

Technical Committee

Fifty-Ninth Session

Geneva, October 23 and 24, 2023

Administrative and Legal Committee

Eightieth Session

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Council

Fifty-Seventh Ordinary Session

Geneva, October 27, 2023

SESSIONS/2023/2**Original:** English**Date:** August 29, 2023**DEVELOPMENT OF GUIDANCE AND DOCUMENTS PROPOSED FOR ADOPTION BY THE COUNCIL***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***EXECUTIVE SUMMARY**

1. The purpose of this document is to report on developments and to invite the Technical Committee (TC), the Administrative and Legal Committee (CAJ) and the Council to consider relevant matters and/or documents put forward for adoption in 2023.

2. This document is presented in three sections. The first section, "Matters proposed for adoption by the Council in 2023", provides information and invites adoption of relevant documents by the Council. The second section, "Matters proposed for adoption by the Council in 2023 – subject to agreement by the Technical Committee and/or the Administrative and Legal Committee". The third section, "Matters for consideration by the Technical Committee" reports on developments concerning possible future revisions of guidance and information materials under discussion at the TC.

3. The Council is invited to adopt the following documents in 2023:

Documents for adoption by the Council

Explanatory Notes:

UPOV/EXN/EDV Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision)
(documents SESSIONS/2023/2 and UPOV/EXN/EDV/3 Draft 4)

Documents for adoption by the Council, subject to agreement by Administrative and Legal Committee

TGP documents:

TGP/7 Development of Test Guidelines (Revision)
– *Converting standard Test Guidelines wording into optional wording*
(Annex II to this document)

TGP/14 Glossary of Terms Used in UPOV Documents (Revision)
(document SESSIONS/2023/2)

Documents for adoption by the Council, subject to agreement by the Technical Committee and the Administrative and Legal Committee

(a) Information documents:

- UPOV/INF/16 Exchangeable Software (Revision) (document UPOV/INF/16/12 Draft 1)
 UPOV/INF/22 Software and Equipment Used by Members of the Union (Revision)
 (document UPOV/INF/22/10 Draft 1)
 UPOV/INF/23 UPOV Code System (Revision) (document UPOV/INF/23/2 Draft 1)
 UPOV/INF-EXN List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision)
 (document UPOV/INF-EXN/17 Draft 1)

(b) Explanatory Notes:

- UPOV/EXN/DEN Explanatory Notes on Variety Denominations under the UPOV Convention
 (Revision) (Annex I to this document)

(c) TGP documents:

- TGP/7 Development of Test Guidelines (Revision)
 – *Disease resistance characteristics: addition of state of expression and placement of non-asterisked disease resistance characteristics in Section 5 of the Technical Questionnaire* (Annex II to this document)
 TGP/12 Guidance on Certain Physiological Characteristics (Revision)
 – *Example disease resistance characteristic: word “highly” in only one state of expression* (Annex IV to this document)
 TGP/0 List of TGP documents and latest issue dates (Revision)
 (document TGP/0/15 Draft 1)

4. The following abbreviations are used in this document:

- CAJ: Administrative and Legal Committee
 TC: Technical Committee
 TWA: Technical Working Party for Agricultural Crops
 TWF: Technical Working Party for Fruit Crops
 TWO: Technical Working Party for Ornamental Plants and Forest Trees
 TWV: Technical Working Party for Vegetables
 TWPs: Technical Working Parties

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BACKGROUND

6. The approved guidance and information materials are published on the UPOV website at: http://www.upov.int/upov_collection/en/.

MATTERS PROPOSED FOR ADOPTION BY THE COUNCIL IN 2023

(a) Information documents:

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/17 Draft 1)

7. In conjunction with the information documents that the Council will be invited to adopt in 2023, it is proposed to adopt a revision of document UPOV/INF-EXN/16 “List of UPOV/INF-EXN Documents and Latest Issue Dates” on the basis of document UPOV/INF-EXN/17 Draft 1.

8. The Council is invited to adopt a revision of document UPOV/INF-EXN/16, on the basis of document UPOV/INF-EXN/17 Draft 1, subject to adoption of the documents concerned.

(b) Explanatory Notes:

UPOV/EXN/EDV: Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision) (documents SESSIONS/2023/2 and UPOV/EXN/EDV/3 Draft 4)

9. The background to this item is provided in document C/56/9 “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention”, paragraphs 4 to 14.

10. The Council, at its fifty-sixth ordinary session¹, noted that the Consultative Committee, at its ninety-ninth session², had agreed to establish the Consultative Committee Working Group on Essentially Derived Varieties (CC/WG-EDV), to draft a revision of the “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention” for consideration by the Consultative Committee and the Council in October 2023 (see document C/56/15 “Report”, paragraphs 33 to 35).

11. In accordance with its terms of reference the CC/WG-EDV had to “prepare an agreed draft revision of the ‘Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention’ (document UPOV/EXN/EDV/3 Draft 4) by July 31, 2023.”

12. The Council noted that the Consultative Committee had agreed to consider at its one hundred and first session the outcome of the CC/WG-EDV and a recommendation to the Council, at its fifty-seventh ordinary session, on replacing or repealing the 2017 version of the “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention”.

13. In accordance with the recommendation of the Consultative Committee, the Council, at its fifty-sixth ordinary session¹, agreed to organize a “Seminar on the interaction between plant variety protection and the use of plant breeding technologies” in hybrid format, to be held on March 22, 2023 (“Seminar”).

14. The Council noted that the Consultative Committee was committed to work expeditiously on a new explanatory note to be recommended to the Council.

15. The CC/WG-EDV met three times on December 14, 2022, February 27 and March 24, 2023.

First meeting of the CC/WG-EDV (December 14, 2022)

16. The CC/WG-EDV, at its first meeting³, considered document CC/WG-EDV/1/2 “Consideration of document UPOV/EXN/EDV/3 Draft 3 ‘Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention’ (Revision)”, and agreed the following:

¹ Held on October 28, 2022.

² Held on October 27, 2022.

³ Held via electronic means, on December 14, 2022.

“16. The CC/WG-EDV agreed to invite the members of the CC/WG-EDV to provide examples of possible EDVs to assess the extent of agreement. The CC/WG-EDV requested the Office of the Union to prepare a template for the provision of examples. The CC/WG-EDV emphasized that those examples would not be included in the Explanatory Notes. It agreed that the examples provided should not include existing or pending legal cases.

“17. The CC/WG-EDV agreed that the compilation of examples received would be distributed to the CC/WG-EDV by January 18, 2023. Members of the CC/WG-EDV would be invited to indicate which of the examples they would consider to be EDVs, or not, by February 15, 2023. A compilation of the responses would be distributed to the CC/WG-EDV by February 17, 2023.

“18. The CC/WG-EDV agreed to consider, at its next meeting, the comments regarding paragraphs 17, 22 and 27 of document CC/WG-EDV/1/2, Annex II, including its figures, together with the consideration of the examples of possible EDVs.”

Second meeting of the CC/WG-EDV (February 27, 2023)

17. The CC/WG-EDV, at its second meeting⁴, considered document CC/WG-EDV/2/2 “Examples of possible EDVs” and observed the broad range of different views expressed in consideration of the examples of possible EDVs resulting in the lack of agreement on what could be consider to be an EDV or not.

18. The CC/WG-EDV considered document CC/WG-EDV/2/3 “Consideration of document UPOV/EXN/EDV/3 Draft 3 ‘Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention’ (Revision)”, and agreed to request the Office of the Union to prepare a draft text would present a new structure for section “(b) Defining an essentially derived variety” to explain the terms used in Article 14(5)(b) and would remove the elements of document UPOV/EXN/EDV/3 Draft 3 on which there were different views.

