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| Enlarged Editorial Committee  Geneva, March 26 and 27, 2018 | TC-EDC/Mar18/10 Rev.  Original: English  Date: March 13, 2018 |

revised TGP documents

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

# EXECUTIVE SUMMARY

The purpose of this document is to provide an overview of revisions of TGP documents.

The TC-EDC is invited to:

(a) note the revisions of TGP documents previously agreed by the TC, as set out in paragraphs 9 to 23 of this document;

(b) note that the French, German and Spanish translations of the original English texts will be checked by the relevant members of the Editorial Committee prior to submission of the draft revised TGP documents to the Council.

(c) consider the proposed guidance on confidentiality of molecular information agreed by the TWPs, at their sessions in 2017, for inclusion in document TGP/5, Section 1, as set out in paragraph 26 of this document;

(d) note that subject to approval by the TC and the CAJ, the proposed guidance on confidentiality of molecular information would be put forward for adoption by the Council, at its session in 2018;

(e) note that the French, German and Spanish translations of the original English texts will be checked by the relevant members of the Editorial Committee prior to submission of the draft document TGP/5: Section 1/3 to the Council.

(f) note the future revisions of TGP documents considered by the TWPs, at their sessions in 2017, as set out in paragraph 31, which will be considered under separate documents;

(g) whether to establish a procedure for the second analysis of draft Test Guidelines by correspondence to validate the information provided by Leading Experts in response to the recommendations by the TC-EDC; and

(h) whether to recommend for adoption only draft Test Guidelines with no further information required from the Leading Expert.

(i) note that further amendment to document TGP/7 Section 2.2.8 “Adoption of Draft Test Guidelines by the Technical Committee” will be required for the procedure for the adoption of Test Guidelines by correspondence in accordance with the decision by the Council, at its thirty-fourth extraordinary session;

(j) note that the BMT agreed to propose a revision to document TGP/15 to update the Model “Combining Phenotypic and Molecular Distances in the Management of Variety Collections” and to include the approach presented by the Netherlands in documents BMT/16/19 “Genetic selection of similar varieties for the first growing cycle: example French bean” and BMT/16/19 Add., for consideration by the Technical Committee at its fifty-fourth session; and

(k) note that the BMT agreed that it would be advantageous if the draft revision of document TGP/15 could be published sufficiently before the forty-seventh session of the TWA and the fifty-second session of the TWV, in order that any comments of the TWA and TWC on the draft revision could be reported to the TC at its fifty-fourth session; and

(l) consider the program for the development of TGP documents, as set out in Annex IV to this document.

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ANNEX I: Revision of document TGP/7 previously agreed by the TC

ANNEX II: Revision of document TGP/14 previously agreed by the TC

ANNEX III: Program for the development of TGP documents as agreed by the TC and the CAJ

ANNEX IV: Program for the development of TGP documents amended on the basis of comments by the TWPs, at their sessions in 2017

The following abbreviations are used in this document:

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

TC: Technical Committee

TC-EDC: Enlarged Editorial Committee

TWA: Technical Working Party for Agricultural Crops

TWC: Technical Working Party on Automation and Computer Programs

TWF: Technical Working Party for Fruit Crops

TWO: Technical Working Party for Ornamental Plants and Forest Trees

TWV: Technical Working Party for Vegetables

TWPs: Technical Working Parties

# BACKGROUND

The TC, at its fifty-third session, and the CAJ, at its seventy-fourth session, approved the program for the development of TGP documents, as set out in the Annex to documents TC/53/5 and CAJ/74/7, respectively (see document TC/53/31 “Report”, paragraph 145, and document CAJ/74/10 “Report”, paragraph 39, respectively).

The approved TGP documents are published on the UPOV website at <http://www.upov.int/upov_collection/en/>.

## Transitional period until the fifty-fourth session of the TC

The Council, at its thirty-fourth extraordinary session, held in Geneva on April 6, 2017, decided to organize a single set of sessions from 2018, in the period of October/November (see document C(Extr.)/34/6 “Report on the decisions”, paragraphs 12 to 14). From 2018, the meetings of the TC would take place on October/November instead of March/April. The TC-EDC would meet twice a year; once in the period of March/April and once in conjunction with the TC sessions later in the year.

Based on the recommendation of the Consultative Committee, the Council decided to adopt the proposals of the TC, at its fifty‑third session, to use contingency measures in the transitional period until the fifty-fourth session of the TC, to be held in October 2018; for TGP documents, the TC-EDC would consolidate comments made by the TWPs at their sessions in 2017 and, in the absence of consensus between the TWPs, to formulate proposals for further consideration by the TWPs at their sessions in 2018.

