



C/45/16 Add.

ORIGINAL: English/español

DATE: April 23, 2012

**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**COUNCIL**

**Forty-Fifth Ordinary Session**  
**Geneva, October 20, 2011**

ADDENDUM TO DOCUMENT C/45/16

REPORTS BY REPRESENTATIVES OF MEMBERS AND OBSERVERS  
ON THE LEGISLATIVE, ADMINISTRATIVE AND TECHNICAL FIELDS

*Document prepared by the Office of the Union*

1. The following reports were received after the deadline of September 9, 2011 (in the alphabetical order of the names in French):

Members: Annexes I to IV: Costa Rica, Romania, Slovenia and European Union.

[Annexes follow]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.1 Amendments to the law and regulations

Law 8631 (Protection of New Varieties of Plants), of March 6, 2008, was reformed through Law 8686 (Reform, Addition and Repeal of various rules regulating intellectual property-related matters) published in the Official Gazette, *La Gaceta*, on November 26, 2008.

The Regulations under this Law (Decree 35677-MAG) of January 11, 2010 has not been subject to any amendment.

1.2 Extension of protection to other genera and species (completed or in draft form).

As stated in Article 2 of Law 8631, “the scope of application of this Law shall extend to the varieties of all plant genera and species”.

1.3 Case law

*Note: The legal texts relating to sections 1.1 and 1.2 shall be notified to the Office of the Union separately, as required by the UPOV Convention.*

These texts have already been communicated to the Office of the Union at the appropriate time.

2. Cooperation in examination:

No cooperation agreements have been concluded.

3. Situation in the administrative field:

There have been no changes in this field.

4. Situation in the technical field (see paragraph 3):

There have been no changes.

5. Activities for the promotion of plant variety protection

- “Seminar on the Implementation of the Protection of New Varieties of Plants”, October 8 and 9, 2009
- Informal lectures for university courses
- Dissertations at meetings
- Radio broadcast messages
- Publication of the Convention, Law and Regulations

[Annex II follows]

C/45/16 Add.

## ANNEX II

### ROMANIA

In the legislative field, the Law 266/2002 regarding the production, processing, quality control, quality certification and marketing of the seed and propagating material, as well as testing and registration of plant varieties was modified and extended for harmonization with the provisions of the new EU directives regarding the testing and registration of varieties. Also, the Law 255/1998 regarding the protection of new plant varieties was amended. The activity of protecting varieties was transferred from The State Office for Inventions and Trademarks (OSIM) to State Institute for Variety Testing and Registration (ISTIS). The amended Law 255/1998 was voted by the Romanian Parliament in October 12, 2011 and it is given for promulgation to the Presidency.

This year, 42 applications for protection were registered, and 28 protection titles were issued. In addition, in the field of testing and registration of varieties, 869 varieties were tested and 94 agricultural plant species, 13 vegetables, 14 fruit tree, 4 vine and 5 ornamental varieties were registered.

The construction of 4 new administrative buildings for testing station equipped with laboratories was completed, and 7 buildings were renovated. The testing centers were fitted with new field and laboratory equipment.

The reference collection and the database were increased and their development continues.

In 2011, the cooperation with UKZUZ from Czech Republic in the field of DUS testing continued. Sample exchange of varieties from the reference collection was made with the similar authority from Bulgaria.

[Annex III follows]

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

No new development.

2. Cooperation in examination

We continue co-operation in the field of DUS examination with Austria, Croatia, the Czech Republic, Hungary, Italy, Netherlands, Slovakia and Poland.

3. Situation in the administrative field

From September 2010 to September 2011: no new application was filed and 1 title granted.

Total number of titles in force is 23 (agricultural crops: 16; vegetables: 5; fruit crops: 1, ornamentals: 1).

II. RELATED FIELDS OF ACTIVITIES

New National List of Varieties, including the list of protected varieties, was published in August 2011.

Four new issues of Slovenian Plant Breeder's Rights and Variety Registration Gazette have been published since September 2010.

[Annex IV follows]

ANNEX IV

EUROPEAN UNION

Period: October 2010 - October 2011  
Report prepared by the EU Commission in close relation with  
the Community Plant Variety Office (CPVO)

I. PLANT VARIETY PROTECTION

1. Situation in the legislative field

1.0 General

The Presidency of the European Union (EU) was chaired by Belgium from 1 July to 31 December 2010, by Hungary from 1 January to 30 June 2011 and by Poland from 1 July to 31 December 2011.

As from March 2011, the official representative of the EU to the UPOV Council is Deputy Director General, Mr. Ladislav Miko, of the Health and Consumers Directorate General of the EU Commission and Ms. Dana Irina Simion, from the same Directorate General, as his alternate.

1.1 Amendment of the law and the implementation regulations

There were no amendments to EU regulations on Community Plant Variety Rights in the reporting period.

However, an external evaluation of the legislation took place from April 2010 to May 2011. The final report can be found on: [http://ec.europa.eu/food/plant/propertyrights/index\\_en.htm](http://ec.europa.eu/food/plant/propertyrights/index_en.htm). A conference to share and discuss the evaluation results will take place on 11 October 2011.

1.2 Extension of protection to further genera and species

Nothing to report.

