

Technical Working Party for Ornamental Plants and Forest Trees
TWP/9/5

Fifty-Seventh Session

Roelofarendsveen, Kingdom of the Netherlands, March 31 to April 3, 2025

Original: English

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Technical Working Party on Testing Methods and Techniques

Third Session

Beijing, China, April 28 to May 1, 2025

Technical Working Party for Vegetables

Fifty-Ninth Session

Virtual meeting, May 5 to 8, 2025

Technical Working Party for Agricultural Crops

Fifty-Fourth Session

Arusha, United Republic of Tanzania, May 19 to 22, 2025

Technical Working Party for Fruit Crops

Fifty-Sixth Session

Bursa, Türkiye, June 23 to 26, 2025

PROPOSAL FOR A REVISION OF DOCUMENT TGP/7 “DEVELOPMENT OF TEST GUIDELINES”, GUIDANCE NOTE 28 – EXAMPLE VARIETIES
Document prepared by experts from Germany
Disclaimer: this document does not represent UPOV policies or guidance

The following abbreviations are used in this document:

TC:	Technical Committee
TWA:	Technical Working Party for Agricultural Crops
TWF:	Technical Working Party for Fruit Crops
TWM:	Technical Working Party on Testing Methods and Techniques
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWV:	Technical Working Party for Vegetables
TWPs:	Technical Working Parties

1. The TWPs, at their sessions in 2024, discussed a proposal for a revision of document TGP/7 “Development of Test Guidelines”, GN 28 “Example Varieties”, as presented in documents TWV/58/10, TWO/56/7, TWA/53/8 and TWF/55/3 and reproduced in Annex I to this document.
2. The comments of the TWPs were reported to the TC as presented in document SESSIONS/2024/2 and reproduced in Annex II to this document.
3. On the basis of the comments from the TWPs and the TC, at their sessions in 2024, it is proposed to amend the proposal (reproduced in Annex I to this document) as follows (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~striketrough~~):

PROPOSAL

GN 28 (TG Template: Chapter 6.4) – Example varieties

1. Purpose of example varieties

The General Introduction (Chapter 4.3) states that “example varieties are provided in the Test Guidelines to clarify the states of expression of a characteristic.” This clarification of the states of expression is required with respect to two aspects:

(a) to illustrate the characteristic and/or

(b) to provide the basis for ascribing the appropriate state of expression to each variety and, thereby, to develop internationally harmonized variety descriptions.

1.1 *Illustration of a characteristic*

Example varieties have the benefit of enabling examiners to see a characteristic in “real life”. However, in many cases, the illustration of a characteristic by photographs or drawings (to be provided in chapter 8 of the Test Guidelines) may provide a clearer illustration of the characteristic. Therefore, photographs or drawings are an important addition or alternative to example varieties as a means of illustrating characteristics. Test Guidelines should have as much information as possible, including both example varieties and illustrations. Illustrations ~~These~~ are of particular importance when a limited number of example varieties are available which ~~do not~~ fulfill the criteria in Section 3.

1.2 *Harmonization of Variety Descriptions*

1.2.1 The main reason why example varieties are used in place of, for example, actual measurements is that expression can be influenced by the environment, i.e. by location and year.

(a) Example varieties in the Test Guidelines

1.2.2 Example varieties are important to adjust the description of the characteristics for the year and location effects, as far as possible. Thus, using the relative scale provided by the example varieties, it can be seen that if the example variety Beta measured 10 13 cm in Environment A and 15 16 cm in Environment B, and that then in both environments the state of expression is “medium”. On this basis, a candidate variety X ~~would be compared with leaf length equal~~ to the example variety Beta ~~and~~ would also be considered to have a medium leaf length in both Environments A and B.

	Example Varieties	Note
Leaf: length of blade		
<u>very short</u>		<u>1</u>
<u>very short to short</u>		<u>2</u>
short	Alpha	3
<u>short to medium</u>		<u>4</u>
medium	Beta	5
<u>medium to long</u>		<u>6</u>
long	Gamma	7
<u>long to very long</u>		<u>8</u>
<u>very long</u>		<u>9</u>

(b) Actual measured values in the Test Guidelines

1.2.3 If actual measured values were to be indicated in the Test Guidelines and the Test Guidelines were drafted in Environment A on the basis of the data from section 1.2.2, the Table of Characteristics ~~would~~ could show, for example, the following:

	Length	Note
Leaf: length of blade		
<u>very short</u>	<u>≤5 cm</u>	<u>1</u>
<u>very short to short</u>	<u>6-7 cm</u>	<u>2</u>
<u>short</u>	<u>8-9 cm</u>	<u>3</u>
<u>short to medium</u>	<u>10-11 cm</u>	<u>4</u>
<u>medium</u>	<u>12-13 cm</u>	<u>5</u>
<u>medium to long</u>	<u>14-15 cm</u>	<u>6</u>
<u>long</u>	<u>16-17 cm</u>	<u>7</u>
<u>long to very long</u>	<u>18-19 cm</u>	<u>8</u>
<u>very long</u>	<u>≥20 cm</u>	<u>9</u>

1.2.4 Because there is no “relative scale” provided by the example varieties, the same data-actual measured values would lead to the following descriptions:

	Environment A	Environment B
Variety X	10 <u>13</u> cm (medium: note 5)	15 <u>16</u> cm (long: note 7)

1.2.5 Thus, if actual measured values were be used in the Test Guidelines, variety X, when grown in Environment A, would be described as “medium (note 5)”, but if grown in Environment B, would be described as “long (note 7)”. This case example demonstrates that it could be very misleading to compare descriptions from different test cycles or locations on the basis of actual measured values, without the adjustment for test cycles and/or location effects provided by example varieties.

