation, it was not possible for the Working Party to discuss the subject. The experts from the member States that were also members of the EEC stated that a number of the directives of the EEC on the testing of certain species had been established some considerable time previously and would require revision. As in the meantime UPOV had revised certain Test Guidelines, those States would have to abide by the old EEC directives on the one hand and the revised UPOV Test Guidelines on the other, with the resulting burden of observing different rules at the same time. It was however finally agreed that it was not the role of UPOV but of the individual States that were members of both UPOV and the EEC to invite the EEC to revise its directives. As revision species by species was unlikely in the near future, the experts would invite their countries to propose the adoption of a similar attitude as the EEC had taken vis-à-vis the rules for seed testing established by ISTA, and to adopt the principle that variety testing work should be done according to internationally established guidelines for the testing of distinctness, homogeneity and stability, having in mind the UPOV Test Guidelines without specifically mentioning them.

43. Establishing of Test Guidelines or Revised Test Guidelines in Conjunction with the Technical Working Party for Vegetables. Dr. Thiele-Wittig reported that the Technical Working Party for Vegetables, which had met the week before the current session of the Technical Working Party for Agricultural Crops, had expressed its wish for an opportunity to express its opinion on the working papers on Test Guidelines for Swede and for revised Test Guidelines for Turnip before they were sent to the professional organizations for comments. It had moreover started revising the Test Guidelines for Broad Bean and proposed to include also field beans in that document. It had therefore asked the Technical Working Party for Agricultural Crops to express its views on the working paper on revised Test Guidelines for Broad Bean and Field Bean established during its last session. As the last session had taken place only recently, the Office of UPOV had not been able to present a new working paper including all the amendments made. The Working Party for Agricultural Crops therefore asked the Office of UPOV to distribute the working paper and to ask for comments to be sent to the Office of UPOV by the end of the year. Those comments should then be distributed to the experts of both the Technical Working Party for Agricultural Crops and the one for Vegetables.

Visits

44. On the morning of the second day the Working Party visited the laboratory and storage department of the Instituto Nacional de Semillas y Plantas de Vivero at the Regional Center and Seed Testing Station, Carretera de La Coruña, km. 7,500, Madrid 35. On the afternoon of the same day the Working Party paid a visit to the field testing facilities of the same Institute at Aranjuez, about 60 kilometers outside Madrid.

ANNEX

LIST OF PARTICIPANTS
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MADRID, MAY 19 TO 21, 1982

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