Seminar on the interaction between plant variety protection and the use of plant breeding technologies (March 22, 2023)

19. The Seminar was held on March 22, 2023, with 312 participants. The video of the seminar is available on the Seminar [webpage](#), with interpretation channels in English, French, German and Spanish. All presentations are available on the Seminar [webpage](#). The proceedings of the Seminar will be published on the UPOV Website in English, French, German and Spanish.

Third meeting of the CC/WG-EDV (March 24, 2023)

20. The CC/WG-EDV, at its third meeting⁵, developed a text as the basis for the revision of the “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention”.

21. On May 3, 2023, the CC/WG-EDV approved by correspondence the text developed, at its third meeting, as the basis for the revision of document UPOV/EXN/EDV/2 “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention” (see document UPOV/EXN/EDV/3 Draft 4) for consideration by the Consultative Committee, at its one hundred and first session, and the Council, at its fifty-seventh ordinary session in October 2023.

22. On the above basis and subject to agreement by the Consultative Committee, at its one hundred and first session, a revision of document UPOV/EXN/EDV/2 “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention”, on the basis of document UPOV/EXN/EDV/3 Draft 4, would be put forward for adoption by the Council, at its fifty-seventh ordinary session.

23. The Council is invited to adopt a revision of document UPOV/EXN/EDV/2 “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention”, on the basis of document UPOV/EXN/EDV/3 Draft 4.

⁴ Held via electronic means, on February 27, 2023.

⁵ Held on March 24, 2023.

(c) TGP Documents

TGP/0: List of TGP documents and latest issue dates (Revision) (document TGP/0/15 Draft 1)

24. In conjunction with the adoption of the revised TGP documents by the Council in 2023, it is proposed to adopt a revision of document TGP/0 “List of TGP documents and latest issue dates” (document TGP/0/14) on the basis of document TGP/0/15 Draft 1.

25. The Council is invited to adopt document TGP/0/14 Draft 1 “List of TGP documents and latest issue dates”, subject to adoption of the documents concerned.

MATTERS PROPOSED FOR ADOPTION BY THE COUNCIL IN 2023 – SUBJECT TO AGREEMENT BY THE ADMINISTRATIVE AND LEGAL COMMITTEE

26. The following matters proposed for adoption by the Council in 2023 have been previously agreed by the TC, at its fifty-eighth session⁶, subject to consideration by the CAJ, at its eightieth session.

TGP Documents:

TGP/7: Development of Test Guidelines (Revision)

Converting TGP/7, Annex 1: TG Structure and Universal Standard Wording (Test Guidelines template), paragraph 4.2.2 into optional wording (Annex II to this document)

27. The TC, at its fifty-eighth session⁶, agreed to amend document TGP/7 “Development of Test Guidelines” to convert the following standard wording in the Test Guidelines template, paragraph 4.2.2, into optional “Additional Standard Wording” (see document TC/58/31 “Report”, paragraph 26):

“4.2.2 These Test Guidelines have been developed for the examination of [type or types of propagation] varieties. For varieties with other types of propagation the recommendations in the General Introduction and document TGP/13 “Guidance for new types and species”, Section 4.5: “Testing Uniformity” should be followed.”

28. Subject to agreement by the CAJ, at its eightieth session, an agreed version of document TGP/7 would be put forward for adoption by the Council, at its fifty-seventh ordinary session, on the basis of the proposed amendments presented in Annex II to this document.

29. The Council is invited to adopt a revision of document TGP/7 “Development of Test Guidelines”, on the basis of the proposed amendments presented in Annex II to this document, subject to agreement by the CAJ, at its eightieth session.

TGP/14: Glossary of Terms Used in UPOV Documents (Revision)

30. The TC, at its fifty-eighth session⁶, agreed to correct document TGP/14 “Glossary of Terms Used in UPOV Documents” as follows (see document TC/58/31 “Report”, paragraph 117(c)):

“c) TG/280/1 Heuchera; Heucherella / Document TGP/14 ‘Glossary of terms used in UPOV documents’

“The correction concerns the following items:

“• Section 8.2, Worked Example Two – Venus (variety with several leaf colors), 45: Leaf blade: color three: distribution: to read: ‘between veins in ~~intermediate~~ central zone (5)’

“• The same explanation is reproduced in document TGP/14 ‘Glossary of terms used in UPOV documents’ and would be corrected as a consequential change.”

⁶ Held on October 24 and 25, 2022.

31. Subject to agreement by the CAJ, at its eightieth session, the correction of document TGP/14 “Glossary of Terms Used in UPOV Documents”, agreed by the TC, at its fifty-eighth session⁶, would be put forward for adoption by the Council, at its fifty-seventh ordinary session.

32. The Council is invited to adopt a revision of document TGP/14 “Glossary of Terms Used in UPOV Documents”, on the basis of the correction as presented in paragraph 30 of this document, subject to agreement by the CAJ, at its eightieth session.

MATTERS PROPOSED FOR ADOPTION BY THE COUNCIL IN 2023 – SUBJECT TO AGREEMENT BY THE TECHNICAL COMMITTEE AND THE ADMINISTRATIVE AND LEGAL COMMITTEE

33. The following matters are proposed for adoption by the Council in 2023, subject to approval by the TC and CAJ, at their sessions in 2023.

(a) Information documents:

UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/12 Draft 1)

34. The procedure for inclusion of information in document UPOV/INF/16 is set out in Section 4 of that document. The Office of the Union issued on May 26, 2023, Circular E-23/081 to the designated persons of the members of the Union in the TC, inviting them to provide or update information regarding: (1) software developed or customized by members of the Union for PVP purposes that they would wish to make available to other members of the Union; and (2) the use of the software included in document UPOV/INF/16/11 “Exchangeable software”. Replies were received from Argentina and included in document UPOV/INF/16/12 Draft 1.

35. Subject to agreement by the TC, at its fifty-ninth session, and the CAJ, at its eightieth session, an agreed revision of document UPOV/INF/16/11 “Exchangeable Software”, would be put forward for adoption by the Council, at its fifty-seventh ordinary session on the basis of the proposed revisions presented in document UPOV/INF/16/12 Draft 1.

36. The Council is invited to adopt a revision of document UPOV/INF/16/11 “Exchangeable Software”, on the basis of document UPOV/INF/16/12 Draft 1, subject to agreement by the TC and the CAJ, at their sessions in 2023.

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/10 Draft 1)

37. The Office of the Union issued on May 26, 2023, circular E-23/081 to the designated persons of the members of the Union in the TC, inviting them to provide or update information on their use of existing software and equipment in document UPOV/INF/22/9 “Software used by members of the Union”. Replies were received from Argentina, Belarus, Croatia, Estonia and Ukraine and included in document UPOV/INF/22/10 Draft 1.

38. Subject to agreement by the TC, at its fifty-ninth session, and the CAJ, at its eightieth session, an agreed revision of document UPOV/INF/22/9 “Software and equipment used by members of the Union”, would be put forward for adoption by the Council, at its fifty-seventh ordinary session, on the basis of the proposed revisions presented in document UPOV/INF/22/10 Draft 1.

39. The Council is invited to adopt a revision of document UPOV/INF/22/9 “Software and equipment used by members of the Union”, on the basis of document UPOV/INF/22/10 Draft 1, subject to agreement by the TC and the CAJ, at their sessions in 2023.

UPOV/INF/23: UPOV Code System (Revision) (document UPOV/INF/23/2 Draft 1)

40. The TC, at its fifty-eighth session⁶, agreed to revise document UPOV/INF/23 “Guide to the UPOV Code System” to clarify the maximum number of characters in the appended element to UPOV codes (see document TC/58/31 “Report”, paragraph 22).

