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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

TECHNICAL COMMITTEE

Forty-Fourth Session
Geneva, April 7 to 9, 2008

REPORT¹

adopted by the Technical Committee

Opening of the session

*1. The Technical Committee (TC) held its forty-fourth session in Geneva from April 7 to 9, 2008. The list of participants is reproduced in Annex I to this report.

2. The Vice Secretary-General recalled that, at its forty-third session, held in Geneva from March 26 to 28, 2007, the Technical Committee (TC) had proposed to the Council that it elect Mrs. Françoise Blouet (France) as new Chairperson and Mr. Chris Barnaby (New Zealand) as new Vice-Chairperson of the TC for the forthcoming three-year term. However, Mrs. Françoise Blouet had subsequently informed the Vice Secretary-General that she had taken up a new post outside the *Groupe d'étude et de contrôle des variétés et des semences* (GEVES), and would not be able to become the new Chairperson of the TC. At its forty-first session, held in Geneva on October 25, 2007, the Council noted that Rule 37(2) of the Rules of Procedure of the Council (“[e]ach committee shall have a chairman and a vice-chairman who shall be elected by the Council. Where neither the chairman nor the vice-chairman of the committee is able to officiate, the committee shall elect an ad hoc chairman.”) implied that when the Chairperson of a committee is unable to officiate, the Vice-Chairperson assumes the

* The asterisked paragraphs in this report are reproduced from document TC/44/12 (Report on the Conclusions).

functions of the Chairperson. On that basis, the Council decided to elect Mr. Chris Barnaby as the new Chairperson of the TC and invited the TC, at its forty-fourth session, to make a recommendation for a Vice-Chairperson of the TC.

*3. The session was opened by Mr. Chris Barnaby (New Zealand), Chairperson of the TC, who welcomed the participants, especially those from the Dominican Republic and Turkey, which had become members of the Union since the forty-third session of the TC. He noted that Spain had acceded to the 1991 Act of the UPOV Convention since the forty-third session.

Adoption of the Agenda

*4. The TC adopted the agenda as presented in document TC/44/1.

Report on developments in UPOV including relevant matters discussed in the last sessions of the Administrative and Legal Committee, the Consultative Committee and the Council

5. The Vice Secretary-General provided an oral report on the fifty-fifth and fifty-sixth sessions of the Administrative and Legal Committee (CAJ), the seventy-third and the seventy-fourth sessions of the Consultative Committee (CC) and the twenty-fourth extraordinary session and the forty-first ordinary session of the Council as follows:

Administrative and Legal Committee (CAJ)

6. At the fifty-fifth session of the CAJ, held in Geneva on March 29, 2007, the TC Chairperson reported on matters of relevance to the CAJ for the revision of document TGP/5 “Experience and Cooperation in DUS Testing”. The CAJ considered drafts of TGP/4/1 “Constitution and Maintenance of Variety Collections” and TGP/9/1 “Examining Distinctness”. It agreed with the amendments made by the TC and agreed that TGP/4/1 and TGP/9/1, as amended, should be the basis for the adoption of those documents by the Council.

7. With regard to molecular techniques the CAJ, like the TC, noted the conclusion of the CC that the role of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) enabled it to provide a forum for discussion on the use of molecular techniques in variety identification and in the consideration of essential derivation without a change to the existing terms of reference.

8. The CAJ received a report on matters arising from the first session of the Administrative and Legal Committee Advisory Group (CAJ-AG), which is working on the development of explanatory notes on the UPOV Convention.

9. At its fifty-sixth session, held in Geneva on October 22 and 23, 2007, the CAJ received presentations by a representative of International Seed Federation (ISF) and by the Delegations of Brazil, Germany and the United Kingdom on experiences and initiatives for the development of electronic application forms and technical questionnaires. The CAJ agreed that the Office of the Union should organize a meeting in order to explore possibilities for electronic application systems: that meeting has been organized for Wednesday, April 9, 2008, at 18.00 and a report on the outcome will be made at the fifty-seventh session of the CAJ, to be held in Geneva on April 10, 2008.

10. The CAJ continued its discussions on TGP/5 “Experience and Cooperation in DUS Testing”.

11. The items for discussion at the fifty-seventh session of the CAJ include: TGP documents; Molecular techniques; Electronic application systems; and Development of information materials concerning the UPOV Convention.

Consultative Committee (CC)

12. At its seventy-third session, held in Geneva on March 30, 2007, the CC endorsed a proposal for a revised presentation of the information in document C/40/5 “Cooperation in examination”, to include a note for authorities which will provide existing DUS reports to any member of the Union for any species for which they have experience in DUS examination.

13. The CC started deliberations on ways in which to improve the efficiency, effectiveness and time flexibility of the UPOV sessions: those discussions continued at the seventy-fourth session.

14. At its seventy-fourth session, held in Geneva on October 24, 2007, the CC made a preliminary examination of documents TGP/4/1 “Constitution and Maintenance of Variety Collections”, TGP/9/1 “Examining Distinctness”, and “Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (‘BMT Guidelines’)” proposed for adoption by the Council. In response to the comments made by some delegations concerning the need for editorial improvements, the CC agreed that a circular be sent to the CC, the TC and the CAJ, providing an opportunity to comment within four weeks on those documents. It agreed that, based on the comments received, new drafts of those documents would be prepared for consideration by the Editorial Committee at its meeting on January 8, 2008. Relevant drafts incorporating the comments by the Editorial Committee would subsequently be presented to the TC, the CAJ, the CC and the Council in April 2008.

15. The CC noted the developments concerning the UPOV Distance Learning Course (DL-205) and endorsed the development of an advanced course “Examination of Applications for Plant Breeders’ Rights” and entrusted the Office of the Union to take the necessary actions to develop and implement that course.

16. The Vice Secretary-General reported on a request for cooperation with UPOV in a project initiated by the International Seed Testing Association (ISTA), in collaboration with ISF, with a view to participating in the organizing committee of a World Seed Conference in 2009. The CC agreed that UPOV should participate on the basis that the project emphasized the benefits of plant variety protection according to the UPOV Convention.

Council

17. At its twenty-fourth extraordinary session, held in Geneva on March 30, 2007, the Council examined the law of the Philippines and concluded that it still needed some clarifications and amendments in order to conform with the 1991 Act. The Council took a positive decision on the conformity of the Law of Georgia with the provisions of the 1991 Act, which allows Georgia to deposit its instrument of accession.

18. At its forty-first ordinary session, held in Geneva on October 25, 2007, the Council examined the Law on Protection of Plant Varieties of the Republic of Montenegro and

recommended that Montenegro incorporate certain additional provisions and amendments in the Law.

19. Following the progress report of the work of the TC, the Technical Working Parties (TWPs) and the BMT, the Delegation of the Republic of Korea reported on the exercise concerning characteristics for plant shape in onion and *Cucurbita maxima* Duch., which had been discussed at the forty-first session of the Technical Working Party for Vegetables (TWV). It noted that that exercise, involving an exchange of photographs and descriptions between members of the Union, had been very helpful and suggested that a similar exercise might be undertaken for other crops and TWPs. The Council agreed that that matter should be considered by the TC and the TWPs.

20. The Council approved the draft Program and Budget for the 2008-2009 Biennium.

21. The Delegation of United States of America informed the Council that it planned to organize, in cooperation with the Office of the Union, a training course for trainers in relation to training on plant breeders' rights under the UPOV Convention. It invited members of the Union and observers to identify suitable potential trainers who could participate. The first training course took place in Alexandria, United States of America, in February 2008.

22. The Council elected, in each case for a term of three years ending with the forty-fourth ordinary session of the Council, in 2010:

(a) Mrs. Carmen Amelia M. Gianni (Argentina), Chairperson of the Administrative and Legal Committee;

(b) Mr. Lü Bo (China), Vice-Chairman of the Administrative and Legal Committee; and

(c) Mr. Chris Barnaby (New Zealand), Chairman of the Technical Committee.

23. The Council proposed that the TC make a recommendation for the Vice-Chairperson of the TC at its forty-fourth session, to be held in Geneva from April 7 to 9, 2008.

24. In recognition of his outstanding contribution to UPOV, the Vice Secretary General awarded to Mr. Bernard Le Buanec, Secretary General of ISF, a UPOV Gold Medal.

Progress reports on the work of the Technical Working Parties, including the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT), and the *Ad Hoc* Crop Subgroups on Molecular Techniques

25. The TC received oral reports from the Chairpersons, on the work of the Technical Working Party for Agricultural Crops (TWA), the Technical Working Party on Automation and Computer Programs (TWC), the Technical Working Party for Fruit Crops (TWF), the Technical Working Party for Ornamental Plants and Forest Trees (TWO), the Technical Working Party for Vegetables (TWV) and the *Ad hoc* Crop Subgroups on Molecular Techniques (Crop Subgroups) for Maize, Potato and Rose as set out below. In the absence of Mr. Joost Barendrecht (Netherlands), Chairman of the Crop Subgroup for Rose, the report on the work of the Crop Subgroup for Rose was made by Mr. Henk Bonthuis (Netherlands), Chairman of the BMT. The TC noted that no session of

the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) had been held since the forty-third session of the TC.

Technical Working Party for Agricultural Crops (TWA)

26. The TWA held its thirty-sixth session in Budapest, Hungary, from May 28 to June 1, 2007, under the chairmanship of Mrs. Beate Rücker (Germany). The report of the meeting is contained in document TWA/36/10.

27. The session was attended by 65 participants from 29 members of the Union, one observer state, and two observer organizations. The preparatory workshop, held during the afternoon of Sunday, May 27, was attended by 26 participants.

28. The TWA was welcomed by Mrs. Katalin Ertsey, Director, Directorate for Plant Production and Horticulture, Central Agricultural Office. The TWA received short reports on developments in plant variety protection by the participants.

29. The TWA discussed developments on molecular techniques and noted the importance of practical experience on a crop-by-crop basis in order to analyze the potential use of these techniques. The TWA was informed about several ongoing projects in maize, potato, oilseed rape and sunflower. It received a short report on the meeting of the Crop Subgroup on Potato held on April 17, 2007. The TWA agreed to propose Mr. Michael Camlin (United Kingdom) as new chairman for the Crop Subgroup for Wheat and Barley.

30. The TWA considered a number of draft TGP documents according to the program agreed by the TC. In relation to TGP/8 “Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability”, it agreed to have a detailed discussion in 2008, when the document would be more advanced. The TWA agreed that there was not an urgent need for TGP/11 “Examining Stability” to be developed for agricultural crops for the time being because it contained relatively little substance beyond what was already contained within the General Introduction. With regard to the proposed clarification of the terms “breeder”, “applicant” and “original breeder” in document TGP/5 “Experience and Cooperation in DUS Testing”, the TWA noted that that would imply a significant change to the way in which those terms were used by many members and urged the CAJ to take that into account.

31. The TWA discussed developments concerning UPOV information databases. It agreed that it would be appropriate to allow flexibility in the species element of the UPOV code in order to cover further possibilities of classification. The UPOV code amendments were to be circulated to the TWPs when the Oracle version of the GENIE database was completed.

32. The TWA discussed the project to consider the publications of variety descriptions and noted that there were significant problems in harmonizing variety descriptions at the international level. The representative of the European Seed Association (ESA) recalled its enthusiasm for the project, and reluctantly accepted that the project would not be taken further for the time-being. The TWA was informed about ongoing ring-tests on wheat, involving seven member states of the European Community, and on rice, involving China, Japan and the Republic of Korea.

33. The TWA noted progress in the development of regional sets of example varieties for the Test Guidelines for rice and agreed that, subject to the agreement of the experts from

China, Japan and the Republic of Korea, a regional sets of example varieties for East Asia could be presented for adoption by the TC in 2008.

34. The TWA discussed 14 Draft Test Guidelines. It agreed to submit to the TC the draft Test Guidelines for Amaranth, Festulolium, Lotus and Tea, which were new Test Guidelines. The TWA planned to continue discussions on 10 Test Guidelines in 2008, three of which are revisions and seven of which are new. The TWA agreed to start to establish Test Guidelines for Hemp and to revise the Test Guidelines for Durum Wheat and Swede. Five Test Guidelines are expected to be at the final stage in 2008.

35. At the invitation of the experts from South Africa, the TWA agreed to hold its thirty-seventh session in Nelspruit, South Africa, from July 14 to 18, 2008. The TWA proposed to discuss the following items at its next session: Short reports on developments in plant variety protection from members and observers; reports on developments within UPOV; developments on molecular techniques; TGP documents; UPOV information databases; development of regional sets of example varieties for the Test Guidelines for Rice; discussion on draft Test Guidelines; recommendations on draft Test Guidelines; date and place of the next session; and future program.

36. The TWA agreed to propose Mr. Dirk Theobald (European Community) as the next chairperson of the TWA.

37. On the afternoon of May 29, 2007, the TWA visited the Tordas variety trial station. During the visit, the TWA received a presentation on the plant variety testing and registration system in Hungary, by Mrs. Katalin Ersey, and a presentation on the Hungarian plant breeding activity, by Dr. Csaba Marton, president of the Hungarian Plant Breeder's Association.

Technical Working Party on Automation and Computer Programs (TWC)

38. The TWC held its twenty-fifth session in Sibiu, Romania, from September 3 to 6, 2007. The session was attended by 29 participants from 14 members of the Union. The TWC was welcomed by Mr. Gabor Varga, Manager of the State Office for Inventions and Trademarks (OSIM). The session was chaired by Miss Sally Watson (United Kingdom). A preparatory workshop was held on the afternoon of 2nd September and was attended by 10 participants.

39. Mrs. Adriana Paraschiv, Head, Agricultural Division, OSIM, made a presentation on plant breeder's rights in Romania.

40. The TWC received a report from the Office of the Union on developments in UPOV, including developments in the use of molecular techniques. Following discussions on the development of databases for molecular data, it was agreed that presentations would be made at the next TWC on: the development and operation of a joint database of maize morphological and isozyme data established by France, Germany, Spain and the Community Plant Variety Office of the European Community (CPVO)); and also on a CPVO-funded United Kingdom database of morphological and molecular oilseed rape data.

41. Discussion of TGP documents formed an important part of the session. The TWC discussed TGP/10, TGP/8, TGP/11, TGP/12, TGP/13, TGP/14, and TGP/5.