1.3 Case law

Plant breeder Schniga GmbH (Schniga) filed a plant variety right application at CPVO for its “Gala Schnitzer” apple variety. Later on, the examination centre found out that the material sent by Schniga was infected with viruses when Schniga failed to submit an official phytosanitary certificate. However, CPVO then allowed the applicant to submit new, virus-free testing material. Rival breeders, Elaris SNC (Elaris) and Brookfield New Zealand (Brookfield), licensee and holder of the “Baignet” variety, lodged objections to the grant of a right for “Gala Schnitzer”, arguing that 1) CPVO should not have admitted the application, since Schniga had failed to comply with the requirements for submitting material for technical examination and 2) that the variety itself was not distinct pursuant to Article 7 of the Basic Regulation.

Despite these objections, CPVO granted a right for the “Gala Schnitzer” variety. Elaris and Brookfield then appealed before the Board of Appeal, which annulled the grant on the grounds of Article 61(1)(b) of the Basic Regulation, stating that CPVO was not allowed to request new plant material if the applicant had failed to comply with a request in an individual case, in this precise situation by failing to submit the pertinent certificate.

Schniga then lodged an appeal against this decision before the General Court, submitting three allegations:

- (1) that the objections of Elaris and Brookfield should not have been admitted by the Board of Appeals, as they were not based on any of the grounds listed in Article 59;
- (2) that Articles 61(1)(b) and 62 of the Basic Regulation had been infringed;
- (3) that Article 55(4) had also been infringed by the Board of Appeals. In essence, the appellants argued that if the technical and administrative requirements, i.e. the need to submit a phytosanitary certificate and virus free material, were not sufficiently clear for breeders, CPVO was afforded the discretion to make the appropriate requests to the applicant, allowing him to remedy his shortcoming, instead of directly dismissing their application.

First, the Court considered CPVO’s and Schniga’s first allegation. The Court held that it was competent exclusively to assess the legality of the decisions of the Board of Appeal, as well as issues concerning the appeal procedure itself, but not any new issues of law that had not been previously invoked before the Board of Appeals. Thus, the Court found that the first argument was inadmissible, since it was introduced by the appellants before the Court for the first time.

The General Court then went on to examine the third allegation. The Court found that the Board of Appeals had misconstrued the scope of discretion conferred by Article 55(4). It sided with the appellants, ruling that the CPVO had the discretionary power under Article 55(4) of the Basic Regulation to continue an examination procedure in spite of the applicant having failed to meet the requirements concerning the health of plant material to be submitted, when this failure was caused by the ambiguity of such requirements and could be remedied by CPVO. The applicant should not be held responsible for the lack of clarity and precision of the application requirements. Accordingly, it was lawful for CPVO to request Schniga to submit the material afresh. The Court observed that in accordance to the principle of good administration, this discretion allowed to avoid a pointless repetition of the application procedure.

Lastly, in light of the above, the General Court found it unnecessary to examine the appellant’s second allegation.

Accordingly, the Court admitted Schniga’s appeal and annulled the decision of the Board of Appeal.

## 2. Cooperation in examination

- (a) Conclusion of new agreements:

Nothing to report

(b) Amendment of existing agreements:

Nothing to report

(c) Memorandum of Understanding with third countries

On 19 May 2011 the President of the CPVO signed in Hanoi with the competent Vietnamese authorities as concerns cooperation between the two parties in the field of testing of plant varieties which are candidates for protection. Under this MoU the two parties can exchange DUS test reports.

### 3. Situation in the administrative field

#### *Changes in the administrative structure*

– Appointment of the new CPVO President

The Council of the EU decided on 12 July 2011, on the basis of a proposal from the EU Commission after obtaining the opinion of the Administration Council of the CPVO, to appoint Martin Ekvad, as president of the CPVO for a period of five years. Martin Ekvad succeeds Bart Kiewiet, the first president of the CPVO, after the end of his third mandate on the 31st July 2011.

– Appointment of the new Deputy Chairperson of the CPVO Board of Appeal

The Council of the EU appointed on 12 July 2011, on the basis of a proposal from the EU Commission after obtaining the opinion of the Administration Council of the CPVO, Mrs. Sari Kaarina Haukka, from Finland, as Deputy Chairperson of the CPVO Board of Appeal for a period of five years.

