



TC/38/13

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GENEVA

TECHNICAL COMMITTEE

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REPLIES TO DOCUMENT TC/37/7 REV. "THE REVISED QUESTIONNAIRE ON THE
LEVEL OF INVOLVEMENT OF THE APPLICANT IN THE GROWING TEST"

Document prepared by the Office of the Union

1. At its thirty-seventh session, held in Geneva from April 2 to 4, 2001, the Technical Committee (hereinafter referred to as "the Committee") discussed document TC/37/7 "Revised Questionnaire on the Level of Involvement of the Applicant in the Growing Test." This document is intended to be part of document TGP/6. The Committee agreed that a revised version should be prepared, to incorporate the comments received either at the session of the Committee or subsequently submitted to the Office of the Union (hereinafter referred to as "the Office"), and to proceed as follows:

- Comments on the draft questionnaire to be sent to the Office by April 27, 2001
- The Office to issue the finalized questionnaire by April 30, 2001 (TC/37/7 Rev.)
- Completed questionnaires to be sent to the Office by May 21, 2001 (Circular U 3082)
- Results of the questionnaire to be presented to the Technical Working Parties during their meetings in 2001.

2. During the year 2001, reports on the replies to document TC/37/7 Rev. were made to the Technical Working Parties during their meetings. Several comments on document TC/37/7 Rev. and suggestions were made on how the results should be reported. It was mentioned that it was important to obtain a sufficient number of replies in order to provide a

representative overview of the situation. Circular U 3165 was issued to obtain replies from those members of the Union who had not previously completed document TC/37/7 Rev.

3. The replies are displayed in Annex I to this document. Explanations on the table, as presented in document TC/37/7 Rev., are included in Annex II to this document.

4. The Committee is invited to recommend that the information provided in response to this questionnaire be reflected in the development of TGP/6 - Arrangements for DUS Testing.

[Annex I follows]

Reply to document TC/37/7 Rev. “Revised Questionnaire on the Level of Involvement of the Applicant in the Growing Test”

Part A: Introduction

Part B: Replies to document TC/37/7 Rev.

Part C: Additional information

Part A: Introduction

Thirty-two members of the Union replied to the Questionnaire. The reply of each member is shown by the country code, according to the following table. Where more than one reply has been received from a member, a figure has been added to the country code. Where further detailed information was submitted (e.g. list of species or an explanation of the procedure), this information can be found in Part C of Annex I.

Country codes

AR(1) Argentina – any crop except AR(2) or AR(3)	FR France	SK(1) Slovakia – other crops except SV(2) and SV(3)
AR(2) Argentina – soybean, wheat, maize, sunflower	GB(1) United Kingdom - species tested in GB	SK(2) Slovakia – applicable to some crops, see list in Part C
AR(3) Argentina – ornamental crops	GB(2) United Kingdom – species tested by other members of the Union	SK(3) Slovakia – applicable to some crops, see list in Part C
AT Austria	IE(1) Ireland - potato only	TT Trinidad and Tobago
AU Australia	IE(2) Ireland – other crops except IE(1)	UA Ukraine
BE Belgium	JP Japan	UY Uruguay
BO Bolivia	MD Republic of Moldova	ZA(1) South Africa – deciduous fruit crops
CA Canada	MX Mexico	ZA(2) South Africa – subtropical fruit crops
CL Chile	NO Norway	ZA(3) South Africa – seed propagated crops
CN China	NZ(1) New Zealand – agricultural crops central testing by PVR Office	ZA(4) South Africa - ornamental crops
CO Colombia	NZ(2) New Zealand – agricultural crops applicant testing	
CZ Czech Republic	NZ(3) New Zealand – indoor or special ornamental crops	
DE Germany	NZ(4) New Zealand – fruit crops	
DK(1) Denmark – agricultural and ornamental crops	NZ(5) New Zealand – ornamental and some fruit crops	
DK(2) Denmark – vegetable crops	NZ(6) New Zealand – rose and some ornamental crops	
EE Estonia – barley, wheat, oat and pea	PL Poland	
EE Estonia – other crops than EE(1)	PT Portugal	
ES Spain	RO Romania	
ES(1) Spain – applicable in some species only	RU Russian Federation	
ES(2) Spain– applicable in some species only		
FI Finland		

The results are presented in four different colors according to four different world regions, as follows:

Countries from the Americas: RED

European countries: GREEN

Countries from the Asia and Pacific Region: BLUE

Countries from the African Region: PURPLE

The tables have been divided as follows:

Table I A
B
C

Table II A
B

Table III A
B

Table III cont. A
B

For a better comprehension of the display of the results, an explanatory diagram follows:

Table I - Origin of Technical Information

Country:		A - Type of Information							
		A-1 DUS Test Data			A-2 Descriptive Information		A-3 Complementary Information		A-4 Other Information
B - Source of the information		A-1.1	A-1.2	A-1.3	A-2.1	A-2.2	A-3.1	A-3.2	A-4
		Final full DUS test report	Interim - preliminary DUS test report	DUS field test data	Full plant variety description	Description of a selected group of characteristics	Technical information required on routine basis when the application is filed (e.g. TQ information)	Further technical information upon request of the National Authority	Specify
B-1 National Authority field trials	B-1.1 Examiner from National Authority*						Table I A		
	B-2.1 Examiner from the National Authority*								
	B-2.2 Breeder or applicant								
	B-2.3 Breeder or applicant with visits from official examiner								
	B-2.4 Accredited expert on behalf of the breeder or applicant								
B-2 Breeder or applicant field trials	B-2.5 Accredited expert on behalf of the breeder or applicant with visits from official examiner								
	B-3.1 Examiner from the National Authority*								
	B-3.2 Breeder or applicant								
	B-3.3 Breeder or applicant with visits from official examiner								
	B-3.4 Accredited expert on behalf of the breeder or applicant								
B-3 Field trials from accredited testing institutes or Centers	B-3.5 Accredited expert on behalf of the breeder or applicant with visits from official examiner								
	B-4.1 Foreign reports are accepted but is possible to make DUS test locally								
	B-4.2 The DUS examination is always done by the National Authority of other country.								
B-4 Agreement with other National Authority									
B-5 Other	Specify								

Table I
C

* Authorized expert on behalf of the National Authority should be considered as examiner of the National Authority

Country:		Table III - Involvement of the Breeder/Applicant and the National Authority in the DUS Decision-Making Process						
C - Responsible	Special technical capabilities - permit - accreditation required	Preparation of a rough protocol	Preparation of a very detailed protocol	Preparation of a special protocol (technical guidelines) for each species	Selection of relevant varieties of common knowledge.	Selection of example varieties to be grown	Data recording from DUS field trials	
		C-1 National Authority field trials	C-1.1 Examiner from National Authority*					
C-2 Breeder or applicant field trials	C-2.1 Examiner from the National Authority*							
	C-2.2 Breeder or applicant							
	C-2.3 Breeder or applicant with visits from official examiner							
	C-2.4 Accredited expert on behalf of the breeder or applicant							
	C-2.5 Accredited expert on behalf of the breeder or applicant with visits from official examiner							
C-3 Field trials from authorized or accredited testing institutes or centers	C-3.1 Examiner from the National Authority*							
	C-3.2 Breeder or applicant							
	C-3.3 Breeder or applicant with visits from official examiner							
	C-3.4 Accredited expert on behalf of the breeder or applicant							
	C-3.5 Accredited expert on behalf of the breeder or applicant with visits from official examiner							
C-4 Agreement with other National Authority	C-4.1 Foreign reports are accepted but is possible to make DUS test locally							
	C-4.2 The DUS examination is always done by the National Authority of other country.							
C-5 Other	Specify							

* Authorized expert on behalf of the National Authority should be considered as examiner of the National Authority.