41. Subject to agreement by the CAJ, at its eightieth session, an agreed revision of document UPOV/INF/23/1 “Guide to the UPOV Code System”, would be put forward for adoption by the Council, at its fifty-seventh ordinary session, on the basis of the proposed revisions presented in document UPOV/INF/23/2 Draft 1.

42. The Council is invited to adopt a revision of document UPOV/INF/23/1 “Guide to the UPOV Code System”, on the basis of document UPOV/INF/23/2 Draft 1, subject to agreement by the CAJ, at its session in 2023.

(b) Explanatory Notes:

UPOV/EXN/DEN: Explanatory Notes on Variety Denominations under the UPOV Convention (Revision) (Annex I to this document)

New variety denomination classes for *Allium*

43. The TWV and TWO, at their sessions in 2023, agreed to propose the creation of new variety denomination classes within the genus *Allium*, as set out in Annex I to this document, Proposal 1 (see documents TWV/57/26 “Report”, paragraph 38 and TWO/55/11 “Report”, paragraph 27).

New variety denomination classes for *Prunus*

44. The TWF agreed to propose creation of new exceptional variety denomination classes for *Prunus*, as set out in Annex I to this document, Proposal 2. The TWF agreed that breeding of new *Prunus* varieties could lead to complex hybrids requiring the use of more than one denomination class and careful interpretation of the nomenclature (see Annex I and document TWF/54/13 “Report”, paragraphs 29 to 31).

45. As explained in Annex I, Proposal 2, paragraph 6, this approach would introduce a requirement for denominations of interspecific hybrids to be different from denominations in classes of all the parent species. A similar requirement already exists for varieties identified at genus level only, where the variety belongs to one of the denomination classes included in document UPOV/EXN/DEN, List of Classes, Part I, “Classes within a genus”.

Variety groups for *Beta*

46. The TWV and TWA, at their sessions in 2023, agreed to create variety groups for the UPOV codes for *Beta vulgaris* L. ssp. *vulgaris*, as set out in Annex I to this document, Proposal 3, with the following variety group names: Fodder Beet; Garden Beet; Leaf Beet; and Sugar Beet (see documents TWV/57/26 “Report”, paragraphs 40 and 41; and TWA/52/11 “Report”, paragraphs 31 and 32).

47. Subject to agreement by the TC, at its fifty-ninth session, and the CAJ, at its eightieth session, an agreed version of document UPOV/EXN/DEN “Explanatory Notes on Variety Denominations under the UPOV Convention” would be put forward for adoption by the Council, at its fifty-seventh ordinary session, on the basis of the proposed revisions presented in Annex I to this document.

*48. The Council is invited to adopt a revision of document UPOV/EXN/DEN/1 “Explanatory Notes on Variety Denominations under the UPOV Convention”, on the basis of the proposed amendments presented in Annex I to this document, Proposals 1 (*Allium*), 2 (*Prunus*) and 3 (*Beta*), subject to agreement by the TC and the CAJ, at their sessions in 2023.*

(c) TGP Documents:

TGP/7: Development of Test Guidelines, GN 13, paragraph 3.6, (Revision): Disease resistance characteristics: addition of state of expression and placement of non-asterisked disease resistance characteristics in Section 5 of the Technical Questionnaire (Annex II to this document)

49. The TWV and TWA, at their sessions in 2023, agreed to amend document TGP/7 GN 13 “Characteristics with specific functions” to clarify that disease resistance characteristics not indicated with an asterisk in the table of characteristics may be presented in Section 5 of Technical Questionnaires (TQ) with the addition of a state of expression “not tested”, when the characteristic was not used as a grouping characteristic (see documents TWV/57/26 “Report”, paragraph 14; and TWA/52/11 “Report”, paragraph 19) .

50. Subject to agreement by the TC, at its fifty-ninth session, and the CAJ, at its eightieth session, an agreed version of document TGP/7 “Development of Test Guidelines” would be put forward for adoption by the Council, at its fifty-seventh ordinary session, on the basis of the proposed amendments set out in Annex II to this document.

TGP/12: Guidance on Certain Physiological Characteristics (Revision): Example disease resistance characteristic (Annex IV to this document)

51. The background to this matter is provided in Annex IV to this document.

52. The TWV, at its fifty-seventh session⁷, noted that the characteristic from the Test Guidelines for Melon used as example in document TGP/12/2, Section 2.3.2, was under revision. The TWV agreed that the example characteristic in document TGP/12 should be amended as in the proposed revision of the Test Guidelines for Melon, as presented in Annex IV to this document (see document TWV/57/26 “Report”, paragraph 16):

53. Subject to agreement by the TC, at its fifty-ninth session, and the CAJ, at its eightieth session, an agreed version of document TGP/12 “Guidance on Certain Physiological Characteristics” would be put forward for adoption by the Council, at its fifty-seventh ordinary session, to revise the example characteristic in Section 2.3.2, as presented in Annex IV to this document.

54. The Council is invited to adopt a revision of document TGP/12 “Guidance on certain physiological characteristics”, Section 2.3.2, as presented in Annex IV, paragraph 3, of this document, subject to the agreement of the TC and the CAJ, at their sessions in 2023.

⁷ Held in Antalya, Türkiye, from May 1 to 5, 2023.

MATTERS FOR CONSIDERATION BY THE TECHNICAL COMMITTEE

55. The following section presents matters for consideration only by the Technical Committee.

(a) Explanatory Notes:

UPOV/EXN/DEN: Explanatory Notes on Variety Denominations under the UPOV Convention (Revision)

Amending variety denomination classes for *Brassica*

56. The background to this matter is provided in Annex III to this document. The TWV, at its fifty-seventh session⁷, and the TWA, at its fifty-second session⁸, considered the proposal to amend the existing and create a new variety denomination class for *Brassica* in document UPOV/EXN/DEN (see Annex III to this document).

57. The TWV agreed to propose the amendments to the variety denomination classes for *Brassica*, as set out in Annex III to this document (see document TWV/57/26 "Report", paragraph 37).

58. The TWA agreed that it would not be possible to achieve consensus on the proposal to create a separate denomination class for Oilseed Rape varieties (UPOV code BRASS_NAP_NUS). The TWA noted that certain varieties could be grouped on the basis of end use (e.g. forage / oil / vegetable) but in some cases not on the basis of existing DUS characteristics. The TWA noted that it was not possible to agree on the examination of variety denominations for different subspecies of *Brassica napus* as well as *B. nigra* and *B. rapa* under separate denomination classes (see document TWA/52/11 "Report", paragraphs 28 and 29).

59. *The TC is invited to consider whether to pursue discussions on amending and creating a new variety denomination class for Brassica, as set out in Annex III to this document.*

(b) TGP Documents

TGP/5: Section 6 "UPOV Report on Technical Examination and UPOV Variety Description" (Revision)

60. The background to this matter is provided in Annex III to this document.

New proposals:

UPOV Variety Description: item 16 "Similar Varieties and Differences from These Varieties"

61. The TWF, at its fifty-fourth session⁹, agreed to propose additional explanations under Section 16 "Similar Varieties and Differences from These Varieties" to clarify which varieties should be reported in the UPOV variety description (see Annex III to this document and document TWF//54/13 "Report", paragraphs 17 and 18).

UPOV Variety Description: item 17 "Additional Information"

62. The TWO, at its fifty-fifth session¹⁰, agreed to propose a non-exhaustive list of examples of additional data for inclusion in document TGP/5, Section 6 (see Annex III to this document and document TWO/55/11 "Report", paragraphs 21 to 25)

63. *The TC is invited to consider inviting the TWPs, at their sessions in 2024, to consider the proposed revisions to document TGP/5, Section 6 "UPOV variety description", items 16 and 17, as set out in Annex III, paragraphs 5 to 13 of this document.*

⁸ Held via electronic means, from May 22 to 26, 2023.