# matters for adoption by the council in 2018

## Matters previously agreed by the Technical Committee

The following revisions of TGP documents were agreed by the Technical Committee, at its fifty-third session, held in Geneva from April 3 to 5, 2017, to be proposed for adoption by the Council at its fifty-second ordinary session, to be held in Geneva on November 2, 2018, subject to approval by the CAJ, at its seventy‑fifth session, to be held in Geneva on October 31, 2018:

### TGP/7: Development of Test Guidelines

#### (i) Drafter’s Kit for Test Guidelines

The TC considered document TC/53/15 “Revision of document TGP/7: Drafter’s Kit for Test Guidelines” (see document TC/53/31 “Report”, paragraphs 107 to 109).

The TC agreed the proposed revisions of document TGP/7 “Development of Test Guidelines” to reflect the introduction of the web-based TG template, as set out in Annex I to this document, and agreed that a revised version of document TGP/7 should be presented for adoption by the Council in 2018 on that basis, subject to approval by the Administrative and Legal Committee (CAJ).

The TC noted that Annex 4 of document TGP/7: “Collection of approved characteristics” would be superseded by the web-based TG template and agreed that there should be no change to the basis for including characteristics in the collection, i.e. only characteristics which had been included in adopted Test Guidelines after the adoption of document TGP/7 (“approved characteristics”) for preparing new Test Guidelines would be searchable.

The revisions to the Drafter’s Kit for Test Guidelines agreed by the TC at its fifty-third session are contained in document TGP/7/6 draft 1. The French, German and Spanish translations of the original English text will be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/7/6 to the Council.

#### (ii) Presentation of different types of example varieties

The TC, at its fifty-third session, agreed that the guidance in document TGP/7 “Development of Test Guidelines”, GN 28, Section 3.2: “Different types of variety” should be revised in order to indicate that a comma could be used to separate different types of example varieties (e.g. (w) winter type, (s) spring type); and that the indication of type should precede the denomination of each example variety (e.g. (w) winter 1, (w) winter 2, (s) spring 1, (s) spring 2) (see document TC/53/31 “Report”, paragraphs 107 to 110).

Guidance Note (GN) 28, Section 3.2: “Different types of variety” would read as follows:

##### “3.2 Different types of variety

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

“3.2.2 Where different sets of example varieties are provided for different types of varieties covered by the same Test Guidelines, they are placed in the Table of Characteristics in the same column as normal. The sets of example varieties (e.g. winter and spring) are ~~separated by a semicolon, and/or~~ indicated by a key which is provided for each set and an explanation for the option chosen should be included in the legend of Chapter 6 of the Test Guidelines.

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

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|  |  | |  | | --- | | **Plant: length** | | | |  | | --- | | **Plante : longueur** | | | |  | | --- | | **Pflanze: Länge** | | |  | | --- | | **Planta: longitud** | |  |  |
|  |  | short | | courte | | kurz | corta | (w) Variety A, (w) Variety B, (s) Alpha | 3 |
|  |  | medium | | moyenne | | mittel | media | (w) Variety C, (s) Beta | 5 |
|  |  | long | | longue | | lang | larga | (w) Variety D | 7 |

The revision to Guidance Note (GN) 28, Section 3.2: “Different types of variety” agreed by the TC at its fifty‑third session are contained in document TGP/7/6 draft 1. The French, German and Spanish translations of the original English text will be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/7/6 to the Council.

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

#### (iii) Examining DUS in Bulk Samples

The TC, at fifty-third session, considered document TC/53/17 “Examining DUS in bulk samples” (see document TC/53/31 “Report”, paragraphs 113 to 116).

The TC considered the proposed guidance for examining DUS in bulk samples as presented in the Annex to document TC/53/17, for inclusion in a future revision of document TGP/8.

The TC recalled that it had agreed the following list of criteria as a basis for the development of future guidance:

1. “the characteristic should fulfill the requirements of a characteristic, as set out in the “General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of new Varieties of Plants” (see document TG/1/3, Section 4.2.1);
2. “there should be knowledge of the genetic control of the characteristic;
3. “the suitability of the characteristic should be validated through an initial assessment of uniformity on individual plants;
4. “information on plant-by-plant variation and differences between growing cycles should be provided (data from routine measurement of the characteristic from different years);
5. “a full description of the method of assessment should be provided;
6. “states of expression should be based on existing variation between varieties considering environmental influence.”

The TC endorsed the above guidance and agreed that it would not be feasible to develop further guidance for the time being.

The French, German and Spanish translations of the original English text will be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/8/4 to the Council.

### TGP/14: Glossary of Terms Used in UPOV Documents

#### (iv) Illustrations for shape and ratio characteristics

The TC, at its fifty-third session, agreed to revise document TGP/14: Section 2: Subsection 2: Shapes and structures to amend the grid for position of broadest part and width/ratio presented in Example 5, Alternative 2, to remove the wording on “ratio” and to display “relative width” in a separate column from the scale of “broad to narrow”, as presented in Annex II to this document (see document TC/53/31 “Report”, paragraph 141).

