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TECHNICAL WORKING PARTY FOR FRUIT CROPS

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ADDENDUM TO

MATTERS CONCERNING VARIETY DESCRIPTIONS

Document prepared by the Office of the Union

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This document contains presentations to be made at the forty-seventh session of the Technical Working Party for Fruit Crops (TWF), as follows:

- Annex I: “Updating Variety Descriptions – Outcome of the survey”, by an expert from the Community Plant Variety Office of the European Union (CPVO);
- Annex II: “The role of plant material used as the basis for the DUS examination for fruit species”, by an expert from France;

[Annexes follow]

ANNEX I

UPDATING VARIETY DESCRIPTIONS - OUTCOME SURVEY
BY AN EXPERT FROM THE COMMUNITY PLANT VARIETY OFFICE OF THE EUROPEAN UNION (CPVO)



CPVO
Community Plant Variety Office


Updating Variety Descriptions

- Outcome of the Survey -

1

History

- Discussion with EU examiners revealed wide-ranging understanding of the term "variety description"
- CPVO seeks to develop a common understanding
- Survey amongst examination offices (EOs)
- Presentation survey in 2015's UPOV-TWPs
- Results today:
 - 23 EU Member States performing DUS tests
 - 19 replies



Variety Descriptions

2

Legal basis to update variety descriptions

- Article 87(4) 2100/94:

“The Office may of its own motion and upon consultation with the holder adapt the official variety description in respect of the number and type of characteristics or of the specified expressions of those characteristics, when necessary, in the light of the current principles governing the description of varieties of the taxon concerned, in order to render the description of the variety comparable with the descriptions of other varieties of the taxon concerned.”



Understanding of the Office

- Concerns only variety descriptions of the registers of the CPVO
- Updates are exceptional cases
- Adapted description replaces the former description
- Update variety description may also be requested by the holder of the right



To facilitate discussions:

- CPVO provisionally defined 3 types of Variety Descriptions (VD):
 1. "Original VD": approved upon granting or listing (possibly several original VDs if variety underwent several procedures)
 2. "Official VD": either original or adapted version of an original VD
 3. "Working VD": any other VD



Survey amongst our examination offices

1. Do you prepare a (full) Working VD of each variety grown for reference purpose?

All EOs prepare (full) Working VD of each variety grown for reference purpose for the first time at least for seed-propagated varieties if they are listed or protected



Survey amongst our examination offices

- 1.1. If yes, do you (fully) describe the reference variety each time the variety is grown as reference?

2/3 of EOs systematically re-describe varieties and compare the new data to previous data.

- observe annual fluctuations in the expression of characteristics.
- statistical analysis (COYU and COYD)
- to exclude varieties from the growing trial.
- (full) re-description for working purpose upon the adoption of a new TP is a matter of course



Survey amongst our examination offices

- 1.2. If you do not (fully) describe reference varieties each time do you re-describe them (primarily for working purpose) when a new Technical Protocol becomes applicable?

- Countries that do not (fully) re-describe reference varieties regularly do so when a new TP becomes applicable.
- Varieties of certain crop groups
- Certain characteristics (grouping or MS char.)



Survey amongst our examination offices

1. Preparation of working VD for reference varieties

Conclusion of the CPVO:

- various ways may be justified and may be well adapted to the crops
- no need for a harmonization covering all crops and all EOs.



Survey amongst our examination offices

2. When mentioning a reference variety as similar variety under point 16 or 17 of the Official Variety Description, do the notes there reflect the state of expression of the year the candidate variety is assessed, or are the notes taken from the Official Variety Description that was part of the title of protection (or the basis for registration in the National/Common Catalogue)?
 - EOs follow one or the other philosophy



Survey amongst our examination offices

2. Similar varieties point 16 or 17 VD

Conclusion of the CPVO:

- Origin of the notes to be indicated
- Proposal: notes should come from the same growing trial as for the candidate



Survey amongst our examination offices

3. Do above-mentioned (question 1 and 2) descriptions replace Official Variety Descriptions? If so, are there particular conditions to be fulfilled?

