

Technical Working Party for Ornamental Plants and Forest Trees
TWP/3/14

Fifty-First Session

Christchurch, New Zealand, February 18 to 22, 2019

Original: English

Date: February 5, 2019

Technical Working Party for Vegetables

Fifty-Third Session

Seoul, Republic of Korea, May 20 to 24, 2019

Technical Working Party for Fruit Crops

Fiftieth Session

Budapest, Hungary, June 24 to 28, 2019

Technical Working Party for Agricultural Crops

Forty-Eighth Session

Montevideo, Uruguay, September 16 to 20, 2019

Technical Working Party on Automation and Computer Programs

Thirty-Seventh Session

Hangzhou, China, October 14 to 16 (morning), 2019

COOPERATION IN EXAMINATION

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

EXECUTIVE SUMMARY

1. The purpose of this document is to present the results of a survey of the current situation of members of the Union with regard to cooperation in examination, as a starting point for discussion on further possibilities to facilitate cooperation.
2. The TWPs are invited to:
 - (a) note the results of the survey of the current situation of members of the Union with regard to cooperation in examination, as set out in the Annex to this document;
 - (b) note that the UPOV Office will invite the Council representatives to identify contact the persons for international cooperation in DUS examination and that the information received will be made available on the UPOV website;
 - (c) note that the topic of international cooperation in DUS examination will be presented as an introduction to the agenda item "Cooperation in examination" during the normal program for the TWPs to explain the existing possibilities for cooperation between UPOV members; and
 - (d) form discussion groups at each TWP to discuss the technical concerns that prevent cooperation in DUS examination and how to overcome the technical concerns raised.
3. The following abbreviations are used in this document:

BMT: Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular
 TC: Technical Committee
 TWPs: Technical Working Parties

4. The structure of this document is as follows:

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BACKGROUND

5. At its fifty-second session, held in Geneva, from March 14 to 16, 2016, the Technical Committee (TC), as a result of the discussion under agenda item 3 “Discussion on quality parameters for DUS examination”, noted that there may be obstacles to cooperation in examination, including exchange of DUS reports, and agreed to explore the situation further. As a starting point for discussion, the TC agreed that it would be useful for the Office of the Union to conduct a survey of the current situation of members of the Union and to report the results to the TC at its fifty-third session (see document TC/52/29 Rev. “Revised Report”, paragraph 207).

SURVEY ON COOPERATION

6. On November 18, 2016, Circular E-16/276 “UPOV Survey: Cooperation in DUS Examination” was issued to designated persons to the Council and TC of members of the Union.

7. The TC, at its fifty-third session, held in Geneva from April 3 to 5, 2017, considered document TC/53/20 and the oral report by the Office of the Union, which highlighted the following results of the survey (see document TC/53/31 “Report”, paragraphs 146 to 151):

- 93% of respondents were fairly/very confident of options for cooperation (whilst noting that only 38% of UPOV members had replied)
- 50% of respondents reported that the DUS report is used as the basis for the DUS decision without the need for further information
- 30% of respondents considered that further practical measures might facilitate the use of existing DUS reports
- 29% of respondents found that cooperation in DUS examination was “not at all easy”

8. The Office of the Union reported that the Working Group on a possible International System of Cooperation (WG-ISC) had identified acceptance of DUS reports from any member of the Union as a matter for consideration.

9. The TC noted that there were important policy aspects relating to cooperation in DUS examination and agreed that the results of the survey should be reported to the WG-ISC with an explanation of the issues, if requested.

10. The TC agreed that a new survey should be issued in order to increase the number of members of the Union contributing information. The TC agreed that the questions in the previous survey should be used as the basis but the new survey should be shortened by consolidating some of the questions on the basis of the information obtained from the first survey. The TC agreed that the results of the new survey should be presented to the TC at its session in 2018.

11. The TC also agreed that the causes of difficulties in establishing cooperation should be investigated via the new questionnaire.

12. The TC noted the report from Japan on its new administrative procedures to facilitate the exchange of DUS test reports between Japan and other UPOV members, as a result of which, DUS test reports would be provided free of charge for those UPOV members which Japan had a memorandum of cooperation.

13. On August 10, 2017, Circular E-17/137 “UPOV Survey: Cooperation in DUS Examination” was issued to designated persons to the Council and TC of members of the Union.

Survey results

14. Complete responses to Circular E-17/137 were received from 55 members of the Union, namely:

African Intellectual Property Organization	Germany	Republic of Korea
Argentina	Hungary	Republic of Moldova
Australia	Israel	Romania
Austria	Italy	Serbia
Belarus	Japan	Slovakia
Bolivia (Plurinational State of)	Jordan	Slovenia
Brazil	Kenya	South Africa
Bulgaria	Latvia	Spain
Canada	Lithuania	Sweden
Chile	Mexico	Switzerland
China	Morocco	Trinidad and Tobago
Colombia	Netherlands	Tunisia
Costa Rica	New Zealand	Turkey
Denmark	Norway	United Kingdom
Ecuador	Panama	United Republic of Tanzania
Estonia	Peru	United States of America
European Union	Poland	Uruguay
Finland	Portugal	Viet Nam
France		

15. The responses to the survey are presented in the Annex to this document.

Consideration by the Technical Committee at its fifty-fourth session

16. The TC, at its fifty-fourth session, held in Geneva on October 29 and 30, 2018, considered document TC/54/25 “Cooperation in examination” (see document TC/54/31 “Report”, paragraphs 252 to 256).

17. The TC considered the results of the survey of the current situation of members of the Union with regard to cooperation in examination, as set out in document TC/54/25, Annex.

Identification of contact persons for international cooperation in DUS examination

18. The TC agreed that it would be useful for UPOV members to identify the contact persons for international cooperation in DUS examination and make this information available via the UPOV website (see document TC/54/31 “Report”, paragraph 254).

19. The UPOV Office will invite the Council representatives to identify the contact persons for international cooperation in DUS examination. The information received will be made available on the UPOV website.

Information on possibilities for international cooperation

20. The TC agreed that the topic of international cooperation should be included in the preparatory workshops for the TWPs to explain the existing possibilities for cooperation between UPOV members (see document TC/54/31 “Report”, paragraph 256).