⁹ Held in Nimes, France, from July 3 to 7, 2023.

¹⁰ Held via electronic means, from June 12 to 16, 2023.

TGP/5: Section 11 “Examples of Policies and Contracts for Material Submitted by the Breeder” (Revision)

64. The background to this matter is provided in Annex III to this document.

65. The TWF, at its fifty-fourth session⁹, agreed to propose amending document TGP/5, Section 11 “Examples of Policies and Contracts for Material Submitted by the Breeder” to include a list of elements to be considered for inclusion in requests for the submission of plant material of candidate varieties and varieties of common knowledge for DUS examination (see document TWF/54/13 “Report”, paragraphs 19 and 20).

66. *The TC is invited to consider inviting the TWPs, at their sessions in 2024, to consider a proposal to amend document TGP/5, Section 11 “Examples of Policies and Contracts for Material Submitted by the Breeder” to include a list of elements for requests of plant material for DUS examination, as set out in Annex III, paragraphs 14 and 15 of this document.*

TGP/7: Development of Test Guidelines (Revision)

Example varieties for asterisked quantitative characteristics when illustrations are provided (see Annex III to this document)

67. The TWPs, at their sessions in 2023, discussed possible amendments to document TGP/7, GN 28 “Example Varieties”, as reported in Annex III, paragraphs 16 to 26.

68. *The TC is invited to note the discussions on possible amendments to document TGP/7, GN 28 “Example Varieties” reported in Annex III, paragraphs 16 to 26.*

New proposals for revision of document TGP/7*ASW 3 – Explanation of the growing cycle*

69. The TWF, at its fifty-fourth session⁹, considered document TWF/54/9 “Matters to be resolved concerning Test Guidelines put forward for adoption by the Technical Committee: Apple (fruit varieties)”. The TWF noted that certain characteristics in the Test Guidelines for Apples were assessed before bud burst and agreed that this was inconsistent with the current standard wording of growing cycle for “fruit species with clearly defined dormant period”. The TWF agreed to propose amending document TGP/7, ASW 3 (a) to read as follows (see document TWF/54/13 “Report”, paragraph 15):

“(a) Fruit species with clearly defined dormant period

“3.1.2 The growing cycle is considered to be the duration of a single growing season, beginning with the dormancy period, followed by bud burst (flowering and/or vegetative), flowering and fruit harvest and concluding when the following dormant period starts ends with the swelling of new season buds.”

ASW 7(b) – Number of plants / parts of plants to be examined

70. The TWF, at its fifty-fourth session⁹, considered the standard wording in Test Guidelines on the number of parts of single plants to be observed for distinctness. The TWF agreed that it should be clarified that the number provided in the Test Guidelines was an indication of minimum quantity. The TWF agreed to propose amending the “Additional Standard Wording 7(b)” in document TGP/7 to read as follows (see document TWF/54/13 “Report”, paragraph 16):

“In the case of observations of parts taken from single plants, the number of parts to be taken from each of the plants should be at least { y }.”

71. *The TC is invited to consider inviting the TWPs, at their sessions in 2024, to consider the proposed amendments to document TGP/7, ASW 3(a) and ASW 7(b), as set out in paragraphs 68 and 69 of this document.*

TGP/12: Guidance on Certain Physiological Characteristics

72. The TWV, at its fifty-seventh session⁷, received a presentation on “Disease resistance characteristics” by an expert from Euroseeds, on behalf of CropLife International, Euroseeds and the International Seed Federation (ISF). A copy of the presentation is presented in document TWV/57/10 Add (see document TWV/57/26 “Report”, paragraphs 25 to 28).

73. The TWV noted that the terminology used in the condensed scale of notes (notes 1; 2; 3) for quantitative disease resistance characteristics in UPOV Test Guidelines differed from the terminology used in the vegetable seed sector.

74. The TWV agreed that the following table provided the equivalence of states of expression in UPOV Test Guidelines with the terminology used in the vegetable seed sector:

Equivalence of states of expression in UPOV Test Guidelines with the terminology used in the vegetable seed sector		
	State of expression in UPOV Test Guidelines	Terminology used in the vegetable seed sector ¹¹
UPOV notes	Resistance to (disease resistance name) is:	Reaction of a plant variety to a specific pest is:
1	absent or low	Susceptibility (S)
2	medium	Intermediate Resistance (IR)
3	high	High Resistance (HR)

75. The TWV agreed to propose that the table of equivalence was added to document TGP/12 “Guidance on Certain Physiological Characteristics” as part of the explanations to the Standard Resistance Protocol in that document. The TWV agreed that the same table should be included in explanations for quantitative disease resistance characteristics when the condensed scale of notes was used.

76. The TC is invited to consider whether to amend document TGP/12 to include a table of equivalence of states of expression in Test Guidelines with terminology used in the vegetable seed sector, as set out in paragraphs 71 to 74 of this document.

Matters for information

77. Matters for information on possible future revision of the following documents are presented in Annex III to this document:

- TGP/8: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability, Section 9 “The Combined-Over-Years Uniformity Criterion (COYU)”; and
- Document TGP/9 “Examining Distinctness”, “Number of plants of comparing varieties in trial”

78. The TC is invited to note the matters for information on possible future revisions of TGP documents, as presented in Annex III to this document.

[Annexes follow]

¹¹ Source: <https://worldseed.org/>

DOCUMENT UPOV/EXN/DEN:
EXPLANATORY NOTES ON VARIETY DENOMINATIONS UNDER THE UPOV CONVENTION (REVISION)

New variety denomination classes for *Allium*

1. The genus *Allium* currently follows the General Rule (one genus/one class)¹².

Proposal 1: New variety denomination classes for Allium

2. The TWV and the TWO, at their sessions in 2023, agreed to propose the creation of new variety denomination classes within the genus *Allium*, as follows (see documents TWV/57/26 “Report”, paragraph 38 and TWO/55/11 “Report”, paragraph 27) (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~striketrough~~):

Classes within a genus

<u>New: Class 5.1</u>	<u><i>Allium cepa</i> L.</u> <u><i>Allium fistulosum</i> L.</u>	<u>ALLIU CEP</u> <u>ALLIU FIS</u>	<u>Onion, Echalion, Shallot</u> <u>Welsh Onion</u>
<u>New: Class 5.2</u>	<u><i>Allium sativum</i> L.</u>	<u>ALLIU SAT</u>	<u>Garlic</u>
<u>New: Class 5.3</u>	<u><i>Allium</i> other than classes 5.1 and 5.2</u>	<u>other than classes 5.1 and 5.2</u>	<u>—</u>

New variety denomination classes for *Prunus*

3. The genus *Prunus* currently follows the General Rule (one genus/one class)¹⁰.

4. The TWO, at its fifty-fifth session¹⁰, considered the proposal for creating new variety denomination classes within the genus *Prunus*. The TWO noted the existence of ornamental varieties of *Prunus*, including interspecific hybrids, and agreed to propose that the TWF take this information into consideration when discussing the possible creation of new variety denomination classes (see documents TWO/55/11 “Report”, paragraph 28; and TWF/54/13 “Report”, paragraphs 29 to 31).

5. The TWF, at its fifty-fourth session⁹, considered the comment from the TWO, at its fifty-fifth session¹⁰, on the existence of ornamental varieties of plums produced from interspecific crossings and agreed that such cases could be treated according to the proposal to apply the denomination classes of all parents involved without causing confusion concerning the identity of the variety.

¹² “Explanatory Notes on Variety Denominations under the UPOV Convention” (document UPOV/EXN/DEN/1) states that “2.5.2 The variety denomination classes are as follows:

“(a) General Rule (one genus / one class): for genera and species not covered by the List of Classes in Annex I, a genus is considered to be a class;

“(b) Exceptions to the General Rule (list of classes):

“(i) classes within a genus: List of classes in Annex I: Part I;

“(ii) classes encompassing more than one genus: List of classes in Annex I: Part II.”

