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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS  
GENEVA

DRAFT

Associated Document  
to the  
General Introduction to the Examination  
of Distinctness, Uniformity and Stability and the  
Development of Harmonized Descriptions of New Varieties of Plants (document TG/1/3)

DOCUMENT TGP/7

DEVELOPMENT OF TEST GUIDELINES

*prepared by the Office of the Union*  
*to be considered by the Technical Committee at its forty-fifth session,*  
*to be held in Geneva from March 30 to April 1, 2009*

Note for Draft version

**~~Strikethrough~~ (highlighted)** indicates deletion from the text of document TGP/7/1

**Underlining (highlighted)** indicates insertion to the text of document TGP/7/1

**Footnotes** will be retained in published document

**Endnotes** are for background information when considering this draft and will not appear in the final, published document

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## SECTION 1: INTRODUCTION

### 1.1 UPOV Test Guidelines as the Basis for the DUS Test

The General Introduction (Chapter 2, section 2.2.1) states that “Where UPOV has established specific Test Guidelines for a particular species, or other group(s) of varieties, these represent an agreed and harmonized approach for the examination of new varieties and, in conjunction with the basic principles contained in the General Introduction, should form the basis of the DUS test.” It further states in Chapter 8, section 8.2.1, that “The individual Test Guidelines are prepared or, where appropriate, revised according to the procedures set out in document TGP/7, Development of Test Guidelines”. Thus, the purpose of this document is to provide guidance on the development of these UPOV Test Guidelines (“Test Guidelines”).

### 1.2 Individual Authorities’ Test Guidelines

~~The General Introduction also states that “Where UPOV has not established individual Test Guidelines relevant to the variety to be examined, the examination should be carried out in accordance with the principles in this document and, in particular, the recommendations contained in Chapter 9, Conduct of DUS Testing in the Absence of Test Guidelines. In particular, the recommendations in Chapter 9 are based on the approach whereby, in the absence of Test Guidelines, the DUS examiner proceeds in the same general way as if developing new Test Guidelines.” Thus, in the absence of Test Guidelines, this document is also aimed at the drafters of individual authorities’ test guidelines.~~

*(Note: all following text of Section 1.2 is new)*

#### 1.2.1 Individual Authorities’ Test Guidelines based on UPOV Test Guidelines

1.2.1.1 As explained in Section 1.1 [cross ref.], the General Introduction states that “Where UPOV has established specific Test Guidelines for a particular species, or other group(s) of varieties, these represent an agreed and harmonized approach for the examination of new varieties and, in conjunction with the basic principles contained in the General Introduction, should form the basis of the DUS test.”. Thus, it is intended that the Test Guidelines can be used by individual authorities, with appropriate administrative changes, as the basis of the DUS test. However, it may also be appropriate to modify certain aspects of the Test Guidelines for use by an individual authority. The following explanations may be helpful for individual authorities in considering the development of their own test guidelines:

<sup>a</sup>(a) *Quantity of plant material to be supplied by the applicant*

1.2.1.2 The quantity of plant material specified in Chapter 2.3 [cross ref.] of the Test Guidelines is the *minimum* quantity that an authority might request of the applicant. Therefore, each authority may decide to request a larger quantity of plant material, for example to allow for potential losses during establishment. In cases where an authority requests a larger quantity of plant material than is required for the test, the authority will need to decide whether and how to consider any resultant “spare plants” in the DUS test. For example, for the assessment of uniformity by off-types, if there is a larger number of plants in the test than specified in the Test Guidelines, the sample size and number of off-types allowed would not match the specification in the Test Guidelines (see Test Guidelines, Chapter 4.2 “Uniformity” [cross ref.]). Alternatively, the authority might decide to disregard the “spare

plants”, in which case it would be advisable to consider in advance how to decide which of the plants were the “spare plants” and should be excluded from the DUS test. If that was not decided in advance, it could lead to some complications, for example if the test resulted in 6 plants, of which 1 was an off-type, where the Test Guidelines specified that “In the case of a sample size of 5 plants, no off-types are allowed.”.

(b) *Selection of characteristics from the Test Guidelines*

1.2.1.3 The General Introduction (Chapter 4.8; Table) explains that asterisked characteristics “are important for the international harmonization of variety descriptions” and “should always be examined for DUS and included in the variety description by all members of the Union except when the state of expression of a preceding characteristic or regional environmental conditions render this inappropriate.”.

1.2.1.4 Standard Test Guidelines characteristics are “characteristics that are accepted by UPOV for examination of DUS and from which members of the Union can select those suitable for their particular circumstances”, i.e. members of the Union may choose not to include all characteristics in the Test Guidelines in their own authority test guidelines. In that respect, it is explained that “where there is a long list of [standard Test Guidelines] characteristics and, where considered appropriate, there may be an indication of the extent of use of each characteristic”.

(c) *Example Varieties<sup>b</sup>*

(i) *Example varieties included in Test Guidelines*

1.2.1.5 Annex 3 to this document: GN 28(1) [cross ref.], explains that one of the reasons why example varieties are included in Test Guidelines is “to provide the basis for ascribing the appropriate state of expression to each variety and, thereby, to develop internationally harmonized variety descriptions”. That purpose can be achieved by using the same example varieties in the individual authorities’ test guidelines or, where appropriate, by using other example varieties have been found to have the same state of expression for the characteristic concerned but which may be more readily available in the territory for which the individual authorities’ test guidelines apply.

1.2.1.6 The regional adaptation of varieties in some genera and species may mean that it is impractical to seek to harmonize variety descriptions on a global basis and, in such cases, Test Guidelines may have regional sets of example varieties (see GN 28(4)) [cross ref.]. For such situations, individual authorities can select the most appropriate regional set of example varieties as a basis for their individual authority test guidelines.

(ii) *No example varieties included in Test Guidelines<sup>c</sup>*

1.2.1.7 If a characteristic is not identified as important for the international harmonization of variety descriptions (i.e. it is a non-asterisked characteristic) and example varieties are not necessary for illustration of the characteristic, there is no requirement for example varieties to be provided in Test Guidelines. However, ~~if a characteristic is influenced by the year or environment (most quantitative and pseudo qualitative characteristics)~~ the inclusion of example varieties in individual authorities’ test guidelines can help to ensure that the variety descriptions produced in the territory concerned are harmonized as far as possible over time and local environmental variation. Such harmonization of variety descriptions is valuable for the selection of varieties for the growing trial and the organization of the growing trial (see

document TGP/9/1: Section 2 “Selecting varieties for the growing trial”; and Section 3 “Growing trial organization”, respectively). In addition, a comprehensive set of example varieties that are well known and readily available in the territory of the authority concerned, assists breeders to provide more precise information on their varieties in the Technical Questionnaire.

(d) *Additional characteristics*

1.2.1.8 The General Introduction (Chapter 4.8; Table) explains that “additional characteristics” are “characteristics, not included in the Test Guidelines, that have been used by members of the Union in the examination of DUS and which should be considered for inclusion in future Test Guidelines.”. Additional characteristics must satisfy the criteria for use of any characteristic for DUS as set out in the General Introduction, Chapter 4.2 and must have been used to establish DUS in at least one member of the Union. Such characteristics should be reported at the relevant Technical Working Party and/or submitted to UPOV for inclusion in document TGP/5, Section 10 “Notification of Additional Characteristics”. As appropriate, such additional characteristics might be included in individual authorities’ test guidelines, or might be used by individual authorities on an *ad hoc* basis where appropriate for the examination of [a] particular variety[ies].

(e) *Modification of Test Guidelines characteristics<sup>d</sup>*

1.2.1.9 It may become necessary for a characteristic in an individual authorities’ test guidelines to be changed over time, e.g. to create new states of expression arising from breeding developments. Such changes would mean that the characteristic in the individual authorities’ test guidelines would become different from that in the Test Guidelines. In order to retain internationally harmonized variety descriptions, in particular for asterisked characteristics, such changes should be reported at the relevant Technical Working Party and/or submitted to UPOV for inclusion in document TGP/5, Section 10 “Notification of Additional Characteristics” <sup>d</sup>. In the interim, members of the Union may add a footnote in DUS reports to indicate that the characteristic in the individual authorities’ test guidelines has some differences to the characteristic in the Test Guidelines, pending consideration of a revision of the Test Guidelines by the Technical Committee.<sup>e</sup>

(f) *Revision of Test Guidelines*

1.2.1.10 A revision of Test Guidelines may lead to a change to the corresponding individual authorities’ test guidelines. In that respect, a change to the method of assessing DUS may have a significant impact on the decision for a particular candidate variety. Therefore, due consideration should be given to the process by which changes to Test Guidelines are translated into changes to the individual authorities’ test guidelines, including means of ensuring that applicants are aware of such changes.

(g) *Technical Questionnaire characteristics<sup>f</sup>*

1.2.1.11 The General Introduction (Chapter 5.3.1.4) explains that “To help in the process of examining varieties, certain information is requested from the breeder, usually through a Technical Questionnaire to be submitted with the application. The model Technical Questionnaire, included in the Test Guidelines, seeks information on specific characteristics of importance for distinguishing varieties, [...]”. Thus, the characteristics included in Chapter 10, Section 5 “Characteristics of the variety to be indicated” of the Test Guidelines



are intended to provide guidance to authorities on characteristics for which information from the breeder would be particularly useful.

## 1.2.2 Individual Authorities’ Test Guidelines in the absence of UPOV Test Guidelines

1.2.2.1 The General Introduction also states that “Where UPOV has not established individual Test Guidelines relevant to the variety to be examined, the examination should be carried out in accordance with the principles in this document and, in particular, the recommendations contained in Chapter 9, Conduct of DUS Testing in the Absence of Test Guidelines. In particular, the recommendations in Chapter 9 are based on the approach whereby, in the absence of Test Guidelines, the DUS examiner proceeds in the same general way as if developing new Test Guidelines.” Thus, in the absence of Test Guidelines, this document is also aimed at the drafters of individual authorities’ test guidelines.

1.2.2.2 As a first step, the GENIE database (*URL address will be inserted*), or document TGP/5 “Experience and Cooperation in DUS testing”: Section 9: List of Species in Which Practical Knowledge has Been Acquired or for Which National Test Guidelines Have Been Established (TGP/5/1 Section 9), can be used to identify members of the Union which have practical experience of DUS testing for the species concerned. In some cases, those members of the Union may already have prepared individual authorities’ test guidelines which can be used as a basis, thereby also helping to ensure international harmonization in DUS testing where Test Guidelines have not been developed.

1.2.2.3 In the case of authorities which require assistance in the development of individual authorities’ test guidelines in the absence of Test Guidelines, the Office of the Union (“Office”) can identify experienced UPOV DUS experts who will be able to provide assistance in that process<sup>[Note]</sup>.

1.2.2.4 Once an authority has acquired experience in testing a particular species, it should communicate this to the Office for updating of the GENIE database (*URL address will be inserted*) and document. Where considered appropriate, according to the factors for prioritizing the commissioning of Test Guidelines set out in TGP/7 “Development of Test Guidelines”, Section 2 [*cross ref.*], proposals may be made for the development of Test Guidelines.

## 1.2.3 Drafter’s Kit for Test Guidelines

To assist individual authorities’ in the drafting of their test guidelines, UPOV has provided certain practical information on the restricted area of the UPOV website ([http://www.upov.int/restrict/en/index\\_drafters\\_kit.htm](http://www.upov.int/restrict/en/index_drafters_kit.htm)) in the form of a “TG Drafter’s Kit”. To assist individual authorities in converting the Test Guidelines into a suitable form their own use, the TG Drafter’s Kit includes all adopted Test Guidelines in Word format. To provide assistance for the development of individual authorities’ test guidelines in the absence of Test Guidelines, the TG Drafter’s Kit includes, for example, an electronic version of the TG Template (document TGP/7, Annex 1 [*cross ref.*]) and the “Collection of Approved Characteristics (document TGP/7, Annex 4 [*cross ref.*]).

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<sup>[Note]</sup> the names of experts would not be published in document TGP/7: the Office of the Union would identify appropriate experts on a case-by-case basis and provide the contact details of relevant experts from the list. For information, the following experts have indicated that they would be willing to provide guidance: TWF: Mr. Erik Schulte (Germany); TWO: Mr. Henk de Greef (Netherlands); Mr. Ton Kwakkenbos (European Community); Mr. Jean Maison (European Community); Ms. Andrea Menne (Germany); TWV: Mrs. Julia Borys (Poland); Mr. Niall Green (United Kingdom); Mrs. Marian van Leeuwen (Netherlands).

## 1.3 Structure of TGP/7

This document is structured in the following way:

Section 1: Introduction (this section)

Section 2: Procedure for the Introduction and Revision of UPOV Test Guidelines

Section 3: Guidance for Drafting Test Guidelines

### 3.1 The TG Template

This section introduces the “TG Template” which provides the basic Test Guidelines structure and also the *universal* standard wording which is currently considered to be *appropriate for all Test Guidelines*. The TG Template itself is provided as Annex 1 *[cross ref.]* of this document.

### 3.2 Additional Standard Wording (ASW) for the TG Template

The “TG Template” contains the *universal* standard wording which is currently considered to be appropriate for all Test Guidelines. However, this section explains that UPOV has developed *additional* standard wording (ASW) which should be used, where appropriate, for the Test Guidelines concerned. The additional standard wording is provided in Annex 2 *[cross ref.]* of this document.

### 3.3 Guidance Notes (GN) for the TG Template

There are many aspects of the Test Guidelines where the individual drafter’s experience and knowledge are needed for preparing the Test Guidelines. This includes, for example, the selection of appropriate ASW, trial design, the identification of characteristics and selection of example varieties. The purpose of this section is to provide guidance notes on how to proceed in a harmonized way for such aspects. These guidance notes are presented in Annex 3 of this document and include guidance on the use of the collection of approved characteristics presented in Annex 4 (see GN 17) *[cross ref.]*.

Annex 1: The TG Template

Annex 2: Additional Standard Wording (ASW) for the TG Template

Annex 3: Guidance Notes (GN) for the TG Template

Annex 4: Collection of Approved Characteristics

## **SECTION 2: PROCEDURE FOR THE INTRODUCTION AND REVISION OF UPOV TEST GUIDELINES**

### **2.1 Introduction**

2.1.1 The General Introduction (Chapter 1, Section 1.4) explains that the individual Test Guidelines are prepared by the appropriate Technical Working Party, which is composed of government-appointed experts from each member of the Union with invited experts from other interested States and observer organizations. The involvement, as observer organizations, of the main international non-governmental organizations in the field of plant breeding and the seed and plant industries ensures that the knowledge and experience of breeders and the seed and plant industries are taken into account. Once developed, the Test Guidelines are submitted for approval by the Technical Committee.

2.1.2 To facilitate its work, the Technical Committee has established the Enlarged Editorial Committee (TC-EDC) which examines drafts of all Test Guidelines, produced by the Technical Working Parties, and makes recommendations before these are put forward for adoption by the Technical Committee.

#### **2.1.3 Transparency and Responsibility**

This section has been developed in recognition of the need to ensure that the procedure for the introduction and revision of Test Guidelines is transparent and to clarify responsibility for each step in the procedure.

#### **2.1.4 Leading Expert**

The procedure recognizes that the drafting of Test Guidelines is led by an expert or experts (referred to as the “leading expert” in this document) from within one of the UPOV Technical Working Parties (“the TWPs”).

#### **2.1.5 Interested Experts**

The leading expert drafts the Test Guidelines in close cooperation with all those experts of the TWPs who have expressed an interest (the “interested experts”), to ensure that the full extent of knowledge and expertise is reflected in the draft.

#### **2.1.6 The Subgroup of Interested Experts (“Subgroup”)<sup>h</sup>**

The TWP will establish a subgroup consisting of the leading expert and the other interested experts wishing to participate in the drafting of the Test Guidelines in question. For the purpose of this document, the term “subgroup” also applies where the interested experts comprise all the experts in the TWP concerned.

#### **2.1.7~~6~~ Consultation**

2.1.~~76~~.1 The drafts of Test Guidelines, prepared by the leading expert in conjunction with the interested experts, are considered at the relevant TWP meetings before submission to the Technical Committee for approval. This procedure involves the main international non-governmental organizations in the field of plant breeding and genetic resource management, by means of their invitation to participate in the meetings of the relevant TWPs and Technical Committee as observers.

2.1. ~~7.2~~ In addition, the relevant TWP may enhance the consultation of interested experts for certain Test Guidelines by the arrangement of Test Guidelines Subgroup meetings ~~between the TWP sessions, to be held, for example, at UPOV Regional Technical Meetings.~~<sup>1</sup>

## **2.2 Procedure for the Introduction of Test Guidelines**

### **2.2.1 STEP 1 Proposals for the Commissioning of Work**

The Technical Committee is responsible for the commissioning of any work concerning Test Guidelines. Proposals for the commissioning of work by the Technical Committee can be made:

- (a) by a UPOV body

Most Test Guidelines are commissioned on the basis of proposals from a TWP, but may also be proposed by the Technical Committee itself, the Council, the Consultative Committee or the Administrative and Legal Committee (hereinafter referred to as “the CAJ”).

- (b) directly to the Technical Committee by a member of the Union;

- (c) directly to the Technical Committee by an observer State or observer organization to the Technical Committee.

### **2.2.2 STEP 2 Approval of the Proposals**

2.2.2.1 The purpose of Test Guidelines is to elaborate the principles contained in the General Introduction, and its associated TGP documents, into detailed practical guidance for the harmonized examination of DUS and, in particular, to identify appropriate characteristics for the examination of DUS and production of harmonized variety descriptions. In the case of species or crops which are only of interest at a national or local level and where international harmonization is not necessary, the development of Test Guidelines may be of low priority. For such situations, UPOV still provides effective guidance for developing a robust DUS examination by means of the General Introduction and, in particular, documents TGP/7, Development of Test Guidelines, which is aimed at drafters of both (UPOV) Test Guidelines and ~~individual authorities’ national~~ test guidelines, and TGP/13, Guidance Notes for New Types and Species ~~[cross ref.]~~.

2.2.2.2 In recognition of the importance of international harmonization, the Technical Committee will take into account the following factors when considering and prioritizing the commissioning of Test Guidelines:

- (a) Total number of applications for plant breeders rights within the territories of the members of the Union.

The Technical Committee is unlikely to prioritize Test Guidelines where there are very few applications, unless certain other factors make this appropriate e.g. it is known that there is an intensive breeding effort in progress at the international level (see (e)).

(b) Number of authorities receiving applications for the varieties which would be covered by the Test Guidelines.

In general, Test Guidelines where only one or two authorities are receiving applications would not normally be given a high priority.

(c) Number of foreign applications received by members of the Union.

A high level of foreign applications indicates that international harmonization is important.

(d) Economic importance of the crop/species.

(e) The level of breeding activity.

It may be important to know if the number of new varieties is likely to increase, or decrease significantly

(f) Any other factors considered relevant by the Technical Committee.

2.2.2.3 The proposer should provide as much information as possible concerning these factors.

#### 2.2.3 STEP 3 Allocation of Drafting Work

2.2.3.1 The Technical Committee will decide which Technical Working Party or Parties should be responsible for the drafting of the Test Guidelines in question. In general, where the proposal is made by a TWP, the Technical Committee will commission the work from that same TWP, but it may decide to request the approval of another TWP before a draft is submitted for adoption.

2.2.3.2 In cases where more than one TWP has proposed the development of Test Guidelines with the same coverage, the Technical Committee will decide which TWP should be responsible for the drafting of the Test Guidelines. This will be decided on the basis of the level of expertise in the TWPs concerned. In such cases, the Technical Committee will request the approval of all other interested TWPs before a draft is submitted for adoption.

2.2.3.3 Information on proposals for the drafting of Test Guidelines by the TWPs is presented in document TC/[Session reference]/2.

#### 2.2.4 STEP 4 Preparation of Draft Test Guidelines for the Technical Working Party

##### *2.2.4.1 The Leading Expert*

The TWP will agree on a leading expert who will be responsible for preparing all drafts of the Test Guidelines until a document is agreed by the TWP.

#### 2.2.4.2 *The Subgroup of Interested Experts* (Subgroup)

The TWP will establish a subgroup consisting of the leading expert and the other interested experts wishing to participate in the drafting of the Test Guidelines in question. ~~For the purpose of this document, the term “subgroup” also applies where the interested experts comprise all the experts in the TWP concerned.~~<sup>h</sup>

#### 2.2.4.3 *Preliminary Work on Draft Test Guidelines*

Pending the commissioning of the work by the Technical Committee, the TWP may establish the subgroup (see 2.2.4.2 [cross ref.]) and preliminary work on the preparation of the Test Guidelines may commence.

#### 2.2.4.4 *Preparation of the Draft(s) by the Leading Expert with the Subgroup*

<sup>j</sup> In advance of the TWP session, the leading expert should prepare a preliminary draft of the Test Guidelines (“Subgroup draft”) for comments by the subgroup. On the basis of the comments received from the subgroup, the leading expert should establish a first draft for the TWP. The leading expert should, after consulting the members of the subgroup, establish a first draft. This draft is sent to the Office of the Union (Office) which will check, as far as possible within the time available, that the draft has been prepared according to document TGP/7 and, in particular, that it conforms with the TG/Template (Annex 1 [cross ref.]). Thereafter, it will produce a document for distribution to the members of the TWP(s) concerned for discussion at their session(s). In the case of Test Guidelines which have been considered by the relevant TWP(s) (Step 5 [cross ref.]) and where the responsible TWP has requested amendment of the draft, the leading expert should, after consulting the members of the subgroup, establish a further draft for consideration at the following TWP meeting in the manner explained above.

