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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**

Geneva

**DRAFT****KALE**

UPOV Code(s): BRASS\_OLE\_COS;  
BRASS\_OLE\_GAM; BRASS\_OLE\_GAS;  
BRASS\_OLE\_GAV; BRASS\_OLE\_PAL

*Brassica oleracea* L. var. *costata* DC.;  
*Brassica oleracea* L. var. *medullosa* Thell.;  
*Brassica oleracea* L. var. *sabellica* L.;  
*Brassica oleracea* L. var. *viridis* L.;  
*Brassica oleracea* L. var. *palmifolia* DC.

**GUIDELINES****FOR THE CONDUCT OF TESTS****FOR DISTINCTNESS, UNIFORMITY AND STABILITY**

*prepared by experts from Japan  
to be considered by the  
Technical Working Party for Vegetables  
at its fifty-seventh session, to be held in in Antalya, Türkiye,  
from 2023-05-01 to 2023-05-05*

*Disclaimer: this document does not represent UPOV policies or guidance*

\* These names were correct at the time of the introduction of these Test Guidelines but may be revised or updated. [Readers are advised to consult the UPOV Code, which can be found on the UPOV Website ([www.upov.int](http://www.upov.int)), for the latest information.]

Alternative names:\*

<i>Botanical name</i>	<i>English</i>	<i>French</i>	<i>German</i>	<i>Spanish</i>
<i>Brassica oleracea</i> L. var. <i>costata</i> DC.	Bedford cabbage, Braganza, Portugese cole, Portuguese kale, Seakale cabbage, Tronchuda cabbage, Tronchuda kale			
<i>Brassica oleracea</i> L. var. <i>medullosa</i> Thell.	Marrow-stem kale			
<i>Brassica oleracea</i> L. var. <i>sabellica</i> L.	Curly kale, Borecole, Dwarf Siberian kale, Kitchen kale, Scotch kale			
<i>Brassica oleracea</i> L. var. <i>viridis</i> L.	Collards, Cow cabbage, Fodder kale, Kale, Spring- heading cabbage, Tall kale, Tree kale			
<i>Brassica oleracea</i> L. var. <i>palmifolia</i> DC.	Giant Jersey kale, Jersey kale, Palm kale, Palm-tree kale, Tree kale			

The purpose of these guidelines (“Test Guidelines”) is to elaborate the principles contained in the General Introduction (document TG/1/3), and its associated TGP documents, into detailed practical guidance for the harmonized examination of distinctness, uniformity and stability (DUS) and, in particular, to identify appropriate characteristics for the examination of DUS and production of harmonized variety descriptions.

## ASSOCIATED DOCUMENTS

These Test Guidelines should be read in conjunction with the General Introduction and its associated TGP documents.

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1. Subject of these Test Guidelines

- 1.1 These Test Guidelines apply to all varieties of *Brassica oleracea* L. var. *costata* DC., *Brassica oleracea* L. var. *medullosa* Thell., *Brassica oleracea* L. var. *sabellica* L., *Brassica oleracea* L. var. *viridis* L. and *Brassica oleracea* L. var. *palmifolia* DC.
- 1.2 Guidance on the use of Test Guidelines for inter-variant hybrids that are not explicitly covered by Test Guidelines is provided in document TGP/13 “Guidance for New Types and Species”.

2. Material Required

- 2.1 The competent authorities decide on the quantity and quality of the plant material required for testing the variety and when and where it is to be delivered. Applicants submitting material from a State other than that in which the testing takes place must ensure that all customs formalities and phytosanitary requirements are complied with.
- 2.2 The material is to be supplied in the form of seeds or young plants.
- 2.3 The minimum quantity of plant material, to be supplied by the applicant, should be:

seed-propagated varieties: 20g or 5000 seeds  
vegetatively propagated varieties: 30 plants of normal transplantation size

In the case of seed, the seed should meet the minimum requirements for germination, species and analytical purity, health and moisture content, specified by the competent authority. In cases where the seed is to be stored, the germination capacity should be as high as possible and should, be stated by the applicant.

- 2.4 The plant material supplied should be visibly healthy, not lacking in vigor, nor affected by any important pest or disease.
- 2.5 The plant material should not have undergone any treatment which would affect the expression of the characteristics of the variety, unless the competent authorities allow or request such treatment. If it has been treated, full details of the treatment must be given.

3. Method of Examination

3.1 *Number of Growing Cycles*

- 3.1.1 The minimum duration of tests should normally be two independent growing cycles.
- 3.1.2 The two independent growing cycles should be in the form of two separate plantings.
- 3.1.3 The testing of a variety may be concluded when the competent authority can determine with certainty the outcome of the test.

3.2 *Testing Place*

Tests are normally conducted at one place. In the case of tests conducted at more than one place, guidance is provided in TGP/9 “Examining Distinctness”.

3.3 *Conditions for Conducting the Examination*

The tests should be carried out under conditions ensuring satisfactory growth for the expression of the relevant characteristics of the variety and for the conduct of the examination.

### 3.4 *Test Design*

- 3.4.1 In the case of seed-propagated varieties, each test should be designed to result in a total of at least 40 plants which should be divided between at least 2 replicates.
- 3.4.2 In the case of vegetatively propagated varieties, each test should be designed to result in a total of at least 20 plants which should be divided between at least 2 replicates.
- 3.4.3 The design of the tests should be such that plants or parts of plants may be removed for measurement or counting without prejudice to the observations which must be made up to the end of the growing cycle.

### 3.5 *Additional Tests*

Additional tests, for examining relevant characteristics, may be established.

## 4. Assessment of Distinctness, Uniformity and Stability

### 4.1 *Distinctness*

#### 4.1.1 General Recommendations

It is of particular importance for users of these Test Guidelines to consult the General Introduction prior to making decisions regarding distinctness. However, the following points are provided for elaboration or emphasis in these Test Guidelines.

#### 4.1.2 Consistent Differences

The differences observed between varieties may be so clear that more than one growing cycle is not necessary. In addition, in some circumstances, the influence of the environment is not such that more than a single growing cycle is required to provide assurance that the differences observed between varieties are sufficiently consistent. One means of ensuring that a difference in a characteristic, observed in a growing trial, is sufficiently consistent is to examine the characteristic in at least two independent growing cycles.

#### 4.1.3 Clear Differences

Determining whether a difference between two varieties is clear depends on many factors, and should consider, in particular, the type of expression of the characteristic being examined, i.e. whether it is expressed in a qualitative, quantitative, or pseudo-qualitative manner. Therefore, it is important that users of these Test Guidelines are familiar with the recommendations contained in the General Introduction prior to making decisions regarding distinctness.

#### 4.1.4 Number of Plants or Parts of Plants to be Examined

In the case of seed-propagated varieties, unless otherwise indicated, for the purposes of distinctness, all observations on single plants should be made on 20 plants or parts taken from each of 20 plants and any other observation made on all plants in the test, disregarding any off-type plants.

In the case of vegetatively propagated varieties, unless otherwise indicated, for the purposes of distinctness, all observations on single plants should be made on 10 plants or parts taken from each of 10 plants and any other observation made on all plants in the test, disregarding any off-type plants.