1.2.6 Example varieties provided in Test Guidelines are of particular importance for international harmonization of variety descriptions. Nevertheless, because of the possibility of particular interactions between the variety genotype and location (e.g. influence of photoperiod or climate), it should not be assumed that descriptions developed in different countries or locations using the same set of example varieties will be the same. Guidance on the scope for comparison of varieties on the basis of descriptions produced in different locations is provided in document TGP/9, Examining Distinctness.

2. Deciding where example varieties should be provided

2.1 Example varieties are required for characteristics when the characteristic is identified as important for international harmonization of variety descriptions (asterisked characteristics) and is influenced by the environment, and a diagram or illustration is not effective in demonstrating the states of expression.

2.2 For characteristics that are important for international harmonization of variety descriptions (asterisked characteristic) and example varieties are not necessary to clarify the states of expression of the characteristic (see Section 1 (a)), for example where the states of expression can be effectively demonstrated by a diagram or illustration, example varieties are not normally required, but should be included if they are considered to be of benefit. For instance, example varieties would not be needed to clarify the states of expression in the following situations:

- The states of expression are self-explanatory:

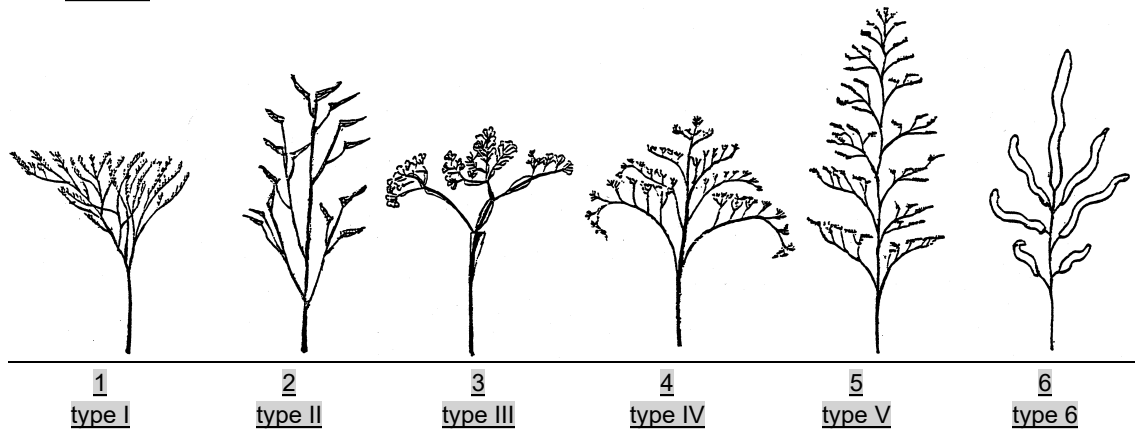
TG/13/11 Rev. 3 – Lettuce: (*) 1. Seed: color (PQ)
1 – white, 2 – yellow, 3 – brown, 4 - black

TG/36/7 – Oilseed Rape: (*) 17. Production of pollen (QL)
1 – absent, 9 - present

- The states of expression can be effectively demonstrated by a diagram or illustration

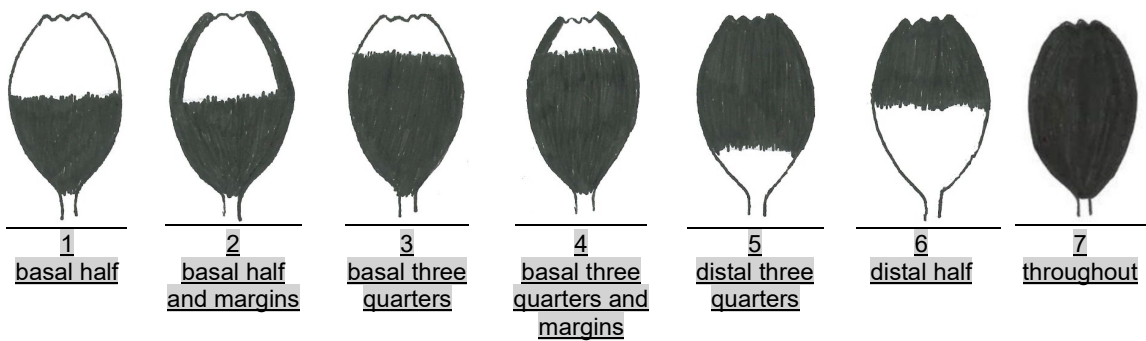
TG/168/4 – *Statice*: (*) 19. Inflorescence: type (PQ)

Ad. 19:



TG/336/1 – *Coreopsis*: (*) 29. Ray floret: distribution of main color (PQ)

Ad. 29:



2.3 For characteristics that are less important for international harmonization of variety descriptions (non-asterisked characteristic) and example varieties are not necessary to clarify the states of expression of the characteristic (see Section 1 (a)), example varieties are not normally required, but should be included if they are considered to be of benefit. For instance, example varieties might not be needed to clarify the states of expression in the following situations:

- The states of expression are self-explanatory:

TG/35/8 – *Sweet Cherry*: 15. Leaf: predominant number of nectaries (QL)

1 – two, 2 – more than two

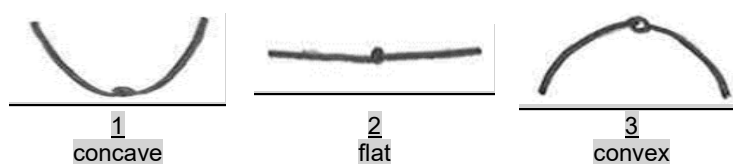
TG/148/3 – *Weigelia*: 2. Plant height in relation to width (QN)

1 – taller than broad, 2 – as tall as broad, 3 – broader than tall

- The states of expression can be effectively demonstrated by a diagram or illustration

TG/148/3 – *Weigelia*: 11. Leaf blade: shape in cross section (QN)

Ad. 11:



2.4 If example varieties are considered necessary, but it is not appropriate to develop a universal set of example varieties that is applicable for all UPOV members, then consideration should be given to the development of regional sets of example varieties.

