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Phytosanitary matters that impact access to plant material for DUS examination in NZ

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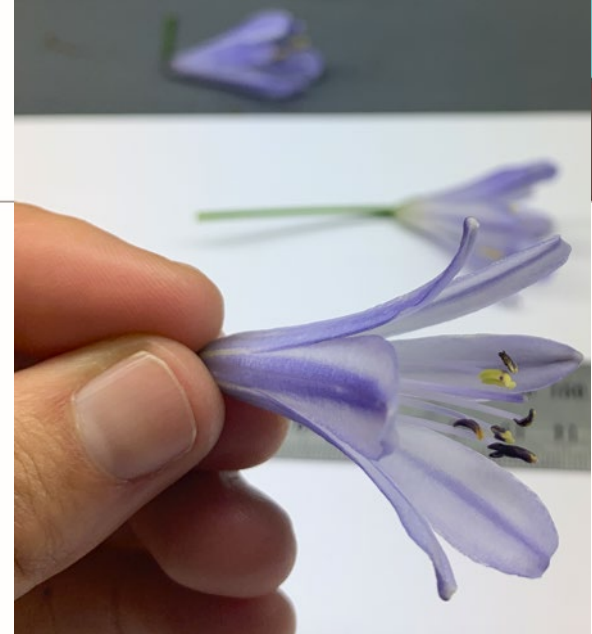


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NZ PVR Office activity at a glance

- Our Office = Four examiners and Expert PVR Lead.
- At any time in the order of 360 varieties under examination.
 - 33% - fruit
 - 30% - ornamental
 - 25% - agricultural
 - 12% - vegetable
- Approximately 65% of varieties are of foreign breeder *



New Zealand is risk adverse

- NZ is a successful producer and exporter of fruit and crops.
- NZ as an island nation is in a unique position to strive to keep disease and pests out of the country.
- The Ministry of Primary Industries' (MPI) role is to protect our primary industry and the environment from exotic pests and diseases through Phytosanitary rules and Biosecurity control measures.
- NZPVRO has no function in this role.



Phytosanitary restrictions directly affect DUS trials



- Strict MPI's biosecurity rules provide 'Plant Health Standards' for the importation of plant species –restricting the timely availability of plant material for DUS purposes.
- Foreign bred vegetatively propagated varieties are primarily impacted: mostly fruit & ornamental.



What biosecurity matters directly affect the importation of plant material?



- Importation is time consuming, can be costly and there can be delays.
- Existence of '*MPI Risk Assessment document*'- helpful and streamline the importation and quarantine process.
- Country of origin matters: quarantine protocol varies depending on the country of origin.
- Quarantine level required: if Level 3 = strictest level = longer quarantine times.
- Number and space in quarantine facilities = it is limited = causes delays
- Importation and quarantine are the responsibility of the applicant and the Office has no role.

**Applicants must ensure the availability of plant material
for DUS testing in a reasonable time.**

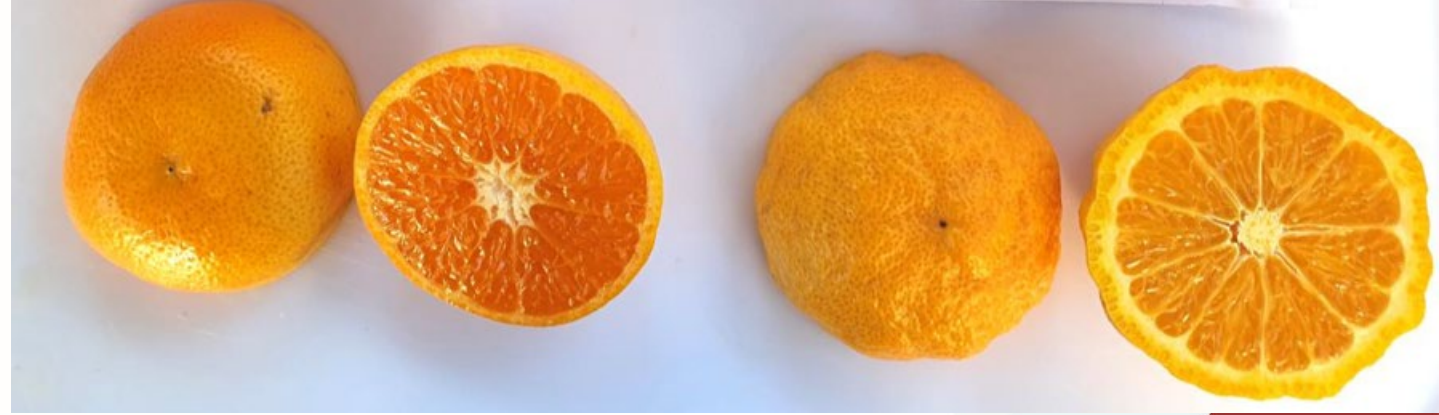
Scenario 1. If importation and quarantine has been completed prior to application for protection

- Plant material is available for DUS testing: Office makes a decision on the Testing Arrangement – initially depends on the crop:





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**Scenario 2.
Existing application for protection but plant material is
not available:
importation and/or quarantine are in progress-**



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Importation and/or quarantine are in progress

- NZPVRO recognises that delays can occur during importation process: sets out reasonable deadlines (realistic and achievable) for plant material to be made available for DUS purposes.
- The setting of deadlines must have flexibility and take due account of matters outside of the control of the applicant or the PVR Office.
- However, if this deadline cannot be met, it is up to the applicant to contact the PVR Office and explain the situation. The contact should be as early as practicable and not close to or after the set deadline.
- ***PVR Act legislation*** provides the possibility for the Office to lapse an application if plant material is not supplied.



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Scenario 3. Availability of plant material for DUS purposes - Post quarantine-



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Post – quarantine: Availability of plant material

- The expectation is that access to suitable plant material for DUS purposes will occur as soon as possible after release from quarantine.
- However, it is possible applicants may encounter difficulties during the initial propagation out quarantine e.g.
- The PVR Office may extend deadlines on request from the applicant, provided that the reason for the delay is justifiable and explained in full.



NZPVR Office administers potential Phytosanitary delays

- First step: the Office conducts an initial assessment of the species of the variety; testing experience, existence of domestic breeding activity, availability of example and similar varieties.
- Pragmatic: PVRO recognises the possible delays due to Biosecurity.
- ***PVR Legislation*** allows for flexibility and practicality at establishing deadlines.

Long delays due to importation factors

- In the situation where there is reduced likelihood of access to plant material in a reasonable time, consideration could be given to the use of Foreign Test report for a NZ decision, if this is available.
- If the NZ decision was made based on a Foreign Test report:
 - A protected variety becomes a variety of common knowledge (VCK)
 - Could be requested to be included in a variety collection in a future DUS growing trial. **PVR Legislation** has provision for the lapsing of applications and cancellation of rights if the variety is not made available for PVR purposes.

Conclusion

- Expectation that applicants will keep the PVR Office informed of progress regarding the importation of their plant material. This includes their own importation timeline, Ministry of Primary Industries importation requirements, and any other relevant matters.
- An application will not be permitted to continue if the wait for available plant material is unreasonably prolonged, or the testing timetable is indefinite.
- Key element: **Communication**



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Thank You



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