#### 4.1.5 Method of Observation

The recommended method of observing the characteristic for the purposes of distinctness is indicated by the following key in the Table of Characteristics (see document TGP/9 "Examining Distinctness", Section 4 "Observation of characteristics"):

MG: single measurement of a group of plants or parts of plants

MS: measurement of a number of individual plants or parts of plants

VG: visual assessment by a single observation of a group of plants or parts of plants

VS: visual assessment by observation of individual plants or parts of plants

Type of observation: visual (V) or measurement (M)

"Visual" observation (V) is an observation made on the basis of the expert's judgment. For the purposes of this document, "visual" observation refers to the sensory observations of the experts and, therefore, also includes smell, taste and touch. Visual observation includes observations where the expert uses reference points (e.g. diagrams, example varieties, side-by-side comparison) or non-linear charts (e.g. color charts). Measurement (M) is an objective observation against a calibrated, linear scale e.g. using a ruler, weighing scales, colorimeter, dates, counts, etc.

Type of record: for a group of plants (G) or for single, individual plants (S)

For the purposes of distinctness, observations may be recorded as a single record for a group of plants or parts of plants (G), or may be recorded as records for a number of single, individual plants or parts of plants (S). In most cases, "G" provides a single record per variety and it is not possible or necessary to apply statistical methods in a plant-by-plant analysis for the assessment of distinctness.

In cases where more than one method of observing the characteristic is indicated in the Table of Characteristics (e.g. VG/MG), guidance on selecting an appropriate method is provided in document TGP/9, Section 4.2.

#### 4.2 Uniformity

- 4.2.1 It is of particular importance for users of these Test Guidelines to consult the General Introduction prior to making decisions regarding uniformity. However, the following points are provided for elaboration or emphasis in these Test Guidelines:
- 4.2.2 These Test Guidelines have been developed for the examination of cross-pollinated, self-pollinated (inbred line), hybrid varieties and vegetatively propagated varieties. For varieties with other types of propagation, the recommendations in the General Introduction and document TGP/13 "Guidance for new types and species" Section 4.5 "Testing Uniformity" should be followed.
- 4.2.3 The assessment of uniformity for cross-pollinated varieties should be according to the recommendations for cross-pollinated varieties in the General Introduction.
- 4.2.4 For the assessment of uniformity of single cross hybrids and self-pollinated varieties (inbred lines), a population standard of 1% and an acceptance probability of at least 95% should be applied. In the case of a sample size of 40 plants, 2 off-types are allowed. In addition, for single cross hybrids, a population standard of 3% and an acceptance probability of at least 95% should be applied for inbred plants obviously resulting from the selfing of a parent line. In the case of a sample size of 40 plants, 3 inbred plants are allowed.
- 4.2.5 For the assessment of uniformity of vegetatively propagated varieties, a population standard of 1% and an acceptance probability of at least 95% should be applied. In the case of a sample size of 20 plants, 1 off-type is allowed.

#### 4.3 *Stability*

- 4.3.1 In practice, it is not usual to perform tests of stability that produce results as certain as those of the testing of distinctness and uniformity. However, experience has demonstrated that, for many types of variety, when a variety has been shown to be uniform, it can also be considered to be stable.
- 4.3.2 Where appropriate, or in cases of doubt, stability may be further examined by testing a new seed or plant stock to ensure that it exhibits the same characteristics as those shown by the initial material supplied.

#### 5. Grouping of Varieties and Organization of the Growing Trial

- 5.1 The selection of varieties of common knowledge to be grown in the trial with the candidate varieties and the way in which these varieties are divided into groups to facilitate the assessment of distinctness are aided by the use of grouping characteristics.
- 5.2 Grouping characteristics are those in which the documented states of expression, even where produced at different locations, can be used, either individually or in combination with other such characteristics: (a) to select varieties of common knowledge that can be excluded from the growing trial used for examination of distinctness; and (b) to organize the growing trial so that similar varieties are grouped together.
- 5.3 The following have been agreed as useful grouping characteristics:
- (a) Plant: position of growing point (characteristic 3)
  - (b) Leaf: color (characteristic 9)
  - (c) Leaf: variegation (characteristic 11)
- 5.4 Guidance for the use of grouping characteristics, in the process of examining distinctness, is provided through the General Introduction and document TGP/9 "Examining Distinctness".

#### 6. Introduction to the Table of Characteristics

##### 6.1 *Categories of Characteristics*

##### 6.1.1 Standard Test Guidelines Characteristics

Standard Test Guidelines characteristics are those which are approved by UPOV for examination of DUS and from which members of the Union can select those suitable for their particular circumstances.

##### 6.1.2 Asterisked Characteristics

Asterisked characteristics (denoted by \*) are those included in the Test Guidelines which are important for the international harmonization of variety descriptions and should always be examined for DUS and included in the variety description by all members of the Union, except when the state of expression of a preceding characteristic or regional environmental conditions render this inappropriate.

##### 6.2 *States of Expression and Corresponding Notes*

- 6.2.1 States of expression are given for each characteristic to define the characteristic and to harmonize descriptions. Each state of expression is allocated a corresponding numerical note for ease of recording of data and for the production and exchange of the description.
- 6.2.2 All relevant states of expression are presented in the characteristic.
- 6.2.3 Further explanation of the presentation of states of expression and notes is provided in document TGP/7 "Development of Test Guidelines".

### 6.3 *Types of Expression*

An explanation of the types of expression of characteristics (qualitative, quantitative and pseudo-qualitative) is provided in the General Introduction.

### 6.4 *Example Varieties*

Where appropriate, example varieties are provided to clarify the states of expression of each characteristic.

### 6.5 *Legend*

		English	français	deutsch	español	Example Varieties Exemples Beispielssorten Variedades ejemplo	Note/ Nota
1	2	3	4	5	6	7	
		Name of characteristics in English	Nom du caractère en français	Name des Merkmals auf Deutsch	Nombre del carácter en español		
		states of expression	types d'expression	Ausprägungsstufen	tipos de expresión		

1 Characteristic number

2 (\*) Asterisked characteristic – see Chapter 6.1.2

3 Type of expression  
 QL Qualitative characteristic – see Chapter 6.3  
 QN Quantitative characteristic – see Chapter 6.3  
 PQ Pseudo-qualitative characteristic – see Chapter 6.3

4 Method of observation (and type of plot, if applicable)  
 MG, MS, VG, VS – see Chapter 4.1.5

5 (+) See Explanations on the Table of Characteristics in Chapter 8.2

6 (a)-(d) See Explanations on the Table of Characteristics in Chapter 8.1

7 Not applicable



7. Table of Characteristics/Tableau des caract res/Merkmalstabelle/Tabla de caracteres

	English		fran�ais		deutsch	espa�ol	Example Varieties Exemples Beispielssorten Variedades ejemplo	Note/ Nota
<b>1. (*)</b>	<b>QN</b>	<b>MG/MS/VG</b>	<b>(+)</b>	<b>(a)</b>				
	<b>Plant: height</b>							
		very short						1
		very short to short						2
		short					Lage Moskrul, Starbor	3
		short to medium						4
		medium					Darkibor, Marriot, Rossignol	5
		medium to tall						6
		tall					Esthe, Fizz, Nero di Toscana, Redbor	7
		tall to very tall						8
		very tall					Ostfriesische Palme	9
<b>2.</b>	<b>QN</b>	<b>MS/VG</b>	<b>(+)</b>	<b>(a)</b>				
	<b>Plant: diameter</b>							
		very small						1
		very small to small						2
		small					Tintoreto	3
		small to medium						4
		medium					Darkibor, Dwarf Green Curled	5
		medium to large						6
		large					Cottagers, Esthe, Nero di Toscana	7
		large to very large						8
		very large						9
<b>3. (*)</b>	<b>QN</b>	<b>VG</b>	<b>(+)</b>	<b>(a)</b>				
	<b>Plant: position of growing point</b>							
		lower part					Esthe, Fizz	1
		lower to middle part					Halbhoher gr�ner krauser	2
		middle part					Black Magic, Kobolt	3
		middle to upper part						4
		upper part					Dwarf Green Curled, Kadet, Westlandse Herfst	5

