

Working Group on DUS Support

UPOV/WG-DUS/3/2

**Third Meeting
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DRAFT RECOMMENDATIONS ON THE PROPOSALS PRESENTED IN DOCUMENT TC/58/18 “SURVEY ON THE NEEDS OF MEMBERS AND OBSERVERS IN RELATION TO TWPS”

Document prepared by the Office of the Union

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EXECUTIVE SUMMARY

1. The purpose of this document is to present draft recommendations on the proposals presented in TC/58/18 “Survey on the needs of members and observers in relation to TWPs” for consideration by the Working Group on DUS Support (WG-DUS), at its third meeting.
2. The WG-DUS is invited to consider the draft recommendations on the proposals in document TC/58/18, to be presented to the Technical Working Parties and Technical Committee, at their sessions in 2023.
3. The structure of this document is as follows:

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4. The following abbreviations are used in this document:

ATM:	Annual Technical Conference
TC:	Technical Committee
TC-EDC:	Enlarged Editorial Committee
TG	Test Guidelines
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
TWPs:	Technical Working Parties
TWV:	Technical Working Party for Vegetables
WG-DUS:	Working Group on DUS Support

BACKGROUND

5. The WG-DUS, at its first meeting¹, agreed that the UPOV annual technical meetings should aim to deliver the following (see document WG-DUS/1/1 "Report", paragraph 6):

- (a) Harmonized procedures;
- (b) Information on developments;
- (c) Interaction between experts and integration of new experts in UPOV's work;
- (d) Training.

6. The WG-DUS, at its second meeting² considered the following list of issues to improve the technical support provided by UPOV for DUS examination (see document WG-DUS/2/3 "Report", paragraph 6):

- (1) avoid unnecessary repetition of content across meetings;
- (2) integrating TWM-related matters into meetings/events with DUS examiners;
- (3) time for members' presentations on DUS procedures;
- (4) visits to field trials with sufficient time for engagement (e.g. ring-tests);
- (5) providing opportunities for experts to meet and exchange views;
- (6) facilitating training;
- (7) focus Test Guidelines discussion on revising existing TGs, including improving explanations and usability;
- (8) hybrid or online Test Guidelines meetings to increase involvement of experts and members;
- (9) facilitate drafting national test guidelines through access to other members' test guidelines and experts who can assist drafting;
- (10) other cross-cutting matters historically considered by TWPs (e.g. TGP documents, UPOV code etc.).

7. The following sections of this document propose recommendations based on the conclusions of the WG-DUS in relation to the proposals in document "Survey on the needs of members and observers in relation to TWPs".

DRAFT RECOMMENDATIONS ON THE PROPOSALS PRESENTED IN TC/58/18 "SURVEY ON THE NEEDS OF MEMBERS AND OBSERVERS IN RELATION TO TWPS"

Annual Technical Conference

Proposal in document TC/58/18:

Replace Technical Working Party meetings by a single Annual Technical Conference, hosted by a member of the Union, comprising the following activities:

- Presentations and discussions on current technical issues, including DUS trials, testing methods, molecular techniques and other topics proposed by the TC
- Thematic sessions covering particular crop sectors

¹ Held as a hybrid meeting on November 25, 2022

² Held via electronic means on February 8, 2023

- Demonstrations on DUS examination, including visits to trial sites in the host country
- Ring tests: planning; evaluation and discussion of results
- Exhibition of research (poster sessions)
- Meeting rooms to facilitate cooperation (e.g. bilateral discussions)
- Visits to plant breeders

The Annual Technical Conference would not take decisions. Participation would be open with the aim of attracting participation by, plant breeders, farmers, growers and researchers. All decisions on technical matters would remain with the Technical Committee (TC).

The TC would decide the date and place of the conferences and the general content of the program. The detailed program would be arranged by the host and the Office of the Union in consultation with the Chairperson of the Technical Committee. Parts of the annual technical conferences would allow virtual participation.

The resources required to host such a conference could be substantially different from those for hosting a Technical Working Party. Therefore, it should be accepted that the host could charge a fee to participants in relation to the costs involved in hosting the event. The host should also have the possibility to seek funding from suitable sources to contribute to the cost of hosting the event.

Draft Recommendation

8. It is **recommended** not to proceed with replacing Technical Working Party meetings by a single Annual Technical Conference. It is **recommended** to retain the Technical Working Party meetings on an annual basis and to take the following measures to address the issues raised in document TC/58 /18 and the current arrangement of the technical work supporting DUS examination in UPOV:

(a) Technical visits

9. It is **recommended** that more time during TWP meetings should be dedicated to technical visits, ring-tests and related discussions (see document WG-DUS/2/3 "Report", paragraph 10). In particular, it is **recommended** that the guidance provided to hosts should be for two days for technical visits.