3. Criteria for Example Varieties

3.1 *Availability*

Authorities responsible for DUS testing and breeders need to be able to obtain plant material of example varieties and therefore, in general, example varieties should be widely and readily available for the coverage of the Test Guidelines or, in case of regional sets of example varieties, for the region concerned. For this reason, at the point of starting to draft Test Guidelines, drafters are encouraged to seek lists of varieties from interested parties in order to identify example varieties with the widest availability.

3.2 *Minimizing the number*

3.2.1 “For practical reasons it is recommended to choose the overall set of example varieties for the Test Guidelines in a way that all the desired characteristics and states of expression are covered by the minimum total number of example varieties. This means that, if possible, each example variety should be used for as many characteristics as possible and example varieties should not be used only for one or very few characteristics.

3.2.2 Where appropriate, example varieties which are required according to Section 2.1. should also be used to illustrate characteristics where example varieties may not be compulsory (see Section 2.2 and 2.3). In any case, example varieties enable examiners to see a characteristic in “real life”. Even if example varieties are not obligatory, or cannot be provided for all states of expression, the indication of example varieties for some states of expression can be a benefit for examiners, in particular when the same example varieties have already been indicated for other characteristics.

3.3 *Agreement of interested experts*

3.3.1 The set of example varieties proposed by the Leading Expert in the preparation of the Test Guidelines should be prepared in cooperation with all the interested experts. If one or more expert(s) consider(s) that certain example varieties are not suitable for their conditions, a new example variety should, if possible, be found (see also Section 3 “Multiple sets of example varieties”).

3.3.2 It is important that the set of example varieties for a particular characteristic is developed by one expert in order to ensure that the set of example varieties for that characteristic represents the same scale. Example varieties proposed by other experts, for the same characteristic, should be known to represent the same scale before they are accepted in Test Guidelines. In cases where it is necessary to develop a separate scale for different types of variety, or different regions, multiple sets of example varieties may need to be developed (see Section 3 “Multiple sets of example varieties”).

3.4 *Demonstration of the range of expression within the variety collection*

3.4.1 The set of example varieties for a given characteristic should provide information on the range of expression of the characteristic in the collection of varieties covered by the Test Guidelines. Thus, in general, it is necessary to provide example varieties for more than one state of expression and in the case of:

Quantitative characteristics:

(i) “1-9” scale: to provide example varieties for at least three states of expression (e.g. (3), (5) and (7)), although, in exceptional cases, example varieties for only two states of expression may be accepted;

(ii) “1-5” / “1-4” / “1-3” scales: to provide example varieties for at least two states of expression.

Pseudo-qualitative characteristics: to provide a set of example varieties to cover the different types of variation within the range of expression of the characteristics.

3.4.2 Consideration should be given to the use of illustrations to demonstrate the range of expression of characteristics where suitable example varieties do not fulfil the criteria in Section 3

4. Regional sets of example varieties

4.1 *Basis for regional sets of example varieties*

UPOV Test Guidelines need to cover all the different countries, regions and environments where the DUS examinations are conducted and, as far as possible, they provide universal sets of example varieties in order to maximize harmonization of variety descriptions. However, the regional adaptation of varieties in some genera and species may mean that it is inappropriate to seek to harmonize variety descriptions on a global basis and, therefore, inappropriate to seek to develop a universal set of example varieties. Nevertheless, in such cases, regional harmonization is important and is facilitated by providing regional sets of example varieties 4. The rationale for identifying regional types will be explained in the Test Guidelines and, where appropriate, correlation between the different regional sets of example varieties may be established.

4.2 *Procedure for developing regional sets*

4.2.1 In cases where the relevant TWP agrees to the development of regional sets of example varieties, the TWP concerned will determine the regions and the contributors of regional lists of varieties.

4.2.2 In cases where it is known by the relevant TWP that regional sets of example varieties are to be developed, this will be stated in the Test Guidelines.

5. Multiple sets of example varieties

5.1 *Presentation of Regional Sets of Example Varieties*

5.1.1 The existence of multiple sets of example varieties means that, for some or all characteristics, no example varieties are presented in the Table of Characteristics and the multiple sets of example varieties are presented in an annex available on the UPOV Website which is presented as follows:

	Region A					
Example varieties	Ch. 1	Ch. 2	Ch. 3	Ch. 4	Ch. 5	etc.
Variety A	3	1	3		3	
Variety B	5	2	7	1	1	
Variety C	7	3	5	9	2	
Variety D		4			4	
etc.						

	Region B					
Example varieties	Ch. 1	Ch. 2	Ch. 3	Ch. 4	Ch. 5	etc.
Variety I	3	4	5		1	
Variety II	5	2	3	1	2	
Variety III	7	1	7	9	3	
Variety IV		3			4	
etc.						

5.1.2 Even where the “example variety” column is empty (i.e. there are no universal example varieties for any characteristic), the column is retained in the Table of Characteristics to allow users to complete this with the appropriate example varieties.

5.2 *Different types of variety*

5.2.1 If it is not possible, with a single set of example varieties, to describe all the types of varieties (e.g. winter-types and spring-types) covered by the same Test Guidelines, they may be subdivided to create different sets of example varieties.

5.2.2 Where different sets of example varieties are provided for different types of varieties covered by the same Test Guidelines, they are placed in the Table of Characteristics in the same column as normal. The sets of example varieties (e.g. winter and spring) are separated by a semicolon, and/or indicated by a key which is provided for each set and an explanation for the option chosen should be included in the legend of Chapter 6 of the Test Guidelines.

