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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

TECHNICAL COMMITTEE**Forty-Sixth Session
Geneva, March 22 to 24, 2011**REPORT¹*adopted by the Technical Committee*Opening of the session

- *1. The Technical Committee (TC) held its forty-sixth session in Geneva from March 22 to 24, 2010. The list of participants is reproduced in Annex I to this report.
- *2. The session was opened by Mr. Chris Barnaby (New Zealand), Chairperson of the TC, who welcomed the participants. The TC Chairman extended a welcome to the participants from the East Asia Plant Variety Protection Forum.
- *3. The Chairperson of the TC reported that, since the forty-fifth session of the TC, Oman had become a member of the Union, taking the number of members of the Union to 68, and that Slovakia had acceded to the 1991 Act of the UPOV Convention.

Adoption of the agenda

- *4. The TC adopted the agenda as presented in document TC/46/1 Rev.

¹ The asterisked (*) paragraphs in this report are reproduced from document TC/46/15 (Report on the Conclusions).

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

5. The Vice Secretary-General made a presentation on the fifty-ninth and sixtieth sessions of the Administrative and Legal Committee (CAJ), the seventy-seventh and the seventy-eighth sessions of the Consultative Committee and the twenty-sixth extraordinary session and the forty-third ordinary session of the Council. A copy of that presentation is provided as Annex II to this report. The Vice Secretary-General also made an oral report on the Seminar on DUS Testing, held in Geneva, from March 18 to 20, 2010. He reported that the following conclusions had been drawn by the Chairman of the Technical Committee in conjunction with the Office of the Union:

- “UPOV members have used a range of approaches for DUS testing, as envisaged within the UPOV Convention, in order to provide an efficient and effective system for breeders according to their circumstances.
- “Cooperation is crucial for all UPOV members and will need to intensify in future to meet the expansion of the UPOV system. There is a need to:
 - continue to work on guidance documents (TGP documents, Test Guidelines) and exchangeable software (COY, GAIA etc.) to promote harmonization;
 - enhance efficiency of cooperation, through
 - maintaining standard forms, agreed fee for DUS reports, etc.;
 - the use and further development of tools, such as the GENIE database;
 - increasing exchange of information between UPOV members on their newly acquired experience;
 - exchanging variety descriptions; and
 - coordinating resources offered by members of the Union (e.g. training, helpdesks, *ad hoc* expert advice).
- “The Technical Committee and Technical Working Parties are an important means of training and exchanging information in an expert forum, and additional benefits can be achieved through preparatory workshops and associated training events.
- “It is important to continue to explore methods to address the management of variety collections, e.g. the potential role for molecular techniques.
- “The organization of such seminars, from time-to-time, provides a valuable means of sharing broad overviews and new developments and also of identifying areas for possible future guidance (e.g. treatment of data for distinctness and descriptions, understanding of “similar varieties”, status of the variety descriptions).
- “UPOV encourages breeders’ organizations to contribute to UPOV’s technical work and encourages a constructive dialogue on relevant issues at an early stage.
- “Participation by experts of potential future members of the Union in the Technical Committee and Technical Working Parties, as observers, was encouraged as a principal means of achieving harmonization with the UPOV system and facilitation of future cooperation on becoming UPOV members.”

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

6. The TC received oral reports from the Chairpersons, on the work of the Technical Working Party for Agricultural Crops (TWA), the Technical Working Party on Automation and Computer Programs (TWC), the Technical Working Party for Fruit Crops (TWF), the Technical Working Party for Ornamental Plants and Forest Trees (TWO) and the Technical Working Party for Vegetables (TWV) as follows:

Technical Working Party for Agricultural Crops (TWA)

7. The TWA held its thirty-eighth session in Seoul, Republic of Korea, from August 31 to September 4, 2009, under the joint chairmanship of Mrs. Beate Rücker (Germany) and Mr. Joel Guiard (France), in the absence of Mr. Dirk Theobald, Chairperson of the TWA. The report of the meeting is contained in document TWA/38/17.

8. The session was attended by 45 participants from 20 members of the Union, and four observer organizations. The preparatory workshop, held during the afternoon of Sunday, August 30, was attended by 34 participants.

9. The TWA was welcomed by Mr. Cho Il-Ho, Director, Plant Variety Protection Division, Korean Seed & Variety Service (KSVS) Ministry of Food, Agriculture Forestry & Fisheries (MIFAFF). The TWA received short reports on developments in plant variety protection by the participants.

10. The TWA noted the report on developments in UPOV on molecular techniques and agreed that the Office of the Union should contact the International Seed Testing Association (ISTA) in order to investigate how the work of ISTA and UPOV might be coordinated in the field of molecular techniques. In response to the invitation of the TC, the TWA agreed to propose Mrs. Laetitia Denecheau (France) as new chairperson of the Crop Subgroup for Oilseed Rape.

11. The TWA considered a number of draft TGP documents according to the program agreed by the TC and commented in particular in relation to TGP/8 Draft 13 “Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability”, TGP/11 Draft 5 “Examining Stability” and TGP/14 Draft 9 “Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents”.

12. In the framework of the revision of TGP/7 “Development of Test Guidelines”, the TWA considered document TGP/7/2 Draft 3 and made proposals concerning Section 1 “Introduction”, with regard to individual authorities’ test guidelines, Annex 2 “Additional Standard Wordings (ASW) for the TG Template” and Annex 3 “Guidance Notes (GN) for the TG Template”.

13. With regard to variety denominations, the TWA endorsed the proposal of the TC that Class 202 in document UPOV/INF/12/1 should be extended to cover *Megathyrus*, *Panicum*, *Setaria* and *Steinchisma*.

14. The TWA noted the developments concerning electronic application systems reported by a number of members of the Union.

15. The TWA considered document TWA/38/12 in respect of the assessment of uniformity by off-types on the basis of more than one sample or sub-sample and made proposals in order to improve the draft questionnaire presented in that document. It agreed that TWA experts should be invited to complete the questionnaire with information on potato and wheat.

16. The TWA received an initial report from Mr. Edilberto Redona, International Rice Research Institute (IRRI), concerning the development of a set of example varieties for the Test Guidelines for rice for South-East Asia and invited him to present the full results of the project at the thirty-ninth session of the TWA.

17. The TWA considered a proposal for a partial revision of the Test guidelines for Wheat and agreed to schedule a full revision of the test guidelines for Wheat and for Durum Wheat. In that context, the TWA agreed that, in order to minimize the number of revisions required for the Test Guidelines, changes to the states of expression of a single characteristic should be reported according to TGP/5 “Experience and Cooperation in DUS Testing”, Section 10 “Notification of Additional Characteristics”. Such changes could be accumulated and incorporated in a single revision.

18. The TWA noted the decision of the TC to replace the agenda item “publication of variety descriptions” with an item “variety description databases” on the agendas of the TWPs. It noted reports in respect of “Combination of lines or varieties” as well as a report on UPOV information databases.

19. The TWA discussed 11 draft Test Guidelines and agreed to submit to the TC the draft Test Guidelines for Pearl Millet and Sweet Potato. The TWA planned to continue discussions on 11 Test Guidelines in 2010, four of which were revisions and seven of which were new.

20. At the invitation of the experts from Croatia, the TWA agreed to hold its thirty-ninth session in Ossijek, Croatia, from May 24 to 28, 2010. The TWA proposed to consider the following items at its next session:

- Short reports on developments in plant variety protection from members and observers;
- Reports on developments within UPOV;
- Developments on molecular techniques;
- TGP documents;
- Variety denominations
- Information databases
- Uniformity assessment
- Example varieties
- Development of regional sets of example varieties for the Test Guidelines for Rice;
- Proposals for partial revisions/corrections of Test guidelines (if appropriate)
- Discussion on draft Test Guidelines;
- Recommendations on draft Test Guidelines;
- Date and place of the next session; and
- Future program.

21. On the afternoon of September 3, the TWA visited the Variety Testing Division, Korea Seed & Variety Service (KSVS). Later the TWA visited the National Agrobiodiversity Center, National Academy of Agricultural Science, Rural Development Administration and finally the TWA visited the National Institute of Crop Science.

Technical Working Party on Automation and Computer Programs (TWC)

22. The Technical Working Party on Automation and Computer Programs (TWC) held its twenty-seventh session in Alexandria, Virginia, United States of America, from June 16 to 19, 2009, under the chairmanship of Mr. Gerie van der Heijden (the Netherlands), Chairman of the TWC.

23. The TWC session was attended by 31 participants from 16 members of the Union and two observer organizations. The preparatory workshop was held during the afternoon of Monday, June 15 and was attended by 12 participants.

24. The TWC was welcomed by Mr. John Doll, Acting Undersecretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office (USPTO).

25. Presentations on plant variety protection in the United States of America were made by Mrs. Anne Marie Grünberg, Supervisory Patent Examiner, USPTO and Mr. Paul M. Zankowski, Commissioner, Plant Variety Protection Office, United States Department of Agriculture (USDA).

26. The TWC received a report from the Office of the Union on developments in UPOV regarding the use of molecular techniques. Several participants considered that the TWC could provide assistance to the BMT in the development of statistical tools as well as databases of molecular markers and encouraged cooperation between the TWC and BMT.

27. Discussion and revision of document TGP 8/1 draft 13 took a considerable part of the meeting. A number of issues arose concerning the content of TGP/8. In particular:

(a) substantial parts of a previous draft of document TGP/8/1 had been removed from document TGP/8/1 draft 13 and were presented in TWC/27/11. Those parts had been removed to allow faster adoption of TGP/8/1;

(b) in TGP/8/1 draft 13 the Match Method had been re-drafted to be more in line with the description of the other methods;

(c) a flow diagram had been added to help experts in understanding which methods are useful in particular situations;

(d) the Chi-square method for the analysis of contingency tables had been re-drafted; and

(e) numerous corrections and changes to the text had been made;

28. The TWC agreed that TGP/8/1 could be submitted to the TC and discussed document TWC/27/11, consisting of text taken out of previous drafts of TGP/8/1. The TWC agreed to consider TWC/27/11 as the basis for inclusion in future revisions of TGP/8.

29. Documents TGP/7/2, TGP/11/1, and TGP/14/1 were also discussed.

30. In document UPOV/INF/Software² Draft 2, information on the existence and availability of exchangeable software was presented. The document included DUSTNT and GAIA and would be reviewed annually by the TWC.

² See document UPOV/INF/18/1 "Exchangeable software".

31. In document TWC/27/9, the various modules in DUSTNT were presented and information was provided to distinguish between the modules for implementing COY and the other modules included in the DUSTNT. The TWC considered that the document provided a good basis for an introduction to the DUSTNT software.

32. The TWC received a report on datalogger software SIRIUS from France in document TWC/27/17. The expert from Germany reported that the SIRIUS system had been tested in Germany with positive results. The TWC agreed to propose the inclusion of the SIRIUS system for data capture in document UPOV/INF/Software under the section “(e) Data recording and transfer”.

33. The TWC noted that the Community Plant Variety Office of the European Union (CPVO) had developed software for assessing similarity of variety denominations. The software would be presented at the twenty-eighth session of the TWC with a view to possible inclusion of the software in document UPOV/INF/Software.

34. The TWC noted that the CAJ had agreed that there should be a further review of the fields of UPOV-ROM. The TWC agreed to propose to the TC and the CAJ to invite the TWC to conduct an analysis of the fields in the UPOV-ROM.

35. The TWC received a presentation on the development of a system for electronic applications from Japan and Brazil, as well as a presentation on the development of an online application system by the CPVO. The TWC encouraged inclusion of exchangeable software for on-line application systems in document UPOV/INF/software, Section (b) “On-line application systems”.

36. The TWC discussed a study on potential approaches to account for the bias found in the current COYU method. It compared linear regression and smoothing splines as alternatives to moving averages. Further research was considered important to evaluate the range of circumstances that needed to be accommodated. Bennet’s test was also presented as an alternative to the COYU method.

37. The use of grouping with COYD was demonstrated for both cross-pollinated (tall fescue) and self-pollinated (pea) species. The method would be implemented in the DUSTNT software and a new paper presented at the twenty-eighth session of the TWC.

38. Statistical methods for visually observed characteristics were presented in document TWC/27/14. The TWC agreed that it would be useful to provide an overview of possible characteristics and crops where the methods might be appropriate.

39. The expert from Germany provided the participants with a CD containing the latest database of TWC working documents.

40. At the invitation of the European Union, the TWC agreed to hold its twenty-eighth session in Angers, France, from June 29 to July 2, 2010, with a preparatory workshop on June 28.

41. At its twenty-eighth session, the TWC planned to discuss TGP documents, molecular techniques, UPOV information databases, exchangeable software, similarity of variety denominations, on-line application systems, dataloggers, uniformity by off-types, alternatives

and improvements of COYU, grouping with COYD, statistical methods for visually observed characteristics and an update of the TWC documents database.

Technical Working Party for Fruit Crops (TWF)

42. The TWF held its fortieth session in Angers, France, from September 21 to 25, 2009, with a preparatory workshop on the afternoon of September 20. The session was chaired by Mrs. Bronislava Bátorová (Slovakia), Chairperson of the TWF.

43. The TWF was welcomed by Mrs. Sylvie Dutartre, Directrice of the *Groupe d'Étude et de contrôle des Variétés et des Semences* (GEVES), Mr. Jean-François Thibault, President of the *Institut National de la Recherche Agronomique* (INRA), and Mr. Laurent Peron, *Administrateur* of Vegepolys. The TWF received presentations on INRA by Mr. Jean-François Thibault (INRA) and on Vegepolys, by Mr. Laurent Peron.

44. The session was attended by 44 participants, from 15 members of the Union and two observer organizations, including two invited fruit breeding experts. The preparatory workshop, held during the afternoon of Sunday, September 20, was attended by 9 participants.

45. The TWF received oral reports from participants on developments in plant variety protection and from the Office of the Union on the latest developments within UPOV.