21. The TC agreed that the elements to be discussed during the preparatory workshop could be presented as an introduction to the respective agenda items during the normal program for the TWPs and BMT sessions (see document TC/54/31 “Report”, paragraph 326).

22. The topic of international cooperation in DUS examination and explanation on existing possibilities for cooperation between UPOV members will be presented to the TWPs, at their sessions in 2019, as an introduction to document TWP/3/14 “Cooperation in Examination.”

Invitation to explore technical concerns that prevent cooperation

23. The TC agreed to invite the TWPs to explore the technical concerns that prevented cooperation and to propose how to overcome the technical concerns raised (see document TC/54/31 "Report", paragraph 255).

24. The TC noted that discussion groups had been formed at the sixteenth and seventeenth sessions of the BMT for participants to exchange information on their work and explore areas for cooperation (see document TC/54/31 "Report", paragraphs 278 to 282).

25. The TC agreed that the results of the coordination session in the BMT be reported to the other Technical Working Parties (TWPs). The TC agreed to invite the TWPs to undertake a similar session to build on the BMT outcomes and feed into the future work of the BMT. The TC agreed that discussion groups should be formed for the main crops at each TWP to allow participants to exchange information on their work and explore areas for cooperation. This matter is considered in document TWP/3/7 "Molecular Techniques."

26. The TC further agreed that the discussion groups could also consider issues concerning cooperation in DUS examination, to explore technical concerns that prevented cooperation and to consider how to overcome the technical concerns raised.

27. The TWPs, at their sessions in 2019, are invited to form discussion groups at each TWP to discuss the technical concerns that prevent cooperation in DUS examination and propose how to overcome the technical concerns raised. The outcome of discussions will be reported to the TC, at its fifty-fifth session.

28. *The TWPs are invited to:*

(a) note the results of the survey of the current situation of members of the Union with regard to cooperation in examination, as set out in the Annex to this document;

(b) note that the UPOV Office will invite the Council representatives to identify contact the persons for international cooperation in DUS examination and that the information received will be made available on the UPOV website;

(c) note that the topic of international cooperation in DUS examination will be presented as an introduction to the agenda item "Cooperation in examination" during the normal program for the TWPs to explain the existing possibilities for cooperation between UPOV members; and

(d) form discussion groups at each TWP to discuss the technical concerns that prevent cooperation in DUS examination and how to overcome the technical concerns raised.

[Annex follows]

Comment report

Lists all the questions in the survey and displays all the free text responses to these questions, if applicable

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Question 1:

*UPOV Member on behalf of whom you are completing this survey

(in the alphabetical order of the English names of the Members)

Frequency table

Items	Absolute frequency	Relative frequency	Adjusted relative frequency
African Intellectual Property Organization (OAPI)	1	1.79%	1.79%
Argentina	1	1.79%	1.79%
Australia	1	1.79%	1.79%
Austria	1	1.79%	1.79%
Belarus	1	1.79%	1.79%
Bolivia (Plurinational State of)	1	1.79%	1.79%
Brazil	1	1.79%	1.79%
Bulgaria	1	1.79%	1.79%
Canada	1	1.79%	1.79%
Chile	1	1.79%	1.79%
China	2*	3.57%	3.57%
Colombia	1	1.79%	1.79%
Costa Rica	1	1.79%	1.79%
Denmark	1	1.79%	1.79%
Ecuador	1	1.79%	1.79%
Estonia	1	1.79%	1.79%
European Union	1	1.79%	1.79%
Finland	1	1.79%	1.79%
France	1	1.79%	1.79%
Germany	1	1.79%	1.79%
Hungary	1	1.79%	1.79%
Israel	1	1.79%	1.79%
Italy	1	1.79%	1.79%
Japan	1	1.79%	1.79%
Jordan	1	1.79%	1.79%
Kenya	1	1.79%	1.79%
Latvia	1	1.79%	1.79%
Lithuania	1	1.79%	1.79%
Mexico	1	1.79%	1.79%
Morocco	1	1.79%	1.79%
Netherlands	1	1.79%	1.79%
New Zealand	1	1.79%	1.79%
Norway	1	1.79%	1.79%
Panama	1	1.79%	1.79%
Peru	1	1.79%	1.79%
Poland	1	1.79%	1.79%
Portugal	1	1.79%	1.79%
Republic of Korea	1	1.79%	1.79%
Republic of Moldova	1	1.79%	1.79%
Romania	1	1.79%	1.79%
Serbia	1	1.79%	1.79%

* Ministry of Agriculture and State Forestry Administration

Slovakia	1	1.79%	1.79%
Slovenia	1	1.79%	1.79%
South Africa	1	1.79%	1.79%
Spain	1	1.79%	1.79%
Sweden	1	1.79%	1.79%
Switzerland	1	1.79%	1.79%
Trinidad and Tobago	1	1.79%	1.79%
Tunisia	1	1.79%	1.79%
Turkey	1	1.79%	1.79%
United Kingdom	1	1.79%	1.79%
United Republic of Tanzania	1	1.79%	1.79%
United States of America	1	1.79%	1.79%
Uruguay	1	1.79%	1.79%
Viet Nam	1	1.79%	1.79%

Total answered: 56

Question 2:

*Name

Question 3:

*Job title

Question 4:

*Organization

Question 5:

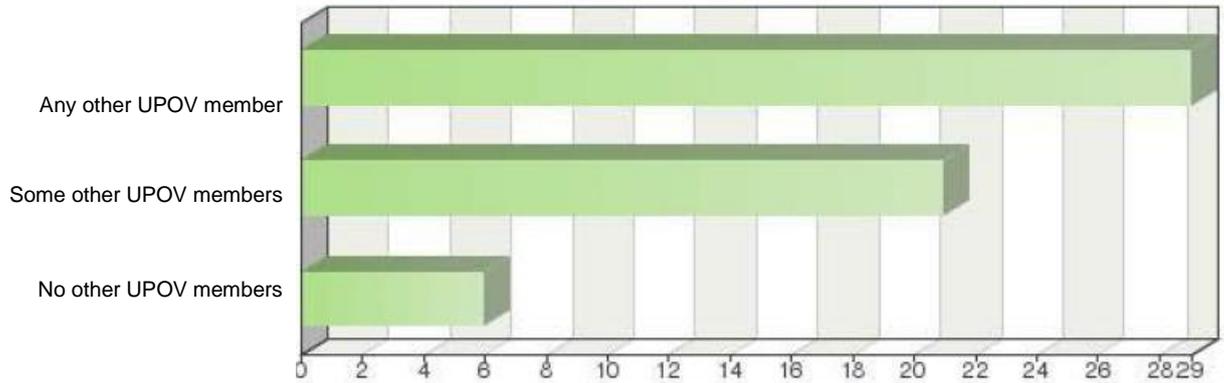
*E-mail address

Question 6:

*Acknowledgement

I understand that, for the purposes of this survey, the following terms are used: • “DUS report” means the information in document TGP/5 “Experience and Cooperation in DUS Testing”, Section 6: UPOV Report on Technical Examination and UPOV Variety Description (see http://www.upov.int/edocs/tgpdocs/en/tgp_5_section_6.pdf) • “Existing DUS report” means a DUS report resulting from a DUS examination that has already been completed by a UPOV member

Question 7: Does your authority accept existing DUs reports from:



Frequency table

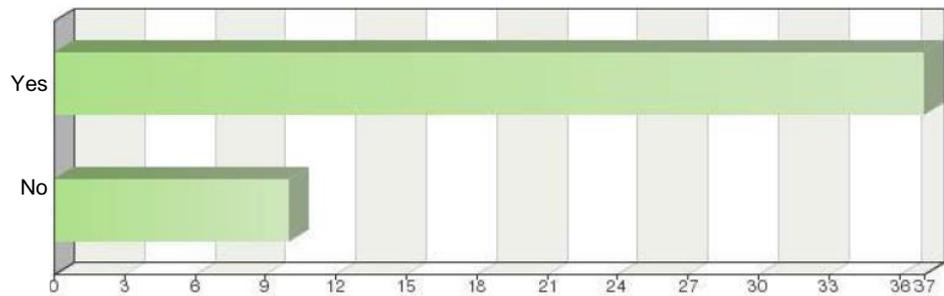
Choices	Absolute frequency	Adjusted relative frequency	Adjusted relative frequency
Any other UPOV member	29	51.79%	51.79%
Some other UPOV members	21	37.50%	37.50%
No other UPOV members	6	10.71%	10.71%
Sum:	56	100%	100%
Not answered:	0	0%	-
Total answered: 56			

Comments

- Switzerland accepts DUS reports wherever available
- OAPI purchases the reports even if it does not have a formal cooperation agreement with the examination center in question.
- The DUS report must be compatible with the national guidelines
- For the time being we do not purchase DUS reports from other UPOV members, but according to our national law this is possible.
- only in crops where we have limited technical expertise and or infrastructural limitation
- the environmental conditions in which the examination has been done, must be comparable with the Norwegian conditions
- Acceptance of reports is near-automatic in the context of CPVO's quality assurance of EU Examination Offices. Outside of this, it is possible but more complex to accept reports from other UPOV members.
- Canada accepts DUS test reports from other UPOV members for ornamental and horticulture species, when those members follow UPOV test guidelines and testing procedures/protocols.
- Reports provided by EU countries
- So far all examinations are carried out mainly because they are used in other registers such as the certification or commercial registers.
- Lithuania accept DUS reports from the European Union countries
- only if DUS test is on CPVO entrustment level
- Preferably from the Northern Hemisphere (agricultural crops)
- for listing varieties only members that are included in the EU equivalence regime for maintainers
- Currently South Africa accepts existing DUS reports for lucerne, potato, and chrysanthemum
- We accepted the DUS Test report from: Japan, France, CVPO, the Netherlands, the Republic of Korea
- Only for species where we do not perform our own DUS testing
- The CPVO takes over DUS reports from entrusted examination offices of its network. If within the network a DUS report cannot be established, Article 27 of Commission Regulation (EC) No 874/2009 rules the conditions for take-overs from countries outside the EU.
- OEVV accepts DUS reports from offices accredited by the Community Plant Variety Office (CPVO).

Question 8:

If your authority accepts existing DUS reports from other UPOV members, is the DUS report used as the basis for the DUS decision without the need for further information



Frequency table

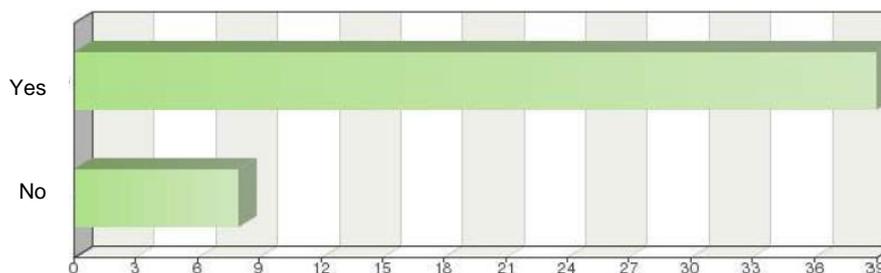
Choices	Absolute frequency	Relative frequency	Adjusted relative frequency
Yes	37	66.07%	78.72%
No	10	17.86%	21.28%
Sum:	47	83.93%	100%
Not answered:	9	16.07%	
Total answered: 47			

Comments

- The report is used as a basis only. It will suffice for informed decision making.
- Only on one occasion did we contact the authority concerned, in an examination [...]. There was no comparison between the proposed variety and commonly known varieties. However, we were informed that the comparison was not made because the experts felt that the candidate variety did not resemble any collection of reference. With at answer explaining the situation, the decision was taken.
- In some cases, we nonetheless request, in addition to the DHS report, a plant material sample for our reference collection. In some rare cases, additional information may be requested (comparison varieties used, raw results of observations and measurements...).
- Only in crops that do not require mandatory seed certification and are in closed value chain system
- Decisions are based on the DUS report but more information is requested and analyzed in detail.
- It is often necessary to ask further questions about reference varieties used in the assessment of distinctness.
- Technical and administrative elements are agreed in advance.
- DUS report have to be the genuine (original) document, signed and stamped by the official authority which issued report.
- The DUS reports from other EU members are used for the DUS decision.
- There may be environmental factors that may influence expression such as temperature and amount of sunlight that we may enquire about to see if we need to retest under our conditions. E.g. some test guideline conditions are way outside what we experience here
- Sometimes no further information is required but a description of the variety that meets the requirements for publication must be possible. Consequently, in most cases, additional information is needed.
- In most cases. If a report is the first from that authority or a first for that species we may request additional information from the authority or have a reduced national growing trial.
- We accept DUS reports from examination offices entrusted By CPVO.
- It can only form the basis for a decision on a CPVR if the technical examination has been carried out according to the so called entrustment requirements. Those have to be fulfilled in order to become an entrusted examination offices for a given species
- A sample of plant material from the variety is also requested.