The French, German and Spanish translations of the original English text will be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/14/4 to the Council.

*The TC-EDC is invited to:*

*(a) note the revisions of TGP documents previously agreed by the TC, as set out in paragraphs 9 to 23 of this document; and*

*(b) note that the French, German and Spanish translations of the original English texts will be checked by the relevant members of the Editorial Committee prior to submission of the draft revised TGP documents to the Council.*

## Matters to be considered by the Technical Committee

### TGP/5: Section 1: “Model administrative agreement for international cooperation in the testing of varieties”

The TC agreed that the guidance on plant material provided in document TGP/5: “Experience and cooperation in DUS testing”, Section 1: “Model administrative agreement for international cooperation in the testing of varieties” would be a suitable basis also for molecular data and requested the Office of the Union to propose guidance on confidentiality of molecular information for inclusion in document TGP/5, Section 1, on that basis (see document TC/53/31 “Report”, paragraph 182).

The TWA, TWV, TWO, TWF and TWC considered document TWP/1/9 “Confidentiality of molecular information” and agreed to propose that Articles 4 and 6 of document TGP/5, Section 1 be revised to read as follows (see documents TWA/46/10 “Report”, paragraphs 18 and 19; TWV/51/16, paragraphs 22 to 25; TWO/50/14 “Report”, paragraphs 19 to 21; TWF/48/13 “Report”, paragraphs 22 to 25; and TWC/35/21 “Report”, paragraphs 32 to 35) (proposed insertion of text indicated by highlighting and underlining):

“Article 4

“(1) The Authorities shall take all necessary steps to safeguard the rights of the applicant.

“(2) Except with the specific authorization of the Receiving Authority and the applicant, the Executing Authority shall refrain from passing on to a third person any material, including DNA, or molecular information, of the varieties for which testing has been requested.”

[…]

“Article 6

“Practical details arising out of this Agreement –regarding in particular the provisions relating to the considerations, application forms, technical questionnaires and requirements as to propagating material, testing methods, exchange of reference samples, exchange of molecular information, maintenance of reference collections and the presentation of the results– shall be specified in this Agreement or settled between the Authorities by correspondence.”

The TWV recalled the decision by the TC at its fifty-third session (see document TC/53/31 “Report”, paragraphs 180 and 182), and invited the TC to clarify its view in relation to inviting members to make molecular information available for inclusion in publicly available databases (e.g. GENIE) and, on the other hand, requesting to review existing guidance to increase the confidentiality of molecular information.

The TWC agreed with the TWF that certain information provided by the applicant might not be available due to trade secret agreement signed between the authority in charge of DUS and the applicant. In contrast, national legislation regarding official information may require passing other information to a third person.

The proposed revisions of document TGP/5, Section 1: “Model administrative agreement for international cooperation in the testing of varieties” are contained in document TGP/5: Section 1/3 draft 1. The French, German and Spanish translations of the original English text will be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/5: Section 1/3 to the Council.

*The TC-EDC is invited to:*

*(a) consider the proposed guidance on confidentiality of molecular information agreed by the TWPs, at their sessions in 2017, for inclusion in document TGP/5, Section 1, as set out in paragraph 26 of this document;*

*(b) note that subject to approval by the TC and the CAJ, the proposed guidance on confidentiality of molecular information would be put forward for adoption by the Council, at its session in 2018;*

*(c) note that the French, German and Spanish translations of the original English texts will be checked by the relevant members of the Editorial Committee prior to submission of the draft document TGP/5: Section 1/3 to the Council.*

# future revisions of tgp documents

The TWPs, at their sessions in 2017, considered the following possible future revisions of TGP documents, which will be dealt with on the basis of the indicated documents:

## TGP/7: Development of Test Guidelines

### (i) Duration of DUS tests in the fruit sector

See document TC-EDC/Mar18/12

### (ii) Characteristics which only apply to certain varieties

See document TC-EDC/Mar18/13

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

### (iii) The Combined-Over-Years Uniformity Criterion (COYU)

See document TC-EDC/Mar18/14

### (iv) Data Processing for the Assessment of Distinctness and for Producing Variety Descriptions

See document TC-EDC/Mar18/15

### (v) Method for more than one single test (year)

See document TC-EDC/Mar18/16

## TGP/10: Examining uniformity

### (vi) Assessing Uniformity by Off-Types on Basis of More than One Growing Cycle or on the Basis of Sub‑Samples

See document TC-EDC/Mar18/17

## TGP/14: Glossary of Terms Used in UPOV Documents

### (vii) Illustrations for shape and ratio characteristics

See document TC-EDC/Mar18/18

### (viii) UPOV color groups

See document TC-EDC/Mar18/19

*The TC-EDC is invited note the future revisions of TGP documents considered by the TWPs, at their sessions in 2017, as set out in paragraph 31, which will be considered under separate documents.*