Example: For certain characteristics, different example varieties are indicated for winter type and spring type varieties. These types are separated by a semicolon, with the winter types placed before the semicolon and prefixed by “(w)” and the spring types placed after the semicolon and prefixed by “(s)”.

Stage/ Stade/ Stadium/ Estado	English	français	deutsch	español	Example Varieties/ Exemples/ Beispielssorten/ Variedades ejemplo	Note/ Nota
7. (*) (+)	75-92 MG/MS	Plant: length	Plante: longueur	Pflanze: Länge	Planta: longitud	
	<u>very short</u>	<u>très courte</u>	<u>sehr kurz</u>	<u>muy corta</u>		<u>1</u>
	<u>very short to short</u>	<u>très courte à courte</u>	<u>sehr kurz bis kurz</u>	<u>muy corta a corta</u>		<u>2</u>
	short	courte	kurz	corta	(w) Variety A, Variety C; (s) Alpha	3
	<u>short to medium</u>	<u>courte à moyenne</u>	<u>kurz bis mittel</u>	<u>corta a media</u>		<u>4</u>
	medium	moyenne	mittel	media	(w) Variety B; (s) Beta	5
	<u>medium to long</u>	<u>moyenne à longue</u>	<u>mittel bis lang</u>	<u>media a larga</u>		<u>6</u>
	long	longue	lang	larga	(s) Gamma	7
	<u>long to very long</u>	<u>longue à très longue</u>	<u>lang bis sehr lang</u>	<u>larga a muy larga</u>		<u>8</u>
	<u>very long</u>	<u>très longue</u>	<u>sehr lang</u>	<u>muy larga</u>		<u>9</u>

[Annexes follow]

EXTRACT FROM DOCUMENTS TWV/58/10, TWO/56/7, TWA/53/8 AND TWF/55/3
 “PROPOSAL FOR A REVISION OF DOCUMENT TGP/7 “DEVELOPMENT OF TEST GUIDELINES”,
 GN 28 – EXAMPLE VARIETIES

Proposal

GN 28 (TG Template: Chapter 6.4) – Example varieties

1. Purpose of example varieties

The General Introduction (Chapter 4.3) states that “example varieties are provided in the Test Guidelines to clarify the states of expression of a characteristic.” This clarification of the states of expression is required with respect to two aspects:

- (a) to illustrate the characteristic and/or
- (b) to provide the basis for ascribing the appropriate state of expression to each variety and, thereby, to develop internationally harmonized variety descriptions.

1.1 Illustration of a characteristic

~~Although e~~Example varieties have the benefit of enabling examiners to see a characteristic in “real life”. ~~However,~~ in many cases, the illustration of a characteristic by photographs or drawings (to be provided in chapter 8 of the Test Guidelines) may provide a clearer illustration of the characteristic. ~~Furthermore, the difficulty in selecting suitable example varieties, which satisfy all the requirements in Section 4.2 below, means that~~ Therefore, photographs or drawings are an important addition or alternative ~~or addition~~ to example varieties as a means of illustrating characteristics. These are of particular importance when a limited number of example varieties are available which do not fulfill the criteria in Section 3.

1.2 International Harmonization of Variety Descriptions

1.2.1 The main reason why example varieties are used in place of, for example, actual measurements is that expression measurements can be influenced – by the environment, i.e. by location and year.

(a) Example varieties in the Test Guidelines

1.2.2 Example varieties are important to adjust the description of the characteristics for the year and location effects, as far as possible. Thus, using the relative scale provided by the example varieties, it can be seen that the example variety Beta measured 10 cm in Country Environment A and 15 cm in Country Environment B, ~~and that but~~ in both environments ~~locations demonstrates~~ the state of expression is “medium”. On this basis, a candidate variety X would be compared to the example variety B and would be considered to have a medium leaf length ~~leaf~~ in both Countries Environments A and B.

	Example Varieties	Note
Leaf: length of blade		
short	Alpha	3
medium	Beta	5
long	Gamma	7

(b) Actual measured values ~~Fixed measurements~~ in the Test Guidelines

1.2.3 If actual measured values ~~absolute measurements~~ were to be indicated in the Test Guidelines and the Test Guidelines were drafted in Country Environment A on the basis of the data from section 1.2.2, the Table of Characteristics would show the following:

	Length	Note
Leaf: length of blade		
short	5 cm	3
medium	10 cm	5
long	15 cm	7

1.2.4 Because there is no “relative scale” provided by the example varieties, the same data would lead to the following descriptions:

	Country Environment A	Country Environment B
Variety X	10 cm (medium: note 5)	15 cm (long: note 7)

1.2.5 Thus, if ~~actual measured values absolute measurements~~ were used in the Test Guidelines, variety X, when grown in ~~Country Environment~~ A, would be described as “medium (note 5)”, but if grown in ~~Country Environment~~ B, would be described as “long (note 7)”. This ~~example~~ demonstrates that it could be very misleading to compare descriptions from different ~~test cycles or locations~~ on the basis of ~~actual measured values absolute measurements~~, without the adjustment for ~~test cycles and/or~~ location effects provided by example varieties.

1.2.6 ~~Example varieties provided in Test Guidelines are of particular importance for international harmonization of variety descriptions.~~ Nevertheless, because of the possibility of particular interactions between the variety genotype and location (e.g. influence of photoperiod ~~or climate~~), it should not be assumed that descriptions developed in different countries or locations using the same set of example varieties will be the same (~~see also section 2.2~~). Guidance on the scope for comparison of varieties on the basis of descriptions produced in different locations is provided in document TGP/9, Examining Distinctness.