	English	fran�ais	deutsch	espa�ol	Example Varieties Exemples Beispielssorten Variedades ejemplo	Note/ Nota
<b>4.</b>	<b>QN</b>	<b>MG/MS/VG</b>	<b>(+)</b>	<b>(a)</b>		
	<b>Plant: number of leaves</b>					
	few				Fizz, Pentland Brig	1
	few to medium					2
	medium				Redbor, Westlandse Herfst	3
	medium to many					4
	many				Esthe, Winnetou	5
<b>5.</b>	<b>QN</b>	<b>MG/MS/VG</b>	<b>(+)</b>	<b>(a)</b>		
	<b>Stem: length</b>					
	very short					1
	very short to short					2
	short				Rednex	3
	short to medium					4
	medium				Dwarf Green Curled, Fizz	5
	medium to long					6
	long					7
	long to very long					8
	very long					9
<b>6.</b>	<b>QN</b>	<b>MS/VG</b>	<b>(+)</b>	<b>(a), (d)</b>		
	<b>Stem: diameter</b>					
	very small					1
	very small to small					2
	small				Thousand Head	3
	small to medium					4
	medium				Goldeneye	5
	medium to large					6
	large				Camaro	7
	large to very large					8
	very large					9

	English		fran�ais		deutsch	espa�ol	Example Varieties Exemples Beispielssorten Variedades ejemplo	Note/ Nota
<b>7.</b>	<b>QN</b>	<b>VG</b>	<b>(+)</b>	<b>(d)</b>				
	<b>Stem: tendency to branch</b>							
	weak						Bombardier	1
	weak to medium							2
	medium						Thousand Head	3
	medium to strong							4
	strong						Anglian Gold	5
<b>8. (*)</b>	<b>QN</b>	<b>VG</b>	<b>(+)</b>	<b>(a), (b)</b>				
	<b>Leaf: attitude</b>							
	erect						Esthe, Nero di Toscana	1
	erect to semi-erect							2
	semi-erect						Cottagers, Redbor	3
	semi-erect to horizontal							4
	horizontal						Marriot	5
<b>9. (*)</b>	<b>PQ</b>	<b>VG</b>		<b>(a), (b)</b>				
	<b>Leaf: color</b>							
	light green						Tintoreto	1
	medium green						Dwarf Green Curled, Esthe	2
	dark green						Kapitan	3
	grey green						Fizz	4
	blue green						Black Magic, Nero di Toscana	5
	reddish green						Redbor	6
	purple						Rednex	7
<b>10.</b>	<b>QN</b>	<b>VG</b>	<b>(+)</b>	<b>(a), (b)</b>				
	<b>Leaf: intensity of anthocyanin coloration of main vein</b>							
	absent or very weak						Darkibor, Ostfriesische Palme	1
	weak							2
	medium						Midnight Sun	3
	strong						Redbor, Rednex	4
	very strong							5

	English	fran�ais	deutsch	espa�ol	Example Varieties Exemples Beispielssorten Variedades ejemplo	Note/ Nota
<b>11. (*)</b>	<b>QL</b>	<b>VG</b>	<b>(a), (b), (c)</b>			
	<b>Leaf: variegation</b>					
	absent				Esthe	1
	present				Frost Byte, Purple Varie	9
<b>12. (*)</b>	<b>QN</b>	<b>MS/VG</b>	<b>(+)</b>	<b>(a), (b)</b>		
	<b>Leaf: number of lobes</b>					
	absent or very few				Esthe, Nero di Toscana	1
	few				Cottagers	2
	medium				Pentland Brig	3
	many				Darkibor	4
	very many				Lerchenzungen	5
<b>13.</b>	<b>QN</b>	<b>VG</b>	<b>(+)</b>	<b>(a), (d)</b>		
	<b>Leaf: length of petiole wing</b>					
	absent or very short				Harrier	1
	very short to short					2
	short				Coleor	3
	short to medium					4
	medium				Camaro	5
	medium to long					6
	long				Gr�ner Angeliter	7
	long to very long					8
	very long				Pavla	9
<b>14. (*)</b>	<b>QN</b>	<b>MS/VG</b>	<b>(+)</b>	<b>(a), (b), (c)</b>		
	<b>Leaf blade: length</b>					
	very short					1
	very short to short					2
	short				Redbor, Westlandse Herfst	3
	short to medium					4
	medium				Esthe, Lerchenzungen	5
	medium to long					6
	long				Nero di Toscana	7
	long to very long					8
	very long					9

	English		fran�ais		deutsch	espa�ol	Example Varieties Exemples Beispielssorten Variedades ejemplo	Note/ Nota
<b>15. (*)</b>	<b>QN</b>	<b>MS/VG</b>	<b>(+)</b>	<b>(a), (b), (c)</b>				
	<b>Leaf blade: width</b>							
	very narrow							1
	very narrow to narrow						Raven	2
	narrow						Dwarf Green Curled, Redbor	3
	narrow to medium							4
	medium						Cottagers, Esthe, Fizz	5
	medium to broad							6
	broad						Beira	7
	broad to very broad							8
	very broad							9
<b>16. (*)</b>	<b>QN</b>	<b>MS/VG</b>		<b>(a), (b), (c)</b>				
	<b>Leaf blade: length/width ratio</b>							
	very low							1
	very low to low						Marriot	2
	low						Beira	3
	low to medium						Dauro	4
	medium						Esthe, Redbor, Tintoreto	5
	medium to high						Fizz	6
	high							7
	high to very high						Black Magic, Lerchenzungen	8
	very high						Nero di Toscana	9
<b>17.</b>	<b>QN</b>	<b>MS/VG</b>	<b>(+)</b>	<b>(a), (b)</b>				
	<b>Leaf blade: number of incisions</b>							
	absent or very few						Esthe, Nero di Toscana	1
	very few to few							2
	few						Westlandse Herfst	3
	few to medium							4
	medium						Fizz	5
	medium to many							6
	many							7
	many to very many							8
	very many							9

	English		fran�ais		deutsch	espa�ol	Example Varieties Exemples Beispielssorten Variedades ejemplo	Note/ Nota
<b>18.</b>	<b>QN</b>	<b>VG</b>	<b>(+)</b>	<b>(a), (b)</b>				
	<b>Leaf blade: depth of incisions</b>							
	absent or shallow						Esthe, Nero di Toscana	1
	shallow to medium							2
	medium							3
	medium to deep							4
	deep						Fizz	5
<b>19.</b>	<b>QN</b>	<b>VG</b>	<b>(+)</b>	<b>(a), (b), (c)</b>				
	<b>Leaf blade: curvature of midrib</b>							
	incurved							1
	straight						Midnight Sun	2
	slightly recurved						Esthe, Kadet, Lerchenzungen	3
	moderately recurved						Westlandse Winter	4
	strongly recurved						Westlandse Herfst	5
	very strongly recurved							6
<b>20.</b>	<b>QN</b>	<b>VG</b>	<b>(+)</b>	<b>(a), (b), (c)</b>				
	<b>Leaf blade: blistering</b>							
	absent or very weak							1
	very weak to weak							2
	weak						Esthe	3
	weak to medium							4
	medium						Fizz	5
	medium to strong							6
	strong						Black Magic, Nero di Toscana	7
	strong to very strong							8
	very strong							9
<b>21.</b>	<b>QN</b>	<b>VG</b>	<b>(+)</b>	<b>(a), (b), (c)</b>				
	<b>Leaf blade: folding in cross section</b>							
	absent or very weak							1
	weak						Rossignol, Tintoreto	2
	medium						Dwarf Green Curled, Redbor	3
	strong						Lerchenzungen	4
	very strong							5