10. It is **recommended** that the following elements be considered for inclusion in technical visits, according to the facilities and procedures in the member of the Union hosting the TWP:

- Visit to trials to see trial layout
- Plots created to demonstrate particular characteristics or issues
- Ring-tests
- Management of variety collections (physical material, databases, selection of varieties or other)
- Method for analyzing distinctness and uniformity
- Using molecular marker techniques in variety examination
- Demonstration of trial design and data analysis methodologies
- Data recording methods and technology

11. It is **recommended** that the technical visit demonstrates the model and arrangements for DUS examination used by the UPOV member hosting the TWP meeting. In particular, it is **recommended** that any member of the Union should be eligible to host a TWP meeting (see document WG-DUS/2/3 "Report", paragraph 12).

12. It is **recommended** that the host should enable virtual participants to join technical visits to the maximum extent possible.

(b) Test Guidelines

See Section "UPOV Test Guidelines"

(c) Cross-cutting issues

See Section "TGP documents"

(d) Matters for information

13. It is **recommended** that matters for information be made available online on the UPOV website as pre-recorded videos rather than being presented during the session.

(e) Periodicity and duration of TWP meetings

14. It is **recommended** to organize physical (hybrid) TWP meetings each year. The duration of the meetings should be four days. If no UPOV member offers to organize a physical meeting for a TWP in a given year, that meeting would be held electronically.

(f) Presence of the Office of the Union

15. It is **recommended** to acknowledge that the staff of the Office of the Union would not be involved in organizing the technical visits and would, therefore, not necessarily need to be present on site. Participation by the Office of the Union in the other parts of the TWP meeting could be via virtual means.

(g) Technical Working Party on Testing Methods and Techniques

16. It is **recommended** to retain the TWM with its current terms of reference and meeting arrangements. While acknowledging that the increased time for technical visits will increase the awareness of developments in testing methods and techniques, it is **recommended** to explore additional means of increasing awareness of developments in testing methods and techniques, such as through seminars and exhibitions (see “(h) Technical Committee”).

(h) Technical Committee

17. It is **recommended** that hybrid seminars on testing methods and techniques and other developments in DUS examination are organized along with meetings of the Technical Committee as a means to increase awareness of developments.

18. It is **recommended** that exhibitions of research with poster sessions are organized along with the seminars held in conjunction with the Technical Committee meetings as a means of increasing awareness of developments.

UPOV Test Guidelines

Proposal in document TC/58/18:

The following approach is proposed with regard to Test Guidelines:

Subgroups reporting to the Technical Committee

- Test Guidelines discussions would take place at online meetings of crop subgroups. These subgroups would report directly to the TC.
- A leading expert would be appointed by the TC to chair the subgroup discussions and be responsible for the work to develop or revise the Test Guidelines.
- The subgroups would have flexibility to agree on the frequency and duration of meetings.
- Any cross-cutting issues or outstanding matters identified by the subgroups would be addressed at the TC.

Workplan

- The workplan for developing or revising Test Guidelines would be considered by the TC, according to document TGP/7 “Development of Test Guidelines”.
- Priority would be given to revisions and partial revisions with new Test Guidelines being developed only where this would significantly increase the number of applications covered by Test Guidelines.

Procedure for development and adoption of Test Guidelines

- Once agreed by the sub-group, the leading expert would prepare a version of the draft Test Guidelines to be presented to the Editorial Committee prior to submission to the TC for adoption. Experts from UPOV members in the Editorial Committee would be invited to check consistency of the draft Test Guidelines with UPOV guidance.
- The TC would designate experts to become members of the Editorial Committee for a three-year term. TC-EDC designated experts should provide expertise in different crop types (agricultural, fruits, ornamentals and forest trees and vegetables) and UPOV languages.

- The role of the TC-EDC would, as now, be to ensure the quality of TGs, in accordance with UPOV guidance (e.g. TGP documents).

Training on drafting Test Guidelines

- Training on drafting Test Guidelines and applying UPOV guidance would be developed and offered to leading experts as webinars and video recordings.
- Explanations on the assessment of characteristics should be improved for each of the Test Guidelines revised.

Draft Recommendation:

Commissioning the drafting and revision of Test Guidelines

19. It is recalled that the procedure to prioritize work on revising and drafting new TGs was already covered by document TGP/7 “Development of Test Guidelines”. It is **recommended** that these procedures be applied to ensure that the work of the TWPs on TGs is most effective. The WG-DUS noted that, following the approach in TGP/7, the doubling of the number of Test Guidelines over the last 20 years had resulted in a change in the need away from drafting new TGs to revising the existing TGs, as witnessed in the statistics from the TWPs (see document WG-DUS/2/3 “Report”, paragraph 14).