2. ~~Deciding where example varieties are needed for a characteristic should be provided~~

1.1 ~~The General Introduction (Chapter 4.3) states that “example varieties are provided in the Test Guidelines to clarify the states of expression of a characteristic.” This clarification of the states of expression is required with respect to two aspects:~~

~~(a) to illustrate the characteristic and/or~~

~~(b) to provide the basis for ascribing the appropriate state of expression to each variety and, thereby, to develop internationally harmonized variety descriptions. (Further information on these two aspects is provided in Section 4 “Purpose of Example Varieties”).~~

1.2 ~~UPOV has, in particular, identified “Asterisked Characteristics” as those which are important for the international harmonization of variety descriptions.~~

1.3 ~~The decision on whether example varieties are required for a characteristic can be summarized as follows:~~

~~(i) If a characteristic is not important for the international harmonization of variety descriptions (non-asterisked characteristic) and example varieties are not necessary for illustration of the characteristic (see Section 3.1), there is no requirement for example varieties to be provided.~~

~~(ii) If a characteristic which is important for the international harmonization of variety descriptions (asterisked characteristic) is not influenced by the year or environment (e.g. qualitative characteristics) and example varieties are not necessary for illustration of the characteristic (see Section 1.1), it may not be necessary to provide example varieties.~~

~~(iii) If a characteristic is important for the international harmonization of variety descriptions (asterisked characteristics) and is influenced by the environment (most quantitative and pseudo-qualitative characteristics) or example varieties are necessary for illustration of the characteristic (see Section 3.1) it is necessary to provide example varieties.~~

~~(iv) If example varieties are considered necessary according to (i) to (iii) above, but it is not appropriate to seek to develop a universal set of example varieties that is applicable for all UPOV members, the development of regional sets of example varieties should be considered.~~

~~1.4 The process for deciding if example varieties need to be provided for a characteristic is illustrated in the following Flow Diagram 1. Flow Diagram 2 indicates where example varieties should be provided in the case of regional sets of example varieties (see Section 4).~~

~~2.1 Example varieties are required for characteristics when the characteristic is identified as important for international harmonization of variety descriptions (asterisked characteristics) and is influenced by the environment, and a diagram or illustration is not effective in demonstrating the states of expression.~~

~~2.2 For characteristics that are important for international harmonization of variety descriptions (asterisked characteristic) and example varieties are not necessary to clarify the states of expression of the characteristic (see Section 1 (a)), for example where the states of expression can be effectively demonstrated by a diagram or illustration, example varieties are not normally required, but should be included if they are considered to be of benefit.~~

~~2.3 For characteristics that are less important for international harmonization of variety descriptions (non-asterisked characteristic) and example varieties are not necessary to clarify the states of expression of the characteristic (see Section 1 (a)), example varieties are not normally required, but should be included if they are considered to be of benefit.~~

~~2.4 If example varieties are considered necessary according to (i) to (iii) above, but it is not appropriate to seek to develop a universal set of example varieties that is applicable for all UPOV members, then consideration should be given to the development of regional sets of example varieties should be considered.~~

~~1.4 The process for deciding if example varieties need to be provided for a characteristic is illustrated in the following Flow Diagram 1. Flow Diagram 2 indicates where example varieties should be provided in the case of regional sets of example varieties (see Section 4).~~

3. Criteria for Example Varieties

3.1 Availability

Authorities responsible for DUS testing and breeders need to be able to obtain plant material of example varieties and therefore, in general, example varieties should be widely and readily available for the coverage of the Test Guidelines or, in case of regional sets of example varieties, for the region concerned. For this reason, at the point of starting to draft Test Guidelines, drafters are encouraged to seek lists of varieties from interested parties in order to identify example varieties with the widest availability.

3.2 Minimizing the number

3.2.1 “For practical reasons it is recommended to choose the overall set of example varieties for the Test Guidelines in a way that all the desired characteristics and states of expression are covered by the minimum total number of example varieties. This means that, if possible, each example variety should be used for as many characteristics as possible and example varieties should not be used only for one or very few characteristics.

3.2.2 Where appropriate, example varieties which are required according to Section 2.1. should also be used to illustrate characteristics where example varieties may not be compulsory (see Section 2.2 and 2.3).

3.3 *Agreement of interested experts*

3.3.1 The set of example varieties proposed by the Leading Expert in the preparation of the Test Guidelines should be prepared in cooperation with all the interested experts. If one or more expert(s) consider(s) that certain example varieties are not suitable for their conditions, a new example variety should, if possible, be found (see also Section 3 “Multiple sets of example varieties”).

3.3.2 It is important that the set of example varieties for a particular characteristic is developed by one expert in order to ensure that the set of example varieties for that characteristic represents the same scale. Example varieties proposed by other experts, for the same characteristic, should be known to represent the same scale before they are accepted in Test Guidelines. In cases where it is necessary to develop a separate scale for different types of variety, or different regions, multiple sets of example varieties may need to be developed (see Section 3 “Multiple sets of example varieties”).

3.4 *Demonstration~~Illustration~~ of the range of expression within the variety collection*

3.4.1 The set of example varieties for a given characteristic should provide information on the range of expression of the characteristic in the collection of varieties covered by the Test Guidelines. Thus, in general, it is necessary to provide example varieties for more than one state of expression and in the case of:

Quantitative characteristics:

(i) “1-9” scale: to provide example varieties for at least three states of expression (e.g. (3), (5) and (7)), although, in exceptional cases, example varieties for only two states of expression may be accepted;

(ii) “1-5” / “1-4” / “1-3” scales: to provide example varieties for at least two states of expression.

Pseudo-qualitative characteristics: to provide a set of example varieties to cover the different types of variation within the range of expression of the characteristics.