	English		fran�ais		deutsch	espa�ol	Example Varieties Exemples Beispielssorten Variedades ejemplo	Note/ Nota
<b>22.</b>	<b>QN</b>	<b>VG</b>	<b>(+)</b>	<b>(a), (b), (c)</b>				
	<b>Leaf blade: undulation</b>							
	absent or very weak						Black Magic, Nero di Toscana	1
	weak						Esthe	2
	medium						Cottagers	3
	strong							4
	very strong							5
<b>23.</b>	<b>QN</b>	<b>VG</b>	<b>(+)</b>	<b>(a), (b), (c)</b>				
	<b>Leaf blade: undulation of margin</b>							
	absent or very weak						Cottagers, Esthe	1
	weak						Pentland Brig	2
	medium						Redbor	3
	strong						Dwarf Green Curled	4
	very strong						Westlandse Herfst	5
<b>24.</b>	<b>QN</b>	<b>VG</b>	<b>(+)</b>	<b>(a), (b), (c)</b>				
	<b><u>Only for varieties with Leaf blade: undulation of margin: absent or very weak to weak:</u></b> <b>Leaf blade: recurvature of margin</b>							
	absent or weak						Esthe, Midnight Sun	1
	medium						Rossignol	2
	strong						Black Magic, Nero di Toscana	3
<b>25.</b>	<b>QN</b>	<b>MS/VG</b>	<b>(+)</b>	<b>(a), (b)</b>				
	<b>Petiole: length</b>							
	absent or very short						Nero di Toscana	1
	short						Rossignol, Tintoreto	2
	medium						Halbhoher gr�ner krauser, Redbor	3
	long							4
	very long						Cottagers, Fizz	5

	English		fran�ais		deutsch	espa�ol	Example Varieties Exemples Beispielssorten Variedades ejemplo	Note/ Nota
<b>26.</b>	<b>QN</b>	<b>MS/VG</b>	<b>(+)</b>	<b>(a), (b)</b>				
	<b>Petiole: width</b>							
	very narrow							1
	narrow						Darkibor, Westlandse Herfst	2
	medium						Cottagers, Esthe, Halbhoher gr�ner krauser, Kobolt	3
	broad						Marriot	4
	very broad						Dauro	5
<b>27.</b>	<b>PQ</b>	<b>VG</b>	<b>(+)</b>	<b>(a)</b>				
	<b>Young leaf: color</b>							
	yellow green						Esthe, Tintoreto	1
	green						Dwarf Green Curled	2
	grey green						Lerchenzungen	3
	blue green						Black Magic, Nero di Toscana	4
	red purple						Redbor, Rednex	5
<b>28.</b>	<b>QL</b>	<b>MS/VS</b>	<b>(+)</b>					
	<b>Male sterility</b>							
	absent						Esthe, Westlandse Herfst	1
	present						Winnetou	9



8. Explanations on the Table of Characteristics

8.1 *Explanations covering several characteristics*

Characteristics containing the following key in the Table of Characteristics should be examined as indicated below:

- (a) Observations should be made on plants 3 to 5 months after sowing.
- (b) Observations should be made on the fully developed leaves.
- (c) Leaf blade does not include the independent lateral lobes at the lower half of the leaf.
- (d) Characteristics which should be observed on fodder types only (*Brassica oleracea* L. var. *viridis* L., *Brassica oleracea* L. var. *medullosa* Thell.).

8.2 *Explanations for individual characteristics*

Ad. 1: Plant: height

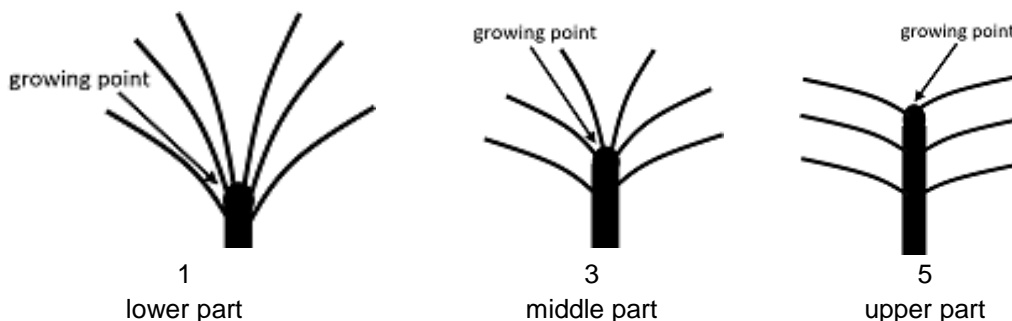


Ad. 2: Plant: diameter

See Ad.1

Ad. 3: Plant: position of growing point

Observations of the position of the growing point should be made in relation to the top of the plant.

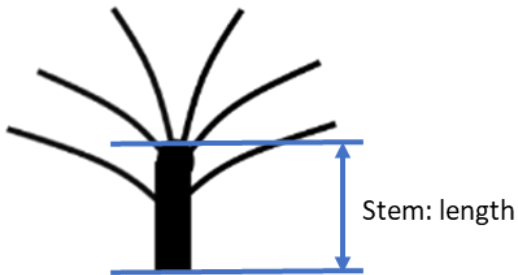


Ad. 4: Plant: number of leaves

Observations should be made on the number of leaves more than 10cm in length.

Ad. 5: Stem: length

Observations should be made from ground level to the growing point.



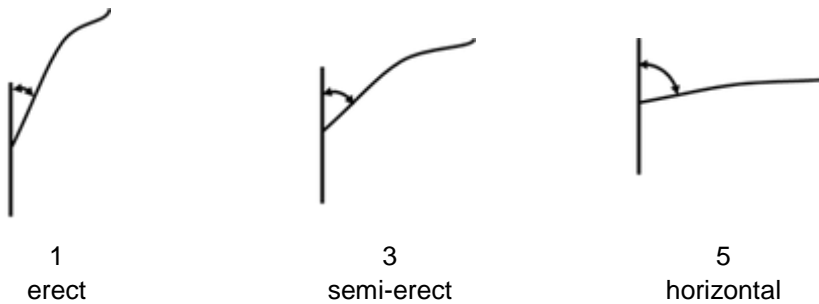
Ad. 6: Stem: diameter

Observations should be made at widest point.

Ad. 7: Stem: tendency to branch

Should be assessed as number of branching nodes along the main stem. Observations should be made after bolting but before flowering.

Ad. 8: Leaf: attitude



Ad. 10: Leaf: intensity of anthocyanin coloration of main vein

Observations should be made on the lower side of the leaf.