– Observership in the CPVO Administrative Council

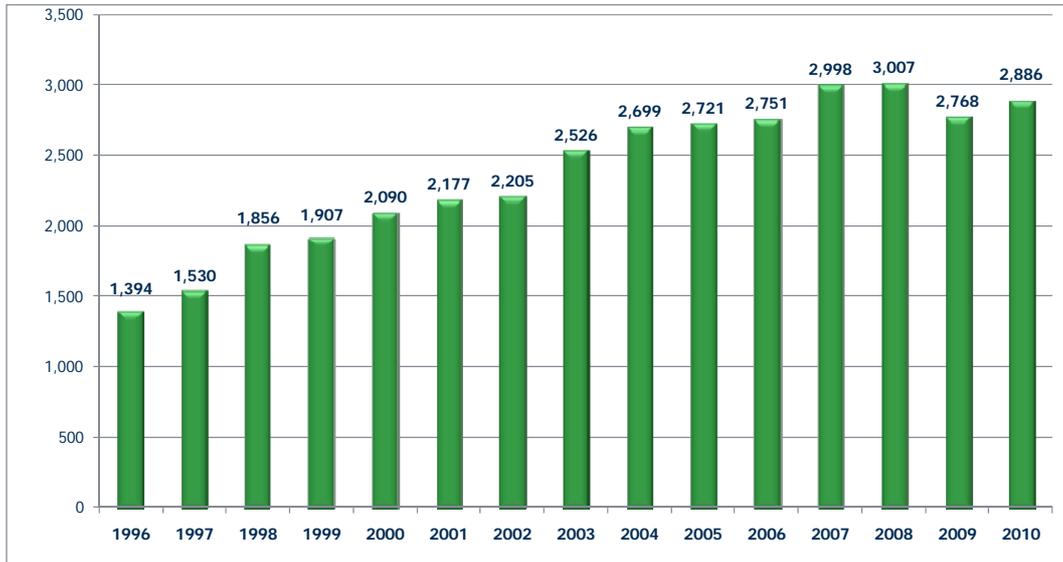
During this reporting period the Administrative Council of the CPVO has decided to grant the status of observers to the following breeders' organizations: CIOPORA, ESA and Plantum.

#### *Statistics*

In 2010, the CPVO received 2,886 applications for EU plant variety protection. As illustrated in Graph 1, this represents an increase of 5.2 % compared with the previous year.

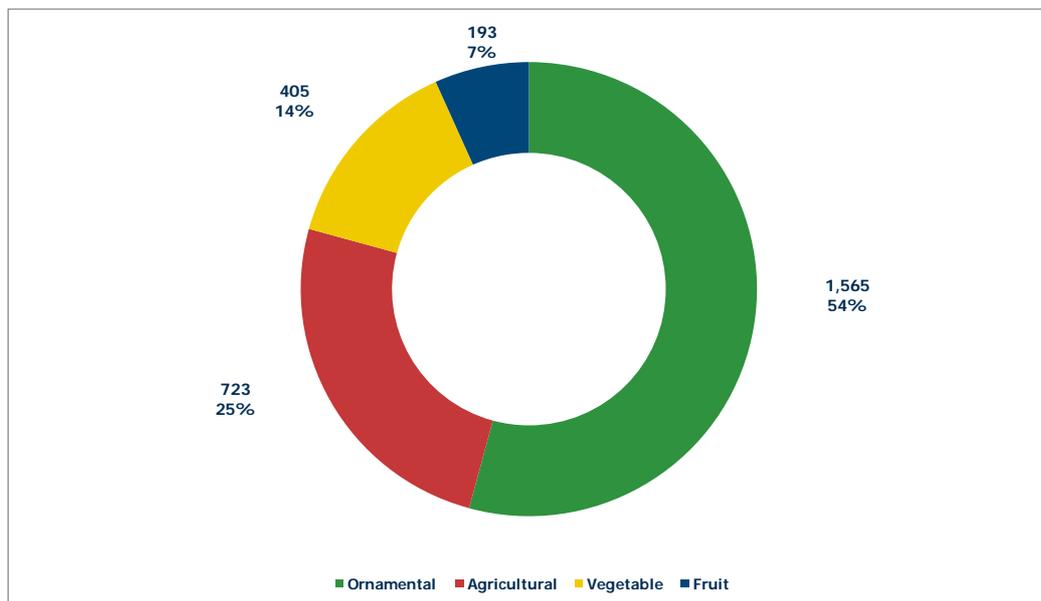
Graph 1

Evolution of the annual number of applications for EU plant variety protection (1996-2010)



Graph 2

Shares in application numbers per crop sector



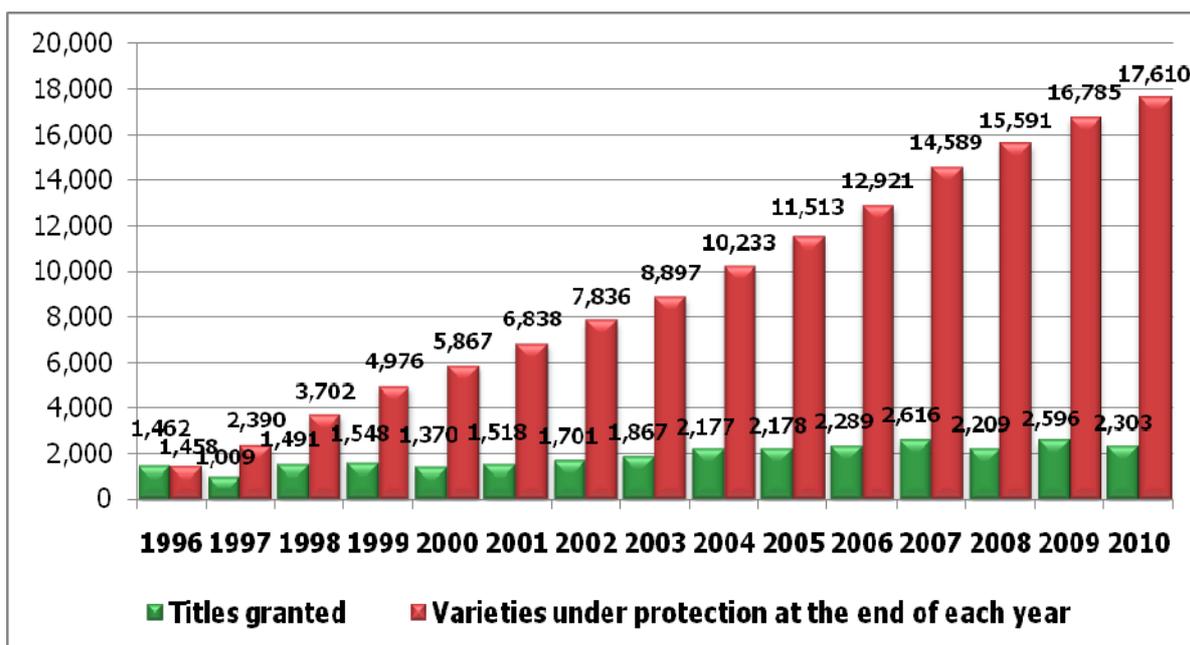
Graph 2 represents shares of the crop sectors in number of applications received in 2010.