- No EO replaces the official VD
- Exception:
 - One EO may amend the official VD if, usually after many years, the reference collection has significantly changed even if the TP remained unchanged.
 - amended official VD replaces then the original VD



Survey amongst our examination offices

4. Are there other circumstances when an Official Variety Description is amended? (*not to be confused with correcting errors in the Official Variety Description*)

- No amendments for other reason than new TPs or correction of errors



Survey amongst our examination offices

5. What would be the procedure to change Official Variety Descriptions?

Is the CPVO/other Examination Offices/holder of the right informed on such adaptations?

Do you publish adapted variety description?

- theoretical question
- occasional updated *ex officio* upon renewal of listing
- no publication
- majority would inform the title holder
- EOs would inform other authorities if DUS was made on their behalf



Survey amongst our examination offices

5. Procedure to amend Official VD

Conclusion of the CPVO:

- to inform title holder and other EOs
- publication as for the previous version



Survey amongst our examination offices

6. In case you contribute to shared databases, which VD(s) do you provide for shared databases? (Working VD or Official VD?)

- theoretical question for some EOs
- large majority: official VD

Conclusion of the CPVO:

- to be decided on species level
- approach chosen should be discussed and agreed for all contributors



Survey amongst our examination offices

7. When a report is provided for a take-over, which variety description is provided?
- the Official Variety Description as attached to the national plant variety right/registration certificate ?
 - the latest Working Variety Description?
 - All EOs the Official VD in its latest officially amended version where such amendments are practiced (in analogy to Article 87 (4) of Council Regulation (EC) 2100/94)



Survey amongst our examination offices

8. If a characteristic was not observed at the time the Official VD was prepared but becomes observable later, will these additional observations be added and thus be considered as an updated Working VD?
- All but one EO would add this information to the technical data → updated working VD
 - Three EOs would foresee updating the Official VD



Conclusions and Follow-up:

- notes of similar varieties shall come from the same growing trial as for the candidate variety
- to inform parties concerned on amendments of the Official VD
- agreement on data supplied to shared databases



Thank you for your attention!




[Annex II follows]

ANNEX II

THE ROLE OF PLANT MATERIAL USED AS THE BASIS FOR DUS EXAMINATION FOR FRUIT SPECIES
BY AN EXPERT FROM FRANCE

The role of plant material used as the basis for the DUS examination
for Fruit species

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The role of plant material used as the basis for the DUS examination

In France for Fruit trees species (Apple, Pear, Apricot, Peach, Cherry, Japanese Plum):


- usually 2 trees kept in a **reference collection plot**, not the same than the DUS plot
- **healthy trees**, with no disease which could influence the description, at the moment of the planting
- the plot is regrafted when needed

➔ We keep original trees for each candidate variety

This material is one important part of the DUS exam.

The phenotypic description is the other part of the DUS exam, because:

Phenotype = Genotype + Environment + G x E

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des Variétés Et des Semences

The role of plant material used as the basis for the DUS examination

The **Official Description** is never modified.

We know that it can be influenced by the **environment** or by the **observer**: the original material is **the only stable element** to work with, in case of PBR issues or maintenance issues.

The original material is used, directly on the tree or after grafting:

- to compare with material in case of **maintenance issue**
- to compare with **candidate varieties**
- to **calibrate** the observations

In France, **we do not describe each variety of the collection every year**, due to their high number. We partially or completely describe only the closest comparison varieties.

The role of plant material used as the basis for the DUS examination

We think that **plant material** is one of the most important part of DUS examination, but we know how it is **expensive** to keep a living collection:

- we keep a part of the *Prunus* collection **under insect-proof**
- we try to find some ways to maintain the collections in **high-density orchards**, with mechanical cutting
- we try to **share our datas** with other european EOs, as it is not possible to get all material existing: GEMMA database in progress for Peach



[End of Annex II and of document]