

Technical Committee**TC/57/3****Fifty-Seventh Session
Geneva, October 25 and 26, 2021****Original:** English
Date: August 20, 2021**MATTERS ARISING FROM THE TECHNICAL WORKING PARTIES***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***EXECUTIVE SUMMARY**

1. This document summarizes matters arising from the 2021 sessions of the Technical Working Party for Vegetables (TWV)¹, Technical Working Party for Ornamental Plants and Forest Trees (TWO)², Technical Working Party for Agricultural Crops (TWA)³, Technical Working Party for Fruit Crops (TWF)⁴, which are not expressly covered by specific agenda items.
2. Matters arising from the sessions of the Technical Working Party on Automation and Computer Programs (TWC)⁵ and the Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular (BMT)⁶, to be held in September 2021, will be presented as an addendum to this document
3. Matters arising are presented in two sections. The first section, "Matters for information and for a possible decision to be taken by the Technical Committee (TC)", identifies matters raised which may require a decision to be taken by the TC. The Office of the Union (Office) has highlighted aspects where the TC may wish to take a decision by introducing a proposed decision paragraph. The second section, "Matters for information", is provided for the information of the TC but does not require decisions at this stage.
4. The TC is invited to note developments in the TWPs concerning:
 - (i) Access to plant material for the purpose of management of variety collections and DUS examination;
 - (ii) DUS examination of mutant varieties of apple;
 - (iii) Use of disease resistance characteristics;
 - (iv) Experiences with new types and species;
 - (v) Procedures for grouping varieties using UPOV codes and relevant information sources;
 - (vi) Providing information on similar varieties in the UPOV model variety description;
 - (vii) Assessing ornamental crops using individual plant measurements (MS);
 - (viii) New technologies in DUS examination; and
 - (ix) Matters relevant in DUS examination for the fruit sector.

¹ at its fifty-fifth session, hosted by Turkey and held via electronic means, from May 3 to 7, 2021.

² at its fifty-third session, hosted by the Netherlands and held via electronic means, from June 7 to 11, 2021.

³ at its fiftieth session, hosted by the United Republic of Tanzania and held via electronic means, from June 21 to 25, 2021.

⁴ at its fifty-second session, hosted by China and held via electronic means, from July 12 to 16, 2021

⁵ at its thirty-ninth session, hosted by the United States of America and organized by electronic means, from September 20 to 22, 2021.

⁶ at its twentieth session, hosted by the United States of America and organized by electronic means, from September 22 to 24, 2021.

5. The following abbreviations are used in this document:

CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TC-EDC:	Enlarged Editorial Committee
TWA:	Technical Working Party for Agricultural Crops
TWC:	Technical Working Party on Automation and Computer Programs
TWF:	Technical Working Party for Fruit Crops
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWPs:	Technical Working Parties
TWV:	Technical Working Party for Vegetables

6. The structure of this document is as follows:

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MATTERS FOR INFORMATION AND FOR A POSSIBLE DECISION TO BE TAKEN BY THE TECHNICAL COMMITTEE (TC)

7. There are no matters for a decision by the Technical Committee at its fifty-seventh session.

MATTERS FOR INFORMATION

Access to plant material for the purpose of management of variety collections and DUS examination

8. The TWF⁷ considered document TWF/52/5 and received a presentation on “DUS Access to plant material for the purpose of management of variety collections and DUS examination - The CPVO policy” by an expert from the European Union. A copy of the presentation is provided in the Annex to document TWF/52/5 (see document TWF/52/10 “Report”, paragraphs 64 and 65).

9. The TWF agreed to invite the expert from the European Union, with the support of Brazil, Canada, France, Italy, Netherlands, New Zealand and Spain to draft a proposal for model letters/contracts to be used for the submission of plant material to the PVP Authority and/or DUS Examination Offices. This draft would be presented at the fifty-third session, as a basis for possible future possible revisions of UPOV Guidance (e.g. document TGP/5, Section 11 “Examples of Policies and Contracts for Material Submitted by the Breeder”) to help other UPOV members to facilitate access to plant material for the purpose of management of variety collections and DUS examination. The TWF recalled the list of key factors concerning access to plant material for breeders and PVP authorities, as listed in document TWF/52/5, paragraph 3 and agreed to ask the above group of experts to consider whether there was a need to review it.

⁷ at its fifty-second session, hosted by China and held via electronic means, from July 12 to 16, 2021

DUS examination of mutant varieties of apple

10. The TWF⁸ considered document TWF/52/6 and received a presentation on “DUS examination of mutant varieties of apple” by an expert from the European Union. A copy of the presentation is provided in the Annex to document TWF/52/6 (see document TWF/52/10 “Report”, paragraphs 66 to 70).

11. The TWF agreed that the work done by the expert from the European Union, to collect information among UPOV members on applications under analysis and existing varieties for certain apple mutation groups was important and should be continued.

12. The TWF considered the potential confidentiality issue of disclosing the parentage of a protected variety when exchanging data among PVP Offices and/or making data publically available. The TWF agreed to invite the expert from Canada with the support of Australia, Brazil, European Union, France, Germany and Japan to identify potential confidentiality limitations and to share its findings with the TWF via a presentation at its fifty-third session. It was agreed by the TWF that until the information about confidentiality was clarified, the document collecting information among UPOV members, would not be made publically available.