46. The TWF noted the report of developments in document TWF/39/2, concerning molecular techniques.

47. The TWF discussed a number of draft TGP documents.

48. The TWF made no comments on documents TGP/8/1 Draft 13 and TWF/40/10.

49. The TWF noted the developments concerning document TGP/11/1 Draft 5, as set out in document TWF/40/3. Mr. Sergio Semon (European Union), drafter of document TGP/11, reported that he had already discussed the examination of stability with an expert from Australia at the Technical Working Party for Vegetables (TWV) and would also take the opportunity to discuss the matter with the expert from Australia attending the TWF session. He invited other experts to provide practical examples of how stability was examined for vegetatively propagated varieties. It was recalled that an expert from the United Kingdom had previously offered to provide examples.

50. Concerning document Glossary of [Technical, Botanical and Statistical] Terms Used in UPOV Documents, the TWF considered documents TWF/40/3, TWF/40/3 Add.Rev., TWF/40/3 Add.2, TGP/14/1 Draft 9, TGP/14/1 Draft 9 Supp. and TWF/40/11. The TWF noted the conclusions of the TWO on the "Exercise on Color", as set out in document TWF/40/3 Add.2, and noted that those conclusions would be incorporated in a new document that would be drafted in the form of a section to be introduced in document TGP/14, which would be presented to all Technical Working Parties in 2010.

51. The TWF considered documents TGP/7/2 Draft 3 and TWF/40/14, and the report on developments in the TC, CAJ and TWPs concerning document TGP/7/2 Draft 3 in document TWF/40/3. With regard to document TWF/40/14 "Guidance for Applicants on Providing Suitable Photographs of the Candidate Variety as an Accompaniment to the

Technical Questionnaire”, the TWF agreed with the conclusions of the TWO, as reported by the Technical Director, that “the document provided a good basis to develop Additional Standard Wording (ASW) for inclusion in a future revision of document TGP/7, but agreed that the text was too prescriptive and would need to be edited to be more suitable for applicants completing the Technical Questionnaire. In addition, it was agreed that it would be useful to explain that the photograph(s), if provided in an appropriate format, ‘may help the examination authority to conduct its examination of distinctness in a more efficient way’”. The TWF also agreed that the text should be of a suitable length for applicants, although it should be explained that it would be possible for authorities to make the full explanation available by means of a link, rather than including all the text in the Technical Questionnaire.

52. The TWF considered document TWF/40/11 “Document TGP/14: Sections for Separate Development” and agreed to consider including an indication of grouping characteristics in the Table of Characteristics, whilst avoiding any confusion with the use of the letter “G” as used in document TGP/5: Section 6 “UPOV Report on Technical Examination and UPOV Variety Description”, Annex, Item 14.

53. The TWF discussed the Drafts Test Guidelines for Almond (revision), Acerola, Actinidia (revision), Banana (*Musa* L.) (revision), Cacao (*Theobroma cacao* L.), Dragon-fruit (*Hylocereus undatus* (Haw.) Britton et Rose), Gooseberry (revision), Japanese Plum (revision), Olive (revision), Papaya, Pecan nut, Red and White Currant (revision), Fig and Peach.

54. The TWF considered a proposal for a partial revision of the Test Guidelines for Mandarin (Citrus Group 1) on the basis of document TWF/40/15 and a presentation provided by Mr. Guillermo Soler Fayos to the subgroup of interested experts.

55. The TWF received the final report on the possible development of a regional set of example varieties for North and East Asia for the Test Guidelines for Strawberry from Mr. Kiyofumi Nakamura (Japan). Mr. Nakamura confirmed the conclusion, reported at the thirty-ninth session of the TWF, that it would not be possible to develop a regional set of example varieties for the time being.

56. The TWF received a presentation from Mr. Nik Hulse (Australia) on experiences with new types and species in Australia.

57. The TWF considered documents TWF/40/4 “UPOV Information Databases”, TWF/40/5 “Variety Denominations” and TWF/40/6 “Variety description databases”.

58. The TWF noted the report on discussions concerning combinations of lines or varieties, as set out in document TWF/40/7.

59. Regarding the exchangeable software the TWF welcomed the proposal presented in documents TWF/40/8 and UPOV/INF/Software Draft 2.

60. The TWF noted the developments reported in document TWF/40/9, concerning proposals under consideration in the context of electronic application systems.

61. The TWF considered document TWF/40/12 “Assessing uniformity by off-types on the basis of more than one sample or sub-samples” and agreed that TWF experts should be invited to supply information on apple by means of the questionnaire.

62. The TWF noted the report on method of calculation of COYU provided in document TWF/40/16.

63. The TWF received a presentation of the latest version of the “Practical guide for drafters (Leading Experts) of UPOV Test Guidelines”, and noted that the guide would be attached to the e-mail reminder sent to Leading Experts. The TWF agreed that a similar presentation should be made at each session, if time allowed.

64. The TWF agreed to submit to the TC for adoption the draft Test Guidelines for Banana, Fig, Papaya, Peach and Mandarins.

65. The TWF planned to continue discussions on Test Guidelines for a total of 12 species: 9 of them at “possible final” draft stage. The TWF agreed that it should start to establish or revise Test Guidelines for one species at its forty-first session.

66. At the invitation of the expert from Mexico, the TWF agreed to hold its forty-first session in Cuernavaca, Morelos State, Mexico, from September 27 to October 1, 2010, with preparatory workshop on September 26. During its fortieth session, the TWF planned to discuss or re-discuss the following items: Short reports on developments in plant variety protection from members and observers; as well as within UPOV; Developments on molecular techniques; TGP documents; Variety denominations; Information and databases; Uniformity assessment; Experiences with new types and species; Proposals for Partial Revisions of Test Guidelines; Matters to be resolved concerning Test Guidelines adopted by the Technical Committee; Discussions and Recommendations on draft Test Guidelines and Guidance for drafters of Test Guidelines.

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

67. The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its forty-second session in Angers, France, from September 14 to 18, 2009 and was chaired by Ms. Andrea Menne (Germany), Chairperson of the TWO. The report of the TWO is reproduced in document TWO 42/18.

68. The TWO was attended by 44 participants, from 17 members of the Union and 1 observer organization. The TWO noted that the preparatory workshop was held during the afternoon of September 13 and had been attended by 26 participants.

69. The TWO was welcomed by Mr. Bart Kiewiet, President of the Community Plant Variety Office of the European Union (CPVO). He provided information on the CPVO and the PVP system in the European Union. The TWO also received short oral reports on developments in variety protection from participants and from the Office of the Union on the latest developments within UPOV.

70. A number of draft TGP documents were discussed. The TWO made recommendations on TGP/8 Draft 13 and on TGP/14/1 Draft 9.

71. The TWO also considered and commented on the revision of TGP/7, “Development of Test Guidelines”. It agreed that the method of observation should be included in the TG Template. An explanation should be added that visual observation or measurement would be appropriate according to the particular circumstances.

72. The TWO discussed document TWO/42/16 “Guidance for Applicants on Providing Suitable Photographs of the Candidate Variety as an Accompaniment to the Technical Questionnaire”. It agreed that the European Union, in collaboration with experts from Australia, Canada, Germany, New Zealand and the United Kingdom should draft a new text in form of an Additional Standard Wording (ASW) for consideration by the Technical Working Parties at their sessions in 2010.

73. The TWO had a special interest in document TWO/42/13 “Exercise on Color”. It had a detailed discussion about the results of the exercise and agreed that the conclusions of the discussion should be incorporated in a revision of document TWO/42/11, which should be drafted in the form of a section to be introduced in document TGP/14.

74. The TWO received a presentation from Mr. Nik Hulse (Australia), on experiences with new types and species. It agreed that members of the Union should be encouraged to indicate practical experience for a new type or species at an early stage, because it would be helpful for other members of the Union to have an indication that another member of the Union had already started work.

75. The TWO noted the developments reported in document TWO/42/4 “UPOV Information Databases” on UPOV information databases. It noted the report on developments in document TWO/42/5 “Variety Denomination”.

76. The TWO considered document TWO/42/12 and agreed that it would not be relevant to request information on assessing uniformity by off-types on the basis of more than one sample or sub-samples for ornamental plants or forest trees.

77. With regard to the Test Guidelines for Cassava and the Test Guidelines for Rosemary being developed by the Technical Working Party for Agricultural Crops (TWA) and/or by the Technical Working Party for Vegetables (TWV), the TWO proposed that the following sentence should be provided in Chapter 1 of the Test Guidelines: “In the case of ornamental varieties, it may, in particular, be necessary to use additional characteristics to those included in the Table of Characteristics in order to examine Distinctness, Uniformity and Stability.” On that basis, the TWO agreed that it would not be necessary for the TWO to consider the draft Test Guidelines currently under development.

78. The TWO agreed the proposal for a partial revision or correction for the following adopted Test Guidelines: Chrysanthemum (document TG/26/5 Corr.), Osteospermum (TG/176/4 Corr.) and Rose (document TG/11/8).

79. The TWO agreed to submit six test guidelines to the TC. Of those: two were revisions of existing guidelines, for Lily and Hydrangea; and four were new guidelines, for Buddlea, *Gaura* L., Gypsophila and Vriesea. At the forty-third session the TWO planned to discuss 22 Test Guidelines, consisting of three revisions and 19 new Test Guidelines.

80. At the invitation of the expert from Mexico, the TWO agreed to hold its forty-third session in Cuernavaca, Morelos State, Mexico, from September 20 to 24, 2010, with the preparatory workshop to be held on September 19. During the forty-third session, the TWO planned to discuss or re-discuss the following items: short reports on developments in plant variety protection from members, observers and within UPOV; molecular techniques; TGP documents, UPOV information databases, experiences with new types and species and discussion of and recommendations for draft test guidelines.

Technical Working Party for Vegetables (TWV)

81. The Technical Working Party for Vegetables (TWV) held its forty-third session in Beijing, China, from April 20 to 24 2009, with a preparatory workshop held on April 19. The session was chaired by Ms. Radmila Šafaříková (Czech Republic), Chairperson of the TWV. The full report of the meeting is available in document TWV/43/17.

82. The session was attended by 44 participants from 17 members of the Union and one observer organization. The preparatory workshop was attended by 17 participants.

83. During the session, draft of documents TGP/8 “Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability”, with associated document TWV/43/11, TGP/11 “Examination of Stability”, TGP/14 “Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents”, with associated document TWV/43/12, were discussed. In addition, the revision of TGP/7 “Development of Test Guidelines” was also discussed.

84. With regard to those documents, the TWV proposals included the following:

- to develop a new section in TGP/8 to provide guidance on the predictability and consistency of segregation and characteristics examined in bulk sample (document TWV/43/11);
- in document TGP/14, to introduce the possibility to provide a different definition for the terms “base” and “apex” and retain the states “small” and “large” for ratio, but to add a clarification in brackets;
- to develop guidance on quantity of plant material to be provide for Test Guidelines in document TGP/7;
- in document TGP/7, to add the possibility to indicate that the variety is a parent line, with a reference to document TGP/5 “Experience and Cooperation in DUS Testing”, Section 11/1 “Examples of Policies and Contracts for Material Submitted by the Breeder”, which explains in paragraph 1.1 that “[...] in the particular case of parent lines submitted as a part of the examination of a candidate hybrid variety, living plant material should only be made available to other variety collectors in such a way that the legitimate interests of the breeder would be safeguarded.”

85. The TWV considered document TWV/43/14 “Assessing Uniformity by Off-Types on the Basis of More Than One Sample or Sub-Samples” and agreed that the questionnaire should provide a further example to illustrate options where uniformity was assessed in a plant sample of 40 plants in each of two independent growing cycles, in two separate plantings. In the first option, the uniformity would be assessed in 80 plants over the two growing cycles. In the second option, the uniformity would be assessed in 40 plants in each of the two years, with a decision rule that failure in one year would lead to a third year of examination., with the final decision being based on two years out of three.

86. The TWV received an oral report from the Netherlands on its plans to prepare a document on applications for varieties with low germination, focused on parent lines, for consideration by the TWV at its forty-fourth session. The TWV agreed that proposals should be developed on the basis of that document for consideration by the other TWPs and the TC, as considered appropriate by the TC, with a view to their possible incorporation in a future revision of document TGP/7.

87. An expert from the Netherlands reported that the Netherlands intended to publish its variety descriptions on its website. The TWV agreed that consideration should be given to how a link to that information could be provided on the UPOV website. In response to a question from the International Seed Federation (ISF), the expert from the Netherlands explained that particular consideration would be given to the publication of variety descriptions of parent lines. It was explained that descriptions of parent lines only submitted as a part of an application for a hybrid variety would not be published.

88. The TWV discussed seven test guidelines during its forty-third session. The TWV agreed to put forward for adoption by the TC three revised test guidelines (Asparagus, Black Salsify, Lettuce) and three new test guidelines (Agaricus, Dock and Sweet Potato)

89. The TWV agreed to discuss a total of 14 test guidelines at its forty-fourth session; of which, 10 were final drafts of revisions or partial revisions (French bean, Globe Artichoke, Lettuce, Onion, Pea, Radish, Rosemary, Spinach, Tomato and Watermelon), one was a second draft (Shiitake) and 3 were first drafts (Echinacea, Lycopersicon and Pleurotus).

90. At the invitation of the expert from Bulgaria, the TWV agreed to hold its forty-fourth session in Veliko Tarnovo, Bulgaria, from July 5 to 9, 2010, with a preparatory workshop on July 4.

91. During the forty-fourth session, the TWV planned to discuss: Short reports on developments in plant variety protection; molecular techniques; TGP documents; variety denominations; UPOV information databases; variety description databases; exchangeable software; electronic application systems; applications for varieties with low germination; nomenclature of pathogens; guidance on the quantity of plant material to be provided for test guidelines; a review of grouping, Technical Questionnaire and asterisked characteristics in the Test Guidelines for Pea; proposals for partial revisions / corrections of Test Guidelines; matters to be resolved concerning Test Guidelines adopted by the Technical Committee; discussion and recommendations on draft Test Guidelines; the date and place of the next session; the future program; and the report on the conclusions of the session.