Table III
A

Table III
B

Country:		Table III (Cont.) - Involvement of the Breeder/Applicant and the National Authority in the DUS Decision-Making Process									
C - Responsible	C-1 National Authority field trials	Preparation of DUS report	Record and provision of supplementary DUS information	Examination of the supplementary DUS information	Provision of other technical information	Evaluation of other technical information	Proposed decision on DUS assessment	Preparation of plant variety description	Publication of preliminary decision	Deposit of propagating material of the variety	
			C-1.1 Examiner from National Authority*								
	C-2.1 Examiner from the National Authority*										
	C-2.2 Breeder or applicant										
	C-2.3 Breeder or applicant with visits from official examiner										
	C-2.4 Accredited expert on behalf of the breeder or applicant										
	C-2.5 Accredited expert on behalf of the breeder or applicant with visits from official examiner										
	C-3.1 Examiner from the National Authority*										
	C-3.2 Breeder or applicant										
	C-3.3 Breeder or applicant with visits from official examiner										
	C-3.4 Accredited expert on behalf of the breeder or applicant										
	C-3.5 Accredited expert on behalf of the breeder or applicant with visits from official examiner										
	C-4.1 Foreign reports are accepted but it is possible to make DUS test locally										
	C-4.2 The DUS examination is always done by the National Authority of other country.										
	C-5 Other	Specify									

Table III Cont
A

Table III Cont
B

* Authorized expert on behalf of the National Authority should be considered as examiner of the National Authority.

Part B: Replies to Document TC/37/7 Rev.

Table I - Origin of Technical Information A

Table I A		A - Type of Information							
		A-1 DUS Test Data		A-2 Descriptive Information		A-3 Complementary Information		A-4 Other Information	
B - Source of the information	B-1.1 Examiner from National Authority*	A-1.1	A-1.2	A-1.3	A-2.1	A-2.2	A-3.1	A-3.2	A-4
		Final full DUS test report	Interim - preliminary DUS test report	DUS field test data	Full plant variety description	Description of a selected group of characteristics	Technical information required on routine basis when the application is filed (e.g. TQ information)	Further technical information upon request of the National Authority	Specify
B-1 National Authority field trials	B-1.1 Examiner from National Authority*	AT, BE, CZ, DE, DK(1-2), ES, FI, FR, GB(1), IE(1), MD, NO, PL, PT, RO, RU(1), SK(1), UA BO, CL(1-2), CO, UY	CZ, BE, DE, DK(1-2), ES, FI, FR, GB(1), MD, NO, PL, PT, RO, RU(1), SK(1), UA BO, CL(1-2), CO, UY	AT, BE, CZ, DE, DK(1), ES, FI, FR, GB(1), IE(1), MD, NO, PL, PT, RO, RU(1), SK(1), UA BO, CL(1-2), CO, UY	AT, BE, CZ, DE, DK(1-2), ES, FI, FR, GB(1), IE(1), MD, NO, PL, PT, RO, RU(1-2), SK(1), UA BO, CL(1-2), CO, UY	ES BO, CO	BE BO, CO	BO, CO	BO, CO
		CN, NZ(1-6), JP ZA(3-4)	CN, NZ(1-6), JP ZA(3-4)	CN, NZ(1-6), JP ZA(3-4)	CN, NZ(1-6), JP ZA(3-4)	CN ZA(3-4)			

Table I - Origin of Technical Information C

Table I C		A - Type of Information							
		A-1 DUS Test Data				A-2 Descriptive Information		A-3 Complementary Information	
B - Source of the information		A-1.1 Final full DUS test report	A-1.2 Interim - preliminary DUS test report	A-1.3 DUS field test data	A-2.1 Full plant variety description	A-2.2 Description of a selected group of characteristics	A-3.1 Technical information required on routine basis when the application is filed (e.g. TQ information)	A-3.2 Further technical information upon request of the National Authority	A - 4 Specify
B-3 Field trials from authorized or accredited testing institutes or Centers	B-3.1 Examiner from the National Authority*	EE(1-2), NO JP, NZ(4)	EE(1-), NO JP, NZ(4)	EE(1-2), NO JP, NZ(4)	EE(1-2), NO JP, NZ(4)	NZ(4)			
	B-3.2 Breeder or applicant		AU	AU	AU	AU	AU, JP	AU, JP	JP
	B-3.3 Breeder or applicant with visits from official examiner	EE(2)	EE(2)	EE(2)	EE(2)				
	B-3.4 Accredited expert on behalf of the breeder or applicant		AU	AU	AU	AU	AU	AU	
	B-3.5 Accredited expert on behalf of the breeder or applicant with visits from official examiner	AU		AU	AU	AU			
B-4 Agreement with other National Authority	B-4.1 Foreign reports are accepted but it is possible to make DUS test locally	BO, UY AT, CZ, DK(1), EE(1-2), FI, FR(2), GB(2), NO, RO, RU(1-2) AU, JP	BO, UY CZ, DK(1), EE(2), FR(2), GB(2), NO	BO, UY DK(1), EE(2), GB(2), NO	BO, UY AT, CZ, DK(1), EE(2), FI, FR(2), GB(2), RU(1-2) AU, JP	BO	BO	BO	
	B-4.2 The DUS examination is always done by the National Authority of other country.	AR(3), CO, TT AT, BE, DK(1-2), FI, FR(2), IE(2), NO SK(2) NZ(3)	CO, TT BE, DK(1-2), FR(2), NO SK(2) NZ(3)	CO, TT BE, DK(1-2), NO, SK(2) NZ(3)	AR(3), CO AT, BE, DK(1-2), FI, FR(2), IE(2), NO SK(2) NZ(3)	CO	CO	CO	
B-5 Other	Specify	FR	FR	FR					

* Authorized expert on behalf of the National Authority should be considered as examiner of the National Authority

