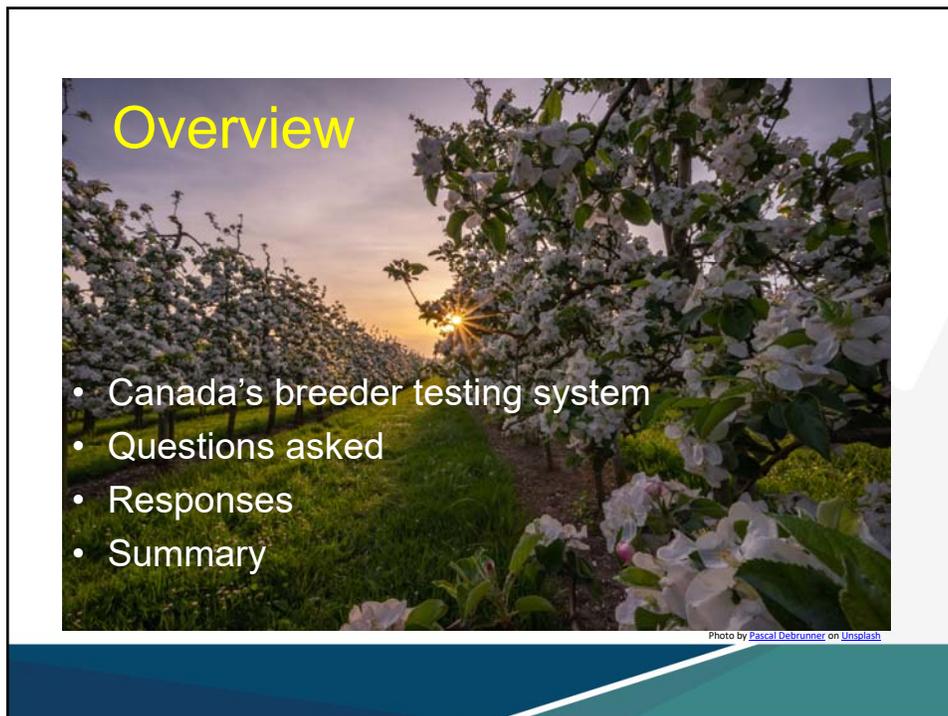


Technical Working Party for Fruit Crops**TWF/50/9****Fiftieth Session****Original:** English**Budapest, Hungary, June 24 to June 28, 2019****Date:** June 21, 2019

**ACCESS TO PLANT MATERIAL FOR THE PURPOSE OF MANAGEMENT OF VARIETY COLLECTIONS
AND DUS EXAMINATION***Document prepared by an expert from Canada**Disclaimer: this document does not represent UPOV policies or guidance*

1. The Technical Working Party for Fruit Crops (TWF), at its forty-ninth session, held in Santiago de Chile, from November 19 to 23, 2018 agreed to discuss the item “Access to plant material for the purpose of management of variety collections and DUS examination” at its next session (see document TWF/49/12 “report”, paragraph 106). It further agreed to invite Canada, China, European Union, Italy and Spain to give a presentation.
2. The annex to this document contains a copy of a presentation on “Canada’s experience in accessing plant material for DUS testing”, to be made at the fiftieth session of the TWF.

[Annex follows]

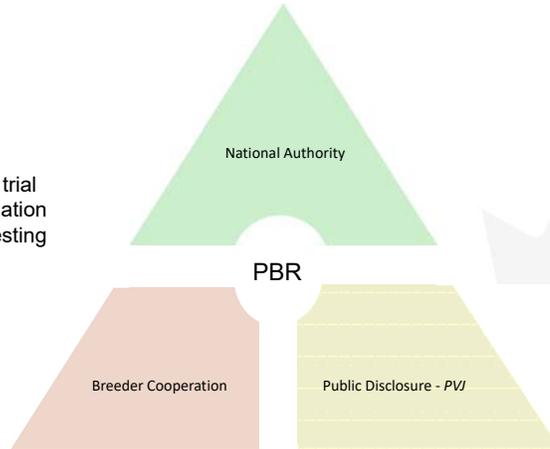


Breeder testing system

National Authority - PBR Office
conducts site examination and PBR
Commissioner decides on Grant of
Rights

Breeder Cooperation – breeder or trial
coordinator provides detailed information
on the variety and conducts DUS Testing
in accordance with TG

Public Disclosure – all information
about a variety is available – *Plant
Varieties Journal (PVJ)* for
public scrutiny and
input