Procedure for the development of Test Guidelines

Web-based TG Template

20. It is **recommended** to provide more flexibility for the Leading Expert to decide on the use of the web-based TG Template in the process of drafting TGs, while requiring that the draft for adoption by the TC would need to be prepared in the web-based TG template format, and to amend document TGP/7 as appropriate (see document WG-DUS/2/3 “Report”, paragraph 14).

Subgroup meetings

21. Document TGP/7, section 2.2.4.5 “Subgroup meetings” provides that:

“The relevant TWP may enhance the consultation of interested experts for certain TGs by the arrangement of TG Subgroup meetings. These Subgroup meetings may be held in conjunction with other UPOV meetings or may be organized as a separate meeting, with or without the Office being present. [...]”

22. While TG Subgroup meetings can continue to be arranged during TWP meetings, it is **recommended** that leading experts are encouraged to enhance exchange among crop experts, including by meetings outside of TWP sessions.

UPOV members test guidelines

Proposal in document TC/58/18:

The following approach is proposed with regard to UPOV members’ test guidelines:

Developing UPOV Test Guidelines for the more than 3000 genera and species that are not currently covered by UPOV Test Guidelines would not be feasible. To address the need for guidance on DUS testing of these species, UPOV provides information on practical experience and existing cooperation of UPOV members in the GENIE database. The feedback from the survey was that this information, in general, is not regularly maintained and is not widely used.

It is proposed that the Office of the Union would stop requesting information on practical knowledge and cooperation in DUS examination. Information on practical experience can be derived by searching the PLUTO database for members receiving recent applications. Guidance would be developed to instruct users to use the PLUTO database to obtain that information. UPOV is currently developing a DUS Exchange platform as part of the UPOV e-PVP initiative, which would provide practical assistance for cooperation in DUS examination (see DUS report exchange platform (UPOV e-PVP)).

A number of UPOV members have developed their own test guidelines for species for which there are no UPOV Test Guidelines. Enabling UPOV members to make their test guidelines available to other UPOV members would provide a practical resource and could facilitate cooperation for crops without UPOV Test Guidelines.

- The web-based TG template would be expanded to enable drafting of individual authorities' test guidelines.
- The content of individual authorities' test guidelines developed using the web-based TG template would be made available to UPOV members in a searchable format.
- It would be stated that national authorities' test guidelines would be the sole responsibility of the respective UPOV member.
- The number of accesses to individual authorities' test guidelines information would be monitored as an indicator for possible development of new UPOV Test Guidelines.

Members seeking assistance to develop their national test guidelines would be directed to the list of contact persons for international cooperation in DUS examination (see: https://www.upov.int/databases/en/contact_cooperation.html). Members willing to provide mentoring to others on drafting national test guidelines would be indicated in the list.

Draft Recommendation:

23. It is **recommended** that the proposals on "UPOV members' test guidelines" in document TC/58/18 are approved by the TC on the basis that options for enabling UPOV members to make their test guidelines available to other UPOV members would be investigated, including the use of the web-based TG Template or other options.

TGP documents

Proposal in document TC/58/18:

The following approach is proposed with regard to TGP documents:

Matters that would require amending or developing guidance in TGP documents would be dealt with by subgroups established by the Technical Committee (TC). These subgroups would meet online and report to the TC any proposals.

The TGP subgroups established by the TC would have a leading expert that would chair the discussions. The leading expert would be in charge of presenting the findings of the subgroup and any proposals to the TC.

The TC is invited to consider establishing TGP subgroups for matters that would require amending or developing guidance in TGP documents, as set out in paragraphs 34 to 36 of this document.

Draft Recommendation:

24. It is **recommended** that proposals on "TGP documents" in document TC/58/18 are approved by the TC on the basis that the subgroups could also meet as hybrid meetings along with other UPOV meetings.

Training

Proposal in document TC/58/18:

The following approach is proposed with regard to training:

Training webinars

Training webinars could be conducted to address topics of particular relevance, as defined by the TC in response to requests from members and/or observers.

The Technical Working Parties preparatory webinars held in 2021 and 2022 have been recorded and made available on the UPOV YouTube channel (https://www.youtube.com/playlist?list=PLiCnDr7C9sxZhQPuuAPPW1xY_o_EvTFfN). A similar webinar structure could be used to enable sharing of experiences from members on particular aspects of DUS examination. Video recordings of webinars would constitute a library of online resources.

Distance learning courses

The interviews revealed the need to update the distance learning courses and to offer training for breeders on DUS examination. A new course could be developed to explain how to use UPOV guidance on DUS examination.

Consideration could also be given to how to increase access to distance learning courses for plant breeders and PVP applicants.