<sup>g</sup> Guidance information and materials to assist Leading Experts in preparing draft Test Guidelines, is provided in an area of the UPOV website restricted to Leading Experts of Test Guidelines (TG Drafters’ Webpage). The TG Drafters’ Webpage includes the following information, some elements of which are included in the TG Drafter’s Kit (see Section 1.2.3 [cross ref.]):

##### (a) General information:

- (i) Practical guide for drafters of Test Guidelines (“Practical Guide”);
- (ii) The electronic TG Template (TGP/7: Section 3.1 [cross ref.]);
- (iii) Collection of Approved Characteristics (TGP/7: Annex 4 [cross ref.]);
- (iv) Adopted Test Guidelines in Word format;
- (v) TGP/14 “Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents [cross ref.]”;

##### (b) TWP-specific information:

- (i) Leading Expert and dates for the preparation of draft Test Guidelines;
- (ii) E-mail addresses of Subgroup of interested experts<sup>k</sup>;
- (iii) Word versions of draft Test Guidelines presented at the previous TWP session (where appropriate); and
- (iv) TWP comments (extracted from the TWP report) on the draft Test Guidelines presented at the previous TWP session (where appropriate).

#### 2.2.4.5 *Subgroup Meetings*

The relevant TWP may enhance the consultation of interested experts for certain Test Guidelines by the arrangement of Test Guidelines Subgroup meetings. These Subgroup meetings may be held in conjunction with other UPOV meetings, ~~for example at UPOV Regional Technical Meetings,~~ or may be organized as a separate meeting, with or without the Office being present. The leading expert takes the results of the discussions in the Subgroup meeting into account when preparing a new draft of the Test Guidelines for consideration by the TWP.

#### 2.2.4.6 *Exchange of Plant Material*

Where appropriate, the leading expert may arrange an exchange of plant material of representative varieties in order to develop suitable grouping and asterisked characteristics.

### 2.2.5 STEP 5 Consideration of the Draft Test Guidelines by the Technical Working Parties

#### 2.2.5.1 *Draft Test Guidelines developed by a single Technical Working Party*

The TWP decides if the draft is ready for submission to the Technical Committee (Step 6 ~~[cross ref.]~~) for adoption, or whether it should be revised and re-presented at a subsequent session of the TWP (Step 4 ~~[cross ref.]~~).

#### 2.2.5.2 *Draft Test Guidelines developed jointly by more than one Technical Working Party*

Where more than one TWP is involved in drafting particular Test Guidelines, the leading TWP is the one from which the leading expert derives. The leading TWP will decide at what stage to send it to the other interested TWPs for comment. The comments from the other TWPs will be reported to the leading expert. The leading expert, in consultation with the other interested experts will then develop a revised draft for submission to all interested TWPs. Only when all interested TWPs have agreed will the draft be submitted to the Technical Committee.

#### 2.2.5.3 Requirements for draft Test Guidelines to be considered by the Technical Working Parties

Unless otherwise agreed at the TWP session, or thereafter by the TWP Chairperson, the timetable for the consideration of draft Test Guidelines by the Technical Working Parties is as follows:

<u>Action</u>	<u>Latest date before the TWP session</u>
<u>Circulation of Subgroup draft by Leading Expert:</u>	<u>14 weeks</u>
<u>Comments to be received from Subgroup:</u>	<u>10 weeks</u>
<u>Sending of draft to the Office by the Leading Expert:</u>	<u>6 weeks</u>
<u>Posting of draft on the website by the Office:</u>	<u>4 weeks</u>

In cases where *either* of the deadlines for circulation of the Subgroup draft or for the sending of the draft to the Office by the Leading Expert is not met, the Test Guidelines would be withdrawn from the TWP agenda and the Office would inform the TWP accordingly at the earliest opportunity (i.e. not later than 4 weeks before the TWP session). In

those cases where draft Test Guidelines are withdrawn from the TWP agenda because of failure by the Leading Expert to meet the relevant dates, it would be possible for specific matters concerning those Test Guidelines to be discussed at the TWP session. However, to consider specific matters it would be necessary for a document to be provided to the Office at least 6 weeks before the TWP session.

#### 2.2.5.34 *Requirements for “final” draft Test Guidelines*

The elements set out in this section only apply to those Test Guidelines which the TWP may decide are ready to submit to the Technical Committee (“final” draft Test Guidelines) and do not apply to Test Guidelines where further drafts are to be developed for discussion in subsequent sessions of the TWP. In order for the TWP to be able to agree to submit draft Test Guidelines to the Technical Committee, there are certain elements in their preparation which should, in general, be met. Thus, the TWP will, in general, only consider the submission of Test Guidelines to the Technical Committee where a “complete” draft has been issued to the members of the TWP in accordance with the schedule set out in Section 2.2.5.3 [cross ref.] ~~concerned, by the Office of the Union, four weeks prior to the TWP session. The deadline for receipt of “final” draft Test Guidelines from the leading expert, by the Office, in order to meet this deadline, is to be set by the Office in conjunction with the Chairperson of the TWP concerned.~~<sup>1</sup> A draft would be considered to be “complete” if there was no missing information from any chapter of the Test Guidelines. Thus, it should include, for example, explanations of characteristics contained in the Table of Characteristics and an appropriate set of example varieties. Where the TWP amends the “complete” draft at its session, the amendments are to be specified and approved in a report of the meeting (i.e. the report on the conclusions or detailed report), and the Test Guidelines are submitted to the Technical Committee on this basis.

#### 2.2.6 STEP 6 Submission of Draft Test Guidelines by the Technical Working Party

2.2.6.1 Once the TWP has agreed to submit particular draft Test Guidelines to the Technical Committee, the Office will prepare the necessary documents in all the UPOV languages (see also 2.2.6.2 [cross ref.]). Where the TWP has specified amendments to be made to the draft prior to submission to the Technical Committee (which will be recorded in a report of the TWP session), the Office will, if necessary in consultation with the leading expert and Chairperson of the TWP, be responsible for incorporating these amendments. Where the amendments requested by the TWP require further information to be provided to the Office by the leading expert, this should be provided within six weeks of the TWP session, or according to a deadline agreed by the chairperson of the TWP in conjunction with the Office. If specified by the TWP, this information must first be agreed by all interested experts. In general, if the leading expert is unable to provide the agreed information within the specified deadline, the Test Guidelines would be re-presented at the following TWP session (Step 4 [cross ref.]). After translation into all the UPOV languages, the Test Guidelines are issued, by the Office, to members of, and observers to, the Technical Committee. In general, the Test Guidelines are to be issued at least four weeks prior to the relevant session of the Technical Committee.

2.2.6.2 If, for any reason, it is not possible for all draft Test Guidelines to be translated prior to the relevant session of the TC, the TC-EDC will recommend to the TC the order of priority on the basis of the factors identified in Section 2.2.2.2 [cross ref.] and the amount of



translation work required for each of the Test Guidelines. Draft Test Guidelines which are not translated will resume from Step 6 for the following session.

#### 2.2.7 STEP 7 Consideration of Draft Test Guidelines by the TC-EDC

2.2.7.1 The TC-EDC has been established by the Technical Committee to examine drafts of all Test Guidelines, produced by the TWPs, before these are put forward for adoption by the Technical Committee. The role of the TC-EDC is to ensure consistency of the Test Guidelines with the requirements of document TGP/7 and to check the alignment of texts across all the official UPOV languages. It does not conduct a substantive technical review of the Test Guidelines. The members of the TC-EDC are selected by the TC, both to provide broad experience of the UPOV system and also to represent the UPOV languages – English, French, German and Spanish. The chairperson of the TC-EDC is provided by the UPOV Secretariat.

2.2.7.2 The TC-EDC reviews the draft Test Guidelines, taking into account any specific instructions from the Technical Committee, and makes a recommendation on whether the Test Guidelines are suitable for adoption (Step 8 [cross ref.]). It may make a proposal to the Technical Committee for adoption subject to amendments of an editorial nature, which it specifies.

2.2.7.3 If it considers that there are technical issues to be resolved, the TC-EDC may seek to resolve the issues with the leading expert, prior to consideration of the Test Guidelines by the Technical Committee. Where this is not possible, the TC-EDC may recommend that the Technical Committee:

- (a) refer the Test Guidelines back to the TWP (Step 4 [cross ref.]) or,
- (b) adopt the Test Guidelines subject to further information being provided by the leading expert with the agreement of all interested experts and the Chairman of the TWP concerned.

#### 2.2.8 STEP 8 Adoption of Draft Test Guidelines by the Technical Committee

2.2.8.1 The Technical Committee will, on the basis of the recommendations of the TC-EDC, decide whether to adopt the Test Guidelines, or refer them back to the TWP concerned.

2.2.8.2 Where the Technical Committee adopts the Test Guidelines, the Office will make all amendments agreed by the Technical Committee, which will be recorded in a report of the relevant Technical Committee meeting. The Office will then publish the adopted Test Guidelines.

2.2.8.3 Where the Technical Committee adopts the Test Guidelines subject to further information being provided by the leading expert with the agreement of all interested experts and the Chairman of the TWP concerned (see 2.2.7.3(b) [cross ref.]), the necessary information, agreed with all interested experts, should be provided to the Office ~~of the Union~~ within three months of the Technical Committee meeting, or before the subsequent session of the TWP concerned, whichever is the sooner. In those cases where the necessary information is not provided within this time, the Test Guidelines concerned will not be adopted and will be re-presented at the TWP concerned (Step 4 [cross ref.]).

## 2.3 Procedure for the Revision of Test Guidelines

### 2.3.1 Need for revision of Test Guidelines

Developments in plant breeding and variety production may result in a need to revise the existing Test Guidelines. For example, there may be a need to update the:

- (a) Table of Characteristics; and/or
- (b) Example varieties

### 2.3.2 Full Revision

Where there is a need to update the Test Guidelines in a comprehensive way, for example to update the Table of Characteristics, a “full revision” is undertaken and the procedure is the same as for the introduction of new Test Guidelines as set out in Section 2.2 [cross ref.].

### 2.3.3 Partial Revision <sup>e</sup>

2.3.3.1 Where it is appropriate to update only a specific part of the Test Guidelines without undertaking a comprehensive review of the entire Test Guidelines, a “partial revision” is undertaken. ~~The procedure for a partial revision is the same as that set out in Section 2.2, except that the considerations will be restricted to the elements of the Test Guidelines being revised. In particular, the other factors included as (f) in Section 2.2.2.2 would include that the work involved in this kind of revision would be considerably less than a full revision. The Technical Committee will decide on the specific aspects of the Test Guidelines which are to be revised when it commissions the work (Step 2).~~

2.3.3.2 Partial revisions often arise as a result of new breeding developments, for example requiring the introduction of a new state of expression for an existing characteristic, or a new characteristic, or as a result of new developments for characteristics such as disease resistance, for example resulting in the need for new states for disease races. In such cases, in order to retain internationally harmonized variety descriptions, in particular for asterisked characteristics, it is beneficial to have the possibility of a rapid procedure for revision of Test Guidelines. Therefore, as an alternative to following the procedure for a full revision of the Test Guidelines (see Section 2.3.2 [cross ref.]), any member of the Union or observer State or observer organization to the Technical Committee may make a proposal for a partial revision directly to the relevant TWP(s). It is not necessary for a leading expert or subgroup of interested experts to be established, although it would be beneficial for the proposer of the partial revision to consult with interested experts before developing a specific proposal.

2.3.3.3 For a partial revision of Test Guidelines, a new draft of the Test Guidelines should not be prepared. The proposer of the partial revision should prepare a TWP document specifying only the revisions to be made to the adopted Test Guidelines. The timetable for the consideration of the proposal by the Technical Working Parties is as follows:

Action	Latest date before the TWP session
Circulation of draft TWP document to TWP by proposer (to be distributed by the Office):	14 weeks
Comments to be received from TWP:	10 weeks
Sending of draft TWP document to the Office by the proposer:	6 weeks
Posting of TWP document on website by the Office:	4 weeks

[possibility of TC approval by correspondence of partial revision of asterisked characteristics of Test Guidelines]<sup>m</sup>

2.3.3.4 The procedure for approval of the proposed partial revision would be as set out in Sections 2.2.6 to 2.2.8 [cross ref.], except that reference to draft Test Guidelines would be replaced by reference to a TC document specifying the revisions to be made to the adopted Test Guidelines and the reference to leading expert and interested experts would be replaced by reference to the proposer and the TWP, respectively.

## 2.4 Procedure for the Correction of Test Guidelines

~~Where appropriate, the Technical Committee may approve factual corrections to adopted Test Guidelines.~~ The Office may make amendments to correct clear editorial mistakes in adopted Test Guidelines. These corrected Test Guidelines will be shown with “Corr.” after the TG reference. All such corrections will be reported to the Technical Committee at the first session following such corrections.<sup>n</sup>

## 2.5 Document References

### 2.5.1 TG Reference

All adopted Test Guidelines receive a reference constructed as follows:

TG / [sequential number allocated to the TG - fixed] / [version number – updated at adoption]  
e.g. TG/100/6

### 2.5.2 Introduction of New Test Guidelines

2.5.2.1 This section explains how the document references are developed for draft Test Guidelines on the basis of the following example:

Coverage of Test Guidelines: *Plantus magnifica* L. (Common name: Alpha)  
Technical Working Party: TWX

2.5.2.2 At the point of proposing/commissioning of draft Test Guidelines they are given a simple short reference by the TWP/Technical Committee based on the botanical or common name, according to which is considered the most appropriate reference. This reference is used only as a code and is based on the botanical or common name as a means of aiding recognition.

Example 1:

Draft to TWX (2005):	Alpha proj.1
Draft to TWX (2006):	Alpha proj.2
Draft to Technical Committee (2007):	Alpha proj.3
Final adopted document:	TG/500/1

Example 2:

Draft to TWX (2005):	Alpha proj.1
Draft to TWX (2006):	Alpha proj.2
Draft to TWX Subgroup Meeting (2006) (e.g. at UPOV Regional Technical Meeting):	Alpha proj.3
Draft to TWX (2007):	Alpha proj.4
Draft to Technical Committee (2008):	Alpha proj.5
Final adopted document:	TG/500/1

2.5.2.3 Thus, the progress of the document can be easily followed and versions can be produced for other TWPs and UPOV meetings and if the Test Guidelines are not put forward for adoption, the sequence of TG references is not affected.

2.5.3 Full Revision of Test Guidelines

Where existing Test Guidelines are to be fully revised, different circumstances can arise. For example, the revised Test Guidelines may be a straightforward replacement of the existing Test Guidelines or the original Test Guidelines may need to be split into two or more Test Guidelines. The document references for these two particular situations are explained below using the following starting point:

Coverage of Test Guidelines:	<i>Plantus magnifica</i> L. (Common name: Alpha)
Test Guidelines Reference:	TG/500/1
Technical Working Party:	TWX

*2.5.3.1 Replacement of Existing Test Guidelines*

In a case where TG/500/1 is being updated without any change to the coverage of the Test Guidelines, the document references would be, for example, as follows:

Example 1:

Draft to TWX (2005):	TG/500/2 proj.1
Draft to TWX (2006):	TG/500/2 proj.2
Draft to Technical Committee (2007):	TG/500/2 proj.3
Final adopted document:	TG/500/2

Example 2:

Draft to TWX (2005):	TG/500/2 proj.1
Draft to TWX (2006):	TG/500/2 proj.2
Draft to TWX Subgroup Meeting (2006) (e.g. at UPOV Regional Technical Meeting): <sup>1</sup>	TG/500/2 proj.3
Draft to TWX (2007):	TG/500/2 proj.4
Draft to Technical Committee (2008):	TG/500/2 proj.5
Final adopted document:	TG/500/2

2.5.3.2 Splitting of Existing Test Guidelines

In a case where the existing Test Guidelines are to be split – for example, into *Plantus magnifica* L. *major* and *Plantus magnifica* L. *minor* - the Technical Committee would decide on which type retains the TG/500 reference. If *Plantus magnifica* L. *major* retained the reference TG/500, it would be handled in exactly the same way as in 2.5.3.1, i.e. it would become TG/500/2. *Plantus magnifica* L. *minor* would be handled as a new document of Test Guidelines according to 2.5.3 [cross ref.] and would become TG/xxx/1.

2.5.4 Partial Revision of Test Guidelines

In the case of Test Guidelines being only partly revised this would be indicated by the addition of “Rev.”, “Rev. 2”, etc.

Example 1:

Draft to TWX (2005):	TG/500/1 Rev. proj.1
Draft to TWX (2006):	TG/500/1 Rev. proj.2
Draft to Technical Committee (2007):	TG/500/1 Rev. proj.3
Final adopted document:	TG/500/1 Rev.

Example 2:

Draft to TWX (2005):	TG/500/1 Rev. proj.1
Draft to TWX (2006):	TG/500/1 Rev. proj.2
Draft to TWX Subgroup Meeting (2006) (e.g. at UPOV Regional Technical Meeting): <sup>1</sup>	TG/500/1 Rev. proj.3
Draft to TWX (2007):	TG/500/1 Rev. proj.4
Draft to Technical Committee (2008):	TG/500/1 Rev. proj.5
Final adopted document:	TG/500/1 Rev.

2.5.5 Corrections to Test Guidelines

In the case of a correction to the Test Guidelines, this would be indicated by the addition of “Corr.”, “Corr. 2”, etc.

Example:

Starting version	TG/500/1
Corrected version	TG/500/1 Corr.

## SECTION 3: GUIDANCE FOR DRAFTING TEST GUIDELINES

### 3.1 The TG Template

3.1.1 UPOV has developed a template (the “TG Template”) containing the universal standard wording which is appropriate for all UPOV Test Guidelines (“Test Guidelines”) and which is prepared in the appropriate format. The TG Template is presented in Annex 1 [cross ref.] and should be used as the starting point for the development or revision of all Test Guidelines.

3.1.2 In addition to the TG Template, further guidance is provided for drafters of Test Guidelines on how to develop individual Test Guidelines from the TG Template. This is provided by means of additional standard wording (ASW) and guidance notes (GN) and indications are provided within the TG Template on where this further guidance is available (see Sections 3.2 and 3.3 [cross ref.]).

### 3.2 Additional Standard Wording (ASW) for the TG Template

3.2.1 As explained above, the TG Template contains the universal standard wording which is appropriate for all Test Guidelines. However, UPOV has developed additional standard wording which should be used, where appropriate, for the Test Guidelines concerned. For example, for Test Guidelines where the material is supplied in the form of seed, there is standard wording concerning the quality of the seed to be supplied. Of course, this standard wording for seed should not be included in Test Guidelines where, for example, the material is to be provided as tubers and for this reason such additional standard wording is not included in the TG Template. The additional standard wording is presented in Annex 2 [cross ref.], Additional Standard Wording (ASW) for the TG Template.

3.2.2 Where such additional standard wording is available, an insert is highlighted in the TG Template at the appropriate location, e.g.

{ **ASW 1** (TG Template: Chapter 2.3 [cross ref.]) – seed quality requirements }

### 3.3 Guidance Notes (GN) for the TG Template

3.3.1 There are many aspects of the Test Guidelines where the individual drafter’s experience and knowledge are needed for preparing the Test Guidelines. This includes, for example, the selection of appropriate ASW, trial design, the identification of characteristics and the selection of example varieties. In such situations general guidance on how to proceed in a harmonized way, in line with the experience accumulated by UPOV through the crop experts, is provided by a series of guidance notes presented in Annex 3, Guidance Notes (GN) for the TG Template.

3.3.2 Where such guidance is available for drafters, an insert is highlighted in the TG Template at the appropriate location, e.g.

{ **GN 5** (TG Template: Chapter 1.1 [cross ref.]) – Subject of the Test Guidelines: Family Name }

[Annex 1 follows]

**ANNEX 1:**  
**TG TEMPLATE**

UPOV

TG/{xx}

ORIGINAL: {xx}

DATE: {xx}

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS  
GENEVA

DRAFT

{MAIN COMMON NAME}

([types of ] botanical name)

(UPOV Code)

{ GN 1 (Cover page) – Botanical name }

GUIDELINES

FOR THE CONDUCT OF TESTS

FOR DISTINCTNESS, UNIFORMITY AND STABILITY

*prepared by [an expert] / [experts] from [drafting country(ies) / organization(s)]*

*to be considered by the*

*Technical Working Party for [xxx] at its [xxx] session, to be held in [xxx] from [xxx]*

Alternative Names: \*

Botanical name	English	French	German	Spanish

The purpose of these guidelines (“Test Guidelines”) is to elaborate the principles contained in the General Introduction (document TG/1/3), and its associated TGP documents, into detailed practical guidance for the harmonized examination of distinctness, uniformity and stability (DUS) and, in particular, to identify appropriate characteristics for the examination of DUS and production of harmonized variety descriptions.

ASSOCIATED DOCUMENTS

These Test Guidelines should be read in conjunction with the General Introduction and its associated TGP documents.

Other associated UPOV documents: { GN 2 (Cover page) – Associated Documents }

\* These names were correct at the time of the introduction of these Test Guidelines but may be revised or updated. [Readers are advised to consult the UPOV Code, which can be found on the UPOV Website (www.upov.int), for the latest information.]



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## 1. Subject of these Test Guidelines

These Test Guidelines apply to all varieties of

- { **GN 3** (Chapter 1.1) – Subject of the Test Guidelines: More than one species }
- { **GN 4** (Chapter 1.1) – Subject of the Test Guidelines: Different types or groups within a species }
- { **GN 5** (Chapter 1.1) – Subject of the Test Guidelines: Family name }
- { **GN 6** (Chapter 1.1) – Guidance for New Types and Species }

## 2. Material Required

2.1 The competent authorities decide on the quantity and quality of the plant material required for testing the variety and when and where it is to be delivered. Applicants submitting material from a State other than that in which the testing takes place must ensure that all customs formalities and phytosanitary requirements are complied with.

