



TC-EDC/Jan11/6

ORIGINAL: English

DATE: November 10, 2010

**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**ENLARGED EDITORIAL COMMITTEE**

**Geneva, January 6, 2011**

**NUMBER OF PLANTS TO BE EXAMINED (FOR DISTINCTNESS)**

*Document prepared by the Office of the Union*

1. The Technical Working Parties (TWPs) considered documents TWA/39/14, TWC/28/14, TWV/44/14, TWO/43/14 and TWF/41/14 with regard to the number of plants to be considered for the assessment of distinctness (revision of document TGP/7). The comments of the TWPs are reproduced in the Annex to this document.

2. The Technical Working Party for Fruit Crops (TWF), at its forty-first session held in Cuernavaca, Morelos State, Mexico, made the following comments with regard to the guidance in document TGP/7/2:

“33. The TWF noted that the number of plants to be examined for distinctness would be different for different characteristics. For example, it recalled that characteristics such as time of flowering would need to be observed on all plants in the test (disregarding off-types), or at least on more plants than would need to be observed for certain characteristics observed on parts of plants. In that regard, it noted that, for each characteristic, the number of plants to be observed for distinctness was linked to the number of plants to be observed for uniformity and, indirectly, stability. Therefore, it concluded that it would be more appropriate to revert to the structure in document TGP/7/1 which, in Chapter 3.5 “Number of Plants / Parts of Plants to be Examined”, indicates the number of plants to be observed and not just the number of plants to be observed for distinctness. In particular, it agreed that it would be inappropriate to introduce Chapter 4.1.4 “Number of Plants / Parts of Plants to be Examined” [observations for the purposes of distinctness] in Test Guidelines and recommended that

the Technical Committee replace that chapter in all Test Guidelines put forward for adoption and amend document TGP/7/2 at the earliest opportunity.

34. However, the TWF agreed that the Additional Standard Wording (ASW 7) provided for Chapter 3.5 “Number of Plants / Parts of Plants to be Examined” in document TGP/7/1, needed to be amended in order to allow for off-type plants, within the number allowed, to be disregarded from the test.

[Annex follows]

ANNEX

Number of plants to be considered for distinctness (Revision of document TGP/7)

*Comments of the Technical Working Party for Agricultural Crops (TWA)*

1. The Technical Working Party for Agricultural Crops (TWA) considered document TWA/39/14.
2. The TWA noted that the revision of document TGP/7 had indicated the need for clarification on the number of plants to be considered for distinctness. In particular, it had highlighted that the number of plants to be considered for distinctness should:
  - (i) allow for off-type plants, within the accepted number, to be disregarded; and
  - (ii) relate to both the number of plants of the candidate variety(ies) and of varieties of common knowledge to be compared with the candidate(s) in the growing trial.
3. It was agreed that document TWA/39/14 provided a useful explanation of the issues to be considered by the Technical Working Parties when developing Test Guidelines according to document TGP/7/2. It further agreed that Mrs. Beate Rücker (Germany), as the author of document TWA/39/14, should be invited to draft suitable guidance for inclusion in a future revision of document TGP/7 on the basis of comments received from the TWPs.

*Comments of the Technical Working Party on Automation and Computer Programs (TWC)*

4. The Technical Working Party on Automation and Computer Programs (TWC) considered document TWC/28/14.
5. The TWC proposed that consideration be given to developing guidance on:
  - (a) how to select the plants to be examined for distinctness from within the trial;
  - (b) the minimum number of plants of candidate varieties required to be able complete the trial, i.e. the minimum number of plants required to examine distinctness and uniformity;
  - (c) the number of plants required for varieties of common knowledge (reference varieties) to be compared with the candidate varieties; and
  - (d) whether, for Test Guidelines with a small number of plants in the DUS trial (e.g. Grapevine), all the plants of the candidate variety might be examined, disregarding any off-type plants, irrespective of the minimum number to be examined. Thus, in the case of grapevine, all 8 plants of candidate varieties might be examined (or 7 if one plant was an off-type).