# Possible future revisions of TGP documents

## TGP/7: Development of Test Guidelines

### Procedure for the adoption of draft Test Guidelines

#### Background

The Council, at its thirty-fourth extraordinary session, held in Geneva on April 6, 2017, decided that from 2018, the meetings of the TC would take place on October/November instead of March/April. The TC‑EDC would meet twice a year; once in the period of March/April and once in conjunction with the TC sessions later in the year (see document C(Extr.)/34/6 “Report on the decisions”, paragraphs 12 to 14).

The Council agreed the procedure for the adoption of Test Guidelines by correspondence, on the following basis: Test Guidelines that could not be prepared in time for adoption by the Technical Committee at its session could be adopted by correspondence on the basis of the recommendations by the Enlarged Editorial Committee (see document C(Extr.)/34/6 “Report on the decisions”, paragraph 14).

#### Number of analysis before adoption

Until 2017, the TC-EDC would meet twice within a 3-months period. The TC-EDC would consider all draft Test Guidelines at its January meeting (first analysis) and would generate a list of recommendations for further information or clarification to be provided by Leading Experts. The list of recommendations would be submitted to the Leading Experts and their responses would be validated at the subsequent meeting of the TC-EDC in March/April (second analysis). The draft Test Guidelines would be recommended for adoption by the TC in case the information provided was appropriate. This procedure enabled draft Test Guidelines to be considered twice by the TC-EDC before adoption.

The procedure for the adoption of draft Test Guidelines by correspondence would require an additional analysis of draft Test Guidelines to maintain the same practice as previously. The TC-EDC would consider draft Test Guidelines at its March/April meeting (first analysis) and would generate a list of recommendations for further information or clarification to be provided by Leading Experts. The responses could be validated by the TC-EDC by correspondence (second analysis). The draft Test Guidelines would then be circulated for adoption by correspondence with the recommendations by the TC-EDC and the validated comments provided by the Leading Experts. This procedure would require strengthening the communication among TC-EDC members to debate information provided by Leading Experts and the allocation of resources from the UPOV Office for the management of information by correspondence.

Another possibility could be to refer back to the TWPs draft Test Guidelines with recommendations for further information or clarifications to be provided by the Leading Expert. Such procedure could facilitate obtaining agreement on clarifications to be provided with all interested experts and the Chairman of the TWP concerned during the sessions. It would also avoid the establishment of a process for the TC-EDC to debate by correspondence information provided by Leading Experts. This procedure would delay the adoption of the draft Test Guidelines until the next opportunity for the draft Test Guidelines to be considered by the TC‑EDC. In this case the procedure for adoption by correspondence would only be used for draft Test Guidelines with no further information required from the Leading Expert.

*The TC-EDC is invited to consider:*

*(a) whether to establish a procedure for the second analysis of draft Test Guidelines by correspondence to validate the information provided by Leading Experts in response to the recommendations by the TC-EDC; and*

*(b) whether to recommend for adoption only draft Test Guidelines with no further information required from the Leading Expert.*

#### Current guidance in document TGP/7

Document TGP/7/5 “Development of Test Guidelines” currently states that:

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

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

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

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

#### Amendments to the guidance in document TGP/7 Section 2.2.8

Document TGP/7, Section 2.2.8, would need to be revised to reflect the decisions by the Council, at its thirty-fourth extraordinary session and to include the procedure for the adoption of draft Test Guidelines by correspondence. It is proposed that a draft revision of Section 2.2.8 is submitted for consideration by the TWPs, at their sessions in 2018, in line with the procedures agreed by the TC-EDC.

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

2.2.8.1 The Technical Committee may adopt draft Test Guidelines at its session or by correspondence. To be considered at the Technical Committee session, draft Test Guidelines should be submitted by the TWPs no later than 14 weeks before the Technical Committee session. Draft Test Guidelines will be considered for adoption by correspondence subject to being submitted by the TWPs no later than 14 weeks before the March/April meeting of the TC‑EDC.

*Procedure for the adoption of draft Test Guidelines at the Technical Committee session*

2.2.8.~~1~~2 The Technical Committee will, on the basis of the recommendations of the TC‑EDC, decide whether to adopt the Test Guidelines, or refer them back to the TWP concerned.

2.2.8.~~2~~3 Where the Technical Committee adopts the Test Guidelines, the Office will make all amendments agreed by the Technical Committee, which will be recorded in a report of the relevant Technical Committee ~~meeting~~ session. The Office will then publish the adopted Test Guidelines. The date of adoption will be the date of the TC session concerned.