Question 9:

If your authority accepts existing DUS reports from other UPOV members, do you require that UPOV Test Guidelines are the basis for the DUS examination



Frequency table

Choices	Absolute frequency	Relative frequency	Adjusted relative frequency
Yes	39	69.64%	82.98%
No	8	14.29%	17.02%
Sum:	47	83.93%	100%
Not answered:	9	16.07%	
Total answered: 47			

Comments

The requirement for the UPOV guidelines is generally met.

For these Guidelines may not cover all species.

We consider that the UPOV guidelines ensure that harmonization of the analysis to be carried out is maintained, facilitating the understanding of the authority that receives the examination.

But not only: as a member of the European Union, another basis for accepting reports is the CPVO accreditation system.

Considering our national guidelines were based in UPOV guidelines, as well

The Test Guidelines harmonies DUS exercise among the UPOV member states

CPVO test guidelines are also accepted

Sometime we can accept test report with no test guidelines.

The normal requirement is for compliance with CPVO's protocols, which very closely follow UPOV Test Guidelines.

If there aren't UPOV guideline

In case of Community Plant Variety Office (CPVO) we accept DUS Reports made on the basis of CPVO TP Guidelines.

For the species without CPVO protocols.

Reports that go beyond UPOV test guidelines are also of interest to us. Some test guidelines do not capture all forms of expression and may need to be augmented by national test guidelines.
also to non UPOV members

Generally yes but not always. The legislation requires, for example, that the DUS report is 'equivalent' to an examination undertaken in Australia. Although not common, if there is no TG for the crop but it is determined that the testing was conducted using TGP principles then it may be acceptable.

If there is no UPOV TG, a national TG may be acceptable.

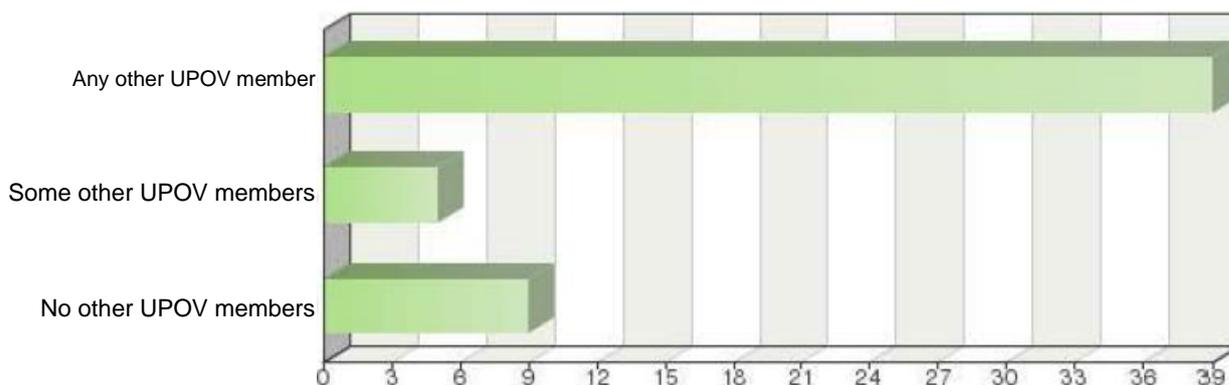
when CPVO protocols are available the reports must be in line with those protocols

In case the UPOV Test Guidelines are not existing we accept also DUS reports performed according to the National Test Guidelines

CPVO requires that the CPVO Technical Protocol is the basis for the DUS examination and only if non such CPVO-TP is available, the UPOV-TG as basis is accepted, however the CPVO-TP are based on UPOV TGs

Question 10:

Does your authority provide existing DUS reports to:



Frequency table

Choices	Absolute frequency	Relative frequency	Adjusted relative frequency
Any other UPOV member	39	69.64%	73.58%
Some other UPOV members	5	8.93%	9.43%
No other UPOV members	9	10.07%	16.98%
Sum:	53	94.64%	100%
Not answered:	3	5.36%	-

Total answered: 53

Comments

We refer to the authority that has carried out the examination.

No restrictions. The authority replies to all requests.

We have little experience in carrying out DUS examinations, but if any authority requests a DUS report from us or if we receive reports from any institution, we can provide them to any UPOV member.

DUS reports of agricultural crops

Our office has no bank account to accept payment from outside. We can provide our DUS test report with no charge between 11 countries under the Memorandum of Cooperation.

Reports are provided to any UPOV member which is prepared to accept them.

The registration system for varieties in Mexico is based on technical reports presented by applicants and therefore, we can only provide to those who have carried out through the authority. So far, only *Jatropha curcas* I has done this.

It is the responsibility of the other member whether they want to use our results.

As an authority we do not carry out DUS examinations on any crop however, we can request that a local university carry out a DUS examination.

We are willing to but have never had the opportunity as yet.