Proposal 2: New variety denomination classes for Prunus

6. The TWF agreed to propose creation of new exceptional variety denomination classes for *Prunus*, as follows (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strike through~~):

LIST OF CLASSES

Part I

Classes within a genus

Demoninations for varieties identified at genus level only, where the variety belongs to one of the genera included in the following list of “Classes within a genus” must be different from denominations within that genus.

	<u>Botanical names</u>	<u>UPOV codes</u>
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[...]

Class 6: *Prunus*: Denominations of interspecific hybrids in Class 6 must be different from denominations in classes of all the parent species.

<u>New Class 6.1</u>	<u><i>Prunus avium</i> (L.) L.</u> <u><i>Prunus cerasus</i> L.</u>	<u>PRUNU AVI</u> <u>PRUNU CSS</u> <u>In the case of interspecific crosses, the classes of all parent species involved are applied.</u>
<u>New Class 6.2</u>	<u><i>Prunus domestica</i> L.</u> <u><i>Prunus salicina</i> Lindley</u> <u><i>Prunus armeniaca</i> L.</u> <u><i>Prunus mume</i> Siebold & Zucc.</u>	<u>PRUNU DOM</u> <u>PRUNU SAL</u> <u>PRUNU ARM</u> <u>PRUNU MUM</u> <u>In the case of interspecific crosses, the classes of all parent species involved are applied.</u>
<u>New Class 6.3</u>	<u><i>Prunus persica</i> (L.) Batsch.</u> <u><i>Prunus dulcis</i> (Mill.) D. A. Webb</u>	<u>PRUNU PER</u> <u>PRUNU DUL</u> <u>In the case of interspecific crosses, the classes of all parent species involved are applied.</u>
<u>New Class 6.4</u>	<u><i>Prunus</i> other than classes 6.1, 6.2 and 6.3, including PRUNU in more than one class.</u>	<u>other than classes 6.1, 6.2 and 6.3, including PRUNU in more than one class.</u>

7. It should be noted that this approach would introduce a requirement for denominations of interspecific hybrids to be different from denominations in classes of all the parent species. A similar requirement already exists for varieties identified at genus level only where the variety belongs to one of the denomination classes included in document UPOV/EXN/DEN, List of Classes, Part I, “Classes within a genus”.

Variety groups for *Beta vulgaris* L. ssp. *vulgaris*

8. The TC, at its fifty-eighth session⁶, agreed to invite the TWA and TWV, at their sessions in 2023, to consider whether to create variety groups to the UPOV codes for *Beta vulgaris* L. ssp. *vulgaris*; and whether to delete the UPOV code BETAA_VUL_GV to avoid the situation where a variety cannot be allocated with certainty to any variety group (see documents TC/58/10 “UPOV information databases”, paragraph 10 and TC/58/31 “Report”, paragraph 72).

9. The TWV and TWA, at their sessions in 2023, agreed to create variety groups for the UPOV codes for *Beta vulgaris* L. ssp. *vulgaris*, as set out in document TWP/7/7 “UPOV information databases”, paragraph 8 (see documents TWV/57/26 “Report”, paragraphs 40 and 41; and TWA/52/11 “Report”, paragraphs 31 and 32).

10. The TWA agreed with the TWV to propose naming the variety groups Fodder Beet; Garden Beet; Leaf Beet; and Sugar Beet for *Beta vulgaris* ssp. *vulgaris*, as follows:

Proposal for variety groups in *Beta vulgaris* ssp. *vulgaris*

UPOV code	BOTANICAL NAME WITH VARIETY GROUP AND OTHER BOTANICAL NAMES
BETAA_VUL_GVA	<p><i>Beta vulgaris</i> L. (Fodder Beet Group)</p> <p>Other botanical names: <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>alba</i> DC. <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>crassa</i> Alef.; <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>crassa</i> Mansf.; <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>rapacea</i> K. Koch</p>
BETAA_VUL_GVC	<p><i>Beta vulgaris</i> L. (Garden Beet Group)</p> <p>Other botanical names: <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>conditiva</i> Alef. <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>esculenta</i> L.; <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>hortensis</i></p>
BETAA_VUL_GVF	<p><i>Beta vulgaris</i> L. (Leaf Beet Group)</p> <p>Other botanical names: <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>flavescens</i> DC. f. <i>crispa</i> <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>cicla</i> (L.) Ulrich; <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>vulgaris</i></p>
BETAA_VUL_GVS	<p><i>Beta vulgaris</i> L. (Sugar Beet Group)</p> <p>Other botanical names: <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>saccharifera</i> Alef. <i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>altissima</i> Doell</p>

Proposal 3: Variety groups for Beta vulgaris L. ssp. vulgaris

11. Based on the above proposed amendments to the UPOV codes for *B. vulgaris* L. it is proposed to amend document UPOV/EXN/DEN as follows (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strike through~~):

Classes within a genus

	<u>Botanical names</u>	<u>UPOV codes</u>
Class 2.1	<p><u><i>Beta vulgaris</i> Fodder Beet Group (Other botanical names:</u> <u><i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>alba</i> DC.,</u> <u><i>B. vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>crassa</i> Alef.,</u> <u><i>B. vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>crassa</i> Mansf.,</u> <u><i>B. vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>rapacea</i> K. Koch)</u></p> <p><u><i>Beta vulgaris</i> Sugar Beet Group (Other botanical names:</u> <u><i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>saccharifera</i> Alef.</u> <u><i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>altissima</i> Doell)</u></p>	<p>BETAA_VUL_GVA;</p> <p>BETAA_VUL_GVS</p>
Class 2.2	<p><u><i>Beta vulgaris</i> Garden Beet Group (Other botanical names:</u> <u><i>Beta vulgaris</i> ssp. <i>vulgaris</i> var. <i>conditiva</i> Alef. (syn.: <i>B. vulgaris</i> L.</u> <u>var. <i>rubra</i> L.);</u> <u><i>B. vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>esculenta</i> L.;</u> <u><i>B. vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>hortensis</i></u></p> <p><u><i>Beta vulgaris</i> Leaf Beet Group (Other botanical names:</u> <u><i>Beta vulgaris</i> L. ssp. <i>vulgaris</i> var. <i>flavescens</i> DC. f. <i>Crispa</i>,</u> <u><i>B. vulgaris</i> L. var. <i>cicla</i> L. (L.) Ulrich, <i>B. vulgaris</i> L. ssp. <i>vulgaris</i> var.</u> <u><i>vulgaris</i>)</u></p>	<p>BETAA_VUL_GVC;</p> <p>BETAA_VUL_GVF</p>
Class 2.3	<i>Beta</i> other than classes 2.1 and 2.2.	other than classes 2.1 and 2.2

[Annex II follows]

DOCUMENT TGP/7
DEVELOPMENT OF TEST GUIDELINES (REVISION)

Converting TGP/7, Annex 1: TG Structure and Universal Standard Wording (Test Guidelines template), paragraph 4.2.2 into optional wording

1. The background to this matter is provided in document TC/58/5 “Development of guidance and information materials – Possible future revisions”, paragraphs 38 to 40.

2. The TC, at its fifty-eighth session⁶, agreed to amend document TGP/7 “Development of Test Guidelines” to convert the standard wording in TGP/7, Annex 1: TG Structure and Universal Standard Wording (Test Guidelines template), paragraph 4.2.2, into additional standard wording (optional), as set out in document TC/58/5 “Development of guidance and information materials - Possible future revisions”, paragraph 39 (see document TC/58/31 “Report”, paragraph 26) and reproduced below:

“4.2.2 These Test Guidelines have been developed for the examination of [type or types of propagation] varieties. For varieties with other types of propagation the recommendations in the General Introduction and document TGP/13 “Guidance for new types and species”, Section 4.5: “Testing Uniformity” should be followed.”

