

Working Group on DUS Support

UPOV/WG-DUS/4/2

**Fourth 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

Disclaimer: this document does not represent UPOV policies or guidance

EXECUTIVE SUMMARY

1. The purpose of this document is to present draft recommendations on the proposals in document 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 fourth meeting.

2. The WG-DUS is invited to consider the draft recommendations on proposals in document TC/58/18, to be presented to the Technical Committee, at its fifty-eighth session, to be held in Geneva on October 23 and 24, 2023.

3. The structure of this document is as follows:

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4. The following abbreviations are used in this document:

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

5. The terms of reference of the Working Group on DUS Support (WG-DUS) are provided in Annex I to this document.

COMMENTS FROM THE TECHNICAL WORKING PARTIES AT THEIR SESSIONS IN 2023

6. The TWV¹, TWA², TWO³ and TWF⁴, at their sessions in 2023, considered document TWP/7/1 “Increasing participation in the work of the TC and restructuring the work of the TWPs” (see documents TWV/57/26 “Report”, paragraphs 5 to 9; TWA/52/11 “Report”, paragraphs 4 to 13; TWO/55/11 “Report”, paragraphs 4 to 8, and TWF/54/13 “Report”, paragraphs 6 to 11).

7. The list of comments provided by the TWPs is provided in Annex II to this document. Proposed changes to the WG-DUS recommendations resulting from comments from the TWPs are indicated in revisions mode and proposed for consideration by the WG-DUS (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strikethrough~~).

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

8. 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”.

9. The following recommendations for improving support for DUS examination are provided on the basis of the current arrangements for TWPs (one year of physical meeting in hybrid format alternating with a fully virtual meeting the following year). The recommendations are also provided considering the current tasks of the Office of the Union supporting the organization of TWP meetings and discussion on Test Guidelines (TGs).

Element 1: Technical Working Parties

10. It is **recommended** that the UPOV Technical Working Parties should aim to deliver the following:

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

11. The WG-DUS, at its third meeting⁵, agreed that the following issues to improve the technical support provided by UPOV also correlated to objectives in the Terms of Reference (see document WG-DUS/3/3 “Report”, paragraph 8):

¹ At its fifty-seventh session, held in Antalya, Türkiye, from May 1 to 5, 2023

² At its fifty-second session, held via electronic means, from May 22 to 26, 2023

³ At its fifty-fifth session, held via electronic means, from June 12 to 16, 2023

⁴ At its fifty-fourth session, held in Nimes, France, from July 3 to 7, 2023

⁵ Held as a hybrid meeting on March 20, 2023

- (1) avoid unnecessary repetition of content across meetings;
- (2) increasing interaction among TWM experts and those at TWPs and TC, including 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) to ensure that the work of the TWPs on Test Guidelines (TGs) is most effective;
- (8) TGs discussions as hybrid meetings during TWPs or as online meetings to increase the involvement of crop 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 Technical Working Parties (TWP) (e.g. TGP documents, UPOV Codes etc.).

12. It is **recommended** not to proceed with replacing Technical Working Party meetings by a single Annual Technical Conference.

13. It is **recommended** 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) Periodicity and duration of TWP meetings

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

(b) Discussions on DUS Procedures

15. It is **recommended** that more time during TWP meetings should be dedicated to discussions on DUS procedures, including technical visits, calibration exercises and related discussions.

16. It is **recommended** that the guidance provided to hosts should be for one full day of technical visits to demonstrate the model and arrangements for DUS examination used by the UPOV member hosting the TWP meeting.

17. It is **recommended** that the following elements be considered for inclusion in discussions on DUS procedures, according to the crops, 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
- Calibration exercises
- 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

18. It is **recommended** that any member of the Union should be eligible to host a TWP meeting. In particular, it is **recommended** that there should be sufficient flexibility for hosts to organize technical visits according to local conditions.

19. It is **recommended** that hosts enable virtual participation at technical visits whenever possible. It is recommended that, where virtual participation is not possible, the host record particular aspects of the visits and presentations about the DUS examination procedures discussed during the technical visits.

(c) Matters for information

20. 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.

(d) Presence of the Office of the Union

21. It is **recommended** that the presence of the Office of the Union is provided at TWP meetings preferably on-site. It is **recommended** to acknowledge that the staff of the Office of the Union would not be involved in organizing the technical visits and their presence on-site for the visits would be agreed with the chair and the host of the TWP.

(e) Technical Working Party on Testing Methods and Techniques

22. It is **recommended** to retain the TWM with its current terms of reference while providing the same meeting arrangement possibilities as the other TWPs. 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 “(f) Technical Committee”).

(f) Technical Committee

23. 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.

24. 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. Information from the poster sessions should also be made available to experts not physically present at the TC sessions.

Element 2: UPOV Test Guidelines

25. It is **recommended** that discussions on Test Guidelines should continue as an important element of TWP meetings as a means of harmonizing DUS procedures and as a means of providing opportunities for interaction and sharing experiences between experts. It is **recommended** that discussions should also be encouraged outside TWP meetings (e.g. online meetings, email) to increase the involvement of crop experts, broader participation of UPOV members and reducing the time required to complete Test Guidelines.