42. The TWC discussed at length TGP/8 “Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability”, for which it has responsibility. A number of issues arose concerning the content of TGP/8. In particular the TWC agreed to the addition of: a section in part I on the quality control of DUS test observations, with examples provided in Part II; illustrative examples of the role of scale levels in DUS testing in section 4 of Part I; and a section in Part II on the assessment of uniformity by off-types on the basis of more than one sample or sub-samples. The question of whether the off-types tables in Part II should cover all UPOV recommended combinations of population standards and acceptance probabilities was raised. There is a potentially infinite number of combinations of population standards and acceptance probabilities that are possible. The inclusion of new combinations would require revision of TGP/8, which the TWC wishes to avoid. An alternative would be to direct the user to use freely-available software that could calculate the tables. The TWC seeks the advice of the TC on this matter. The TWC discussed the use of the Least Significant Difference (LSD) method and Multiple Range Test (MRT) in conjunction with the use of breeders’ data, and agreed to incorporate a section in Part I on general considerations behind the choice of statistical methods to assess distinctness. The TWC received presentations on the handling of measured quantitative characteristics and the calculation of variety descriptions. Further presentations are sought for the next session with the aim of compiling guidance on the subject to go into Part I.

43. In the light of discussions on TGP/12 “Special Characteristics”, the TWC agreed to a presentation on the use of image analysis and notions of good practice at its next session.

44. Following discussions of TGP/5 “Experience and Cooperation in DUS Testing”, the TWC had a demonstration of the German on-line application system. Presentations of other such systems are invited for the next session.

45. The TWC received a presentation on a technique to help identify, after only one year of testing, whether two varieties are likely to be distinct by COYD. It was noted that it may be of use to identify varieties to be excluded from the growing trial and to provide breeders, after one year of testing, with the probability of the variety being eventually accepted as distinct.

46. The TWC noted and appreciated the concerns of the TC with regard to a database to search for TWC documents and, in particular, the need for care with regard to the use of TWP session documents. In response, the TWC agreed that the title of the database should be changed to “Database to research TWC working documents”, that a warning on the status of the documents should be displayed each time the database was used, and that it should only be distributed to TWC participants. The TWC saw the latest version of that database and agreed that it was a very valuable research tool.

47. The TWC discussed the idea of providing information on exchangeable software in TGP/8. It agreed that a questionnaire on exchangeable software should be issued by the Office of the Union to gather information on the availability of the software and the level of support offered.

48. The TWC agreed to propose Mr. Gerie van der Heijden (Netherlands) as the next chairperson of the TWC.

49. At the invitation of the Republic of Korea, the TWC agreed to hold its twenty-sixth session in the Republic of Korea, with a provisional date set for September 2 to 5, 2008, and with a preparatory workshop on September 1.

50. During its forthcoming session the TWC planned to discuss the items reported above plus an adjustment to COY for grouping characteristics, selecting the optimum number of plants for COY, the use of Bennett's test to assess uniformity and the use of data from multiple locations in DUS testing.

Technical Working Party for Fruit Crops (TWF)

51. The TWF held its thirty-eighth session in Jeju, Republic of Korea, from July 9 to 13, 2007, with a preparatory workshop on the morning of July 8 and a Technical Workshop: Examination of Distinctness, Uniformity and Stability (DUS) according to the UPOV Principles, on the afternoon of July 8. The session was opened by Mr. Alejandro F. Barrientos-Priego (Mexico), Chairman of the TWF, and was welcomed by Mr. Jae-Ouk Lee, Director, Plant Variety Protection Division, National Seed Management Office (NSMO).

52. The session was attended by 59 participants from 12 members of the Union and one observer organization. The preparatory workshop was attended by 36 participants from 5 members of the Union and one observer organization.

53. The TWF received a presentation on Plant Variety Protection of Republic of Korea by Mr. Jae-Ouk Lee, Director, Plant Variety Protection Division, NSMO, as well as a presentation of Introduction of Fruit Breeding and Cultivation in Korea by Mr. Yong-Uk Shin Director of the Fruit Tree research Division, National Horticultural Research Institute. The TWF received oral reports from participants on developments in plant variety protection and from the Office of the Union on the latest developments within UPOV.

54. The TWF received an oral presentation on developments concerning the *Ad hoc* Crop Subgroups on Molecular Techniques (Crop Subgroups) and the Guidelines for DNA Profiling: Molecular Marker Selection and Database Construction (BMT Guidelines), as part of document TWF/38/2. It was noted that there was progress in the Crop Subgroups and advances in the BMT Guidelines as well as in database construction.

55. The TWF discussed a number of draft TGP documents. In relation to TGP/10/1 Draft 7 "Examining Uniformity" a total of 23 observations were suggested, most of them in accordance with the other TWPs: it was agreed to propose relevant amendments in section 4 with regard to atypical expression. With regard to document TGP/8/1 Part I Section 2 "Trial Design", it was agreed to propose that it should cover the possibility of having separate trials to examine plants at different stages of development, e.g. young trees and mature trees. However, the TWF agreed that it would be more appropriate to have a detailed discussion on TGP/8 at its thirty-ninth session, in 2008, when the document would be more advanced. For TGP/8, Part II: Techniques used in DUS Examination, Section 6 "Examining DUS in bulk samples", the TWF agreed to propose that it should provide guidance for the examination of characteristics using bulk samples in crops observed for only one growing cycle. For TGP/11/1 Draft 2 "Examination of Stability", it was agreed that the document should be revised to differentiate between issues of stability and uniformity and address only those issues which concerned stability. As well as other changes in accordance with the other TWPs, TGP/12/1 Draft 2 "Special Characteristics" was considered and for document TGP/13/1 Draft 9 "Guidance for New Types and Species", the TWF proposed changes in accordance with observations by the other TWPs. For document TGP/14/1 Draft 3 Section 2 "Botanical Terms: Subsection 2 "Shapes and Structures", it was agreed that the approach of the Technical Working Party for Vegetables (TWV) represented a good balance between the

need for precise and consistent observations and the need for shape to be presented in a practical way for the purposes of description. The TWF agreed that that approach for shape should be used for drafting Test Guidelines for at least those drafts to be considered for the first time at its thirty-ninth session. The TWF discussed TGP/14/1 Draft 3 Section 2 “Botanical Terms: Subsection 3 “Color” and noted that the Technical Working Party for Ornamental Plants and Forest Trees (TWO) had agreed that it would be difficult to make progress on those matters within the TWO session in a timely and effective way and supported the TWO proposal to hold a separate meeting to discuss the development of the document. The TWF supported the TWO proposal that the adoption of TGP/14 should not be delayed by awaiting the adoption of TGP/8.

56. The TWF discussed TGP/5 “Experience and Cooperation in DUS Testing” and proposed clarification of the terms “breeder”, “applicant” and “original breeder” in document TGP/5: the TWF noted that this would imply a significant change to the way in which those terms were used by many members of the Union and proposed to avoid introducing a new term such as “original breeder” by using the phrase “the person who bred, or discovered and developed, the variety”. The TWF also made observations and suggestions on other sections of the document. The TWF noted the information provided in documents TWF/38/4 “UPOV Information Databases, TWF/38/5 “Variety Denominations” and TWF/38/6 “Project to Consider the Publication of Variety Descriptions”. With regard to document TWF/38/7 “Practical Guide for Drafters of UPOV Test Guidelines” and TGP/7 “Assistance in the Development of Authorities’ Guidelines”, Mr. Erik Schulte (Germany) agreed to be included in the list willing to provide guidance in the development of guidelines. The TWF discussed document TWF/38/8 “Combinations of Lines”.

57. The TWF agreed to propose Mrs. Bronislava Bátorová (Slovakia) as the next chairperson of the TWF.

58. The TWF agreed for submission to the TC the draft revised Test Guidelines for Black Currant, Grapevine and Strawberry and also the new draft Test Guidelines for Coffee, Hawthorn and Common Sea Buckthorn.

59. The TWF planned to continue discussions on Test Guidelines for a total of 13 species: 2 revisions and 11 new, 5 of which were at “final” draft stage. It also decided to consider discussing draft Test Guidelines for *Actinidia* (Revision), Chinese chestnut, Chinese date, *Juglans mandshurica* and *Prunus mume* at its fortieth session.

60. At the invitation of Portugal, the TWF agreed to hold its thirty-ninth session in Lisbon, Portugal from June 2 to 6, 2008, with a preparatory workshop on June 1. During the thirty-eighth session, the TWF planned to discuss or re-discuss the following items: short reports on developments in plant variety protection from members and observers; as well as within UPOV; Developments on molecular techniques; TGP documents; UPOV information databases; Development of a set of example varieties for North East Asia for the Test Guidelines of Strawberry; Discussions and Recommendations on draft Test Guidelines.

Technical Working Party for Ornamental Plants and Forest Trees (TWO)

61. The TWO held its fortieth session in Kunming, China, from July 2 to July 6, 2007, with Mrs. Sandy Marshall (Canada) as chairperson. The TWO was welcomed by Mr. Li Dongsheng, President, Office of the Protection of New Varieties of Plants, State Forestry Administration, and Mr. Li Gang, Deputy President, Yunnan Flower Association. The detailed report appears in document TWO/40/10.

62. The meeting was attended by 104 participants from 18 members of the Union, one observer State and one observer organization. The TWO noted that the preparatory workshop, held during the afternoon of July 1, prior to the TWO meeting, was attended by 78 participants from 6 members of the Union and one observer organization.

63. Two presentations on the plant breeders' rights system in China were made to the TWO, by Mr. Zhou Jianren, Division Director, Office of the Protection of new Varieties of Plants, State Forestry Administration and by Ms. Sun Junli, Department of Science, Technology and Education, Ministry of Agriculture. The TWO also received short oral reports on developments in variety protection from participants and from the Office of the Union on the latest developments within UPOV.

64. The TWO considered document TWO/40/2 concerning the Use of Molecular Techniques in DUS Testing and received an oral report from Mr. Joost Barendrecht, Chairman of the *Ad hoc* Crop Subgroup on Molecular Techniques for Rose (Crop Subgroup for Rose). It was noted that the Crop Subgroup for Rose had met in Angers, France, on April 18, 2007.

65. A number of draft TGP documents were discussed. The TWO had particular interest in TGP/10/1 Draft 7, section 4, which deals with the determination of uniformity based on off-types. In discussing TGP/8/1 Draft 7, the TWO proposed that Part I, section 2 "Trial Design" should cover the possibility of having separate trials to examine plants at different stages of development, such as young trees and mature trees. It was agreed that it would be appropriate to have a detailed discussion at its session in 2008, when TGP/8 would be more advanced. The TWO discussed TGP/11, "Examination of Stability", and agreed that the document should continue to be developed but that it should be revised to differentiate between issues of stability and uniformity, addressing only those which concerned stability. In discussions concerning TGP/12 Draft 2 "Special Characteristics", the TWO proposed that consideration be given to frost tolerance. The TWO also discussed and made recommendations on TGP/13 Draft 9 "Guidance for New Types and Species" and TGP/14 Draft 3 "Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents". Regarding TGP/14, Section 2, Subsection 3 "Color", the TWO noted that discussions on draft Test Guidelines had identified several important issues which needed to be resolved, and proposed that a separate meeting on development of color characteristics be organized to take place immediately before the 2008 sessions of the TWF and TWO. The TWO also considered and commented on the revision of TGP/5 "Experience and Cooperation in DUS Testing".

66. The TWO considered TWO/40/4, concerning UPOV Information Databases and requested the Office of the Union to investigate if the Germplasm Resources Information Network (GRIN) would be willing to provide advice to UPOV members on botanical classification of varieties under examination. The TWO also noted the importance of raising

awareness of the existence of the Plant Variety Database in order to increase its use by breeders.

67. The TWO noted the developments provided in the documents TWO/40/5 “Variety Denominations” and TWO/40/6 “Project to Consider Publication of Variety Descriptions”. The TWO considered document TWO/40/8 “Combination of Lines” in its discussions on document TGP/10.

68. In discussing document TWO/40/7, “Practical Guide for Drafters of UPOV Test Guidelines”, the TWO noted that the representative of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CIOPORA) would consult within CIOPORA to determine if it would be helpful for breeders to be included in the subgroup of interested experts for the drafting of specific Test Guidelines of interest. That would facilitate the involvement of breeders in the drafting of Test Guidelines, giving them the opportunity to comment on interim drafts, rather than just the final version.

69. In addition, the TWO agreed that it would be useful to consider developing a more detailed section within TGP/7 for guidance on the development of national guidelines, in cases where there are no UPOV Test Guidelines. It was proposed to include a list of experts who would be willing to provide assistance to authorities in the development of such guidelines. Four experts from the TWO agreed to the inclusion of their names on this list.

70. The TWO agreed to submit seven Test Guidelines to the TC. Of these, three were revisions of existing guidelines for Kalanchoe, Osteospermum, and Poinsettia; and four were new Test Guidelines for Hawthorn, Nemesia, Portulaca and Tea. At the forty-first session in 2008, the TWO plans to discuss 26 Test Guidelines, comprising six revisions and 20 new Test Guidelines.

71. At the invitation of the Netherlands, the TWO agreed to hold its forty-first session in Wageningen, Netherlands, from June 9 to 13, 2008, with the preparatory workshop to be held on June 8. It was agreed that this preparatory workshop should be extended to an entire day and should be aimed at encouraging the participation of breeders wishing to contribute to the development of Test Guidelines. During the forty-first session the TWO planned to discuss or re-discuss the following items: short reports on developments in plant variety protection from members, observers and within UPOV; molecular techniques; the project to consider the publication of variety descriptions; UPOV information databases; TGP documents and discussion of and recommendations for draft test guidelines.

72. The TWO agreed to propose Mrs. Andrea Menne (Germany) as the next TWO chairperson.

Technical Working Party for Vegetables (TWV)

73. The TWV held its forty-first session in Nairobi, Kenya, from June 11 to 15, 2007, with a preparatory workshop held on June 10. The Chairperson was Mr. Niall Green (United Kingdom). The full report of the meeting is available in document TWV/41/13. The session was attended by 42 participants from 18 members of the Union, two observer organizations and the Office of the Union. The preparatory workshop was attended by 20 participants.

