

Technical Working Party for Fruit Crops**TWF/53/11****Fifty-Third Session
Virtual meeting, July 11 to 15, 2022****Original: English
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**ACCESS TO PLANT MATERIAL FOR THE PURPOSE OF MANAGEMENT OF VARIETY COLLECTIONS
AND DUS EXAMINATION***Document prepared by an expert from the European Union**Disclaimer: this document does not represent UPOV policies or guidance*

This document contains a presentation to be made by an expert from the European Union at the fifty-third session of the Technical Working Party for Fruit Crops (TWF):

Annex "Access to plant material for the purpose of management of variety collections and DUS examination",
Appendix "Model letter: Request for reference material"

[Annex follows]



Access to plant material for the purpose of management of variety collections and DUS examination

Jean Maison

UPOV TWF, 11-15 July 2022

Access to plant material for DUS examination



- Following challenges noted in the past (TWF 50 in HU)
 - ✓ Lack of understanding/willingness of breeders to make their material available
 - ✓ Breeders requesting a guarantee about the use of the plant material provided
 - ✓ No access to plant material on the market, circulation of material in closed networks (club varieties)
 - ✓ In the fruit sector, varieties are often developed worldwide and are adapted to grow in a wide range of environments
 - ✓ Plant health, quarantine procedures



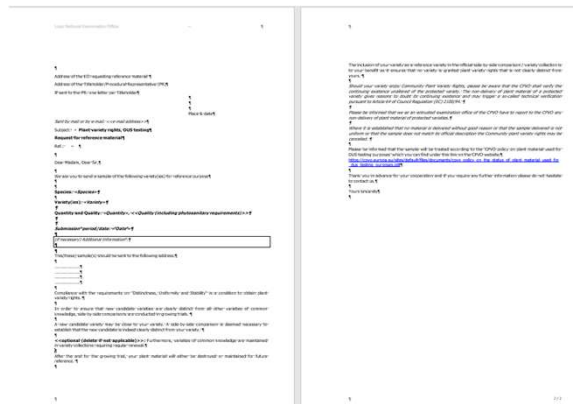
Access to plant material for DUS examination

- The TWF highlighted the need to have a high level of trust between PVP offices and breeders to ensure fruitful cooperation.
- The TWF noted that the European Union has adopted a policy on the use of plant material submitted for DUS testing purposes and received a presentation last year
- Conclusion to invite the expert from the European Union, with the support of Brazil, Canada, France, Italy, Netherlands, New Zealand and Spain to draft a proposal for model letters/contracts to be used for the submission of plant material to the PVP Authority and/or DUS Examination Offices



Access to plant material for DUS examination

- CPVO letter available in Annex, linked to the policy on the use of plant material submitted for DUS testing purposes





Access to plant material for DUS examination

- Matters covered by the CPVO draft that could be considered by the group
 - ✓ Letter addressed to the PVP holder of the variety or his formal representative
 - ✓ Technical details: species, quality, quantity, date and place of submission
 - ✓ Detailed explanation of the purpose
 - ❖ Reference collection
 - ❖ Candidate variety potentially similar, identification?
 - ✓ What will/will not be done with the material during and after the trial, issues of access
 - ✓ In the case of CPVO, compulsory aspect of the variety has a Community Plant Variety Right



CPVO

Community Plant Variety Office

Community Plant Variety Office
3 Boulevard Maréchal Foch
49000 ANGERS – FR

Contacts

Tel: (+33) (0) 2-41.25.64.00
communication@cpvo.europa.eu

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Address of the EO requesting reference material
 Address of the Titleholder/Procedural Representative (PR)
 If sent to the PR: one letter per Titleholder

Place & date

Sent by mail or by e-mail: <<e-mail address>>

Subject: **Plant variety rights, DUS testing**

Request for reference material

Ref.:

Dear Madam, Dear Sir,

We ask you to send a sample of the following variety(ies) for reference purpose

Species: *«Species»*

Variety(ies): *«Variety»*

Quantity and Quality: *«Quantity», <<Quality (including phytosanitary requirements)>>*

Submission period/date: *« Date »*

(if necessary) Additional Information :

This(these) sample(s) should be sent to the following address:

.....

Compliance with the requirements on "Distinctness, Uniformity and Stability" is a condition to obtain plant variety rights.

In order to ensure that new candidate varieties are clearly distinct from all other varieties of common knowledge, side-by-side comparisons are conducted in growing trials.

A new candidate variety may be close to your variety. A side-by-side comparison is deemed necessary to establish that the new candidate is indeed clearly distinct from your variety.

<<optional (delete if not applicable)>>: Furthermore, varieties of common knowledge are maintained in variety collections requiring regular renewal.

After the end for the growing trial, your plant material will either be destroyed or maintained for future reference.

The inclusion of your variety as a reference variety in the official side-by-side comparison / variety collection is to your benefit as it ensures that no variety is granted plant variety rights that is not clearly distinct from yours.

Should your variety enjoy Community Plant Variety Rights, please be aware that the CPVO shall verify the continuing existence unaltered of the protected variety. The non-delivery of plant material of a protected variety gives reasons to doubt its continuing existence and may trigger a so-called technical verification pursuant to Article 64 of Council Regulation (EC) 2100/94.

Please be informed that we as an entrusted examination office of the CPVO have to report to the CPVO any non-delivery of plant material of protected varieties.

Where it is established that no material is delivered without good reason or that the sample delivered is not uniform or that the sample does not match its official description the Community plant variety rights may be cancelled.

Please be informed that the sample will be treated according to the 'CPVO policy on plant material used for DUS testing purposes' which you can find under this link on the CPVO website:

https://cpvo.europa.eu/sites/default/files/documents/cpvo_policy_on_the_status_of_plant_material_used_for_dus_testing_purposes.pdf

Thank you in advance for your cooperation and if you require any further information please do not hesitate to contact us.

Yours sincerely

[End of Appendix and of document]