Table II - Use of Technical Information A

Table II A	A – Type of Information							
	A-1 DUS Test Report			A-2 Descriptive Information		A-3 Complementary Information		A-4 Other Information
Use of the information	A-1.1 Final full DUS test report	A-1.2 Interim Preliminary DUS test report	A-1.3 DUS field test data	A-2.1 Full plant variety description	A-2.2 Description of a selected group of characteristics	A-3.1 Technical information required on routine basis when the application is filed (e.g. TQ information)	A-3.2 Further technical information upon request of the National Authority	A4 Specify
DUS assessment	AR(D), BO, CA, CL(1-2), CO, MX, TT, UY	BO, MX	BO, CA, CL(1-2), CO, MX, UY	AR(D), BO, CA, CL(1-2), CO, MX, TT, UY	BO, CA, TT	AR(D), BO, CL(2), TT	AR(D), BO, CA, TT	
	AT, BE, CZ, DK(1-2), EE(D), ES, FI, FR, GB(1-2), IE(D), MD, NO, PL, PT, RO, RU(D), SK(D), UA,	BE, FI, PT, RU(1-2),	AT, BE, CZ, DE, DK(1-2), EE(D), ES, FI, FR, GB(1-2), IE(D), MD, PT, RO, RU(1-2), SK(D), UA,	AT, BE, CZ, EE(D), ES, FI, FR, GB(1-2), IE(D), MD, PL, PT, RO, RU(1-2), SK(D), UA,	AT, CZ, DK(1-2), EE(D), ES, FI, IE(D), MD, RO, RU(1-2), SK(D), UA	BE, FR, PT,	FR	
	AU, CN, JP NZ(1-2-3-4-5-6)	CN, JP	CN, JP, NZ(1-2-4-5-6)	AU, CN, JP, NZ(2-3-4-5-6)	CN, JP, NZ(1-2-4-5-6)		ZA(1-2-3-4)	
	ZA(1-2-3-4)		ZA(1-2-3-4)	ZA(1-2-3-4)			ZA(1-2-3-4)	
	AR(D)	BO, CL(1-2), MX	BO	AR(D), BO, UY	BO, CA, CO	AR(D), BO, CA, CL(D), CO, UY	AR(D), BO, CA, CO	
	AT, BE, FR	BE	BE, DK(1), FI, FR, PT	BE, DK(1-2), EE(D), RU(1-2), UA	AT, CZ, DK(1-2), EE(D), ES, FI, IE(D), MD, RO, RU(1-2), SK(D), UA	AT, BE, CZ, DE, DK(1-2), ES, FI, FR, GB(1-2), IE(D), MD, NO, PL, PT, RO, RU(1-2), SK(D), UA,	CZ, FR, GB(1-2), RU(1-2)	
Field trial arrangement - selection of most similar varieties		AU		ZA(1-2-3-4)	CN, JP, NZ(1-2-4-5-6)	CN, JP, NZ(1-2-4-5-6)	NZ(4-5-6)	JP
				ZA(1-2-3-4)		ZA(1-2-3-4)	ZA(2-3-4)	

Table II - Use of Technical Information B

Table II B	A – Type of Information							
	A-1 DUS Test Report			A-2 Descriptive Information		A-3 Complementary Information		A-4 Other Information
Use of the information	A-1.1 Final full DUS test report	A-1.2 Interim Preliminary DUS test report	A-1.3 DUS field test data	A-2.1 Full plant variety description	A-2.2 Description of a selected group of characteristics	A-3.1 Technical information required on routine basis when the application is filed (e.g. TQ information)	A-3.2 Further technical information upon request of the National Authority	A4 Specify Information
Provisional decision on DUS assessment		BO, CO, MX EE(1), FI, FR, GB(1-2)MD, NO, PT, RO, RU(1-2), SK(1), UA, AU, NZ(4-5-6)	BO FR, GB(1-2), UA	BO UA	BO, MX	BO, MX	BO, MX	
Provisional PBR protection	MX	BO, UY RU(1-2)	BO,	BO, MX GB(1-2)	BO, AU	BO, AU, JP	BO, AU	JP
Check consistency of the whole information provided in the application	AR(1), BO, CA AU	BO, TT, UY PL AU	BO, CA, CO, MX, TT DK(1-2) AU	AR(1), BO, CA, CO, MX DK(1-2) AU	BO, CA, CO, JP, NZ(3-4-5-6)	AR(1), BO, CA, CI(1-2), CO, MX, UY AT, CZ, DE, EE(1), ES, FI, FR(3), IE(1), MD, NO, RO, RU(1-2), SK(1), UA CN, NZ(1-3-4-5-6)	AR(1), BO, CA, CI(1-2), CO, MX, UY AT, CZ, DE, EE(1), ES, FI, FR, MD, NO, RU(1-2), SK(1), UA CN, NZ(1-4-5-6)	
Other (specify)	CO		CO	CO				

Table III A.

Table III - Involvement of the Breeder/Applicant and the National Authority in the DUS Decision-Making Process A

C – Responsible	Special technical capabilities - permit - accreditation required	Preparation of a rough protocol	Preparation of a very detailed protocol	Preparation of a special protocol (technical guidelines) for each species	Selection of relevant varieties of common knowledge.	Selection of example varieties to be grown	Data recording from DUS field trials	
C-1 National Authority field trials	C-1.1 Examiner from National Authority* AT, BE, CZ, DK(1), ES, FI, FR, IE(1), MD, NO, RO, RU(1), SK(1), UA	CL(1), CO	FR, MD, UA	BO, CO, MX, UY	BO, CL(1), CO, MX, UY	BO, CL(1), CO, MX, UY	BO, CL(1), CO, UY	
		CN, NZ(6) ZA(3)	NZ(6)	CN, JP, NZ(6)	CN, JP, NZ(1-2-6) ZA(3)	CN, JP, NZ(1-2-6) ZA(3)	CN, JP, NZ(1-6) ZA(3)	CN, JP, NZ(1-6) ZA(3)
C-2 Breeder or applicant field trials	C-2.1 Examiner from the National Authority* DK(2), EE(1-2), ES(1)	CA	CA	AR(1), CA ES(1)	AR(1), MX ES(1), PT, RU(2)	AR(1) ES(1), PT, RU(2)	AR(4) DK(2), ES(1), PT, RU(2)	
		ZA(1-2-4)	NZ(5)	JP, NZ(5)	AU, JP, NZ(5) ZA(1-2-4)	JP, NZ(5) ZA(1-2-4)	JP, NZ(5) ZA(1-2-4)	JP, NZ(2-5) ZA(1-2-4)
		MX	MD		MX	AR(1), CA ZA(2-3-4),	AR(1), MX ZA(2-3-4)	AR(1), MX ZA(1-2-4)
		C-2.2 Breeder or applicant						
C-2.3 Breeder or applicant with visits from official examiner	ES(2) CN						AR(1), CA ES(2) CN	
		C-2.4 Accredited expert on behalf of the breeder or applicant	AU	AU		AU	AU	AU
		C-2.5 Accredited expert on behalf of the breeder or applicant with visits from official examiner	AU				AU	AU

Table III B

Table III - Involvement of the Breeder/Applicant and the National Authority in the DUS Decision-Making Process B