2.2.8.~~3~~4 Where the Technical Committee adopts the Test Guidelines subject to further information being provided by the Leading Expert with the agreement of all interested experts and the Chairman of the TWP concerned (see 2.2.7.3(b)), the necessary information, agreed with all interested experts, should be provided to the Office within three months of the Technical Committee meeting, or [four weeks] before the subsequent session of the TWP concerned, whichever is the sooner. In those cases where the necessary information is not provided within this time, the Test Guidelines concerned will not be adopted and will be re‑presented at the TWP concerned (Step 4).

*Procedure for the adoption of draft Test Guidelines by correspondence*

2.2.8.5 The TC-EDC will agree recommendations on draft Test Guidelines. The recommendations will be transmitted to the TC with 6 weeks for consideration by correspondence. In the absence of any objections the Test Guidelines would be adopted on the basis of the recommendations by the TC-EDC. In the case of objections, the draft Test Guidelines would be referred to the relevant TWP for consideration at its following session.

[2.2.8.6 Where the draft Test Guidelines are adopted by correspondence subject to further information being provided by the Leading Expert with the agreement of all interested experts and the Chairman of the TWP concerned, the necessary information, agreed with all interested experts, should be provided to the Office within three months of the approval by the TC by correspondence, or 4 weeks before the subsequent session of the TWP concerned, whichever is the sooner. In those cases where the necessary information is not provided within this time, the Test Guidelines would be re‑presented at the TWP concerned (Step 4).]

2.2.8.7 Where the draft Test Guidelines are adopted by correspondence, the Office will make all amendments recommended by the TC-EDC and agreed by the TC, which will be reported at the subsequent Technical Committee session. The Office will then publish the adopted Test Guidelines. The date of adoption will be the date of approval by correspondence by the TC.

*The TC-EDC is invited to note that document TGP/7 Section 2.2.8 “Adoption of Draft Test Guidelines by the Technical Committee” should be amended to include the procedure for the adoption of Test Guidelines by correspondence, in accordance with the decision by the Council, at its thirty-fourth extraordinary session.*

## TGP/15: Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)

The Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT), at its sixteenth session, held in La Rochelle, France, from November 7 to 10, 2017, considered documents BMT/16/8 “The use of molecular markers (SNP) for maize DUS testing in France (2013 to 2016)” and BMT/16/8 Add. and received a presentation by Mr. Jehan‑Baptiste Mauroux (France) (see document BMT/16/29 “Report”, paragraphs 8 to 10).

The BMT agreed that France should propose a revision to document TGP/15 “Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)”, Annex II, “Example: Parent Lines in Maize”, to reflect the refinements that had been made in France on the basis of its experience in the application of the Model “Combining Phenotypic and Molecular Distances in the Management of Variety Collections”, for consideration by the Technical Committee at its fifty-fourth session.

The BMT agreed that it would be advantageous if the draft revision of document TGP/15, to be considered by the TC at its fifty‑fourth session, could be published sufficiently before the forty-seventh session of the Technical Working Party for Agricultural Crops (TWA), to be held in Naivasha, Kenya, from May 21 to 25, 2018, and before the seventeenth session of the BMT, in order that any comments of the TWA and BMT on the draft revision could be reported to the TC at its fifty-fourth session.

The BMT, at its sixteenth session, considered documents BMT/16/19 “Genetic selection of similar varieties for the first growing cycle: example French bean” and BMT/16/19 Add., and received a presentation by Ms. Amanda van Dijk-Veldhuizen (Netherlands) (see document BMT/16/29 “Report”, paragraphs 18 to 20).

The BMT agreed that the approach presented in document BMT/16/19 and BMT/16/19 Add. was a suitable use of molecular techniques in the examination of DUS and should be proposed for inclusion in document TGP/15. Therefore, it was agreed that the Netherlands should prepare an explanation of the method as a basis for a revision of document TGP/15 to be considered by the Technical Committee at its fifty-fourth session.

The BMT agreed that it would be advantageous if the draft revision of document TGP/15, to be considered by the TC at its fifty‑fourth session, could be published sufficiently before the fifty-second session of the Technical Working Party for Vegetables (TWV), to be held in Beijing, China, from September 17 to 21,2018, and before the seventeenth session of the BMT, in order that any comments of the TWV and BMT on the draft revision could be reported to the TC at its fifty-fourth session.

The proposed revisions by France and the Netherlands to document TGP/15 will be considered by the TWA and the TWV, respectively, at their sessions in 2018, and by the TC, at its fifty-fourth session. The comments of the TWA and TWV will be reported to the TC, at its fifty-fourth session.