One of the findings of the interviews was that the content of TGP documents is not easily accessible to those that were not involved in the drafting of the documents. A distance learning course could be developed to explain the guidance in TGP documents for DUS examination.

UPOV training webpage

The UPOV training webpage provides information on distance learning courses and other training, including assistance offered by members (see <https://www.upov.int/resource/en/training.html>). This webpage could be used to provide further information on possibilities for training provided by members.

The training webpage would be used to promote requests and offers for training and related cooperation, as proposed by members and relevant organizations.

Draft Recommendation:

25. It is **recommended** that proposals on “Training” in document TC/58/18 are approved by the TC on the basis that the development of a new distance learning course on using UPOV guidance on DUS examination (TGP documents) would be further investigated, including the format in which the content should be offered (e.g. workshop; videos).

DUS report exchange platform (UPOV e-PVP)

Proposal in document TC/58/18:

The following approach is proposed with regard to DUS report exchange platform (UPOV e-PVP):

The TC, at its fifty-sixth session, agreed to propose the development of a package of compatible IT tools to address the technical and related administrative concerns that prevented cooperation in DUS examination (see document TC/56/22, “Outcome of consideration of documents by correspondence”, paragraph 41).

The package of compatible IT tools includes a platform for exchanging DUS reports and documenting DUS procedures (“DUS Report Exchange Platform”). The DUS Report Exchange Platform is currently being developed in conjunction with the e-PVP Asia Pilot Project and will be made available as part of the UPOV e-PVP initiative (see document TC/58/8 “Cooperation in Examination”). A presentation on the developments will be made at the fifty-eighth session of the TC.

The DUS Report Exchange Platform will enable exchange of existing DUS reports for:

- (1) UPOV members to make existing DUS reports available for download
- (2) UPOV members to request existing or pending DUS reports

The DUS Report Exchange Platform will also enable UPOV members to make their documented DUS procedures and information on their quality systems available. The content provided will be the responsibility of each authority providing information.

Draft Recommendation:

26. It is **recommended** that the approach proposed for the “DUS report exchange platform” (UPOV e-PVP) in document TC/58/18 is supported by the TC.

PERFORMANCE INDICATORS

27. In relation to assessing success of the recommended proposals, the following performance indicators are **recommended**:

(a) Harmonized procedures

- Number of UPOV members using UPOV Technical Questionnaires
- Percentage of PVP applications in UPOV members covered by Test Guidelines

- Use of UPOV member test guidelines by other UPOV members to develop national test guidelines where there are no UPOV Test Guidelines
- Number of DUS reports produced by UPOV members that are used by other members

(b) Training

- Number of DUS examiners and administrators that have UPOV certification (see International Certificate on Plant Variety Protection)

28. The WG-DUS is invited to consider the draft recommendations on the proposals in document TC/58/18, to be presented to the Technical Working Parties and Technical Committee, at their sessions in 2023.

[Annex follows]

ANNEX

TERMS OF REFERENCE OF THE
WORKING GROUP ON DUS SUPPORT (WG-DUS)

PURPOSE

The purpose of the WG-DUS is to make recommendations to the Technical Committee at its fifty-ninth session on the proposals presented in TC/58/18 "Survey on the needs of members and observers in relation to TWPs".

COMPOSITION

- (a) the following members of the Union and observers that expressed an interest to be part of the WG-DUS: Argentina, Australia, Belarus, Brazil, Canada, Chile, China, the Czech Republic, the European Union, France, Germany, Ghana, Hungary, Japan, Kenya, Morocco, the Netherlands, New Zealand, the Republic of Korea, Romania, Slovakia, South Africa, Spain, the United Kingdom, the United Republic of Tanzania, the United States of America, CIOPORA, CropLife International, ISF and SAA;
- (b) other members of the Union would be free to participate at any meeting of the WG-DUS; and
- (c) meetings to be chaired by the Vice Secretary-General.

MODUS OPERANDI

- (a) The WG-DUS to:
 - (i) draft recommendations on the proposals presented in TC/58/18 "Survey on the needs of members and observers in relation to TWPs", including the possibility to present new proposals that would address the issues identified by participants in the interviews;
 - (ii) specify the objectives of each of the recommended proposals and identify performance indicators that would enable an objective measurement of the success of those proposals;
 - (iii) clarify the role of the Office of the Union, as appropriate, in each of the proposals;
 - (iv) present draft recommendations at the Technical Working Parties at their meetings in 2023; and
 - (v) present recommendations to the Technical Committee at its fifty-ninth session.
- (b) the WG-DUS to meet at a time and frequency to address its mandate, by physical and/or virtual means, as agreed by the WG-DUS; and
- (c) the documents of the WG-DUS to be made available to the TC.

[End of Annex and of document]