C – Responsible	Special technical capabilities permit accreditation required	Preparation of a rough protocol	Preparation of a very detailed protocol	Preparation of a special protocol (technical guidelines) for each species	Selection of relevant varieties of common knowledge.	Selection of example varieties to be grown	Data recording from DUS field trials
C-3 Field trials from authorized or accredited testing institutes or centers	C-3.1 Examiner from the National Authority*	NO NZ(4)	NZ(4)	JP, NZ(4)	NO AU, JP, NZ(4)	NO JP, NZ(4)	NO JP, NZ(4)
	C-3.2 Breeder or applicant						
	C-3.3 Breeder or applicant with visits from official examiner						
C-3.4 Accredited expert on behalf of the breeder or applicant	AU	AU	AU		AU	AU	AU
	C-3.5 Accredited expert on behalf of the breeder or applicant with visits from official examiner	EE(1-2), AU					AU
C-4 Agreement with other National Authority	C-4.1 Foreign reports are accepted but is possible to make DUS test locally	UY AT, DK(1),	NO	GB(2), NO	BO, UY CZ, GB(2), NO	UY CZ, DK(1), GB(2), NO	BO, UY CZ, DK(1), GB(2), NO
	C-4.2 The DUS examination is always done by the National Authority of other country.	TT AT, BE, DK(1-2), SK(2), NZ(3)	TT NO NZ(3)	TT NO NZ(3)	AR, TT BE, NO SK(2) NZ(3)	TT BE, DK(1-2), NO SK(2) NZ(3)	TT BE, DK(1-2), NO SK(2) NZ(3)
C-5 Other	Specify						

Table III (Cont.) B

Table III (Cont.)- Involvement of the Breeder/Applicant and the National Authority in the DUS Decision-Making Process B

C – Responsible	Preparation of DUS report	Record and provision of supplementary DUS information	Examination of the supplementary DUS information	Provision of other technical information	Evaluation of other technical information	Proposed decision on DUS assessment	Preparation of plant variety description	Publication of preliminary decision	Deposit of propagating material of the variety
C-3 Field trials from authorized or accredited testing institutes or centers	C-3.1 Examiner from the National Authority*	AU, JP, NZ(4)	JP, NZ(4)	AU, JP, NZ(4)	JP, NZ(4)	AU, JP, NZ(4)	AU, NZ(4)	AU, NZ(4)	JP, NZ(4)
	C-3.2 Breeder or applicant								NO AU
	C-3.3 Breeder or applicant with visits from official examiner								
	C-3.4 Accredited expert on behalf of the breeder or applicant	AU	AU		AU		AU		
	C-3.5 Accredited expert on behalf of the breeder or applicant with visits from official examiner	UY CZ, DK(1), FR, GB(2) AU	UY DK(1), GB(2)	UY DK(1), GB(2)		UY DK(1)	UY DK(1), GB(2) AU	CZ, DK(1) GB(2)	CZ JP
C-4 Agreement with other National Authority	C-4.1 Foreign reports are accepted but is possible to make DUS test locally	AR(3), BO, TT AU	TT	BO	BO, TT	TT	AR(3), BO, TT		TT
	C-4.2 The DUS examination is always done by the National Authority of other country.	DK(1-2), FR, SK(2) NZ(3)	DK(1-2), SK(2) NZ(3)	DK(1-2), SK(2) NZ(3)	NZ(3)	DK(1-2), SK(2) NZ(3)	DK(1-2), SK(2) NZ(3)	NZ(3)	
C-5 Other	Specify								

* Authorized expert on behalf of the National Authority should be considered as examiner of the National Authority.
Further information considered useful should be attached in separate sheets

Part C: Additional information

AT - AUSTRIA

Austria has a system in which the applicant is not involved in the examination of the varieties.

Applicants only provide the information requested in the Technical Questionnaire.

Nevertheless, there are agreements with other countries for the exchange of DUS reports.

AU - AUSTRALIA

Under the Plant Breeder's Rights Regulations introduced in 1996, establishments may be officially authorized by the PBR Office to conduct growing tests. An authorized establishment will be known as Centralized Test Centre (CTC).

Usually, the implementation of PBR in Australia relies on a "breeder" testing system in which the applicant, in conjunction with a nominated Qualified Person (QP), establishes, conducts and reports a DUS trial. Very often, trials by several breeders are being conducted concurrently at different sites.

Other optional testing methods are now available which will add flexibility to the PBR process in Australia. Centralized testing is one such optional system. It is based upon the authorization of private or public establishments to test one or more genera of plants. Applicants can choose to submit their varieties for testing by a CTC or continue to do the test themselves. Please note that, using a CTC to test a new variety is entirely voluntary.

CA - CANADA

Table I

Section A-2.1 "Full plant variety description": is answered with section B-2.3 "Breeder or applicant with visits from official examiner." However, this could be expanded to say that the examiner writes the official variety description based upon the test data and descriptive information as submitted by the applicant. However, the test data and description are also verified by the examiner's report which is prepared during the visit to the trials.

Section A-1.2 Interim-preliminary report: is not applicable to Canada.

Table II

"Provisional decision on DUS assessment and provisional PBR protection": these sections are not applicable. In Canada there is no provisional protection or interim decision made on the DUS of a variety until the final DUS report is completed, and publication period over.

Table III

Section C-4 Agreement with other National Authority: in Canada, foreign test reports are accepted at the applicant's request. However, a minimum of one year of trials in Canada is required, and these are visited and verified by an official examiner. The foreign test report can substitute for the second year of DUS testing provided there are no major discrepancies between the foreign results and the Canadian trial results.

“Selection of relevant varieties of common knowledge”: in Canada, although the breeder select the varieties to be used as references in the trials, if the official examiner does not agree with the selection or feels that they are not appropriate references, the breeder is asked to include other varieties or change the trials to include a more similar plant variety. In some cases, this may result in another year of trials for the applicant.

“Special technical capabilities - permit - accreditation required” and “Selection of example varieties to be grown”: are not applicable to Canada.

Table III (Cont.)

“Preparation of Plant variety description”: in Canada the official examiner actually writes the description based upon the applicant's data and descriptive information, after a review of the trial results and verification by the examiner's own report from the site examination.

“Publication of trial results and variety description”: in the Canadian PBR system, there is a six month objection period following publication of the trial results. This objection period allows for a peer review of the variety description and DUS assessment and the ability to challenge the distinctness, uniformity or stability of a candidate variety before the rights are granted.

CO – COLOMBIA

Table 1

Three situations are presented:

1. Tests carried out directly by the National Authority.
2. Tests carried out in the domain of the breeder, with recording of data and analysis in the field by the examiner from the national authority.
3. An agreement with another national authority where the DUS test is carried out by the national authority of another country.

DE – GERMANY

Table I

Section A-3.1 Technical information required on routine basis when the application is filed (e.g. TQ information) used for field trial arrangement - selection of most similar varieties: may include photograph if appropriate.

Section A-4 Other information: a photograph can be provided by the breeder or applicant for ornamental crops.

Table III (Cont.)

“Deposit of propagating material of the variety”: with the National Authority is not applicable for some vegetatively propagated ornamental crops.

DK - DENMARK

DK(1): agricultural and ornamental crops

DK(2): vegetable crops.

Table I

Section B-4 Agreement with other National Authority: is available only for certain species of DK(1) and DK(2).