74. The TWV received oral reports from the participants on developments in plant variety protection (PVP) in their countries. In particular, the TWV received a presentation on Plant Variety Protection in Kenya which included information on National Listing and seed certification.

75. During the session, draft of documents TGP/10 “Examining Uniformity”, TGP/11 “Examination of Stability”, TGP/12 “Special Characteristics”, TGP/13 “Guidance for New Types and Species” and TGP/14 “Glossary of Technical, Botanical and Statistical Terms used in UPOV Documents”, were discussed. In addition, the revision of TGP/5 “Experience and Cooperation in DUS Testing”, was also discussed.

76. The TWV considered reports on the current use of molecular techniques for vegetable crops, presented by experts from the European Community, France, the Netherlands, Spain and the International Seed Federation (ISF). Molecular markers were being used in a range of crops to research the potential for examining disease resistance, identity, uniformity, stability, essentially derived varieties and to verify the correspondence between DUS and Value for Cultivation and Use (VCU) samples. The Community Plant Variety Office of the European Community (CPVO) reported that results from a two-year project between six partners, to evaluate the use of molecular markers linked to disease resistance genes in Tomato (BMT option 1(a)), would be presented to the BMT meeting in Spain and to the forty-second session of the TWV in 2008.

77. Further discussions were held on the project to consider the publication of variety descriptions. The TWV considered a report from the CPVO on the use of grouping and other characteristics for Tomato in a regional approach, and agreed to review the allocation of grouping, Technical Questionnaire and asterisked characteristics when the Test Guidelines are considered for revision at its forty-second session in 2008.

78. The TWV discussed the results of an exercise to compare overall shape and components of shape in Onion and *Cucurbita maxima*. The TWV concluded that, although the individual components of shape were recorded more consistently and were more useful for discriminating varieties, the overall shape was useful for variety description purposes. The results from the exercise also revealed that the shape of two varieties of *Cucurbita maxima* were not adequately described and it was agreed to conduct a partial revision of the Test Guidelines in 2008.

79. The TWV proposed that consideration could be given to the addition of a field in the UPOV-ROM Variety Database to indicate the dates at which a variety was commercialized for the first time in the territory of application and other territories, as provided in the UPOV Model Form for the Application of Plant Breeders’ Rights in document TGP/5.

80. The TWV agreed to submit four revised Test Guidelines (Beetroot, Chamomile, Leek, and Onion and Shallot) and two new Test Guidelines (Cultivated Rocket and Wild Rocket) for consideration by the TC.

81. The TWV agreed to discuss a total of 17 Test Guidelines at its forty-second session, of which 12 were final drafts. Nine were new Test Guidelines, six were revisions and two were partial revisions (Swede and Tomato). The TWV agreed to extend the coverage of the Test Guideline for Globe Artichoke to include Cardoon.

82. The TWV agreed to propose Mrs. Radmila Safarikova (Czech Republic) as the next chairperson of the TWV.

83. At the invitation of the expert from Poland, the TWV agreed to hold its forty-second session in Crakow, Poland from the June 23 to 27, 2008, with a preparatory workshop on June 22.

84. During its forty-second session, the TWV planned to discuss: short reports on developments in plant variety protection, molecular techniques, TGP documents, UPOV information databases, the project to consider the publication of variety descriptions, applications for varieties with low germination, draft Test Guidelines, the date and place of the next session, the future program and the report on the conclusions of the session.

Ad hoc Crop Subgroup on Molecular Techniques for Maize (Crop Subgroup for Maize)

85. The *Ad Hoc* Crop Subgroup on Molecular Techniques for Maize (Crop Subgroup for Maize) held its second session in Chicago, United States of America, on December 3, 2007, under the chairmanship of Mrs. Beate Rücker (Germany). The report of the meeting is contained in document BMT-TWA/Maize/2/12.

86. The session was attended by 36 participants from seven members of the Union and three observer organizations.

87. The Crop Subgroup for Maize discussed the possible use of molecular markers for the examination of DUS. It noted that breeders had concerns about any move from the present system, based on morphological characteristics, to a system which includes molecular markers. It was noted that it would be important to take into account the impact of the use of molecular markers on the level of protection. The Crop Subgroup for Maize agreed that more information would be needed to be able to overcome those concerns.

88. The Crop Subgroup for Maize agreed to propose that the TWA, the TC and the CAJ discuss the acceptability of the approach presented in documents BMT/10/14 and BMT-TWA/Maize/2/11 and suggested that the approach might be put forward for consideration at the *Ad hoc* Subgroup of Technical and Legal Experts of Biochemical and Molecular Techniques (BMT Review Group) as a potential option for the use of molecular markers in DUS examination. It noted that a possible timetable for that process could be for the TWA, TC and CAJ to consider the proposal at their respective sessions in 2008, with a view to convening a possible meeting of the BMT Review Group in April 2009.

89. The Crop Subgroup for Maize noted the successful development of Single Nucleotide Polymorphisms (SNP) markers in maize. That type of molecular marker would have substantial advantages compared to microsatellite (simple sequence repeat (SSR)) markers, in particular in relation to robustness, stability and cost.

90. The Crop Subgroup for Maize observed that there had been substantial work on variety identification by breeders and research centers and noted that molecular markers were already being used by breeders in relation to possible cases of infringement.

91. The Crop Subgroup for Maize noted the substantial progress which had been made within ISF on the matter of essentially derived varieties (EDVs) and welcomed the

opportunity which the Crop Subgroup for Maize had provided, by means of good breeder participation, to receive a comprehensive explanation of the developments which had taken place.

92. The Crop Subgroup for Maize agreed that its next session might take place in late 2009, tentatively in conjunction with the maize and sorghum breeders' meeting in the United States of America. It anticipated that such a timetable would allow for the collection of further substantial data in relation to the approach presented in documents BMT/10/14 and BMT-TWA/Maize/2/11 and would also allow a report on the views of the TWA, TC, CAJ and BMT Review Group on that approach.

Ad hoc Crop Subgroup on Molecular Techniques for Potato (Crop Subgroup for Potato)

93. The *Ad Hoc* Crop Subgroup on Molecular Techniques for Potato (Crop Subgroup for Potato) held its second session in Quimper, France, on April 17, 2007, under the chairmanship of Mrs. Beate Rücker (Germany). The report of the meeting is contained in document BMT-TWA/Potato/2/7.

94. The session was attended by 27 participants from 11 members of the Union, and one observer organization.

95. The Crop Subgroup for Potato considered presentations by experts from the United Kingdom and France on the possible use of molecular markers in the examination of distinctness, uniformity and stability and in variety identification. It was noted that there was no work by the international breeders' organizations in developing essentially derived variety thresholds for potato.

96. The Crop Subgroup for Potato agreed the following conclusions in relation to the possible use of molecular information in relation to DUS examination:

(a) molecular information alone should not be used for the assessment of distinctness, but might be considered in combination with morphological information in relation to the management of reference collections;

(b) the use of molecular markers could improve the management of reference collections used for DUS examination, in particular in relation to improving the coverage of the reference collections; and

(c) the creation of a database containing both molecular and phenotypic data would be a necessary step for the use of molecular data in the management of reference collections. In that respect, it was also noted that there was still a need for work to be done on the harmonization of descriptions of morphological characteristics in order to be able to use such data from different sources. The next step should include an assessment of the way in which the molecular and the phenotypic data might be used. There was recognition of the need for expertise in both morphological and molecular aspects.

97. With respect to variety identification, it was noted that molecular data were already being used successfully, but the level of molecular information for identification could be different depending on the specific situation.

98. The Crop Subgroup for Potato agreed that it would be useful for the experts working on the Community Plant Variety Office of the European Community (CPVO) project and at the French Federation of Potato Seed Growers (FNPPPT) to cooperate in order to investigate the compatibility of data obtained using different technologies.

99. It was agreed that the Crop Subgroup for Potato should continue its work. The date for a next meeting depends on the availability of new information and was not fixed.

Ad hoc Crop Subgroup on Molecular Techniques for Rose (Crop Subgroup for Rose)

100. The *Ad Hoc* Subgroup on Molecular Techniques for Rose (Crop Subgroup for Rose) held its second session in Angers, France, on April 18, 2007, under the chairmanship of Mr. Joost Barendrecht (Netherlands).

101. The meeting was attended by 19 participants from 8 members of the Union and by 2 participants from 2 observer organizations.

102. Following the opening of the meeting and the adoption of the agenda, the Office of the Union provided a presentation on developments in UPOV concerning biochemical and molecular techniques.

103. With regard to the Breeders' Day, to be organized within the eleventh session of the BMT, to be held in Madrid, from September 16 to 18, 2008, the representative of the International Seed Federation (ISF) confirmed that ISF is in favor of the Breeders' Day in order to provide a forum to demonstrate the use of molecular techniques in relation to variety identification and essentially derived varieties.

104. Mrs. Beate Rücker (Germany), Chairperson of the Ad hoc Subgroup on Molecular Techniques for Potato (Crop Subgroup for Potato) made a brief report on the second session of that subgroup. The Crop Subgroup for Potato concluded that molecular markers as proposed by France for maize might be useful for the management of reference collections in other crops. For variety identification, the use of molecular markers was seen as a supplementary tool for authenticity checks.

105. Discussions took place on three questions raised by the Chairman: the technical applicability for rose of the approaches as introduced in the presentations; the usefulness of that approach for rose; and the implications for the overall costs of testing in rose.

106. In relation to the topics "Molecular Techniques in the Examination of Distinctness Uniformity and Stability", "Molecular Techniques in variety identification" and "Molecular Techniques in the Assessment of Essential derivation", three presentations were given: by France as a tool in the management of reference collections using Maize as an example; by China in a presentation in which molecular techniques were explained as a useful tool to distinguish rose and tree varieties that have similar traits such as colors and leaf shapes; and by the United Kingdom in a presentation of a study of potatoes using microsatellites for variety identification.

107. A presentation by the Community Plant Variety Office of the European Community (CPVO) was given on a meeting with professional organizations, rose breeders and CPVO experts on a rose R&D project that had been held the previous day at the CPVO.

108. As far as the remarks and comments to the various presentations are concerned the following conclusions could be drawn:

(a) there is no support for using molecular techniques as the only tool for testing distinctness;

(b) in the management of reference collections, a system as described by France, is technically feasible;

(c) however, the experts with experience in rose present at the meeting are not really unhappy with the current tools for the management of reference collections in Rose;

(d) there is support for using molecular techniques for identification and for solving problems of essential derivation; and

(e) in relation to point (d) to store DNA samples as a matter of routine and to attach fingerprints to the official variety description.

109. The Crop Subgroup for Rose agreed on the importance of considering the following matters at UPOV level:

(a) whether it would be useful for authorities to attach a DNA fingerprint to the official variety description;

(b) for which crops DNA-fingerprints attached to the official variety description might be of most interest and why; and

(c) whether it would be useful for authorities to conserve DNA samples.

110. The Crop Subgroup for Rose agreed to hold its third session in conjunction with the eleventh session of the BMT, which will be held in Madrid, from September 16 to 18, 2008.

Matters arising from the Technical Working Parties

* 111. The TC considered documents TC/44/3 and TC/44/3 Add..

I. MATTERS FOR INFORMATION AND FOR A POSSIBLE DECISION TO BE TAKEN BY THE TECHNICAL COMMITTEE

Test Guidelines

* 112. The TC noted the practical guide for drafters of Test Guidelines (Practical Guide) presented in document TC/44/3, Annex I. It also noted the creation of a new web page (TG webpage) which was accessible by a password issued to all Leading Experts.

113. With regard to the possible establishment of a list of experts willing to provide guidance in the development of authority test guidelines, the Delegation of Germany commented that the Technical Working Parties (TWPs) should be the point of contact for guidance. The Chairman noted that a list of experts with general experience could be helpful where varieties

of the species concerned had not previously been examined for DUS. The Delegation of France urged caution in the matter and, in particular, the need to avoid any undermining of the role of the TWPs. The Delegation of the European Community observed that a list of experts could avoid over-burdening the TWPs with respect to species for which UPOV Test Guidelines were not required. It expressed its support for the approach, in particular with respect to the assistance it could provide for new members of the Union. The Delegation of Spain expressed its support for the approach and the assistance it could provide for new members of the Union.

114. The TC agreed to consider the possible establishment of a list of experts willing to provide guidance in the development of authority test guidelines in its discussion on items to be considered in the revision of document TGP/7 “Development of Test Guidelines”.

*115. The TC agreed to recommend to the Technical Working Parties (TWPs), at their sessions in 2008, to consider the results of the shape exercise, as presented in document TWV/41/10 Rev., in conjunction with their discussions on document TGP/14 and agreed to the organization of a meeting to discuss the development of TGP/14/1 Section 2, Subsection 3 “Color” on May 30 and 31, 2008.

*116. The TC agreed to request the TWA to consider document BMT-TWA/Maize/2/8 with regard to the discriminatory power of morphological characteristics.

Matters arising after the grant of a breeder’s right

*117. The TC noted the TWV proposal for the possible development of a document to provide guidance on matters concerning distinctness, uniformity, stability and novelty which are brought to the attention of an authority after the grant of a breeder’s right and the status and use of the “official” variety description. The TC also noted the comments of the TC-EDC that there would be practical advantages in dealing with all aspects of stability in a single document and the proposal of the TC-EDC that the TC, in conjunction with the CAJ, might consider an amendment to the title of TGP/11, with the document being clearly separated into two parts:

Part I: Examining Stability (Article 12 “Examination of the Application”, of the 1991 Act of the UPOV Convention)

Part II: Stability after the grant of a breeder’s right (Article 22(1) “Cancellation of the Breeder’s Right”, of the 1991 Act of the UPOV Convention)

*118. The TC agreed that the view of the CAJ should be sought with regard to whether it would be appropriate to pursue those proposals.

Exchangeable software and database to search for TWC working documents

*119. The TC agreed that, as proposed by the TWC, the title of the database to search for TWC working documents should be amended to “Database to research TWC working documents” and agreed that a warning on the status of the documents and the purpose of the database should be automatically presented at each opening of the database. It also agreed that the CDs containing the database should only be distributed to the participants at the relevant TWC session. The TC noted that the TWC had confirmed the value of the database as a tool for TWC experts to develop new methods.