2.2 The material is to be supplied in the form of {xx}.

2.3 The minimum quantity of plant material, to be supplied by the applicant, should be:

- { **GN 7** (Chapter 2.3) – quantity of plant material required }
- { **ASW 1** (Chapter 2.3) – seed quality requirements }

2.4 The plant material supplied should be visibly healthy, not lacking in vigor, nor affected by any important pest or disease.

2.5 The plant material should not have undergone any treatment which would affect the expression of the characteristics of the variety, unless the competent authorities allow or request such treatment. If it has been treated, full details of the treatment must be given.

## 3. Method of Examination

### 3.1 *Number of Growing Cycles*

The minimum duration of tests should normally be:

- { **ASW 2** (Chapter 3.1(.1)) –number of growing cycles }
- { **GN 8** (Chapter 3.1.2) – explanation of the growing cycle }
- { **ASW 3** (Chapter 3.1.2) –explanation of the growing cycle (fruit-species) }

### 3.2 *Testing Place*

Tests are normally conducted at one place. In the case of tests conducted at more than one place, guidance is provided in TGP/9 “Examining Distinctness”.

### 3.3 *Conditions for Conducting the Examination*

**[3.3.1]** The tests should be carried out under conditions ensuring satisfactory growth for the expression of the relevant characteristics of the variety and for the conduct of the examination.

{ **ASW 4** (Chapter 3.3) – conditions for conducting the examination }

{ **GN 9** (Chapter 3.3) – ~~requirements for a satisfactory growing cycle~~ growth stage key }

### 3.4 *Test Design*

{ **GN 10** (Chapter 3.4) – test design }

{ **ASW 5** (Chapter 3.4) – plot design }

{ **ASW 6** (Chapter 3.4) – removal of plants or parts of plants }

### ~~3.5 *Number of Plants / Parts of Plants to be Examined*~~

{ **ASW 7** (Chapter 3.5) – ~~Number of Plants / Parts of Plants to be Examined~~ }

### ~~3.5~~ *Additional Tests*

Additional tests, for examining relevant characteristics, may be established.

## 4. Assessment of Distinctness, Uniformity and Stability

### 4.1 *Distinctness*

#### 4.1.1 General Recommendations

It is of particular importance for users of these Test Guidelines to consult the General Introduction prior to making decisions regarding distinctness. However, the following points are provided for elaboration or emphasis in these Test Guidelines.

#### 4.1.2 Consistent Differences

The differences observed between varieties may be so clear that more than one growing cycle is not necessary. In addition, in some circumstances, the influence of the environment is not such that more than a single growing cycle is required to provide assurance that the differences observed between varieties are sufficiently consistent. One means of ensuring that a difference in a characteristic, observed in a growing trial, is

sufficiently consistent is to examine the characteristic in at least two independent growing cycles.

#### 4.1.3 Clear Differences

Determining whether a difference between two varieties is clear depends on many factors, and should consider, in particular, the type of expression of the characteristic being examined, i.e. whether it is expressed in a qualitative, quantitative, or pseudo-qualitative manner. Therefore, it is important that users of these Test Guidelines are familiar with the recommendations contained in the General Introduction prior to making decisions regarding distinctness.

#### 4.1.4 Number of Plants / Parts of Plants to be Examined <sup>a</sup>

Unless otherwise indicated, all observations for the purposes of distinctness should be made on { x } plants or parts taken from each of { x } plants.

{ **ASW 7** (Chapter 4.1.4) – Number of Plants / Parts of Plants to be Examined }

#### 4.1.5 Method of Observation <sup>p</sup>

{ **GN 11.1** (Chapters 4.1.5, 6.5) – Method of observation for distinctness }

### 4.2 Uniformity

It is of particular importance for users of these Test Guidelines to consult the General Introduction prior to making decisions regarding uniformity. However, the following points are provided for elaboration or emphasis in these Test Guidelines:

{ **GN 11.2** (Chapter 4.2) – uniformity assessment }  
{ **ASW 8** (Chapter 4.2) – uniformity assessment }

### 4.3 Stability

4.3.1 In practice, it is not usual to perform tests of stability that produce results as certain as those of the testing of distinctness and uniformity. However, experience has demonstrated that, for many types of variety, when a variety has been shown to be uniform, it can also be considered to be stable.

4.3.2 { **ASW 9** (Chapter 4.3.2) – stability assessment: general }

4.3.3 { **ASW 10** (Chapter 4.3.3) – stability assessment: hybrid varieties }

## 5. Grouping of Varieties and Organization of the Growing Trial

5.1 The selection of varieties of common knowledge to be grown in the trial with the candidate varieties and the way in which these varieties are divided into groups to facilitate the assessment of distinctness are aided by the use of grouping characteristics.

5.2 Grouping characteristics are those in which the documented states of expression, even where produced at different locations, can be used, either individually or in combination with other such characteristics: (a) to select varieties of common knowledge that can be excluded from the growing trial used for examination of distinctness; and (b) to organize the growing trial so that similar varieties are grouped together.

5.3 The following have been agreed as useful grouping characteristics:

{ **GN 13.2, 13.4** (Chapter 5.3) – Grouping characteristics }

5.4 Guidance for the use of grouping characteristics, in the process of examining distinctness, is provided through the General Introduction and document TGP/9 “Examining Distinctness”.<sup>q</sup>

## 6. Introduction to the Table of Characteristics

### 6.1 *Categories of Characteristics*

#### 6.1.1 Standard Test Guidelines Characteristics

Standard Test Guidelines characteristics are those which are approved by UPOV for examination of DUS and from which members of the Union can select those suitable for their particular circumstances.

#### 6.1.2 Asterisked Characteristics

Asterisked characteristics (denoted by \*) are those included in the Test Guidelines which are important for the international harmonization of variety descriptions and should always be examined for DUS and included in the variety description by all members of the Union, except when the state of expression of a preceding characteristic or regional environmental conditions render this inappropriate.

### 6.2 *States of Expression and Corresponding Notes*

6.2.1 States of expression are given for each characteristic to define the characteristic and to harmonize descriptions. Each state of expression is allocated a corresponding numerical note for ease of recording of data and for the production and exchange of the description.

6.2.2 In the case of qualitative and pseudo-qualitative characteristics (see Chapter 6.3), all relevant states of expression are presented in the characteristic. However, in the case of quantitative characteristics with 5 or more notes, an abbreviated scale may be used to minimize the size of the Table of Characteristics. For example, in the case of a quantitative characteristic with 9 states, the presentation of states of expression in the Test Guidelines may be abbreviated as follows:

State	Note
small	3
medium	5
large	7

However, it should be noted that all of the following 9 states of expression exist to describe varieties and should be used as appropriate:

State	Note
very small	1
very small to small	2
small	3
small to medium	4
medium	5
medium to large	6
large	7
large to very large	8
very large	9

6.2.3 Further explanation of the presentation of states of expression and notes is provided in document TGP/7 “Development of Test Guidelines”.

### 6.3 *Types of Expression*

An explanation of the types of expression of characteristics (qualitative, quantitative and pseudo-qualitative) is provided in the General Introduction.

### 6.4 *Example Varieties*

Where appropriate, example varieties are provided to clarify the states of expression of each characteristic.

### 6.5 *Legend*

(\*) Asterisked characteristic – see Chapter 6 (Section 6.1.2)

(QL) Qualitative characteristic – see Chapter 6 (Section 6.3)

(QN) Quantitative characteristic – see Chapter 6 (Section 6.3)

(PQ) Pseudo-qualitative characteristic – see Chapter 6 (Section 6.3)

{ **GN 11.1** (Chapters 4.1.5, 6.5) – Method of observation for distinctness }<sup>p</sup>

{ **ASW 11** (Chapter 6.5) – Legend: Explanations covering several characteristics }

(+) See Explanations on the Table of Characteristics in Chapter 8.

7. Table of Characteristics/Tableau des caractères/Merkmalstabelle/Tabla de caracteres

- { **GN 12** Selecting a characteristic for inclusion in the Table of Characteristics }
- { **GN 14** Characteristics examined by patented methods }
- { **GN 15** Special characteristics }
- { **GN 16** New types of characteristics }
- { **GN 17** Presentation of Characteristics: Approved characteristics }

		English	français	deutsch	español	Example Varieties/ Exemples/ Beispielssorten/ Variedades ejemplo	Note/ Nota		
Char. No.	{ GN 24 Growth stage }	{ GN 18 Presentation of Characteristics: Heading of a characteristic }							
{ GN 13.1, 13.4 Asterisked characteristics }	{ GN 25 Recommendation s for conducting the examination }								
{ GN 22 Explanation of the characteristic }									
{ GN 21 Type of expression of the characteristic }	{ GN 23 Explanations covering several characteristics }	{ GN 19 Presentation of characteristics: General presentation of states of expression }				{ GN 28 Example varieties }			
		{ GN 20 Presentation of characteristics: States of expression according to type of expression of a characteristic }							

- { **GN 26** Order of characteristics in the Table of Characteristics }
- { **GN 27** Handling a long list of characteristics in the Table of Characteristics }

8. Explanations on the Table of Characteristics

- { **ASW 12.1** (Chapter 8) – Explanations covering several characteristics }
- <sup>s</sup>{ **ASW 12.2** (Chapter 8) – Definition of time of eating maturity }
- { **GN 29** (Chapter 8) – Example varieties: Names }

9. Literature

- { **GN 30** (Chapter 9) - Literature }



10. Technical Questionnaire

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
-------------------------	-----------------	-------------------

	Application date: (not to be filled in by the applicant)
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**TECHNICAL QUESTIONNAIRE**  
to be completed in connection with an application for plant breeders' rights  
{ **ASW 13** (Chapter 10: TQ title) – TQ for hybrid varieties }

1. Subject of the Technical Questionnaire
 

1.1 Botanical name

{ Botanical name }

1.2 Common name

{ Common name }

{ **ASW 14** (Chapter 10: TQ 1) – Subject of the TQ }
2. Applicant
 

Name

Address

Telephone No.

Fax No.

E-mail address

Breeder (if different from applicant)
3. Proposed denomination and breeder's reference
 

Proposed denomination  
(if available)

Breeder's reference

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
-------------------------	-----------------	-------------------

#4. Information on the breeding scheme and propagation of the variety

4.1 Breeding scheme

{ **ASW 15** (Chapter 10: TQ 4.1) – information on breeding scheme }

4.2 Method of propagating the variety

{ **GN 31** (Chapter 10: TQ 4.2) – information on method of propagating the variety }

{ **GN 32** (Chapter 10: TQ 4.2) – information on method of propagation of hybrid varieties }

5. Characteristics of the variety to be indicated (the number in brackets refers to the corresponding characteristic in Test Guidelines; please mark the note which best corresponds).

Characteristics	Example Varieties	Note
<p>{ <b>GN 13.3, 13.4</b> (Chapter 10: TQ 5) – TQ characteristics }</p>		

# Authorities may allow certain of this information to be provided in a confidential section of the Technical Questionnaire.

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
-------------------------	-----------------	-------------------

6. Similar varieties and differences from these varieties

*Please use the following table and box for comments to provide information on how your candidate variety differs from the variety (or varieties) which, to the best of your knowledge, is (or are) most similar. This information may help the examination authority to conduct its examination of distinctness in a more efficient way.*

Denomination(s) of variety(ies) similar to your candidate variety	Characteristic(s) in which your candidate variety differs from the similar variety(ies)	Describe the expression of the characteristic(s) for the <b>similar</b> variety(ies)	Describe the expression of the characteristic(s) for <b>your</b> candidate variety
<i>Example</i>	{ <b>GN 33</b> } (Chapter 10: TQ 6) – similar varieties }		
Comments:			

<b>TECHNICAL QUESTIONNAIRE</b>	Page {x} of {y}	Reference Number:
--------------------------------	-----------------	-------------------

#7. Additional information which may help in the examination of the variety

7.1 In addition to the information provided in sections 5 and 6, are there any additional characteristics which may help to distinguish the variety?

Yes [ ☐ ]                                      No                                      [ ☐ ]

(If yes, please provide details)

7.2 Are there any special conditions for growing the variety or conducting the examination?

Yes [ ☐ ]                                      No                                      [ ☐ ]

(If yes, please provide details)

7.3 Other information

{ GN 34 (Chapter 10: TQ 7.3) – variety use}

{ ASW 16 (Chapter 10: TQ 7.3) – where a photograph of the variety is to be provided }

8. Authorization for release

(a) Does the variety require prior authorization for release under legislation concerning the protection of the environment, human and animal health?

Yes                                      [ ☐ ]                                      No                                      [ ☐ ]

(b) Has such authorization been obtained?

Yes                                      [ ☐ ]                                      No                                      [ ☐ ]

If the answer to (b) is yes, please attach a copy of the authorization.

# Authorities may allow certain of this information to be provided in a confidential section of the Technical Questionnaire.

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
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9. Information on plant material to be examined or submitted for examination.

9.1 The expression of a characteristic or several characteristics of a variety may be affected by factors, such as pests and disease, chemical treatment (e.g. growth retardants or pesticides), effects of tissue culture, different rootstocks, scions taken from different growth phases of a tree, etc.

9.2 The plant material should not have undergone any treatment which would affect the expression of the characteristics of the variety, unless the competent authorities allow or request such treatment. If the plant material has undergone such treatment, full details of the treatment must be given. In this respect, please indicate below, to the best of your knowledge, if the plant material to be examined has been subjected to:

- |   |         |        |
|---|---------|--------|
| (a) Microorganisms (e.g. virus, bacteria, phytoplasma)    | Yes [ ] | No [ ] |
| (b) Chemical treatment (e.g. growth retardant, pesticide) | Yes [ ] | No [ ] |
| (c) Tissue culture  | Yes [ ] | No [ ] |
| (d) Other factors   | Yes [ ] | No [ ] |

Please provide details for where you have indicated “yes”.

.....

{ **ASW 17** (Chapter 10: TQ 9.3) – tests for the presence of virus or other pathogens }

10. I hereby declare that, to the best of my knowledge, the information provided in this form is correct:

Applicant's name

Signature

Date

[Annex 2 follows]

**ANNEX 2:**  
**ADDITIONAL STANDARD WORDING (ASW)**  
**FOR THE TG TEMPLATE**

This section presents the additional standard wording (ASW) which can be added to the standard wording within the TG Template (Annex 1). The numbering refers to the numbering in the TG Template.

*Key*

{...} Blank for the relevant information to be inserted by the drafter of the Test Guidelines.

### ASW 1 (TG Template: Chapter 2.3) – Seed quality requirements

#### *(a) Test Guidelines which only apply to seed-propagated varieties*

Alternative 1: “The seed should meet the minimum requirements for germination, species and analytical purity, health and moisture content, specified by the competent authority. In cases where the seed is to be stored, the germination capacity should be as high as possible and should, be stated by the applicant.”

Alternative 2: “The seed should meet the minimum requirements for germination, species and analytical purity, health and moisture content, specified by the competent authority.”

#### *(b) Test Guidelines which apply to seed-propagated as well as other types of varieties*

Alternative 1: “In the case of seed, the seed should meet the minimum requirements for germination, species and analytical purity, health and moisture content, specified by the competent authority. In cases where the seed is to be stored, the germination capacity should be as high as possible and should, be stated by the applicant.”

Alternative 2: “In the case of seed, the seed should meet the minimum requirements for germination, species and analytical purity, health and moisture content, specified by the competent authority.”

#### *[(c) Types of varieties with low germination]<sup>t</sup>*

### ASW 2 (TG Template: Chapter 3.1) – Number of growing cycles

#### *(a) Single growing cycle*

“The minimum duration of tests should normally be a single growing cycle.”

#### *(b) Two independent growing cycles*

“The minimum duration of tests should normally be two independent growing cycles.”

### ASW 3 (TG Template: Chapter 3.1.2) – Explanation of the growing cycle (fruit species)

#### *(a) Fruit species with clearly defined dormant period*

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

#### *(b) Fruit species with no clearly defined dormant period*

“3.1.2 The growing cycle is considered to be the period ranging from the beginning of active vegetative growth or flowering, continuing through active vegetative growth or flowering and fruit development and concluding with the harvesting of fruit.”



*<sup>u</sup>(c) Fruit species*

In the case of Test Guidelines covering fruit species, the following sentence may be added in Chapter 3.1:

“In particular, it is essential that the [trees] / [plants] produce a satisfactory crop of fruit in each of the two growing cycles.”

*<sup>v</sup>(d) Two independent cycles in the form of two separate plantings*

Where appropriate, the following sentence may be added in Chapter 3.1:

“The two independent growing cycles should be in the form of two separate plantings.”

*<sup>v</sup>(e) Two independent cycles from a single planting*

Where appropriate, the following sentence may be added in Chapter 3.1:

“The two independent growing cycles may be observed from a single planting, examined in two separate growing cycles.”

ASW 4 (TG Template: Chapter 3.3) – Conditions for conducting the examination

~~*<sup>u</sup>1. Fruit species*~~

~~In the case of Test Guidelines covering fruit species, the following sentence may be added after the first sentence of section 3.3:~~

~~“In particular, it is essential that the [trees] / [plants] produce a satisfactory crop of fruit in each of the two growing cycles.”~~

~~*2. Information for conducting the examination of particular characteristics*~~

~~*(a) Stage of development for the assessment*~~

~~“The optimum stage of development for the assessment of each characteristic is indicated by a number in the second column of the Table of Characteristics. The stages of development denoted by each number are described at the end of in Chapter 8[...].”~~

~~*(b) Type of observation*~~

~~“The recommended method of observing the characteristic is indicated by the following key in the second column of the Table of Characteristics:~~

~~MG: single measurement of a group of plants or parts of plants~~

~~MS: measurement of a number of individual plants or parts of plants~~

~~VG: visual assessment by a single observation of a group of plants or parts of plants~~

~~VS: visual assessment by observation of individual plants or parts of plants”~~

~~*(c) Type of plot for observation*~~

The following text may, for example, be added to appropriate Test Guidelines:

“The recommended type of plot in which to observe the characteristic is indicated by the following key in the second column of the Table of Characteristics:

- A: spaced plants
- B: row plot
- C: special test

“Other examples may also be developed, for example to refer to other types of plots (e.g. drilled plots).”

(d) *Observation of color by eye*

“Because daylight varies, color determinations made against a color chart should be made either in a suitable cabinet providing artificial daylight or in the middle of the day in a room without direct sunlight. The spectral distribution of the illuminant for artificial daylight should conform with the CIE Standard of Preferred Daylight D 6500 and should fall within the tolerances set out in the British Standard 950, Part I. These determinations should be made with the plant part placed against a white background. The color chart and version used should be specified in the variety description.<sup>w</sup>”

ASW 5 (TG Template: Chapter 3.4) – Plot design

(a) *Single plots*

“Each test should be designed to result in a total of at least { ... } [plants] /[trees]”

(b) *Spaced plants and row plots*

“Each test should be designed to result in a total of at least { ... } spaced plants and { ... } meters of row plot.”

(c) *Replicated plots*

“Each test should be designed to result in a total of at least { ... } plants, which should be divided between at least <sup>x</sup>{ ... } replicates.”

ASW 6 (TG Template: Chapter 3.4) – Removal of plants or parts of plants

“The design of the tests should be such that plants or parts of plants may be removed for measurement or counting without prejudice to the observations which must be made up to the end of the growing cycle.”

<sup>o</sup>ASW 7 (Chapter 3.5 4.1.4) – Number of plants / parts of plants to be examined

~~(a) *Test Guidelines where all plants in the test are observed for all characteristics*~~

The following sentence may be added where appropriate:

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

~~(b) Test Guidelines where the observation of certain characteristics is made on a sample of plants in the test~~

~~Alternative 1: “Unless otherwise indicated, all observations on single plants should be made on { x } plants or parts taken from each of { x } plants and any other observations made on all plants in the test.”~~

~~Alternative 2: “Unless otherwise indicated, all observations on single plants should be made on { x } plants or parts taken from each of { x } 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 { y }.”~~

#### ASW 8 (TG Template: Chapter 4.2) – Uniformity assessment

##### *(a) Cross-pollinated varieties*

###### *(i) Test Guidelines covering only cross-pollinated varieties*

“The assessment of uniformity should be according to the recommendations for cross-pollinated varieties in the General Introduction.”

###### *(ii) Test Guidelines covering cross-pollinated varieties and varieties with other forms of propagation*

“The assessment of uniformity for [cross-pollinated][seed-propagated] varieties should be according to the recommendations for cross-pollinated varieties in the General Introduction.”

##### *(b) Hybrid varieties*

“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.”

##### *(c) Uniformity assessment by off-types*

###### *(i) Test Guidelines covering only varieties with uniformity assessed by off-types*

“For the assessment of uniformity, a population standard of { x }% and an acceptance probability of at least { y } % should be applied. In the case of a sample size of { a } plants, [{ b } off-types are] / [1 off-type is] allowed.”

###### *(ii) Test Guidelines covering varieties with uniformity assessed by off-types and other types of varieties*

“For the assessment of uniformity of [self-pollinated] [vegetatively propagated] [seed-propagated] varieties, a population standard of { x }% and an acceptance probability of at least { y } % should be applied. In the case of a sample size of { a } plants, [{ b } off-types are] / [1 off-type is] allowed.”

ASW 9 (TG Template: Chapter 4.3.2) – Stability assessment: general Footnote: 1

(a) *Test Guidelines covering seed-propagated and vegetatively propagated varieties*

“Where appropriate, or in cases of doubt, stability may be further examined ~~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 initial material supplied.”