92. On Thursday, April 23, 2009, the TWV was invited to participate in the ceremony to celebrate the 10th anniversary of the UPOV membership of China.

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

93. The TC noted that no session of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) had been held since the forty-fifth session of the TC.

Matters arising from the Technical Working Parties

*94. The TC considered document TC/46/3.

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

Matters arising after the grant of a breeder's right

*95. The TC noted the developments in the CAJ with regard to a document concerning matters arising after the grant of a breeder's right.

Matters raised by CIOPORA in relation to distinctness

*96. The TC noted the comments made by the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) in relation to the use of characteristics in the examination of distinctness, as reported in document TC/46/3, paragraphs 7 to 13. The TC endorsed the clarification that had been provided to CIOPORA by the Office of the Union, as set out in document TC/46/3, paragraph 14, and recalled that CIOPORA were invited to attend the Technical Working Parties and the Technical Committee where they could receive further explanation of the basis for the selection of characteristics for inclusion of Test Guidelines. It was agreed that the adoption of the Test Guidelines for Mandarin should not be delayed on the basis of the comments by CIOPORA.

*97. The TC noted that, with regard to the partial revision of the Test Guidelines for Mandarin (Citrus Group 1), as set out in Circular E-1143, dated November 30, 2009, in addition to the comments of CIOPORA, substantial comments had been received from Australia and Morocco. On the basis of those substantial comments, the Leading Expert, Mr. Chomé Fuster (Spain), had concluded that it would be appropriate for the partial revision of the Test Guidelines for Mandarin to be considered further by the TWF at its forty-first session, to be held in Cuernavaca, Morelos State, Mexico, from September 27 to October 1, 2010.

Experiences with new types and species

*98. The TC noted the information provided at the TWO and TWF sessions in 2009 and noted that the proposal to invite members of the Union to indicate practical experience when requesting a new UPOV code, as set out in document TC/46/3, paragraph 22, would be considered under agenda item 9 "UPOV information databases".

*99. The TC agreed that an item for "Experiences with new types and species (oral reports by participants)" should be included in the agenda of the TWF, TWO and TWV sessions in 2010.

Biodiversity / Germplasm Information on Germplasm Accessions (GIGA) project

*100. The TC noted the involvement of UPOV experts in the GIGA (Germplasm Information on Germplasm Accessions) project of Biodiversity.

Statistical methods for visually observed characteristics

*101. The TC agreed that statistical methods for visually observed characteristics should be investigated by the TWC and should be considered for possible inclusion in the revision of document TGP/8/1.

Searching documents on the UPOV website

*102. The TC noted the plans for the development of a search tool for documents placed in the restricted areas of the UPOV website.

II. MATTERS FOR INFORMATION

*103. The TC noted the matters for information provided in document TC/46/3.

TGP documents

*104. The TC considered document TC/46/5.

(a) New TGP documents

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

*105. The TC agreed that document TGP/8/1 Draft 15 should be amended as indicated, with the following further modifications:

	<u>Part I</u>
1.3.2.5	to be deleted
3.2.1.4	to read “3.2.1.4 In the context of consistency and harmonization, it should be noted that different statistical methods may produce different results.”
3.3	to retain both the table and the flow chart
3.3	Flow chart: to replace text in box “No statistical methods” with “No statistical method provided in TGP/8”

*106. The TC noted that the changes to the text of document TGP/8/1 Draft 15 as proposed above would be reported to the CAJ at its sixty-first session, to be held in Geneva on March 25, 2010. The TC agreed that, subject to agreement by the CAJ, document TGP/8/1 Draft 15, as amended above, should be put forward for adoption by the Council at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010. The TC noted that the French, German and Spanish translations of the original English text would be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/8/1 to the Council.

*107. The TC approved the approach for the revision of document TGP/8/1 (document TGP/8/2), as set out in document TC/46/5, paragraphs 13 and 14. The TC agreed

that, in addition to those items included in document TC/46/5, the following matters should also be considered in the revision of TGP/8:

- (a) guidance on the development of variety descriptions with information from:
 - (i) more than one growing cycle in one location, and
 - (ii) more than one location;
- (b) review of the recommendation on the minimum number of degrees of freedom for COYD;
- (c) inclusion of a recommendation on the minimum number of degrees of freedom for the 2 x 1% Method; and
- (d) inclusion of a recommendation on the minimum number of comparable varieties to be included in the trial in the Relative Variance Method for the assessment of uniformity.

TGP/14 "Glossary of [Technical, Botanical and Statistical] Terms Used in UPOV Documents"

*108. The TC agreed that document TGP/14/1 Draft 11 should be amended as indicated in the document, but agreed that no further modifications were required. In particular, the TC agreed not to combine synonymous terms within a single entry (e.g. Breeder's Right, Plant Breeder's Right and PBR).

*109. The TC agreed that, subject to agreement by the CAJ, document TGP/14/1 Draft 11, should be put forward for adoption by the Council at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010. The TC noted that the French, German and Spanish translations of the original English text would be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/14/1 to the Council.

*110. The TC approved the consideration of the items set out in document TC/46/5, paragraphs 21 to 26, in the revision of document TGP/14/1 (document TGP/14/2) and agreed that the following items should also be considered:

- (a) the development of suitable wording for states of expression for ratio characteristics with a 1-9 note scale covering, for example, only elongated ratios;
- (b) further guidance concerning the duplication of characteristics, e.g. characteristics for ratio length/width, length, width and shape, on the basis of a document to be prepared by Mrs. Beate Rücker (Germany).

TGP/11 Examination of Stability

*111. The TC agreed the procedure and schedule for the development of document TGP/11/1, as set out in document TC/46/5, paragraph 30.

(b) Revision of TGP Documents

TGP/7 Development of Test Guidelines

*112. The TC agreed that document TGP/7/2 Draft 5 should be amended as indicated in the document, with the following further modifications:

Annex I, TQ 4.1	to delete new text and reinstate ASW 15 as contained in document TGP/7/1
Annex I, TQ 4 & TQ 7	to add text for footnote #

*113. The TC agreed that the text of Annex I: TG Template, Chapter 4.1.4, and the final sentence of Annex 3: Guidance Notes (GN) for the TG Template, GN7 “Quantity of plant material required” should be retained as presented in document TGP/7/2 Draft 5, but agreed that Mrs. Beate Rücker (Germany) should prepare a document, concerning the number of plants to be considered for distinctness, for consideration by the TWPs at their session in 2010.

*114. With regard to the possibility of the Technical Questionnaire providing an opportunity to indicate that an application concerned a parent line, the TC agreed that such a possibility existed within Section 4 “Information on the breeding scheme and propagation of the variety”, as far as that information was relevant for the DUS examination. The TC clarified that, in the particular case of parent lines submitted as a part of the examination of a candidate hybrid variety, document TGP/5: Section 11/1 “Examples of Policies and Contracts for Material Submitted by the Breeder” explained that living plant material should only be made available to other variety collectors in such a way that the legitimate interests of the breeder would be safeguarded.

*115. The TC noted that the CAJ proposal concerning standard UPOV references for the UPOV Model Application Form and UPOV Model TQ, as set out in Annexes II and IV of document CAJ/60/5 (reproduced in document TC/46/13, Annexes II and IV), would be considered under agenda item 12 “Electronic Application Systems”.

*116. The TC noted that the changes to the text of document TGP/7/2 Draft 5 as proposed above would be reported to the CAJ at its sixty-first session. The TC agreed that, subject to agreement by the CAJ, document TGP/7/2 Draft 5, as amended above, should be put forward for adoption by the Council at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010. The TC noted that the French, German and Spanish translations of the original English text would be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/7/2 to the Council.

*117. The TC noted that, on the basis of feedback at the TWP sessions in 2009 and the experience with draft Test Guidelines, the Office of the Union had concluded that the Collection of Approved Characteristics was not, in general, used by Leading Experts in the drafting of Test Guidelines on a regular basis. The TC agreed that it would not be a good use of resources to invest a substantial effort in integrating the Collection of Approved Characteristics into the TG Template for the time-being.

*118. With regard to a future revision of TGP/7 (document TGP/7/3), the TC agreed that consideration be given to the items set out in document TC/46/5, paragraphs 43 to 54, subject

to the final sentence of paragraph 48 being amended to read “In particular, the TC-EDC noted that asterisked characteristics were very important for international harmonization of variety descriptions.”. The TC agreed that the following items should also be considered:

- (a) to provide guidance on the indication of observation by Measurement (M) for characteristics such as dates (e.g. time of flowering), counts (e.g. number of leaf lobes) etc.;
- (b) document to be prepared by an expert from Germany (see paragraph 26), concerning the number of plants to be considered for distinctness, for consideration by the TWPs at their session in 2010

TGP/5 Experience and Cooperation in DUS Testing

Section 2 “UPOV Model Form for the Application for Plant Breeders’ Rights”

*119. The TC noted that the CAJ, at its sixty-first session, would be invited to consider a proposal for text to be added to document TGP/5: Section 2 “UPOV Model Form for the Application for Plant Breeders’ Rights”, in order to explain the standard references in the UPOV Model Application Form. It further noted that the development of standard references for the UPOV Model TQ and for Test Guidelines, as set out in Annexes III and IV of document TC/46/13, would be considered under agenda item 12 “Electronic Application Systems”.

Section 10 “Notification of Additional Characteristics”

*120. The TC noted that the proposal in document TGP/7/2 Draft 5 for the reporting of modifications to characteristics in the Test Guidelines by means of document TGP/5 (see document TC/46/5, paragraphs 61 to 63) would require a corresponding revision of document TGP/5, Section 10/1. It further noted that the TC, in document TC/46/2, paragraphs 22 to 24, was invited to consider whether new characteristics and new states of expression notified by means of document TGP/5, Section 10 “Notification of Additional Characteristics”, should be presented for consideration at the session of the relevant TWP(s) and the TC before they are presented on the password-restricted area of the UPOV website.

*121. The TC agreed that the TWPs should be invited to consider those proposals at their sessions in 2010, on the basis of a draft text to be prepared by the Office of the Union, with a view to a revision of document TGP/5, Section 10/1 being considered by the TC and CAJ in 2011, for proposal to the Council in October 2011.

TGP/12 Guidance on Certain Physiological Characteristics

*122. The TC agreed that the TWV should develop a proposal for a revision of document TGP/12/1 in order to provide guidance on the nomenclature and use of disease resistance characteristics, as set out in document TC/46/5, paragraphs 65 and 66.

TGP/0 List of TGP Documents and Latest Issue Dates

*123. The TC agreed to propose the adoption of document TGP/0/3 in conjunction with the adoption and revision of TGP documents, as appropriate.

(c) Program for the development of TGP documents

*124. The TC agreed the program for the development of TGP documents, as set out in the Annex to document TC/46/5.

Molecular techniques

*125. The TC considered documents TC/46/7, BMT Guidelines (proj.16) and BMT/DUS Draft 2.

UPOV Guidelines for DNA-profiling: molecular marker selection and database construction (BMT Guidelines)

*126. The TC agreed that document BMT Guidelines (proj.16) should be amended as indicated in the document, but agreed that no further modifications were required.

*127. The TC agreed that, subject to agreement by the CAJ, document BMT Guidelines (proj.16) should be put forward for adoption by the Council at its forty-fourth ordinary session. The TC noted that the French, German and Spanish translations of the original English text would be checked by the relevant members of the Editorial Committee prior to submission of the draft of document BMT Guidelines to the Council.

Proposals for the utilization of biochemical and molecular techniques in the examination of DUS to be considered by the BMT Review Group

*128. The TC noted that the CAJ, at its sixtieth session, held in Geneva on October 19, 2009, had endorsed the recommendations of the BMT Review Group, as set out in document TC/46/7, paragraph 14.

*129. The TC endorsed the recommendations of the BMT Review Group, as set out in document TC/46/7, paragraph 14.

Revision of documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add.

*130. The TC agreed the following amendments to document BMT/DUS Draft 2:

Title	to read "Possible Use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability ("DUS")"
Structure	to differentiate the models into those which received a positive endorsement by the BMT Review Group, CAJ and TC and those where there was no consensus on their acceptability. Within the models which received a positive endorsement by the BMT Review Group, CAJ and TC, to consider a further separation of the models for which further work was required.
Title of models	to seek to develop a short title for each model

*131. The TC noted that the CAJ, at its sixtieth session, had agreed that a document could be presented for adoption by the Council in October 2010, in conjunction with the document BMT Guidelines. However, the TC agreed that a new draft of the

document BMT/DUS should be prepared by the Office of the Union, in conjunction with the TC Chairman and the BMT Chairman, for consideration by the BMT and the TWPs at their sessions in 2010 and a further draft prepared on the basis of the comments of the BMT, TWPs and CAJ for consideration by the TC at its forty-seventh session.

*132. The TC agreed that the possibility of document BMT/DUS Draft 2 becoming document TGP/15, with an appropriate change of title for TGP/15, should be considered at a later stage.

Practical exercise in the development of an exchangeable database

*133. The TC recalled that matters concerning databases containing morphological and/or molecular data would be considered under the agenda item “Variety description databases”.

International guidelines on molecular methodologies

*134. The TC noted that ISTA had been approached to investigate how the work of UPOV and ISTA might, where appropriate, be coordinated with UPOV in relation to molecular techniques.

Statistical methods for data produced by biochemical and molecular techniques

*135. The TC noted that the item on the BMT/11 agenda for “statistical methods for data produced by biochemical and molecular techniques” had been replaced by an item “methods for analysis of molecular data” in the agenda for the twelfth session of the BMT, to be held in Ottawa, Canada, from May 11 to 13, 2010.

Ad hoc crop subgroups on molecular techniques (Crop Subgroups)

*136. The TC approved Mrs. Laetitia Denecheau (France) as new Chairperson of the Crop Subgroup for Oilseed Rape.