Ad. 12: Leaf: number of lobes

Parts of the leaf are considered to be lobes if:

1. They have a minimum length of 1 cm and
2. When folded back to the midrib as shown in Figs 1 and 2, the folded tissue meets the midrib
3. Their length is at least equivalent to the width of the leaf petiole at their point of attachment

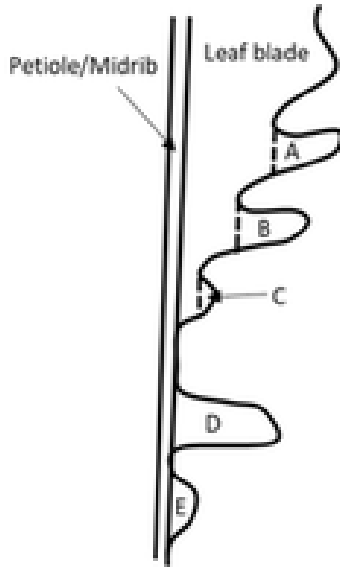


Figure 1

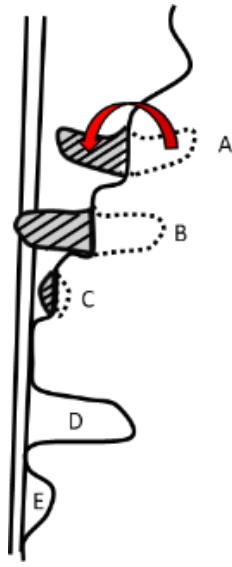


Figure 2

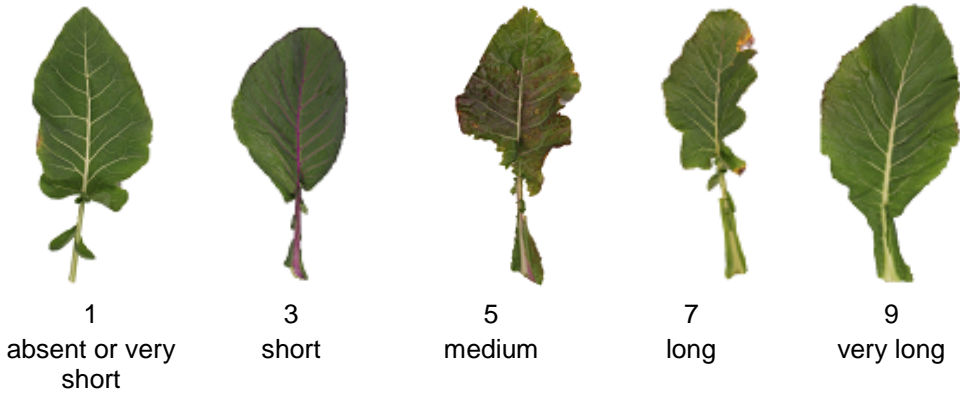
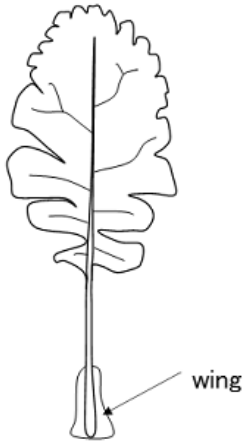
- A is not a lobe as it does not meet the midrib when folded
- B is a lobe as it meets the midrib when folded
- C is too small to be a lobe as it is less than 1 cm in length and does not meet the midrib when folded
- D is a lobe as the length is longer than the width of the leaf petiole at the point of attachment
- E is not a lobe as the length is shorter than the width of the leaf petiole at the point of attachment

Ad. 13: Leaf: length of petiole wing

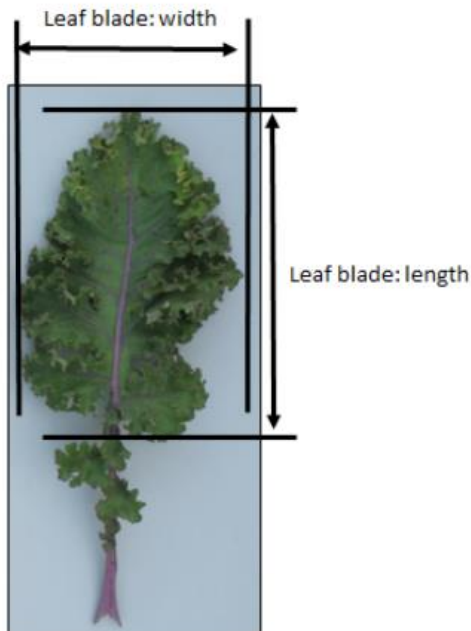
Parts of the leaf are considered to be wings if:

1. They attach to the petiole at the base
2. Their length is at most equivalent to the width of the petiole at the point of attachment.

Where the leaf lamina is entire and continuous and is attached to the base of the petiole then the petiole wing is assessed as note 9.



Ad. 14: Leaf blade: length

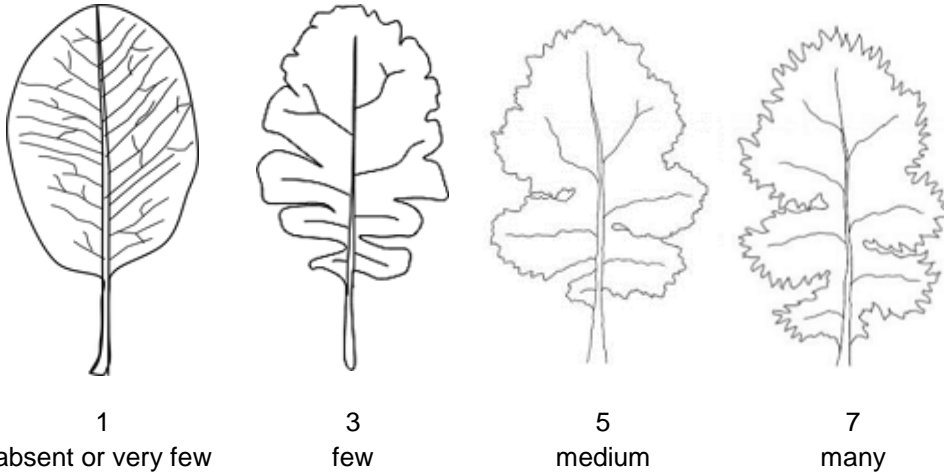


Ad. 15: Leaf blade: width

See Ad.15

Ad. 17: Leaf blade: number of incisions

Observations should be made on upper third of the unfolded leaf blade.



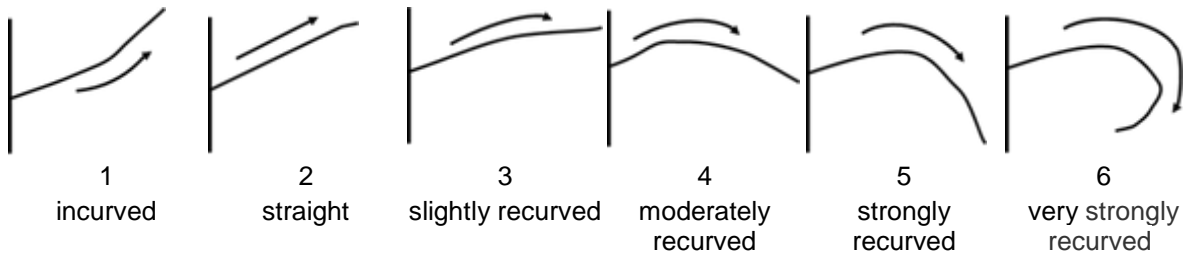
Ad. 18: Leaf blade: depth of incisions

Observations should be made on upper third of the unfolded leaf blade.