(b) *Test Guidelines covering only seed-propagated varieties*

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

(c) *Test Guidelines covering only vegetatively propagated varieties*

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

~~(d) *Test Guidelines covering only synthetic varieties*~~

~~“Where appropriate, or in cases of doubt, stability may be [tested] / [assessed] by testing a new seed stock to ensure that it exhibits the same characteristics as those shown by the initial material supplied.”~~

ASW 10 (TG Template: Chapter 4.3.3) – Stability assessment: hybrid varieties

“Where appropriate, or in cases of doubt, the stability of a hybrid variety may, in addition to an examination of the hybrid variety itself, also be assessed by examination of the uniformity and stability of its parent lines.”

ASW 11 (TG Template: Chapter 6.5) – Legend: Explanations covering several characteristics

“(a)-{x} See Explanations on the Table of Characteristics in Chapter 8.1”

---

<sup>11</sup> The General Introduction (Chapter 7.3.1.2) also explains that, where appropriate, or in cases of doubt, stability may also be tested by growing a further generation. However, where appropriate or in cases of doubt, in general, authorities test a new seed or plant stock. The term “initial material supplied” is considered to be more appropriate than the term “previous material supplied”, which has been used in the General Introduction (see General Introduction, Chapter 7.3.1.2).

ASW 12.1 (TG Template: Chapter 8) – Explanations covering several characteristics

“8.1 Explanations covering several characteristics

“Characteristics containing the following key in the second column of the Table of Characteristics should be examined as indicated below:

- (a)
- (b) etc.

“8.2 Explanations for individual characteristics

Ad. 1 etc.”

ASW 12.2 (TG Template: Chapter 8) – Definition of time of eating maturity)

(a) *Test Guidelines covering varieties with non-climacteric fruit (e.g. cherry, strawberry)*

“The time of eating maturity is the time when the fruit has reached optimum color, firmness, texture, aroma and flavor for consumption.”

(b) *Test Guidelines covering varieties with climacteric fruit (e.g. apple)*

“The time of eating maturity is the time when the fruit has reached optimum color, firmness, texture, aroma and flavor for consumption. Depending on the genotype, the eating maturity can occur directly after removal from the plant or after a period of storage or conditioning.”

ASW 13 (TG Template: Chapter 10: TQ Title) – TQ for hybrid varieties

“In the case of hybrid varieties which are the subject of an application for plant breeders’ rights, and where the parent lines are to be submitted as a part of the examination of the hybrid variety, this Technical Questionnaire should be completed for each of the parent lines, in addition to being completed for the hybrid variety.”

ASW 14 (TG Template: Chapter 10: TQ 1) – Subject of the TQ

(a) In the case of Test Guidelines covering more than one species, additional boxes should be added in the following format:

“1. Subject of the Technical Questionnaire (please indicate the relevant species):

1.1.1	Botanical name	[species 1]	
1.1.2	Common Name	[species 1]	[ ]
1.2.1	Botanical name	[species 2]	
1.2.2	Common Name	[species 2]	[ ]”

etc.

(b) If the Test Guidelines cover a genus or a large number of species, question 1 should be presented as follows:

“1. Subject of the Technical Questionnaire (please complete):

1.1	Botanical name
1.2	Common Name”

with the boxes left blank for completion by the applicant.

ASW 15 (TG Template: Chapter 10: TQ 4.1) – Information on breeding scheme <sup>z</sup>

(a) *Alternative 1*

“Variety resulting from:

“4.1.1 Crossing

“(a) controlled cross [ ]  
(please state parent varieties)

(.....)	x	(.....)
female parent		male parent

“(b) partially known cross [ ]  
(please state known parent variety(ies))

(.....)	x	(.....)
female parent		male parent

“(c) unknown cross [ ]

“4.1.2 Mutation [ ]  
(please state parent variety)

--

“4.1.3 Discovery and development [ ]  
(please state where and when discovered and how developed)

--

“4.1.4 Other [ ]”  
(please provide details)”

--

(b) *Alternative 2*

“Variety resulting from:

“4.1.1 Crossing

“(a) controlled cross [ ]  
(please state parent varieties)

(.....)	x	(.....)
female parent		male parent

“(b) partially known cross [ ]  
(please state known parent variety(ies))

(.....)	x	(.....)
female parent		male parent

“(c) unknown cross [ ]

“4.1.2 Discovery and development [ ]  
(please state where and when discovered and how developed)

“4.1.3 Other [ ]”  
(please provide details)”

ASW 16 (TG Template: Chapter 10: TQ 7.3) – Where ~~an image~~ ~~a photograph~~ of the variety is to be provided

“A representative color ~~image~~ ~~photograph~~ of the variety should accompany the Technical Questionnaire.”

<sup>aa</sup> [draft text to be developed indicating that guidance would be provided by the authority to enhance the usefulness of the image (e.g. to include a metric scale in the image, to define what parts of the plant should be included; light conditions, background color, etc).]

ASW 17 (TG Template: Chapter 10: TQ 9.3) – Tests for the presence of virus or other pathogens

“9.3 Has the plant material to be examined been tested for the presence of virus or other pathogens?

Yes [ ]  
(please provide details as specified by the Authority)

No [ ]” [Annex 3 follows]



**ANNEX 3:**  
**GUIDANCE NOTES (GN)**  
**FOR THE TG TEMPLATE**

This section presents guidance notes (GN) for drafters of Test Guidelines for use when developing the TG Template (Annex 1) into specific Test Guidelines. The numbering refers to the numbering in the TG Template.

## GN 1 (TG Template: Cover page) – Botanical name

The family and all elements of the botanical name, except for the elements denoting the author and classification, should be presented in italics, e.g.

*Poaceae*

not Poaceae

*Allium* L.

not Allium L.

*Beta vulgaris* L.

not *Beta vulgaris* L.

*Beta vulgaris* L. var. *conditiva* Alef. not *Beta vulgaris* L. var. *conditiva* Alef.

## GN 2 (TG Template: Cover page) – Associated Documents

“Other associated UPOV documents” seeks information on other UPOV documents which should be read in conjunction with the Test Guidelines concerned. In particular, it seeks information on other Test Guidelines which might be relevant, e.g. a user of the Field Bean Test Guidelines might wish to know that Test Guidelines also exist for Broad Bean and that, previously, these two crops were combined in a single set of Test Guidelines. Thus, the associated documents for the Field Bean Test Guidelines might be:

TG/08/4 + Corr.  
TG/xx/1

Broad Bean, Field Bean (Replaced)  
Broad Bean

It is not necessary to make reference to the General Introduction or the TGP documents which are already referenced in the paragraph above.

## GN 3 (TG Template: Chapter 1.1) – Subject of the Test Guidelines: More than one species

Separate Test Guidelines are usually drawn up for each species. It may however be considered necessary to include two or more species, a whole genus or even a larger unit in one Test Guidelines document. <sup>bb</sup>~~In some cases, the Test Guidelines developed for a particular species may be useful for another species, or hybrid species, within the same genus, for which Test Guidelines have not been specifically developed. The following example is provided to illustrate how this situation might be presented in Chapter 1:~~

### Example

~~“These Test Guidelines apply to all varieties of [*Prunus salicina* Lindl.]. These Test Guidelines may also be useful for the examination of hybrids involving *P. salicina* Lindl.”~~

~~Reference should not be made to the potential usefulness of the Test Guidelines for species other than those explicitly included in the coverage of the Test Guidelines, nor to the potential usefulness for hybrids involving the species covered by the Test Guidelines. If considered appropriate, the following sentence may be added:~~

~~“Guidance on the use of Test Guidelines for (e.g. [species in the same genus] / [interspecific hybrids] / [intergeneric hybrids]) that are not explicitly covered by~~

Test Guidelines is provided in document TGP/13 “Guidance for New Types and Species”.

GN 4 (TG Template: Chapter 1.1) – Subject of the Test Guidelines: Different types or groups within a species or genus

1. The General Introduction states that “Different groups of varieties within a species can be dealt with in separate or subdivided Test Guidelines if the categories can be reliably separated on the basis of characteristics suitable for distinctness, or where an appropriate procedure has been developed to ensure that all varieties of common knowledge will be adequately considered for distinctness”.

2. This explanation is provided to ensure that groups or types of varieties are only created where it is possible to ensure that a variety will be clearly placed into the appropriate group, or if not, that other measures are taken to ensure that all varieties of common knowledge are considered for distinctness. Thus, if the Test Guidelines cover only a group, or type, within a species, this section should explain which characteristics, or what other basis, ensure distinctness of all the varieties covered by the Test Guidelines from all other varieties.

3. The Test Guidelines should also explain the characteristics, or other basis, which allow distinctness for types or groups of varieties covered by different sets of example varieties (e.g. Winter/Spring) or should explain what other basis ensures distinctness of all the varieties covered by one type or group, from all the varieties of another.

<sup>bb</sup>4. The following example is provided to illustrate how different types or groups might be presented in Chapter 1:

Example

These Test Guidelines apply to all varieties used as rootstocks of all species of *Prunus* L. If characteristics of the flower, the fruit or the seed are necessary to examine the varieties, the Test Guidelines for Almond TG/56/3, Apricot TG/70/3, Cherry TG/35/6, European Plum TG/41/4, Japanese Plum TG/84/3, Mume (Japanese Apricot) TG/160/1 or Peach, Nectarine TG/53/6 should be used for those characteristics, as appropriate.

GN 5 (TG Template: Chapter 1.1) – Subject of the Test Guidelines: Family name

In some cases, it is also considered helpful to identify the family(ies), as indicated by the Germplasm Resources Information Network (GRIN) database (<http://www.ars-grin.gov/>).

GN 6 (TG Template: Chapter 1.1) – Guidance for new types and species

Document TGP/13, Guidance Notes for New Types and Species may provide useful information for drafters of Test Guidelines covering new types (e.g. multi- or interspecific hybrids) or species.

## GN 7 (TG Template: Chapter 2.3) –Quantity of plant material required

The drafter of the Test Guidelines should consider the following factors when determining the quantity of material required:

- (a) Anticipated level of plant establishment, from submitted plant material, for field trials or other growing tests;
- (b) Quantity of submitted plant material to be used for non-growing tests (e.g. erucic acid test for Rape seed);
- (c) Quantity of submitted plant material to be used for quality checks on the submitted plant material (e.g. germination tests for seed);
- (d) Quantity of submitted plant material to be used for reference samples;
- (e) Rate of deterioration during storage.

<sup>a</sup> In general, in the case of *plants* required only for a single growing trial (e.g. no plants required for special tests or variety collections), the number of plants requested in Chapter 2.3 should correspond to the number of plants specified in Chapters 3.4 [*cross ref.*] “Test Design” and 4.2 “Uniformity”. In that respect, it is recalled the quantity of plant material specified in Chapter 2.3 [*cross ref.*] of the Test Guidelines is the minimum quantity that an authority might request of the applicant. Therefore, each authority may decide to request a larger quantity of plant material, for example to allow for potential losses during establishment (see Section 1.1.2 (a) [*cross ref.*]).

## GN 8 (TG Template: Chapter 3.1.2) – Explanation of the growing cycle

Chapter 3.1 makes reference to the number of growing cycles. In some cases it may be necessary to clarify what is meant by a growing cycle. <sup>u v</sup> In the case of fruit species, additional ~~Additional~~ standard wording has been developed ~~for some situations~~ (see ASW 3).

~~The phrase “minimum duration of test should normally be” indicates that the duration of the test could be shorter in certain cases.~~<sup>cc</sup>

## GN 9 (TG Template: Chapter 3.3) – Requirements for a satisfactory growing cycle Growth stage key

<sup>u</sup> ~~It may be necessary to specify in this section that there must be, for example, a satisfactory crop of fruit in each of the growing cycles and that the first fruiting cycle should not be considered to produce a satisfactory crop. In the case of fruit species, additional standard wording has been developed (see ASW 4.1).~~

<sup>dd</sup> In cases where it is appropriate to provide a growth stage key for the observation of characteristics, the following is a useful guide:

“Growth stages of mono-and dicotyledonous plants - BBCH Monograph”  
(Federal Biological Research Centre for Agriculture and Forestry)

<http://www.bba.de/veroeff/bbch/bbcheng.pdf>

## GN 10 (TG Template: Chapter 3.4) – Test design

Document TGP/8, Use of Statistical Procedures in DUS Testing contains guidance on experimental design.

### GN 11.1 (TG Template: Chapters 4.1.5, 6.5) – Method of observation for distinctness

One of the following explanations should be provided in Chapters 4.1.5 and 6.5 according to the method of observation of characteristics in the Table of Characteristics:

#### (a) *Test Guidelines with characteristics with different methods of observation*

##### Text to be included in Chapter 4.1.5:

“The recommended method of observing the characteristic for the purposes of distinctness is indicated by the following key in the second column of the Table of Characteristics (see document TGP/9 “Examining Distinctness”, Section 4 “Observation of characteristics”):

MG: single measurement of a group of plants or parts of plants

MS: measurement of a number of individual plants or parts of plants

VG: visual assessment by a single observation of a group of plants or parts of plants

VS: visual assessment by observation of individual plants or parts of plants

Type of observation: visual (V) or measurement (M)

“Visual” observation (V) is an observation made on the basis of the expert’s judgment. For the purposes of this document, “visual” observation refers to the sensory observations of the experts and, therefore, also includes smell, taste and touch. Visual observation includes observations where the expert uses reference points (e.g. diagrams, example varieties, side-by-side comparison) or non-linear charts (e.g. color charts). Measurement (M) is an objective observation against a calibrated, linear scale e.g. using a ruler, weighing scales, colorimeter, dates, counts, etc.

Type of record: for a group of plants (G) or for single, individual plants (S)

For the purposes of distinctness, observations may be recorded as a single record for a group of plants or parts of plants (G), or may be recorded as records for a number of single, individual plants or parts of plants (S). In most cases, “G” provides a single record per variety and it is not possible or necessary to apply statistical methods in a plant-by-plant analysis for the assessment of distinctness.”

##### Text to be included in Chapter 6.5:

In Chapter 6.5, only the abbreviations (MG, MS, VG, VS) for the relevant methods of observation used in the Table of Characteristics should be indicated:

“[MG,] [MS,] [VG,] [VS] See Chapter 4.1.5”

*(b) Test Guidelines for which all characteristics are observed as VG*

*Text to be included in Chapter 4.1.5:*

In the case of Test Guidelines for which all characteristics are observed as VG, the following text should be included in Chapter 4.1.5:

“Document TGP/9 “Examining Distinctness”, Section 4 “Observation of characteristics”, explains that the expression of characteristics can be observed as follows:

MG: single measurement of a group of plants or parts of plants

MS: measurement of a number of individual plants or parts of plants

VG: visual assessment by a single observation of a group of plants or parts of plants

VS: visual assessment by observation of individual plants or parts of plants

Type of observation: visual (V) or measurement (M)

“Visual” observation (V) is an observation made on the basis of the expert’s judgment. For the purposes of this document, “visual” observation refers to the sensory observations of the experts and, therefore, also includes smell, taste and touch. Visual observation includes observations where the expert uses reference points (e.g. diagrams, example varieties, side-by-side comparison) or non-linear charts (e.g. color charts). Measurement (M) is an objective observation against a calibrated, linear scale e.g. using a ruler, weighing scales, colorimeter, dates, counts, etc.

Type of record: for a group of plants (G) or for single, individual plants (S)

For the purposes of distinctness, observations may be recorded as a single record for a group of plants or parts of plants (G), or may be recorded as records for a number of single, individual plants or parts of plants (S). In most cases, “G” provides a single record per variety and it is not possible or necessary to apply statistical methods in a plant-by-plant analysis for the assessment of distinctness.

The recommended method of observing all the characteristics in these Test Guidelines for the purposes of distinctness is visual assessment by a single observation of a group of plants or parts of plants (VG).”

*Text to be included in Chapter 6.5:*

In the case of Test Guidelines for which VG applies to all characteristics, no key (MG, MS, VG, VS) is provided in the second column of the Table of Characteristics and no text is required in Chapter 6.5.

GN 11.2 (TG Template: Chapter 4.2) – Uniformity assessment

*(a) Test Guidelines covering varieties with different propagation types*

In the case of Test Guidelines which cover different types of variety, combinations of the individual wordings in ASW 8 [cross ref.] can be used.

*(b) Sample size for uniformity assessment by off-types*

In the case of uniformity assessment by off-types, the number of plants in the sample (see ASW 8 (c) “sample size of {a} plants”) should, in general, be the same as the number of plants specified in Chapter 3.4 “Test Design”.

*(c) Combining observations<sup>ee</sup>*

Document TGP/10, Examining Uniformity, contains guidance on the development of appropriate uniformity standards. That document (see TGP/10/1, Section 6 “Combining all observations on a variety”) explains that the uniformity of a variety is assessed by the observation of individual plants for all relevant characteristics. In some crops, all of those characteristics are observed on all plants in the test. In other crops, some of those characteristics are observed on different samples of the variety. Furthermore, for some crops the assessment of uniformity may be on the basis of off types for certain relevant characteristics and on the basis of standard deviations for other relevant characteristics. Therefore, specific guidance for the assessment of uniformity based on the observation of all the relevant characteristics need to be defined. Some of the possible situations include:

Off-types only: all characteristics observed on the same sample (see TGP/10/1, Section 6.2;

Off-types only: characteristics observed on different samples (see TGP/10/1, Section 6.3); and

Off-types and standard deviations (see TGP/10/1, Section 6.4)

In the case of Test Guidelines where uniformity is assessed by off-types and standard deviations, the following extract from the Test Guidelines for Carrot (TG/49/8) may provide a useful example of suitable wording:

“4.2.2 Cross-pollinated varieties

“The assessment of uniformity for cross-pollinated varieties should be according to the recommendations for cross-pollinated varieties in the General Introduction. For the characteristics external color of root (characteristic 13) and color of core of root (characteristic 19), a population standard of 2% and an acceptance probability of 95% should be applied. In the case of a sample size of 200 plants, 7 off-types are allowed.”

GN 12 (TG Template: Chapter 7) – Selecting a characteristic for inclusion in the Table of Characteristics

1. The characteristics included in the Table of Characteristics are called “Standard Test Guidelines Characteristics.” The General Introduction (Chapter 4.8 Table) explains that such characteristics are those “characteristics that are accepted by UPOV for examination of DUS and from which members of the Union can select those suitable for their particular circumstances.”

2. To be included in the Table of Characteristics, the characteristic must satisfy the criteria for a Standard Test Guidelines Characteristic, namely:

(a) it must satisfy the criteria for use of any characteristic for DUS as set out in the General Introduction (Chapter 4.2) which are that it:



- (i) results from a given genotype or combination of genotypes;
  - (ii) is sufficiently consistent and repeatable in a particular environment;
  - (iii) exhibits sufficient variation between varieties to be able to establish distinctness;
  - (iv) is capable of precise definition and recognition;
  - (v) allows uniformity requirements to be fulfilled;
  - (vi) allows stability requirements to be fulfilled, meaning that it produces consistent and repeatable results after repeated propagation or, where appropriate, at the end of each cycle of propagation;
- (b) it must have been used to develop a variety description by at least one member of the Union and
- (c) where there is a long list of such characteristics and, where considered appropriate, there may be an indication of the extent of use of each characteristic.

3. One of the most important functions of the TWP, with respect to the development of Test Guidelines, is to ensure that these criteria are fulfilled before acceptance of a characteristic in the Test Guidelines.

4. Independent characteristics should be presented as separate characteristics where this improves clarity and always where it is possible to identify a separate qualitative characteristic (see GN 20.2 *[cross ref.]*). It is important that independent characteristics are split to avoid confusion. For example, in pea, marbling and anthocyanin spotting of the testa should be separated.

### GN 13 Characteristics with specific functions

#### *1. Asterisked characteristics (TG Template: Chapter 7: column 1, header row 2)*

1.1 The General Introduction (Chapter 4.8: Table: Functional Categories of Characteristics) states that asterisked characteristics are “characteristics that are important for the international harmonization of variety descriptions.” The criteria for selecting a characteristic as an asterisked characteristic are that:

- (a) it must be a characteristic included in the Test Guidelines;
- (b) it should always be examined for DUS and included in the variety description by all members of the Union except when the state of expression of a preceding characteristic or regional environmental conditions render this inappropriate;
- (c) it must be useful for the international harmonization of variety descriptions;

- (d) particular care should be taken before selection of disease resistance characteristics.

1.2 It should be clarified that criterion (b) is worded to ensure that members of the Union which are not able to examine the characteristic do not use this as a reason to object to the characteristic being agreed as an asterisked characteristic. Thus, any characteristic which satisfies the criteria and, in particular, is useful for the international harmonization of variety descriptions should be selected as an asterisked characteristic, even if it cannot be examined for all varieties or by all members of the Union. The upper limit on the number of asterisked characteristics should, therefore, be determined by the number which are required to provide useful internationally harmonized variety descriptions.

## 2. *Grouping characteristics (TG Template: Chapter 5.3)*

### 2.1 *Selection*

The General Introduction (Chapter 4.8: Table: Functional Categories of Characteristics) explains that grouping characteristics are characteristics in which the documented states of expression, even where recorded at different locations, can be used either individually or in combination with other such characteristics: to select varieties of common knowledge that can be excluded from the growing trial used for examination of distinctness, and/or to organize the growing trial so that similar varieties are grouped together.

Thus, the General Introduction specifies that grouping characteristics:

#### 1. Must be:

- (a) qualitative characteristics or,
- (b) quantitative or pseudo-qualitative characteristics which provide useful discrimination between the varieties of common knowledge from documented states of expression recorded at different locations.

