

Technical Committee
TC/57/14
**Fifty-Seventh Session
Geneva, October 25 and 26, 2021**
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OUTCOME OF THE CONSIDERATION OF DOCUMENTS BY CORRESPONDENCE
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1. The purpose of this document is to report on the outcome of the consideration by the Technical Committee (TC) of the documents by correspondence, in accordance with the procedure adopted by the Council in 2021¹.

2. The TC is invited to note the approval of the TC by correspondence on September 21, 2021, of the decisions contained in the following documents:

Development of guidance and information materials – Matters for adoption by the Council in 2021 (document TC/57/4 Rev.)

UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/10 Draft 2)

UPOV/INF/17: Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (“BMT Guidelines”) (Revision) (document UPOV/INF/17/2 Draft 6)

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/8 Draft 2)

UPOV/INF/23: UPOV Code System (document UPOV/INF/23/1 Draft 3)

Molecular techniques (document TC/57/8)

Preparatory workshops (document TC/57/13)

3. The TC is invited to note the comments received in response to Circular E-21/122 of August 23, 2021, on the following documents that have not resulted in a revision of the documents (see paragraphs 19 and 25):

UPOV Code System (on document UPOV/INF/23/1 Draft 3)

Molecular techniques (document TC/57/8)

¹ The procedure for consideration of documents by correspondence is provided in Circular E-21/063 of May 14, 2021 (available at the TC/57, CAJ/78 and C/55 webpages).

4. The structure of this document is as follows:

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BACKGROUND

5. The Council adopted the procedure for the UPOV sessions in October 2021, in accordance with Circular E-21/063 of May 14, 2021 (available on the [TC/57](#) webpage). The fifty-seventh session of the Technical Committee (TC/57) will be held on October 25 and 26, 2021, by electronic means (see invitation Circular E-21/070 of May 31, 2021), in combination with prior consideration of certain documents by correspondence.

6. In consultation with the Chair of the TC, the following documents in Circular E-21/086 of June 16, 2021, were identified in document TC/57/1 (Draft Agenda) as documents for the procedure by correspondence with an opportunity for comments by July 15, 2021, prior to requests for approval of the proposed decisions in the documents:

Development of guidance and information materials – Matters for adoption by the Council in 2021 (document TC/57/4)

- UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/10 Draft 1)
- UPOV/INF/17: Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (“BMT Guidelines”) (Revision) (document UPOV/INF/17/2 Draft 6)
- UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/8 Draft 1)
- UPOV/INF/23: UPOV Code System (document UPOV/INF/23/1 Draft 3)

Molecular techniques (document TC/57/8)

Preparatory workshops (document TC/57/13)

7. By July 15, 2021, comments of a straightforward nature were received on the following documents in Circular E-21/086 of June 16, 2021. The Office of the Union addressed the comments in a revised version of the following documents, with endnote explanations:

Development of guidance and information materials – Matters for adoption by the Council in 2021 (document TC/57/4 Rev.)

- UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/10 Draft 2)
- UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/8 Draft 2)

8. Circular E-21/123 of August 23, 2021, invited the TC to approve the proposed decisions contained in the following documents within 30 days (i.e. September 21, 2021):

Development of guidance and information materials – Matters for adoption by the Council in 2021 (document TC/57/4 Rev.)

Molecular techniques (document TC/57/8)

Preparatory workshops (document TC/57/13)

9. As no objections were received by September 21, 2021, relevant decisions in the documents in paragraph 8 above, are considered to have been taken by correspondence. The decisions taken by the TC by correspondence on September 21, 2021, are reproduced in this document according to the items in the Revised Draft Agenda (document TC/57/1 Rev.2).

AGENDA ITEM 6: DEVELOPMENT OF GUIDANCE AND INFORMATION MATERIALS - MATTERS FOR ADOPTION BY THE COUNCIL IN 2021 (DOCUMENT TC/57/4 REV.)

10. The TC considered document TC/57/4 Rev.

Information Materials

UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/10 Draft 2)

11. The TC approved the proposed revision of document UPOV/INF/16/9 “Exchangeable Software”, on the basis of document UPOV/INF/16/10 Draft 2.

12. The TC agreed that the Council be invited to adopt in 2021 the revisions to document UPOV/INF/16/10 “Exchangeable Software”, as presented in document UPOV/INF/16/10 Draft 2.

UPOV/INF/17: Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (“BMT Guidelines”) (Revision) (document UPOV/INF/17/2 Draft 6)

13. The TC approved the revision of document UPOV/INF/17/1 “Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (“BMT Guidelines”)”, on the basis of document UPOV/INF/17/2 Draft 6.

14. The TC agreed that the Council be invited to adopt in 2021 the revisions to document UPOV/INF/17/2 “Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (“BMT Guidelines”)”, as presented in document UPOV/INF/17/2 Draft 6.