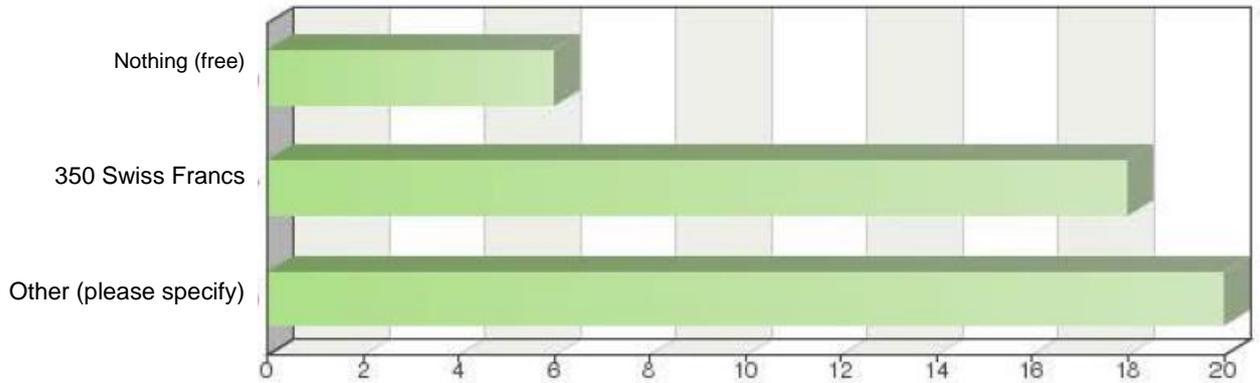
At no cost

We also provide to non-UPOV member countries

Any UPOV Member or not

Question 11:

If your authority provides existing DUS reports to other UPOV members, how much do you charge for the DUS report:



Frequency table

Choices	Absolute frequency	Relative frequency	Adjusted relative frequency
Nothing (free)	6	10.71%	13.64%
350 Swiss Francs	18	32.14%	40.91%
Other (please specify)	20	25.71%	45.45%
Sum:	44	78.57%	100%
Not answered:	12	21.43%	-

Total answered: 44

Other (details)

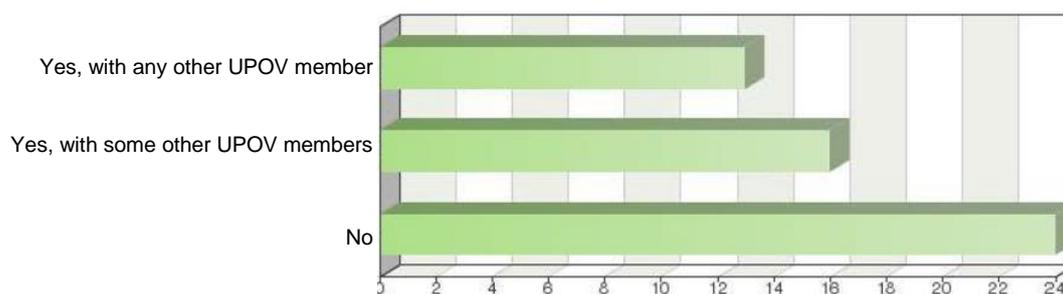
- 250 USD
- 320 Euro
- Equivalent of CHF 350, used also by CPVO
- 240 Euro
- \$3.60 per page
- 240 Euro
- 540 BGN
- 240 Euro
- 250\$
- TT\$800.00
- Via the payment of 350 Swiss Francs by the applicant, by means of Memorandum of Understanding or simply free of charge
- The administrative expenses are included in fees established by the Authority
- 150 Euro
- 220 Euro
- 247,50 Euro
- 320 Euro

Comments

In accordance with UPOV texts adopted by the members themselves.
Fees established by IEPI.
If we were asked for a DUS report provided by the competent Peruvian authority, there would be no charge since this is not stipulated in our regulations.
The sum in euros is based on 350 Swiss francs.
Equivalent of 320EUR
We provide free of charge DUS reports to UPOV members who provide us with free of charge DUS reports.
under the MOC
The amount is 6,000 Argentinian pesos, which is equivalent to 350 Swiss francs.
There is a memorandum of cooperation between the Mexican and Japanese authorities for the exchange of DUS reports free of charge.
We provide reports to other members. Reports from other members are not provided to third members. There is probably a mistake in the question. The takeover fee may deviate due to exchange rate with Euro.
The base of the calculation of DUS report fee is made on the base of 350 Swiss Francs, during the preparation of the national tariff
The cost of the DUS examination is paid by the law firm that represents the breeder and/or their agent in the country.
We don't provide other countries with existing DUS reports from other UPOV members
The equivalent of 350 Swiss francs paid by the owner of the plant variety or their agent.
This fee is an estimate based on initial discussions and has not yet been set. Final fees may be a scale of fees depending on duration of examination.
The amount is equivalent to 350 Swiss Francs
We don't provide existing DUS reports from other UPOV members. We only provide DUS reports of which we have ownership, then we charge an equivalent of 350 Swiss francs.
According to CPVO fees for agricultural crops
We charge an equivalent of 350 Swiss Francs (equivalent to South African Rands)
The CPVO only provides DUS reports it owns (produced on request from the CPVO by an entrusted EO), not those from other UPOV members. It sells its own DUS reports for an amount of 320 Euros. In case the CPVO gets requests for reports not owned by it we react by stating to the requester to whom he should send the request

Question 12:

Does your authority cooperate with other UPOV members to avoid parallel/duplicate DUS examinations for the same variety:



Frequency table

Choices	Absolute frequency	Relative frequency	Adjusted relative frequency
Yes, with any other UPOV member	13	23.21%	24.53%
Yes, with some other UPOV members	16	28.57%	30.19%
No	24	42.86%	45.28%
Sum:	53	94.64%	100%
Not answered:	3	5.36%	-

Total answered: 53

Comments

Cooperation must be open and diversified. Saves time and leads to efficiency gains.

We do not organize or cooperate with other UPOV members. Rather, our legislation provides for the use of the DUS examination available (conducted by the breeder, an institution or competent authority) or we could even wait for ongoing examinations (created by the breeder, an institution or relevant authority) to be finalized. We do not require applicants to have a fresh DUS examination conducted in our country, unless the applicant so requests.

I have doubts if 'yes' would be the right answer. We don't have a kind of formal agreement in order to establish that, for example, for the species X we would carry out the DUS tests for other member; and for species Y, they would carry it for us. In Brazil, the DUS tests results are responsibility of the breeders. For most species (mainly ornamental, fruit and vegetables), they decide if they want carry out the tests by themselves or if they want us to request other authority to carry it out. In these cases, we have just informal agreements (to buy existing reports and to ask some authorities to carry out the DUS tests on our behalf). We only have 1 formal agreement with Japan, but it is to Exchange existing DUS reports

We try to examine with our DUS test results by ourselves, because we have our national TGs which are different from UPOV TGs.