#### 2. Must be useful for:

- (a) selecting varieties of common knowledge that can be excluded from the growing trial used for examination of distinctness and/or,
- (b) organizing the growing trial so that similar varieties are grouped together.

#### 3. Should be:

- (a) an asterisked characteristic and/or, (see also GN 13.4 *[cross ref.]*)
- (b) included in the Technical Questionnaire or application form.

The number of grouping characteristics is not fixed. If there are only a few characteristics which satisfy the criteria these are all likely to be selected as grouping characteristics. However, if there are many characteristics which fulfill the criteria these might not all be selected as grouping characteristics in the Test Guidelines. In the latter case, a selection of the most efficient characteristics for the uses set out in 2(a) and 2(b) might be made.

## 2.2 Color

In the case of color characteristics, where the states of expression in the Table of Characteristics are represented by the RHS Colour Chart number, color groups should be created for use of these characteristics as grouping characteristics. If the characteristic is included in the Technical Questionnaire, the color groups created for the characteristic for grouping purposes and for presenting the characteristic in the Technical Questionnaire should be the same.

### 3. *Technical Questionnaire (TQ) characteristics (TG Template: Chapter 10: TQ 5)*

3.1 The model Technical Questionnaire included in the Test Guidelines seeks information on specific characteristics of importance for distinguishing varieties.

3.2 Characteristics to be included in the Technical Questionnaire should comprise:

- (a) the grouping characteristics and
- (b) the most discriminating characteristics,

unless it is considered unrealistic to expect breeders to describe these characteristics.

3.3 Where necessary, characteristics in the Test Guidelines can be simplified (e.g. color groups can be created rather than requesting an RHS Colour Chart reference) for inclusion in the Technical Questionnaire (TQ), if this would be of assistance for the breeder completing the TQ. Furthermore, the characteristics contained in the Test Guidelines can be formulated in a different way, if breeders would then be able to describe them more precisely and the information would be useful for performing the test. For example, the TQ for peach may request information on whether the variety is a “melting” or “non-melting” type, which although not a characteristic in the Table of Characteristics would provide information on the states of expression of certain characteristics included in the Table of Characteristics.

<sup>f</sup>3.4 In the case of quantitative characteristics for which an abbreviated scale is used in the Table of Characteristics (e.g. use of 3, 5, 7 for characteristics with notes 1-9), all states of expression should be presented in the Technical Questionnaire (e.g. notes 1, 2, etc. to 9).

<sup>ff</sup>3.5 GN 13(4)(b) [cross ref.] explains that “TQ characteristics selected from the Table of Characteristics should, in general, receive an asterisk in the Table of Characteristics”. Certain characteristics, particularly disease resistance characteristics, which are potentially useful as grouping characteristics might not be indicated with an asterisk in the Table of Characteristics. In the case of disease resistance characteristics, for example, there may be obstacles to the use of the characteristic for a number of members of the Union because of technical or quarantine requirements. Those same obstacles might also make it difficult for applicants to provide information on those characteristics if they were included in the Technical Questionnaire, Section 5 “Characteristics of the variety to be indicated”. Therefore, for such characteristics, information should be sought in Section 7 “Additional information which may help in the examination of the variety” of the Technical Questionnaire. The guidance on the presentation of the characteristics for Section 5 (see GN 13.3 & 13.4 above [cross ref.]) would also apply for the presentation of characteristics in Section 7.

4. *Relationship between Asterisked, Grouping and TQ characteristics*

The relationship between grouping, asterisked and TQ characteristics can be summarized as follows:

- (a) Grouping characteristics selected from the Table of Characteristics should, in general, receive an asterisk in the Table of Characteristics and be included in the Technical Questionnaire.
- (b) TQ characteristics selected from the Table of Characteristics should, in general, receive an asterisk in the Table of Characteristics and be used as grouping characteristics. TQ characteristics are not restricted to those characteristics used as grouping characteristics;
- (c) Asterisked characteristics are not restricted to those characteristics selected as grouping or TQ characteristics.

GN 14 (TG Template: Chapter 7) – Characteristics examined by patented methods

(a) In the case of a characteristic which can be examined by a patented method, the leading expert should disclose any known information on the patent, or patent applications pending, that may relate to the assessment of the expression of the characteristic concerned. The information on known patents should include the name and contact details of the patent holder, patent registration number, and countries where the patent has been granted (or patent applications pending, if applicable).

(b) The leading expert should assess the importance of the patented method concerning the assessment of the expression of a characteristic and the suitability of alternative, non-patented methods, if available. The leading expert and relevant TWP should then decide whether it would be better to revisit the issue at a later stage or if it would be appropriate to contact the patent holder to find a suitable arrangement for utilization of the patented method. The TWP may decide to seek the advice of the Technical Committee and, if appropriate, the Technical Committee may also seek the advice of the Administrative and Legal Committee.

(c) If a decision to contact the patent holder is taken, three situations may arise:

(i) the patent holder waives his/her rights for the particular use of the patented method concerning the assessment of the expression of a characteristic for DUS testing and development of variety descriptions;

(ii) the patent holder is willing to negotiate licenses with other parties on a non-discriminatory basis and on reasonable terms and conditions;

(iii) the patent holder is not willing to cooperate with the solutions in (i) or (ii).

(d) If (c) (i) is applicable, a footnote in the corresponding characteristic(s) of the Test Guidelines should indicate that the method for assessing the expression of this characteristic is protected by patent, but that the patent holder has waived his/her rights for the

purpose of DUS testing and development of variety descriptions. The members of the TWP may decide, considering the importance of the characteristic, if it will be appropriate to select it as an asterisked characteristic.

(e) If (c) (ii) is applicable, it is recommended that the characteristic(s) concerned will not be selected as an asterisked characteristic as it will not satisfy the requirement for accessibility that enables harmonization of variety description using asterisked characteristics. The members of the TWP may decide whether interested parties would like to retain the characteristic related to the method protected by patent as a standard Test Guidelines characteristic. Interested parties may decide to start negotiations with the patent holder for licenses on a non-discriminatory basis and on reasonable terms and conditions. Such negotiations are left to the interested parties and would take place outside UPOV. An appropriate note indicating that the method concerning the assessment of the expression of the characteristic is protected by patent and that the patent holder provides for licenses on a non-discriminatory basis and on reasonable terms and conditions should be provided.

(f) If (c) (iii) is applicable, it is recommended that the characteristic(s) concerned with the method protected by patent will not be selected as an asterisked characteristic. The experts of the relevant TWP may decide, in light of the information available, e.g. experience of a member of the Union that has used the characteristic to develop a variety description, whether the characteristic should or should not be selected as a standard Test Guidelines characteristic. An appropriate note indicating that the method concerning the assessment of the expression of the characteristic is protected by patent should be provided.

#### GN 15 (TG Template: Chapter 7) – Special characteristics

Document TGP/12, Special Characteristics *[cross ref.]*, provides guidance on the use of special characteristics, e.g. resistance to diseases, insects and chemicals and chemical constituents examined by protein electrophoresis.

#### GN 16 (TG Template: Chapter 7) – New types of characteristics

Document TGP/15 *[cross ref.]*, New Types of Characteristics, provides guidance on the possible use of new types of characteristics.

#### GN 17 (TG Template: Chapter 7) – Presentation of Characteristics: Approved characteristics

A collection of characteristics, with their corresponding states of expression, which have already been approved for inclusion in existing Test Guidelines, is presented in Annex 4: “Collection of Approved Characteristics”. There are two main purposes for developing this collection: Firstly, it helps to ensure that the states of expression used for the same or similar characteristics included in Test Guidelines, are harmonized as far as possible; Secondly, the characteristics presented in the collection have already been translated into the UPOV languages. Thus, Test Guidelines utilizing characteristics from Annex 4 *[cross ref.]* will cost UPOV less and are less likely to experience delays in presentation for adoption.

Drafters of Test Guidelines are invited to search the collection for the characteristic which they wish to use. If the appropriate characteristic, and its corresponding states of expression,

are found this can be copied directly into the new Test Guidelines. However, it should be remembered that what may appear to be very similar characteristics in different types of plant, or different organs of the same plant, may in fact be under different types of genetic control. Thus, for example, in one type of plant, or one organ, the characteristic “profile” might be a qualitative characteristic e.g. straight (1), curved (2) but in another type of plant, or organ, it might be a quantitative characteristic e.g. straight or slightly curved (1), moderately curved (2), strongly curved (3).

In cases where the required characteristic is not present in the collection, guidance is provided in GN 18, GN 19 and GN 20 [*cross ref.*].

#### GN 18 (TG Template: Chapter 7: column 3) – Presentation of Characteristics: Heading of a characteristic

##### *1. General*

A characteristic normally starts by identifying the:

- plant or, alternatively, the plant part (organ) concerned,

followed, after a colon, by the

- organ or, alternatively, the sub-organ or the specialty to be observed

e.g. “Plant: number of flowers” or “Flower: width of petal” or “Petal: color of margin”.

The heading of a characteristic should be worded precisely and, if possible, be self-contained to be understood and clear without the knowledge of the states. The states should also be easily understood without the full text of the characteristic, irrespective of whether the overall text of the characteristic may appear repetitive. For example, the word “presence of” or “intensity of” could be added, even if the first state would read “absent” or “absent or very weak.” This applies particularly to cases where not only the absence/presence is to be listed as a characteristic but where a number of criteria are of importance with regard to a single organ, such as number, size, length, width, density, color, etc..

##### *2. Clarifying similar characteristics*

In the case of two or more characteristics where there is only one difference between the characteristics (e.g. lower or upper side of blade) to be observed, the part that differs should be underlined e.g.

- “lower side”, or “upper side”

##### *3. Characteristics which only apply to certain varieties*

In some cases, the state of expression of a preceding qualitative characteristic determines that a subsequent characteristic is not applicable e.g. it would not be possible to describe the shape of leaf lobes for a variety which did not have leaf lobes. In cases where this is not obvious, or where the characteristics are separated in the Table of Characteristics, the heading of the

subsequent characteristic is preceded by an underlined reference to the types of varieties to which it applies, on the basis of the preceding characteristic, e.g.:

“Only varieties with more than one seed color: Seed: distribution of secondary color”

GN 19 (TG Template: Chapter 7: column 3) – Presentation of characteristics: General presentation of states of expression

1. *Order of states of expression*

1.1 *General*

Insofar as it is possible to impose an order on the expressions inside a characteristic, the smaller, lesser or lower expressions should be assigned the lower Note. The order of states should as far as possible be:

- from weak to strong,
- from light to dark,
- from low to high,
- from narrow to broad.

1.2 *Color*

In the case of colors, in addition to the spectral order, the chronological appearance of the color (e.g. as the fruit ripens) may also be used (see also document TGP/14.2, Glossary of Botanical, Statistical and Terms Used in UPOV Documents: Botanical Terms *[cross ref.]*). The same sequence should be used for organs with similar states within a single document (e.g. color of leaf and color of stem).

1.3 *Shape*

Shapes of base and apex should go from pointed to rounded or from raised to depressed (see also document TGP/14.2, Glossary of Botanical, Statistical and Terms Used in UPOV Documents: Botanical Terms *[cross ref.]*).

1.4 *Attitude / Growth Habit*

When presenting attitude / growth habit using the: erect to horizontal; upright to prostrate; or erect to reflexed range, the state “erect / upright” is always presented as state 1. This is because the “erect / upright” state is the only fixed state for all versions of this characteristic, whilst the other end of the scale might end with “prostrate”, “reflexed,” etc. according to the individual circumstances.

2. *Hyphen (-)*

In the English wording, there should be no hyphen for the connection of the words (narrow acute, yellow green, green yellow, etc.). In English, yellow - green with a space before and after the hyphen would mean yellow to green while yellow-green without spaces would mean yellowish green. This differentiation cannot be made in other languages and, to avoid confusion for translation into other languages, hyphens should not be used.

### 3. *Numbers*

Numbers lower than 10 should be written. Higher numbers should be indicated numerically. In general, all numbers should be indicated numerically (1, 2 3, etc.) except, for example, for the states of expression in Table of Characteristics, where numerical notes are provided.<sup>gg</sup>

### 4. *Figures and Ranges*

The wording of states should take account of how the wording of the variety description would appear. Thus, it is not appropriate to use states such as “10 to 15%”, or “20 to 25 g”, but rather, for example, low/medium/high. Where such figures are useful for illustrating the states, they should be provided in Chapter 8 of the Test Guidelines (Explanations on the Table of Characteristics).

GN 20 (TG Template: Chapter 7: column 3) – Presentation of characteristics: States of expression according to type of expression of a characteristic

#### 1. *Introduction*

1.1 The General Introduction (Chapter 4, Section 4.3) states that “To enable varieties to be tested and a variety description to be established, the range of expression of each characteristic in the Test Guidelines is divided into a number of states for the purpose of description, and the wording of each state is attributed a numerical ‘Note.’ The division into states of expression is influenced by the type of expression of the characteristic ...” The General Introduction establishes that there are three basic types of expression of characteristic, namely, qualitative, quantitative and pseudo-qualitative. Whether the expression of a characteristic is qualitative, quantitative or pseudo-qualitative will depend on the genetic control of the characteristic.

1.2 When deciding on characteristics and their states of expression to be used for plant variety testing, it is important always to first observe the range of expression exhibited across varieties, note down the most appropriate wording, compare the wording with examples under the different types of expression, and to then decide whether the wording is suitable, or whether a different wording should be chosen. Throughout the process, the applicability of the wording to the particular situation in the given plant group should be ensured. However, it is useful to have some harmonized principles to ensure that similar characteristics are treated in a similar fashion.

1.3 In this section the different types of expression of characteristics, and ways of presenting these in the Table of Characteristics, are explained.

#### 2. *Qualitative characteristics*

##### 2.1 *Explanation*

The General Introduction states that “Qualitative characteristics are those that are expressed in discontinuous states (e.g. sex of plant: dioecious female (1), dioecious male (2), monoecious unisexual (3), monoecious hermaphrodite (4)). These states are self-explanatory and independently meaningful. All states are necessary to describe the full range of the characteristic, and every form of expression can be described by a single state. The order of states is not important. As a rule, the characteristics are not influenced by environment.”



## 2.2 *Separating Qualitative Characteristics*

2.2.1 The General Introduction states (Chapter 5, Section 5.3.3.2.1) that “In qualitative characteristics, the difference between two varieties may be considered clear if one or more characteristics have expressions that fall into two different states in the Test Guidelines. Varieties should not be considered distinct for a qualitative characteristic if they have the same state of expression”. These guidelines for distinctness are different from the approach for quantitative characteristics and pseudo-qualitative characteristics and, therefore, it is very important that qualitative characteristics are correctly identified for the examination of distinctness.

2.2.2 As explained in section 1.1 *[cross ref.]*, whether the expression of a characteristic is qualitative, quantitative or pseudo-qualitative will depend on the genetic control of the characteristic.

2.2.3 The relative clarity of the guidelines on distinctness for qualitative characteristics means that it can be useful to seek to identify all qualitative characteristics, even where these might be contained within a wider range of expression. For example, in cases where there is discontinuous separation between complete absence and different degrees of presence the characteristic should be split into a qualitative characteristic with the states “absent (1)” and “present (9)” and a quantitative characteristic with the appropriate notes for degrees of presence (see Section 3). In such cases, it is very important that the “absent” state has a discontinuous separation from the “weak”, or “very weak” state, and that this is unlikely to be masked by environmental effects, to avoid incorrect decisions on distinctness.

2.2.4 In the case of pseudo-qualitative characteristics it may also be possible to split the characteristic into a qualitative characteristic and a quantitative or another pseudo-qualitative characteristic. For example, the pseudo-qualitative characteristic “color: light yellow (1); medium yellow (2); dark yellow (3); green (4); light pink (5); medium pink (6); dark pink (7);” might be split into the following characteristics:

### *Qualitative characteristic*

1. Color:  
yellow (1); green (2); pink (3)

### *Quantitative characteristic*

2. Only yellow and pink varieties: Intensity of color:  
weak (3); medium (5); strong (7)

2.2.5 However, as explained above, it is very important that there is a discontinuous separation between, for example, dark yellow and green. It would also be necessary to consider the likelihood of breeding techniques producing new types of varieties which would bridge the discontinuous separation.

## 2.3 *Division of Range of Expression into States and Notes*

### 2.3.1 General Rule

In general, the states of expression of qualitative characteristics are given consecutive numbers starting with Note 1 and often have no upper limit.

### 2.3.2 Exceptions to the General Rule

#### 2.3.2.1 Ploidy

In the case of ploidy, to avoid confusion, the number of chromosome sets is accepted as the Note (e.g. diploid (2), tetraploid (4)).

#### 2.3.2.2 Absence/Presence

Where there is discontinuous separation between absence and presence, the characteristic should have the states:

absent (note 1) and  
present (note 9)

## <sup>hh</sup> 3. *Quantitative characteristics*

### 3.1 *Explanation*

The General Introduction states that “Quantitative characteristics are those where the expression covers the full range of variation from one extreme to the other. The expression can be recorded on a one-dimensional, continuous or discrete, linear scale. The range of expression is divided into a number of states for the purpose of description (e.g. length of stem: very short (1), short (3), medium (5), long (7), very long (9)). The division seeks to provide, as far as is practical, an even distribution across the scale. The Test Guidelines do not specify the difference needed for distinctness. The states of expression should, however, be meaningful for DUS assessment.”

### 3.2 *Division of Range of Expression into States and Notes*

3.2.1 In the case of quantitative characteristics, it is first necessary to determine the appropriate range to describe the characteristic. ~~In general, a standard “1-9” scale (see Section 3.3) is used for quantitative characteristics, but a “limited” range (see Section 3.4) and a “condensed” range have also been accepted (see Section 3.5).~~

The following extract from document TGP/9/1 explains that, for characteristics for which the comparison between two varieties is performed at the level of Notes (VG, mean of VS), a difference of two notes in the Test Guidelines should represent a clear difference:

[Extract for document TGP/9/1]

5.2.3.2.3 *Quantitative (QN) characteristics: vegetatively propagated and self-pollinated varieties*

[...]

5.2.3.2.3.2 [...] it is the intention that the states and Notes in the UPOV Test Guidelines are useful for the assessment of distinctness. It is recalled that this section considers the assessment of distinctness based on the information obtained from the growing trial and, therefore, refers to a situation where the states of expression and Notes are obtained for all varieties from the same growing trial in the same year. That situation is, in particular, reflected when the General Introduction states that:

“5.4.3 For quantitative characteristics, a difference of two Notes often represents a clear difference, but that is not an absolute standard for assessment of distinctness. Depending on factors, such as the testing place, the year, environmental variation or range of expression in the variety collection, a clear difference may be more or less than two Notes. Guidance is provided in document TGP/9, ‘Examining Distinctness’.”

5.2.3.2.3.3 A difference of two Notes is appropriate if the comparison between two varieties is performed at the level of Notes (VG, mean of VS). If the difference is only one Note, both varieties could be very close to the same border line (e.g. high end of Note 6 and low end of Note 7) and the difference might not be clear. When the comparison is performed at the level of measured values (MG, mean of MS) (see Section 5.2.3.3) a difference smaller than two Notes might represent a clear difference.

5.2.3.2.3.4 Document TGP/7/1, Annex 3: GN 20, explains that, in the case of quantitative characteristics, it is necessary to determine the appropriate range to describe the characteristic. In general, a standard “1-9” scale is used, but a “limited” range (Notes 1-5) and a “condensed” range (Notes 1-3) have also been accepted. Thus, when deciding on the number of Notes required to establish distinctness, the range of the scale needs to be taken into account.

In that respect, since the adoption of document TGP/9/1, document TGP/7 has been revised to remove the restriction on the scales that may be used for quantitative characteristic (see below). The number of Notes in the scale of a quantitative characteristic should be determined by the need for a difference of two Notes to represent a clear difference if the comparison between two varieties is performed at the level of Notes (VG, mean of VS) (see document TGP/9/1, Section 5.2.3.2.3.3 (reproduced above)). Thus, in the case of such a quantitative characteristic with 3 notes, only the varieties with notes 1 and 3 would be considered to have a clear difference at the level of Notes: no varieties with Note 2 would be considered to have a clear difference from any other varieties (Notes 1, 2 or 3) at the level of Notes.

3.2.2 The various Some examples of common ranges are explained in the following sections. However, beyond a minimum of 3 states, a quantitative characteristic may have any number of states, including more than 9 states, provided that the states are meaningful for DUS assessment.

### 3.3 *The “1-9” scale*

#### 3.3.1 Introduction

3.3.1.1 As a general rule, states are formed in such a way that for the weak and strong expressions a reasonable word pair is chosen, for example:

weak/strong  
short/long  
small/large

3.3.1.2 These word pairs are given Notes 3 and 7 and the intermediate state Note 5. The remaining states of the scale using Notes 1 to 9 are formed according to the following examples:

Note	State
1	very weak (or: absent or very weak)
2	very weak to weak
3	weak
4	weak to medium
5	medium
6	medium to strong
7	strong
8	strong to very strong
9	very strong

Note	State
1	very small (or: absent or very small)
2	very small to small
3	small
4	small to medium
5	medium
6	medium to large
7	large
8	large to very large
9	very large

3.3.1.3 However, it is not necessary to present all the 9 states in the Table of Characteristics and the following abbreviated versions are, in general, more appropriate:

Standard Range Version 1	Standard Range Version 2	Standard Range Version 3	Standard Range Version 4
1 very weak (or: absent or very weak)	1 very weak (or: absent or very weak)	-	-
3 weak	3 weak	3 weak	3 weak
5 medium	5 medium	5 medium	5 medium
7 strong	7 strong	7 strong	7 strong
9 very strong	-	9 very strong	-

3.3.1.4 The full range of states is equally spaced along the total scale, with the “mid-point” (“medium”) state in the middle. The states 3, 5, 7 should, as a minimum, be indicated in the Test Guidelines, but if it is necessary to list example varieties for one or both extremes, then states 1 and/or 9 should also indicated, as appropriate. In the case of the “absence/degrees of presence” range where the state 1 is, for example, “absent or very weak” (rather than “very weak”) or “absent or very small” (rather than very small), state 1 should be indicated even if example varieties cannot be provided. Experts very seldom decide to list example varieties for even states, but in this case the full range of states, 1, 2, 3, 4, 5, 6, 7, 8, 9, is listed.