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/8 Draft 2)

15. The TC approved the revision of document UPOV/INF/22/7 “Software and Equipment Used by Members of the Union”, on the basis of document UPOV/INF/22/8 Draft 2.

16. The TC agreed that the Council be invited to adopt in 2021 the revision to document UPOV/INF/22/8 “Software and Equipment Used by Members of the Union”, as presented in document UPOV/INF/22/8 Draft 2.

UPOV/INF/23: UPOV Code System (document UPOV/INF/23/1 Draft 3)

17. The TC approved the revision of document UPOV/INF/23 “UPOV Code System”, on the basis of document UPOV/INF/23/1 Draft 3.

18. The TC agreed that the Council be invited to adopt in 2021 the revision to document UPOV/INF/23 “UPOV Code System”, as presented in document UPOV/INF/23/1 Draft 3.

Comments from the European Union

19. In reply to Circular E-21/122 of August 23, 2021, the following comments on document UPOV/INF/23/1 Draft 3 "UPOV Code System" were received from the European Union:

"As regards section 5 of the document UPOV/INF/23/1 Draft 3 in respect of the appended information the examples suggest in particular that the appended element consists in numbers only. The EU and its Member States can agree that starting with a number that enables to differentiate the botanical part from the grouping part but meaningful letters are of course very helpful to identify the identity of the grouping from a first sight.

"The EU and its Member States take note of the above matters and can agree on the proposed changes to the documents: UPOV/INF/16/9 on 'Exchangeable Software', UPOV/INF/17 on 'BMT Guidelines', UPOV/INF/22/7 on 'Software and equipment used by members of the Union' and UPOV/INF/23/1 on 'Guide to the UPOV Code System'."

20. The Office of the Union replied to the European Union that in a future revision of UPOV/INF/23/1, it would be possible to provide examples also with letters after the first digit. In the meantime, the current text does not preclude the use of letters after a single digit prefix.

AGENDA ITEM 8: MOLECULAR TECHNIQUES (DOCUMENT TC/57/8)

21. The TC considered document TC/57/8.

22. The TC noted that on October 16, 2020, the Office of the Union issued Circular E-20/189 inviting members to complete the survey on the use of molecular marker techniques, by December 15, 2020, and noted the results of the survey on the use of molecular marker techniques by members, per crop as set out in the Annex I to document TC/57/8.

23. The TC requested the Office of Union to inform OECD of the result of the survey and to report on the developments at the TC, at its fifty-eighth session.

24. The TC approved the draft joint document explaining the principal features of the systems of OECD, UPOV and ISTA, as set out in Annex II to document TC/57/8 and to inform OECD and ISTA accordingly.

Comments from the European Union

25. In reply to Circular E-21/122 of August 23, 2021, the following comments on document TC/57/8 were received from the European Union:

"As there are no definitions on BMT we would also welcome that information from the survey on the techniques could help to clarify techniques that were considered to be biochemical or molecular. On this basis UPOV could pursue harmonisation of terms and methodologies with OECD and ISTA.

"The EU and its Member States welcome that UPOV and the other international organisation are now moving ahead on international cooperation on BMT.

"General EU position on BMT:

"The EU and its Member States can support an open discussion and exchange of ideas on this issue. The overall objective is to facilitate the development of molecular techniques as a tool within the framework of the UPOV Convention and maintaining the strength of the protection. The use of molecular techniques in the context of plant variety rights is framed by two models validated by UPOV, included in the TGP 15/1.

"In addition, the EU and its Member States welcome to develop a joint document explaining the principle features of the systems of OECD, UPOV and ISTA and to support the development of an inventory on the use of molecular marker techniques, by crop, for variety description, variety identification, in examining essential derivation and harmonisation of terms and methodologies, with a view to consider the development of a joint OECD/UPOV/ISTA document containing that information, in a similar format to UPOV document UPOV/INF/16 'Exchangeable Software'."

AGENDA ITEM 12: PREPARATORY WORKSHOPS (DOCUMENT TC/57/13)

26. The TC considered document TC/57/13.

27. The TC agreed to organize preparatory workshops as a series of webinars, to be organized at suitable dates according to the schedule of TWP sessions in 2022, in conjunction with workshops with physical participation, where requested, as set out in paragraphs 20 to 21 of document TC/57/13.

28. *The TC is invited to note the approval of the TC by correspondence on September 21, 2021, of the decisions contained in the following documents:*

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UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/10 Draft 2)

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Molecular techniques (document TC/57/8)

Preparatory workshops (document TC/57/13).

29. *The TC is invited to note the comments received in response to Circular E-21/122 of August 23, 2021, on the following documents that have not resulted in a revision of the documents (see paragraphs 19 and 25):*

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