*120. The Chairman proposed that, in order for information on exchangeable software to be more accessible to members of the Union and to facilitate regular updating, it might be appropriate to present information, on an annual basis, in a TC document similar to document TC/44/4 “List of genera and species for which authorities have practical experience in the examination of distinctness, uniformity and stability”. That document could provide members of the Union with information on the existence and availability of software. He proposed that the document should include software concerning, for example, databases of images / photographs, image analysis etc.. It was further proposed that the software should be presented and discussed at a TWC session prior to inclusion in the document. The TC agreed with the proposal and requested the TWC to formulate the structure and content of the document for consideration by the TC at its forty-fifth session.

Chairmanship of the Technical Working Parties

*121. The TC noted that the terms of office for the Chairpersons of the TWP and the BMT would expire with the ordinary session of the Council in 2008. As suggested by the respective TWP, the TC proposed to the Council that it elect, in its session in October 2008, the following persons as Chairpersons for the period 2009-2011:

TWA: Mr. Dirk Theobald (European Community)
TWC: Mr. Gerie van der Heijden (Netherlands)
TWF: Mrs. Bronislava Bátorová (Slovakia)
TWO: Ms. Andrea Menne (Germany)
TWV: Mrs. Radmila Safarikova (Czech Republic)

II. MATTERS FOR INFORMATION

*122. The TC noted the matters for information provided in document TC/44/3.

TGP documents

*123. The TC considered documents TC/44/5 and TC/44/11.

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

TGP/4: Constitution and Maintenance of Variety Collections

*124. The TC proposed the adoption of document TGP/4/1 by the Council at its twenty-fifth extraordinary session, to be held in Geneva on April 11, 2008, on the basis of document TGP/4/1 Draft 10, amended as follows:

1.4	to add the following sentence (copied from Section 3.1.2.1) at the end of Section 1.4 of the Introduction: “For the purposes of this document, maintenance of living plant material refers to the way the living plant material is maintained in storage (e.g. seed) or under cultivation (e.g. vegetatively propagated varieties).”
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2.2.2.1 (iv)	to amend to read: “(iv) any list including varieties which are publicly available within plant collections (varieties included in genetic resource collections, collection of old varieties, etc.);”
3.1.2.2.2	last sentence to be updated according to the title of document TGP/5, Section 11
3.1.2.2.3	to delete “: e.g. to verify the identity of material obtained on the market,”.

TGP/9: Examining Distinctness

*125. The TC noted that the Council, at its twenty-fifth extraordinary session, to be held in Geneva on April 11, 2008, would be invited to adopt document TGP/9/1 on the basis of document TGP/9/1 Draft 10.

TGP/10: Examining Uniformity

*126. The TC considered document TC/44/11 in conjunction with document TGP/10/1 Draft 9.

127. With regard to consideration of applications covering a combination of lines, the Delegation of Colombia sought clarification of how a mixture of lines was covered in document TGP/10.

128. The Technical Director explained that a combination of near isogenic lines was addressed in document TGP/10/1 Draft 9, Section 2.4 “Segregating characteristics”, which also needed to be considered in relation to the final sentence of Section 1.2 of that document which noted that it “is a matter for the authority to decide, in addition to those characteristics included in the UPOV Test Guidelines or national guidelines, which other characteristics it may include in its consideration of distinctness, which must also be considered for uniformity and stability.”. He referred to the examples reported by Japan (document TC/44/11, paragraph 11) and the Republic of Korea (document TC/44/11, Annex, paragraphs 7 and 8) for examples of how that approach had been applied. With regard to combinations of unrelated lines, the general principles of assessing uniformity according to off-types or standard deviations, as appropriate, would apply.

129. The Chairman suggested that it might be helpful to consider further examples of combinations of lines which had not been covered by the examples in document TC/44/11, provided that specific examples were provided.

130. The Delegation of France noted that the term combination of lines might not cover all possibilities and suggested to ensure that future documents should cover the possibility of a combination of varieties.

*131. With regard to applications covering a combination of lines, as considered in document TC/44/11, the TC noted the discussions in the TWPs and noted that the conclusions of the TWPs were reflected in the proposals concerning document TGP/10/1 Draft 9, Section 1.2 (Introduction) and Section 2.4 “Segregating characteristics”. It agreed that further specific

examples might be put forward by for consideration by the TWPs at their sessions in 2008, and subsequently by the TC at its forty-fifth session. However, it agreed that the title of any future agenda item and document should be “Combination of lines or varieties”.

*132. The TC proposed the adoption of document TGP/10/1 by the Council at its forty-second ordinary session, to be held in Geneva on October 30, 2008, on the basis of document TGP/10/1 Draft 9, amended as follows:

4.2.3.3	to read “In cases where there is still uncertainty at the end of a growing cycle about whether or not a plant is an off-type, in particular concerning the genetic basis or otherwise of atypical expression, the variety could be observed in a further growing cycle. This can be carried out on the existing material for a second cycle, or on new material. Depending on the circumstances, new plants or plant material may be requested from the breeder and/or plants may be propagated from existing DUS trial material, <u>including from the plants with atypical expression</u> . That would also allow measures to be taken concerning the phytosanitary status of the material, if that was considered to be a possible cause of the atypical expression. In cases where a new batch of plants is requested, a sample of the original material should be retained, where possible, to check the conformity of the new material with the original material.”
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*133. The TC noted that the French, German and Spanish language versions of document TGP/10/1 Draft 9, as amended above, would be checked by the respective language experts of the Editorial Committee before submission to the Council for adoption.

(b) *Revision of TGP documents:*

TGP/5: Experience and Cooperation in DUS Testing

*134. The TC proposed that all sections of document TGP/5 should be reviewed with regard to the possibility of confusion arising from their application to use in relation to official registers, for example, of varieties admitted to trade (e.g. National List, Official Catalogue etc.).

*135. The TC made the following proposals concerning the Introduction and Sections 1, 2, 4, 5, 6, 7 and 11 of document TGP/5:

Introduction Draft 2: Introduction

	no comments
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Section 1/2 Draft 5: Model Administrative Agreement for International Cooperation in the Testing of Varieties;

	no comments
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Section 2/2 Draft 5: UPOV Model Form for the Application for Plant Breeders' Rights;

General	the TC agreed that it would be important to consider the outcome of the discussions of the electronic application systems meeting before finalizing document TGP/5 Section 2/2, in particular with regard to the structure and layout of the form, on the basis that it might be appropriate to make further modifications to facilitate harmonization in electronic applications.
Box (before 1.)	to delete “with the following State or Intergovernmental Organization” and to move the remaining text in this part of the form to Item 7, with any consequential editorial amendments.
1. (a)	to delete “(Breeder)”, whilst retaining footnote “ ² ”
5. (a)	to delete the tick box and to present the text “To the best of my/our knowledge there is no other person who bred, or discovered and developed the variety” as a statement, either as a new subparagraph 5. (b), or within Item 9.
9. (a)	to amend to read as follows: <div style="margin-left: 40px;"> <input type="checkbox"/> has already been completed in _____ <div style="text-align: right;">date completed: _____</div> <input type="checkbox"/> is in progress in _____ <div style="text-align: right;">date started: _____</div> <input type="checkbox"/> has not yet been carried out _____ </div>
B Item 3	(i) to consider the deletion of “In respect of period of protection, fees or conditions for obtaining protection in respect of the applicant’s nationality, place of residence or registered offices” from Item 3.1 (b) (ii) to consider the use of separate paragraphs to address technical and legal considerations; (iii) to consider amending “law” to cover situations where the genera and species are specified in, for example, regulations; and (iv) to use paragraph numbering 3.1.1, 3.1.2 etc. instead of (a), (b) etc.
B Item 8.4	to amend the text to clarify that “prior commercial use” refers to commercial use prior to the filing of the application.

Section 4/2 Draft 5: UPOV Model Form for the Designation of the Sample of the Variety;

1.	<p>tick boxes to read as follows:</p> <p>“<input type="checkbox"/> has already been completed in _____ date completed: _____</p> <p>“<input type="checkbox"/> is in progress in _____ date started: _____</p> <p>“<input type="checkbox"/> is to be performed in _____</p>
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Section 5/2 Draft 5: UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results;

	no comments
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Section 6/2 Draft 5: UPOV Report on Technical Examination and UPOV Variety Description;

<i>UPOV Report on Technical Examination</i>	
16. (a)	to amend “Other variety from which it is not distinct (if applicable)” to read “Variety(ies) from which ...”
16. (b)	to replace line “_____” with “are provided in an annex to this report”
16. (c)	to replace line “_____” with “are provided in an annex to this report”
16. (d)	to replace “the annex” with “an annex” and to delete “, for which there may be an additional cost”
<i>UPOV Variety Description</i>	
15.	15. header line to be moved above column header row
17.	to add “(if appropriate)” after “Photograph”

Section 7/2 Draft 5: UPOV Interim Report on Technical Examination;

16.	to include “no plant material received”, “requirements for plant material not met” and “test failed, observations” as examples of general information to be provided in Item 16.
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Section 11/1 Draft 3: Examples of Policies and Contracts for Material Submitted by the Breeder.

	no comments
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TGP/7: Development of Test Guidelines

136. With regard to the discussions which had taken place under the agenda item “Matters arising from the Technical Working Parties”, on the possible establishment of a list of experts willing to provide guidance in the development of authority test guidelines, the Delegation of the Netherlands explained that the list was intended to identify experts with a knowledge of the UPOV system, rather than crop-specific knowledge.

137. The Technical Director noted that the discussions of Test Guidelines in the Enlarged Editorial Committee (TC-EDC) had identified cases where it was considered appropriate that the revision of Test Guidelines did not follow the guidance on the presentation of characteristics in document TGP/7 where it would involve substantial revision of databases of variety descriptions, which would not otherwise be necessary.

*138. The TC noted the proposals made with regard to the revision of document TGP/7/1, as set out in Annex II to document TC/44/5, and agreed that the following additional proposals should be included for discussion in relation to the revision of document TGP/7/1:

(i) to consider the possible inclusion of the matters covered in Section 6 “Combining observations for all characteristics” of document TGP/10 (see document TC/43/12 “Report on the Conclusions”, paragraph 25);

(ii) to discuss the inclusion of example varieties in Test Guidelines (see document TWA/36/10 “Report”, paragraph 50);

(iii) to consider developing a more detailed section within TGP/7 for guidance on the development of an authority’s own guidelines in the absence of UPOV Test Guidelines and, in particular, to include the possibility of providing a list of experts willing to provide guidance in the development of such guidelines (see document TWV/41/13 “Report”, paragraph 80);

(iv) to consider the possibility of introducing a table of trade names associated with the denominations of the example varieties (see document TWO/40/10 “Report”, paragraph 58);

(v) to review the wording of ASW 9 (TG Template: Chapter 4.3.2) – Stability assessment: general):

“Where appropriate, or in cases of doubt, stability may be tested, either by growing a further generation, or by testing a new [seed or plant] stock to ensure that it exhibits the same characteristics as those shown by the previous material supplied.”,

with a view to the possible deletion of “, either by growing a further generation, or” for some Test Guidelines, such as those covering synthetic varieties. In that respect, it is noted that the wording in ASW 9 is reproduced from the General Introduction, Chapter 7.3.1.2 (TC-EDC at its meeting on January 8, 2008);

(vi) to review whether ASW 4(1.) “Fruit species”, and similar such explanations concerning satisfactory growing cycles, should be included in Chapter 3.1 of the Test Guidelines “Number of Growing Cycles”. It noted that a consequential change would also need to be made to GN 9 (TC-EDC at its meeting on January 8, 2008);

(vii) to consider whether it would be useful to make reference in document TGP/7 to the “drafters kit”, including the “Practical Guide for Drafters (Leading Experts) of UPOV Test Guidelines”, posted on the first-restricted area of the UPOV website (see document TC/44/3); and

(viii) to consider whether the revision of Test Guidelines might not fully follow the guidance on the presentation of characteristics in document TGP/7 if that would involve substantial revision of databases of variety descriptions, which would not otherwise be necessary.

(c) Other TGP documents:

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

*139. The TC considered the proposed structure and content of document TGP/8/1 Draft 9 and agreed the following:

Section II	<ul style="list-style-type: none">(i) methods used for distinctness to be placed before methods used for uniformity;(ii) to invite the TWPs to advise if there is a need for additional off-type tables to cover new combinations of population standards and acceptance probabilities;(iii) to provide a weblink to the International Seed Testing Association (ISTA) “seedcalc” method for calculating Type I and Type II errors;(iv) to structure the section into separate sections on parametric and non-parametric methods and to include further methods for non-parametric methods, to be drafted by Australia;(v) for each of the statistical methods included in document TGP/8, to provide an explanation of the requirements for its application and the situations where it would be appropriate to apply the method;(vi) to invite the TWPs to consider if it would be necessary to conduct a comparison of the results of different statistical methods as a condition for their inclusion in TGP/8; and(vii) to consider including statistical methods for very small sample sizes, subject to suitable methods which are in use by members of the Union being provided.
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TGP/11: Examination of Stability

*140. The TC considered document TGP/11/1 Draft 4. It recalled that it had agreed to invite the CAJ to consider an amendment to the title of TGP/11 (see paragraph 11) and did not have any further comments on document TGP/11/1 Draft 4 in detail.

TGP/12: Special Characteristics

*141. The TC considered document TGP12/1 Draft 4 and agreed the following:

1.2.2	to invite the TWPs, in particular the TWV, to review the sentence “In general, for DUS purposes, ‘tolerance’ is not a suitable characteristic in relation to biotic factors.” and to modify the sentence to read “In many instances, for DUS purposes, tolerance may not be a suitable characteristic.”. As a part of the review, to consider the definition of “tolerance” for biotic factors and to consider whether it would be appropriate to explain why, in most instances, it is not used as DUS characteristic.
2.2.6 (iii)	- to amend heading to read “technical requirements”; and - to amend the first sentence to read “The technical requirements of disease tests can, for some DUS testing authorities, be an obstacle for the use of such characteristics.”