FR – FRANCE

FR: applicable to all the crops

FR(1): concerning maize, under certain conditions, the elements of description corresponding to the first year can be provided by the applicant

FR(2): for the species for which agreements have been made with the partner countries

FR(3): in the case of maize, as pointed out in FR(1) above and for the characteristics used for the grouping of varieties

FR(4): in the case of coded trials carried out by the applicant to study very similar varieties

ES - SPAIN

Table I

Section B-2 Breeder or applicant field trials: in general, is possible according to Art. 40.5 of the Law 3/2000 Governing the Protection of Plant Varieties.

Section B-2.1 Examiner from the National Authority: in the breeder or applicant field trials for the species *Distichlis spicata*.

Section B-4.1 Foreign reports are accepted but is possible to make DUS test locally: is possible according to Art. 40.4 of the Law 3/2000 Governing the Protection of Plant Varieties

Section C-4.2 The DUS examination is always done by the National Authority of other country: is possible according to Art. 40.3 of the Law 3/2000 Governing the Protection of Plant Varieties.

Table III

Section C-2 Breeder or applicant field trials: in general, is possible according to Art. 40.5 of the Law 3/2000 Governing the Protection of Plant Varieties.

Section C-4.1 Foreign reports are accepted but is possible to make DUS test locally: is possible according to Art. 40.4 of the Law 3/2000 Governing the Protection of Plant Varieties.

Section C-4.2 The DUS examination is always done by the National Authority of other country: is possible according to Art. 40.3 of the Law 3/2000 Governing the Protection of Plant Varieties.

FI – FINLAND

Table I

Sections B-4.1 Foreign reports are accepted but is possible to make DUS test locally and B-4.2. The DUS examination is always done by the National Authority of another country: are applicable to all species for which technical knowledge has not been acquired in Finland.

GB - UNITED KINGDOM

UK(1): Species tested in the United Kingdom

Agriculture

Wheat	Turnip Rape	Winter Swede Rape
Oats	Festulolium	Fodder Kale
Perennial Ryegrass	Hungarian Vetch	Sugar Beet
Hybrid Ryegrass	Field Peas	Linseed
Winter Oilseed Rape	Barley	Oenothera
Swede	Potatoes	Borage
White Clover	Italian ryegrass	Triticale
Birdsfoot Trefoil	Field Beans	

Fruit/Vegetables

Plums	Chinese Cabbage	Cauliflower
Strawberries	Sprouting Broccoli/calabrese	Broccoli
Peas	Meadowfoam	Carrots
Lettuce	Quinoa	Fenugreek
Blackcurrants	Scaevola Aemula	Cherries
Onions	Agapanthus	Gooseberries
Red Beet	Watercress	Redcurrant
Brussel Sprouts	Apples	Asparagus
Turnip	Raspberries	Pumpkin
Leeks	French Beans	Scorzonera
Marrows, Gourds, Squashes	Runner Beans	Coriander
Aubergine	Pears	Quince Rootstock
Fennel	Beetroot	Aubretia
Damsons	Leaf Beet	Parsnip
Blackberries	Cabbage	

Ornamentals

Roses	Galtonia	Streptocarpus
Chrysanthemums	Erysimum	Lilies
Azalea	Festuca Ovina Glauca	Narcissi
Cybidiums	Sweet Peas	Begonias
Pelargoniums	Delphiniums	Chetranthus
Dahlia	Rhododendrum	Petunia
Euphorbia	Freesias	Trifolium Arvense

UK (2): Species tested by other members of the Union

Agriculture

Velvet Bent	Tall Oatgrass	Soya Bean
Creeping Bent	Meadow Fescue	Flax
Annual Meadowgrass	Lupin	Sainfoin
Swamp Meadowgrass	Spring Oilseed Rape	Common Vetch
Rough Stalked Meadowgrass	Small Timothy	Rye
Cocksfoot	Alsike Clover	Sheeps Fescue
Red Fescue	Red Top	Westerwold Ryegrass
Sunflower	Brown Top	Fodder Radish
Lucerne	Wood meadowgrass	Black Medick
Durum Wheat	Smooth Stalked Meadow Grass	White Mustard
Maize	Fodder Beet	Red Clover
Spelt	Tall Fescue	

Fruit/Vegetables

Celery	Black Salsify	Curly Kale
Rhubarb	Turnip	Spinach
Spinach Beet	Broad Bean	Radish
Chilli/Capsicum/Pepper	Chard	Morello Cherry
Chicory	Endive	Parsley
Cucumber	Melon	French Beans
Corn Salad	Tomato	
Kohlrabi	Celeriac	

Ornamentals

Alstromeria	Hydrangea	Iris
Carnation	Pot Azalea	Berberis
Freesia	Impatiens	Forsythia
Gladiolus	Cotoneaster	Weigela
Orchids	Eryngium	Elatior
Elm	Gerbera	Kalanchoe
Buddlia	Christmas Rose	Juniper
African Violet	Christmas Cactus	Thuya
Poinsettia	African Primrose	

Trees

Poplar	Willow
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JP – JAPAN

In Japan, three sorts of field trial systems are used, each of them are treated equally under the Japanese system:

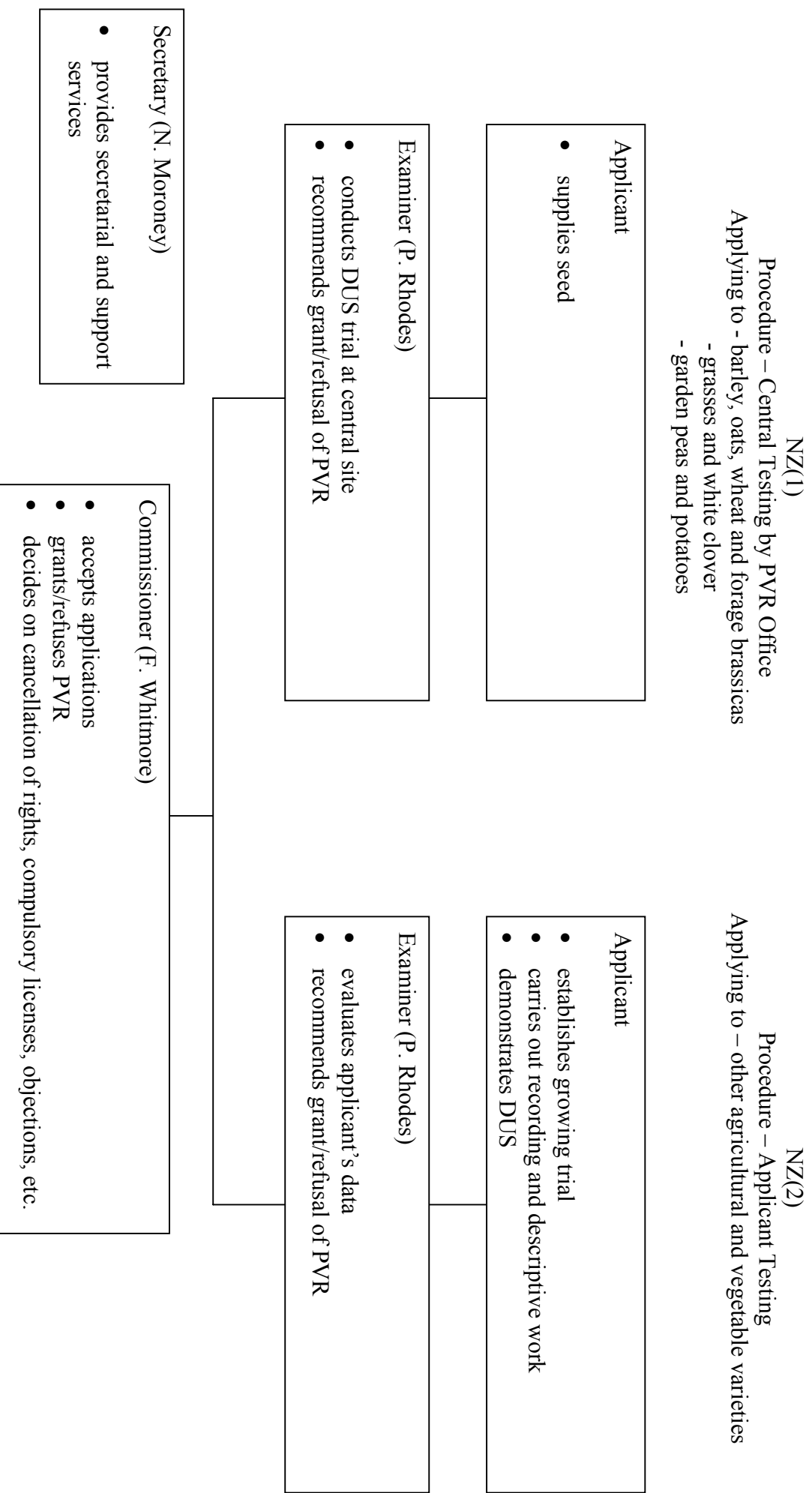
- (1) National authority field trial
- (2) Breeder or applicant field trial
- (3) Field trials from authorized institutes (field trials by regional governments).