*137. The TC noted the developments concerning Crop Subgroups as set out in document TC/46/7, paragraphs 46 to 50 and agreed the following plans for meetings of Crop Subgroups:

Crop Subgroup for Maize: no subgroup meeting planned. The TC noted that the Office of the Union had contacted the American Seed Trade Association (ASTA) to see if it would be interested in receiving a report on the outcome of the consideration within UPOV on the approach presented in documents BMT/10/14 and BMT-TWA/Maize/2/11 “Possible use of molecular techniques in DUS testing on maize: how to integrate a new tool to serve the effectiveness of protection offered under the UPOV system” at the meeting of the maize and sorghum breeders’ meeting in the United States of America in 2010;

Crop Subgroup for Oilseed Rape: no subgroup meeting planned;

Crop Subgroup for Potato: no subgroup meeting planned. To consider a future meeting according to developments in on-going projects reported at the eleventh session of the BMT;

Crop Subgroup for Soybean: to consider a meeting to include a report on the work of Argentina and Brazil in the context of a possible Option 2 approach in due course; and

Crop Subgroup for Wheat and Barley: no subgroup meeting planned. Any on-going work, such as the work in France on barley in the context of a similar approach to that presented for maize in document BMT/10/14, would be reported at the twelfth session of the BMT.

Working group on biochemical and molecular techniques, and DNA-profiling in particular (BMT)

*138. The TC noted that, at the twelfth session of the BMT, to be held in Ottawa, Canada, from May 11 to 13, 2010, the specific day for the agenda items “The use of molecular techniques in the consideration of essential derivation” and “The use of molecular techniques in variety identification” (the “Breeders’ Day”) would be May 11, 2010.

Variety denominations

*139. The TC considered document TC/46/8.

Adoption of document UPOV/INF/12/2 “Explanatory Notes on Variety Denominations under the UPOV Convention” (Revision)

*140. The TC noted the adoption of document UPOV/INF/12/2 “Explanatory Notes on Variety Denominations under the UPOV Convention” (revision) and noted that the UPOV code and botanical name for “*Lentinula edodes*” would be considered under agenda item 9 “UPOV information databases”.

Document UPOV/INF/12, Annex I, Part I:

Class 4.1 Solanum tuberosum L. / Class 4.2 Solanum other than Class 4.1

*141. The TC noted that there might be advantages in retaining Tomato rootstock species in the same variety denomination class as Tomato, but agreed that the TWV should be invited to consider that matter. Therefore, the TC agreed to request the TWV, at its forty-fourth session, to be held in Veliko Tarnovo, Bulgaria, from July 5 to 9, 2010, to consider the following two alternatives for an amendment to document UPOV/INF/12/2 Annex I, Part I “Classes within a genus”, Class 4:

Alternative 1

	<u>Botanical names</u>	<u>UPOV codes</u>
Class 4.1	<i>Solanum tuberosum</i> L.	SOLAN_TUB
Class 4.2	<i>Solanum lycopersicum</i> var. <i>lycopersicum</i>	SOLAN_LYC_LYC
Class 4.3	<i>Solanum melongena</i> L.	SOLAN_MEL
Class 4.4	<i>Solanum</i> other than classes 4.1, 4.2 and 4.3	other than classes 4.1, 4.2 and 4.3

Alternative 2

	<u>Botanical names</u>	<u>UPOV codes</u>
Class 4.1	<i>Solanum tuberosum</i> L.	SOLAN_TUB
Class 4.2	<i>Solanum melongena</i> L.	SOLAN_MEL
Class 4.3	<i>Solanum</i> other than classes 4.1 and 4.2	other than classes 4.1 and 4.2

*142. The TC agreed to invite the CAJ at its sixty-first session to consider those alternatives and, if appropriate, agree that the alternative endorsed by the TWV be put forward as a revision of document UPOV/INF/12/2 for adoption by the Council at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010.

*143. The TC further agreed to amend the UPOV codes for the following taxa, simultaneously with any revision of the “Explanatory Notes on Variety Denominations under the UPOV Convention”, document UPOV/INF/12/2:

<u>GENIE database</u>	<u>Current UPOV code</u>	<u>GRIN database</u>
<u>Lycopersicon</u>		
<i>Lycopersicon esculentum</i> Mill.	LYCOP_ESC	<i>Solanum lycopersicum</i> var. <i>lycopersicum</i>
<i>Lycopersicon esculentum</i> Mill. var. <i>esculentum</i>	LYCOP_ESC_ESC	
<i>Lycopersicon esculentum</i> Mill. var. <i>cerasiforme</i> (Dunal) A. Gray	LYCOP_ESC_CER	<i>Solanum lycopersicum</i> var. <i>cerasiforme</i> (Alef.) Fosberg
<i>Lycopersicon hirsutum</i> Dunal	LYCOP_HIR	<i>Solanum habrochaites</i> S. Knapp & D. M. Spooner
<i>Lycopersicon lycopersicum</i> (L.) Karst. ex. Farw. x <i>Lycopersicon hirsutum</i> L.	LYCOP_EHI	no hybrid binomial
<u>Cyphomandra</u>		
Cyphomandra	CYPHO	all species removed
<i>Cyphomandra betacea</i> (Cav.) Sendtn. (synonym <i>Solanum betaceum</i> Cav.)	CYPHO_BET	<i>Solanum betaceum</i> Cav.

<u>Hybrid genus</u>		
<i>Lycopersicon x Cyphomandra</i>	LYCYP	<i>Solanum</i> L.
<i>Lycopersicon lycopersicum x Cyphomandra betacea</i>	LYCYP_EBE	to be investigated

Document UPOV/INF/12, Annex I, Part II “Classes encompassing more than one genus”: new class for *Verbena* and *Glandularia*

*144. The TC agreed to propose to amend document UPOV/INF/12/2 Annex I, Part II “Classes encompassing more than one genus” in order to include a new class (Class 212) for *Verbena* L. and *Glandularia* J. F. Gmel..

*145. The TC further agreed, subject to approval by the CAJ and the TWPs at their sessions in 2010, to propose to the Council to amend document UPOV/INF/12/2 Annex I, Part II “Classes encompassing more than one genus” accordingly.

UPOV information databases

*146. The TC considered document TC/46/6.

GENIE database

*147. The TC noted that the GENIE database had been launched on the freely available area of the UPOV website on March 15, 2010.

UPOV code system

*148. The TC noted that 148 new UPOV codes had been created in 2009 and amendments were made to 17 UPOV codes, bringing the total number of UPOV codes in the GENIE database at the end of 2009 to 6,582.

*149. In accordance with the reclassification of *Panicum* in GRIN, and the revision of Class 202 in document UPOV/INF/12/1, Annex I, Part II “Classes encompassing more than one genus”, to cover *Megathyrsus*, *Panicum*, *Setaria* and *Steinichisma*, the TC agreed that the UPOV codes for the following species be amended as indicated:

Current classification in GENIE database		Proposed new classification in accordance with GRIN	
<u>Botanical name</u>	<u>UPOV code</u>	<u>Botanical name</u>	<u>UPOV code</u>
<i>Panicum laxum</i> Sw.	PANIC_LAX	<i>Steinichisma laxa</i> (Sw.) Zuloaga (synonym: <i>Panicum laxum</i> Sw.)	STEIN_LAX
<i>Panicum maximum</i> Jacq.	PANIC_MAX	<i>Megathyrsus maximum</i> (Jacq.) B. K. Simon & S. W. L. Jacobs (synonym: <i>Panicum maximum</i> Jacq.)	MEGAT_MAX

*150. The TC requested the TWV to consider whether the principal botanical name for the UPOV code “LENTI_ELO” should be amended to *Lentinula edodes* (Berk.) Sing., with the

botanical names *Lentinus edodes* (Berk.) Sing. and *Lentinus elodes* (Berk.) Sing. being added as other botanical names, and the UPOV code amended to “LENTI_EDO”.

*151. The TC noted that matters concerning the botanical reclassification of *Lycopersicon*, *Solanum* and *Cyphomandra*, including matters concerning UPOV codes, were considered under agenda item 8 “Variety Denominations”.

*152. In accordance with the procedure set out in Section 3.3 of the Guide to the UPOV Code System (see http://www.upov.int/genie/en/upov_code.html), the TC agreed that the Office of the Union should prepare tables of UPOV code additions and amendments, for checking by the relevant authorities, for each of the TWP sessions in 2010.

*153. With regard to the proposal of the TWO that the Office of the Union should invite members of the Union to indicate practical experience when requesting a new UPOV code, the TC agreed that such an invitation would not be appropriate and agreed that information on genera and species for which new applications had been received could be obtained from the UPOV-ROM Plant Variety Database.

Plant Variety Database

*154. The TC noted that, in accordance with the UPOV-WIPO arrangement, Mr. José Appave, Senior Data Administration Clerk, WIPO, had taken up responsibility for collating data for the UPOV-ROM Plant Variety Database (UPOV-ROM) (see circular E-1190). The TC further noted the clarification that the current arrangements for providing data for the UPOV-ROM, as set out in the UPOV-CPVO MoU (see documents CAJ/57/6, paragraph 6 and TC/44/6, paragraph 15), would not be affected by that development.

*155. The TC heard that, also in accordance with the UPOV-WIPO arrangement, a software developer had been recruited by WIPO to work on the program of improvements concerning the UPOV-ROM and would take up her duties in May 2010.

*156. The TC noted the proposal for the TWC to conduct the analysis of the inclusion of data in fields in the UPOV-ROM Plant Variety Database, as set out in paragraphs 31 to 33 of document TC/46/6, and agreed that the Office of the Union should consider that offer in conjunction with the work under the UPOV-WIPO arrangement.

*157. The TC noted the report on matters concerning the development of common search platforms, as set out in document TC/46/6, paragraphs 36 to 39.

*158. The Delegation of the European Union informed the TC that a new functionality would be added to the Community Plant Variety Office of the European Union (CPVO) database on applications and titles granted, which was available to the public through its official webpage. The aim of that new development was to provide direct access to some of the documents included in the CPVO register. Access to public inspection constituted a legal obligation in the EC Regulation 2100/94, also the EC Regulation 1049/2001 stated, at a certain stage, that institutions shall as far as possible make documents directly accessible to the public in electronic form. Presently the CPVO was providing access to documents upon request. From 2010 onwards the public would be able to read and download the following documents through the CPVO website:

- Application forms (information related to parent lines excluded)
- Technical Questionnaires (information on parent lines and breeding schemes excluded)
- Proposals for variety denomination
- Official variety descriptions
- Photos taken by the Examination Office
- Decisions to grant and refuse applications
- Decisions to cancel and declare a protected variety null and void

*159. The Delegation of the European Union explained that, to avoid the issues on improper use of official variety descriptions and technical information and photos provided by applicants, the CPVO would publish a disclaimer which provided information on the status of such documents, as well as its appropriate use (Official variety descriptions published on the CPVO website are property of the CPVO or of a national authority and shall not be used for official registration purposes (national list and/or plant breeders' rights), unless the CPVO had given its consent in writing.

Variety description databases

*160. The TC considered document TC/46/9.

*161. The TC noted the information provided on variety description databases at the sessions of the TWV and TWF.

*162. In relation to the report in document TC/46/9, paragraph 3, the TC heard that the Netherlands had not started to publish its variety descriptions on its website. The TC agreed that the common search platform / portal, to be developed under the UPOV-WIPO arrangement concerning the UPOV-ROM, should be extended to cover variety description databases. The Delegation of Australia indicated its willingness to provide a link to its variety description information through such a facility.

Exchangeable software

*163. The TC considered documents TC/46/12 and UPOV/INF/Software Draft 3.

*164. The TC agreed that, subject to agreement by the CAJ, document UPOV/INF/Software Draft 3 should be put forward for adoption by the Council at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010. The TC noted that the French, German and Spanish translations of the original English text would be checked by the relevant members of the Editorial Committee prior to submission of the draft of document UPOV/INF/Software to the Council.

*165. The TC approved the translation into English of the user guide for the SIRIUS system for data capture by the Office of the Union, on the basis that the experts from France would check, and also be responsible for, the English version.

*166. The TC noted that, at its twenty-eighth session, to be held in Angers, France, from June 29 to July 2, 2010, the TWC would receive a presentation by an expert from the European Union on software for assessing similarity of denominations, developed by the CPVO. The Delegation of the European Union explained that it would also like to offer

access to its complete variety denomination database, including the variety denomination similarity tool, to members of the Union. The log-in and password would be provided on request to the CPVO by e-mail (*cpvo@cpvo.europa.eu*).

Electronic application systems

*167. The TC considered document TC/46/13.

*168. The TC recalled that, as reported under agenda item 6 “TGP Documents”, the CAJ, at its sixty-first session, would be invited to consider a proposal for text to be added to document TGP/5: Section 2 “UPOV Model Form for the Application for Plant Breeders’ Rights”, in order to explain the standard references in the UPOV Model Application Form.

*169. The TC agreed to propose to the CAJ that inclusion of an explanation of the standard references for the UPOV Model TQ and for Test Guidelines, as set out in Annexes III and IV of document TC/46/13, would benefit from discussion in the TWPs and TC and should not be included in document TGP/7/2, but should be considered for a future revision of document TGP/7 (document TGP/7/3).

*170. The Delegation of the European Union recalled that, in principle, it had supported the Proposal 2 approach, but explained that it had already developed an electronic application system that would preclude such an approach without starting a new system from the beginning. It was explained that the CPVO had launched an online application system and was encouraging the individual member States of the European Union to adopt that system for plant breeder’s right and national list purposes. The CPVO had developed its own software and use of the system was not restricted by other parties. It planned to make that system available in French, German and Dutch. In response to a question from the Vice Secretary-General, the Delegation of the European Union explained that the system would be made available to the member States of the European Union in the first instance, but as a second step, consideration could be given to making that system available to members of the Union.

Method of Calculation of COYU

*171. The TC considered document TC/46/11.

*172. The TC noted the developments concerning the method of calculation of COYU as set out in document TC/46/11, paragraphs 7 to 11, and requested the TWC to make proposals to address the bias in the present method of calculation of COYU. The TC noted the observation at the twenty-seventh session of the TWC, that the way COYU made the calculations at the moment was acceptable, but it was nevertheless desirable to find a solution.

Assessing uniformity by off-types on the basis of more than one sample or sub-samples

*173. The TC considered document TC/46/14.