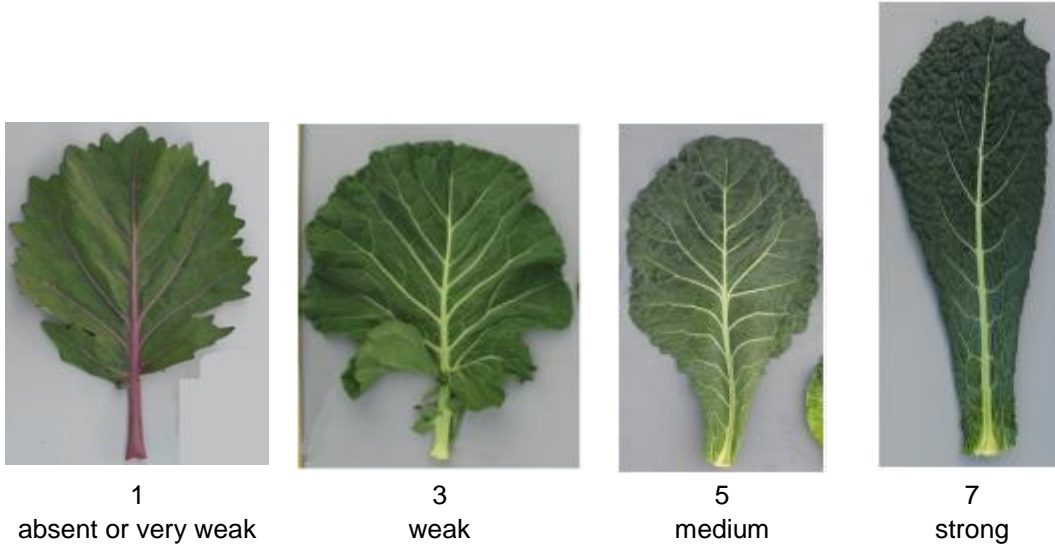
Ad. 19: Leaf blade: curvature of midrib

Observations should be made on the overall shape, not one section of the leaf blade. For example, if almost all of the midrib is straight but the apical part of the midrib is strongly recurved then it should be assessed as straight.



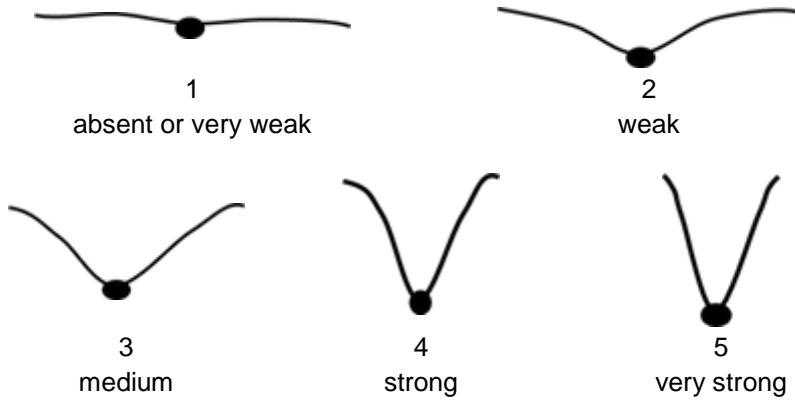
Ad. 20: Leaf blade: blistering

Blistering is the difference in height of the surface of the leaf between the veins.



Ad. 21: Leaf blade: folding in cross section

Observations should be made at the middle third of the leaf blade.



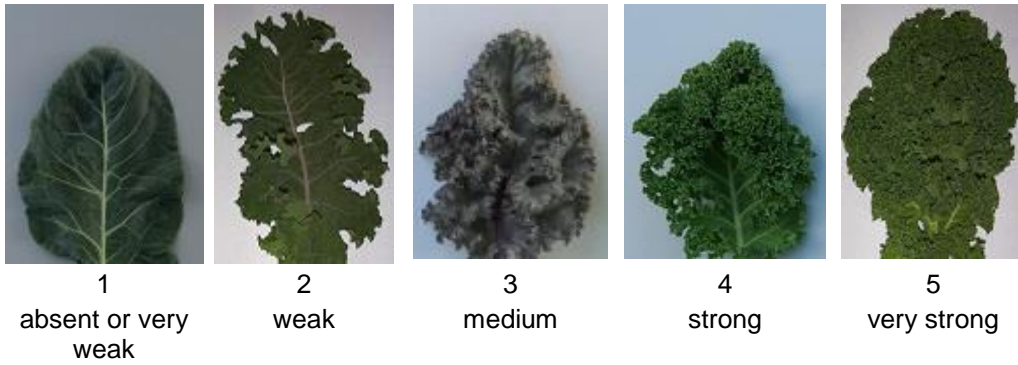
Ad. 22: Leaf blade: undulation

Observations should be made on the undulation of the whole leaf as depicted by the line in each of the following photographs.



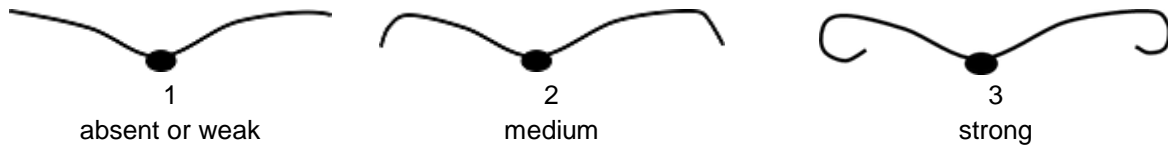
Ad. 23: Leaf blade: undulation of margin

Observations should be made on the small undulations of the margin of the leaf blade.

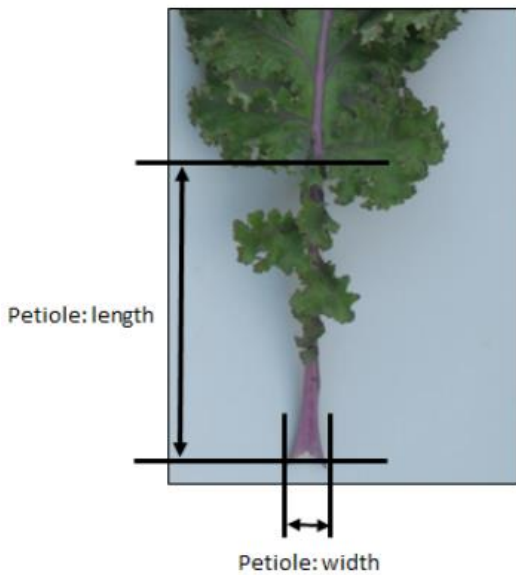


Ad. 24: Only for varieties with Leaf blade: undulation of margin: absent or very weak to weak: Leaf blade: recurvature of margin

Observations should be made at the middle third of the leaf blade.



Ad. 25: Petiole: length



Ad. 26: Petiole: width

see Ad.24

Observations should be made at the base of petiole.

Ad. 27: Young leaf: color

Observations should be made on immature leaves at the apex of the plant.

Ad. 28: Male sterility

(Current version)

To be tested in a field trial and/or in a DNA marker test.

Field trial:

Check presence of pollen on stamen: if pollen on stamen is present then male sterility is absent; if pollen on stamen is absent then male sterility is present.

DNA marker test and/or field trial:

All varieties declared male sterile in the TQ can be examined in a field trial or in a DNA marker test<sup>i</sup>. In the case of a DNA marker test, if the CMS marker appears to be not present, a field trial should be performed to observe whether the variety is male sterile (on another mechanism) or fertile. All varieties declared fertile are to be tested in a field trial.

In case of a field trial, type of observation is VG. In case of a DNA marker test, type of observation is MS.

<sup>i</sup> The description of the method to test male sterility for Brassica (CMS marker) is covered by a trade secret. The owner of the trade secret, Syngenta Seeds B.V., has given its consent for the use of the CMS marker solely for the purposes of examination of Distinctness, Uniformity and Stability (DUS) and for the development of variety descriptions by UPOV and authorities of UPOV members. Syngenta Seeds B.V. declares that neither UPOV, nor authorities of UPOV members that use the CMS marker for the above purposes will be held accountable for possible (mis)use of the CMS marker by third parties. Please contact Naktuinbouw, Netherlands, to obtain the method and information on the CMS marker for the purposes mentioned above.

(Proposed version)

To be tested in a field trial and/or in a DNA marker test.

Field trial:

Check presence of pollen on stamen: if pollen on stamen is present then male sterility is absent; if pollen on stamen is absent then male sterility is present.