3.4.2 Consideration should be given to the use of illustrations to demonstrate the range of expression of characteristics where suitable example varieties do not fulfil the criteria in Section 3

4. *Regional sets of example varieties*

4.1 *Basis for regional sets of example varieties*

UPOV Test Guidelines need to cover all the different countries, regions and environments where the DUS examinations are conducted and, as far as possible, they provide universal sets of example varieties in order to maximize harmonization of variety descriptions. However, the regional adaptation of varieties in some genera and species may mean that it is inappropriate to seek to harmonize variety descriptions on a global basis and, therefore, inappropriate to seek to develop a universal set of example varieties. Nevertheless, in such cases, regional harmonization is important and is facilitated by providing regional sets of example varieties as summarized in Flow Diagram 2 in section 3.4. The rationale for identifying regional types will be explained in the Test Guidelines and, where appropriate, correlation between the different regional sets of example varieties may be established.

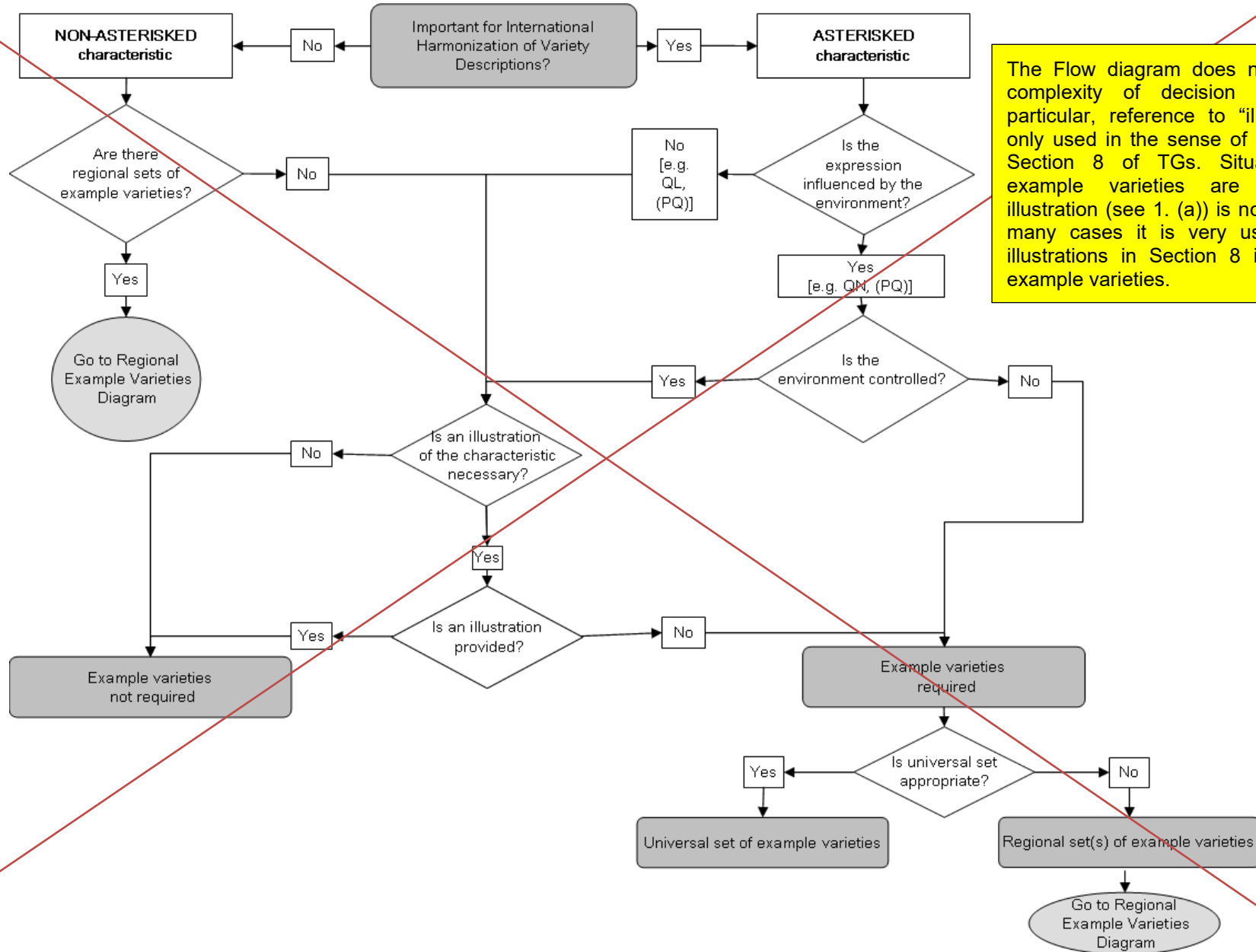
4.2 *Procedure for developing regional sets*

4.2.1 In cases where the relevant TWP agrees to the development of regional sets of example varieties, the TWP concerned will determine the regions and the contributors of regional lists of varieties.

4.2.2 In cases where it is known by the relevant TWP that regional sets of example varieties are to be developed, this will be stated in the Test Guidelines.