Disease resistance characteristics: addition of state of expression and placement of non-asterisked disease resistance characteristics in Section 5 of the Technical Questionnaire

Background

3. The TWV, at its fifty-fifth session¹³, agreed to propose that disease resistance characteristics should be presented in Section 5 of Technical Questionnaires (TQ) with the addition of a state of expression “not tested”, when a characteristic was not indicated with an asterisk at the table of characteristics (see document TWV55/16 “Report”, paragraph 37 to 39).

4. The TC, at its fifty-eighth session⁶, agreed to invite the Office of the Union to present a proposal to the TWPs, at their sessions in 2023, to amend document TGP/7 GN 13 “Characteristics with specific functions” to clarify that non-compulsory disease resistance characteristics should be presented in Section 5 of Technical Questionnaires (TQ) with the addition of a state of expression “not tested” (see document TC/58/31 “Report”, paragraph 27).

Consideration by the Technical Working Parties at their sessions in 2023

5. The TWV and TWA, at their sessions in 2023, agreed to amend document TGP/7 GN 13 “Characteristics with specific functions” to clarify that disease resistance characteristics not indicated with an asterisk in the table of characteristics may be presented in Section 5 of Technical Questionnaires (TQ) with the addition of a state of expression “not tested”, when the characteristic was not used as a grouping characteristic (see documents TWV/57/26 “Report”, paragraph 14; and TWA/52/11 “Report”, paragraph 19).

Proposal

6. On the basis of the comments from the TWPs, at their sessions in 2023, it is proposed to amend document TGP/7, GN 13, paragraph 3.6 to read as follows (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~striketrough~~):

¹³ Hosted by Turkey and held via electronic means, from May 3 to 7, 2021.

“3.6 GN 13(4)(b) explains that “TQ characteristics selected from the Table of Characteristics should, in general, receive an asterisk in the Table of Characteristics”. Certain characteristics, particularly disease resistance characteristics, which are potentially useful as grouping characteristics might not be indicated with an asterisk in the Table of Characteristics. In the case of disease resistance characteristics, for example, there may be obstacles to the use of the characteristic for a number of members of the Union because of technical or quarantine requirements. Those same obstacles might also make it difficult for applicants to provide information on those characteristics if they were included in the Technical Questionnaire, Section 5 “Characteristics of the variety to be indicated”. Therefore, disease resistance characteristics not indicated with an asterisk at the Table of Characteristics and not used as grouping characteristic may be presented in Section 5 of Technical Questionnaires (TQ) with the addition of a state of expression “not tested”. information should be sought in Section 7 “Additional information which may help in the examination of the variety” of the Technical Questionnaire. The guidance on the presentation of the characteristics for Section 5 (see GN 13.3 & 13.4 above) would also apply for the presentation of characteristics in Section 7.”

[Annex III follows]

ANNEX III

PROPOSAL FOR FUTURE REVISIONS OF GUIDANCE AND INFORMATION MATERIALS
UNDER DISCUSSION AT THE TECHNICAL COMMITTEE

1. The following section reports discussions at the Technical Committee not proposed for adoption by the Council at this stage.

(a) Explanatory Notes:

UPOV/EXN/DEN Explanatory Notes on Variety Denominations under the UPOV Convention (Revision)

Amending variety denomination classes for *Brassica*

2. The background to this matter is provided in document TC/58/15 “Variety denominations”. The TWV, at its fifty-seventh session⁷, and the TWA, at its fifty-second session⁸, considered the following proposal to amend the existing and create a new variety denomination class for *Brassica* in document UPOV/EXN/DEN (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strikethrough~~):

Classes within a genus

	<u>Botanical names</u>	<u>UPOV codes</u>	<u>Common name</u>
Class 1.1	<i>Brassica oleracea</i> <i>Brassica napus</i> subsp. <i>napus</i> var. <i>pabularia</i> (DC.) Alef. (or <i>Brassica napus</i> Pabularia Group)	BRASS_OLE <u>BRASS_NAP_PAB</u>	- Hanover-salad; Siberian kale; Rape kale
Class 1.2	<i>Brassica napus</i> L. subsp. <i>napus</i> (or <i>Brassica napus</i> Oil Rape Group)	<u>BRASS_NAP_NUS</u>	Swede rape, Colza
<u>Class 1.3</u>	<i>Brassica</i> other than <i>B. oleracea</i> <u>classes 1.1 and 1.2</u>	other than BRASS_OLE <u>classes 1.1 and 1.2</u>	-

3. The TWV agreed to propose the amendments to the variety denomination classes for *Brassica*, as set out in document TWP/7/4 “Development of guidance and information materials”, paragraph 13 (see document TWV/57/26 “Report”, paragraph 37).

4. The TWA agreed that it would not be possible to achieve consensus on the proposal to create a separate denomination class for Oilseed Rape varieties (UPOV code BRASS_NAP_NUS). The TWA noted that certain varieties could be grouped on the basis of end use (e.g. forage / oil / vegetable) but in some cases not on the basis of existing DUS characteristics. The TWA noted that it was not possible to agree on the examination of variety denominations for different subspecies of *Brassica napus* as well as *B. nigra* and *B. rapa* under separate denomination classes (see document TWA/52/11 “Report”, paragraphs 28 and 29).

(b) TGP Documents

Document TGP/5: Section 6 “UPOV Report on Technical Examination and UPOV Variety Description” (Revision)

New proposal to amend the “UPOV Variety Description”, Item 16 “Similar Varieties and Differences from These Varieties”

5. The TWF, at its fifty-fourth session⁹, considered document TWF/54/7 “Cooperation in examination”, presented by an expert from New Zealand (see document TWF/54/13 “Report”, paragraphs 17 and 18).

6. The TWF agreed to propose amending document TGP/5, Section 6 “UPOV Report on Technical Examination and UPOV Variety Description” to provide further guidance on information about similar varieties considered in the examination.

7. The TWF agreed to propose including the following additional explanations under Section 16 “Similar Varieties and Differences from These Varieties” to clarify which varieties should be reported in the UPOV variety description (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strikethrough~~):

- All similar/closest/reference varieties as determined by the Examiner. If there is no such variety(s), a sentence such as “No similar/closest variety was identified in the growing trial” should be stated.
- Only varieties which have been tested under the same growing conditions as the candidate variety.
- Varieties that express the least number of characteristic differences from the candidate variety.
- All characteristics are treated equally, with all characteristics providing distinctness to be included for each similar variety.

New proposal to amend the “UPOV Variety Description”, Item 17 “Additional Information”

8. The TWO, at its fifty-fifth session¹⁰, considered document TWO/55/6 presented by an expert from New Zealand (see document TWO/55/11 “Report”, paragraphs 21 to 25).

9. The TWO considered the proposal presented in document TWO/55/6 “Information required to enhance the use of existing DUS test reports” to amend document TGP/5, Section 6 “UPOV variety description”, Item 17 “Additional information” to include examples of “(a) additional data” that could be provided with variety descriptions.

10. The TWO agreed to propose that the following non-exhaustive list of examples of additional data was considered for inclusion in document TGP/5, Section 6 (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strikethrough~~):

“(a) Additional Data (e.g. COYU or COYD results, measured data supporting certain characteristics, scales for measured characters for example varieties)”

11. The TWO agreed to propose including the following additional element in the list of “Additional Information” under Section 17 of document TGP/5, Section 6:

“(d) Example varieties used in testing in the growing trial”

12. The TWO considered document TGP/5, Section 6 “UPOV Report on Technical Examination and UPOV Variety Description” and agreed that missing information in Section 16 “*Similar varieties and differences from these varieties*” would reduce the usefulness of the DUS test reports for exchange.

