



TWV/41/3 Add.

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

TECHNICAL WORKING PARTY FOR VEGETABLES

Forty-First Session
Nairobi, June 11 to 15, 2007

ADDENDUM TO DOCUMENT TWV/41/3

TGP DOCUMENTS

Document prepared by the Office of the Union

1. This document presents comments made by the Technical Working Party for Agricultural Crops at its thirty-sixth session, held in Budapest from May 28 to June 1, 2007, on the draft TGP documents to be considered by the Technical Working Party for Vegetables at its forty-first session, to be held in Nairobi from June 11 to 15, 2007.

TGP Documents

2. The TWA considered the TGP documents below on the basis of document TWA/36/3.

(a) *TGP documents to which the Technical Committee has given highest priority:*

TGP/10 Examining Uniformity (document TGP/10/1 Draft 7)

3. The TWA agreed the following with respect to document TGP/10/1 Draft 7:

1.2	final sentence to read “Hence, it is a matter for the authority to decide, in addition to those characteristics included in the UPOV Test Guidelines or national guidelines, which other characteristics it may include in its consideration of distinctness, which must (also) be considered for uniformity and stability.”
2.1	to delete “[is always present to some extent and]”
2.2	final sentence to read “As a general rule, the states of expression of qualitative characteristics are not influenced by the environment.”
2.3.1(c)	first sentence to read “in cross-pollinated varieties (including synthetic varieties), the expression of characteristics within varieties results from both genetic and environmental components.”
2.4.2	first sentence to read “Thus, for the varieties covered by paragraph 2.4.1, a segregation for certain characteristics, in particular for qualitative characteristics, is accepted if it is compatible with the expression of the parental lines and the method of propagating the variety.
4.2	Section 4.2 to be moved after Section 4.6
4.3.2.5	to delete “[A second example can be seen in apple fruit coloration and patterning. The fruit color, color intensity, amount of overcolor and pattern of overcolor can have atypical expression present, but it is the frequency of the variation which requires consideration.]”
4.3.3.3	to delete “[This can be carried out on the existing material for a second cycle or on new material and is not specifically intended as a test for stability.]”
4.5.1.4, 4.5.1.5	to retain existing version
4.5.1.7	to delete “[The sample size and maximum acceptable number of off-types must be selected with care in order to produce a good test.]”
4.6	to add the following text from TGP/13/1 Draft 9, Section 2.5.3 for consideration by the TC: “Setting the uniformity standard too low could have the consequence of protecting a variety with a large variation in the expression of its characteristics, thereby making it more difficult to establish distinctness for subsequent candidate varieties of that new species or type. Setting uniformity standard too high may lead to the rejection of the variety although, under consideration of the genetic background, the variety could not be more uniform due to the inherent genetic variation.”

5.2.2	to delete “with comparable expression of characteristics” from the final sentence
5.2.4	the TWA noted that a paper on LSD had been prepared by experts from Australia and would be considered by the Technical Working Party on Automation and Computer Programs at its twenty-fifth session, to be held in Sibiu, Romania, from September 3 to 6, 2007

(b) *Other TGP Documents:*

TGP/8 Trial Designs and Techniques used in the Examination of Distinctness, Uniformity and Stability (document TGP/8/1 Draft 7)

4. The TWA agreed that it would be more appropriate to have a detailed discussion on TGP/8 at its thirty-seventh session in 2008, when the document would be more advanced. The TWA heard that the expert from Australia had prepared a paper on LSD, including the use of multiple range tests, for consideration by the Technical Working Party on Automation and Computer Programs (TWC) at its twenty-fifth session, to be held in Sibiu, Romania, from September 3 to 6, 2007. That expert also observed that document TGP/10/1 Draft 7, Section 2.4.2, made reference to the χ^2 test and noted that it made reference to document TGP/8 for an explanation of that approach. Therefore, he proposed to prepare a document for consideration by the TWC at its twenty-fifth session which could form the basis of a section in the subsequent draft of TGP/8. The TWA supported that proposal and the Office clarified that the document would need to be sent to the Office by August 4, 2007.

TGP/11 Examination of Stability (document TGP/11/1 Draft 2)

5. The TWA considered document TGP/11/1 Draft 2 and heard from the expert from the CPVO that the removal of the section on verification meant that the document contained relatively little substance beyond what was already contained within the General Introduction (document TG/1/3). The TWA supported that analysis and, whilst noting that the document had provided a very useful opportunity to review the subject, agreed that there was not an urgent need for TGP/11 to be developed for the time-being.