Flow Diagram 1

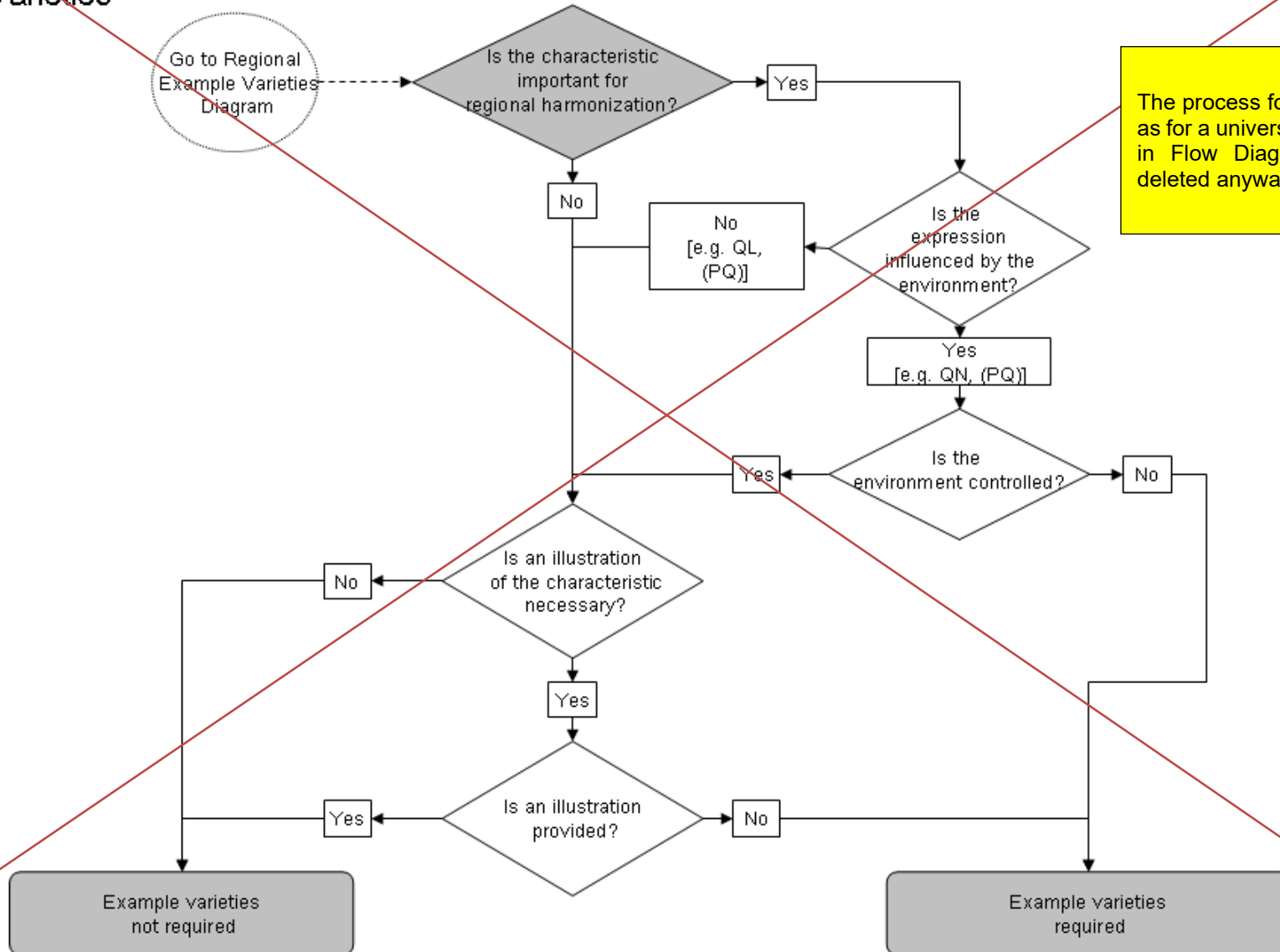
Deciding if Example Varieties are needed for a characteristic



The Flow diagram does not reflect the complexity of decision elements. In particular, reference to “illustrations” is only used in the sense of illustrations in Section 8 of TGs. Situations where example varieties are needed for illustration (see 1. (a)) is not reflected. In many cases it is very useful to have illustrations in Section 8 in addition to example varieties.

Flow Diagram 2

Deciding if Example Varieties are needed for a characteristic: Regional Sets of Example Varieties



The process for regional sets is the same as for a universal set. It is already covered in Flow Diagram 1 (which should be deleted anyway).

5. Multiple sets of example varieties

5.1 Presentation of Regional Sets of Example Varieties

5.1.1 The existence of multiple sets of example varieties means that, for some or all characteristics, no example varieties are presented in the Table of Characteristics and the multiple sets of example varieties are presented in an annex available on the UPOV Website which is presented as follows:

	Region A					
Example varieties	Ch. 1	Ch. 2	Ch. 3	Ch. 4	Ch. 5	<i>etc.</i>
Variety A	3	1	3		3	
Variety B	5	2	7	1	1	
Variety C	7	3	5	9	2	
Variety D		4			4	
<i>etc.</i>						

	Region B					
Example varieties	Ch. 1	Ch. 2	Ch. 3	Ch. 4	Ch. 5	<i>etc.</i>
Variety I	3	4	5		1	
Variety II	5	2	3	1	2	
Variety III	7	1	7	9	3	
Variety IV		3			4	
<i>etc.</i>						

5.1.2 Even where the “example variety” column is empty (i.e. there are no universal example varieties for any characteristic), the column is retained in the Table of Characteristics to allow users to complete this with the appropriate example varieties.

5.2 Different types of variety

5.2.1 If it is not possible, with a single set of example varieties, to describe all the types of varieties (e.g. winter-types and spring-types) covered by the same Test Guidelines, they may be subdivided to create different sets of example varieties.

5.2.2 Where different sets of example varieties are provided for different types of varieties covered by the same Test Guidelines, they are placed in the Table of Characteristics in the same column as normal. The sets of example varieties (e.g. winter and spring) are separated by a semicolon, and/or indicated by a key which is provided for each set and an explanation for the option chosen should be included in the legend of Chapter 6 of the Test Guidelines.

Example: For certain characteristics, different example varieties are indicated for winter type and spring type varieties. These types are separated by a semicolon, with the winter types placed before the semicolon and prefixed by “(w)” and the spring types placed after the semicolon and prefixed by “(s)”.