*174. The TC agreed that the TWV, at its forty-fourth session, to be held in Veliko Tarnovo, Bulgaria, from July 5 to 9, 2010, should be invited to agree a vegetable crop for inclusion in the questionnaire. The Office of the Union would complete and issue the questionnaire after a

vegetable crop had been selected by the TWV. The TC agreed that the translation of the questionnaire should be checked by the relevant language experts of the Editorial Committee and also agreed that paragraph 1.4 should be elaborated to explain that the process and the way in which the data was obtained and used in the decision-making process should be reflected in the responses to the questionnaire.

*175. The TC requested the Office of the Union to send the questionnaire to the TC representatives of the members of the Union for completion, and to provide a document compiling the replies for consideration at the forty-seventh session of the TC. The TC also requested that the document identify any matters that might be considered in relation to the revision of document TGP/8.

Preparatory workshops

*176. The TC noted the report of the preparatory workshops held in 2009 and agreed the proposals for the programs for the preparatory workshops to be held in 2010, as set out in document TC/46/10.

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

*177. The TC noted the information provided in document TC/46/4 and heard that the number of genera and species for which members of the Union had practical experience had increased from 2,209 in 2009 to 2,254 in 2010.

*178. The TC agreed that document TC/46/4 should be updated for the forty-seventh session of the TC.

Test Guidelines

*179. The TC considered document TC/46/2.

*180. The TC noted that the Council, at its forty-third ordinary session, held in Geneva on October 22, 2009, had endorsed the practice whereby Test Guidelines were adopted by the TC on behalf of the Council on the basis of the program of work approved by the Council, without the individual Test Guidelines being submitted to the Council for review (see document C/43/16 "Report on the decisions", paragraphs 34 and 35).

*181. The TC agreed, on the basis of the recommendation of the Enlarged Editorial Committee, that the Test Guidelines for *Vriesea* should be referred back to the TWO, for completion of the missing information.

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

Document No. N° du document Dokument-Nr. No del documento	English	Français	Deutsch	Español	Botanical name Nom botanique Botanischer Name Nombre botánico
NEW TEST GUIDELINES					
TG/AGARIC(proj.5)	Agaricus Mushroom, Button Mushroom	Agaric, Champignon de Paris	Champignon	Champiñón	Agaricus bisporus L.; Agaricus bitorquis L.; Agaricus arvensis L.
TG/BUDDL(proj.7)	Buddleia, Butterfly-bush	Buddleia, Arbre aux papillons	Buddleie, Schmetterlings- strauch	Budleya, Mariposa	Buddleja L.
TG/FIG(proj.6)	Fig	Figuier	Echte Feige, Feige	Higuera	Ficus carica L.
TG/GAURA(proj.4)	Gaura	Gaura	Prachtkerze	Gaura	Gaura L.
TG/GYPSO(proj.7)	Baby's Breath, Gyp, Gypsophila	Gypsophile	Gipskraut, Schleierkraut	Gipsófila	Gypsophila L.
TG/PAPAY(proj.6)	Papaya, Papaw	Papayer	Melonenbaum, Papaya	Papayo, Lechosa	Carica papaya L.
TG/PRL_MIL(proj.8)	Pearl Millet	Pénicillaire, Mil à chandelle, Mil Pénicillaire	Federborstengras	Panizo de Daimiel, Panizo mamozo, Mijo Perla	Pennisetum glaucum (L.) R. Br., Pennisetum americanum (L.) Leeke, Pennisetum typhoides (Burm.f.) Stapf C.E. Hubb.
TG/SWEETPOT(proj.6)	Sweet Potato	Patate douce	Batate, Süßkartoffel	Camote, Batata	Ipomoea batatas (L.) Lam.
REVISIONS OF TEST GUIDELINES					
TG/53/7(proj.2)	Peach	Pêcher	Pfirsich	Durazno, Melocotonero	Prunus persica (L.) Batsch, Persica vulgaris Mill., Prunus L. subg. Persica
TG/59/7(proj.6)	Lily	Lys	Lilie	Lily, azucena, lirio	Lilium L.
TG/116/4(proj.3)	Black Salsify, Scorzonera	Salsifis noir, Scorsonère	Schwarzwurzel	Escorzonera, Salsifí negro	Scorzonera hispanica L.
TG/123/4(proj.8)	Banana, Cavendish banana, Chinese banana, Dwarf banana; Plantain, Pomme banana, Silk banana, Banana sucrier	Bananier, Bananier nain; -	Banane, Zwergbanane; -	Bananera, Banano, Platanera, Plátano; -	Musa acuminata Colla; Musa ×paradisica L. (M. acuminata Colla × M. balbisiana Colla)
TG/130/4(proj.3)	Asparagus	Asperge	Spargel	Espárrago	Asparagus officinalis L.
TG/133/4(proj.4)	Hydrangea	Hortensia	Hortensie	Hortensia, Hidrangea	Hydrangea L.
PARTIAL REVISIONS OF TEST GUIDELINES					
TG/11/8 Rev.(TC/46/2)	Rose	Rosier	Rose	Rosal	Rosa L.
TG/176/4 Rev. (TC/46/2)	Osteospermum; -	Ostéospermum; -	Osteospermum; -	Osteospermum; -	Osteospermum L.; hybrids with Dimorphotheca Vaill.

*183. The TC agreed that the Test Guidelines for Banana be adopted subject to the amendments to the example varieties, proposed by the Leading Expert, being approved by the TWF by correspondence.

*184. The TC agreed that the Test Guidelines for Fig be adopted subject to the amendments to the example varieties, proposed by the Leading Expert, being approved by the TWF by correspondence.

*185. The TC agreed that the Test Guidelines for Asparagus be adopted subject to characteristic 9 “Spear: opening of bracts”, being completed and approved by the TWV by correspondence.

*186. The TC agreed that the Test Guidelines for Papaya should be adopted on the basis that they would apply to vegetatively propagated varieties. It agreed that the TWPs should be invited to consider how to address the DUS examination of seed-propagated varieties of Papaya on the basis of a document to be prepared by the Leading Expert, Mr. Alejandro Barrientos-Priego (Mexico), and the Office of the Union with a view to revising the Test Guidelines for Papaya to include seed-propagated varieties at the earliest opportunity. It also agreed that the CAJ should be invited to consider that matter.

*187. The TC noted the corrections made to the Test Guidelines for Chrysanthemum (document TG/26/5 Corr.2) and the Test Guidelines for Zonal Pelargonium, Ivy-Leaved Pelargonium (document TG/28/9 Corr.), as set out in document TC/46/2, paragraphs 12 to 15.

*188. The TC agreed the program for the development of new Test Guidelines and for the revision of Test Guidelines, as shown in document TC/46/2, Annex II, subject to:

- (a) reconsideration of the Test Guidelines for Vriesea by the TWO; and
- (b) withdrawal of draft Test Guidelines for Rhodes grass (*Chloris gayana* Kunth), Groundnut (*Arachis* L.) and Common Vetch, which the Leading Experts had indicated would not be available for consideration at the thirty-ninth session of the TWA and the draft Test Guidelines for Tomato Rootstock (*Lycopersicon* (excluding *Lycopersicon esculentum* Mill.)), which the Leading Expert had indicated would not be available for consideration at the forty-fourth session, of the TWV.

*189. The TC noted the status of the existing Test Guidelines as listed in Annex III to document TC/46/2.

*190. The TC noted the list of adopted Test Guidelines that have since been replaced, as presented in Annex IV to document TC/46/2, and the plans of the Office of the Union to make copies of all previous adopted versions of Test Guidelines available on the first restricted area of the UPOV website in due course.

*191. The TC noted that it had agreed the consideration of whether and how new characteristics and new states of expression notified by means of document TGP/5, Section 10 “Notification of Additional Characteristics”, should be presented for consideration at the session of the relevant TWP(s) and the TC before they were presented on the password-restricted area of the UPOV website under agenda item 6 “TGP documents” (see paragraphs 33 and 34).

Chairperson and Vice-Chairperson

*192. The TC noted that the chairmanship of Mr. Chris Barnaby (New Zealand) would expire with the closing of the forthcoming ordinary session of the Council in October. It proposed to the Council that it elect Mr. Joël Guiard (France) as new Chairperson and Mr. Alejandro Barrientos-Priego (Mexico) as new Vice-Chairperson of the TC for the forthcoming three-year term.

Program for the forty-seventh session

*193. The following draft agenda was agreed for the forty-seventh session of the TC, to be held in Geneva in 2011:

1. Opening of the session
2. Adoption of the agenda
3. Report on developments in UPOV including relevant matters discussed in the last sessions of the Administrative and Legal Committee, the Consultative Committee and the Council (oral report by the Vice Secretary-General)
4. Progress reports on the work of the Technical Working Parties, including the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT), and the *Ad Hoc* Crop Subgroups on Molecular Techniques
5. Matters arising from the Technical Working Parties
6. TGP documents
7. Molecular techniques
8. Variety denominations
9. UPOV information databases
10. Variety description databases
11. Exchangeable software
12. Electronic application systems
13. Method of calculation of COYU
14. Assessing uniformity by off-types on the basis of more than one sample or sub-samples
15. Preparatory workshops
16. Test Guidelines
17. List of genera and species for which authorities have practical experience in the examination of distinctness, uniformity and stability
18. Program for the forty-eighth session
19. Adoption of the report on the conclusions (if time permits)
20. Closing of the session

UPOV Medal

194. At the end of the session, the Secretary-General awarded Mr. Chris Barnaby (New Zealand) a UPOV silver medal in recognition of his chairmanship of the TC from 2008 to 2010.

195. The present report has been adopted by correspondence.

[Annexes follow]

ANNEXE I / ANNEX I / ANLAGE I / ANEXO I

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

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

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

REPORTS ON DEVELOPMENTS IN UPOV
INCLUDING RELEVANT MATTERS DISCUSSED IN THE LAST SESSIONS OF THE
ADMINISTRATIVE AND LEGAL COMMITTEE, THE CONSULTATIVE
COMMITTEE AND THE COUNCIL

UPOV

TECHNICAL COMMITTEE
Forty-Sixth Session

REPORT ON DEVELOPMENTS IN UPOV
including relevant matters discussed in the last sessions
of the Administrative and Legal Committee, the
Consultative Committee and the Council

Mr. Rolf Jördens
Vice Secretary-General, UPOV

Geneva, March 22 to 24, 2010

1

UPOV

OVERVIEW

(matters not covered in the TC agenda)

- UPOV Membership
- Council
- Consultative Committee
- CAJ & CAJ-AG
- General
 - Input to UN
 - Second World Seed Conference
- TC / Test Guidelines

2

UPOV

MEMBERSHIP OF UPOV

68 Members
(67 States and the European Community)

New Members

Oman	November 22, 2009
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1991 Act

Slovakia	June 12, 2009
----------	---------------

<u>Laws examined</u>	<u>Council session</u>	<u>Advice</u>
Peru	April 3, 2009	positive
Oman	October 22, 2009	positive
Guatemala	October 22, 2009	positive

3

UPOV

**Members of UPOV (green) and
initiating States and organizations
(brown)**



Initiated the Procedure
17 States
1 intergovernmental organization

4

UPOV

COUNCIL

5

UPOV

COUNCIL

ELECTIONS
for a term of three years ending in 2012

President of the Council

Mr. Keun-Jin Choi
(Republic of Korea)

Vice-President of the Council

Ms. Kitisri Sukhapinda
(United States of America)

6

UPOV **COUNCIL**
BUDGET

The Council approved:

- (a) the proposals contained in the Draft Program and Budget for the 2010-2011 Biennium, including the amount of contributions from members of the Union;
- (b) the proposed maximum ceiling of expenditure in the regular budget (6,782,000); and
- (c) the total number of posts for the Office of the Union (Total: 11).

7

UPOV **COUNCIL**
INFORMATION MATERIALS ADOPTED:

UPOV/INF/12/2 (Revision)
Explanatory Notes on **Variety Denominations** under the UPOV Convention
*(Revised classes:
Class 202 Megathyrsus, Panicum, Setaria and Steinchisma
Class 211 Mushrooms)*

UPOV/INF/13/1
Guidance on **How to Become a Member of UPOV**

UPOV/INF/14/1
Guidance for Members of UPOV on **How to Ratify, or Accede to, the 1991 Act of the UPOV Convention**

8

UPOV **COUNCIL**
INFORMATION MATERIALS ADOPTED (continued): :

Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (document UPOV/INF/6/1)

PART I: EXAMPLE TEXT FOR ARTICLES
PART II: NOTES BASED ON INFORMATION MATERIALS

(available in English, French, German, Spanish, Arabic, Chinese and Russian)

9

UPOV **COUNCIL**
INFORMATION MATERIALS ADOPTED (continued):

Explanatory Notes on:

UPOV/EXN/GEN/1	Genera and Species to be Protected
UPOV/EXN/NAT/1	National Treatment
UPOV/EXN/NOV/1	Novelty
UPOV/EXN/PRI/1	Right of Priority
UPOV/EXN/PRP/1	Provisional Protection
UPOV/EXN/EDV/1	Essentially Derived Varieties
UPOV/EXN/EXC/1	Exceptions to the Breeder's Right
UPOV/EXN/NUL/1	Nullity of the Breeder's Right
UPOV/EXN/CAN/1	Cancellation of the Breeder's Right
UPOV/EXN/ENF/1	Enforcement of Breeders' Rights

...under the 1991 Act of the UPOV Convention
(also incorporated in document INF/6/1)

10

UPOV **COUNCIL**
TGP DOCUMENTS

TGP/12/1: Guidance on Certain Physiological Characteristics

TGP/13/1: Guidance for New Types and Species

TGP/0/2 (Revision):
List of TGP Documents and Latest Issue Dates

11

UPOV

CONSULTATIVE COMMITTEE

12

UPOV CONSULTATIVE COMMITTEE

- Selection of candidates to be interviewed for post of Vice Secretary-General
- Requests for the granting of observer status
 - CropLife International: CAJ, TC, TWPs
 - European Farmers Coordination (CPE): Council
 - Association for Plant Breeding for the Benefit of Society (APBREBES): Council, CAJ, TC
- Financial Regulations and Rules of UPOV
- Internal audit provisions

13

UPOV CONSULTATIVE COMMITTEE

DOCUMENT APPROVAL

Unless otherwise agreed by the Council,

- **Documents which set out UPOV policies or guidance**, once approved by the relevant UPOV Committees, as appropriate, **must be adopted by the Council.**
- Proposed to the Council that it endorses the practice whereby **Test Guidelines are adopted by the Technical Committee (TC) on behalf of the Council** on the basis of the program of work approved by the Council, without the individual Test Guidelines being submitted to the Council for review

(Council endorsed)

14

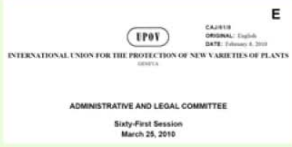
UPOV ADMINISTRATIVE AND LEGAL COMMITTEE (CAJ)

(most CAJ items covered by Council report, or will be discussed at TC session)

15

UPOV CAJ

MATTERS ARISING AFTER THE GRANT OF THE BREEDER'S RIGHT



Examples of matters that might be covered

9. On December 23, 2009, the Office of the Union issued Circular E-1168 inviting members and observers of the CAJ to provide examples on matters arising after the grant of the breeder's right, in particular in relation to nullity, cancellation, variety denomination and exhaustion of the breeder's right. The deadline for reply was January 31, 2010.
10. The contributions received in reply to Circular E-1168 from Argentina, Brazil, the European Union, Japan, Netherlands and South Africa are reproduced in the Annex to this document.