The important increase in number of applications observed in 2010 in the ornamental sector (+10.8%) represents a partial recovery from the considerable reduction seen in 2008 and 2009. Also for fruit species, an increase of (+4.3 %) in number of application was observed. By contrast, decreasing application numbers were found for agricultural species (-3.0%) and vegetables (-2.2 %)

In 2010, the CPVO granted nearly 2,300 titles for EU protection. By the end of 2010, there were 17,610 EU plant variety rights in force. Graph 3 hereafter shows the number of titles granted for each year from 1996 to 2010 and it illustrates the continuous increase of varieties under protection within the EU PVR system.

Graph 3

EU plant variety rights granted and rights in force at the end of each year (1996 – 2010)



#### 4. Situation in the technical fields

##### Information concerning the functioning of the EU Plant Variety Protection

###### a. Relation with examination offices

In 2010, the CPVO held its 14<sup>th</sup> annual meeting with its examination offices, which is also attended by representatives from the EU Commission, the UPOV office as well as the breeders' organisations CIOPORA and ESA. The main subjects of discussion were:

- A new template for CPVO Technical Protocols implementing the UPOV template;
- DNA sampling as part of the technical examination;
- Exchange of plant material amongst examination office;
- Aspects related to the number of plants in DUS trials of ornamental and fruit varieties;
- Disease resistance testing in vegetables;
- The use of grouping characteristics;
- The keeping of plant material beyond the end of the DUS trial where the technical examination gave negative results;

- Communication between the examination offices and the CPVO;
- Co-operation in variety denomination testing;
- Various aspects in relation to the quality auditing of DUS testing.

Furthermore, the participants were informed on the state of affairs regarding the online application system, on the centralized database on variety denomination and the database on jurisprudence in decisions about the suitability of variety denominations as well as on the electronic exchange of documents with examination office.

b. Preparation of CPVO protocols

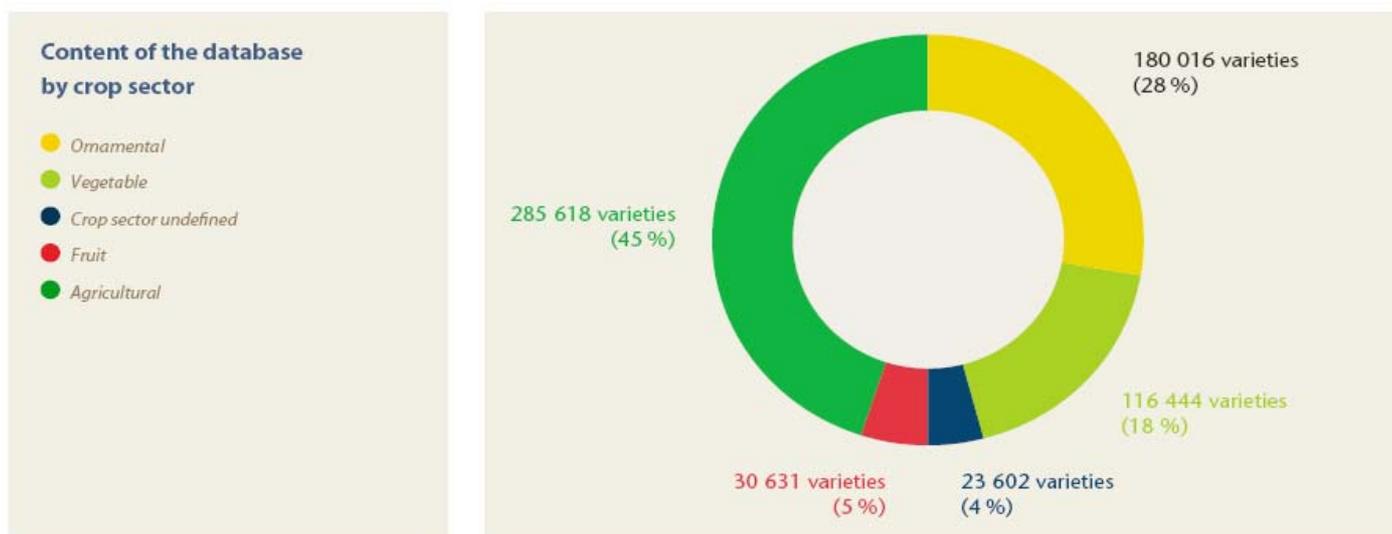
In 2010, experts from the Member States' examination offices were invited to participate in elaborating or revising technical protocols for DUS testing which either were subsequently approved by the Administrative Council (see Chapter 5) or can be expected to be approved in 2011. The following meetings were held.