Therefore there are several options for each column.

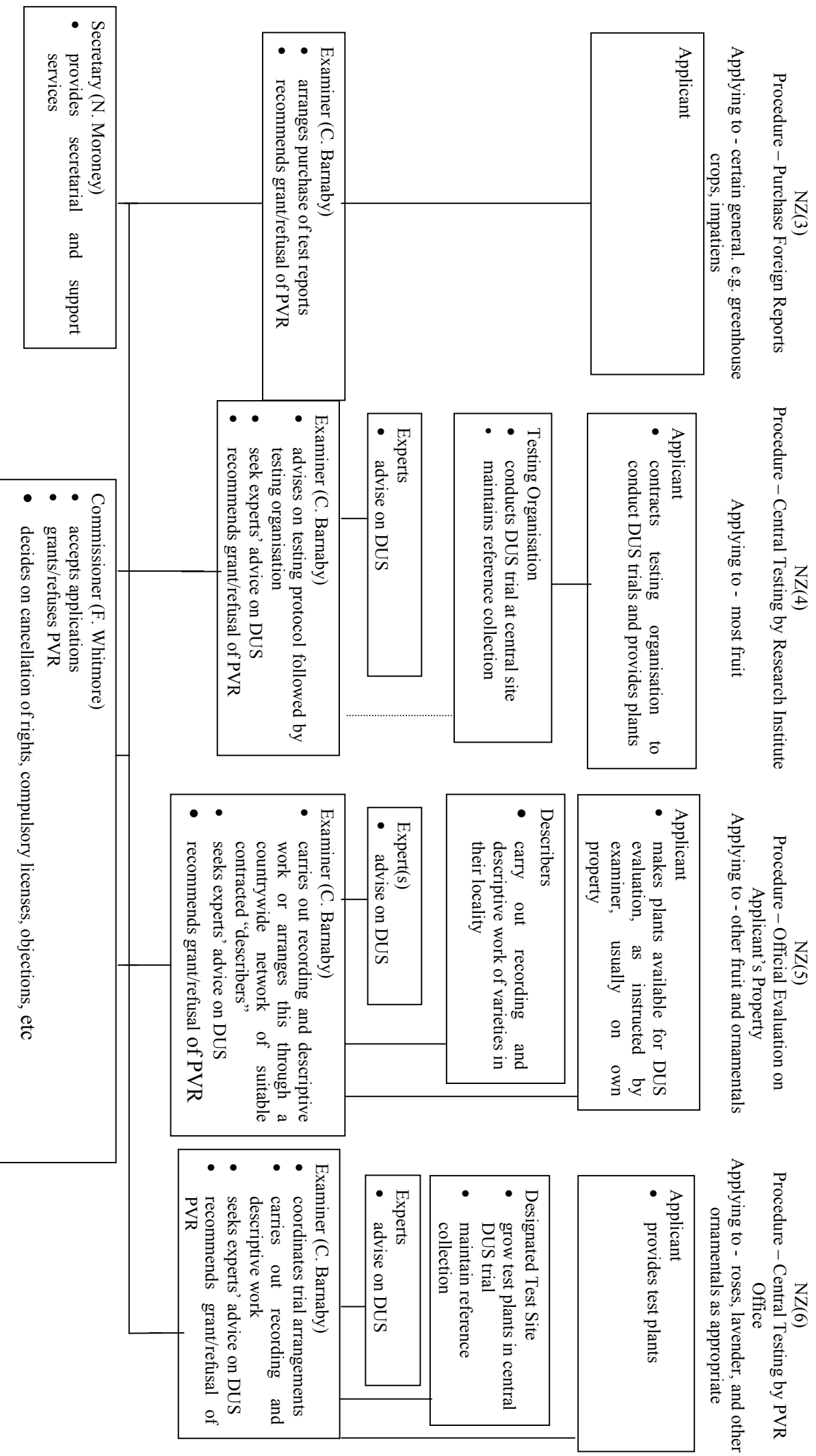
NZ – NEW ZEALAND

See the following diagrams.

New Zealand Plant Variety Rights (PVR) Procedures – Agricultural and Vegetable Varieties - 1997



New Zealand (cont.) 1997



MO – REPUBLIC OF MOLDOVA

In the Republic of Moldova, the applicant presents only general technical information in the process of application. Most of the information is received and examined after field testing by the State Commission of the Republic of Moldova for Plant Variety Testing.

MX – MEXICO

The information required for the granting of the plant breeder's right is fully based upon data provided by the applicant, either obtained by the applicant/breeder himself or by a national plant variety register of another country. Information from foreign authorities is not mandatory unless priority is claimed. Official supervision of applicant/breeders DUS field trials is foreseen under the Mexican legislation, but it is not done on a routine basis at the moment.

In the medium term, a testing system is foreseen which could be done by accredited institutions. Nevertheless, up to now applications for any genus or species are based on information provided by the breeder/applicant.

RO – ROMANIA

Table III (Cont.)

State offices are in charge as follows:

State Office for Invention and Trademarks (OSIM) and State Institute for Testing and Registration of Varieties (ISTIS), are together responsible for:

provision of further information

preparation of plant variety description.