TGP/12 Special Characteristics (document TGP/12/1 Draft 2)

6. The TWA agreed to propose the following with respect to document TGP/12/1 Draft 2:

General	the TWA agreed that the TWV was the appropriate TWP to review the matter of whether the term “pathotype” was a suitable term to replace the terms race, strain etc.
2.2.1	to reverse the order of the sentences
2.2.2	to edit the first sentence to be coherent with the terms used in the heading
2.2.3	first sentence to read “Disease resistance characteristics, if properly tested, can give a clear differentiation in the variety collections.”
2.2.4.2	first sentence to be deleted and second sentence to read “The same [race /

	strain] / [pathotype] may be named differently in different parts of the world, e.g. <i>Fusarium oxysporum</i> f.sp. <i>lycopersici</i> (Fol) in tomato, where race 1 in the United States of America is identical to race 0 in Europe.”
2.2.6(i)	first sentence: to delete “still”
2.3	to be moved to the Introduction of Section I
2.3.2.1	to explain as set out in Section I, Table 1(d) that, in general, for DUS purposes, “tolerance” is not a suitable characteristic in relation to biotic factors.”
2.4	Mr. Tanvir Hossain (Australia), in conjunction with experts from Argentina, France and United Kingdom (the TGP/12 Section I subgroup), to prepare a draft subsection containing an example of a disease resistance characteristic for cross-pollinated varieties. Mr. Hossain to circulate a first draft to the members of the TGP/12 Section I subgroup by the end of June 2007, with their comments to be sent to Mr. Hossain by the end of July 2007. Mr. Hossain to then prepare a new draft for circulation to all TWPs by the end of August, with comments to be requested by the end of September, thus enabling a subsection to be included in TGP/12/1 Draft 3, to be considered by the Enlarged Editorial Committee in January 2008.
2.4.1	to read “Disease resistances which are discontinuously expressed as absent or present are qualitative characteristics.”
2.4.2.1	second sentence to read “In general, it is not possible to define nine states of resistance which would be necessary in order to apply the standard “1-9” scale.”
2.5	to be moved to the Introduction of Section I and to delete “[and that different genes lead to different genotypic expressions]”.
3.1	to be edited to apply to insect resistance only or to be moved to the Introduction of Section I
3.2.1	from “ UPOV has also [...]” to be moved to the Introduction of Section I and to delete “[and that different genes lead to different genotypic expressions]”.
3.2.2	to change “the bioassay” to “a bioassay”
3.2.2.1 to 3.2.2.3	to be condensed to the type of summary provided in Section 2.4 and to present the characteristic with states of expression. France to provide a new text by the end of August, to allow circulation of that text with the new subsection of Section 2.4 (disease resistance characteristics for cross-pollinated varieties).
3.3 (new)	Mr. Hossain (Australia), in conjunction with the TGP/12 Section I subgroup (see 2.4 above), to prepare a new draft subsection containing an example for aphid resistance in cross-pollinated varieties, according to the same timetable as for the new subsection for Section 2.4.
4.2.2	title to read “Case Study on the Use of Herbicide Tolerance as a Characteristic in the DUS Examination”
4.2.2	to be condensed to the type of summary provided in Section 2.4 and to present only the characteristic “Plant: herbicide tolerance” with the states of expression absent (1), present (9)
4.2.2	Mr. Hossain (Australia) to provide a new example within herbicide tolerance for a characteristic for pollen viability. To be provided by the end of August to

	allow circulation of that text with the new subsection of Section 2.4 (disease resistance characteristics for cross-pollinated varieties).
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TGP/13 Guidance for New Types and Species (document TGP/13/1 Draft 9)

7. The TWA agreed to propose the following with respect to document TGP/13/1 Draft 9:

1.3	final sentence to read “The starting point in each section of this document is the information provided in the Technical Questionnaire or application form [...]”.
2.1.1	to reverse the order of (a), (b) and (c)
2.1.3	to revise to make reference to the basic principles set out in documents TGP/4 and TGP/9 and to delete the example of Festulolium
2.2	to add “or application form” after “Technical Questionnaire”
2.3.4	to replace the highlighted text between square brackets with an explanation that it is not appropriate to develop (UPOV) Test Guidelines until several authorities have DUS testing experience
2.4.2	the TWA restated its proposal from its thirty-fifth session for the section to be deleted or revised to avoid any general indications or assumptions with regard to the non-existence of varieties of common knowledge
2.5.3	to replace the highlighted section with a reference to TGP/10 and to incorporate the highlighted section in TGP/10
2.7	to suggest to the TWO to include advice to seek information on variation within the species and not just variation between varieties of common knowledge and to include advice to seek such information from other sources than just botanical references
2.7.4	final sentence to read “It would, therefore, be advisable to avoid the extreme states of expression for such a characteristic (very small (1) and very large (9)) to describe the first varieties within a species.”
3.	to consider adding a reference to whether a variety satisfies the criteria for a variety as set out in the 1991 Act of the UPOV Convention
3.	to consider whether there is a difference between “New Species” (Section 2) and “Interspecific / Intergeneric Hybrids” (Section 3)
3.2	to add “or application form” after “Technical Questionnaire”
3.3	to delete “Test Guidelines”
3.3.3	to replace with an explanation that it is not appropriate to develop (UPOV) Test Guidelines until several authorities have DUS testing experience
3.4	to make reference to the General Introduction and TGP/9
3.5	to make reference to the General Introduction and TGP/10
3.6	to make reference to the General Introduction and TGP/11 (if developed)