- Agricultural experts: a draft protocol was discussed for *Lolium* and *Festuca ssp.* and revisions of the protocols were discussed for barley, wheat and triticale
- Fruit experts: the revision of the technical protocols for peach; approval is expected in 2011
- Vegetable experts: revision of the technical protocols for asparagus, a partial revision of the technical protocol for lettuce and cabbage and new technical protocols for dill and curly kale; the protocols are expected to be approved in 2011
- Ornamentals experts discussed corrections and modifications of the technical protocols for *Guzmania* and *Osteospermum*

c. Further development of the CPVO VarietyFinder (Centralized database for variety denominations)

In 2005, the CPVO released a web-based database linked with a search tool to test proposals for variety denominations for similarity. Today, the database contains more than 700,000 denominations from national listings and plant variety rights registers of the EU and UPOV Member States. It also contains the register of ornamental varieties commercialised in the Dutch auction system in the Netherlands. It has been renamed CPVO VarietyFinder in the beginning of 2011. Graph 4 gives an overview of the content of the database by crop sector.

Graph 4



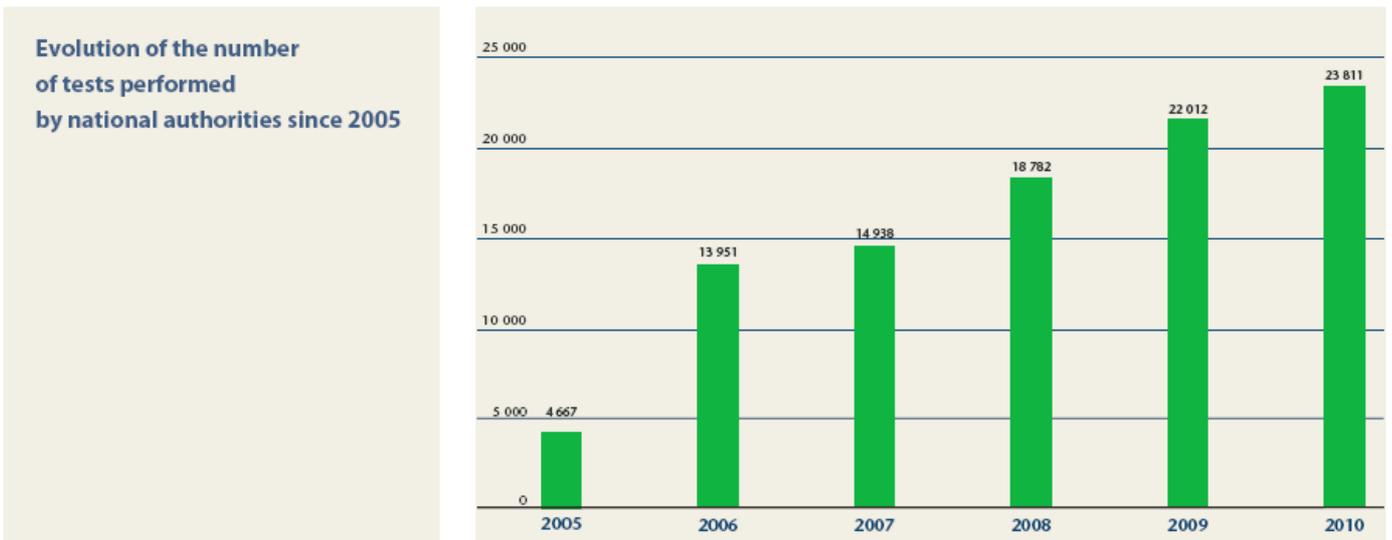
The CPVO is constantly updating the database with new contributions and Graph 5 illustrates the evolution of the number of contributions received since the beginning of the project. In 2010, new contributions were received in respect of fruit varieties eligible for commercialisation at national level from EU countries where such lists exist.

Graph 5



The CPVO has decided, in 2011, to give a free access to this database, (a registration is necessary). Graph 6 illustrates the evolution of the number of tests on variety denominations performed by national authorities since 2005.