16

UPOV Administrative and Legal Committee Advisory Group (CAJ-AG)

17

UPOV CAJ-AG

EXPLANATORY NOTES:

Definition of Breeder	CAJ-AG (October 2010)
Definition of Variety	CAJ (March 2010)
Conditions and Limitations	CAJ (March 2010)
Harvested Material	CAJ (October 2010)
Essentially Derived Varieties	CAJ-AG (October 2010)

18

UPOV

GENERAL

19

UPOV

**Report of the Special Rapporteur
on the Right to Food**

Note presented to the
Third Committee of the
General Assembly of the United Nations
on October 21, 2009

see http://www.upov.int/en/about/key_issues.htm

20

UPOV **Second World Seed Conference**



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UPOV **Second World Seed Conference**



"Follow-up"

Project in a group of model countries with a view to developing an enabling environment to encourage plant breeding and the production and distribution of high quality seed for the benefit of farmers.

22

UPOV

UPOV UPOV/DUS-SEM1 Rev. **E**
ORIGINAL: English
DATE: March 11, 2010

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

SEMINAR ON DUS TESTING
Geneva, March 18 to 20, 2010

Aim:

- provide information and facilitate discussion on - arrangements for DUS testing, and
- guidance for DUS testing, including test guidelines, the management of variety collections and variety descriptions.

Target Audience:

- Officials responsible for organizing DUS testing
- Staff of plant variety protection offices and DUS testing organizations
- DUS examiners
- DUS data administrators
- Breeders

23

UPOV

THANK YOU

24

[Annex III follows]

ANNEX III

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

1. NEW TEST GUIDELINES

Agaricus L.	TG/AGARIC(proj.5)
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Changes to document TG/AGARIC(proj.4), proposed by the Enlarged Editorial Committee at its meeting on January 7, 2010, which are already incorporated in the draft Test Guidelines (document TG/AGARIC(proj.5)), submitted to the TC:

Alternative names (French)	to delete “Champignon” and add “Agaric”
3.1	to delete “(see also: Additional information: Life cycle of Agaricus in Chapter 8.3)” and add “The growing cycle is considered to be a flush.”, subject to checking with Leading Expert <i>Leading Expert: to read “The growing cycle is considered to be from spawning until the end of the first flush”</i>
3.3	see comments to Ad. 12 <i>Leading Expert: to add to Chapter 3.3.1 “In particular, the relative humidity should be between 85-95%.”</i>
3.4.1	to delete “preferably”
3.4.1	to indicate a number of fruit bodies that allows all characteristics to be observed, in accordance with the requirements of Chapter 3.4.2. <i>Leading Expert: to read “Each test should be designed to result in a total of at least 120 fruit bodies collected over the first flush...”</i>
3.5	to read “Unless otherwise indicated, all observations should be made on 120 fruit bodies or parts taken from each of 120 fruit bodies. The fruit bodies should be distributed over the spawn sample.”
4.2.2	to delete second sentence
Table of Chars.	notes (a), (b), (c) to be replaced by one of the 5 specific growth stages specified in Ad. 14, 17. “Open Cap” stage to be related to one of those stages (see Chars. 15 to 18). To add a key for growth stage (based on Ad. 14, 17) as Chapter 8.3. <i>provided by Leading Expert</i>
Char. 1	to have the states: two (2); three (3); four (4) <i>Leading Expert: in addition, to move after Char. 14</i>
Char. 5	to be indicated as PQ
Char. 6	to check whether (a) is correct growth stage <i>Leading Expert: amended</i>
Char. 12	to check whether there should be fewer than 9 notes <i>Leading Expert: no change</i>
Char. 13	to check denominations for example varieties in state 4 <i>Leading Expert: denomination to read “B 81”</i>
Char. 14	to delete “the” and to check whether to delete reference to growth stage (a) <i>Leading Expert: amended</i>

Chars. 15, 16	to check whether to be indicated as VG/MS <i>Leading Expert: agreed</i>
Char. 18	to check whether to amend state 2 to read “plane” to avoid confusion with growth stage 5 in Ad. 14, 17 <i>Leading Expert: agreed</i>
Char. 19	to specify the organ (e.g. Cap) <i>Leading Expert: to read “Cap: discoloration of surface after rubbing” and to move after Char. 13</i>
Char. 20	to delete note (c) and to add (+) with explanation of objective means of determining first day of harvest <i>provided by Leading Expert</i>
Char. 21	to add (+) with explanation of objective means of determining first harvest and the peak of the first harvest <i>provided by Leading Expert and Leading Expert proposed to change the wording of the characteristic to “Time of peak of first flush”</i>
8.1	notes (a), (b), (c) to be replaced by one of the 5 specific growth stages specified in Ad. 14, 17. “Open Cap” stage to be related to one of those stages (see Chars. 15 to 18). To add a key for growth stage (based on Ad. 14, 17) as Chapter 8.3. <i>provided by Leading Expert</i>
8.1 (b)	to clarify “Records should preferably be made from first and second flush; the third flush may give some additional information.” in relation to comments on Chapter 3.1 above. <i>Leading Expert: amended</i>
8.1 (c)	to delete references to number of days and relate to a specific growth stage <i>Leading Expert: amended</i>
8.1 General illustration	- to become note (d) (i.e. note (a) after replacement of notes (a) to (c) by growth stages) and note to be added to relevant characteristics - numbering of characteristics to be corrected - illustration of characteristics to be consistent with growth stage indicated in Table of Chars. <i>Leading Expert: amended</i>
Ad. 1	- labels for photographs to read “bisporic / trisporic / tetrasporic” - to read “The average number of spores per basidium (ASN) is calculated as follows: $ASN = (300 + TSC - BSC) / 100$, where BSC is the percentage of bisporic basidia and TSC is the percentage of tetrasporic basidia. BSC and TSC are based on counts of basidia on lamellar surface of fresh material on dry mount under light microscope (x400). Varieties with an average number of two spores have an ASN value of less than 2.5. Varieties with an average number of three spores have an ASN value between 2.5 and 3.5.— —Varieties with an average number of four spores have an ASN value greater than 3.5.”
Ad. 12	to delete all text and to specify the relative humidity for conducting the examination in Chapter 3.3 <i>provided by Leading Expert (see Chapter 3.3)</i>
Ad. 14, 17	to update according to changes to Chapter 8.1 <i>Leading Expert: explanations replaced by notes in Chapter 8.1</i>
8.3	to be deleted
9. (Singer,R.)	to delete “and 80 pl.”
TQ 5	to add Char. 20 (grouping characteristic)

Buddleja	TG/BUDDL(proj.7)
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Changes to document TG/BUDDL(proj.6), proposed by the Enlarged Editorial Committee at its meeting on January 7, 2010, which are already incorporated in the draft Test Guidelines (document TG/BUDDL(proj.7)), submitted to the TC:

2.2	to resolve the conflict between Chapter 2.2 “The material is to be supplied in the form of plants capable of flowering and expressing all relevant characteristics of the variety during the first growing cycle.” and Chapter 3.3 “In particular, the examination of the characteristics should not be done in the first year of flowering.” <i>Leading Expert: delete second sentence of Chapter 3.3</i>
3.1	to read “The minimum duration of tests should normally be a single growing cycle.”
3.4	to add a sentence indicating the growth stage at which the characteristics should be observed, unless otherwise indicated <i>Leading Expert: covered by Chapter 8.1(a)</i>
3.5	to read: “Unless otherwise indicated, all observations should be made on 6 plants or parts taken from each of 6 plants.”
4.2	to number the sub-paragraphs as 4.2.1 and 4.2.2
4.2(2)	to read: “For the assessment of uniformity, a population standard of 1% and an acceptance probability of at least 95% should be applied. In the case of a sample size of 6 plants, 1 off-type is allowed.”
5.3 (b)	to correct the characteristic number to 17
Char. 1	to check whether note (a) to be deleted <i>Leading Expert: agreed</i>
Char. 5	to be indicated as QN
Char. 7	example variety to be provided for state 1 if available <i>Leading Expert: not available</i>
Chars. 8, 9	to provide example varieties for states 1 to 9, or to delete notes 1 and 9 <i>Leading Expert: notes 1 and 9 to be deleted</i>
Char. 11	to read “Leaf blade: green color of upper side”
Char. 11	to check whether example variety for state 4 to read “Empire Blue” (capital “B”) <i>Leading Expert: agreed</i>
Char. 25	to delete “depth of”
Char. 29	to provide further example varieties <i>Leading Expert: not available</i>
8.1 (a)	to check whether to read: “All characteristics on shoots are to be observed on the current year’s lateral shoots (see illustration below), at the base, just before flowering.” (i.e. delete reference to leaves) <i>Leading Expert: agreed</i>
8.1 (a), (b)	to check whether to refer to “shoots” (general illustration) or “lateral shoots” (notes (a) and (b)) <i>Leading Expert: to refer to “lateral shoots”</i>
8.1 (b)	to clarify reference to base <i>Leading Expert: reference to base to be deleted</i>
8.1 (c)	to check whether to replace “principal” with “main” (see general illustration) <i>Leading Expert: agreed</i>
8.1 (c)	to delete label for “Sepal” (not mentioned in Table of Chars.)

Ad. 1	to provide improved illustration for state 2, if available <i>provided by Leading Expert</i>
Ad. 12	to become Ad. 10 and to read “Variegation is well defined areas of different colors, with less or no chlorophyll, especially as irregular patches or stripes.”

Fig (<i>Ficus carica</i>)	TG/FIG(proj.6)
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Changes proposed by the Enlarged Editorial Committee in March 2010, which are to be included in the Test Guidelines submitted to the TC:

Char. 1	<i>Leading Expert: to delete example variety “Col de dame”</i>
Char. 2	<i>Leading Expert: to replace example variety “Col de dame” with “Burreña”</i>
Char. 6	Spanish translation to be corrected and completed
Char. 7	Spanish translation to be corrected
Char. 13	<i>Leading Expert: example variety “Col Dama Blanco” to be deleted</i>
Char. 18	- to read “Only varieties with predominant leaf type: entire: Leaf: shape” - state 4 to read “elliptic”
Char. 20	<i>Leading Expert: example varieties for state 3 to read “Albar, Doña María”</i>
Char. 21	- to delete “(petiole sinus)” - state 4 to read “moderately calcarate”, state 5 to read “strongly calcarate”
Chars. 21, 50, 51	<i>Leading Expert: spelling of example variety to read “Bermejí”</i>
Chars. 27, 54	to delete “(obovate)” in state 4
Char. 32	<i>Leading Expert: example variety for state 3 to read “Doña María”</i>
Char. 36	<i>Leading Expert: to add example varieties “Granito, Conadria” for state 1</i>
Char. 38	to be indicated as QL
Char. 42	<i>Leading Expert: to add example varieties “Granito, Moisonière” for state 2</i>
Char. 44	<i>Leading Expert: spelling of example variety for state 7 to read “D’en Manel”</i>
Char. 49	to correct translations to correspond to Ad. 49
Chars. 50, 76	to delete “Fruit:”
Chars. 51, 77	to delete “formation”
Char. 62	<i>Leading Expert: to add comma between example varieties “Cornudella, Verdal”</i>
Char. 63	<i>Leading Expert: to add example varieties “Granito, Calabacita” for state 1</i>
Char. 70	<i>Leading Expert: example variety “Calabacilla” to be deleted from state 4</i>
Char. 74	<i>Leading Expert: spelling of example variety for state 1 to read “Calderona”</i>
Char. 75	to reposition note (c)
Char. 78	to delete “(leafing)”
8.1	to read “(a) <u>Tree/shoot</u> : observations on the tree and on the shoot should be made during winter, on trees that have fruited at least once. “(b) <u>Leaf</u> : observations on the leaf should be made in summer on fully developed leaves from the middle third of a well developed current season’s shoot. “(c) <u>Fruit</u> : observations on the fruit should be made on 25 fruits, 5 from each of 5 trees.”