~~3.3.1.5 Where the range of expression of a quantitative characteristic, for all varieties of common knowledge, is not sufficiently large to justify the use of the full “1-9” scale, it is possible to use the “limited” range (see Section 3.4), or “condensed” range, as appropriate (see Section 3.5).~~

### 3.3.2 Wording of States

3.3.2.1 The “Typical Example” (e.g. weak/strong; short/long)

#### *3.3.2.1.1 Wording of uneven states*

In the typical example of a quantitative characteristic with a “1-9” scale (see Section 3.3.1.2), states 3 and 7 are worded by using only the basic weak and strong expressions, e.g. “weak (3),” “strong (7),” or “weakly curved (3),” “strongly curved (7).” States 1 and 9 are worded by adding “very” to the wording of states 3 and 7 respectively, (“very weak (1)”, “very strong (9)” or “very weakly curved (1)”, “very strongly curved (9)”).

### 3.3.2.1.2 Wording of even states

Even states are seldom indicated in the Test Guidelines. However, where required, the even states should be worded by combining the wording of the preceding and following states, in that order, by using the word “to”, e.g. “very weak to weak (2)” (see Section 3.3.1.2).

### 3.3.2.2 Other examples

3.3.2.2.1 Quantitative characteristics do not always relate to the typical weak / strong scale. However, the same approach of describing the intensifying degrees, either side of the “mid-point” state 5, should be followed. It should be noted that state 5 is always the “mid-point” in the range of a “1-9” scale and normally worded “medium” or “intermediate,” but may also be, for example, “moderately curved” or “moderately shorter” (see example 4 below [cross ref.]) if this is the “mid-point” of the full range of expression. The following examples are provided to indicate the type of ranges for some quantitative characteristics.

State	Example 1 <b>Size relative to:</b>	Example 2 <b>Angle:</b>	Example 3 <b>Position:</b>	Example 4 <b>Length in relation to:</b>	Example 5 <b>Profile:</b>
<b>1</b>	<b>much smaller</b>	<b>very acute</b>	<b>at base</b>	<b>equal</b>	<b>strongly concave</b>
3	moderately smaller	moderately acute	one quarter from base	slightly shorter	moderately concave
<b>5</b>	<b>same size</b>	<b>right angle</b>	<b>in middle</b>	<b>moderately shorter</b>	<b>flat</b>
7	moderately larger	moderately obtuse	one quarter from apex end	much shorter	moderately convex
<b>9</b>	<b>much larger</b>	<b>very obtuse</b>	<b>at apex</b>	<b>very much shorter</b>	<b>strongly convex</b>

3.3.2.2.2 <sup>ii</sup>Except for characteristics with no fixed points on the scale (e.g. weak/strong, short/long, small/large etc.: see GN 20: 3.3.1.2 [cross ref.] for wording of states), the The wording of the states should be mutually exclusive, to avoid confusion. Thus, in Example 1 above (for which the fixed points are “smaller”, “same size”, “larger”), state 3 should not read “smaller” because this term would apply to all states from 1 to 4. Similarly, in Example 2 (for which the fixed points are “acute”, “right angle”, “obtuse”) it is necessary to word state 7 as “moderately obtuse” and not just “obtuse”—since all states 6 to 9 are obtuse.

### 3.4 “Limited” range 1-5 scale

The “limited” range, comprising a 1-5 scale, is often used where the range of expression of a characteristic is physically limited at both ends and it is not appropriate to divide the expression into more than three intermediate states. For example:

State	Example 1 <b>Stem: attitude</b>
1	erect
3	semi-erect
5	prostrate

The wording for states 2 and 4 is formulated in the same way as for the even states in the 1-9 scale (see Section 3.3.2.1.2 [cross ref.]).<sup>c</sup>

### 3.5 “Condensed” range

#### 3.5.1 Introduction

A condensed range has been accepted for some quantitative characteristics. The condensed range has been introduced to address situations where it is not appropriate to divide the expression into nine states and where at least one point on the scale is fixed. Such characteristics are normally assessed visually. The condensed range exists in a “1-3”, or “1-4” scale as follows:

#### 3.5.2 The “1-3” scale

3.5.2.1 Two versions examples of the “1-3” scale, for absence / degrees of presence (fixed state 1), have been accepted are as follows:

Example 2 1	
1	e.g. absent or weak (absent or weakly expressed)
2	moderate (or medium) (moderately expressed)
3	strong (strongly expressed)

Example 1 2	
1	e.g. absent or very weak (absent or very weakly expressed)
2	weak (weakly expressed)
3	strong (strongly expressed)

3.5.2 The following is an example of the “1-3” scale for a characteristic without a fixed state:

Example	
1	weak
2	intermediate
3	strong

3.5.2.2.3 Other examples of possible use of the “1-3” scale, are as follows:

State	Example 1 Size relative to:	Example 2 Angle:	Example 3 Position:	Example 4 Length in relation to:
1	smaller	acute	at base	equal
2	same size	right angle	in middle	slightly shorter
3	larger	obtuse	at apex	moderately shorter

#### 3.5.3 3.6 The “1-4” scale

The “1-4” scale is often can be used when there is a fixed state at one point in the scale and an asymmetric distribution of states around this state. For example:

State	Example 1 <b>Angle</b>	Example 2 <b>Profile</b>	Example 3 <b>Relative position</b>
1	acute	convex	below
2	right-angle	plane	same level
3	moderately obtuse	moderately concave	moderately above
4	strongly obtuse	strongly concave	greatly above

### ~~3.5.3.3.7~~ The “>9” scale <sup>ii</sup>

The following examples are provided to illustrate wording possibilities for scales with more than 9 notes:

#### **Example 1**

**(Test Guidelines for Lucerne:  
document TG/6/5)**

<b>Plant: tendency to grow during winter</b>	
Dormancy rating 1	1
Dormancy rating 2	2
Dormancy rating 3	3
Dormancy rating 4	4
Dormancy rating 5	5
Dormancy rating 6	6
Dormancy rating 7	7
Dormancy rating 8	8
Dormancy rating 9	9
Dormancy rating 10	10
Dormancy rating 11	11

#### **Example 2**

**(Test Guidelines for Cauliflower:  
document TG/45/7)**

<b>Earliness in summer planting</b>	
very early autumn type	1
very early to early autumn type	2
early autumn type	3
early to medium autumn type	4
medium autumn type	5
medium to late autumn type	6
late autumn type	7
late to very late autumn type	8
very late autumn type	9
very early winter type	10
very early to early winter type	11
early winter type	12
early to medium winter type	13
medium winter type	14
medium to late winter type	15
late winter type	16
late to very late winter type	17
very late winter type	18

### 3.5.4.8 Wording of States

Whereas, in the wording of a state in the “1-9 scale” (see Section 3.3.2.2 [cross ref.]) the use of simple terms such as “smaller” or “acute” is often inappropriate, such simple terms are often appropriate in the “1-3” scale (see section 3.5.2.2: Examples 1 and 2: states 1 and 3 [cross ref.]) and the “1-4” scale (see section 3.5.3: Examples 1 to 3: state 1 [cross ref.]), since they are mutually exclusive. However, it is also possible that different degrees of intensity (e.g. slightly, moderately etc.) can also be identified, in which case the use of simple terms, such as “shorter”, is inappropriate because they are not mutually exclusive (see section 3.5.2.2: Example 4: states 2 and 3; and section 3.5.3: Examples 1 to 3: states 3 and 4 [cross ref.]).

### 3.6.9 Color

3.6.9.1 Different intensities of the same color hue may be presented as quantitative characteristics, if they fulfil the requirements for a quantitative characteristic. For example:

- (a) Intensity of green color: light (3), medium (5), dark (7)
- (b) Intensity of anthocyanin coloration: weak (3), medium (5), strong (7)

3.6.9.2 The typical wording of **quantitative characteristics** ~~the “1-9 scale”, the “limited scale” or the “condensed scale”~~ should not be used to present characteristics with different hues of color, even if they appear to form a linear range with continuous variation (see Section 4.4).

## 4. Pseudo-Qualitative characteristics

### 4.1 Explanation

The General Introduction states that “In the case of ‘pseudo-qualitative characteristics,’ the range of expression is at least partly continuous, but varies in more than one dimension (e.g. shape: ovate (1), elliptic (2), circular (3), obovate (4)) and cannot be adequately described by just defining two ends of a linear range. In a similar way to qualitative (discontinuous) characteristics – hence the term ‘pseudo-qualitative’ – each individual state of expression needs to be identified to adequately describe the range of the characteristic.”

### 4.2 Division of Range of Expression into States and Notes

4.2.1 Unless it is clear that no intermediates exist between states (i.e. they are qualitative characteristics—see Section 2.2 [cross ref.]), suitably worded intermediate states should be included. For example:

#### *Qualitative characteristic*

<sup>kk</sup>Color: green (1), yellow (2), red (3)

#### *Pseudo-qualitative characteristic:*

Color: green (1), yellow green (2), green yellow (3), yellow (4), orange (5), red (6)



4.2.2 Words such as “intermediate” should preferably not be used, and should definitely not be used more than once in a single characteristic:

Shape: round (1), broad elliptic (2), elliptic (3), elliptic to ovate (4), ovate (5)  
Not: Shape: round (1), intermediate (2), elliptic (3), intermediate (4), ovate (5)

4.2.3 Where there are intermediate states, each degree of expression should have a qualifying adjective in order to make all states mutually exclusive. For example:

Color: light green (1), *medium green* (2), dark green (3), purple green (4)  
Not: Color: light green (1), *green* (2), dark green (3), purple green (4)

Shape: broad elliptic (1), *medium elliptic* (2), narrow elliptic (3), ovate (4)  
Not: Shape: broad elliptic (1), *elliptic* (2), narrow elliptic (3), ovate (4)

#### 4.3 *Individual and Combined States of Expression*

##### 4.3.1 Explanation

Some pseudo-qualitative characteristics contain two or more individual expressions and one or more combinations.

##### 4.3.2 Order of states

The order of the states is such that the combinations are listed between the alternatives. For example:

Color of spots: only green (1); green and purple (2); only purple (3)

Type of mottling: only diffuse (1); diffuse and in patches (2); diffuse, in patches and linear bands (3); diffuse and in linear bands (4).

#### 4.4 *Color*

Characteristics combining different color hues (e.g. red, green, blue etc.) with brightness (e.g. light, medium, dark) or saturation (e.g. whitish, grayish) are normally pseudo-qualitative characteristics. More guidance on color terms can be found in TGP/14.2: Botanical Terms [\[cross ref.\]](#).

#### 4.5 *Shape*

4.5.1 Characteristics containing different shapes (e.g. ovate, obovate, triangular etc.) are often pseudo-qualitative characteristics. However, characteristics concerning different sizes of the same shape should not refer to the shape in the states of expression and should be presented as quantitative characteristics. For example:

Width: narrow (3), medium (5), broad (7)  
Not: Shape: narrow ovate (1), ovate (2), broad ovate (3)

4.5.2 More guidance on shape terms can be found in TGP/14.2: Botanical Terms [\[cross ref.\]](#).

GN 21 (TG Template: Chapter 7: column 1, state of expression row 1) – Type of expression of the characteristic

In cases where the required characteristic, with a suitable scale, is not present in the collection of approved characteristics (see GN 17 [cross ref.]), GN 20: Presentation of Characteristics According to Their Type of Expression [cross ref.], provides guidance on developing an appropriate scale according to the type of expression i.e. qualitative, quantitative and pseudo-qualitative.

GN 22 (TG Template: Chapter 7: column 1, header row 3) – Explanations for individual characteristics

A plus “(+)” is indicated in the Table of Characteristics where an explanation concerning the characteristic is provided in Chapter 8, Explanations on the Table of Characteristics. In particular, such explanations include, where necessary, an illustration of the characteristic and/or its states of expression.

GN 23 (TG Template: Chapter 7: column 2, state of expression row 1) – Explanations covering several characteristics

In cases where an explanation applies to several characteristics (e.g. part of the plant on which to observe particular characteristics, illustration of plant parts, timing of observations etc.), particularly for characteristics that are not immediately consecutive in the Table of Characteristics, a note is placed in column 2 and the explanation provided in Chapter 8.1, according to ASW 11 [cross ref.]. In the case of indications of the stage of observation, those indications should be made according to GN 24 “Growth stage” [cross ref.].<sup>11</sup>

GN 24 (TG Template: Chapter 7: column 2 ~~box 1~~, header row 1) – Growth stage

In some Test Guidelines, the growth stage at which the examination of the characteristic should be done is provided here. In such cases, the stages of development denoted by each number are described in a section within Chapter 8, according to ASW 4.2 [cross ref.].

GN 25 (TG Template: Chapter 7: column 2 ~~box 2~~, header row 1 or 2) – Recommendations for conducting the examination

This box provides the key for guidance on conducting the examination. For example, recommendations on the method of observation (e.g: visual assessment or measurement; observation of single plants or a group of plants) or type of plot (e.g: spaced plants; row plot; drilled plot; special test) may be provided. ASW 4.2 [cross ref.] provides possible standard wording.

GN 26 (TG Template: Chapter 7: column 1) – Order of characteristics in the Table of Characteristics

1. The order of characteristics should, in general, follow:

<b>(a) BOTANICAL ORDER</b>
----------------------------

(i) The botanical order is as follows:

- seed (for characteristics examined on seed submitted)
- seedling
- plant (e.g. growth habit)
- root
- root system or other subterranean organs,
- stem
- leaf (blade, petiole, stipule)
- inflorescence
- flower (calyx, sepal, corolla, petal, stamen, pistil)
- fruit
- seed (for characteristics examined on seed harvested from the growing trial).

(ii) with the characteristics of the whole organ followed by those of its parts, from large to small, outer/lower parts to inner/higher parts

(iii) subject to the following exceptions:

In cases where the characteristics of a sub-organ are units of the higher organ (e.g.: Flower: arrangement of petals; flower: number of styles), these would normally be placed with the characteristics of the higher organ. However, where more practical, these can be kept together with the characteristics of the sub-organ concerned (e.g.: “Flower: arrangement of petals” could remain together with the other characteristics on the petal and “Flower: number of styles” could remain together with the other characteristics on the styles).

In general, the shape of base and apex are grouped together with the shape of the whole organ since, for practical reasons, these shapes are recorded at the same time.

<b><u>OR:</u></b>
-------------------

<b>(b) CHRONOLOGICAL ORDER;</b>
---------------------------------

followed by:

(c) Characteristic order

with the following ranking:

- attitude
- height
- length
- width
- size
- shape
- color
- other details (such as surface, etc., and individual parts of the organ such as base, apex and margin).

GN 27 (TG Template: Chapter 7) – Handling a long list of characteristics in the Table of Characteristics

1. The General Introduction (Chapter 4.8, Functional Categorization of Characteristics) clarifies that the function of characteristics included in the Test Guidelines is to provide a list of UPOV accepted characteristics from which users can select those suitable for their particular circumstances. The criteria for inclusion in the Test Guidelines are that they must satisfy the basic requirements for a characteristic set out in the General Introduction (Chapter 4.2, Selection of Characteristics) and must have been used to develop a variety description by at least one member of the Union. Through the work of its TWPs, UPOV provides a system of “quality control” by ensuring that any characteristics included in the Test Guidelines meet these criteria.

2. The purpose and criteria set out above demonstrate the intention that the Test Guidelines should contain all characteristics which are suitable for examination of DUS and that there should be no restriction, on the inclusion of characteristics in Test Guidelines, on the basis of the degree of use. This intention is confirmed by recognition that, in the case of a long list of characteristics, an indication of the extent of use of each characteristic might be considered.

3. In cases where certain characteristics are most useful in certain environments (e.g. cooler climates), the TWP may decide to indicate this in the Table of Characteristics to help users to select the most suitable characteristics for their circumstances. Furthermore, in some circumstances the TWP may consider that it is unhelpful to include all those characteristics which fulfill the criteria for inclusion and, if there is a full consensus amongst all interested experts, may agree to omit certain characteristics. Such omitted characteristics would then be included in document TGP/5, Experience and Cooperation in DUS Testing, in the section on “Notification of Additional Characteristics”.

GN 28 (TG Template: Chapter 6.4) – Example varieties

<sup>mm</sup>Experts from France to develop a document, based on GN 28, for discussion at the TWP sessions in 2009.

## 1. Purpose of example varieties

The General Introduction (Chapter 4.3) states that “example varieties are provided in the Test Guidelines to clarify the states of expression of a characteristic.” This clarification of the states of expression is required with respect to two aspects:

- (a) to illustrate the characteristic and/or
- (b) to provide the basis for ascribing the appropriate state of expression to each variety and, thereby, to develop internationally harmonized variety descriptions.

### 1.1 Illustration of a characteristic

Although example varieties have the benefit of enabling examiners to see a characteristic in “real life”, in many cases, the illustration of a characteristic by photographs or drawings (to be provided in chapter 8 of the Test Guidelines) may provide a clearer illustration of the characteristic. Furthermore, the difficulty in selecting suitable example varieties, which satisfy all the requirements in Section 2 below *[cross ref.]*, means that photographs or drawings are an important alternative or addition to example varieties as a means of illustrating characteristics.

### 1.2 International Harmonization of Variety Descriptions

1.2.1 The main reason why example varieties are used in place of, for example, actual measurements is that measurements can be influenced by the environment. The following hypothetical and simplistic example has been created to demonstrate why example varieties are superior to absolute measurements in this respect.

#### Example: Characteristic to be examined: Leaf length

1.2.2 Figure 1 compares the results for a candidate variety “X” from DUS growing trials in country A and country B:

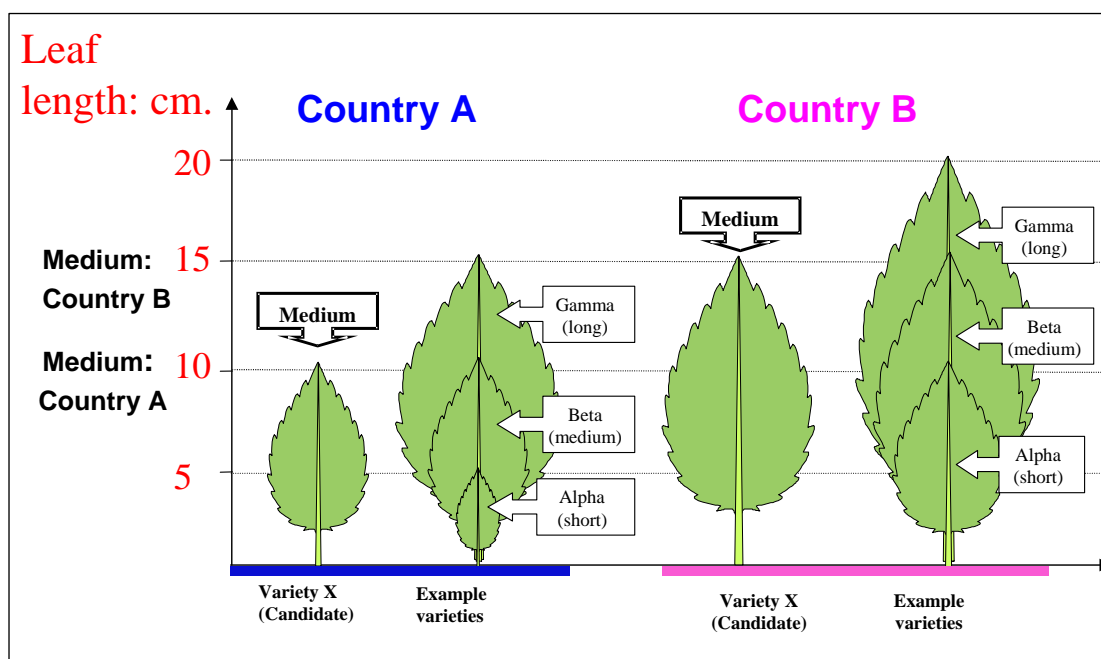


Figure 1

(a) Example varieties in the Test Guidelines

1.2.3 Example varieties are important to adjust the description of the characteristics for the year and location effects, as far as possible. Thus, using the relative scale provided by the example varieties, it can be seen that the example variety Beta measured 10 cm in Country A and 15 cm in Country B, but in both locations demonstrates the state of expression “medium”. On this basis, candidate variety X would be considered to have a medium length leaf in both Countries A and B.

	Example Varieties	Note
<b>Leaf: length of blade</b>		
short	Alpha	3
medium	Beta	5
long	Gamma	7

(b) Fixed measurements in the Test Guidelines

1.2.4 If absolute measurements were to be indicated in the Test Guidelines and the Test Guidelines were drafted in Country A on the basis of the data from Figure 1 [cross ref.], the Table of Characteristics would show the following:

	Length	Note
<b>Leaf: length of blade</b>		
short	5 cm	3
medium	10 cm	5
long	15 cm	7

1.2.5 Because there is no “relative scale” provided by the example varieties, the same data as for Figure 1 [cross ref.] would lead to the following descriptions:

	Country A	Country B
Variety X	10 cm (medium: note 5)	15 cm (long: note 7)

1.2.6 Thus, if absolute measurements were used in the Test Guidelines, variety X, when grown in Country A, would be described as “medium (note 5)”, but if grown in Country B, would be described as “long (note 7)”. This demonstrates that it could be very misleading to compare descriptions from different locations on the basis of absolute measurements, without the adjustment for year or location effects provided by example varieties.