Stage/ Stade/ Stadium/ Estado	English	français	deutsch	español	Example Varieties/ Exemples/ Beispielssorten/ Variedades ejemplo	Note/ Nota
7. 75-92 (* (+)	Plant: length MG/MS	Plante: port	Pflanze: Wuchsform	Planta: porte		
	short	courte	kurz	corta	(w) Variety A, Variety C; (s) Alpha	3
	medium	moyenne	mittel	media	(w) Variety B; (s) Beta	5
	long	longue	lang	larga	(s) Gamma	7

4. Purpose of example varieties

The General Introduction (Chapter 4.3) states that “example varieties are provided in the Test Guidelines to clarify the states of expression of a characteristic.” This clarification of the states of expression is required with respect to two aspects:

(a) to illustrate the characteristic and/or

(b) to provide the basis for ascribing the appropriate state of expression to each variety and, thereby, to develop internationally harmonized variety descriptions.

4.1 Illustration of a characteristic

Although example varieties have the benefit of enabling examiners to see a characteristic in “real life”, in many cases, the illustration of a characteristic by photographs or drawings (to be provided in chapter 8 of the Test Guidelines) may provide a clearer illustration of the characteristic. Furthermore, the difficulty in selecting suitable example varieties, which satisfy all the requirements in Section 4.2 below, means that photographs or drawings are an important alternative or addition to example varieties as a means of illustrating characteristics.

4.2 International Harmonization of Variety Descriptions

4.2.1 The main reason why example varieties are used in place of, for example, actual measurements is that measurements can be influenced by the environment.

(a) Example varieties in the Test Guidelines

4.2.2 Example varieties are important to adjust the description of the characteristics for the year and location effects, as far as possible. Thus, using the relative scale provided by the example varieties, it can be seen that the example variety Beta measured 10 cm in Country A and 15 cm in Country B, but in both locations demonstrates the state of expression “medium”. On this basis, candidate variety X would be considered to have a medium length leaf in both Countries A and B.

	Example Varieties	Note
Leaf: length of blade		
short	Alpha	3
medium	Beta	5
long	Gamma	7

(b) Fixed measurements in the Test Guidelines

4.2.3 If absolute measurements were to be indicated in the Test Guidelines and the Test Guidelines were drafted in Country A on the basis of the data from section 4.2.2, the Table of Characteristics would show the following:

	Length	Note
Leaf: length of blade		
short	5 cm	3
medium	10 cm	5
long	15 cm	7

4.2.4 Because there is no “relative scale” provided by the example varieties, the same data would lead to the following descriptions:

	Country A	Country B
Variety X	10 cm (medium: note 5)	15 cm (long: note 7)

4.2.5 Thus, if absolute measurements were used in the Test Guidelines, variety X, when grown in Country A, would be described as “medium (note 5)”, but if grown in Country B, would be described as “long (note 7)”. This demonstrates that it could be very misleading to compare descriptions from different locations on the basis of absolute measurements, without the adjustment for year or location effects provided by example varieties.

4.2.6 Nevertheless, because of the possibility of particular interactions between the variety genotype and location (e.g. influence of photoperiod), it should not be assumed that descriptions developed in different countries or locations using the same set of example varieties will be the same (see also section 2.2). Guidance on the scope for comparison of varieties on the basis of descriptions produced in different locations is provided in document TGP/9, Examining Distinctness.

[Annex II follows]

EXTRACT FROM DOCUMENT SESSIONS/2024/2
“DEVELOPMENT OF GUIDANCE AND DOCUMENTS PROPOSED FOR ADOPTION BY THE COUNCIL”,
ANNEX IV
“DOCUMENT TGP/7 ‘DEVELOPMENT OF TEST GUIDELINES’ (REVISION)”

GUIDANCE NOTE (GN) 28 “EXAMPLE VARIETIES” – EXAMPLE VARIETIES FOR ASTERISKED
QUANTITATIVE CHARACTERISTICS WHEN ILLUSTRATIONS ARE PROVIDED

Background

16. At its session in 2023, the TC noted discussions on possible amendments to document TGP/7, GN 28 “Example Varieties” reported in document SESSIONS/2023/2, Annex III. The TC noted that the TWA had invited the expert from Germany to draft a proposal to amend the guidance in document TGP/7, GN 28, concerning the situations where illustrations could replace example varieties and their complementary role to clarify the states of expression of a characteristic for consideration at the TWPs, at their sessions in 2024.

Comments of the Technical Working Parties in 2024

17. At their sessions in 2024, the TWV, TWO, TWA and TWF considered documents TWV/58/10, TWO/56/7, TWA/53/8 and TWF/55/8, respectively, presented by an expert from Germany.

18. The TWV, TWA and TWF agreed that Test Guidelines should have as much information as possible, including both example varieties and illustrations.

19. The TWV agreed that illustrations provided additional information and could be more informative than example varieties, in some cases.

20. The TWO agreed with the TWV agreed that illustrations were particularly useful when the example varieties in Test Guidelines were not available or not suitable for cultivation in certain growing conditions.

21. The TWV agreed with the proposal to provide further guidance on the situations where illustrations would complement or could replace example varieties.

22. The TWV and TWA considered paragraphs 2.1 to 2.3 of the proposal and agreed to invite the drafter from Germany to provide further explanation on the criteria for decision or examples when illustrations could replace example varieties.

23. The TWO recalled the examples provided previously on situations when illustrations could replace example varieties, as provided in the Annex to document TWO/56/7 and agreed to invite the drafter from Germany to consider their inclusion in the next draft of the guidance.

24. The TWF noted that restrictions to international movement of plant material could restrict access to plant material of example varieties of fruit crops. The TWF agreed with the TWV, TWA and TWO that illustrations were particularly useful when the example varieties in Test Guidelines were not available or not suitable for cultivation in certain growing conditions.

25. The TWF considered situations when illustrations could replace example varieties and recalled guidance on the development of regional sets when a universal set of example varieties applicable to all UPOV members was not appropriate.

[End of Annex II and of document]