DNA marker test and/or field trial:

All varieties, whether declared male fertile or male sterile in the TQ, can be examined in a field trial or in a DNA marker test<sup>i</sup>. In the past other CMS mechanisms than the CMS Ogura mechanism were used to produce male sterile varieties. Nowadays these other CMS mechanisms are not used anymore. It is unknown whether other mechanisms than the Ogura mechanism are in use to produce male sterile varieties. So, in the case of a DNA marker test, if the CMS marker appears to be not present, the variety is expected to have male fertile flowers. In the case the CMS marker appears to be present, the variety is expected to have male sterile flowers. In case the DNA marker test result does not confirm the declaration in the TQ, a field trial should be performed to observe whether the variety has male fertile or male sterile flowers due to another mechanism. In case of a field trial, type of observation is VS. In case of a DNA marker test, type of observation is MS.

<sup>i</sup> The description of the method to test male sterility for Brassica (CMS marker) is covered by a trade secret. The owner of the trade secret, Syngenta Seeds B.V., has given its consent for the use of the CMS marker solely for the purposes of examination of Distinctness, Uniformity and Stability (DUS) and for the development of variety descriptions by UPOV and authorities of UPOV members. Syngenta Seeds B.V. declares that neither UPOV, nor authorities of UPOV members that use the CMS marker for the above purposes will be held accountable for possible (mis)use of the CMS marker by third parties. Please contact Naktuinbouw, Netherlands, to obtain the method and information on the CMS marker for the purposes mentioned above.



9. Literature

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Kaloo, G. and Bergh, B.O., 1993: Genetic Improvement of Vegetable Crops, 11 Kale. Pergamon Press. New York, US. pp.187 to 190

Langer, R.H.M., and Hill, G.D., 1982: Agricultural Plants 8, Cruciferae. Cambridge University Press. Cambridge, GB. pp.165 to 183

Lustinec, J., 1988: Biotechnology in Agriculture and Forestry 6. Ed. Y.P.S. Bajaj. Springer-Verlag Berlin, DE. pp.530 to 547

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Tsunoda, S., Hinata, K. and Gomez-Campo, C., 1980: Brassica Crops and Wild Allies. Biology and Breeding Japan Scientific Press. Tokyo, JP. pp163 to 167

10. Technical Questionnaire

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
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	Application date: (not to be filled in by the applicant)
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TECHNICAL QUESTIONNAIRE  
 to be completed in connection with an application for plant breeders' rights

1. Subject of the Technical Questionnaire				
1.1.1	Botanical name	<table border="1" style="width: 100%;"> <tr> <td><i>Brassica oleracea</i> L. var. <i>costata</i> DC.</td> <td style="width: 20px; text-align: right;">[ ]</td> </tr> </table>	<i>Brassica oleracea</i> L. var. <i>costata</i> DC.	[ ]
<i>Brassica oleracea</i> L. var. <i>costata</i> DC.	[ ]			
1.1.2	Common name	<table border="1" style="width: 100%;"> <tr> <td>Bedford cabbage, Braganza, Portugese cole, Portuguese kale, Seakale cabbage, Tronchuda cabbage, Tronchuda kale</td> </tr> </table>	Bedford cabbage, Braganza, Portugese cole, Portuguese kale, Seakale cabbage, Tronchuda cabbage, Tronchuda kale	
Bedford cabbage, Braganza, Portugese cole, Portuguese kale, Seakale cabbage, Tronchuda cabbage, Tronchuda kale				
1.2.1	Botanical name	<table border="1" style="width: 100%;"> <tr> <td><i>Brassica oleracea</i> L. var. <i>medullosa</i> Thell.</td> <td style="width: 20px; text-align: right;">[ ]</td> </tr> </table>	<i>Brassica oleracea</i> L. var. <i>medullosa</i> Thell.	[ ]
<i>Brassica oleracea</i> L. var. <i>medullosa</i> Thell.	[ ]			
1.2.2	Common name	<table border="1" style="width: 100%;"> <tr> <td>Marrow-stem kale</td> </tr> </table>	Marrow-stem kale	
Marrow-stem kale				
1.3.1	Botanical name	<table border="1" style="width: 100%;"> <tr> <td><i>Brassica oleracea</i> L. var. <i>sabellica</i> L.</td> <td style="width: 20px; text-align: right;">[ ]</td> </tr> </table>	<i>Brassica oleracea</i> L. var. <i>sabellica</i> L.	[ ]
<i>Brassica oleracea</i> L. var. <i>sabellica</i> L.	[ ]			
1.3.2	Common name	<table border="1" style="width: 100%;"> <tr> <td>Curly kale, Borecole, Dwarf Siberian kale, Kitchen kale, Scotch kale</td> </tr> </table>	Curly kale, Borecole, Dwarf Siberian kale, Kitchen kale, Scotch kale	
Curly kale, Borecole, Dwarf Siberian kale, Kitchen kale, Scotch kale				
1.4.1	Botanical name	<table border="1" style="width: 100%;"> <tr> <td><i>Brassica oleracea</i> L. var. <i>viridis</i> L.</td> <td style="width: 20px; text-align: right;">[ ]</td> </tr> </table>	<i>Brassica oleracea</i> L. var. <i>viridis</i> L.	[ ]
<i>Brassica oleracea</i> L. var. <i>viridis</i> L.	[ ]			
1.4.2	Common name	<table border="1" style="width: 100%;"> <tr> <td>Collards, Cow cabbage, Fodder kale, Kale, Spring-heading cabbage, Tall kale, Tree kale</td> </tr> </table>	Collards, Cow cabbage, Fodder kale, Kale, Spring-heading cabbage, Tall kale, Tree kale	
Collards, Cow cabbage, Fodder kale, Kale, Spring-heading cabbage, Tall kale, Tree kale				
1.5.1	Botanical name	<table border="1" style="width: 100%;"> <tr> <td><i>Brassica oleracea</i> L. var. <i>palmifolia</i> DC.</td> <td style="width: 20px; text-align: right;">[ ]</td> </tr> </table>	<i>Brassica oleracea</i> L. var. <i>palmifolia</i> DC.	[ ]
<i>Brassica oleracea</i> L. var. <i>palmifolia</i> DC.	[ ]			
1.5.2	Common name	<table border="1" style="width: 100%;"> <tr> <td>Giant Jersey kale, Jersey kale, Palm kale, Palm-tree kale, Tree kale</td> </tr> </table>	Giant Jersey kale, Jersey kale, Palm kale, Palm-tree kale, Tree kale	
Giant Jersey kale, Jersey kale, Palm kale, Palm-tree kale, Tree kale				

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
<p>2. Applicant</p> <p>Name <input data-bbox="608 331 1289 365" type="text"/></p> <p>Address <input data-bbox="608 396 1289 459" type="text"/></p> <p>Telephone No. <input data-bbox="608 488 1289 521" type="text"/></p> <p>Fax No. <input data-bbox="608 551 1289 584" type="text"/></p> <p>E-mail address <input data-bbox="608 613 1289 647" type="text"/></p> <p>Breeder (if different from applicant) <input data-bbox="608 676 1289 710" type="text"/></p>		
<p>3. Proposed denomination and breeder's reference</p> <p>Proposed denomination (if available) <input data-bbox="608 848 1289 882" type="text"/></p> <p>Breeder's reference <input data-bbox="608 938 1289 972" type="text"/></p>		

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
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#4. Information on the breeding scheme and propagation of the variety

4.1 Breeding scheme

Variety resulting from:

4.1.1 Crossing

(a) controlled cross [ ]

(b) partially known cross [ ]

(c) unknown cross [ ]

4.1.2 Mutation [ ]  
(please state parent variety)

4.1.3 Discovery and development [ ]  
(please state where and when discovered and how developed)

4.1.4 Other [ ]  
(Please provide details)

# Authorities may allow certain of this information to be provided in a confidential section of the Technical Questionnaire.