1.2.7 Nevertheless, because of the possibility of particular interactions between the variety genotype and location (e.g. influence of photoperiod), it should not be assumed that

descriptions developed in different countries or locations using the same set of example varieties will be the same (see also section 2.2 [cross ref.]). Guidance on the scope for comparison of varieties on the basis of descriptions produced in different locations is provided in document TGP/9, Examining Distinctness.

## 2. *Criteria for Example Varieties*

### 2.1 *Availability*

Authorities responsible for DUS testing and breeders need to be able to obtain plant material of example varieties and therefore, in general, example varieties should be widely and readily available for the coverage of the Test Guidelines (see also Section 4 “Multiple sets of example varieties” [cross ref.]). For this reason, at the point of starting to draft Test Guidelines, drafters are encouraged to seek lists of varieties from interested parties in order to identify example varieties with the widest availability. If an example variety it is not widely available, it should only be recommended if there are specific reasons for this, for example, if it is the only variety with a particular state of expression for a given characteristic.

### 2.2 *Fluctuation of expression*

The example variety should provide a clear example of the state of expression. Any fluctuation in the expression of the example variety for the given state for which it has been selected, in relation to other varieties in the collection, would lead to problems for harmonization of variety descriptions. If varieties are prone to such fluctuations, it is an indication of a specific variety genotype / location interaction which would make it difficult to harmonize variety descriptions on an international basis. In such cases, a single set of example varieties should not be provided in the Test Guidelines because it would be misleading and may even lead to an incorrect interpretation of the characteristic (see also section 1.2.7 [cross ref.]).

### 2.3 *Illustration of the range of expression within the variety collection*

The set of example varieties for a given characteristic should provide information on the range of expression of the characteristic in the collection of varieties covered by the Test Guidelines. Thus, in general, it is necessary to provide example varieties for more than one state of expression and in the case of:

Quantitative characteristics:

- (i) “1-9” scale: to provide example varieties for at least three states of expression (e.g. (3), (5) and (7)), although, in exceptional cases, example varieties for only two states of expression may be accepted;
- (ii) “1-5” / “1-4” / “1-3” scales: to provide example varieties for at least two states of expression.

Pseudo-qualitative characteristics: to provide a set of example varieties to cover the different types of variation within the range of expression of the characteristics.

### 2.4 *Minimizing the number*

For practical reasons it is recommended to choose the overall set of example varieties for the Test Guidelines in a way that all the desired characteristics and states of expression are

covered by the minimum total number of example varieties. This means that, if possible, each example variety should be used for as many characteristics as possible and example varieties should not be used only for one or very few characteristics.

## 2.5 *Agreement of interested experts*

2.5.1 The set of example varieties proposed by the leading expert in the preparation of the Test Guidelines should be prepared in cooperation with all the interested experts. If one or more expert(s) consider(s) that certain example varieties are not suitable for their conditions, a new example variety should, if possible, be found (see also Section 4 “Multiple sets of example varieties” *[cross ref.]*).

2.5.2 It is important that the set of example varieties for a particular characteristic is developed by one expert in order to ensure that the set of example varieties for that characteristic represents the same scale. Example varieties proposed by other experts, for the same characteristic, should be known to represent the same scale before they are accepted in Test Guidelines. In cases where it is necessary to develop a separate scale for different types of variety, or different regions, multiple sets of example varieties may need to be developed (see Section 4 “Multiple sets of example varieties” *[cross ref.]*).

## 3. *Deciding where example varieties are needed for a characteristic*

3.1 The General Introduction (Chapter 4.3) states that “example varieties are provided in the Test Guidelines to clarify the states of expression of a characteristic.” As explained in Section 1, this clarification of the states of expression is required with respect to two aspects:

- (a) to illustrate the characteristic and/or
- (b) to provide the basis for ascribing the appropriate state of expression to each variety and, thereby, to develop internationally harmonized variety descriptions.

3.2 UPOV has, in particular, identified “Asterisked Characteristics” as those which are important for the international harmonization of variety descriptions.

3.3 The decision on whether example varieties are required for a characteristic can be summarized as follows:

(i) If a characteristic is not important for the international harmonization of variety descriptions (non-asterisked characteristic) and example varieties are not necessary for illustration of the characteristic (see Section 1.1 *[cross ref.]*), there is no requirement for example varieties to be provided.

(ii) If a characteristic which is important for the international harmonization of variety descriptions (asterisked characteristic) is not influenced by the year or environment (e.g. qualitative characteristics) and example varieties are not necessary for illustration of the characteristic (see Section 1.1 *[cross ref.]*), it may not be necessary to provide example varieties.

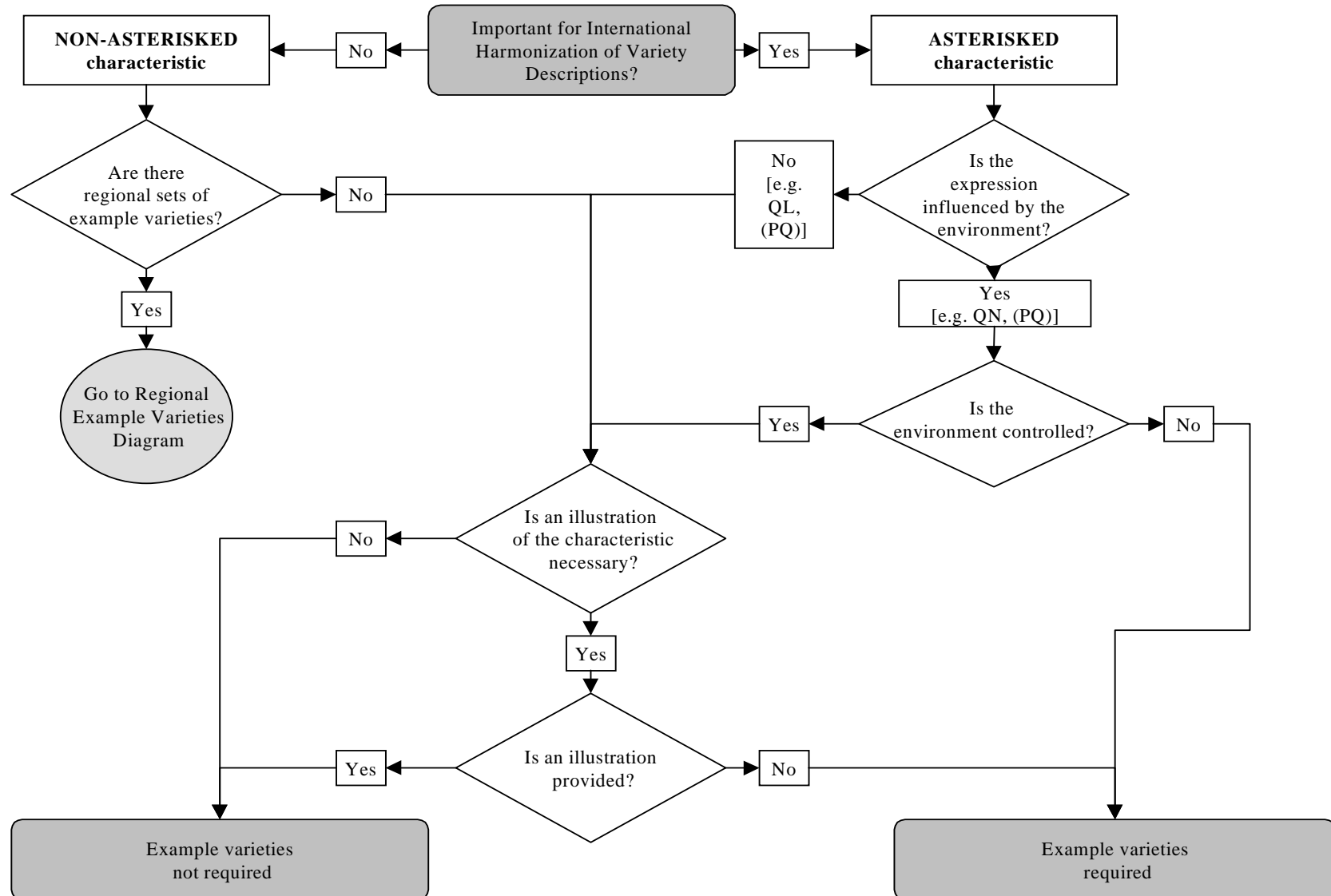
(iii) If a characteristic is important for the international harmonization of variety descriptions (asterisked characteristics) and is influenced by the environment (most quantitative and pseudo-qualitative characteristics) or example varieties are necessary for



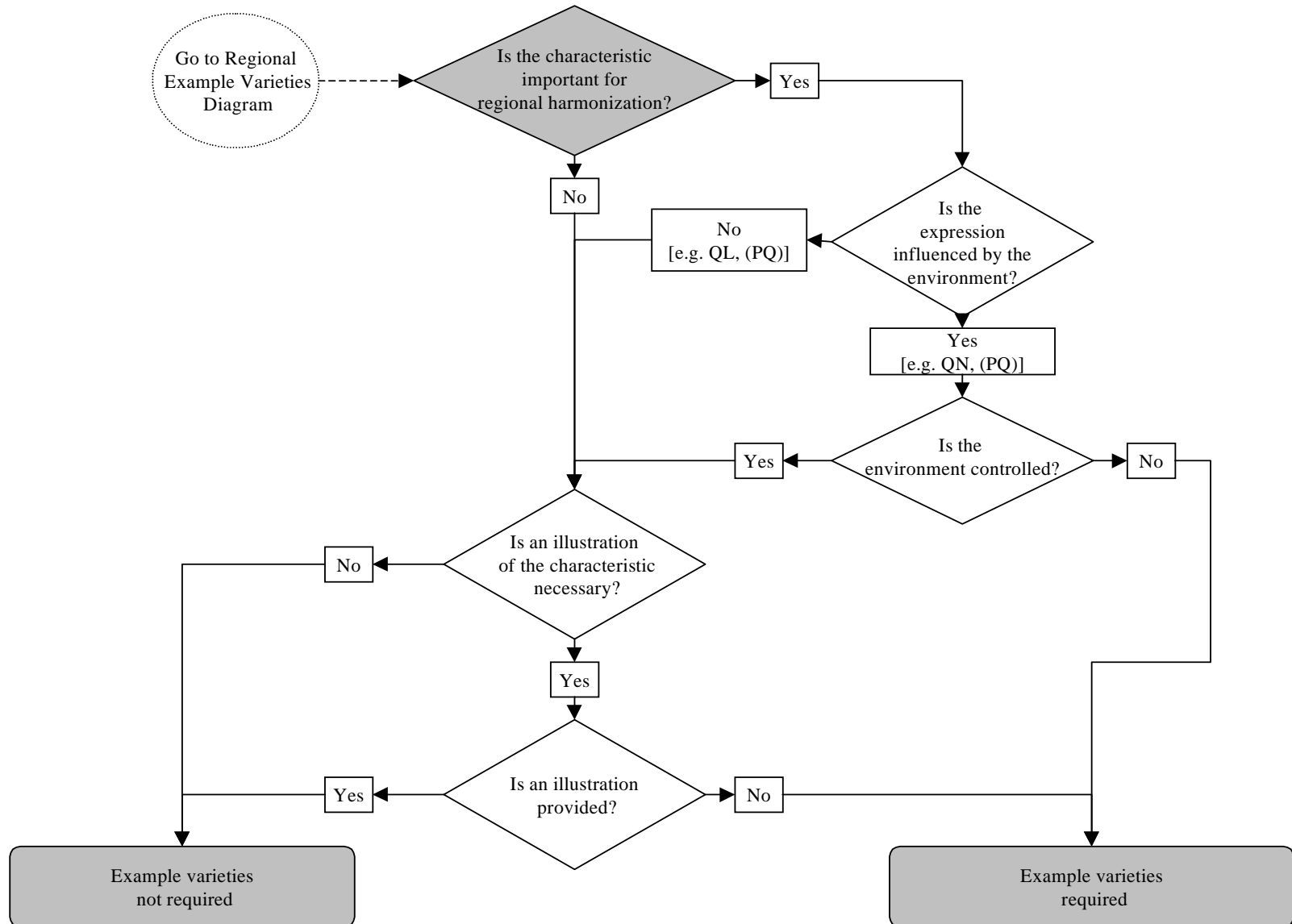
illustration of the characteristic (see Section 1.1 *[cross ref.]*) it is necessary to provide example varieties.

3.4 The process for deciding if example varieties need to be provided for a characteristic is illustrated in the following Flow Diagram 1 ref. The second part of the Flow Diagram 2 indicates where example varieties should be provided in the case of regional sets of example varieties (see Section 4 *[cross ref.]*).

### Deciding if Example Varieties are needed for a characteristic



## Deciding if Example Varieties are needed for a characteristic: Regional Sets of Example Varieties



#### 4. *Multiple sets of example varieties*

##### 4.1 *Introduction*

4.1.1 The General Introduction states that “Different groups of varieties within a species can be dealt with in separate or subdivided Test Guidelines if the categories can be reliably separated on the basis of characteristics suitable for distinctness, or where an appropriate procedure has been developed to ensure that all varieties of common knowledge will be adequately considered for distinctness.”

4.1.2 This explanation is provided to ensure that groups or types of varieties are only created where it is possible to ensure that a variety will be clearly placed into the appropriate group or, if not, that other measures are taken to ensure that all varieties of common knowledge are considered for distinctness. Thus, if the example varieties in the Test Guidelines cover only a group, or type, within a species, the Test Guidelines should explain which characteristics, or what other basis, ensure distinctness of all the varieties of one type of variety from all the varieties of the other types.

##### 4.2 *Regional sets of example varieties*

###### 4.2.1 *Basis for regional sets of example varieties*

UPOV Test Guidelines need to cover all the different countries, regions and environments where the DUS examinations are conducted and, as far as possible, they provide universal sets of example varieties in order maximize harmonization of variety descriptions. However, the regional adaptation of varieties in some genera and species may mean that it is inappropriate to seek to harmonize variety descriptions on a global basis and, therefore, inappropriate to seek to develop a universal set of example varieties. Nevertheless, in such cases, regional harmonization is important and is facilitated by providing regional sets of example varieties as summarized in the flow diagram in section 3.4 [*cross ref.*]. The rationale for identifying regional types will be explained in the Test Guidelines and, where appropriate, correlation between the different regional sets of example varieties may be established.

###### 4.2.2 *Procedure for developing regional sets*

4.2.2.1 In cases where the relevant TWP agrees to the development of regional sets of example varieties, the TWP concerned will determine the regions and the contributors of regional lists of varieties.

4.2.2.2 In cases where it is known by the relevant TWP that regional sets of example varieties are to be developed, this will be stated in the Test Guidelines.

###### 4.2.3 *Presentation*

4.2.3.1 The existence of multiple sets of example varieties means that, for some or all characteristics, no example varieties are presented in the Table of Characteristics and the multiple sets of example varieties are presented in an annex available on the UPOV Website which is presented as follows:

	Region A					
Example varieties	Ch. 1	Ch. 2	Ch. 3	Ch. 4	Ch. 5	<i>etc.</i>
Variety A	3	1	3		3	
Variety B	5	2	7	1	1	
Variety C	7	3	5	9	2	
Variety D		4			4	
<i>etc.</i>						

	Region B					
Example varieties	Ch. 1	Ch. 2	Ch. 3	Ch. 4	Ch. 5	<i>etc.</i>
Variety I	3	4	5		1	
Variety II	5	2	3	1	2	
Variety III	7	1	7	9	3	
Variety IV		3			4	
<i>etc.</i>						

4.2.3.2 Even where the “example variety” column is empty (i.e. there are no universal example varieties for any characteristic), the column is retained in the Table of Characteristics to allow users to complete this with the appropriate example varieties.

#### 4.3 Different types of variety

4.3.1 If it is not possible, with a single set of example varieties, to describe all the types of varieties (e.g. winter-types and spring-types) covered by the same Test Guidelines, they may be subdivided to create different sets of example varieties.

4.3.2 Where different sets of example varieties are provided for different types of varieties covered by the same Test Guidelines, they are placed in the Table of Characteristics in the same column as normal. The two sets of example varieties (e.g. winter and spring) are separated by a semicolon, with a key provided for each set and an explanation included in the legend of chapter 6 of the Test Guidelines.

Example: For certain characteristics, different example varieties are indicated for winter type and spring type varieties. These types are separated by a semicolon, with the winter types placed before the semicolon and prefixed by “(w)” and the spring types placed after the semicolon and prefixed by “(s)”.

Stage/ Stade/ Stadium/ Estado	English	français	deutsch	español	Example Varieties/ Exemples/ Beispielssorten/ Variedades ejemplo	Note/ Nota
<b>7.</b> <b>(*)</b> <b>(+)</b>	<b>25-29</b> <b>M</b>	<b>Plant: <del>growth</del> habit</b>	<b>Plante: port</b>	<b>Pflanze: <del>Wuchs-</del>form</b>	<b>Planta: porte</b>	
	erect	dressé	aufrecht	erecto		4
	semi-erect	demi-dressé	halbaufrecht	semierecto	(w) Variety A; Variety C; (s) Alpha	3
	intermediate	demi-dressé à demi-étalé	mittel	intermedio	(w) Variety B; (s) Beta	5
	semi-prostrate	demi-étalé	halbliiegend	semipostrado	;(s) Gamma	7
	prostrate	étalé	liegend	postrado		9
<b>7.</b> <b>(*)</b> <b>(+)</b>	<b>75-92</b> <b>MG/MS</b>	<b>Plant: length<sup>nn</sup></b>	<b>Plante: port</b>	<b>Pflanze: Wuchs- form</b>	<b>Planta: porte</b>	
	short	courte	kurz	corta	(w) Variety A; Variety C; (s) Alpha	3
	medium	moyenne	mittel	media	(w) Variety B; (s) Beta	5
	long	longue	lang	larga	;(s) Gamma	7

## GN 29 (TG Template: Chapter 8: Example varieties: names)

### *1. Presentation of variety names*

The recommendation of the International Code for the Nomenclature of Cultivated Plants (ICNCP), that variety names should be presented in single citation marks (e.g. ‘Apex’) when presented in text, should be followed.

### *2. Synonyms*

#### *2.1 Example varieties which are, or have been, protected or officially registered:*

Where such a variety is used as an example variety and has been registered with a different denomination by some members of the Union, the denomination used in the Table of Characteristics should be the denomination by which it was registered by the first member of the Union granting protection to that variety. Other denominations may be presented in Chapter 8, but only where the alternative denominations clearly, and exclusively, identify the variety concerned.

#### *2.2 Example varieties which have not been protected or officially registered:*

In the case of a variety, used as an example variety, which has not been protected or officially registered, the denomination used in the Table of Characteristics should be that by which the

variety is most widely known by members of the Union. Where necessary, any alternative names (synonyms) may be presented in Chapter 8, but only where the alternative names clearly, and exclusively, identify the variety concerned.

2.3 Where synonyms of example varieties are presented in Chapter 8 of the Test Guidelines, this should be indicated in Chapter 6: Section 6.4 “Example Varieties” of the Test Guidelines concerned.

#### GN 30 (TG Template: Chapter 9) - Literature

##### *1. Format*

Literature should be presented as follows:

[Surname 1], [Initials 1]., [Surname 2], [Initials 2] *etc.* ., [Year]: [Title]. [Publication]. [Town], [City / Region], [Country\*], [pp. n<sub>1</sub> to n<sub>2</sub> or x pp.]

\* presented as two-letter country code according to WIPO Standard ST.3 and International Standard ISO 3166.

##### Example:

Reid, C., Dyer, R.A., 1984: A review of the South African species of *Cyrtanthus*. The American Plant Life Society, California, US, 68 pp.

##### *2. Languages*

Literature will be presented in the language of the publication, with no translation.

##### *3. Relevant literature*

All relevant UPOV documents should be mentioned as associated documents on the cover page of the Test Guidelines (see GN 2 *[cross ref.]*) and not in Chapter 9. Chapter 9 should include reference to publications concerned with the characterization of varieties which have been produced by organizations other than UPOV, where these have been used in the development of the Test Guidelines.

#### GN 31 (TG Template: Chapter 10: TQ 4.2) – Information on method of propagating the variety

The examples below indicate how this section can be formatted and some appropriate terms which can be used: <sup>z</sup>

*Example 1*

“4.2.1 Seed-propagated varieties

- |                                 |     |
|---------------------------------|-----|
| “(a) Self-pollination           | [ ] |
| “(b) Cross-pollination          |     |
| (i) population                  | [ ] |
| (ii) synthetic variety          | [ ] |
| “(c) Hybrid                     | [ ] |
| { ...see GN 32 for example... } |     |
| “(d) Other                      | [ ] |
| (please provide details)”       |     |

“4.2.2 Vegetatively propagated varieties

{ ...see Example 2... }	[... ..]
-------------------------	----------

“4.2.3 Other	[ ]”
(please provide details)”	

*Example 2*

“4.2.1 Vegetative propagation

- |                                  |     |
|----------------------------------|-----|
| “(a) cuttings                    | [ ] |
| “(b) <i>in vitro</i> propagation | [ ] |
| “(c) other (state method)        | [ ] |

“4.2.2 Seed	[ ]
-------------	-----

“4.2.3 Other	[ ]”
(please provide details)”	



GN 32 (TG Template: Chapter 10: TQ 4.2) – Information on method of propagation of hybrid varieties

“In the case of hybrid varieties the production scheme for the hybrid should be provided on a separate sheet. This should provide details of all the parent lines required for propagating the hybrid e.g.