TGP/13: Guidance for New Types and Species

*142. The TC considered document TGP/13/1 Draft 11 and agreed the following:

2.4.2 (i)	to read “a variety obtained by propagation from a plant originating from a population in the wild, of a species not in cultivation. [...]”
2.4.2 (ii)	to read “a variety obtained by propagation from a plant in a population of a species which is in commercial production. [...]”
2.7.3	to include a recommendation to consider the range of variation within the plant species

TGP/14: Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents

*143. The TC agreed that the TWPs, at their sessions in 2008, should consider the results of the shape exercise, as presented in TWV/41/10 Rev., in conjunction with their discussions on document TGP/14.

*144. The TC agreed to the organization of a meeting to discuss the development of TGP/14/1 Section 2, Subsection 3 “Color” on May 30 and 31, 2008.

*145. The TC agreed that “Section 1: Technical Terms” should be updated with relevant terms from documents TGP/4 and TGP/9 and heard that Australia would make some suggestions to the Office of the Union in that respect.

*146. The TC agreed that it would consider whether to await the adoption of document TGP/8 before finalizing TGP/14, if that became necessary.

(d) Program for the Development of TGP Documents

*147. The TC agreed the program for the development of TGP documents, as set out in Annex III to document TC/44/5, subject to CAJ consideration of whether to delay the adoption of the TGP/5 Sections until 2009.

Molecular techniques

*148. The TC considered documents TC/44/7 and BMT Guidelines (proj.11).

Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction ("BMT Guidelines")

*149. The TC noted the comments from China, Ukraine and the United States of America incorporated in document BMT Guidelines (proj.11). It noted that a number of the comments concerned technical aspects of the BMT Guidelines and concluded that, in the first instance, those were matters which would need to be addressed by the BMT. The TC agreed that the BMT should be invited to consider those matters in the form of a new draft of the BMT Guidelines at its eleventh session, to be held in Madrid, from September 16 to 18, 2008.

*150. The TC noted the request of the Consultative Committee that consideration be given to the status of documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. with regard to their reference in the introduction of document BMT Guidelines (proj.11). The TC noted that documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. would need to be reviewed in conjunction with discussions on the approach presented in documents BMT/10/14 and BMT-TWA/2/11, as explained in document TC/44/7, paragraph 30. On that basis, it agreed that it would be appropriate to submit a revised version of documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add. to the Council in conjunction with the BMT Guidelines.

Ad Hoc Crop Subgroups on Molecular Techniques (Crop Subgroups)

151. Mrs. Katalin Ertsey (Hungary), President of the Executive Committee of the International Seed Testing Association (ISTA), reported that ISTA and the Organisation for Economic Co-operation and Development (OECD) were jointly working on harmonization in molecular markers for variety verification and confirmed that ISTA would be glad to make a presentation on that subject at the eleventh session of the BMT.

*152. The TC considered the conclusions of the Crop Subgroups for Rose, Potato and Maize and agreed to:

(a) invite ISTA and OECD to make a presentation on their joint work on harmonization in the development of sets of markers which might be used for variety verification, at the eleventh session of the BMT;

(b) the proposal for the Crop Subgroup for Rose to hold its third session in conjunction with the eleventh session of the BMT, at which time the matters raised in paragraph 25 of document TC/44/7 would be considered further;

(c) to propose to the CAJ that the approach presented in documents BMT/10/14 and BMT TWA/2/11 be put forward for consideration at the BMT Review Group as a potential option for the use of molecular markers in DUS examination (see paragraphs 30 and 34 of document TC/44/7); and

(d) the proposal for the Crop Subgroup for Maize to hold its next session in late 2009, tentatively in conjunction with the maize and sorghum breeders' meeting in the United States of America, as set out in paragraph 34 of document TC/44/7.

Technical Working Parties

*153. The TC noted the reports of discussions in the TWPs and approved Mr. Michael Camlin (United Kingdom) as Chairman of the Crop Subgroup for Wheat and Barley.

*154. The TC noted the change of date and location of the eleventh session of the BMT, which will be held in Madrid, Spain, from September 16 to 18, 2008.

UPOV information databases

*155. The TC considered document TC/44/6.

GENIE database

*156. The TC noted that the GENIE database would be launched in all four UPOV languages on the freely available area of the UPOV website in 2008.

UPOV Code System

*157. The TC considered document TC/44/6. It noted that there was no immediate need to allow flexibility in the species element of the UPOV code in order to cover a classification into, for example, subgenera and/or sections, between the genus and species level of classification.

*158. The TC noted the information provided in the Annex to document TC/44/6 and noted that, since that report was made, Australia and Spain were providing UPOV codes for their UPOV-ROM entries and that France was providing UPOV codes for all its entries.

*159. The TC noted the plans for the TWP sessions in 2008 for the checking of UPOV codes by the relevant authorities, according to the procedure set out in Section 3.3 of the Guide to the UPOV Code System (see http://www.upov.int/genie/en/upov_code.html).

*160. The TC noted that the Office of the Union would need to amend a small number of UPOV codes in accordance with the procedure set out in the "Guide to the UPOV Code System", Section 3 "Procedure for the introduction and amendment of UPOV codes" (see http://www.upov.int/genie/en/upov_code.html).

*161. With regard to advice for members of the Union on the botanical classification of varieties under examination, Mr. Kees van Ettehoven (Netherlands), President of the International Association for Cultivated Plant Taxonomy (IACPT) informed the TC that the

IACPT might be able to provide assistance in such matters and suggested that experts raise any requests via their website (www.iacpt.net).

*162. At the proposal of the Delegation of the Republic of Korea, the TC agreed that an item on the inclusion of UPOV codes in UPOV-ROM data be included in the workshop on data handling, to be held in conjunction with the twenty-sixth session of the TWC in Jeju, Republic of Korea.

Plant Variety Database

163. The TC noted the offer of the Community Plant Variety Office of the European Community (CPVO) for assistance in the collection of data for all UPOV-ROM contributors, including those contributors for which it does not currently provide data (see “Memorandum of Understanding between UPOV and the CPVO” (MoU)). It was recognized that further practical guidance on how to submit data under such an arrangement would need to be provided. The TC noted that all background information concerning the data included in the UPOV-ROM, in particular the information in the “Content.pdf” document, would also be maintained by the CPVO in such an approach.

*164. With regard to the general information documents which would no longer be included in the UPOV-ROM, as set out in document TC/44/6, paragraph 19, the TC agreed that the Office of the Union should specify which documents would no longer be included.

*165. The TC agreed that the proposal made in document TC/44/6, paragraphs 15 to 22, and a draft revised “Memorandum of Understanding between UPOV and the CPVO” (MoU), based on that proposal, be prepared for consideration by the Consultative Committee at its seventy-sixth session, to be held in Geneva on October 29, 2008.

166. With regard to the possible introduction of a field in the Plant Variety Database to indicate the dates on which a variety was commercialized for the first time, the Delegation of France observed that that was a matter which should be considered by the CAJ. However, it noted that it was important to be aware that the information would be provided by the applicant.

167. The Delegation of Denmark reported that the authority did not collect that information and noted that it was not always known at the time of the application. It agreed with the Delegation of France that it was important to be aware that the information would be provided by the applicant.

168. The Delegation of Brazil agreed that the information was not always known at the time of the application and would need to be provided by the applicant. However, it reported that it had received inconsistent information and considered that it would be valuable to have the available information provided in the UPOV-ROM. It noted that it would be a matter for each member of the Union to decide whether to include that information in the UPOV-ROM.

169. The Delegation of Germany observed that that was a matter which should be considered by the CAJ. However, it expressed concerns about the accuracy and reliability of the data and noted that there would be a risk that the information in the UPOV-ROM alone would be used for the assessment of novelty.

170. The Delegation of Paraguay considered that it was a very important topic, noting that the consideration of commercialization of a variety in the territory of other members of the Union was a requirement when considering novelty.

171. The Delegation of the European Community explained that, in principle, it was in favor of including a field in the Plant Variety Database to indicate the dates on which a variety was commercialized for the first time and noted that it was a matter which would be relevant when considering electronic application systems.

172. The Delegation of the United States of America expressed concerns that the data might not be accurate and could be detrimental. It explained that it did not keep track of such data.

173. The TC noted that the introduction of a field in the Plant Variety Database to indicate the dates on which a variety was commercialized for the first time in the territory of application and other territories as provided in the UPOV Model Form for the Application for Plant Breeders' Rights (see document TGP/5: Section 2/2 Draft 1, item 8.) was primarily a matter for the CAJ. It noted that some delegations had explained the benefits of including such information in the UPOV-ROM, whilst some delegations had expressed concerns with regard to the data which would be included. It was noted that data on commercialization would, in most cases, need to be based on information provided by the applicant and the TC agreed that this aspect should be taken into account when considering such an approach.

174. Mr. Kees van Ettekoven (Netherlands), President of the International Association for Cultivated Plant Taxonomy (IACPT) reported that the organization of a meeting with relevant partners, including UPOV, to discuss the development of a common search platform was a high priority for IACPT in 2008.

*175. The TC noted the situation concerning the development of a web-based version of the Plant Variety Database and the development of a common search platform.

176. The Delegation of the Republic of Korea reported that, to coincide with the twenty-sixth session of the TWC, to be held in Jeju, Republic of Korea, from September 2 to 5, 2008, it was planned to hold a workshop on data handling, to which all members of the Union were invited. It noted that several members of the Union had not contributed data to the UPOV-ROM and noted, in that regard, that the workshop could provide practical assistance on how to contribute data to the UPOV-ROM.

Variety denominations

*177. The TC considered document TC/44/8.

178. The TC received the following oral report from Mr. Kees van Ettekoven (Netherlands), IACPT President, on the aims of the IACPT:

“Stability in plant names is, as we all know very important. For centuries we could live with the binominal system invented by the Swedish scientist Carl von Linné, or Linnaeus as we know him. For wild material we still can. However, for cultivated plants, stability in naming is even more important. A whole industry is using names and denominations as major information carrier. Over the years there have been developments that caused concern; DNA based taxonomy that sometimes drastically changes the relation between

species and their names, the gaining of importance of the statutory registration system under UPOV with own denomination rules different from those of the existing International Cultivar Registration Authorities (ICRA's) as given in the International Code for the Nomenclature of Cultivated Plants (ICNCP), the effect of GMO varieties, the introduction of cultivar groups that can replace the classical binominal system, the growing use of codes, trade names and trade marks. Reason to join forces and form a platform to discuss these matters separately from the existing International Botanical Congress who cover the wild material. This resulted in the launch of the International Association on Cultivated Plant Taxonomy (IACPT) during the Wageningen symposium last year. In this association representatives are present from the statutory registration authorities, the ICRA's and last but not least the seed and plant trade. The association will promote discussions, act as place for questions related to taxonomy of cultivated plants, we will publish a periodical, manage the ICNCP in the end, organize the congress on taxonomy of cultivated plants and work on a common search engine on the web to check names and test denominations. We are happy with the cooperation with UPOV and are pleased that the large group of experts in our Council, from all parts of the world, are willing to put their efforts in this association. Please feel free to check the website at www.iacpt.net."

*179. The TC agreed to invite the TWV to propose a clarification of Class 211, as set out in paragraphs 4 and 5 of document TC/44/8.

Publication of variety descriptions

*180. The TC noted the report presented in document TC/44/9.

Preparatory workshops

*181. The TC noted the report of the preparatory workshops held in 2007 and the proposals for the proposed program for 2008 as set out in document TC/44/10.

Applications covering a combination of lines

*182. The TC noted that document TC/44/11 had been considered in conjunction with document TGP/10/1 Draft 9.

Vice-chairperson of the Technical Committee

*183. The TC proposed to the Council that it elect, at its session in October 2008, Mr. Joël Guiard (France) as Vice-Chairperson of the TC for the term 2008 to 2010.

Chairperson of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT)

*184. The TC proposed to the Council that it elect, at its session in October 2008, Mr. Andrew Mitchell (United Kingdom) as Chairperson of the BMT for the term from 2009 to 2011.

Test Guidelines

*185. The TC considered document TC/44/2.

*186. The TC adopted the Test Guidelines listed in the table below on the basis of the amendments, as specified in Annex II to this document, which was circulated in advance, and the linguistic changes recommended by the TC-EDC:

Document No. N°. du document Dokument-Nr. No del documento	English	Français	Deutsch	Español	Botanical name Nom botanique Botanischer Name Nombre botánico
TG/16/8 Annex	Rice: example varieties (North East Asia)	Riz: exemples de variétés (Asie du Nord-Est)	Reis: Beispielssorten (Nordostasien)	Arroz: variedades ejemplo (Asia del Nordeste)	Oryza sativa L.
TG/22/10(proj.3)	Strawberry	Fraisier	Erdbeere	Fresa, Frutilla	Fragaria L.
TG/24/6(proj.3)	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern	Flor de Pascua	Euphorbia pulcherrima Willd. ex Klotzsch
TG/40/7(proj.5)	Blackcurrant, Black Currant	Cassis	Schwarze Johannisbeere	Grosellero negro, Casis	Ribes nigrum L.
TG/46/7(proj.5)	Onion, Shallot, Grey Shallot	Oignon, Échalote, Échalote grise	Zwiebel, Schalotte, Graue Schalotte	Cebolla, Chalota	Allium cepa (Cepa Group), Allium cepa (Aggregatum Group) and Allium oschaninii O. Fedtsch. and hybrids between them
TG/50/9(proj.3)	Grapevine	Vigne	Rebe	Vid	Vitis L.
TG/60/7(proj.3)	Beetroot, Garden Beet	Betterave rouge, Betterave potagère	Rote Rübe, Rote Bete	Remolacha de cocona, Remolacha de mesa, Remolacha roja	Beta vulgaris L. var. conditiva Alef., Beta vulgaris L. ssp. vulgaris var. esculenta L., Beta vulgaris L. ssp. vulgaris var. hortensis
TG/78/4(proj.4)	Kalanchoe	Kalanchoe	Flammendes Käthen	Kalancho	Kalanchoe blossfeldiana Poelln. and its hybrids
TG/85/7(proj.3)	Leek	Poireau	Porree	Puerro	Allium porrum L.
TG/152/4(proj.4)	Chamomile	Camomille	Kamille	Manzanilla	Matricaria recutita L., Chamomilla recutita (L.) Rauschert
TG/176/4(proj.3)	Osteospermum	Ostéospermum	Osteospermum	Osteospermum	Osteospermum L. and hybrids with Dimorphotheca Vaill.
TG/193/1(proj.5)	Bird's foot trefoil; Big trefoil; Broad leaf trefoil; Narrow leaf trefoil; Lotus subbiflorus	Cornette, cube, Lotier corniculé; - ; Lotier velu; Lotier des marais; - ; -	Hornschotenklee, Hornklee; - ; Sumpfschotenklee, Sumpf-Hornklee; Schmalblättriger Hornklee; -	Loto de los prados; Lotus pedunculatus; Loto de los pantanos; Lotus tenuis; Lotus subbiflorus	Lotus corniculatus L.; Lotus pedunculatus Cav.; Lotus uliginosus Schkuhr; Lotus tenuis Waldst. et Kit. ex Willd., Lotus glaber Mill.; Lotus subbiflorus Lag., Lotus suaveolens Pers.
TG/AMARAN(proj.9)	Amaranth	Amarante	Amarant, Fuchsschwanz	Amaranto	(Amaranthus L. excluding ornamental varieties)
TG/COFFEE(proj.7)	Coffee	Caféier	Kaffee	Cafeto	Coffea arabica L.; C. canephora Pierre ex A. Froehner; C. arabica × C. canephora hybrids
TG/FESTL(proj.5)	Festulolium	Festulolium	Festulolium	Festulolium, Festuca, Canuëla	×Festulolium Aschers. et Graebn.

