

Technical Working Party for Agricultural Crops

Forty-Sixth Session

Hanover, Germany, June 19 to 23, 2017

TWP/1/11

Original: English

Date: June 16, 2017

Technical Working Party for Vegetables

Fifty-First Session

Roelofarendsveen, Netherlands, July 3 to 7, 2017

Technical Working Party for Ornamental Plants and Forest Trees

Fiftieth Session

Victoria, Canada, September 11 to 15, 2017

Technical Working Party for Fruit Crops

Forty-Eighth Session

Kelowna, Canada, September 18 to 22, 2017

Technical Working Party on Automation and Computer Programs

Thirty-Fifth Session

Buenos Aires, Argentina, November 14 to 17, 2017

DURATION OF DUS TESTS

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

EXECUTIVE SUMMARY

1. The purpose of this document is to report on developments concerning the guidance in document TGP/7 on the duration of DUS testing in the fruit sector.
2. The TWPs are invited to consider the proposed revision of document TGP/7 to clarify the duration of DUS testing, as set out in paragraph 11 of this document, and possible improvements to the proposed text.
3. The following abbreviations are used in this document:

TC: Technical Committee
 TWF: Technical Working Party for Fruit Crops
 TWPs: Technical Working Parties

4. The structure of this document is as follows:

EXECUTIVE SUMMARY	1
BACKGROUND	2
DEVELOPMENTS IN 2017.....	2
PROPOSAL	3
ASW 2(A):	3
ASW 2(B):	4
ANNEX EXTRACT FROM DOCUMENT TGP/7 “DEVELOPMENT OF TEST GUIDELINES” (ASW 2, ASW 3)	

BACKGROUND

5. The TC, at its fifty-second session, held in Geneva, from March 14 to 16, 2016, agreed to consider whether to seek to amend the guidance in document TGP/7 on the duration of DUS testing for fruit crops after further discussions by the TWF, at its session in 2016. In that regard, it requested the TWF to review whether the existing guidance in TGP documents precluded the conclusion of a DUS examination after one growing cycle (see document TC/52/29 Rev. "Revised Report", paragraph 122).

6. The TWF, at its forty-seventh session, held in Angers, France, from November 14 to 18, 2016, considered document TWF/47/19 "Duration of DUS tests in the fruit sector" (see document TWF/47/25 "Report", paragraphs 47 and 48).

7. The TWF considered the proposal from an expert from the European Union and agreed to propose to modify the wording of document TGP/7 as follows, in order to reflect common practice in the fruit sector (~~Strikethrough~~ (highlighted) indicates proposed deletion of text; Underlining (highlighted) indicates proposed insertion of text):

- **Addition of a standard sentence at the point 3 of the UPOV TG Template so that it reads:**

"3. Method of Examination

"3.1 Number of Growing Cycles

"The minimum duration of tests should normally be:

"{ **ASW 2** (Chapter 3.1(.1)) – number of growing cycles }

"{ GN 8 (Chapter 3.1.2) – explanation of the growing cycle }

"{ **ASW 3** (Chapter 3.1.2) – explanation of the growing cycle }

As soon as it can be established with certainty that the outcome of the DUS test will be negative, it can be stopped independently from the number of growing cycles carried out so far.

- **Additional option(s) to be included in the ASW 2**

ASW 2 (TG Template: Chapter 3.1) – Number of growing cycles

(a) *Single growing cycle*

"The ~~minimum~~ duration of tests should ~~normally~~ typically be a single growing cycle. At the end of the growing cycle the competent authority will determine whether or not a following growing cycle is required."

(b) *Two independent growing cycles*

"The ~~minimum~~ duration of tests should ~~normally~~ typically be two independent growing cycles. Nevertheless, at the end of each growing cycle the competent authority will determine whether or not a following growing cycle is required.

DEVELOPMENTS IN 2017

8. The TC, at its fifty-third session, held in Geneva, from April 3 to 5, 2017, considered the proposal by the TWF to revise document TGP/7 "Development of Test Guidelines" to introduce new standard wording on the Test Guidelines template and amend Additional Standard Wording 2 to clarify the duration of DUS examination, as set out in paragraph 7 of this document.