*“Single Hybrid*

<sup>00</sup> (.....)	x	(.....)
female parent		male parent

*“Three-Way Hybrid*

(.....)	x	(.....)
female line		male line

single hybrid used as female parent	x	(.....)
		male parent

“and should identify in particular:

- “(a) any male sterile lines
- “(b) maintenance system of male sterile lines.”

GN 33 (TG Template: Chapter 10: TQ 6) – Similar varieties

Drafters of Test Guidelines should provide a suitable example for the individual Test Guidelines concerned e.g.

Denomination(s) of variety(ies) similar to your candidate variety	Characteristic(s) in which your candidate variety differs from the similar variety(ies)	Describe the expression of the characteristic(s) for the <b>similar</b> variety(ies)	Describe the expression of the characteristic(s) for <b>your</b> candidate variety
<i>Example</i>	<i>Flower color</i>	<i>orange</i>	<i>orange red</i>

GN 34 (TG Template: Chapter 10: TQ 7.3) – Variety use

Drafters of Test Guidelines may introduce a request for information concerning the main use of the variety where this might help in the examination. The following examples illustrate how this section should be presented:

Example 1

7.3.1 Main use

- |     |                          |     |
|-----|--------------------------|-----|
| (a) | seed                     | [ ] |
| (b) | forage                   | [ ] |
| (c) | other                    | [ ] |
|     | (please provide details) |     |

Example 2

7.3.1 Main use

- |     |                          |     |
|-----|--------------------------|-----|
| (a) | garden plant             | [ ] |
| (b) | pot plant                | [ ] |
| (c) | cut-flower               | [ ] |
| (d) | other                    | [ ] |
|     | (please provide details) |     |

[Annex 4 follows]

**ANNEX 4:**  
**COLLECTION OF**  
**APPROVED CHARACTERISTICS**

1. The ~~following collection~~ Collection of Approved Characteristics (“Collection”) presents characteristics, with their corresponding states of expression, which have already been approved for inclusion in existing Test Guidelines. Drafters are invited to search this collection for the characteristic which they wish to use. If the appropriate characteristic and its corresponding states of expression are found, this can be copied directly into the new Test Guidelines. However, it should be remembered that what may appear to be very similar characteristics in different types of plant, or different organs of the same plant, may in fact be under different types of genetic control. Thus, for example, in one type of plant, or one organ, the characteristic “profile” might be a qualitative characteristic e.g. straight (1), curved (2) but in another type of plant, or organ, it might be a quantitative characteristic e.g. straight or slightly curved (1), moderately curved (2), strongly curved (3).

2. The Collection presents the characteristic as it is included in the relevant Test Guidelines. In addition, for certain characteristics, it provides information on the Test Guidelines from which it has been taken. This information is placed in the blank “header” space in the column for example varieties since this entire column is likely to be “cleared” by the drafter after pasting into his new draft because the example varieties will not be relevant.

<sup>PP3.</sup> Certain characteristics contained in adopted UPOV Test Guidelines may be omitted from the Collection where considered appropriate by the Technical Committee, in particular on the basis of recommendations by the Enlarged Editorial Committee (TC-EDC).

**The Collection of Approved Characteristics is published on the UPOV Website:  
<http://www.upov.int/restrict/en/index.html>**

<u>Abbreviations:</u>	CAJ:	Administrative and Legal Committee
	TC:	Technical Committee
	TC-EDC:	Enlarged Editorial 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
	TWV:	Technical Working Party for Vegetables

## Notes

- <sup>a</sup> The TWO agreed that the number of plants requested in Chapter 2.3 of the Test Guidelines should correspond to the number of plants in Chapters 3.4 and 4.2. It also agreed that TGP/7 should provide guidance on how to address “spare” plants received in excess of the minimum number of plants required for DUS test. In particular, with regard to a DUS test designed for 5 plants, it proposed that guidance on that situation might be provided in the Test Guidelines. The TWO also questioned whether DUS tests should be based on 5 plants because of the consequences for the uniformity standard if 6 plants were planted and survived. The TWV agreed that any guidance should reflect the need for additional plants for, e.g. disease resistance tests. The TWA noted the TWO proposal that the number of plants requested in Chapter 2.3 of the Test Guidelines should correspond to the number of plants in Chapters 3.4 and 4.2. The TWA agreed that any guidance should reflect the need for seed to be included in reference collections.
- <sup>b</sup> The TWO proposed to revise the section on example varieties to reflect the situation that not all authorities use the example varieties (e.g. Canada).
- <sup>c</sup> Proposal by Germany following discussions at TC-EDC meeting on January 8, 2009.
- <sup>d</sup> The TWO proposed to include guidance on modifying the states of expression of characteristics in the Table of Characteristics, including asterisked characteristics. Reporting of such modifications to UPOV by means of document TGP/5 “Experience and Cooperation in DUS Testing”: Section 10 Notification of additional Characteristics would require a corresponding revision of document TGP/5: Section 10/1.
- <sup>e</sup> The TWO proposed to consider whether to create the possibility for partial revision of asterisked characteristics by TC by correspondence; and/or for members of the Union to add a footnote in the DUS reports for such cases until the revision are agreed by the TC. The TWV did not support the partial revision of asterisked characteristics by TC by correspondence, unless there was an important need for an urgent revision. It further agreed that the dates for partial revisions should be the same as for draft Test Guidelines. The TWV agreed that paragraph 2.3.3 should be amended to explain that specific proposals for partial revisions of Test Guidelines should be presented in a separate document and should not be incorporated in a draft of the complete Test Guidelines, which could be misinterpreted as a full revision. The TWA did not support the TWO proposal to consider the possibility for partial revision of asterisked characteristics by TC by correspondence. It agreed that Section 1.2 of TGP/7 should explain the flexibility for authorities to create new characteristics and to modify existing characteristics in response to new developments. The TWA agreed that consideration should be given to revising document TGP/5 Section 10: “Notification of Additional Characteristics” to cover the notification of new states of expression. In addition, the TWA did not agree that a new state of expression for a characteristic would always be a sufficient basis for undertaking a partial revision of Test Guidelines.
- <sup>f</sup> The TWV agreed that the section should explain that the purpose of the Technical Questionnaire characteristics was to propose characteristics to be described by the breeder.
- <sup>g</sup> The TWPs agreed that 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.
- <sup>h</sup> The TC-EDC agreed that this definition should be moved from Section 2.2.4.2.
- <sup>i</sup> The TWF, TWO, TWV and TWA agreed to delete reference to UPOV Regional Technical Meetings.
- <sup>j</sup> Amendment to reflect changes proposed for Section 2.2.5.
- <sup>k</sup> The TWO, TWV and TWA agreed that the Office should provide the interested experts by name on the TG webpage, rather than by country/organization. The TWA agreed that each authority should identify a single expert responsible for commenting on the draft Test Guidelines, although other experts could be included on the list.

*Notes (continued)*

<sup>l</sup> The TWF, TWO, TWV and TWA agreed that the date for the submission of draft Test Guidelines to the Office of the Union (6 weeks before the TWP session) and the guideline date for the subgroup draft to be circulated by Leading Expert (14 weeks before the TWP session) should be met by the Leading Expert. In cases where either of those dates were not met, it was agreed that the Test Guidelines should be withdrawn from the TWP agenda. The TWF, TWO, TWV and TWA agreed that that approach should be followed from their 2009 sessions. It was noted that meeting those dates would ensure that there would be sufficient time for consultation with relevant colleagues prior to consideration at the TWP session and would also ensure that it would be known at least four weeks in advance if planned Test Guidelines would not be discussed at a particular session. The TWV and TWA agreed that, where draft Test Guidelines were withdrawn from the agenda because of failure to meet the relevant dates, there should be the possibility for specific matters concerning those Test Guidelines to be discussed at the TWP session. However, in such cases, the TWA agreed that it would be necessary for a document to be provided to the Office of the Union at least 6 weeks before the meeting.

<sup>m</sup> The TC-EDC did not support the proposal to develop a procedure for the approval of partial revisions of Test Guidelines by correspondence.

<sup>n</sup> Proposal by the Office of the Union following discussions at TC-EDC meeting on January 8, 2009.

<sup>o</sup> The TWF, TWO, TWV and TWA agreed that Section 3.5 “Number of Plants / Parts of Plants to be Examined” should be moved within Section 4.1 “Distinctness”, to clarify that this section recommends the number of plants / parts of plants to be examined for distinctness. In addition, ASW 7 to be amended to the following:

“ASW 7 (Chapter 3.5) – Number of plants / parts of plants to be examined

Alternative 1:

Unless otherwise indicated, all observations should be made on {x} plants or parts taken from each of {x} plants.

Alternative 2:

Unless otherwise indicated, all observations should be made on {x} plants or parts taken from each of {x} plants.

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

<sup>p</sup> The TWA agreed that ASW 4: 2(b) ((TG Template: Chapter 3.3) – Conditions for conducting the examination: Information for conducting the examination of particular characteristics: Type of observation) should be amended according to the wording agreed for TGP/9. The TWF agreed and decided to introduce indications of VG, VS, MG, MS in the Test Guidelines to be prepared for its fortieth session. The TWO did not consider that it was necessary to introduce indications of VG, VS, MG, MS in the Test Guidelines developed by the TWO.

<sup>q</sup> In considering whether to elaborate on the two uses of the grouping characteristics (i.e. “(a) to select, either individually or in combination with other such characteristics, varieties of common knowledge that can be excluded from the growing trial used for examination of distinctness”; and ( “(b) to organize the growing trial so that similar varieties are grouped together”) and indicating in Chapter 5.3 of the Test Guidelines for which of those purposes the grouping characteristics were intended:

The TWF noted that those considerations were of less relevance for fruit trees and agreed to review the conclusions of the other Technical Working Parties on that matter.

The TWO agreed that it would not be appropriate to make such an elaboration.

The TWV agreed that consideration should be given to amending (a) to read “to select, either individually or in combination with other such characteristics, varieties of common knowledge / varieties in the variety collection that can be excluded from the growing trial used for examination of distinctness”; and”

The TWA agreed that TGP/7 and the Test Guidelines should make reference to TGP/4 and TGP/9 concerning the selection and use of grouping characteristics.

The TC-EDC agreed that reference should only be made to TGP/9.

<sup>r</sup> The TWF, TWO, TWV and TWA agreed that the Test Guidelines should explain the use of the 3, 5, 7 abbreviated notes in the 1-9 scale for quantitative characteristics. They also suggested to consider listing all 9 notes for the characteristics included in the Technical Questionnaire.

<sup>s</sup> The TWF agreed that it would be appropriate to develop standard definitions of time of eating maturity for different situations and agreed that Germany would prepare draft texts. The TWO and TWV agreed with that approach.

*Notes (continued)*

<sup>t</sup> The TWV proposed to consider developing additional standard wording and/or a guidance note, for Test Guidelines where a low germination could be expected for certain types of varieties. The TWA noted the TWV proposal to consider developing additional standard wording and/or a guidance note, for Test Guidelines where a low germination could be expected for certain types of varieties. The TWA agreed that there was a need to avoid creating many possibilities for seed submissions to be deficient in quality.

<sup>u</sup> The TWF, TWO, TWV and TWA agreed that 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.

<sup>v</sup> To provide a new Additional Standard Wording (ASW) for crops where the two independent growing cycles are recommended to be in the form of two separate plantings, e.g. “The two independent growing cycles should be in the form of two separate plantings”. The TWV and TWA agreed that TGP/7 should explain that two independent growing cycles would also result from a single planting examined in two separate growing cycles. (Note: see ASW 3)

<sup>w</sup> The TWF, TWO and TWV agreed to add that the color chart and the version of the color chart used should be specified with the variety description.

<sup>x</sup> Amendment proposed by TC-EDC

<sup>y</sup> The TWF, TWO, TWV and TWA agreed that ASW 9 should be modified because it would not be appropriate to test stability by growing a further generation for cross pollinated varieties. It was also agreed that:

the text “... to ensure that it exhibits the same characteristics as those shown by the previous material supplied.” should be amended to read “... to ensure that it exhibits the same characteristics as those shown by the initial material supplied.”); and

the wording: “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.”, should be reviewed 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).

The TWF, TWO, TWV and TWA agreed and noted that the change would need to be reflected in document TGP/11.

The TC-EDC agreed that the option of growing a further generation should not be proposed in the Test Guidelines. With that change, a specific wording would not be required for Test Guidelines covering synthetic varieties (new (d)).

The TWF, TWO, TWV and TWA agreed and noted that the change would need to be reflected in document TGP/11.

<sup>z</sup> Blank boxes for requested information inserted at suggestion of Germany following discussions at TC-EDC meeting on January 8, 2009.

<sup>aa</sup> The TWF agreed that the European Community, in collaboration with Australia, should prepare a draft text, indicating that guidance would be provided by the authority to enhance the usefulness of the photograph (e.g. to include a metric scale in the picture, to define what parts of the plant should be included; light conditions, background color, etc). The TWO agreed that the European Community, in collaboration with Australia and Canada, should prepare a draft text.

<sup>bb</sup> The TWF agreed that Additional Standard Wording (ASW) should be developed for the following situations:

- (i) separate Test Guidelines for different types of variety within the same genus/species;
- (ii) Test Guidelines for rootstock varieties which do not include flower or fruit characteristics; and
- (iii) Test Guidelines covering hybrids with species / genera which are covered by other Test Guidelines.)

The TWF agreed that the Office of the Union should prepare suitable drafts based on the explanations used in existing Test Guidelines, e.g. Japanese Plum, Sweet and Sour Cherry and Prunus rootstocks. The TWO, TWV and TWA agreed with that approach.

The TC-EDC agreed that it would not be appropriate to anticipate the relevance of Test Guidelines for species that were not considered in the drafting of the Test Guidelines and proposed to make reference to TGP/13 “Guidance for New Types and Species”

<sup>cc</sup> The TWV agreed that TGP/7 should explain that the phrase “minimum duration of test should normally be” indicated that the duration of the test could be shorter in certain cases. The TWA noted the TWV proposal that TGP/7 should explain that the phrase “minimum duration of test should normally be” indicated that the

*Notes (continued)*

duration of the test could be shorter in certain cases. The TWA and TC-EDC agreed that it was important to consider the need to develop a robust variety description.

<sup>dd</sup> In response to the proposal to consider the development of a simple, generalized growth stage key (for use in Test Guidelines covering crops and species for which a suitable growth stage key had not been published), the TWV and TWA agreed that the BBCH generalized growth stage key should be considered.

<sup>ee</sup> The TWF, TWO, TWV and TWA agreed to the inclusion of the matters covered in Section 6 “Combining observations for all characteristics” of document TGP/10). The TWV proposed that ASW might be developed on the basis of the Test Guidelines for carrot.

<sup>ff</sup> With regard to Technical Questionnaire characteristics (e.g. some disease resistance characteristics) which do not have an asterisk in the Table of Characteristics (see document TC/43/5, paragraph 35) the TC agreed that where information on such characteristics was to be requested in the Technical Questionnaire, that information should be requested in Section 7 of the Technical Questionnaire (Additional information which may help in the examination of the variety), rather than in Section 5 (Characteristics of the variety to be indicated). In that respect, it noted that the information in Section 7 was provided at the discretion of the breeder/applicant.)

The TWF agreed.

The TWO agreed that TGP/7 should explain that some TQ characteristics (e.g. plant height, plant width, time of flowering etc.) were not used for grouping, but provided important information for practical planning of the trial.

The TWO also agreed that TGP/7 should explain that the TQ characteristics should be sufficient for effective grouping of varieties, on the basis that the grouping characteristics in the Test Guidelines would be used routinely for grouping, but that for some varieties, other characteristics in the TQ would be necessary to provide effective grouping.

The TWO agreed that the standard wording in the Test Guidelines should explain that care was particularly needed for grouping with PQ and QN characteristics where the description was produced at a different location, as was the case for information provided in the TQ.

The TWV proposed to include disease resistance characteristics in Section 5 of the Technical Questionnaire, even where the characteristics did not have an asterisk in the Table of Characteristics. It noted that it would be necessary to explain that it may not be possible for breeders to conduct the tests in some territories and proposed to add a tick box to indicate where the tests had not been conducted.

The TWV considered that it would be important to explain the risk of using TQ characteristics for grouping which were not indicated as useful for grouping in the Test Guidelines.

The TWA noted that it was possible for authorities to include non UPOV TQ characteristics in their own Technical Questionnaire.

<sup>gg</sup> The TWO, TWV and TWA agreed that, in general, numerals should be used except, for example, for the states of expression in Table of Characteristics where notes were provided.

<sup>hh</sup> The TWF, TWO and TWV agreed to explain that the notes for quantitative characteristics should be meaningful in relation to the range of variation of the characteristic and for the assessment of distinctness. The TWA agreed that GN 20(3) should make reference to TGP/9 to explain the significance of the two-note difference when constructing quantitative characteristics, whilst clarifying that varieties with the same note might be considered to be distinct in a side-by-side comparison. The TWF, TWO, TWV and TWA agreed to amend GN 20: 3.5 “Condensed” range to consider accepting a 3-state range where there is no fixed point, e.g. weak/medium/strong, on the basis that the second state should read “intermediate” and noted the example of overlapping of petals.

<sup>ii</sup> GN 20 (1) (Presentation of characteristics: States of expression according to type of expression of a characteristic) proposal to clarify that adjectives such as moderately, medium, etc. (e.g. much smaller (1), moderately smaller (3), etc. / light green (1), medium green (2), etc.) should be used for pseudo-qualitative characteristics and for quantitative characteristics where there are one or more fixed states). The TWF, TWO, TWV and TWA agreed that it would be helpful to provide examples in order to consider the proposal.

<sup>jj</sup> The TWF, TWO, TWV and TWA agreed to provide guidance on the use of quantitative characteristics with more than 9 notes.

<sup>kk</sup> The TWF, TWO, TWV and TWA agreed to delete state 2 “yellow” from the example of a qualitative characteristic.

<sup>ll</sup> Proposal by Germany following discussions at TC-EDC meeting on January 8, 2009.



*Notes (continued)*

<sup>mm</sup> The TWF recalled the presentation by Japan on the comparison of example varieties grown in the greenhouse and field, noting that there was good correspondence for qualitative, pseudo qualitative and some quantitative characteristics (e.g. ratios) and suggested to concentrate discussions on those quantitative characteristics where there was less good harmonization. It suggested that Japan should be encouraged to present the results of its work on Strawberry at the other Technical Working Parties.

The TWF agreed that, if that was not already sufficiently clear, document TGP/7 should explain that example varieties from experts in different locations should not be combined in the same characteristic, unless those example varieties were verified by the Leading Expert.

The TWF also proposed that consideration be given to indicating the drafters of the Test Guidelines in the adopted Test Guidelines in order to provide a contact for breeders and other parties seeking assistance in obtaining example varieties.

The TWO noted that there would be general discussion on the inclusion of example varieties in UPOV Test Guidelines. It was agreed that photographs and illustrations could be a more effective way of illustrating characteristics than example varieties, which were not always readily available. With regard to the use of example varieties for the harmonization of variety descriptions, it was not known to what extent that was achieved. It was noted that a number of members of the Union did not use the example varieties included in the Test Guidelines for their own guidelines. Furthermore, for some Test Guidelines, the example varieties would not be appropriate for all regions.

The TWO noted that the need for the inclusion of example varieties in the Test Guidelines acted as a check on the usefulness of states of expression.

The TWO noted that some denominations in the form of numbers, which were specified in the Technical Questionnaire, were more difficult to identify because the varieties were marketed under a trade name.

It was noted that example varieties in the authority's own guidelines were an important means for some members of the Union to check the description of varieties over time.

The TWV supported the inclusion of example varieties in the Test Guidelines according to the existing rationale and guidance in TGP/7/1. With regard to indicating the drafters of the Test Guidelines in the adopted Test Guidelines, the TWV observed that the Test Guidelines were endorsed by all members of the Union. It noted concerns about the number of enquires which might result from publishing the drafters of the Test Guidelines and recalled that that information was available to UPOV members and observers in document TC/[44]/2.

The TWA agreed that the expert from France should develop a document, based on GN 28, for discussion at the TWP sessions in 2009. It agreed that that document should consider the importance of regional sets of example varieties and should explain that example varieties are not necessary for all characteristics.

The TWA agreed that a separate chapter on example varieties should be introduced in TGP/7.

<sup>nn</sup> The TC-EDC proposed to provide a different example because the term "erect" was not generally used for the characteristic "growth habit"

<sup>oo</sup> The TWA proposed to move "female parent" etc. under brackets and provide sufficient space for information to be written.

<sup>pp</sup> The TWF and TWO agreed to clarify that characteristics contained in adopted UPOV Test Guidelines may be omitted from the "Collection of approved characteristics" (document TGP/7, Annex 4) where considered appropriate by the TC, on the basis of recommendations by the Enlarged Editorial Committee (TC-EDC)) The TWV observed that that approach was not the most elegant means of addressing problematic characteristics. The TC-EDC proposed to clarify that characteristics contained in adopted UPOV Test Guidelines may be omitted from the "Collection of approved characteristics" (document TGP/7, Annex 4) where considered appropriate by the TC, on the basis of recommendations by the Enlarged Editorial Committee (TC-EDC))

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