Graph 6

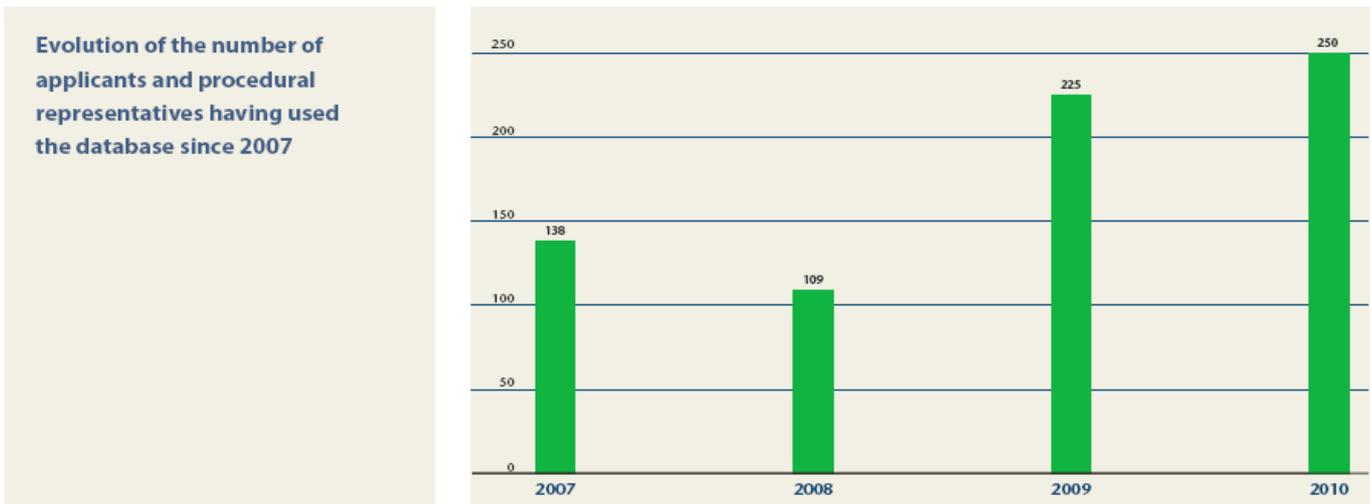


Since 2007, a new version of the website also gives EU-based applicants and their procedural representatives the possibility to pre-check their denomination proposals for similarity. As revealed Graphs 7 and 8, more and more tests are performed by an increasing number of applicants and procedural representatives.

Graph 7



Graph 8



In 2010, the jurisprudence section was developed. It contains a selection of decisions of the Variety Denomination Committee of the CPVO with the purpose of illustrating the implementation of the guidelines of the Administrative Council on the subject matter. All users have access to this section where a search tool enables them to look for examples according to various criteria.

The CPVO VarietyFinder is a widely used tool. It constitutes a common basis for the purpose of assessing the suitability of variety denomination proposals for suitability in the EU and contributes to the harmonisation of decisions.

d. Cooperation in denomination testing

The purpose of this activity is to reach a greater harmonisation of decisions as to the suitability of proposals for variety denominations in national plant variety rights, national variety listing procedures and at the level of the CPVO.

As a matter of fact, the EU Directives relevant for the marketing of agricultural and vegetable varieties in the EU contain a cross reference to Article 63 of Regulation (EC) No 2100/94 on Community plant variety rights. Article 63 deals with the criteria for suitability of variety denomination proposals. The legal basis in respect of the suitability of variety denominations is thus unique. However, experience has revealed that applicants have still had to face sometimes discrepant decisions from various authorities in respect of the suitability of the denomination proposals for their varieties. This is the reason why the CPVO felt that a system of cooperation in checking the suitability of variety denomination proposals would lead to a better harmonisation of decisions.

The CPVO developed this new project of cooperation in denomination testing in 2009 and it was released in the beginning of 2010. EU national authorities have today the possibility to ask online for CPVO advice as to the acceptability of their new denomination's proposal. In the case of controversial opinions, exchanges of view can take place but the decision remains in the hands of the national authority where the application for registration of the variety has been made.

In 2010, more than 2,300 advices were issued and some major EU countries in the EU used the system on a regular basis.

More than one third of the advices are rendered on the same day and 85 % in total within one week.

Until now, requests for advice are mainly issued for varieties in the agricultural, vegetable and fruit sectors.

It is expected that, in future, such requests will increase in the fruit sector where the registration of new fruit varieties will be made obligatory before marketing after 1 October 2012 with the entry into force of EU Directive 2008/90/EC on the marketing of fruit plant propagating material and fruit plants intended for fruit production.

It can thus be concluded that the use of the system is encouraging in this starting year with advices rendered within short delays. Other forms of cooperation have also been put in place, especially in the ornamental sector with authorities like KAVB in the Netherlands, responsible for the registration of bulb species, or the VKC in the Netherlands as well, registering varieties before their commercialisation in the auction system. These authorities have access to the CPVO VarietyFinder and regular exchanges of view about the suitability of proposals take place with the CPVO.

e. Crop experts meetings

Two meetings with agricultural experts were held in 2010 to discuss questions related to uniformity in wheat, barley and triticale and the preparation of technical protocols for *Lolium* and *Festuca* species.

One fruit experts meeting was held, in November 2010, to discuss: a partial revision of the peach protocol; phytosanitary documentation and harmonisation of closing dates amongst all entrusted examination offices according to species; continuing discussions on the feasibility for the reduction in duration/costs of fruit technical examinations; the number of plants to be observed for distinctness and uniformity; preparations for a fruit open day co-hosted by GEVES in June 2011; progress on the final stages of the R & D project 'Management of peach tree reference collections'.

