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**RELEVANT MATTERS FOR DUS EXAMINATION IN THE FRUIT SECTOR***Document prepared by an expert from the European Union**Disclaimer: this document does not represent UPOV policies or guidance*

The annex to this document contains a copy of a presentation “Number of plants of reference variety”, prepared by an expert from the European Union, to be considered by the fifty-second session of the Technical Working Party for Fruit Crops (TWF).

[Annex follows]

### **NUMBER OF PLANTS OF REFERENCE VARIETY**

The UPOV document TGP/9/2 specifies the following:

*5.5.5 The required precision of records depends on the size of the difference between the candidate variety and the varieties of common knowledge. If two varieties are very similar it is important to ensure the same precision of the records for both varieties. The number of plants indicated in the Test Guidelines applies to both the candidate variety and the similar variety of common knowledge. In other cases, it may be possible to include in the trial a lower number of plants for the variety of common knowledge, provided that uniformity does not have to be assessed for that variety, i.e. varieties in the variety collection.*

Consequently, for varieties which are very close to a given candidate the same number of plants of the similar variety should be used as the number of plants of the candidate variety to assure the same precision of records. However, if a reference variety is not very similar ("other cases") and provided uniformity does not need to be assessed lower number can be used.

In the fruit sectors at the EU level it was felt that:

- there was no need to have the same number of plants of the reference variety as for the candidate for the distinctness assessment even though the varieties may be very similar,
- the use of fewer plants of the reference variety does not impact the precision of the records,
- providing for the same number of plants would cause difficulties in managing the trials and would markedly increase the size of the trials.

There was a general agreement of experts participating to the CPVO Fruit Experts' Meeting of 2020 that the TGP/9/2 paragraph 5.5.5. could not be applied in its literal meaning in the fruit sector and that it may need some clarification at the UPOV level.

[End of Annex and of document]