13. The TWF agreed to invite the above group of experts to explore the possibility of appending information to UPOV codes to address the identification of variety groups in apple.

14. The TWF agreed to invite the above group of experts to consider how the information on applications under analysis and existing varieties for certain apple mutation groups should be made available, such as through the creation of a dedicated database, UPOV’s PLUTO database, or posting information on the UPOV website.

Use of disease resistance characteristics

15. The TWV⁹ recalled the invitation for the experts from France and the Netherlands to present their current practice on using quantitative disease resistance characteristics (with intermediate state of expression) at its fifty-sixth session. The TWV noted the offer made by ISF to present the views of the vegetable seed breeding industry on the terminology used for disease resistance characteristics, at its fifty-sixth session (see document TWV55/16 “Report”, paragraphs 38, 40 and 41).

16. The TWV received a presentation on “Harmorescoll - Towards a European, harmonized collection of reference material for DUS resistance tests” by an expert from France. A copy of the presentation is provided in document TWV/55/6. The TWV agreed to invite the expert from France to report on further progress on the Harmorescoll project at its fifty-sixth session. The TWV noted the interest of members outside the European Union and agreed that further consideration should be given to accessing material from Harmorescoll.

17. The TWV agreed that access to reference materials and availability of control varieties was key when performing DUS tests of disease resistance characteristics. It further agreed that, when revising or drafting Test Guidelines, the availability of inoculum, example varieties and control varieties for disease resistance characteristics should be checked and updated.

Experiences with new types and species

18. The TWV⁹ noted the comment made by the expert of Turkey on the increasing number of applications received for *Solanum torvum* Sw.. The TWV recalled the presentation received on the same species at its fifty-second session (see document TWV/52/14) (see document TWV/55/16 “Report”, paragraph 104).

Procedures for grouping varieties using UPOV codes and relevant information sources

19. The TWO¹⁰ received a presentation on “Use of variety groups in the UPOV system” by an expert from the Netherlands. A copy of the presentation is provided in the annex to document TWO/53/7 (see document TWO/53/10 “Report”, paragraph 47).

⁸ at its fifty-second session, hosted by China and held via electronic means, from July 12 to 16, 2021

⁹ at its fifty-fifth session, hosted by Turkey and held via electronic means, from May 3 to 7, 2021

¹⁰ at its fifty-third session, hosted by the Netherlands and held via electronic means, from June 7 to 11, 2021

Providing information on similar varieties in the UPOV model variety description

20. The TWO¹¹ received a presentation on “Providing information on similar varieties in the UPOV model variety description” by an expert from the European Union. A copy of the presentation is provided in document TWO/53/6 (see document TWO/53/10 “Report”, paragraphs 34 and 35).

21. The TWO agreed that the most distinguishing characteristics between the candidate and most similar variety(ies) should be provided in the DUS test report. The TWO agreed that no further clarification would need to be provided in UPOV guidance on this matter at this stage.

Assessing ornamental crops using individual plant measurements (MS)

22. The TWO¹¹ received the following presentations, copies of which are provided in the annexes to document TWO/53/4 (see document TWO/53/10 “Report”, paragraphs 83 and 84):

“Assessing ornamental crops using individual plant measurements (MS) – When and why we do it and how we proceed with the data”, by an expert from Germany	Annex I
“The use of MG and MS in Test Guidelines for Ornamental species”, by an expert from New Zealand	Annex II
“Assessing ornamental crops using individual plant measurements (MS) – a United Kingdom perspective”, by an expert from the United Kingdom	Annex III

23. The TWO noted that individual plant measurements (MS) were used for ornamental crops depending on the species, the type of propagation, the size of the trial and the authorities’ testing practice. The TWO agreed to invite Leading Experts of draft Test Guidelines to promote discussions on the necessity of using individual measurements for the proposed characteristics.

New technologies in DUS examination

24. The TWA¹² received the following presentations, copies of which are provided in document TWA/50/5 (see document TWA/50/9 “Report”, paragraphs 94 and 95):

- Annex I “Using new technology in DUS-testing”, from an expert from Denmark
- Annex II “Image Analysis in United Kingdom Agricultural DUS testing”, from an expert from the United Kingdom

25. The TWA noted the work reported and agreed to invite the experts from Denmark and the United Kingdom to report further developments at its fifty-first session.

Matters relevant in DUS examination for the fruit sector

26. The TWF¹³ received a presentation on the “Number of plants of reference variety”, by an expert from the European Union. A copy of the presentation is provided in the Annex to document TWF/52/7 (see document TWF/52/10 “Report”, paragraphs 71 and 72).

27. The TWF agreed to invite the expert from the European Union, with the support of Brazil, to draft a proposal on possible changes in document TGP/9/2 paragraph 5.5.5, to be presented at its fifty-third session.

[End of document]

¹¹ at its fifty-third session, hosted by the Netherlands and held via electronic means, from June 7 to 11, 2021

¹² at its fiftieth session, hosted by the United Republic of Tanzania and held via electronic means, from June 21 to 25, 2021

¹³ at its fifty-second session, hosted by China and held via electronic means, from July 12 to 16, 2021