Document No. N° du document Dokument-Nr. No del documento	English	Français	Deutsch	Español	Botanical name Nom botanique Botanischer Name Nombre botánico
TG/HAWTH(proj.6)	Hawthorn	Aubépine	Weißdorn	Espino, Espinero, Manzanilla, Marjoleta, Marzoleta, Tejocote	Crataegus L.
TG/HIPPH(proj.4)	Common Sea Buckthorn, Sallowthorn, Sea-buckthorn	Argasse, Argousier, Grisset	Sanddorn	Espino amarillo, Espino falso	Hippophae rhamnoides L.
TG/NEMES(proj.3)	Nemesia	Nemesia	Nemesia	Nemesia	Nemesia Vent.
TG/PORTU(proj.4)	Portulaca, Purslane	Pourpier	Portulak	Verdolago	Portulaca oleracea L.
TG/ROCK_DIP(proj.2)	Lincoln's-weed, Sand mustard, Sand rocket, Wall rocket, Wild rocket	Roquette sauvage	Wilde Rauke	Roqueta silvestre	Diploaxis tenuifolia (L.) DC.
TG/ROCK_ERU(proj.2)	Arugula, Cultivated Rocket, Garden Rocket, Rocket-salad, Rugula, Salad Rocket	Roquette cultivée	Ölrauke, Rauke, Ruke, Rukola, Senfrauke	Oruga común, Roqueta	Eruca sativa Mill.
TG/TEA(proj.6)	Tea	Théier	Tee, Teestrauch	Té	Camellia sinensis (L.) O. Kuntze

*187. With regard to the adoption of the Test Guidelines for Coffee (document TG/COFFEE(proj.7)), the TC further agreed that the adoption was subject to any further asterisked characteristics being agreed by the TWA and TWF, either by correspondence or at their respective sessions.

*188. With regard to the adoption of the Test Guidelines for Poinsettia (document TG/24/7(proj.3)), the TC further agreed that the adoption was subject to any changes to the example varieties being agreed by the TWO, either by correspondence or at its forty-first session.

*189. The Delegation of the Republic of Korea reported that it had identified an additional state of expression for characteristic 23 in the Test Guidelines for Onion TG/46/7(proj.5). It was agreed that that development should be considered by the TWV at its session in 2008 but that, in the meantime, the Test Guidelines for Onion should be adopted on the basis of document TG/46/7(proj.5), as amended in Annex II to this document. The TC noted that an additional state of expression could be accommodated by a partial revision of the Test Guidelines at a subsequent TC session.

*190. The TC noted that the note "(3)" had been omitted from the end of the comment on Char. 9 of the comments concerning the Test Guidelines for Beetroot TG60/7(proj.3).

*191. The TC noted a report from the Delegation of Japan that, at the thirty-ninth session of the TWF, to be held in 2008, there would be an item on the possibility of developing a set of example varieties for North East Asia which would then require a partial revision of the Test Guidelines for Strawberry in 2009 or 2010.

*192. With regard to document TC/44/2, Annex II, the TC heard that the Leading Expert from Israel had requested that the European Community take over the role of Leading Expert for the Test Guidelines for Gypsophila. The TC agreed to that change.

List of genera and species for which authorities have practical experience in the examination of distinctness, uniformity and stability

*193. The TC noted the information provided in document TC/44/4 and heard that the number of genera and species for which members of the Union had practical experience had increased from 2,010 in 2007 to 2,179 in 2008.

194. The Delegation of Spain noted that there were a number of species for which the European Community (QZ) was indicated as having practical experience, but for which there was no member State of the European Union indicated as having practical experience. The Technical Director noted that the Office of the Union could only include data with which it was provided and encouraged members of the Union to check the information which they had included. He recalled that members of the Union were able to review their own data by means of a query and report facility in the GENIE database. That procedure had been explained in Circular E-661 of February 8, 2008, which had invited members of the Union to update their entries on practical experience.

195. The Delegation of France reported that some recent developments would result in a need for a revision of the information for France in document TC/44/4.

196. The Delegation of Germany reported that some of the entries in document TC/44/4 indicating that Germany had practical experience did not appear to be correct.

197. The Delegation of the United Kingdom noted that a number of the ISO code entries needed to be amended in pages 2 to 5 of document TC/44/4.

198. The Technical Director invited each member of the Union to notify the Office of the Union of any need for amendments to the information provided in document TC/44/4. Those amendments would be made in the GENIE database as soon as possible and would subsequently be reflected in the corresponding document at the forty-fifth session of the TC.

*199. The TC noted that there were some mistakes in the ISO codes and country names in pages 2 to 5 of document TC/44/4, which the Office of the Union undertook to correct in a revised version of the document.

*200. The TC agreed that document TC/44/4 should be updated for the forty-fifth session of the TC.

Program for the forty-fifth session

*201. The following draft agenda was agreed for the forty-fifth session of the TC to be held in Geneva in 2009:

1. Opening of the session
2. Adoption of the agenda
3. Report on developments in UPOV including relevant matters discussed in the last sessions of the Administrative and Legal Committee, the Consultative Committee and the Council (oral report by the Vice Secretary-General)

4. Progress reports on the work of the Technical Working Parties, including the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) and Crop Subgroups
5. Matters arising from the Technical Working Parties
6. TGP documents
7. UPOV information databases
8. Molecular techniques
9. Variety denominations
10. Publication of variety descriptions
11. Preparatory workshops
12. Applications covering a combination of lines or varieties
13. List of exchangeable software
14. Electronic application systems
15. Test Guidelines
16. List of genera and species for which authorities have practical experience in the examination of Distinctness, Uniformity and Stability
17. Program for the forty-sixth session
18. Adoption of the report on the conclusions reached in the session (if time permits)
19. Closing of the session

202. The present report has been adopted by correspondence.

[Annexes follow]

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

LISTE PROVISOIRE DES PARTICIPANTS / PROVISIONAL LIST OF PARTICIPANTS /
VORLÄUFIGE TEILNEHMERLISTE / LISTA PROVISIONAL DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des États /
in the alphabetical order of the French names of the States /
in alphabetischer Reihenfolge der französischen Namen der Staaten /
por orden alfabético de los nombres en francés de los Estados)

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[L'annexe II suit/
Annex II follows/
Anlage II folgt/
Sigue el Anexo II]

ANNEX II

AMENDMENTS TO THE UPOV DRAFT TEST GUIDELINES
PRIOR TO THEIR ADOPTION AT THE FORTY-FOURTH SESSION OF
THE TECHNICAL COMMITTEE (TC)

TG/22/10(proj.3)	Strawberry (Revision)
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Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

3.5	to read “Unless otherwise indicated, all observations on single plants should be made on 20 plants or parts taken from each of 20 plants and any other observations made on all plants in the test. 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 2.”
4.2.2, 4.2.3	to be combined to read “4.2.2 For the assessment of uniformity, a population standard of 1% and an acceptance probability of at least 95% should be applied. In the case of a sample size of 20 plants, 1 off-type is allowed. In the case of a sample size of 40 plants, 2 off-types are allowed.”
Char. 7	to check whether state 1 should be “absent or sparse”
Char. 13	to have the states: shorter (1); equal (2); moderately longer (3); much longer (4)
Char. 15	to delete “incisions of”
Char. 21	“VG” to be deleted
Char. 23	to read “Flower: arrangement of petals”
Char. 26	to have the states: much shorter (1); moderately shorter (2); equal (3); moderately longer (4); much longer (5)
Char. 28	to have the states: much shorter (1); moderately shorter (2); equal (3); moderately longer (4); much longer (5)
Char. 30	to amend states to “ovoid” (4); “rhomboid” (6); “obloid” (7); and “globose” (8)
Char. 31	“(+)” to be added
Char. 31, 8.1 (d)	to check whether to add note (d) and to resolve the contradictory definition of “secondary fruit” in Ad. 31 and Chapter 8.1 (d) (“secondary fruit” in relation to the terms “primary fruit” or “terminal fruit”). In Chapter 8.1 to add an explanation of whether to observe on the first crop or second crop.
Char. 40 Ad. 40	to read “Fruit: diameter of calyx in relation to diameter of fruit”
Ad. 48	to replace “runners” with “stolons”
8.1 (a)	to read “Observations on the plant and leaf which should be made on plants shortly before the beginning of fruit ripening. Observations on the leaf which should be made on a fully-developed leaves.”
8.1 (b)	to read “Observations on the stipule and the stolon which should [...]”
8.1 (c)	- to read “Observations of the inflorescence (including the flower) which should [...]”; - to explain if the observations should be done on the first or second flowering. (see also comments on 8.1 (d))
8.1 (d)	to read “Observations on the fruit which should [...]”

8.1. (d)	see comments for Ad. 31
Ad. 15	to correct “intermediate” to “serrate and crenate”
Ad. 18, 21	to replace with illustrations provided below
Ad. 33	to replace with photographs provided below
Ad. 35	to replace with photographs provided below

Ad. 18: Petiole: attitude of hairs

Ad. 21: Pedicel: attitude of hairs



1
upwards



2
slightly
outwards



3
horizontal

Ad. 33: Fruit: evenness of color



1
even or very
slightly uneven



2
slightly uneven



3
strongly uneven



Ad. 35: Fruit: evenness of surface



1
even or very
slightly uneven



2
slightly uneven



3
strongly uneven

TG/24/7(proj.3)	Poinsettia (Revision)
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Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

2.5	to add “If it has been treated, full details of the treatment must be given.”
5.3 (c) (d) (e)	to check whether in all color groupings (also in TQ) pink should come before red
Example varieties	<ul style="list-style-type: none"> - to check whether “Fisson Piz” is widely available and, if necessary, to be replaced - to check the spelling of “Marble Star” / “Marblestar” - to check whether “Fismars White” was finally registered as “Fismars Crème” <p>Note: the TC-EDC proposed that changes to the example varieties would need to be agreed by the TWO.</p>
Char. 6	to specify “anthocyanin” coloration, or to provide explanation on how this characteristic differs from Char. 5
Char. 10	state 2 to read “deltate” and state 5 to read “rounded”
Char. 13	to read “ <u>Only varieties with one color on upper side: [...]</u> ”
Chars. 14, 15	to read “ <u>Only varieties with more than one color on upper side: [...]</u> ”
Char. 16	to read “ <u>Only varieties with more than two colors on upper side: [...]</u> ”
Char. 18	to change state 1 to “none or few” or state 2 to “intermediate”
Chars. 20	to check whether to add note (a) and/or review the wording of note (a) to read “... which should...”
Char. 23	to add underlining to “upper”
Chars. 25-28	to provide an explanation of transitional leaves
Char. 25, 26	to check whether to read “Plant: number of partly bract-colored transitional leaf blades”
Char. 27	to be indicated as QN
Char. 27	to check whether to delete note (a), or add note (a) to Chars. 25 and 26
Char. 27	example variety “Fisson Piz” is no longer produced
Char. 28	to read “Transitional leaves: curvature of main vein ...” (to be consistent with Char. 20)
Char. 31	to delete “(including petiole)”

Char. 32	- state 3 “lanceolate” to be moved before state 1 - example variety “Dueavant” to be indicated for only one state and new example variety to be provided for state 4 or 5, as appropriate
Char. 32, Ad. 32	example variety and illustration / photograph to be provided
Char. 34	to read “ <u>Only varieties with one color of upper side: [...]</u> ”
Char. 35	to read “ <u>Only varieties with more than one color of upper side: [...]</u> ”
Char. 35	to check the example varieties (i.e. to check whether Marblestar has no marbling)
Char. 36-38, 42-44	to read “ <u>Only varieties with marbling of upper side:...</u> ”
Char. 39	to be indicated as QN
Char. 41	to read “ <u>Only varieties with one color of upper side: [...]</u> ”
Char. 45	to read “ <u>Only varieties with spotting of upper side:...</u> ”
Char. 46	- to check whether to read “Bract: folding” - to check if QL, or if should be changed to QN with three states
Chars. 49, 50-52	to check whether the terms “Cyme” and “Cyathium” are correct
Ad 14-16, 36-38, 42-44	to replace with note (b) in Chapter 8.1
Ad. 25, 26, 29	to check whether to delete Ad. 29 and photographs for state 1, 2, 3
Ad. 32	photograph for state 3 to be provided
Ad. 35	to check if present and absent are indicated correctly
Ad. 46	to replace photograph for state 9 with a leaf which is not curved along the vein, or with an illustration
Ad. 49	to add line to indicate width

TG/40/7(proj.5)	Blackcurrant (Revision)
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(a) Changes to document TG/40/7(proj.4), proposed by the Enlarged Editorial Committee at its meeting on January 8, 2008, which are already incorporated in the draft Test Guidelines (document TG/40/7(proj.5)), submitted to the TC:

Char. 2	to check whether to be indicated as QN with notes 1, 3, 5 <i>Leading Expert: to be indicated as QN, with notes 1, 2, 3</i>
Char. 5	note 1 to read “adpressed or slightly held out”
Chars. 24, 25	to use only the term “berry” or “fruit” <i>Leading Expert: to replace “berry” with “fruit” in Char. 24</i>
Ad. 24	to change “present on” to “within”
Ad. 25	(i) to explain what is meant by “representative” berries, because there is a range of berry size; (ii) to add “of fruit flesh” after “density” <i>Leading Expert: to read “Fruit size can be assessed by weight because the density of fruit flesh of all varieties is very similar. Fruit size should be determined by the weight of a minimum of 50 fruits, covering all fruit sizes present, harvested from the 5 plants.”</i>

(b) Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines, submitted to the TC:

	no changes proposed
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TG/46/7(proj.5)	Onion, Shallot (Revision)
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Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

page header	to check whether to change to “Onion, Echalion; Shallot; Grey Shallot” in English and corresponding changes in other languages
4.2.2	to be split and to read as follows: “4.2.2 The assessment of uniformity for cross-pollinated varieties should be according to the recommendations for cross pollinated varieties in the General Introduction.” “4.2.3 The assessment of uniformity for hybrid varieties depends on the type of hybrid and should be according to the recommendations for hybrid varieties in the General Introduction.”
5.3 (a)	to amend the wording to correspond to Chars. 10 and 11 in the Table of Characteristics
Char. 5	to check whether state 1 should be “absent or weak”.
Char. 11	to delete “ <u>Vegetatively propagated varieties only:</u> ” (see note (b))
Char. 16	to amend “top” to “stem end” and “base” to “root end”
Char. 18	state 2 to read “medium ovate”
Char. 19	to amend “top” to “stem end”
Char. 20	to amend “base” to “root end”
8.1 (b)	to read “to be judged on material directly grown from submitted bulbs or from re-planted bulbs harvested from seed-propagated varieties”
Ad. 36	to provide a table with % male sterility corresponding to notes 1, 2, 3.

