

**Technical Working Party for Ornamental Plants and Forest Trees** TWO/51/6**Fifty-First Session**  
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**INCONSISTENCIES BETWEEN TQ INFORMATION AND PLANT MATERIAL SUBMITTED FOR DUS TRIAL IN THE EUROPEAN UNION PBR SYSTEM***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 on the “Inconsistencies between TQ information and plant material submitted for DUS trial in the European Union PBR system” by an expert from the European Union, to be made at the fifty-first session of the Technical Working Party for Ornamental Plants and Forest Trees (TWO).

[Annex follows]



## Inconsistencies between TQ information and plant material submitted for DUS trial in the European Union PBR system

### Background

What is the problem ??

- Inconsistencies between TQ info and plant material (wrong info, wrong scale...)
- No harmonization within Examination Offices of the European Union

- Topic discussed in 2015 in Vegetable and Examination Offices' meetings
- Survey in 2016 within all Examination Offices of the European Union
- Outcome discussed in Examination Offices' meeting December 2016
- Position paper discussed in Examination Offices' meeting December 2017
- Procedure presented in Examination Offices' meeting December 2018



### Main conclusion of the survey – Constat

- Cases are rare and concentrated in a few species.
- Practically all Examination Offices work on principle that submitted plant material is representative of candidate variety.
- Most Examination Offices allow correction of TQ so that this will match submitted plant material.
- Main consequence of such errors for applicant is them having to pay for extra growing period.
- The Community Plant Variety Office (CPVO) policy was different to most Examination Offices in being stricter



***CPVO feels a need for harmonization and transparency***



### Procedure

- Communication



- Actions



## Procedure

### Communication



I – Examination Office informs CPVO

II - Applicant requested to comment

III - Analysis done by CPVO and Examination Office between different actions possible



## Procedure



### Possible actions

I - when applicant confirmed wrong plant material delivered → refusal

Provided that there no doubts that the right material was submitted:

II - when initial discrepancies does not have any impact on trial → Technical Examination continues

III - when initial discrepancies does have an impact on DUS trial → DUS test to be re-done (prolongation might be seen as penalty)

IV- Possibility to refuse in case of fictitious application



## Conclusion

- Procedure adopted at Examination Offices' meeting 2018
- Harmonized and transparent approach for all examination offices and the CPVO