*The TC-EDC is invited to:*

*(a) note that the BMT agreed to propose a revision to document TGP/15 to update the Model “Combining Phenotypic and Molecular Distances in the Management of Variety Collections” and to include the approach presented by the Netherlands in documents BMT/16/19 “Genetic selection of similar varieties for the first growing cycle: example French bean” and BMT/16/19 Add., for consideration by the Technical Committee at its fifty-fourth session; and*

*(b) note that the BMT agreed that it would be advantageous if the draft revision of document TGP/15 could be published sufficiently before the forty-seventh session of the TWA and the fifty-second session of the TWV, in order that any comments of the TWA and TWV on the proposed revisions could be reported to the TC at its fifty-fourth session.*

# PROGRAM FOR THE DEVELOPMENT OF TGP DOCUMENTS

Annex III to this document presents the program for the development of TGP documents as agreed by the TC, as its fifty-third session, the CAJ, at its seventy-fourth session (see documents TC/53/31 “Report”, paragraphs 107 to 145, and CAJ/74/10 “Report”, paragraphs 37 to 39).

Annex IV presents the program for the development of TGP documents as amended on the basis of the comments by the TWPs at their sessions in 2017.

*The TC-EDC is invited to consider the program for the development of TGP documents, as set out in Annex IV to this document.*

[Annexes follow]

Revision of document TGP/7 “Development of Test Guidelines”

previously agreed by the tc

~~Strikethrough~~ highlighted indicates deletion from the text and underlining highlighted indicates insertion to the text.

Section 1: Introduction

1.3 Structure of TGP/7

[…]

3.1 The TG ~~Template~~ Structure and Universal Standard Wording

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

3.2 Additional Standard Wording (ASW)

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

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

“There are many aspects of the Test Guidelines where the individual drafter’s experience and knowledge are needed for preparing the Test Guidelines. This includes, for example, the selection of appropriate ASW, trial design, the identification of characteristics and selection of example varieties. The purpose of this section is to provide guidance notes on how to proceed in a harmonized way for such aspects. These guidance notes are presented in Annex 3 of this document and include guidance on the use of ~~the Collection of Approved~~ ~~C~~characteristics which have been included in adopted Test Guidelines [after the adoption of document TGP/7] (“approved characteristics”)~~presented in Annex 4~~ (see GN 17).”

[…]

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

[…]

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

The web-based TG Template is to be used for preparing draft UPOV Test Guidelines (see: https://www3.wipo.int/upovtg/).

“In advance of the TWP session, the Leading Expert should prepare a preliminary draft of the Test Guidelines (“Subgroup draft”) for comments by the subgroup using the web-based TG Template. ~~In the case of Test Guidelines being developed by more than one TWP, the subgroup draft should be circulated at the same time to the interested experts in all relevant TWPs.~~

The subgroup of interested experts participating in the drafting of the Test Guidelines will be invited to provide comments to the Leading Expert using the web-based TG template.

On the basis of the comments received from the subgroup, the Leading Expert should establish a first draft for the TWP(s). This draft is ~~sent~~ provided to the Office, which will produce a document for distribution to the members of the TWP(s) concerned for discussion at their session(s). Prior to the TWP session, the Office will make a preliminary check that the draft has been prepared according to the guidance provided in document TGP/7 ~~and, in particular, that it conforms with the TG/Template (Annex 1)~~. A result of that check will be provided to the Leading Expert at least one week before the session.

In the case of Test Guidelines which have been considered by the relevant TWP(s) (Step 5) and where the responsible TWP has requested amendment of the draft, the Leading Expert should, after consulting the members of the subgroup, establish a further draft for consideration at the following TWP meeting in the manner explained above. To assist Leading Experts in preparing draft Test Guidelines the following ~~G~~guidance information and materials ~~to assist Leading Experts in preparing draft Test Guidelines is~~ are provided on the UPOV web site: (see: http://www.upov.int/resource/en/dus\_guidance.html). ~~in an area of the UPOV website restricted to Leading Experts of Test Guidelines (~~~~TG Drafters’ Webpage). The TG Drafters’ Webpage includes the following information, some elements of which are included in the TG Drafter’s Kit (see Section 4.3):~~

~~“(a) General information:~~

“(i) ~~Practical guide for drafters of Test Guidelines (“Practical Guide”)~~ General introduction to DUS;

“(ii) ~~The electronic TG Template (TGP/7: Annex 1)~~ TGP documents;

“(iii) ~~Collection of Approved Characteristics (TGP/7: Annex 4)~~ Test Guidelines;

“(iv) ~~Adopted Test Guidelines in Word format~~ Practical Technical Knowledge;

“(v) ~~TGP/14 “Glossary of Terms Used in UPOV Documents”~~ Cooperation in examination;

~~“(b) TWP-specific information:~~

“(vi) ~~Leading Expert and dates for the preparation of draft Test Guidelines~~ Web-based TG template;