TG/50/9(proj.3)	Grapevine (Vitis L.)
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(a) Changes to document TG/50/9(proj.2), proposed by the Enlarged Editorial Committee at its meeting on January 8, 2008, which are already incorporated in the draft Test Guidelines (document TG/50/9(proj.3)), submitted to the TC:

2.2	to check whether to read: “The material is to be supplied in the form of: (a) plants on their own roots; (b) <u>rooted grafts with</u> scions grafted on a rootstock to be specified by the competent authority; (c) <u>top graft cuttings</u> budwood to produce grafted plants; or
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	(d) cuttings to produce plants on their own roots. <i>Leading Expert: agreed</i>
Char. 27	to add (+) with illustration (photograph) <i>explanation provided by Leading Expert</i>
Char. 33	to change “loose” to “lax”
Char. 42	to add further example varieties to cover all flavors other than Muscat, foxy and herbaceous <i>provided by Leading Expert</i>
Ad. 1	to check whether to change first sentence to read “The time of bud burst is when 50% of the plants are at the bud burst stage. A plant is at bud burst stage when 50% of the buds are at growth stage 09.” <i>Leading Expert: to read “The time of bud burst is when 50% of the plants are at the bud burst stage. A plant is at bud burst stage when 50% of the buds are at least at growth stage 07.”</i>
Ad. 2	to amend the boxes in state 4 and 5 to cover the same part of the plant as for states 1, 2 and 3, or to explain the positioning of the box <i>new illustration provided by Leading Expert</i>
Ad. 18	to reverse the formatting of lines: dotted lines to be made solid and solid lines to be made dotted <i>new illustration provided by Leading Expert</i>
Ad. 34	illustration to be provided <i>provided by Leading Expert</i>
8.3 and Chapter 9	to add a reference to Meier, U., 1997
8.4	(i) to check whether to add ‘Harslevelu’ as a synonym of ‘Lipovina’; <i>Leading Expert: agreed</i> (ii) to check example variety ‘Nero’ (corresponds to several varieties) <i>Leading Expert: no change</i> (iii) (at end of table) to check whether to amend “R = rose” to “Rs = rose” <i>Leading Expert: agreed</i>
TQ 5	to add header row
TQ 6	to replace “Chasselas blanc” with “Example”

(b) Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines, submitted to the TC:

Ad. 27	to be added in French, German and Spanish versions
8.4	to check example variety ‘Moscatel de grano menudo rojo’

TG/60/7(proj.3)	Beetroot (Revision)
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(a) Changes to document TG/60/7(proj.2), proposed by the Enlarged Editorial Committee at its meeting on January 8, 2008, which are already incorporated in the draft Test Guidelines (document TG/60/7(proj.3)), submitted to the TC:

2.3	to check whether to change “9000 seeds” to “9,000 seed clusters” <i>Leading Expert: agreed</i>
3.5	to read “Unless otherwise indicated, all observations on single plants should be made on 40 plants or parts taken from each of 40 plants and any other

	observations made on all plants in the test.”
Char. 9	to amend the states to be suitable for a quantitative characteristic <i>Leading Expert: to have the states: mainly green (1); green and red (2); mainly red (3)</i>
Char. 17	state 2 to read “transverse medium elliptic” and state 6 to read “very narrow obovate”
Char. 21	state 4 to read “depressed”
Ad. 1	to check whether to read “Germity should be observed on 200 seed clusters. Monogerm varieties are genetically monogerm and at least 90% of seed clusters lead to single plants. Seed clusters of multigerm varieties lead to less than 90% single plants.” <i>Leading Expert: agreed</i>
Ad. 21	to amend the illustrations to clarify that the “base” is at the stem end (if that is the case) and to invert the illustrations <i>Leading Expert: to amend characteristic to read “Root: shape of tip”</i>
Ad. 27	(i) second paragraph to amend text in brackets to read “(2°C minimum temperature, ventilation at 7°C and above)”; (ii) third paragraph to read “The number of bolted plants (with shoot axis elongated by more than 5 cm) should be counted at least once a week.”

(b) Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines, submitted to the TC:

	no changes proposed
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TG/78/4(proj.4)	Kalanchoe
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(a) Changes to document TG/78/4(proj.3), proposed by the Enlarged Editorial Committee at its meeting on January 8, 2008, which are already incorporated in the draft Test Guidelines (document TG/78/4(proj.4)), submitted to the TC:

5.3	to check whether to add the characteristics included in the Chapter 10 “Technical Questionnaire”, Section 5 <i>Leading Expert: to add Char. 31</i>
Char. 15	to indicate type of expression <i>Leading Expert: to be indicated as QL</i>
Chars. 32, 38	(i) state 4: to replace “as” with “in”; (ii) state 8: to check whether there is a better term than “brindled” <i>Leading Expert: no better term than “brindled”</i>
Char. 35	to remove underlining from “Outer”
8.1 (d)	to delete “whirl of the” from the text and “whirl of” from the illustration (twice)
Ad. 12	to add indication of flower end and add stem
Ad. 32, 38	to indicate that the illustrations are of single-flower varieties

(b) Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines, submitted to the TC:

	no changes proposed
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TG/85/7(proj.3)	Leek (Revision)
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(a) Changes to document TG/85/7(proj.2), proposed by the Enlarged Editorial Committee at its meeting on January 8, 2008, which are already incorporated in the draft Test Guidelines (document TG/85/7(proj.3)), submitted to the TC:

header	to correct to read “TG/85/7...”
3.5.2	to read “Vegetatively propagated varieties: unless otherwise indicated, all observations on single plants should be made on 20 plants or parts taken from each of 20 plants and any other observations made on all plants in the test.”
Char. 7	to delete the hyphens in state 1, 3 and 4
Char. 17	add (+) with explanation of how to observe male sterility and how to determine the states <i>Leading Expert: explanation to read “The observation of male sterility should be done at full flowering. Male sterility can be observed by rubbing a piece of black paper gently over the flower head: if the flowers are sterile, no pollen will be seen on the paper. In addition, in the case of male varieties, the anthers are empty and desiccate very quickly.”</i>
8.1 (a) – (e)	to be reviewed and order of characteristics in the Table of Characteristics to be amended accordingly <i>Leading Expert: to amend as follows:</i> <i>(a) observations should be made when the outer (oldest) leaf blades start to senesce;</i> <i>(b) observations on the leaf blade should be made on the fully developed leaf;</i> <i>(c) observations should be made at harvest maturity;</i> <i>(d) to be observed on plants produced by vegetative propagation;</i> <i>(note (e) to be deleted – see new Ad. 17)</i> <i>Char. 2 to be moved after Char. 10 and to replace note (a) with note (c).</i>
Ad. 11, 12, 13	to amend illustration to indicate Chars. 11 and 12
Ad. 13	to remove the line indicating shaft length
Ad. 16	to position the arrow more precisely with regard to the [top/middle/base] of the bulb <i>provided by Leading Expert</i>
TQ 4.2.1 (b), (c)	to be clarified <i>provided by Leading Expert</i>
TQ 5.4, 5.5	characteristic numbers to be corrected
TQ 5	to check whether to add Char. 17 (grouping characteristic) <i>Leading Expert: to be added with note that only relevant if the variety is vegetatively propagated</i>

(b) Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines, submitted to the TC:

Ad. 17	to amend “male varieties” to read “male sterile varieties”
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TG/152/4(proj.4)	Chamomile (Revision)
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(a) Changes to document TG/152/4(proj.3), proposed by the Enlarged Editorial Committee at its meeting on January 8, 2008, which are already incorporated in the draft Test Guidelines (document TG/152/4(proj.4)), submitted to the TC:

4.2.2	to read: “4.2.2 The assessment of uniformity for cross-pollinated varieties should be according to the recommendations for cross-pollinated varieties in the General Introduction.”
Chars. 4, 7; Chapter 8.1	to check whether to amend the order in accordance with the time of observation, as follows: <ul style="list-style-type: none"> • Char. 4 to be moved before Char. 2 • Char. 7 to be moved before Char. 6 • reorder (a), (b), (c) as follows: <ul style="list-style-type: none"> (a) bud stage (b) beginning of flowering (c) full flowering <i>Leading Expert: agreed</i>
Char. 5	to delete “(add.)” and “no ex. variety for”
Char. 6	to check whether to reverse the order of states to “coarse (3); medium (5); fine (7)” <i>Leading Expert: agreed</i>
Char. 12	<i>Leading Expert: After reconsideration of all available results and information we propose to delete the total amount of essential oil. There is a clear genetic component but precise observation is difficult and it is too much influenced by the environment.</i>
Char. 13	<i>Leading Expert: After reconsideration of all available results and information we propose to delete the amount of chamazulene. Genetic variation is not high enough in relation to environmental effects.</i>
Char. 14, Ad. 14	States 1 to 9 do not correspond with the definition that there are 2 types of oil (high/low alpha-Bisabolol). Table with oil composition to be modified or to be deleted. Possible composition and appropriate description to be clarified. <i>Leading Expert: to read: “Flower head: content of (-)-α-bisabolol in essential oil” with 3 states of expression:</i> <ul style="list-style-type: none"> (1) low Bodegold, Camoflora, Margaritar (2) medium Promyk (3) high Manzana, Novbona, Robumille
Ad. 13, 14	to review for correspondence with characteristics 13 and 14 and to provide the necessary information on: <ul style="list-style-type: none"> - “Gas chromatography (2.2.28)” (in “Tests”) - “Figures 1836.-1 and 1836.-2” (in “System suitability”) <i>new explanation provided by Leading Expert</i>
TQ 4.2	to add “4.2.2 Other (please provide details) []”

(b) Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines, submitted to the TC:

Ad. 12	sentence before table to read “In relation to (-)α-bisabolol, there are 3 levels:” and to amend “type” to “level” in the table.
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TG/176/4(proj.3)	Osteospermum (Revision)
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Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

cover page	to correct to read “Dimorphotheca Vaill.” in title and “Alternative names” table
5.3(f)	to align wording with Char. 22
Char. 7	to read “Leaf: intensity of green color of upper side”
Char. 8	to read “RHS Colour Chart”
Char. 9	to add (+) and note (c) or to amend Chapter 8.1 (c) to read “Observations on the flower which should [...]”
Char. 10	formatting of note 3 to be amended
Char. 17	to delete “approximate”
Chars. 20 to 25	to check whether to add note (d) (includes indication of portion not to be observed)
8.1 (b)	to become Ad. 8
8.1 (d)	to check whether lowest portion of the ray floret to be labelled “portion of base not to be observed (in determining number of colors)”
TQ 1	to check whether to request species information for hybrids
TQ 4.1.3	to read “Discovery and development [...]”
TQ 5.1	to add the example varieties from the Table of Characteristics
TQ 5.4	to update the example varieties from the Table of Characteristics
TQ 5.6i, ii	to add underlining according to the Table of Characteristics

TG/193/1(proj.5)	Lotus (Revision)
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Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

Header	to be changed to cover all species (“Trefoil, Lotus” in English)
2.4	to delete the paragraph number
Chars. 3, 4	to add note (b)
Char. 12	note (b) to be formatted in bold
TQ 5.3	example varieties to be updated

TG/AMARAN(proj.9)	Amaranth
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Comments received from members of the Enlarged Editorial Committee in January 2008 or proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

1.	to read: “These Test Guidelines apply to all varieties of <i>Amaranthus</i> L., but have been developed on the basis of varieties used for grain production. The main grain species are <i>Amaranthus caudatus</i> L., <i>Amaranthus cruentus</i> L. and <i>Amaranthus hypochondriacus</i> L.. In the case of ornamental varieties, it may, in particular, be necessary to use additional characteristics to those included in the Table of Characteristics in order to examine Distinctness, Uniformity and Stability.” <i>Leading Expert: agreed</i>
Char. 8	to be indicated as QN and to have 3 states
Char. 10	<i>Leading Expert: to delete states 3, 4 and 6</i>
Char. 12	to delete “type of” <i>Leading Expert: agreed</i>
Char. 13	Note (d) to be deleted.
Char. 14	to read “Time of flowering”
Char. 16	- to be indicated as PQ and to have 3 states - to check presentation of example variety “BRS_ALEGRÍA”
Char. 28	to be indicated as QN <i>Leading Expert: agreed</i>
Char. 29	to read “Inflorescence: length of bract relative to utricle”, with the states: shorter (1); equal (2); longer (3)
Char. 34	to change “height” to “length” <i>Leading Expert: agreed</i>
Char. 36	to read “Stem: shape in cross section” <i>Leading Expert: agreed</i>
Char. 38	to be indicated as QL <i>Leading Expert: agreed</i>
8.1 (d)	to be deleted
8.1 (e)	to add “(see Ad. 14)”
8.1 (f)	to add “(see Ad. 33)”
Ad. 14	to read “The time of flowering is when 50 % of the plants have a panicle approximately 5 cm long, showing open flowers in its middle parts with separate stamens and with the stigma completely visible.”
Ad. 25	to read “Compactness of the inflorescence is defined by the angle ...” <i>Leading Expert: agreed</i>
Ad. 27	to read: “Inflorescence type should be observed from flowering stage up to fully developed grains. Amarantiform: if the glomerules are inserted in the secondary axes and the glomerules have an extended shape, the inflorescences are ‘amarantiform’. Glomerulate: if the glomerules are inserted in the primary axes and the glomerules have a spherical shape, the inflorescences are ‘glomerulate’.”