TGP/14 Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents (document TGP/14/1 Draft 3)

8. The TWA agreed to propose the following with respect to document TGP/14/1 Draft 3:

Section 1	to include the explanation of “relevant characteristics” provided in document TGP/10, Section 1.2
Section 3	to await the adoption of document TGP/8 before finalizing TGP/14, Section 3 in order to ensure that all terms are covered

(c) *Revision of TGP documents:*

TGP/5 Experience and Cooperation in DUS Testing

9. With regard to the proposed clarification of the terms “breeder”, “applicant” and “original breeder” in document TGP/5, the TWA noted that this would imply a significant change to the way in which those terms were used by many members of the Union and urged the CAJ to take that into account when discussing the documents.

Section 1/2 Draft 2: Model Administrative Agreement for International Cooperation in the Testing of Varieties

10. The TWA agreed to propose the following with respect to document TGP/5/Section 1/2 Draft 2:

page 2	to consider whether it was relevant to include the new paragraph in the Model Administrative Agreement and to consider whether that matter might be provided in a separate explanation
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Section 2/2 Draft 2: UPOV Model Form for the Application for Plant Breeders' Rights

11. The TWA agreed to propose the following with respect to document TGP/5/Section 2/2 Draft 2:

3.	to request only the following information, in line with the information requested in the standard Technical Questionnaire: “(a) Botanical name “(b) Common name”
6.	to amend to read “Other applications”. The TWA noted the importance of this information being provided by breeders.
B 3.1(a)	to delete “and the UPOV code”

12. The TWA noted the discussions which had taken place at the TC concerning the proposal of the International Seed Federation (ISF) for consideration to be given to the

development of an electronic version of the model application form and technical questionnaire for use by members of the Union. It noted that the CAJ had agreed to extend an invitation to members of the Union and ISF to present their experiences and initiatives for the development of electronic application forms and technical questionnaires at the fifty-sixth session of the CAJ.

Section 4/2 Draft 2: UPOV Model Form for the Designation of the Sample of the Variety

13. The TWA did not have any comments with respect to document TGP/5/Section 4/2 Draft 2:

Section 5/2 Draft 2: UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results

14. The TWA agreed to propose the following with respect to document TGP/5/Section 5/2 Draft 2:

UPOV Request: 8.	to provide a field to indicate the status of the denomination, i.e. approved or proposed
UPOV Answer: 3.	to provide a field for the variety denomination for indication of the status of the denomination, i.e. approved or proposed

Section 6/2 Draft 2: UPOV Report on Technical Examination and UPOV Variety Description

15. The TWA agreed to propose the following with respect to document TGP/5 Section 6/2 Draft 2:

<i>UPOV Report on Technical Examination</i>	
16.	<p>to simplify the section to read as follows:</p> <p>“(a) Report on Distinctness</p> <p>The variety</p> <p>- is distinct []</p> <p>- is not distinct []</p> <p>“(b) Report on Uniformity</p> <p>The variety</p> <p>- is uniform []</p> <p>- is not uniform []</p> <p>“(c) Report on Stability</p> <p>The variety</p> <p>- is stable []</p> <p>- is not stable []</p> <p>In the case of a positive conclusion, a description of the variety is provided in an annex to this report.”</p>

<i>UPOV Variety Description</i>	
2.	term in brackets to be deleted
[new] (after 17.)	some experts noted the potential value of receiving information on all the varieties included in the growing trial used for the examination of distinctness. However, it was noted that, as explained in documents TGP/4 and TGP/9, not all the varieties considered in the process of examining distinctness would be included in the DUS growing trial. In that respect, it was noted that information on similar varieties was requested in Section 16. It was also observed that requirements concerning information on the reference collections used in the examination of distinctness were included as an element within the Model Administrative Agreement (document TGP/5 Section 1/1). The TWA concluded that further consideration should be given before including a new section in TGP/5 Section 6: UPOV Variety Description

Section 7/2 Draft 2: UPOV Interim Report on Technical Examination

16. The TWA made no comments on document TGP/5/Section 7/2 Draft 2:

Section 10: Notification of Additional Characteristics

17. The TWA noted that the approval of document TGP/5/1 “Experience and Cooperation in DUS Testing” by the TC at its forty-first session was made on the basis that, with regard to Section 10/1, there would be a review of the notification of additional characteristics on the UPOV website after three years of operation. The TWA noted that, at its forty-third session, the TC had noted that no additional characteristics had been notified to the Office of the Union, but had considered that the system was very useful and had agreed to retain Section 10 in document TGP/5.

TGP/7/1 Development of Test Guidelines (Revision)

18. The TWA agreed that it would be appropriate to have a general discussion regarding the inclusion of example varieties in Test Guidelines in conjunction with the revision of document TGP/7/1 “Development of Test Guidelines”.

[End of document]