*Comments of the Technical Working Party for Vegetables (TWV)*

6. The Technical Working Party for Vegetables (TWV) considered document TWV/44/14.
7. The TWV agreed that document TWV/44/14 provided a useful explanation of the issues to be considered by the Technical Working Parties when developing Test Guidelines according to document TGP/7/2. It further agreed that Mrs. Beate Rücker (Germany), as the author of that document, should be invited to draft suitable guidance for inclusion in a future revision of document TGP/7 on the basis of comments received from the TWPs.

8. The TWV also agreed with the TWC proposal that consideration be given to developing guidance on:

- (a) how to select the plants to be examined for distinctness from within the trial;
- (b) the minimum number of plants of candidate varieties required to be able complete the trial, i.e. the minimum number of plants required to examine distinctness and uniformity;
- (c) the number of plants required for varieties of common knowledge (reference varieties) to be compared with the candidate varieties; and
- (d) whether, for Test Guidelines with a small number of plants in the DUS trial (e.g. Grapevine), all the plants of the candidate variety might be examined, disregarding any off-type plants, irrespective of the minimum number to be examined. Thus, in the case of grapevine, all 8 plants of candidate varieties might be examined (or 7 if one plant was an off-type).

*Comments of the Technical Working Party for Ornamental Plants and Forest Trees (TWO)*

9. The Technical Working Party for Ornamental Plants and Forest Trees (TWO) considered document TWO/43/14.

10. The TWO noted that the revision of document TGP/7 had indicated the need for clarification on the number of plants to be considered for distinctness. In that regard, the TWO agreed that the number of plants to be considered for distinctness should allow for off-type plants, within the accepted number, to be disregarded. However, it agreed that the wording of Chapter 4.1.4 should be amended to read “Unless otherwise indicated, all observations for the purposes of distinctness should be made on at least { x } plants or parts taken from each of { x } plants, disregarding any off-type plants.”.

11. With regard to document TWO/43/14, the TWO agreed that Chapter 4.1.4 of the Test Guidelines related to the number of plants of candidate varieties and did not refer to reference varieties. It agreed that the number of plants of reference varieties was a separate matter.

*Comments of the Technical Working Party for Fruit Crops (TWF)*

12. The Technical Working Party for Fruit Crops (TWF) considered document TWF/41/14.

13. The TWF noted that the number of plants to be examined for distinctness would be different for different characteristics. For example, it recalled that characteristics such as time of flowering would need to be observed on all plants in the test (disregarding off-types), or at least on more plants than would need to be observed for certain characteristics observed on parts of plants. In that regard, it noted that, for each characteristic, the number of plants to be observed for distinctness was linked to the number of plants to be observed for uniformity and, indirectly, stability. Therefore, it concluded that it would be more appropriate to revert to the structure in document TGP/7/1 which, in Chapter 3.5 “Number of Plants / Parts of Plants to be Examined”, indicates the number of plants to be observed and not just the number of plants to be observed for distinctness. In particular, it agreed that it would be inappropriate to introduce Chapter 4.1.4 “Number of Plants / Parts of Plants to be Examined” [observations for the purposes of distinctness] in Test Guidelines and recommended that the Technical

Committee replace that chapter in all Test Guidelines put forward for adoption and amend document TGP/7/2 at the earliest opportunity.

14. However, the TWF agreed that the Additional Standard Wording (ASW 7) provided for Chapter 3.5 “Number of Plants / Parts of Plants to be Examined” in document TGP/7/1, needed to be amended in order to allow for off-type plants, within the number allowed, to be disregarded from the test.

15. The TWF agreed that it would be useful to develop guidance in document TGP/7, to be incorporated in all Test Guidelines, for the minimum number of plants required for a DUS test to be conducted. It agreed that such guidance might be in the form of a minimum number of plants in each of the Test Guidelines, or if that was not achievable, general guidance might be developed to explain that a DUS trial containing a number of plants below the number specified in Chapter 3.4 “Test Design” of the Test Guidelines might not necessarily invalidate the trial.

16. The TWF agreed with the TWO that the number of plants specified to be examined for distinctness in the Test Guidelines referred to the number of plants of candidate varieties and did not refer to reference varieties. It agreed that the number of plants of reference varieties was a separate matter.

[End of Annex and of document]