State Institute for Testing and Registration of Varieties (ISTIS) is responsible for:

all the other items of Table III (Cont.)

RU – RUSSIAN FEDERATION

The State Commission of the Russian Federation for Selection Achievements Test and Protection has already received applications for plant variety protection and has started DUS-testing for the following plant species:

List RU(1)	List RU(2)
Allium cepa L.	Acipenser Nicolucii
Beta vulgaris L. ssp. vulgaris var. conditiva Alef.	Actinidia chinensis Pl.
Brassica napus L. ssp. oleifera (Metzg.) Sinsk	Anethum graveolens L.
Brassica oleracea convar. capitata (L.) Alef. car. capitata L. f. alba DC.	Bos primigehius
Capsicum annuum L. var. grossum (L.) Sendt.	Brassica juncea (L.) Czern. et Coss in Czern.
Capsicum annuum L. var. longum (DC) Sendt.	Brassica napus L. ssp. oleifera (Metzg.) Sinsk
Cucumis sativus L.	Brassica pekinensis (Lour.) Rupr.
Cydonia Mill.	Brassica rapa L.
Daucus carota L.	Brassica rapa L. var. silvestris (Lam.) Briggs
Festuca arundinacea Schreber	Cicer arietinum L..
Festuca rubra L.	Cucurbita pepo L. var. melopepa d
Gladiolus L.	Gallus gallus L.
Hippohae L.	Gossypium L.
Lactuca sativa L.	Lepidium sativum L.
Linum usitatissimum L. f. elongata	Lolium multiflorum Lam.
Linum usitatissimum L. var. intermedia Vav. et Ell.	Ocimum basilicum L.
Lolium multiflorum Lam. var. westerwoldicum Witm.	Ovis
Lolium perenne L.	Panicum miliaceum L.
Lupinus angustifolius L.	Petroselinum crispum (Mill.) Nym. ex A.W. Hill
Lycopersicon lycopersicum (L.) Karst ex Farw.	Phaseolus vulgaris L.
Malus domestica Borkh.	Populus L.
Phaseolus vulgaris L.	Raphanus sativus L. subs. acanthiformis (Morel) Stankev
Poa pratensis L.	Raphanus sativus L. var. niger (Mill.) S. Kerner
Prunus avium (L.)	Rheum L.
Prunus cerasifera Ehrh.	Ricinus communis L.
Prunus cerasus L.	Salix L.
Prunus domestica L.	Sus scrofa
Prunus salicina Lindl.	Valeriana officinalis L.
Pyrus communis L.	
Raphanus sativus L. var. radícula Pers.	
Ribes nigrum L.	
Rosa L.	
Secale cereale L.	
Solanum melongena L.	
Triticosecale Wittmack	
Triticum aestivum L. emend. Fiori et Paol.	
Triticum durum Desf.	
Vicia faba L.	
Vicia faba L.	

SV - SLOVAKIA

SV(1): applicable to all crops except SV(2) and SV(3) lists

<p style="text-align: center;">SV(2) is valid for the following crops</p>	<p style="text-align: center;">SV(3) is valid for the following crops</p>
<p><u>Hungary tests for Slovakia:</u></p> <p>Capsicum annuum Citrullus lanatus Cucurbita pepo Triticum durum</p> <p><u>Poland tests for Slovakia:</u></p> <p>Fagopyrum esculentum Lupinus albus Sinapis alba Brassica oleracea L. convar. italica Brassica oleracea L. convar. gemnifera</p> <p><u>Czech Republic tests for Slovakia:</u></p> <p>Vicia sativa Poa pratensis Hybrids of grasses Lolium multiflorum Brassica oleracea L. convar. gongylodes Triticum aestivum – spring Medicago sativa Lactuca sativa – capitata, crispa Petroselinum crispum Brassica rapa Daucus carota Anethum graveolens Brassica oleracea convar. sabauda Brassica oleracea convar. botrytis Brassica pekinensis Beta vulgaris provar. conditiva Allium sativum Raphanus sativus var. radicola Spinacia oleracea Apium graveolens</p>	<p>Castanea sativa Cornus mass Corylus avellana Hyppophae rhamnoides Juglans regia Lonicera kamtschatica Sambucus nigra</p>

UY – URUGUAY

1. The applicant/breeder provides a full variety description in the form of a sworn declaration.
2. The National Seed Institute (INASE) compares this description to those on a database and if it proves to be distinct, provisional protection is granted.
3. Then the INASE do their own DUS field trials, checking the distinctness, uniformity and stability and the description also. If the results are satisfactory, PBR is granted. If the description of the variety is different to the one provided by the breeder at the time of the application, it is amended, and if the variety fails the DUS examination the provisional protection is cancelled.
4. From year 2002, INASE is going to make agreements with other countries for DUS testing, especially for fruit crops and, if necessary, for vegetables.

TT – TRINIDAD AND TOBAGO

The Intellectual Property Office of Trinidad and Tobago has not yet received any applications for plant variety protection. As such, the answers provided in the questionnaire reflect our intent rather than practice.

The Intellectual Property Office does not currently have the capacity to carry out DUS testing. As such, we will rely on DUS reports acquired through other National Authorities which are members of the Union, in order to make our decision. The questionnaire was completed with this in mind.

The law is, however, flexible enough for our practice to include our carrying out DUS testing if we develop the capacity, contracting a reliable institution to carry out the DUS test on our behalf or for our using data from the applicant or breeder. The Questionnaire reply may not reflect this flexibility.

ZA – SOUTH AFRICA

- ZA(1): deciduous fruit crops, stone fruits crops, pome fruit crops, grape, strawberry. A full variety list exists.
- ZA(2): subtropical fruit crops, kiwifruit. There is no variety list.
- ZA(3): seed propagated crops.
- ZA(4): ornamental crops.

[Annex II follows]

ANNEX II

EXPLANATIONS TO THE QUESTIONNAIRE AS PROVIDED IN
DOCUMENT TC/37/7 REV.

The questionnaire consists of three Tables: Table I – Origin of Technical Information; Table II – Use of Technical Information, and Table III – Involvement of the Breeder/Applicant and the National Authority in the DUS Decision-Making Process.

Table I – Origin of Technical Information

The objective of this Table is to identify the sources of the technical information used in the process of DUS examination of plant varieties for the granting of PBR.

For the above-mentioned purposes, three main types of information and three main sources of information were considered. In all cases, it is possible to introduce a further possibility using the fourth option (4-Other) and to provide the appropriate details.

A - Types of Information

A-1 DUS test data: this refers to information obtained from the DUS field trial. In general this means the whole set of information taken from the field trial, which comprises information on the candidate variety and similar reference varieties included in the DUS field trial. For the purposes of document TGP/6, three kinds of data were considered:

A-1.1 Final DUS test report: this is the final report at the end of the DUS examination based on all the information obtained during the whole DUS field trial.