8.1	- to add new note for Chars. 25 to 48 and 50 to 77 to explain that “The main crop of fruit (fig) is produced on the current season’s shoots. The first crop of fruit (breva) is produced on the one-year-old shoots.” - to add new note to indicate all characteristics that should be observed at the stage of fruit ripeness for consumption
Ad. 1	to delete “includes the trees with an insertion” in all states
Ad. 3	to read “Plant vigor is observed as the circumference of the trunk. The circumference should be measured at the same height above the ground for all varieties (e.g. 20 centimeters). It is of particular importance that the varieties are of the same age for the observation.”
Ad. 8	to check the indication of Group N200, which occurs in both brown group and grey group.
Ad. 9, 10	to read “The characteristic should be observed in the middle third of the one-year-old shoot”
Ad. 13	<i>Leading Expert: to read “... during the dormant vegetative state...”</i>
Ad. 14	to add label for arrow
Ad. 16	to read “Randomly select 10 one-year-old shoots per tree and count the number of leaves.”
Ad. 17	to delete text
Ad. 20	to correct title
Ad. 27, 54	to delete “(can be ovoid, round or obovoid)”
Ad. 32, 59	to add lines to indicate the top of the body of the fruit and the bottom of the stalk
Ad. 37, 64	to correct titles
Ad. 43	to add Ad. 70
Ad. 49	to add “(Northern hemisphere)” after months
8.3	to delete inverted commas
TQ 5.3	to correct the example varieties for state 5
TQ 7.3	to be deleted

<i>Gaura</i> L.	TG/GAURA(proj.4)
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(a) Changes to document TG/GAURA(proj.3), proposed by the Enlarged Editorial Committee at its meeting on January 7, 2010, which are already incorporated in the draft Test Guidelines (document TG/GAURA(proj.4)), submitted to the TC:

1.	to delete “of the family <i>Onagraceae</i> ” (general policy to avoid reference to family that will also be proposed for document TGP/7/2)
Char. 5	to read “Plant: number of flowers” and Ad. 5 to read, for example, “The number of flowers should be observed as the number of flowers open on the plant at the time of full flowering.” <i>Leading Expert: agreed</i>
Char. 6	- to read “Plant: growth habit” - to check whether 9 states are distinguishable, or whether to reduce number of states - to check whether this characteristic provides useful discrimination beyond Char. 3 <i>Leading Expert: no change</i>
Char. 10	to delete (+) and Ad. 10 (not necessary and some flowers are open, contrary to note (c))

Char. 14	to be indicated as QN
Char. 18	to check whether “scattered” can be deleted in states 3 and 4 <i>Leading Expert: agreed</i>
Char. 19	to check whether should be fewer than 9 notes <i>Leading Expert: no change</i>
Char. 20	to replace “cream” with “yellowish white”
Char. 22	to check whether “scattered” can be deleted in states 5 and 6 <i>Leading Expert: agreed</i>
Char. 24	to delete “intensity of”
Char. 34	- state 3 to read “at margin” - to check whether “scattered” can be deleted in states 5 and 6 <i>Leading Expert: agreed</i>
Char. 34	to provide more example varieties, or delete the single example variety <i>Leading Expert: no change</i>
Char. 36	to replace “cream” with “yellowish white”
Char. 38	to be indicated as QN
TQ 1	to add “1.1 Genus”

(b) Changes proposed by the Enlarged Editorial Committee in March 2010, which are to be included in the Test Guidelines, submitted to the TC:

8.1 (a)	to delete “in full flower”
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Gypsophila	TG/GYPSO(proj.7)
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(a) Changes to document TG/GYPSO(proj.6), proposed by the Enlarged Editorial Committee at its meeting on January 7, 2010, which are already incorporated in the draft Test Guidelines (document TG/GYPSO(proj.7)), submitted to the TC:

1.	to delete “of the family <i>Caryophyllaceae</i> ”
4.2.2	to check whether to replace “20 plants” with “10 plants” <i>Leading Expert: agreed</i>
Char. 1	note (a) to be deleted and explanation to be moved to 8.2 as Ad. 1
Char. 3	to check whether to read “Stem: thickness” (see comment regarding Chars. 4, 5) <i>Leading Expert: agreed</i>
Chars. 3, 4, 5	to check whether Ad. 4, 5 to become note (new note (a)) in Chapter 8.1 and to add same note to Char. 3 <i>Leading Expert: agreed</i>
Chars. 3 to 7	to check whether to have the order 6, 4, 3, 5, 7 <i>Leading Expert: agreed</i>
Char. 6	to check whether this characteristic provides useful discrimination beyond Char. 4 <i>Leading Expert: no change</i>
Char. 7	- to add “(excluding anthocyanin coloration)” <i>Leading Expert: agreed</i> - to check whether to add state “not visible”, for varieties with very strong anthocyanin coloration <i>Leading Expert: no change</i>

Char. 8	to check whether to have the states: narrow elliptic (1); medium elliptic (2); ovate (3) <i>Leading Expert: agreed</i>
Char. 9	to check whether to be deleted because covered by Chars. 10, 11 <i>Leading Expert: agreed</i>
Char. 11	to check whether to reverse the order of states 1 and 3 <i>Leading Expert: agreed</i>
Char. 12	to check whether to be deleted - if does not provide useful discrimination beyond Char. 8 - or to consider combining with Char. 8 <i>Leading Expert: characteristic to be deleted</i>
Char. 15	to add (+) and provide illustration, in particular to show difference between recurved and rolled downwards <i>Leading Expert: no change</i>
Chars. 19, 24	to add (+) and provide illustration to show difference between the two characteristics <i>provided by Leading Expert</i>
Char. 23	to add (*) (grouping characteristic)
Char. 24	to be indicated as QN
Char. 30	to write states in words (e.g. "five" etc.)
Char. 31	to check whether to have the states: absent or weak (1); medium (2); strong (3) <i>Leading Expert: agreed</i>
Char. 33	to read "Calyx: size of lobes"
Char. 34	to delete note (b)
8.1 (a)	to be moved to 8.1 (see Char. 1 comment) and to provide an explanation of the stage of development at which to be observed, rather than a time after planting <i>provided by Leading Expert</i>
8.1 (b)	to read: "Observations should be made at the time of beginning of flowering (see Ad. 34)".
8.1 (d)	to read: "Observations should be made at time of full flowering (at least 10% of flowers fully open)."
Ad. 4, 5	to check whether to explain to be observed on main stem (see also comments to Chars. 3, 4, 5) <i>Leading Expert: agreed</i>
Ad. 14	to delete lower row of illustrations
TQ 5	to check whether to add Char. 23 (grouping characteristic) <i>Leading Expert: agreed</i>
TQ 5.3(i)	to check whether to delete (RHS Colour Chart not used in Table of Chars.) <i>Leading Expert: agreed</i>

(b) Changes proposed by the Enlarged Editorial Committee in March 2010, which are to be included in the Test Guidelines, submitted to the TC:

Char. 10	states 2 and 3 to be reversed
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Papaya (<i>Carica papaya</i> L.)	TG/PAPAYA(proj.5)
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Changes proposed by the Enlarged Editorial Committee in March 2010, which are to be included in the Test Guidelines submitted to the TC:

1.	to read “These Test Guidelines apply to vegetatively propagated varieties of <i>Carica papaya</i> L.” and to make the necessary amendments in Chapters 2, 3, 4 and TQ 4. To invite the TC to consider how to address seed-propagated varieties. <i>Leading Expert: agreed</i>
5.3 (a)	to correct wording according to Char. 2
5.3 (c)	to refer to Char. 22 and to correct wording
5.3 (d)	to refer to Char. 23 and to correct wording
Char. 2	to read “Plant: height of attachment of first inflorescence”
Char. 5	to delete “from ground to first flower” and move to Chapter 8
Char. 6	to delete “half-way between ground and first flower” and move to Chapter 8
Char. 9	to have notes 1, 2, 3 <i>Leading Expert: agreed</i>
Char. 13	state 3 to read “medium”
Char. 16	to be indicated as QN and state 2 to read “medium”
Char. 22	example varieties for states 3 and 7 to be reversed
Chars. 26 to 36	to delete “Ripe”
Char. 33	to read “Ripe fruit: abundance of placental tissue” and state 2 to read “moderate”
Char. 36	state 5 to read “medium”
Char. 40	to check whether fewer notes would be appropriate
Char. 41	state 3 to read “clearly towards base”
8.1 (a)	to read “ <u>Plant and stem</u> : observations on the plant and stem should be made when the first fruit has reached harvest maturity”
8.1 (a) to (f)	to delete “All”
8.1 (c)	to become Ad. 11
8.1 (e)	to read “ <u>Flower</u> : observations on the flower should be made during the first flower opening, at the start of anther dehiscence, on hermaphrodite flowers.”
8.1 (f)	number of fruits to be reviewed
Ad. 1	to read “The color of stem should be observed when the first node is formed.”
Ad. 2	to be improved to show point of attachment
Ad. 10	to circle the types of lobe
Ad. 28	to read “The thickness of the skin is observed in transverse section.”
Ad. 34	to read “The width of the central cavity should be observed at the broadest part”
Ad. 41	heading to be corrected
TQ 5.1	to correct states according to Table of Chars.

Pearl Millet	TG/PRL_MIL(proj.8)
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Changes to document TG/PRL_MIL(proj.7), proposed by the Enlarged Editorial Committee at its meeting on January 7, 2010, which are already incorporated in the draft Test Guidelines (document TG/PRL_MIL(proj.8)), submitted to the TC:

Char. 2	to check whether possible to delete (+) and Ad. 2 <i>Leading Expert: agreed</i>
Chars. 3,4,12,13, 20	to check whether to be indicated as VG/MS instead of MG <i>Leading Expert: agreed</i>
Char. 7	to check whether more example varieties can be provided <i>Leading Expert: no change</i>
Char. 17	to read “ <u>Only varieties with glume: one bristle: ...</u> ”
Char. 18	to read “ <u>Only varieties with glume: more than one bristle: ...</u> ”
Char. 24	to check whether possible to delete (+) and Ad. 24 <i>Leading Expert: explanation retained</i>
Char. 25	to order 4, 1, 3, 2, 5
Chars. 25, 26	to check whether the stages DS9+ and DS9++ are quoted from the book “Pearl Millet, Seed Production & Technology” (see Chapter 8.2). If not, to delete DS9+ and add an explanation to Ad. 25, 26: “To be observed after thrashing” and to delete stages DS9+ and DS9++ from the table of growth stages in Chapter 8.2. <i>Leading Expert: to delete DS9+ and DS9++ and add an explanation to Ad. 25, 26: “To be observed after thrashing” and to delete stages DS9+ and DS9++ from the table of growth stages in Chapter 8.2.</i>
Ad. 8	to read “The time of flowering is when 50% of plants have emitted the stigma in the main panicle.”
Ad. 10	to read “To be observed on the main culm from ground level to the tip of the main panicle.”
Ad. 20 (first)	to read “Ad. 18”
8.2	see comments to Chars. 25, 26
TQ 4.2	to add new scheme layout for hybrids (see TGP/7/2)

Sweet Potato (<i>Ipomoea batatas</i> (L.) Lam.)	TG/SWEETPOT(proj.6)
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(a) Changes to document TG/SWEETPOT(proj.5), proposed by the Enlarged Editorial Committee at its meeting on January 7, 2010, which are already incorporated in the draft Test Guidelines (document TG/SWEETPOT(proj.6)), submitted to the TC:

1.	to add “.” before “However”
2.2	to read “The material is to be supplied in the form of medium size storage roots, or in the form of cuttings.”
3.5	to read “Unless otherwise indicated, all observations on single plants should be made on 30 plants or parts taken from each of 30 plants and any other observations made on all plants in the test.”
Char. 5	to check whether to have note (b) or (c) <i>Leading Expert: to have note (c)</i>

Char. 6	to add (+) and provide illustration of “tip” and to check whether to change from “Stem” to “Shoot” <i>Leading Expert: illustration provided; no change to the wording of the characteristic</i>
Char. 8	to check whether to change from “Stem” to “Shoot” <i>Leading Expert: no change</i>
Char. 9	to be indicated as QN or PQ (see Ad. 11) <i>Leading Expert: no change (to be indicated as QL)</i>
Char. 10	to be formatted as “ <u>Only varieties with leaf blade: lobes: absent: Leaf blade: shape</u> ”
Char. 11	to be formatted as “ <u>Only varieties with leaf lobes: present: Leaf blade: depth of lobing</u> ”
Char. 20	to have the states: moderately compressed (3); medium (5); moderately elongated (7)
Char. 26	to check spelling of example variety for state 7 “Owairaka Red” <i>Leading Expert: “Owairaka Red”</i>
8.1 (a)	to replace “90 days” with a description of the appropriate developmental stage <i>Leading Expert: no change (no growth stages in the literature)</i>
8.1 (c)	to read: “Stem internodes and length and diameter of internode should be observed on an internode located in the middle third of the main stem.”
8.1 (e)	delete or provide a more specific stage after harvest <i>Leading Expert: no change</i>
Ad. 14	to correct wording for state 3
Ad. 19	second box to be deleted
TQ 4.2	to correct indenting
TQ 7.3.1	to read “Use: ...”