We cooperate with CPVO and EU Member States to avoid duplication.

Canada provides the following options to the applicant (for ornamental and horticulture crops): 1) Conduct the DUS in Canada or 2) Use the DUS from another UPOV member (with provision). However, many applicants may wish to conduct the DUS in Canada even though the report is available from another UPOV member (i.e. observe the phenotype under domestic growing conditions).

In the case that other authority already started with DUS test we will wait until the end of testing, and accept results/DUS report issued by the other authority.

We are willing to but the opportunity has not yet arisen.

Until now this has not occurred.

If we know that a variety is under examination in another member state, then we request for takeover of the DUS-report.

informal arrangements exist in some specific cases

Within the context of CPVO

To some extent, depending on species. For some fruit crops, the length of national testing can be reduced by using a test report as supplementary examination

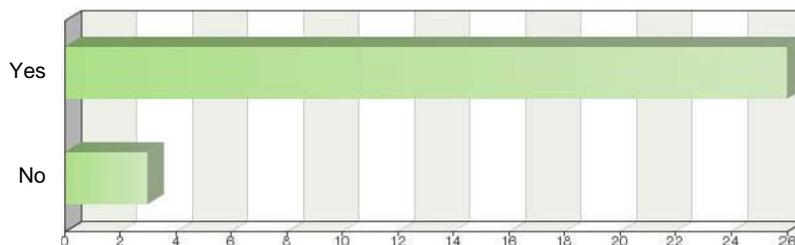
Cooperation is performed if requested.

In the network of entrusted EOs (sometimes with an exception as described in Article 27, see above) the CPVO takes over existing DUS reports in order to avoid duplicate testing.

In the area of the CPVO and its accredited examination offices for plant varieties.

Question 13:

If your authority cooperates with other UPOV members to avoid parallel/duplicate DUS examinations for the same variety, do you require that UPOV Test Guidelines are the basis for the DUS examination?



Frequency table

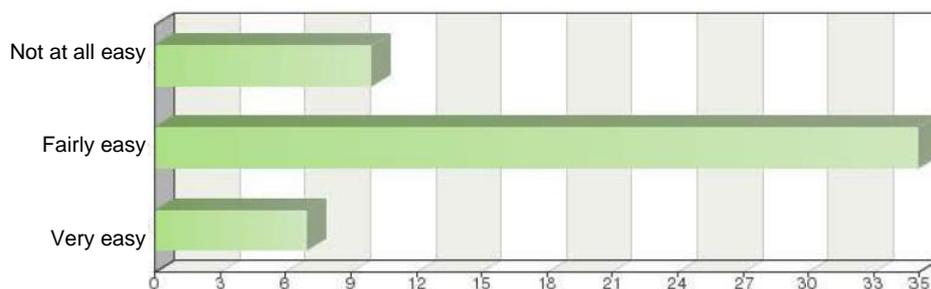
Choices	Absolute frequency	Relative frequency	Adjusted relative frequency
Yes	26	46.43%	89.6%
No	3	5.36%	10.34%
Sum:	29	51.79%	100%
Not answered:	27	48.21%	
Total answered: 29			

Comments

- _____ This requirement is generally met.
- _____ An examination based on these principles must yield satisfactory results.
- _____ But also the CPVO accreditation system.
- _____ If our national guidelines are based on UPOV. PS: note considerations on question 12 or CPVO guidelines
- _____ The normal requirement is for compliance with CPVO's protocols, which very closely follow UPOV Test Guidelines.
- _____ When no UPOV guideline exists we accept agreed national guideline or protocol.
- _____ Generally yes
- _____ If CPVO protocols are not available
- _____ See above. Basis should be the CPVO-TP, only if not available for the species, the UPOV-TG can be the basis, and in the absences of those, national protocols.
- _____ CPVO guidelines are preferably used based, on UPOV. In the absence of CPVO guidelines, those of UPOV are used.

Question 14:

In your experience, how easy is it to arrange cooperation in DUS examination with other UPOV members?



Frequency table

Choices	Absolute frequency	Relative frequency	Adjusted relative frequency
Not at all easy	10	17.86%	19.23%
Fairly easy	35	62.5%	67.31%
Very easy	7	12.5%	13.46%
Sum:	52	92.86%	100%
Not answered:	4	7.14%	-
Total answered: 52			

Comments

To very easy

Administratively, it is relatively easy. Technically, it is not easy at all (geographical areas, interaction with the environment, different reference collections between members, etc.).

In most of cases it is pretty easy. It depends on the country.

MOA, China has not accepted any DUS testing report from other UPOV members yet.

Very easy within the EU but the EU approach and PVR regulation makes it difficult to cooperate outside of the EU.

Full range of experiences, from very easy to very difficult/impossible (i.e. do not follow UPOV test guidelines or testing protocols).

The cooperation in DUS examination based on bilateral agreements

I believe there is a lack of knowledge among some members and others can only obtain cooperation through an interpretation that lawyers make of national legislation.

This has little to do with the actual cooperating institutions and more to do with national rules for engaging in any type of agreement or formal cooperation with a foreign institution.

When it is proved that certain quality levels for DUS testing are met, then it is fairly easy to cooperate with other UPOV members.

Phytosanitary restrictions.

Some authorities have requirements which go beyond the basic provision for the exchange of reports in the Convention and from a national view are difficult to understand.

Depending on the variety that is requested.