13. The TWO agreed to recommend that authorities providing test reports supply information in Section 16 of the variety description, even to indicate that no similar variety had been identified. The TWO agreed that, in case there was a similar variety (or varieties) they should be mentioned in Section 16 of the test report.

Document TGP/5: Section 11 “Examples of Policies and Contracts for Material Submitted by the Breeder” (Revision)

New proposal: Access to plant material for the purpose of management of variety collections and DUS examination

14. The TWF, at its fifty-fourth session⁹, considered document TWF/54/7 “Cooperation in Examination”, presented by an expert from the European Union (see document TWF/54/13 “Report”, paragraphs 19 and 20).

15. The TWF agreed to propose amending document TGP/5, Section 11 “Examples of Policies and Contracts for Material Submitted by the Breeder” to include the following list of elements to be considered for inclusion in requests for the submission of plant material of candidate varieties and varieties of common knowledge for DUS examination (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strikethrough~~):

- Letter to be addressed to the PVP holder of the variety or their formal representative in the territory

- Technical details, especially quality, quantity, date and place of submission. In the fruit sector, material of the desired quality often may need to be organized more than one year in advance. The authority should accept some flexibility in its availability.
- Detailed explanation of the purpose
 - Variety collection
 - Side by side comparison with a potentially similar candidate variety
- What will and will not be done with the material during and after the trial, including DNA sampling and DNA profiles
 - Responsible body to enforce the policy is the PVP authority
 - Triggering purpose is the DUS test
 - Physical location of the material, possibility to have access for the owner, description of due care and cultivation circumstances
 - Ownership of the material
 - Clarification of possible other uses, e.g. other official purposes, which ones
 - Under which circumstances the material may be made available to another party/authority
 - Clarification of situations requiring or not the consent from the breeder
 - Who has access to the material
 - Which information will need to be made available to the public as a requirement (photographs, descriptions)

Document TGP/7 Development of Test Guidelines (Revision)

Example varieties for asterisked quantitative characteristics when illustrations are provided

16. The TC, at its fifty-eighth session⁶, agreed to invite the TWP, at their sessions in 2023, to consider the situations described by the TWO as the basis to develop guidance on possible exceptions to the requirement to provide example varieties for asterisked quantitative characteristics when illustrations were provided. The TC agreed to invite the TWP to specify situations where such approach would be applicable (see document TC/58/31 “Report”, paragraphs 23 and 24).

Situations where illustrations could replace example varieties for asterisked quantitative characteristics

17. The TWV, TWA, TWO and TWF, at their sessions in 2023, considered the situations described by the TWO as the basis to develop guidance on possible exceptions to the requirement to provide example varieties for asterisked quantitative characteristics when illustrations were provided (see documents TWV/57/26 “Report”, paragraphs 11 to 13; TWA/52/11 “Report”, paragraphs 15 to 17, TWO/55/11 “Report”, paragraphs 10 to 13 and TWF/54/13 “Report”, paragraph 13).

18. The TWV recalled that, at its fifty-sixth session¹⁴, it had agreed as follows (see document TWV/56/22 “Report”, paragraph 9):

“The TWV agreed that example varieties should continue to be provided for asterisked quantitative characteristics for vegetable crops. The TWV agreed that example varieties could be easily provided for vegetable crops and were useful for harmonizing DUS examination and producing variety descriptions. The TWV recalled that guidance in document TGP/7 required example varieties for three or two states of expression, according to the scale of notes used.”

19. The TWV agreed that example varieties were important for training for DUS experts and plant breeders using Test Guidelines. The TWV agreed that illustrations should be used to complement example varieties in explanations and whenever plant material of a particular variety was not available.

20. The TWA agreed that Test Guidelines should provide as much information as possible to clarify the states of expression of a characteristic, such as using illustrations to complement the use of example varieties.

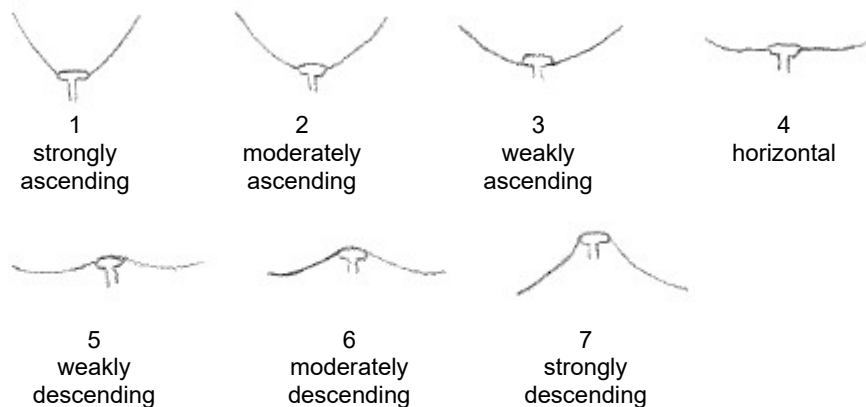
21. The TWA agreed to invite the experts from Germany in collaboration with Canada, Netherlands and United Kingdom to draft a proposal to amend the guidance in document TGP/7, GN 28 “Example Varieties”, concerning the situations where illustrations could replace example varieties and their complementary role to clarify the states of expression of a characteristic.

¹⁴ Held via electronic means from April 18 to 22, 2022.

22. The TWO recalled that information on the situations where the approach would be applicable had been provided in document TWP/7/2 "Development of guidance and information materials", paragraphs 16 and 17 (see document TWO/54/6 "Report", paragraph 24) as reproduced below:

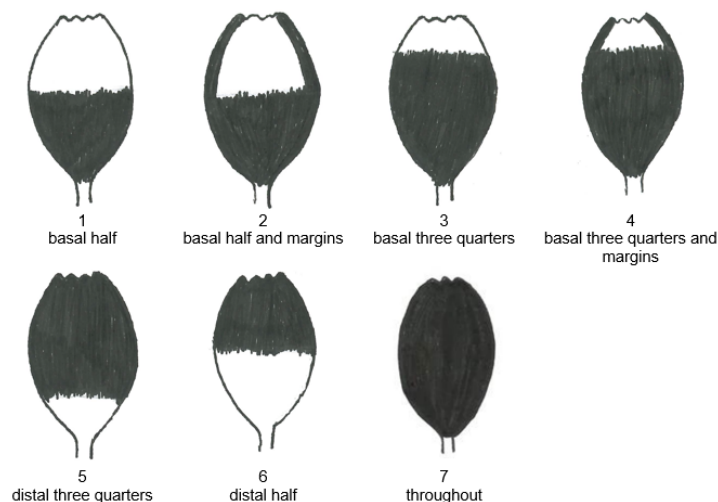
"16. The TWO, at its fifty-fourth session, noted that Test Guidelines for ornamental plants included many quantitative and pseudo-qualitative floral characteristics, which were not measured and only visually observed (VG). The TWO agreed that the use of illustrations would be suitable to replace example varieties for such characteristics and further facilitate international harmonization. The TWO agreed that the following characteristics could be used as examples of the approach to replace example varieties when illustrations were provided (see document TWO/54/6 'Report', paragraph 24):

- Document TG/336/1 'Coreopsis':
Ad. 24: Ray floret: attitude of basal part (QN)

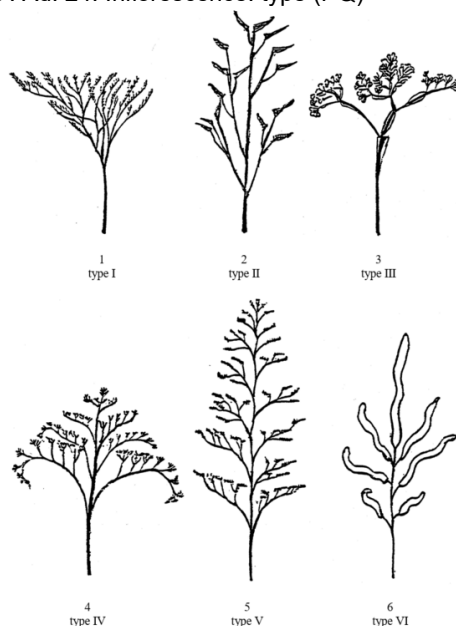


- Document TG/336/1 "Coreopsis":

"Ad. 29: Ray floret: distribution of main color (PQ)



- Document TG/168/3 'Statice': Ad. 24: Inflorescence: type (PQ)



23. The TWO agreed that such an approach would also be applicable for species with few example varieties and where there was difficulty obtaining plant material of such varieties.