One vegetable experts meeting was held, in October 2010, to discuss: the partial revision of the lettuce and cabbage protocols; the revision of the technical protocols for asparagus, and the creation of CPVO technical protocols for dill and curly kale; discussion with ESA and the Slovak breeders organisation on the observation of obligatory disease resistances for a susceptible candidate variety; possible obligatory submission of colour photographs for certain vegetable species; possible follow-up R&D project on harmonisation of methodologies for vegetable disease resistances; use and notification of supplementary grouping characteristics.

The meeting with ornamental experts was hosted by the Dutch examination office Naktuinbouw in June 2010. Important items of discussion were the attribution of applications to examination offices, the postponement of testing rules for fruit trees, the acceptance of plant material coming from outside the EU that cannot fully comply with the CPVO's requirements due to contradicting phytosanitary import requirements, the conduct of 'open

days' and examination offices, and the follow-up of the R&D project on the management of rose reference collection.

#### Quality Audit Service

The CPVO's assessment programme for examination offices was launched in January 2010. It is intended to provide a factual basis for the entrustment of examination offices by the CPVO Administrative Council. With eight on-site assessments in 2010 and a total of 12 for 2011, the programme is on track to cover all entrusted offices in a triennial cycle.

The recommendations by the assessment teams to the Administrative Council took into account the findings made during the on-site visits and, where necessary, changes implemented by examination offices in respect of their scope of entrustment or in respect of aligning procedures with the requirements of CPVO. Substantial changes in examination offices approach of performing DUS tests were re-examined at two occasions in a follow-up assessment with the aim to confirm the effectiveness of the measures taken in response to initial audit findings.

#### 5. Activities for the Promotion of Plant Variety Protection

##### *Participation in international fairs*

- IPM in Essen (DE): January 2011
- SALON DU VEGETAL in Angers (FR): February 2011

In cooperation with the relevant examination office, the CPVO held three open days, attended by representatives of seed companies and where discussions covered all parts of the Community plant variety rights system:

- In September 2010, in collaboration with the University of Aarhus, "Open Day" for ornamental breeders at the premises of the testing station of the Danish Examination Office in Aarslev
- In October 2010, in cooperation with GEVES, open day for vegetable breeders in the premises of GEVES in Brion.
- In June 2011, in cooperation with GEVES, open day for fruit breeders in the premises of GEVES in Cavaillon.

##### *The Multi-Beneficiary Program on the Participation of EU Candidate Countries in the EU Plant Variety System*

Since 2007, the CPVO manages a program preparing EU candidate countries to participate in the EU Plant Variety Rights system. The program was designed to reach the full spectrum of competent bodies and stakeholders in the CPVR system. In previous years a number of seminars and workshops were conducted in Turkey, Croatia and the Former Yugoslav Republic of Macedonia. As from 2009, the program has been extended to the entire western Balkan; Albania and Serbia expressed interest to benefit from the program. In addition, all beneficiary countries were invited to the annual meeting between the CPVO and its

examination offices. In 2010, the first training activity for the other candidate countries took place in Croatia.

#### *Seminar on Enforcement of Plant Variety Rights in Athens*

In May 2011 the CPVO in collaboration with the Bundessortenamt, ESA and CIOPORA organized a seminar on the enforcement of plant variety rights in Hamburg. Breeders are facing difficulties when enforcing their EU and national plant variety rights. An important reason for this phenomenon is the insufficient knowledge of the applicable legislation amongst breeders, lawyers, prosecutors and judges. For this reason it was decided to organize seminars on the enforcement of plant variety rights in Brussels (2005), Warsaw (2006), Madrid (2007), Romania and Bulgaria (2008) and Athens (2010). As a follow up, a seminar was organized in May 2011 in Hamburg. This seminar aimed at sharing information and experience relating to the enforcement of plant variety rights. Presentations were made by breeders, farmers, lawyers and the CPVO. The main part of the participants were from Germany, the Scandinavian countries and the Baltic countries but persons from a number of other EU Member States and also the USA participated as well.

#### *Working Group on Farm Saved Seeds*

Breeders are having difficulties in collecting remuneration for the use of farm saved seeds in the EU. On the initiative of the CPVO, a working group was created to discuss if the problems in collecting remuneration can be resolved under the present legal frame work or whether there is a need to propose changes in the law.

Represented in the working group are organisations of breeders, farmers and seed processors, the EU Commission, EU Member States, the Chairman and the vice Chairman of the CPVO Administrative Council and the President of the CPVO. The Working Group held its final meeting in December 2010. The Working Group discussed in detail possible ways of redefining the notions “small farmers” and “own holdings” but it was in the end concluded that the time was not ripe for agreeing on new definitions, one of the main reason being that those terms exists in other Community legislation which is will be reviewed in the close future. It was also discussed whether it would be appropriate to change the legislation as regards the duty for farmers to inform holders of Community plant variety rights concerning the use of farm saved seeds. The Working Group agreed on some crucial principles in this respect but the organisation of farmers was subsequently not in a position to endorse the conclusions adopted. The conclusions of the Working Group have been submitted to the EU Commission in the framework of an evaluation of the Community Plant Variety Right legislation.