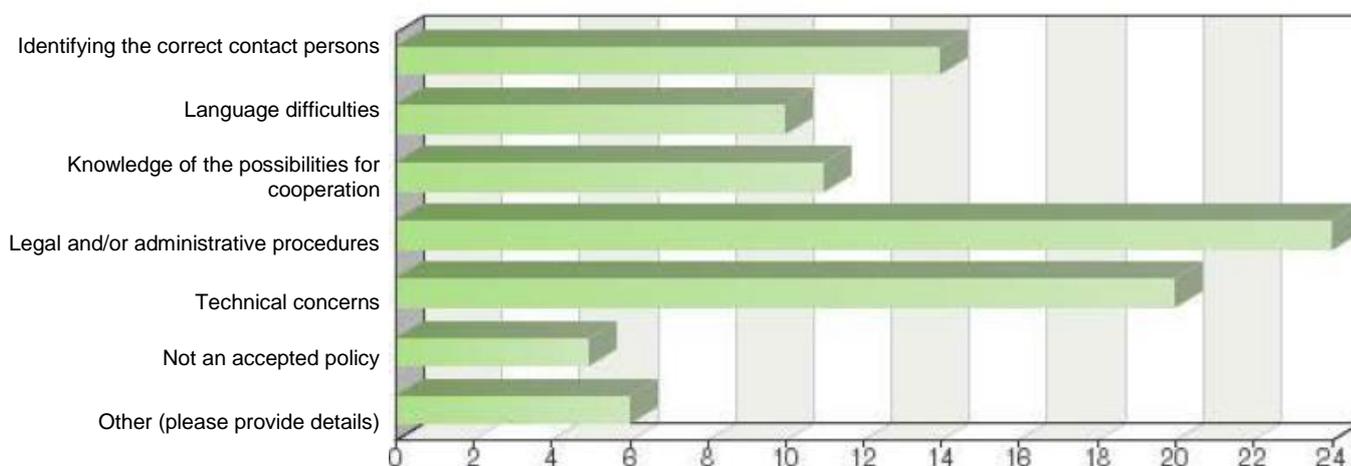
If it is necessary we can arrange cooperation.

Easy with some members, not so easy with some.

The entrustment requirements ease cooperation. Beyond that, cooperation with countries outside the EU require a higher input.

Question 15:

What is/are the main cause(s) of difficulty in arranging cooperation in DUS examination with other UPOV members?
(more than one can be selected)



Frequency table

Choices	Absolute frequency	Relative frequency by choice	Relative frequency	Adjusted relative frequency
Identifying the correct contact persons	14	15.56%	25%	31.82%
language difficulties	10	11.11%	17.86%	22.73%
Knowledge of the possibilities for cooperation	11	12.22%	19.64%	25.00%
Legal and/or administrative procedures	24	26.67%	42.86%	54.55%
Technical concerns	20	22.22%	35.71%	45.45%
Not an accepted policy	5	5.56%	8.93%	11.36%
Other (please provide details)	6	6.67%	10.71%	13.64%
Sum:	90	100%	-	-
Not answered:	12	-	21.43%	-
Total answered: 44				

Other

Other administrative agreement
not allowing the breeder to pay it directly to the Authority
Comparative trials

Comments

We are not clear on some aspects of the procedures of each office from which we request examination results, e.g., we do not know the period needed to process our application –from when we e-mail the UPOV-form requesting an examination both to issue the fee payment order (if required) and to send the final report of the DUS examination when payment has been made. We do not know the time limit allowed for the person or institution in charge of making the payment to do so from when they receive the payment order. We also do not know when they are notified. On some occasions it is difficult to get a response from a particular office for any consultation despite using the contact details mentioned on the UPOV website. It would be advisable to make a directory of contacts for each office for the sole purpose of cooperation in DUS examinations.

Requirements for Plant health certificates for vegetatively multiplied plants

We tend to mind difference of expression of characteristics taken by other area. Especially expression of color would be affected by climate or location.

There is very interesting argument against arranging cooperation in DUS examination with some EU UPOV members: for undertaking the examination for distinctness need full collection EU common knowledge varieties and so on.

Some countries are not aware of the alternatives to cooperation, especially those that do not participate in UPOV meetings, while others have problems with interpretations of their legislation. In some countries staff in offices is changed frequently.

Previously were comparative trials conducted, however this is no longer the case. This is conceived as a deficiency.

The Convention provides the basis for the exchange of reports and it can be frustrating when authorities add additional requirements such as separate cooperation agreements.

It is necessary to know whether the UPOV member can cooperate with other members and the experience it has.

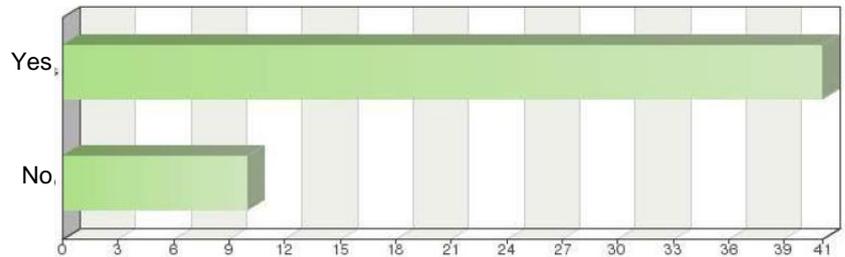
Up to now we don't need any technical requirement

'Not an accepted policy' unless conditions under Article 27 are fulfilled

Question 16:

Is the information in the GENIE database complete and accurate for your authority with regard to cooperation in DUS examination:

(a) Taxa for which the Authority Offers to carry out DUS Examinations on Behalf of Other Authorities



Frequency table

Choices	Absolute frequency	Relative frequency	Adjusted relative frequency
Yes	41	73.21%	80.39%
No	10	17.86%	19.61%
Sum:	51	91.07%	100%
Not answered:	5	8.93%	-

Total answered: 51

Comments

Yes and no – the information is a little unclear. It would also be useful to be able to retrieve the address of the competent authority and possibly see an application deadline (date) for the relevant variety.

Yes, will be updated systematically.

Yes, but Canada has not yet offered, nor has another UPOV member requested that we conduct DUS Examinations on their behalf. Could be a possibility in future if there was sufficient demand.

We had no experience for DUS examination on behalf of other authorities instead we offer some report to other country.

Taxa for the DUS examination is not high.