“(vii) ~~E-mail addresses of Subgroup of interested experts~~ Additional characteristics;

“(viii) ~~Word versions of draft Test Guidelines presented at the previous TWP session (where appropriate)~~; Test Guidelines under development (TC/xx/2) ~~and~~

“(i~~v~~x) ~~TWP comments (extracted from the TWP report) on the draft Test Guidelines presented at the previous TWP session (where appropriate)~~. Summary information on quantity of plant material required on adopted Test Guidelines; and

(x) TGP/14 “Glossary of Terms Used in UPOV Documents”

[…]

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

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

|  |  |
| --- | --- |
| Action | Latest date  before the TWP session |
| Circulation of Subgroup draft by Leading Expert: | 14 weeks |
| Comments to be received from Subgroup: | 10 weeks |
| ~~Sending~~ Provision of draft to the Office by the Leading Expert: | 6 weeks |
| Posting of draft on the website by the Office: | 4 weeks |

“In cases where *either* of the deadlines for circulation of the Subgroup draft or for the ~~sending~~ provision of the draft to the Office by the Leading Expert is not met, the Test Guidelines would be withdrawn from the TWP agenda and the Office would inform the TWP accordingly at the earliest opportunity (i.e. not later than 4 weeks before the TWP session). In those cases where draft Test Guidelines are withdrawn from the TWP agenda because of failure by the Leading Expert to meet the relevant dates, it would be possible for specific matters concerning those Test Guidelines to be discussed at the TWP session. However, to consider specific matters it would be necessary for a document to be provided to the Office at least 6 weeks before the TWP session.”

[…]

Section 3 Guidance for Drafting Test Guidelines

3.1 The TG ~~Template~~ Structure and Universal Standard Wording

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

“3.1.2 ~~In addition to the TG Template, f~~Further guidance ~~is provided~~ for drafters of Test Guidelines ~~on how to develop individual Test Guidelines from the TG Template. This is provided~~ is provided by means of additional standard wording (ASW) and guidance notes (GN). ~~and~~ ~~i~~Indications are provided ~~within the TG Template~~ in Annex I on where this further guidance is available (see Sections 3.2 and 3.3).”

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

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

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

“{ **ASW 1** (TG Template: Chapter 2.3) – seed quality requirements}”

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

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

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

“{ GN 5 (TG Template: Chapter 1.1) – Subject of the Test Guidelines: Family Name}”

3.4 [Web-based TG Template]

3.4.1 UPOV has developed the Web-based TG Template (see: https://www3.wipo.int/upovtg/) to implement the guidance for drafting Test Guidelines provided in document TGP/7.

Section 4: Development of individual authorities’ test guidelines

[…]

4.3 ~~Drafter’s Kit for the Test Guidelines~~ Guidance for drafters of individual authorities test guidelines

“To assist individual authorities’ in the drafting of their test guidelines, UPOV has provided certain practical information on ~~the restricted area of~~ the UPOV website ([~~http://www.upov.int/restricted\_temporary/twptg/en/drafters\_kit.html~~](http://www.upov.int/restricted_temporary/twptg/en/drafters_kit.html)http://www.upov.int/resource/en/dus\_guidance.html) ~~in the form of a “TG Drafter’s Kit”. To assist individual authorities in converting the Test Guidelines into a suitable form for their own use, the TG Drafter’s Kit~~ ~~includes~~ including all adopted Test Guidelines in Word format. Additional characteristics and states of expression notified to the Office of the Union in accordance with document TGP/5 Section 10 “Notification of Additional Characteristics and States of Expression are also provided. ~~To provide assistance for the development of individual authorities’ test guidelines in the absence of Test Guidelines, the TG Drafter’s Kit webpage includes, for example, an electronic version of the TG Template (document TGP/7, Annex 1 and the “Collection of Approved Characteristics”, document TGP/7, Annex 4) .~~”

Annex 1: TG ~~Template~~ Structure and Universal Standard Wording

[…]

4.1.5 Method of Observation

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

[…]

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

|  | | English | | français | | | deutsch | | español | Example Varieties Exemples Beispielssorten Variedades ejemplo | Note/ Nota |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **1** | **2** | **3** | **4** | **5** | **6** | **7** | |  | |  |  |
|  | | **Name of characteristics in English**  { GN 18 Presentation of Characteristics: Heading of a characteristic} | | **Nom du caractère en français** | | **Name des Merkmals auf Deutsch** | | **Nombre del carácter en español** | |  |  |
|  | | states of expression  { GN 19 Presentation of characteristics: General presentation of states of expression}  { GN 20 Presentation of characteristics: States of expression according to type of expression of a characteristic | | types d’expression | | Ausprägungsstufen | | tipos de expresión | | { GN 28 Example varieties} |  |