(b) Changes proposed by the Enlarged Editorial Committee in March 2010, which are to be included in the Test Guidelines, submitted to the TC:

Char. 9	to be indicated as MG
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2. REVISIONS

Peach	TG/53/7(proj.1)
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Changes proposed by the Enlarged Editorial Committee in March 2010, which are to be included in the Test Guidelines submitted to the TC:

Char. 2	note (b) to be deleted
Char. 3	example variety to be provided for state 4
Char. 6	- to be indicated as QL - to check whether to add note (d)
Char. 9	to check whether QL
Char. 10	state 2 to be checked / deleted
Char. 11	example varieties to be provided, if available
Char. 13	state 2 to read “narrow” and example variety to be provided for state 1
Char. 19	explanation in brackets to be moved to Ad. 19
Char. 33	state 5 to read “medium elliptic”
Chars. 34, 35	to add (+)

Char. 35	to replace “without” with “excluding”
Char. 40	state 1 to be completed in German
Char. 41	to be deleted
Char. 44	to be moved after Char. 40
Char. 46	to add “of skin”
Char. 47	to delete “very” in state 1
Char. 55	to delete “the”
Char. 58	- to add (*) (grouping characteristic) - to delete “//” in states 1 and 2 example variety column - explanation in brackets to be moved to 8.2
Char. 64	- to read “Stone: tendency to split” - explanation in brackets to be moved to 8.2
8.1 (a)	to be clarified
8.1 (b) to (f)	to read: “(b) observations on the leaf should be made on fully developed leaves in the central third of a current season shoot. “(c) observations on the nectaries (glands) should be made on leaves as soon as they are fully developed. “(d) observations on the flowering shoot and the flower should be made in the central third of the shoot. “(e) observations on the flower should be made on fully opened flowers at the beginning of anther dehiscence. “(f) observations on the fruit should be made on fruit that are maturity for consumption (see Ad. 69).”
Ad. 3	illustration for state 4 to be improved
Ad. 4	to be deleted
Ad. 7	photographs to be deleted
Ad. 9	wording to be clarified
Ad. 10	photographs to be deleted
Ad. 16, 19, 29	to check whether to specify 5 flowers per tree rather than a total of 25 flowers
Ad. 17	to be deleted
Ad. 20, 25, 26	to simplify the illustration
Ad. 24	state 3 to read “deep serrate”
Ad. 28	to be deleted
Ad. 30	text to be deleted
Ad. 31	photographs to be deleted
Ad. 33	- heading to be corrected - first set of illustrations to be deleted
Ad. 34, 35	to provide separate illustrations for the two characteristics
Ad. 36	to keep only the photographs illustrating states 1 and 3 (illustration not necessary for state 2)
Ad. 37, 38, 39	to be deleted
Ad. 40	photographs to be deleted

Ad. 41, 42, 46	to be deleted
Ad. 51	to delete “as the ‘Durofel’” and the photograph
Ad. 52	to be deleted
Ad. 55	to delete “very” in state 1
Ad. 56	to be deleted
Ad. 57, 58	explanations to be provided and photographs to be deleted
Ad. 60	to replace photograph for state 2 with second photograph in Ad. 63
Ad. 64	to be deleted
9.	- to amend Blaha reference (Akademie) - to complete Monet reference
TQ 5.3	to correct spelling of example variety “Fantasia” (note 1)
TQ 5.5	to complete all states
TQ 6	to be provided

Lily	TG/59/7(proj.6)
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(a) Changes to document TG/59/7(proj.5), proposed by the Enlarged Editorial Committee at its meeting on January 7, 2010, which are already incorporated in the draft Test Guidelines (document TG/59/7(proj.6)), submitted to the TC:

1.	to delete “of the family <i>Liliaceae</i> ” (general policy to avoid reference to family that will also be proposed for document TGP/7/2)
2.3	to check whether 300 seeds are too many <i>Leading Expert: no change</i>
Char. 2	(+) and Ad. 2 to be deleted
Char. 3	to check if indication of (a) is correct. <i>Leading Expert: no change</i>
Char. 4	to choose the appropriate term for state 2: “opposite” and “decussate” are not synonyms <i>Leading Expert: to use “decussate”</i>
Chars. 7, 8	to check whether note (a) should be added <i>Leading Expert: to add for Char. 7</i>
Char. 12	state 1: delete “one or” and add note “1”
Char. 14	to check whether QL <i>Leading Expert: to be indicated as QN</i>
Char. 15	to be indicated as QN
Chars. 17 to 24	to check whether to be indicated as “Tepal:” characteristics and characteristics reordered accordingly (see Chars. 27 etc.) <i>Leading Expert: agreed (Chars. 17 to 25)</i>
Char. 22	to check whether to add note (c) <i>Leading Expert: agreed</i>
Char. 26	to add (*) (grouping & TQ characteristic)
Char. 29	to check whether to add note (d) <i>Leading Expert: agreed</i>
Char. 30	to add (+) and provide illustration <i>Leading Expert: no change</i>
Chars. 31 and 32	to check whether note (b) is correct <i>Leading Expert: no change</i>

Char. 32	to reverse order of states 2 and 3
Char. 33	to check whether to replace note (c) with note (b) <i>Leading Expert: agreed</i>
Char. 36	- to reverse order of states 1 and 2 - to delete hyphen in state 6
Char. 39	to delete hyphen in state 2
Char. 40	to add (*) (grouping & TQ characteristic)
Char. 40	- more example varieties to be provided - to add (+) with explanation of time of flowering <i>provided by Leading Expert</i>
8.1 (b)	to read "Observations should be made on outer tepals." (Shape and size do not apply to Chars. 31 and 32.)
8.1 (c)	to read: "Observations on color should be made on the inner side of inner tepal, excluding papillae, spots and nectar furrow."
8.1 (d)	to read: "Observations on papillae and/or spots and ribbing should be made on the inner side of inner tepal."
Ad. 1	to read "To be observed from the soil level to the top of the inflorescence."
Ad. 6	illustration for "flat" to be made fully horizontal (as for Ad. 9) <i>provided by Leading Expert</i>
Ad. 15	to check orientation lines <i>lines deleted</i>
Ad. 36	to renumber as Ad. 35
TQ 1.	to check whether to add line for information on species. <i>Leading Expert: no change</i>

(b) Changes proposed by the Enlarged Editorial Committee in March 2010, which are to be included in the Test Guidelines, submitted to the TC:

Char. 8	to check whether to add note (a)
Char. 20	to check whether to add note (c)
Char. 25	to check whether to delete note (c)
Chars. 30 to 33	to move after Char. 19

Black Salsify (<i>Scorzonera hispanica</i> L.)	TG/116/4(proj.3)
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Changes to document TG/116/4(proj.2), made on the basis of comments received from members of the Enlarged Editorial Committee in January 2010, which are already incorporated in the draft Test Guidelines (document TG/116/4(proj.3)), submitted to the TC:

2.3	to read "15,000"
3.5	to read "Unless otherwise indicated, all observations on single plants should be made on 60 plants or parts taken from each of 60 plants and any other observations made on all plants in the test."
4.2.2	to check if sample size of 60 plants should be added (or does the sample size of 300 for uniformity apply to all characteristics). <i>Leading Expert: to be amended to read "The assessment of uniformity should be according to the recommendations for cross-pollinated varieties in the General Introduction. For the characteristics Root: shape (Char. 10) and</i>

	<i>Root: color (Char. 15), a population standard of 2% and an acceptance probability of at least 95% should be applied. In the case of a sample of 300 plants, 10 off-types are allowed.”</i>
Table of Chars.	to order example varieties alphabetically
Char. 13	to check whether state 1 to read “truncate” and state 3 to read “sloping” <i>Leading Expert: no change</i>
Char. 14	to read “Root: shape of tip”
9.	literature to be provided <i>provided by Leading Expert</i>
TQ 4.2	to add 4.2.2 “Other”

Banana (<i>Musa</i> spp)	TG/123/4(proj.8)
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Changes proposed by the Enlarged Editorial Committee in March 2010, which are to be included in the Test Guidelines submitted to the TC:

1.	to delete “of the family <i>Musaceae</i> ”
1.3	to be deleted
Example varieties	to be checked by TWF and to be presented in alphabetic order
Char. 6	to delete “along length”
Char. 8	to delete “intensity of”
Char. 9	to read “Pseudostem: color of inner side of basal sheath”
Chars. 10, 11	to check whether to delete note (a)
Char. 12	example varieties to be provided, if available
Char. 26	to check whether to add note (b)
Char. 27	PQ to be repositioned
Char. 35	to delete “longitudinal”
Char. 49	to move explanation in brackets to Ad. 49
Char. 50	to read “Male inflorescence: opening of bracts”, with the states: closed or slightly open (1) (Nanicão), moderately open (2) (Pacovan); very open (3)
Char. 52	to read “Bract: shape of apex”
8.1 (a)	to be clarified
8.1 (b)	to read: “observations on the fruit bunch should be done at fruit maturity (harvest time)”
8.1 (c)	to read “(c) observations on inflorescence and flower should be made at the time of full flowering”
8.1 (d)	to be clarified and header for illustration to read “Ripening stages according to fruit color”. Reference to be moved to Chapter 9.
Ad. 1	to replace with reference and add reference details to Chapter 9.
Ad. 2	existing illustration to be moved to Chapter 8.1 as general illustration and to delete terms not in English. To have same illustration for Ad. 2 without arrows, except for arrow indicating suckers.
Ad. 3	to be improved to show crown of peduncle
Ad. 11	to clarify time of observation
Ad. 22	to delete illustration
Ad. 26	to read “The diameter of the bunch should be measured at the midpoint between the attachment of the first hand and the attachment of the last hand.”

Ad. 37	to add illustration to show the line of measurement
Ad. 40	to delete “To observe from narrowest to widest.”
Ad. 45	to add arrow indicating the floral organs
Ad. 49	to clarify how to observe for non-persistent male inflorescences
Ad. 50	to correct notes to 1, 3, 5
TQ 4.2	translations to be checked

Asparagus	TG/130/4(proj.3)
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(a) Changes to document TG/130/4(proj.2 rev.), made on the basis of comments received from members of the Enlarged Editorial Committee in January 2010, which are already incorporated in the draft Test Guidelines (document TG/130/4(proj.3)), submitted to the TC:

3.5	to read “Unless otherwise indicated, all observations on single plants should be made on 30 plants or parts taken from each of 30 plants and any other observations made on all plants in the test.”
4.2.3	to check whether to delete “male” <i>Leading Expert: no change (only male flowering hybrids are known)</i>
Char. 3	to check whether to read “Spear: shape of apex” <i>Leading Expert: agreed</i>
Char. 12	to check if note (c) is correct (see Chars. 13 and 14) <i>Leading Expert: to be indicated as (b)</i>
8.1 (c)	(if (c) applies only to Char. 10), note (c) to become Ad. 10 <i>Leading Expert: note (b) to be modified to apply to Chars. 10 to 14 and note (c) to be deleted</i>
Ad. 9	difference to Char. 5 to be clarified by improved explanation <i>provided by Leading Expert</i>
Ad. 12, 13	labeling of characteristics to be reversed
Ad. 15	to read: “ ...The time of flowering is when 30% of the plants have at least one flower open.”
Ad. 16	- to check whether the last line should read “Type of male flowers: the flowers always have rudimentary stigmas” - to explain the difference between androhermaphrodite and the 4 th male type <i>revised explanation provided by Leading Expert</i>
TQ 4.1	to be completed <i>provided by Leading Expert</i>

(b) Changes proposed by the Enlarged Editorial Committee in March 2010, which are to be included in the Test Guidelines, submitted to the TC:

Char. 9	to be completed and approved by the TWV by correspondence
8.1 (a)	to add “of spears”
Ad. 16	- to clarify the meaning of “(normal)” - to check whether to delete the final sentence of the second paragraph, unless plants are self-pollinated as a part of the DUS examination

Hydrangea	TG/133/4(proj.4)
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(a) Changes to document TG/133/4(proj.3), proposed by the Enlarged Editorial Committee at its meeting on January 7, 2010, which are already incorporated in the draft Test Guidelines (document TG/133/4(proj.4)), submitted to the TC:

1.	to delete “(Saxifragaceae). They have been established mainly on the basis of varieties of <i>Hydrangea macrophylla</i> (Thunb. ex Murr.) Ser., <i>Hydrangea anomala</i> D. Don ssp. <i>petiolaris</i> (Sieb. et Zucc.) McClintock, <i>Hydrangea paniculata</i> Sieb., <i>Hydrangea quercifolia</i> Bartr. and <i>Hydrangea aspera</i> D. Don, but they may also be used for other species of <i>Hydrangea</i> L.”
3.1	to check whether to read “The minimum duration of tests should normally be a single growing cycle.” <i>Leading Expert: no change</i>
4.2.2	to delete “of vegetatively propagated varieties”
5.3 (g)	to add “with the following groups:”
Char. 3	- to check whether to add “including inflorescences” - to check whether to change 8.1 (a) to become Ad. 3 and to provide improved explanation <i>Leading Expert: agreed</i>
Char. 5	to read “Stem: color” and to add (*) (grouping characteristic)
Char. 8	to delete “excluding petiole” (leaf blade excludes petiole)
Char. 17	- to reverse order of state 2 and 3 and add notes 1, 2, 3 <i>Leading Expert: agreed</i> - to check whether “Variegata” is a variety according to UPOV definition <i>Leading Expert: “Variegata” is a variety</i>
Char. 24	to read: “ <u>Only varieties with inflorescence shape: flattened:</u> Inflorescence: arrangement of sterile flowers”
Chars. 28 to 31	to check whether to be changed to “Sepal” characteristic, or to add “of sepals” in all cases (plural) <i>Leading Expert: no change</i>
Char. 29	to be indicated as PQ
Char. 30	to add (+)
Char. 31	to replace “upper” with “distal” in state 1
8.1 (b)	to check whether to become Ad. 29, 30 <i>Leading Expert: agreed</i>
Ad. 4	position of arrow to be corrected
Ad. 23	to add arrow for fertile flowers in second image
Ad. 31	to delete upper row of images
Ad. 33	to clarify what is meant by “uniform” color <i>provided by Leading Expert</i>
9.	Rehder, A.: to provide year of publication <i>provided by Leading Expert</i>
TQ 1	to add 1.1 “Genus”
TQ 4.1.1	to be replaced with standard wording
TQ 5.1	to amend note 2 to note 9
TQ 5.4	state 1 to read “inconspicuous or slightly conspicuous”
TQ 5.	to add Char. 16 (grouping characteristic)

(b) Changes proposed by the Enlarged Editorial Committee in March 2010, which are to be included in the Test Guidelines, submitted to the TC:

Char. 16	to check whether to delete “(excluding variegation)”
Char. 18	to check example variety for state 3
Chars. 29, 31	to add “of sepal”
Ad. 29, 30	to read “The color should be observed on plants grown in pots in a medium with pH higher than 5 and with no added aluminum or other metals that would affect the color. In other growing conditions the color could be different. The main color is the color with the largest surface area. The secondary color is the color with the second largest surface area.”

3. PARTIAL REVISIONS

Rose	TG/11/8
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No changes proposed by the Enlarged Editorial Committee in March 2010.

Osteospermum	TG/176/4 Corr.
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No changes proposed by the Enlarged Editorial Committee in March 2010.

[End of Annex III and of document]