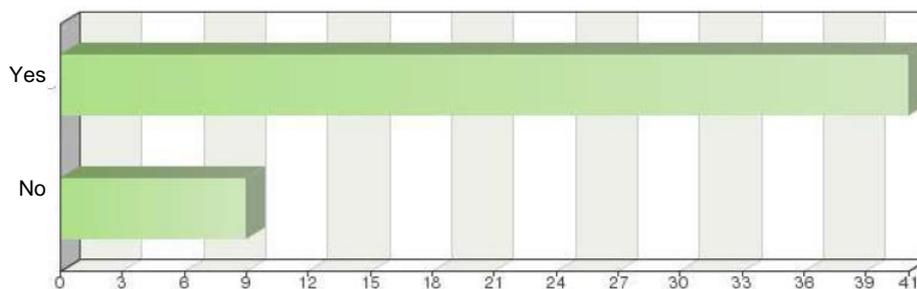
We were not able to send all the information.

N/A. As all the species Finland has needed to test, have been tested in Europe and information on Examination offices is available from CPVO.

South Africa does not carry out DUS Examinations on behalf of other authorities (GENIE database indicates otherwise)

Question 17:

(b) Taxa for which Other Authorities carry out the DUS Examination on Behalf of the Authority



Frequency table

Choices	Absolute frequency	Relative frequency	Adjusted relative frequency
Yes	41	73.21%	82%
No	9	16.07%	18%
Sum:	50	89.29%	100%
Not answered:	6	10.71%	-

Total answered: 50

Comments

Yes and no – the information is a little unclear. It would also be useful to be able to retrieve the address of the competent authority and possibly see an application deadline (date) for the relevant variety.

Yes, will be updated systematically.

Yes, but not really applicable in our situation. Canada will always provide the following options for the applicant/breeder to: a) conduct the DUS domestically, or for ornamental/horticulture crops, b) use a DUS report from another UPOV member. Obviously, in cases where a variety is unadapted to Canadian agro-climatic growing conditions, the applicant would have to use an existing DUS report from another UPOV member.

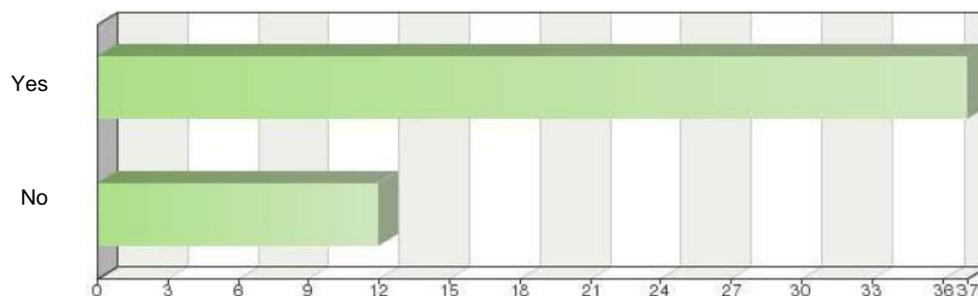
Sweden collaborates within CPVO

N/A. As all the species Finland has needed to test, have been tested in Europe and information on Examination offices is available from CPVO.

South Africa does not have other authorities carry out DUS Examinations on their behalf (GENIE database indicates otherwise)

Question 18:

(c) Taxa for which the Authority Offers to provide Existing DUS Reports to other Authorities



Frequency table

Choices	Absolute frequency	Relative frequency	Adjusted relative frequency
Yes	37	66.07%	75.51%
No	12	21.43%	24.49%
Sum:	49	87.5%	100%
Not answered:	7	12.5%	-

Total answered: 49

Comments

Yes and no – the information is a little unclear. It would also be useful to be able to retrieve the address of the competent authority and possibly see an application deadline (date) for the relevant variety.

Yes, will be updated systematically.

Phalaris arundinacea should be taken out from the list

We can offer DUS reports for the soybean species.

Unlikely to be up to date for species which are no longer tested in the United Kingdom

Apart from entering details in the Genie data base, we can carry out DUS examinations for the following varieties: wheat, barley, rape, oats, dactylis, bromus catharticus, red clover, white clover, alfalfa, lotus, moha, sudangrass, rice, soy, potato, strawberry, sweet potato and chicory.

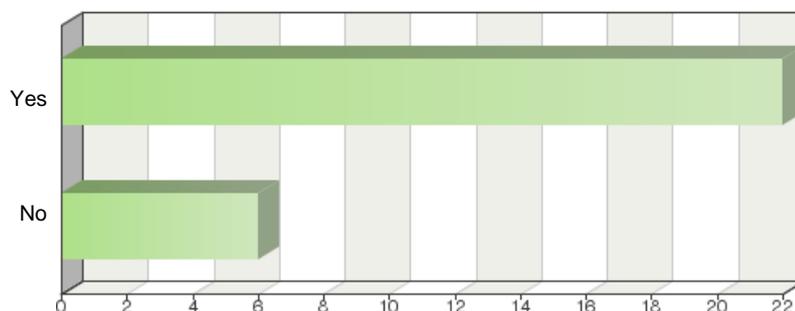
Sweden collaborates within CPVO

South Africa offers to provide existing DUS reports to other Authorities for all taxa we are examining (GENIE indicates selected taxa)

No update. The office provides existing DUS reports to the following other Authorities: AT, BE, BIH, BG, HR, IR, MOL, CZ, RO, RS, HU, SK, SI, TR, RU, UA.

Question 19:

(d) Taxa for which the Authority Utilizes Existing DUS Reports from other Authorities



Frequency table

Choices	Absolute frequency	Relative frequency	Adjusted relative frequency
Yes	37	66.07%	77.08%
No	11	19.64%	22.92%
Sum:	48	85.71%	100%
Not answered:	8	14.29%	-

Total answered: 48

Comments

Yes and no – the information is a little unclear. It would also be useful to be able to retrieve the address of the competent authority and possibly see an application deadline (date) for the relevant variety.

Yes, will be updated systematically.

We have also requested corresponding DUS reports for the following species: vine, apple tree, pear tree, strawberry, raspberry, cherry, tangelo, orange tree, kiwi, tomato, carrot, melon, onion, watermelon.

The EU system makes this difficult to answer. In principle, we would accept any CPVO report but rarely need to do so.

Minor amendments required to the information displayed, resulting from a recent expansion of the Canada's DUS policy.

We had no experience for utilizes existing DUS reports from other authorities.

Citrus

Sweden collaborates within CPVO

Chrysanthemum is not listed

[End of Annex and of document]