Breeder testing

- Canada has a “breeder testing” system for establishing DUS
- Breeder/trial coordinator acting on applicant’s behalf, conduct the growing trials
- An Examiner from the Canadian Plant Breeders Rights Office will examine the trial
- Final description is developed based on the completed test guideline and verified with the examiners notes



Questions asked

In April 2019, I conducted a survey with our trial coordinators

Four questions were asked:

1. What are the challenges you face in gaining access to reference varieties for DUS testing?
2. Are there challenges in relation to import (e.g. phytosanitary measures)?
3. Are there cases where companies are not willing to share varieties to be incorporated into DUS testing as Reference Varieties?
4. Do you have sufficient time to source Reference Varieties?



Photo by Thomas G on Unsplash

What are the challenges you face in gaining access to reference varieties for DUS testing?

- The desired Reference Variety (RV) is not in production anymore
- Strict phytosanitary requirements, provincially and federally
- High fumigation costs
- Poor quality plant material
- Lack of understanding of the purpose of RVs in DUS testing
- Difficulty sourcing RVs for growth in the trial
- Stage of development of the RV relative to Candidate Variety (CV) is different

Are there challenges in relation to import (e.g. phytosanitary measures)?

- Within North America no major issues
- From EU to North America very difficult
- Issue with supplying plant material to EU for DUS testing purposes
- Canada's acceptance of international DUS reports to support applications has significantly helped
- Quarantine measures add to time requirements for DUS testing
- Time for plant material to clear customs can be long



Photo by Hossein Ghaem on Unsplash

Are there cases where companies are not willing to share varieties to be incorporated into DUS testing as Reference Varieties?

- Most companies are willing to share under agreements/contracts
- There are concerns regarding sharing material internationally



Do you have sufficient time to source Reference Varieties?

- If variety is under production in North America not normally a problem
- If not in production in North America, in some cases, can be sourced from a lab where it is stored in-vitro. This requires time to grow-out.
- Not a problem if the grower has an extensive reference collection
- If importing, need to comply with federal and provincial phytosanitary policies
- Sometimes issues in sourcing reference varieties



Photo by Kelly Neill on Unsplash

Summary

- Phytosanitary requirements are stringent and costs for fumigation can be high
- Sourcing reference varieties can be difficult
- Difficulties common if importing plant material outside of North America
- Applicants have appreciated Canadian PBR Office's policy on acceptance of international DUS test reports in support of a Canadian filing

Purchasing foreign DUS test results in lieu of conducting comparative tests and trials in Canada

This page is part of the Guidance Document Repository (GDR),
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The Plant Breeder Rights (PBR) Office allows the purchase of foreign test results to demonstrate that a new variety is distinct, uniform and stable (DUS). For seed material, varieties requiring no growing cycle of trials, the applicant is able to replace any growing cycle by purchasing the foreign test results. The GDR allows the purchase of foreign DUS test results for ALL varieties considered to be ornamental or horticultural (fruit and vegetable, including ornamental (edible/non-edible)) regardless of how they are propagated and where they are grown.

The following criteria must be met in order for the foreign DUS test results to be acceptable to the PBR:

1. The candidate variety must be a variety that is considered to be ornamental or horticultural (fruit and vegetable, including ornamental (edible/non-edible)).
2. The candidate variety must have been tested by a body based in a Party (contracted) under the Protection of Plant Varieties of Foreign member countries of access where the selling of variety has not yet been completed at the time it is required to purchase the foreign DUS test results to proceed with the sale and/or the variety period for variety is fixed not to be DUS, the same material will be later by the Canadian PBR.
3. The plant variety has been under the foreign DUS test results an identical form have been grown and a minimum of 2000 plants tested under the PBR DUS test conditions and testing procedures.
4. A variety is eligible for purchase if the foreign DUS test results are identical to the PBR DUS test results.
5. The foreign DUS test results are identical to the PBR DUS test results. If there is a concern about the DUS of a variety, applicants in the case where a variety (Canadian origin) has been considered to be a reference variety, the material may be required to compare DUS comparison tests in Canada.
6. There must be sufficient data and descriptive information available from the foreign DUS test results to submit the variety description in an acceptable format to the Plant Breeder Office.
7. An applicant, demonstrating the responsibility and ownership of the variety must be established as an acceptable candidate for the reference variety.
8. Only those DUS test results obtained from the PBR DUS test results in a Party member country where consideration

<https://bit.ly/2XEA6og>