Legend

1 Characteristic number

2 (\*) Asterisked characteristic – see Chapter 6.1.2

` {GN 13.1, 13.4 Asterisked characteristics}

3 Type of expression

QL Qualitative characteristic – see Chapter 6.3

QN Quantitative characteristic – see Chapter 6.3

PQ Pseudo-qualitative characteristic – see Chapter 6.3

{ GN 21Type of expression of the characteristic}

4 Method of observation (and type of plot, if applicable)

MG, MS, VG, VS – see Chapter 4.1.5

{ GN 25 Recommendations for conducting the examination }

5 (+) See Explanations on the Table of Characteristics in Chapter 8.2

{ GN 22 Explanation for individual characteristics}

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

{ GN 23 Explanations covering several characteristics}

7 Growth stage key

{ GN 24 Growth stage }

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

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

The header of all additional standard wording should be amended to delete references to “TG Template”, as follows:

Example:

*“ASW 0 (~~TG Template:~~ Chapter 1.1) – Coverage of types of varieties in Test Guidelines”*

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

“Information for conducting the examination of particular characteristics

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

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

*“(b) Type of plot for observation*

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

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

“A: spaced plants

“B: row plot

“C: special test

[…]

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

“8.1 Explanations covering several characteristics

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

(a)

(b) etc.”

[…]

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

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

The header of all Guidance notes should be amended to delete references to “TG Template”, as follows:

Example:

“GN 0 (~~TG Template:~~ Cover page; Chapter 8) – Use of proprietary text, photographs and illustrations in Test Guidelines”

[…]

“GN 13 Characteristics with specific functions”

“1. Asterisked characteristics (~~TG Template:~~ Chapter 7~~: column 1, header row 2~~)”

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

“GN 17 (~~TG Template:~~ Chapter 7) – Presentation of Characteristics: Approved characteristics”

“A collection of characteristics, with their corresponding states of expression, which have already been approved for inclusion in existing Test Guidelines [after the adoption of document TGP/7] (“approved characteristics”), is ~~presented in Annex 4: “Collection of Approved Characteristics”~~ provided in the web-based TG template. There are two main purposes for developing this collection: Firstly, it helps to ensure that the states of expression used for the same or similar characteristics included in Test Guidelines, are harmonized as far as possible; Secondly, the characteristics presented in the collection have already been translated into the UPOV languages. Thus, Test Guidelines utilizing approved characteristics ~~from Annex 4~~ will cost UPOV less and are less likely to experience delays in presentation for adoption.

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

“In cases where the required characteristic is not ~~present in the collection~~ an approved characteristic, guidance is provided in GN 18, GN 19 and GN 20.”

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

[…]

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

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

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

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

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

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

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

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

“This box provides the key for guidance on conducting the examination. For example, recommendations on the method of observation (e.g.: visual assessment or measurement; observation of single plants or a group of plants) ~~or~~ and type of plot (e.g.: spaced plants; row plot; drilled plot; special test) may be provided. ASW 4(b) provides possible standard wording.”

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

Annex 4 to document TGP/7 “Collection of approved characteristics should be deleted as the database of characteristics in UPOV Test Guidelines is included in the web-based TG Template.

~~Annex 4: Collection of approved characteristics~~

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

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

~~“3. Certain characteristics contained in adopted UPOV Test Guidelines may be omitted from the Collection where considered appropriate by the Technical Committee, in particular on the basis of recommendations by the Enlarged Editorial Committee (TC-EDC).~~

|  |
| --- |
| **~~“The Collection of Approved Characteristics is published on the UPOV Website:~~** [~~http://www.upov.int/restricted\_temporary/twptg/en/collection.doc~~](http://www.upov.int/restricted_temporary/twptg/en/collection.doc)~~”~~ |

[Annex II follows]

Revision of document TGP/14 previously agreed by the TC

Illustrations for shape and ratio characteristics

The TC agreed that the table in document TGP/14: Section 2: Subsection 2: Shapes and structures (Alternative 2) should be amended to read as follows (~~highlighting and strikethrough~~ for deletions and highlighting and underline for addition):

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | | 🡨 broadest part 🡪 | | | | | | | | |
|  |  | | (below middle) | | | | at middle | | (above middle) | | |
|  | |  | |  |  |  | |  | |  |  | |
| 🡨 relative width 🡪 | broad ~~(~~*~~low)~~*🡨 ~~width (ratio length/width)~~ 🡪 narrow ~~(~~*~~high~~*~~)~~ | |  | |  |  | 6  linear | |  | |  |  | |
|  | |  |  | 5  oblong | | 8  oblanceolate | | 9  spatulate |  | |
|  | | 1  triangular | 2  ovate | 4  elliptic | | 7  obovate | |  | 10 obtriangular | |
|  | |  |  | 3  circular | |  | |  |  | |

[Annex III follows]