24. The TWO noted that the TWA, at its fifty-second session, had agreed to invite the experts from Germany in collaboration with Canada, Netherlands and United Kingdom to draft a proposal to amend document TGP/7, GN 28 "Example Varieties", concerning situations where illustrations could replace example varieties and their complementary role to clarify the states of expression of a characteristic.

25. The TWO agreed to invite the experts from Canada, European Union, France and the United Kingdom to join the TWA experts to draft a proposal to amend document TGP/7, GN 28.

26. The TWF, at its fifty-fourth session⁹, agreed that Test Guidelines should provide example varieties and illustrations as far as possible. The TWF noted that there could be difficulty obtaining plant material of certain example varieties not widely available or no longer in cultivation. The TWF noted the expressions of interest of the experts from Australia and Hungary to join the experts from the TWA and TWO drafting a proposal to amend document TGP/7, GN 28 (see document TWF/54/13 "Report", paragraph 14).

MATTERS FOR INFORMATION

Document TGP/8: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability

Section 9 "The Combined-Over-Years Uniformity Criterion (COYU)"

27. The TC, at its fifty-eighth session⁶, noted that a new version of DUSTNT incorporating COYU with splines (DUST9NT) was planned to be launched by September 2023, once the improvements identified from the testing campaign had been incorporated, including extrapolation (see document TC/58/31 "Report", paragraphs 28 to 33).

28. The TC noted that further revisions to document TGP/8 would be required to incorporate guidance on extrapolation and minimum data requirements.

29. The TC noted the recommendation that there should be particular consideration of uniformity by the crop experts when extrapolation occurred.

30. The TC noted that the TWM had agreed that further discussion would be required on approaches when extrapolation was indicated and had agreed to invite the United Kingdom and other members to report at the second session of the TWM.

31. The TC agreed to request the TWM to prepare a report of the results of the test campaign of the software for COYU Splines for consideration by the TC, in conjunction with the revision of document TGP/8.

Document TGP/9 “Examining Distinctness”

Number of plants of comparing varieties in trial

32. The TWF, at its fifty-third session¹⁵, considered document TWF/53/7 “Matters relevant in DUS examination for the fruit sector” and a proposal prepared by experts from Brazil and the European Union to amend guidance in document TGP/9 “Examining Distinctness” to clarify the possibility to include in trials a lower number of plants for varieties of common knowledge under certain circumstances (see document TWF/53/14 “Report”, paragraphs 24 to 26).

33. The TWF agreed there were practical difficulties in implementing DUS trials of fruit crops with the same number of plants indicated in the Test Guidelines for both the candidate variety and a very similar variety of common knowledge. The TWF agreed that it should be possible to use a lower number of plants of the similar variety of common knowledge if uniformity does not need to be assessed.

34. The TWF agreed to propose amending document TGP/9 to read as follows:

“5.5.5 The required precision of records depends on the size of the difference between the candidate variety and the varieties of common knowledge. If two varieties are very similar it is important to ensure the same precision of the records for both varieties. The number of plants indicated in the Test Guidelines generally applies to both the candidate variety and the similar variety of common knowledge. ~~In other cases,~~ However, it may be possible to include in the trial a lower number of plants for the variety of common knowledge, provided that uniformity does not need to be assessed for that variety, i.e. varieties in the variety collection.”

35. The TC, at its fifty-eighth session⁶, considered the proposal from the TWF to amend document TGP/9 “Examining Distinctness” to clarify the possibility to include in trials a lower number of plants for varieties of common knowledge than the candidate variety, under certain circumstances, as set out in document TC/58/5 “Development of guidance and information materials - Possible future revisions”, paragraph 60 (see document TC/58/31 “Report”, paragraphs 35 to 37).

36. The TC noted the practical difficulty reported by the TWF to organize growing trials with the same number of plants for example varieties and the candidate variety.

37. The TC agreed to invite the drafters from Brazil and European Union to develop the proposal taking into consideration the requirement of consistency with the other paragraphs of the section in document TGP/9, which concerned the required precision of records. The TC agreed that the revised proposal should be presented to the TWPs, at their sessions in 2023.

38. The experts from Brazil and the European Union have informed the Office of the Union that a document on this matter will be presented to the TWPs at their sessions in 2024.

[Annex IV follows]

¹⁵ Held via virtual means, from July 11 to 15, 2022.

DOCUMENT TGP/12: GUIDANCE ON CERTAIN PHYSIOLOGICAL CHARACTERISTICS (REVISION)

Example disease resistance characteristic: word “highly” in only one state of expression*Background*

1. The TC, at its fifty-seventh session¹⁶, considered the example disease resistance characteristic in document TGP/12, Section 2.3.2, and noted that the word “highly” was only used for the resistant state of expression. The TC agreed to invite the TWV to consider the example further (see document TC/57/25 “Report”, paragraphs 44 and 45):

“Example with ‘1–3’ scale: Resistance to *Sphaerotheca fuliginea* (*Podosphaera xanthii*)
(Powdery mildew) in Melon (UPOV Test Guidelines: TG/104/5)

	English	Example Varieties	Note
70. VG	Resistance to <i>Sphaerotheca fuliginea</i> (<i>Podosphaera xanthii</i>) (Powdery mildew)		
(+)			
70.1	Race 1		
QN	susceptible	[...]	1
	intermediate resistance	[...]	2
	highly resistant	[...]	3

Consideration by the Technical Working Party for Vegetables (TWV) in 2023

2. The TWV, at its fifty-seventh session⁷, considered whether to revise the states of expression in the example characteristic in document TGP/12/2, Section 2.3.2, to address the use of the word “highly” in only one state of expression (see document TWV/57/26 “Report”, paragraphs 15 and 16).

Proposal: replacing example characteristic in document TGP/12/2, Section 2.3.2

3. The TWV noted that the characteristic from the Test Guidelines for Melon used as example in document TGP/12/2, Section 2.3.2, was under revision. The TWV agreed that the example characteristic in document TGP/12 should be amended as in the proposed revision of the Test Guidelines for Melon, to read as follows (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strikethrough~~):

70. VG	<u>Resistance to</u>		
	<u><i>Podosphaera xanthii</i></u>		
	<u>(Px) (ex <i>Sphaerotheca</i></u>		
	<u><i>fuliginea</i>) (Powdery</u>		
	<u>mildew)</u>		
70.1	<u>Race 1 (Px: 1)</u>		
(+)			
QN	<u>absent or low</u>	<u>Védrantais</u>	<u>1</u>
	<u>medium</u>	<u>Escrito</u>	<u>2</u>
	<u>high</u>	<u>Arum</u>	<u>3</u>

[End of Annex IV and of document]

¹⁶ Held on October 25 and 26, 2021.