#### *IT developments*

The CPVO has decided in 2007 to create an online application system with the aim of allowing applicants and procedural representatives to fill in electronic forms and send applications to the CPVO by electronic means. The project development was started in 2008 and was made available in March 2010. For the moment, e-applications can only be filled in English, but it is the intention of the CPVO to have in the future the application forms available also in Dutch, German and French. During the reporting period the CPVO has worked in the so called phase two of this project. The main developments included in this phase were linked to new dynamic features in the questionnaires. The organisation and display of forms/questions has been improved, e.g. now the answer to one question can

constrain the display of sub-questions, as well as additional checks in the coherence of subsequent answers. Some optimisations to improve the overall speed of the website were also undertaken.

The CPVO also committed to make the system available to EU Member States willing to use it. As it was foreseen the CPVO has started a pilot project in this sense with two Examination Offices (GEVES and NAKTUINBOUW). The specificities of the National Procedures for PVR and National Listing (including VCU forms) have to be taken into account, as well a complete support for multilingualism. A way to exchange structure data will be explored (XML files).

The CPVO has also developed and implemented a system to send electronically purchase orders and associated documents (application forms, photos, technical questionnaires) to Examination Offices when a new technical examination is organised by the CPVO.

During the reporting period the IT Services have also developed and released a new section of the CPVO extranet dedicated to Quality Audit Service with specific access rights.

## II. OTHER DEVELOPMENTS OF RELEVANCE TO UPOV

### 1. Marketing of seed and plant propagating material

In the year 2011 the Common Catalogues of varieties of agricultural plant and vegetable species were updated 7 and 5 times respectively. Around 18,500 varieties of agricultural plant species and over 16,800 vegetable varieties have been accepted for marketing in the EU.

The project on revising the legislation on marketing seed and plant propagating material is under way. A public consultation on possible future options ('option and analysis paper') was organised in April-May 2011. An impact assessment report is being prepared and the work on a new Regulation covering the 12 basic Directives is under preparation.

### 2. Genetic resources

The EU and its Member States made substantial contributions in the 4<sup>th</sup> meeting of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (Bali, Indonesia, 14 to 18 March 2011).

### 3. GMOs

As concerns seeds, the Council Conclusions of 2008 invited the Commission to adopt thresholds for labelling traces of authorised GMO in conventional seeds at the lowest practicable, proportionate and functional levels for all economic operators. Discussions have taken place at meetings with the competent authorities of the Member States in 2010 and in April of 2011 and the issue is currently under analysis.

As regards cultivation of GMOs, a new package of legislative and non-legislative measures aims at granting freedom to Member States to restrict or prohibit cultivation of GMOs on their territory based on legitimate concerns other than those related to risks to human and animal health or the environment. The legal proposal is under discussion between the institutions.

#### 4. R&D

Construction of an integrated microsatellite and key morphological characteristic database of potato varieties in the EU Common Catalogue: This project started in April 2006. The final report was received in spring 2008. The partners involved are Germany, the Netherlands, Poland and the United Kingdom. The project delivered a database including marker profiles of potato varieties, key morphological characteristics and a photo library with light sprout pictures. The aim was to rapidly identify plant material of a vegetatively propagated crop where reference material has to be submitted every year and to ease the management of the reference collection. At the request of the breeders' association ESA (European Seed Association), the possible use of molecular means for variety identification for enforcement purposes has been taken into account. Several conference calls in 2010 with the project partners and ESA were held in order to agree upon the follow-up of the project results and their implementation in the DUS test. This activity will continue in 2011. Emphasis will be placed on the harmonisation of the variety descriptions from the different examination offices as well as to the set-up of a procedure for the exchange of tubers of candidate varieties so that their DNA can be extracted and profiled for the management of the reference collection.

Management of peach tree reference collections: The project is in its final year of its three-year duration. Its aim is to create and manage a peach tree database, via the establishment of an EU *Prunus persica* tree collection structured in varietal groups, using a common database containing phenotypic, visual and molecular descriptions. During the 2011, the four project partners (France, Hungary, Italy, Spain) representing the entrusted examination offices for this species have almost finalised on a phenotypic database of 504 peach varieties of common knowledge as well as the corresponding photo database and genetic map of the correlation between all those varieties. Twelve of those varieties also formed the basis of a ring trial between the project partners to compare the reliability of results. Thus far the results seem to be encouraging. The project is due to be finalised and concluded upon in 2011. Apart from analysing how to implement the findings of the project in order to better target reference varieties and improve the efficiency of the DUS test, an important issue which the CPVO will have to consider together with its entrusted peach examination offices is how to maintain the created database up to date into the future.

A potential UPOV option 2 approach for Barley high density SNP genotyping: This project was presented by NIAB from the UK, the grant agreement was signed in December 2010. The project considers three possible approaches: 1. Calculation of correlations between molecular and morphological distances, 2. Quantification of morphological and molecular distances against pedigree and 3. Genomic selections for phenotypic predictions. If such correlation exists and calibration thresholds for the phenotype could be established, this could be used as a powerful tool for the grouping of varieties in the growing trial. The project was initiated in the beginning of 2011 and will take 12 months.

[End of Annex IV and of document]