	<i>Leading Expert: agreed</i>
Ad. 29	to read: “Bract: Outer leaves enclosing the tepals.” and to correct the indication of the length of utricle in the diagrams to exclude the bracts. <i>Leading Expert: agreed</i>
Ad. 39	to provide a reference for the method
TQ 9.3	to be deleted <i>Leading Expert: agreed</i>

TG/COFFEE(proj.7)	Coffee
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Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

Table of Characteristics	to check whether further characteristics could be indicated with (*), subject to agreement by the TWA and TWF
Char. 1	to add (*) (TQ characteristic)
Char. 1	state 2 to read “ellipsoid”
Char. 9	to check whether note (b) should be deleted
Char. 14	to check spelling of “Bourbon”/ “Borbon” and whether should be “Catuai Amarelo” (upper case “A”)
Chars. 19, 22	to check whether to be observed on non-floating fruits: if so, to be explained in a note for Chars. 18 to 23
Char. 23	to move explanation in brackets to Ad. 23
Chars. 25, 26, 27	to change to notes 1, 2, 3, or to amend the scales in Ad. 25, 26, 27
Ad. 3	to change “measurement” to “observation”
Ad. 4	to provide an illustration of plagiotropic branches
Ad. 12	to provide an explanation of “domatia”
Ad. 13	To read “The number of flowers per axil ...” and to explain the stage at which the characteristic should be observed
Ad. 24	to provide explanation for time of flowering

TG/FESTL(proj.5)	Festulolium
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(a) Changes to document TG/FESTL(proj.4), made on the basis of comments received from members of the Enlarged Editorial Committee in January 2008, which are already incorporated in the draft Test Guidelines (document TG/FESTL(proj.5)), submitted to the TC:

	no changes
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(b) Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

	no changes proposed
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TG/HAWTH(proj.6)	Hawthorn (Crataegus L.)
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(a) Changes to document TG/HAWTH(proj.5), made on the basis of comments received from members of the Enlarged Editorial Committee in January 2008, which are already incorporated in the draft Test Guidelines (document TG/HAWTH(proj.6)), submitted to the TC:

Cover page	in Spanish version, to add “Tejocote” in title box
3.5	to review the number of plants in line with Chapter 8.1 (g) <i>Leading Expert: Chapter 8.1 (g) to read “Fruit and endocarp: All observations on the fruit and endocarp should be made on 10 typical fruits taken from each plant, at the time of fruit ripening.”</i>
Char. 11	to check whether to have note (d) instead of (c) <i>Leading Expert: agreed</i>
Char. 16	to check whether to have note (d) <i>Leading Expert: agreed</i>
Char. 17	to read “Leaf blade: variegation” <i>Leading Expert: agreed</i>
Char. 21	to read “Leaf blade: surface” <i>Leading Expert: agreed</i>
Char. 29	to read “Flower: color of base of anther stalks” (<i>Leading Expert</i>)
Char. 35	state 3 to read “very rough” <i>Leading Expert: agreed</i>
Chars. 38, 42	QL to be in bold font
8.1 (a)	to delete “ <u>Plant, stem and branch:</u> ” and to read “Observations on the plant, stem and branch which should be made on the vegetative, current season's shoots after growth.” <i>Leading Expert: agreed</i>
8.1 (b)	to delete “ <u>Plant:</u> ” and to read “Observations on the plant which should be made on foliated plants in the spring.” <i>Leading Expert: agreed</i>
8.1 (c)	To be deleted. For shoot see (a). No characteristic on internodes. <i>Leading Expert: agreed</i>
8.1 (c) to (g)	to replace “All observations [...] should” with “Observations [...] which should” <i>Leading Expert: agreed</i>
8.1 (e)	to become Ad. 20 (only applies to Char. 20.) <i>Leading Expert: agreed</i>
Ad. 1	These diagrams may be somewhat confusing, especially because state 2 looks almost the same as state 1 in Ad. 2. Not all shrubs have upright habit so these pictures may be misleading. Perhaps there should be a clearer, written explanation to define what is a shrub, a semi-shrub and a tree. <i>Leading Expert: explanations provided</i>
Ad. 25	to be provided (has a (+) in the Table of Characteristics) <i>provided by Leading Expert</i>
Ad. 28	dotted line to be improved <i>provided by Leading Expert</i>
Ad. 31	illustration for state 1 is not “free” <i>Leading Expert: to consider amending state 1 to read “not touching” (the petals are separated by a sepal)</i>

TQ 6	delete the “e.g.” from third column
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(b) Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

Char. 3	to delete “of canopy”
8.1 (e)	to read “[...] 10 typical fruits taken from each of 5 plants [...]”
Ad. 2	to correct spelling of “fastigate”
Ad. 28	to amend outline to ovate (currently cordate)
Ad. 31	new illustration for state 1: 

TG/HIPPH(proj.4)	TG/HIPPH(proj.4)
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Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

Char. 5	to check whether to read “Plant: density of foliage”
Char. 6	to read “Plant: position of inflorescences”
Char. 6	to correct formatting of QL / (b)
Char. 8	to add (*) (Grouping characteristic)
Char. 9	to add (+)
Char. 10	to delete “(lanceolate)”
Char. 12	to check whether should be indicated as QN with 3 states
Char. 13	to check whether to be included as grouping and TQ characteristic
Char. 17	- to read “Fruit: shape” - states 5 and 6 to become states 1 and 2, respectively
Char. 20	to check whether to change “peduncle” to “stalk”
Ad. 10	to provide improved illustration for state 3
Ad. 21	to check whether to delete “buds”
TQ 5	to amend numbering of TQ 5.1 to 5.3

TG/NEMES(proj.3)	Nemesia
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Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

4.2	to check whether all types of propagation are found in Nemesia
Char. 1	to add (+) with explanation from Chapter 3.3.1
Char. 4	to check whether to read “Plant: density of foliage”
Char. 14	to check whether to delete notes (a), (b)
Char. 17, TQ 5.4	position of “:” to be amended
Char. 19	to correct spelling of (second) “length”
Char. 23	to amend the states to: “acute” (1); “obtuse” (2)
Char. 33	to check whether to read “Lower lobe of corolla: ...”
Chars. 33, 38	to check whether to add note (c)
Char. 35	to check spelling of “Inupspink8” / “Inupspink 8” (e.g. Char. 19)
Char. 38	to check whether to amend state 3 to read “apical and lateral zone”
Char. 46	to add (+)
Ad. 29	to have notes 3, 5, 7
Ad. 37	to correct wording according to the Table of Characteristics

TG/PORTU(proj.4)	Portulaca
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(a) Changes to document TG/PORTU(proj.3), made on the basis of comments received from members of the Enlarged Editorial Committee in January 2008, which are already incorporated in the draft Test Guidelines (document TG/PORTU(proj.4)), submitted to the TC:

Char. 5	to delete “at middle third” and move that explanation to Chapter 8.2 <i>Leading Expert: agreed</i>
Char. 15	- to check whether to read “[...] Flower: shape in cross section” or “[...] Flower: shape in profile” <i>Leading Expert: to read “Flower: shape in lateral view”</i> - state 1: to change “to” to “or” <i>Leading Expert: agreed</i>
Char. 19	to check whether to add (“macule excluded”) <i>Leading Expert: agreed</i>
Char. 22	to change “third” to “tertiary” <i>Leading Expert: agreed</i>
Chars. 23, 24	to check whether to move before Char. 18 in order to define the macule, which is referred to in Chars. 18 to 22 <i>Leading Expert: agreed</i>
8.1	to delete “All” and change “should” to “which should” for notes (a) to (f) <i>Leading Expert: agreed</i>
8.1 (e)	to become Ad. 15, 16 and to check whether there is a conflict between 8.1 (d) and (e) in Chars. 15 and 16 <i>Leading Expert: note (e) to be deleted</i>

Ad. 19, 20	to amend to Ad. 19, 20, 21, 22 and to read: “The main color is the color with the largest surface area. The secondary color is the color with the second largest surface area. The tertiary color is the color with the third largest surface area” <i>Leading Expert: agreed</i>
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(b) Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

3.3.2	to be deleted
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TG/ROCK_DIP(proj.2)	Rocket (Diplotaxis DC)
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Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

Cover page	to amend reference in “Other associated UPOV documents”
Header	to change to “Wild Rocket”
Chars. 2, 3	to check whether QL is correct for Char. 2 and, if not, to combine Char. 3 as PQ characteristic
Char. 3	to check whether to have notes 1, 2, 3
Char. 4	to check whether should be VG/MS
Char. 5	to check whether should be VG/MS
Char. 9	to check whether “VG” can be deleted
Ad. 7	to read “The width of primary lobes should be observed in the middle part of the leaf.”

TG/ROCK_ERU(proj.2)	Rocket (Eruca Mill.)
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Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

Cover page	to amend reference in “Other associated UPOV documents”
Title	to check whether “Cultivated rocket” is an appropriate name
Header	to change to “Cultivated Rocket”, subject to comment on “Title”
Chars. 2, 3	to check whether QL is correct for Char. 2 and, if not, to combine Char. 3 as PQ characteristic
Char. 4	to check whether should be VG/MS
Char. 5	to check whether should be VG/MS
Char. 6	state 5 to read “medium”
Char. 8	state 5 to read “medium”
Char. 10	to check whether to be observed on upper side only
Char. 11	to check whether VG can be deleted
Char. 13	state 2 to read “cream”
Char. 14	to read “Flower: anthocyanin coloration of veins”

Ad. 7	to read “The width of primary lobes should be observed in the middle part of the leaf.”
TQ 5.3	to correct spelling of “weak”
TQ 5.4	to correct state 5 according to Table of Characteristics

TG/TEA(proj.6)	Tea
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(a) Changes to document TG/TEA(proj.5), made on the basis of comments received from members of the Enlarged Editorial Committee in January 2008, which are already incorporated in the draft Test Guidelines (document TG/TEA(proj.6)), submitted to the TC:

Char. 9	to check whether to amend the states to: sparse (3); medium (5); dense (7) <i>Leading Expert: agreed</i>
Char. 10	to delete “the” <i>Leading Expert: agreed</i>
Char. 12	to check whether to delete MS <i>Leading Expert: agreed</i>
Char. 16	to check whether 3 states would be sufficient: light (1); medium (2); dark (3). (There are no example varieties for state 1 and normally, QN characteristics have 3, 5 or 9 states.) <i>Leading Expert: to have states: light (3); medium (5); dark (7)</i>
Char. 19	to check whether it would be more appropriate to read “Leaf: shape of apex” with states such as obtuse (1); acute (2); acuminate (3) and to be indicated as PQ <i>Leading Expert: agreed</i>
Char. 30	to check whether to amend the states to: sparse (3); medium (5); dense (7) <i>Leading Expert: agreed</i>
8.1 (a), (c)	to delete “diagram” after “Young shoot” and “Flower”. <i>Leading Expert: agreed</i>
Ad. 8	to check whether to be deleted (not necessary and not easy to see in photograph) <i>Leading Expert: agreed</i>
Ad. 10	to check whether to be deleted (not necessary and not easy to see in photograph) <i>Leading Expert: agreed</i>
Ad. 28	upper photo to be deleted (<i>Leading Expert</i>)
Ad. 35	state 1 to read “absent or very low $\leq 0.5\%$ ” <i>Leading Expert: agreed</i>

(b) Changes proposed by the Enlarged Editorial Committee in April 2008, which are to be included in the Test Guidelines submitted to the TC:

Table of Characteristics	to check the spelling of example variety “Hanlv” (e.g. Char. 3)
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¹ Terms used in this document:

CC:	Consultative Committee
CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TWA:	Technical Working Party for Agricultural Crops
TWC:	Technical Working Party on Automation and Computer Programs
TWF:	Technical Working Party for Fruit Crops
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWPs:	Technical Working Parties
TWV:	Technical Working Party for Vegetables
BMT:	Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular
Crop Subgroup:	<i>Ad hoc</i> Crop Subgroup on Molecular Techniques
BMT Review Group:	<i>Ad hoc</i> Subgroup of Technical and Legal Experts of Biochemical and Molecular Techniques
General Introduction:	Document TG/1/3 “General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants”
TGP/1:	TGP/1 “General Introduction With Explanations”
TGP/2:	TGP/2 “List of Test Guidelines Adopted by UPOV”
TGP/3:	TGP/3 “Varieties of Common Knowledge”
TGP/4:	TGP/4 “Constitution and Maintenance of Variety Collections”
TGP/5:	TGP/5 “Experience and Cooperation in DUS Testing”
TGP/6:	TGP/6 “Arrangements for DUS Testing”
TGP/7:	TGP/7 “Development of Test Guidelines”
TGP/8:	TGP/8 “Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability”
TGP/9:	TGP/9 “Examining Distinctness”
TGP/10:	TGP/10 “Examining Uniformity”
TGP/11:	TGP/11 “Examining Stability”
TGP/12:	TGP/12 “Special Characteristics”
TGP/13:	TGP/13 “Guidance for New Types and Species”
TGP/14:	TGP/14 “Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents”
BMT Guidelines:	Guidelines for DNA Profiling: Molecular Marker Selection and Database Construction

[End of Annex II and of document]