9. The proposal by the TWF would generate Test Guidelines with the following wording:

ASW 2(a):

“3. Method of Examination

“3.1 Number of Growing Cycles

“The minimum duration of tests should normally typically be a single growing cycle. At the end of the growing cycle the competent authority will determine whether or not a following growing cycle is required.

“As soon as it can be established with certainty that the outcome of the DUS test will be negative, it can be stopped independently from the number of growing cycles carried out so far.”

ASW 2(b):

“3. Method of Examination

“3.1 Number of Growing Cycles

“The minimum duration of tests should normally typically be two independent growing cycles. Nevertheless, at the end of each growing cycle the competent authority will determine whether or not a following growing cycle is required.

“As soon as it can be established with certainty that the outcome of the DUS test will be negative, it can be stopped independently from the number of growing cycles carried out so far.”

10. The TC agreed that it was important to clarify that it was possible to terminate a DUS examination as soon as rejection was inevitable, rather than continuing the examination until the end of the normal period. It agreed that the standard wording in the Test Guidelines was not entirely clear in that respect and should be improved. However, it agreed that the proposed wording could be interpreted as encouraging additional growing cycles beyond the normal period and requested the TWPs to develop an improved version of the text at their sessions in 2017.

PROPOSAL

11. The following proposal has been developed on the basis of the comments of the TC:

ASW 2(a):

“3. Method of Examination

“3.1 Number of Growing Cycles

“The minimum duration of tests should [normally]/[typically] be a single growing cycle.

“However, the testing of a variety may be terminated earlier if a negative conclusion on distinctness, uniformity or stability has already been reached.”

“Alternatively, the testing of a variety may be continued if a conclusion on distinctness, uniformity or stability has not been reached after the [normal]/[typical] duration of tests.”

ASW 2(b):

“3. Method of Examination

“3.1 Number of Growing Cycles

“The ~~minimum~~ duration of tests should [normally]/[typically] be two independent growing cycles.

“However, the testing of a variety may be terminated earlier if a negative conclusion on distinctness, uniformity or stability has already been reached.”

“Alternatively, the testing of a variety may be continued if a conclusion on distinctness, uniformity or stability has not been reached after the [normal]/[typical] duration of tests.

12. It is proposed that the TWPs consider the proposals in paragraph 11 of this document and provide any views to further improve the text.

13. The TWPs are invited to consider the proposed revision of document TGP/7 to clarify the duration of DUS testing, as set out in paragraph 11 of this document, and possible improvements to the proposed text.

[Annex follows]

EXTRACT FROM DOCUMENT TGP/7 “DEVELOPMENT OF TEST GUIDELINES”

ASW 2 (TG Template: Chapter 3.1) – Number of growing cycles

(a) Single growing cycle

“The minimum duration of tests should normally be a single growing cycle.”

(b) Two independent growing cycles

“The minimum duration of tests should normally be two independent growing cycles.”

ASW 3 (TG Template: Chapter 3.1.2) – Explanation of the growing cycle

(a) Fruit species with clearly defined dormant period

“3.1.2 The growing cycle is considered to be the duration of a single growing season, beginning with bud burst (flowering and/or vegetative), flowering and fruit harvest and concluding when the following dormant period ends with the swelling of new season buds.”

(b) Fruit species with no clearly defined dormant period

“3.1.2 The growing cycle is considered to be the period ranging from the beginning of active vegetative growth or flowering, continuing through active vegetative growth or flowering and fruit development and concluding with the harvesting of fruit.”

(c) Evergreen species with indeterminate growth

The growing cycle is considered to be the period ranging from the beginning of development of an individual flower or inflorescence, through fruit development and concluding with the harvesting of fruit from the corresponding individual flower or inflorescence.

(d) Fruit species

In the case of Test Guidelines covering fruit species, the following sentence may be added in Chapter 3.1:

“In particular, it is essential that the [trees] / [plants] produce a satisfactory crop of fruit in each of the two growing cycles.”

(e) Two independent cycles in the form of two separate plantings

Where appropriate, the following sentence may be added in Chapter 3.1:

“The two independent growing cycles should be in the form of two separate plantings.”

(f) Two independent cycles from a single planting

Where appropriate, the following sentence may be added in Chapter 3.1:

“The two independent growing cycles may be observed from a single planting, examined in two separate growing cycles.”