4.2 Method of propagating the variety

4.2.1 Seed-propagated varieties

- (a) Cross-pollination [ ]
  - (i) Population [ ]
- (b) Hybrid [ ]
  - (i) Single hybrid [ ]
- (c) Other (please provide details) [ ]

4.2.2 Vegetative propagation

- (a) Cuttings [ ]
- (b) Other (state method) [ ]

4.2.3 Other [ ]  
(Please provide details)

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
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5. Characteristics of the variety to be indicated (the number in brackets refers to the corresponding characteristic in Test Guidelines; please mark the note which best corresponds).

Characteristics	Example Varieties	Note
<b>5.1 Plant: height (1)</b>		
very short		1 [ ]
very short to short		2 [ ]
short	Lage Moskrul, Starbor	3 [ ]
short to medium		4 [ ]
medium	Darkibor, Marriot, Rossignol	5 [ ]
medium to tall		6 [ ]
tall	Esthe, Fizz, Nero di Toscana, Redbor	7 [ ]
tall to very tall		8 [ ]
very tall	Ostfriesische Palme	9 [ ]
<b>5.2 Plant: position of growing point (3)</b>		
lower part	Esthe, Fizz	1 [ ]
lower to middle part	Halbhoher grüner krauser	2 [ ]
middle part	Black Magic, Kobolt	3 [ ]
middle to upper part		4 [ ]
upper part	Dwarf Green Curled, Kadet, Westlandse Herfst	5 [ ]
<b>5.3 Leaf: attitude (8)</b>		
erect	Esthe, Nero di Toscana	1 [ ]
erect to semi-erect		2 [ ]
semi-erect	Cottagers, Redbor	3 [ ]
semi-erect to horizontal		4 [ ]
horizontal	Marriot	5 [ ]
<b>5.4 Leaf: color (9)</b>		
light green	Tintoreto	1 [ ]
medium green	Dwarf Green Curled, Esthe	2 [ ]
dark green	Kapitan	3 [ ]
grey green	Fizz	4 [ ]
blue green	Black Magic, Nero di Toscana	5 [ ]
reddish green	Redbor	6 [ ]
purple	Rednex	7 [ ]

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Characteristics	Example Varieties	Note
<b>5.5 Leaf: variegation</b> <b>(11)</b>		
absent	Esthe	1 [ ]
present	Frost Byte, Purple Varie	9 [ ]
<b>5.6 Leaf: number of lobes</b> <b>(12)</b>		
absent or very few	Esthe, Nero di Toscana	1 [ ]
few	Cottagers	2 [ ]
medium	Pentland Brig	3 [ ]
many	Darkibor	4 [ ]
very many	Lerchenzungen	5 [ ]
<b>5.7 Leaf blade: length</b> <b>(14)</b>		
very short		1 [ ]
very short to short		2 [ ]
short	Redbor, Westlandse Herfst	3 [ ]
short to medium		4 [ ]
medium	Esthe, Lerchenzungen	5 [ ]
medium to long		6 [ ]
long	Nero di Toscana	7 [ ]
long to very long		8 [ ]
very long		9 [ ]
<b>5.8 Leaf blade: width</b> <b>(15)</b>		
very narrow		1 [ ]
very narrow to narrow	Raven	2 [ ]
narrow	Dwarf Green Curled, Redbor	3 [ ]
narrow to medium		4 [ ]
medium	Cottagers, Esthe, Fizz	5 [ ]
medium to broad		6 [ ]
broad	Beira	7 [ ]
broad to very broad		8 [ ]
very broad		9 [ ]

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
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Characteristics	Example Varieties	Note
<b>5.9 Leaf blade: length/width ratio (16)</b>		
very low		1 [ ]
very low to low	Marriot	2 [ ]
low	Beira	3 [ ]
low to medium	Dauro	4 [ ]
medium	Esthe, Redbor, Tintoreto	5 [ ]
medium to high	Fizz	6 [ ]
high		7 [ ]
high to very high	Black Magic, Lerchenzungen	8 [ ]
very high	Nero di Toscana	9 [ ]
<b>5.10 Leaf blade: depth of incisions (18)</b>		
absent or shallow	Esthe, Nero di Toscana	1 [ ]
shallow to medium		2 [ ]
medium		3 [ ]
medium to deep		4 [ ]
deep	Fizz	5 [ ]
<b>5.11 Leaf blade: undulation of margin (23)</b>		
absent or very weak	Cottagers, Esthe	1 [ ]
weak	Pentland Brig	2 [ ]
medium	Redbor	3 [ ]
strong	Dwarf Green Curled	4 [ ]
very strong	Westlandse Herfst	5 [ ]
<b>5.12 Male sterility (28)</b>		
absent	Esthe, Westlandse Herfst	1 [ ]
present	Winnetou	9 [ ]



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6. Similar varieties and differences from these varieties

*Please use the following table and box for comments to provide information on how your candidate variety differs from the variety (or varieties) which, to the best of your knowledge, is (or are) most similar. This information may help the examination authority to conduct its examination of distinctness in a more efficient way.*

Denomination(s) of variety(ies) similar to your candidate variety	Characteristic(s) in which your candidate variety differs from the similar variety(ies)	Describe the expression of the characteristic(s) for the <b>similar</b> variety(ies)	Describe the expression of the characteristic(s) for <b>your</b> candidate variety
<i>Example</i>	<i>Stem: length</i>	<i>medium</i>	<i>short</i>

Comments:

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
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#7.	Additional information which may help in the examination of the variety		
7.1	In addition to the information provided in sections 5 and 6, are there any additional characteristics which may help to distinguish the variety?		
Yes	[ ]	No	[ ]
(If yes, please provide details)			
7.2	Are there any special conditions for growing the variety or conducting the examination?		
Yes	[ ]	No	[ ]
(If yes, please provide details)			
7.3	Other information		

# Authorities may allow certain of this information to be provided in a confidential section of the Technical Questionnaire.

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
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8. Authorization for release

(a) Does the variety require prior authorization for release under legislation concerning the protection of the environment, human and animal health?

Yes [ ] No [ ]

(b) Has such authorization been obtained?

Yes [ ] No [ ]

If the answer to (b) is yes, please attach a copy of the authorization.

9. Information on plant material to be examined or submitted for examination

9.1 The expression of a characteristic or several characteristics of a variety may be affected by factors, such as pests and disease, chemical treatment (e.g. growth retardants or pesticides), effects of tissue culture, different rootstocks, scions taken from different growth phases of a tree, etc.

9.2 The plant material should not have undergone any treatment which would affect the expression of the characteristics of the variety, unless the competent authorities allow or request such treatment. If the plant material has undergone such treatment, full details of the treatment must be given. In this respect, please indicate below, to the best of your knowledge, if the plant material to be examined has been subjected to:

(a) Microorganisms (e.g. virus, bacteria, phytoplasma)	Yes [ ]	No [ ]
(b) Chemical treatment (e.g. growth retardant, pesticide)	Yes [ ]	No [ ]
(c) Tissue culture	Yes [ ]	No [ ]
(d) Other factors	Yes [ ]	No [ ]

Please provide details for where you have indicated "yes".

.....

10. I hereby declare that, to the best of my knowledge, the information provided in this form is correct:

Applicant's name

Signature  Date

[End of document]