A-1.2 Interim-preliminary report: this is a report that could be produced before the final DUS test report, containing information on a first year of testing or DUS information submitted by the breeder/applicant that may have provisional status until such time as a final report is prepared. This is usually an intermediate step between the start of the DUS examination and the final DUS test report.

A-1.3 DUS field test data: this is the raw information from the DUS field test. In some cases, the information could be recorded by one source (e.g. breeder/applicant; accredited expert) but the analysis of it and the reports could be prepared by another source (e.g. National Authority; accredited expert).

A-2 Descriptive information: this refers to merely descriptive information, which is usually submitted by means of a standard descriptive form (in the case of a full description) or by the description of a selected group of characteristics. For the purposes of document TGP/6, two kinds of descriptive information were considered.

A-2.1 Full plant variety description: this refers to the full description of the plant variety. Again different sources of information could be the origin of the full description of the plant variety, ranging from the National Authority to the

case where the full description is submitted by the applicant/breeder using standard descriptive forms.

A-2.2 Description of a selected group of characteristics: this refers to the description of a selected group of characteristics instead of a full description. This information is usually submitted by the applicant/breeder, when filing the application, at the request of the National Authority, for the purposes of selecting those varieties to be grown which are similar to the candidate one.

A-3 Complementary information: this refers to any other technical information *except* DUS and descriptive information. For the purposes of TGP/6, two kinds of descriptive information were considered.

A-3.1 Technical information required on a routine basis when the application is filed: when the application is filed, some technical information may be required from A-1 and A-2. It may comprise the origin of the variety, the breeding method, disease resistance, special conditions for cultivation or use and any feature that the applicant/breeder considers useful for the examination of the variety. It is usually submitted by completing a questionnaire in the application form.

A-3.2 Further technical information upon request by the National Authority: during the DUS examination of a plant variety, the National Authority may require further technical information to that used on a routine basis. It may comprise any kind of technical information considered useful for conducting the examination.

B – Source of Information

B-1 National Authority field trials: the location for the DUS field trials is usually a National Authority testing station. However, in certain cases for a given crop, the trial may take place at an institute independent from the National Authority rather than at the actual field station of the National Authority. These cases should still be considered as National Authority field trials if they are organized on behalf of the National Authority.

B-1-1 Examiner from the National Authority: the person in charge of collecting the information is an examiner or crop expert from the National Authority.

B-2 Breeder or applicant field trials: the location for the DUS field trials is a field station of the breeder or applicant, or of another person on behalf of the breeder/applicant. In this case, there are several different options for the recording of the data and inspection or checking of the trials.

B-2.1 Examiner from the National Authority: an examiner from the National Authority is in charge of recording and examining the data from the field trials grown in the breeder's or applicant's field station. There may be cases, for a given crop, where the examiner is not from the National Authority but from an independent institute which is in charge of recording and examining the data on

behalf of the National Authority. These examiners should be considered as coming from the National Authority.

B-2.2 Breeder or applicant: the breeder or applicant is in charge of recording and examining the data from his field trials.

B-2.3 Breeder or applicant with visits from official examiner: as in B-2.2, the breeder or applicant is in charge of recording and examining the data from his own field trials but there are mandatory visits from an examiner from the National Office.

B-2.4 Accredited expert on behalf of the breeder or applicant: this is when an expert, accredited by the National Authority, is involved in the designing and growing of the field trial and in the recording of the data as well. This accredited expert is usually technically responsible for the field trial.

B-2.5 Accredited expert on behalf of the breeder or applicant with visits from official examiner: as in B-2.4, this is when an expert, accredited by the National Authority, is involved in the designing and growing of the field trial and in the recording of the data as well but there are mandatory visits from an examiner from the National Office. This accredited expert is usually technically responsible for the field trial.

B-3 Centralized field trials from authorized or accredited testing institutes or centers: the DUS field trials are grown in authorized or accredited testing institutes or centers. These may be required to fulfil certain technical requirements and there may be more than one for a given crop.

For sub-categories B-3.1, B-3.2, B-3.3, B-3.4 and B-3.5, the same explanations as for B-2 are valid.

B-4 Agreement with other National Authority: the DUS field trials are grown by another National Authority as consequence of an agreement between the two countries involved.

B-4.1 Foreign reports are accepted but is possible to make DUS test locally: It is possible to make the DUS test locally but nevertheless, DUS Test Reports from other National Authorities are accepted.

B-4.2 The DUS examination is always done by the National Authority of other country: It is NOT possible to make the DUS test locally. DUS Test Reports are always provided by the National Authorities from another country.

Table II – Use of Technical Information

5. The objective of this table is to link the technical information with the use given to it in the plant variety examination process.

Table III – Involvement of the Breeder/Applicant and the National Authority in the DUS Decision Making Process

6. The objective of the table is to relate the different people in charge (who are the same as the sources of technical information in Table I) with the different steps in the DUS decision making process.

For explanations on item “C- Responsible”, the same explanations as for item B from Table I are valid.

Special technical capabilities, permit, accreditation required: this refers to the special technical requirements that the National Authority may require from persons in charge.

Preparation of a rough protocol: indicate, in the case of the existence of a simple guideline for technical examination generally applicable to any species, who is in charge of its preparation.

Preparation of a very detailed protocol: indicate, in the case of the existence of a very detailed protocol for plant variety technical examination generally applicable to any species, who is in charge of its preparation.

Preparation of a special protocol (technical guidelines) for each species: indicate, in the case of the existence of special protocols for certain given species for plant variety technical examination, who is in charge of its preparation.

Selection of relevant varieties of common knowledge: indicate who is in charge of the selection of those relevant varieties of common knowledge that should be considered for the DUS assessment of a given species and/or variety.

Selection of example varieties to be grown: indicate the person in charge of the selection for those example varieties that should be included in the DUS field trial.

Data recording from DUS field trials: indicate the person in charge of the recording of the data from the DUS field trials.

Preparation of DUS report: indicate the person in charge of the preparation of the DUS test report.

Record and provision of supplementary DUS information: indicate the person in charge of recording and providing any supplementary DUS information.

Examination of the supplementary DUS information: indicate the person in charge of the examination of the information referred to in the previous item.

Provision of other technical information: indicate the person in charge of providing any other technical information out of DUS information.

Evaluation of other technical information: indicate the person in charge of the examination of the information referred to in the previous item.

Proposed decision on DUS assessment: indicate the person in charge of proposing a decision in the DUS assessment after the examination of the variety has finished. The proposed decision is supposed to be the basis for the final decision from the technical point of view.

Preparation of plant variety description: indicate the person in charge of the preparation of the plant variety description that will be considered as the official description of the protected variety.

Publication of preliminary decision: indicate the person in charge of the publication of the preliminary decision for the protection of a candidate variety.

Deposit of propagating material of the variety: indicate the person in charge of keeping the deposit of the plant material of the variety after the granting of the PBR.

Filling in the Tables

7. In the case that two or more different approaches are used by the same country in the examination of one species or set of species (e.g. breeders' information for ornamentals and National Authority's field trials for cereals), please fill a whole set of form for each one.

8. For the submission of the country's information, for each table please put an X in the appropriate box.

[End of Annex II and of document]