Commissioning the drafting and revision of Test Guidelines

26. It is recalled that the procedures to prioritize work and nominate leading experts in charge of revising and drafting new TGs is set out in document TGP/7 “Development of Test Guidelines” and continues to be appropriate. It is **recommended** that these procedures continue to be applied to ensure that the work of the TWPs on TGs is most effective (see document TGP/7, Section 2.2 “Procedure for the introduction of Test Guidelines”).

Procedure for the development of Test Guidelines

Web-based TG Template

27. 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

28. 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. [...]”

29. TWP meetings provide limited amount of time for Test Guidelines discussions. While TG Subgroup meetings can continue to be arranged during TWP meetings, it is **recommended** that leading experts enhance exchange among crop experts, including by meetings outside of TWP sessions. It is **recommended** that leading experts have flexibility to agree the frequency and duration of TG subgroup meetings, while reporting discussions back at the respective TWP.

Role of the Office of the Union

30. It is **recommended** that the Office of the Union provide administrative support of TG subgroup meetings as follows:

- For meetings arranged during TWP meetings, the involvement of the Office of the Union would be agreed between the leading expert and the Office of the Union (e.g. facilitating discussions and/or reporting decisions).
- For meetings arranged outside TWP meetings, administrative support would not be provided (leading experts to facilitate discussions and record decisions). Participation by the Office of the Union would be agreed between the leading expert and the Office of the Union.

Element 3: UPOV members test guidelines

31. It is **recommended** to consider expanding the web-based TG template or another UPOV tool to enable drafting of individual authorities' test guidelines.

32. It is **recommended** to direct members seeking assistance to develop their national test guidelines to the list of contact persons for international cooperation in DUS examination. It is **recommended** to expand the list to include information on members willing to provide mentoring to others on drafting national test guidelines (see: https://www.upov.int/databases/en/contact_cooperation.html).

33. It is **recommended** that options for enabling UPOV members to make their national test guidelines available to other UPOV members would be investigated, including through the web-based TG Template or other options. The number of accesses to individual authorities' test guidelines information could be monitored as an indicator for possible development of new UPOV Test Guidelines.

34. It is **recommended** that the Office of the Union 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. It is **recommended** that guidance be developed to instruct users to use the PLUTO database to obtain that information.

Element 4: TGP documents

35. It is **recommended** that 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/or as hybrid meetings along with other UPOV meetings and would report to the TC any proposals.

36. It is **recommended** that 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 and TWPs.

37. It is recommended that the TWPs are kept informed about subgroups established by the TC for amending or developing guidance in TGP documents and are provided opportunities to participate in discussions.

38. It is **recommended** that the Office of the Union provides administrative support for TGP subgroup meetings as follows:

- For meetings arranged during the TWPs, the involvement of the Office of the Union would be agreed between the leading expert and the Office of the Union.
- For meetings arranged outside the TWPs, administrative support would not be provided. The leading expert would facilitate the meetings and record any decisions. Participation by the Office of the Union would be agreed between the leading expert and the Office of the Union.

Element 5: Training

39. It is **recommended** to conduct training webinars to address topics of particular relevance, as defined by the TC in response to requests from members and/or observers, using a similar structure as the preparatory webinars held prior to TWP meetings.

40. It is **recommended** to update the distance learning courses. Consideration could also be given to increasing access to distance learning courses for plant breeders and PVP applicants.

41. It is **recommended** to further investigate the development of a new course on using UPOV guidance for DUS examination (e.g. developing national test guidelines), including in which format could the content be offered (e.g. workshop; videos).

42. It is **recommended** to provide further information on the UPOV website on possibilities for training provided by members and to use that training website to promote requests and offers for training and related cooperation, as proposed by members and relevant organizations.

43. It is **recommended** that training initiatives by the Office of the Union and UPOV members are developed outside the scope of TWP meetings because TWPs are not the best forum to provide training.

44. It is recalled that the UPOV International Certificate on Plant Variety Protection will provide a basis to demonstrate the level of expertise on plant variety protection according to the UPOV principles.

Element 6: DUS report exchange platform (UPOV e-PVP)

45. It is **recommended** that the development of a DUS report exchange platform (UPOV e-PVP) is supported to 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

46. It is **recommended** that the DUS Report Exchange Platform also enable UPOV members to make their documented DUS procedures and information on their quality systems available.

47. It is **recommended** to propose not to pursue the development of a UPOV quality accreditation system at this time.

PERFORMANCE INDICATORS

48. In relation to assessing the impact 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
- Time required for TWPs to approve new TGs or revisions of TGs

(b) Training

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

49. The development of further performance indicators could be considered along with the implementation of the recommendations in this document.

50. It is recommended that the work of the TWPs is periodically reviewed on the basis of the performance indicators above.

51. It is recommended that UPOV members are regularly surveyed on their satisfaction with the support for DUS examination provided by UPOV through the TC and TWPs.

52. The WG-DUS is invited to consider the draft recommendations in this document, to be presented to the Technical Committee, at its fifty-eight session, to be held on October 23 and 24, 2023.

[Annex I follows]

ANNEX I

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, CIOFORA, 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.

[Annex II follows]

ANNEX II

COMMENTS FROM TECHNICAL WORKING PARTIES AT THEIR SESSION IN 2023

The TWV, TWA, TWO and TWF, at their sessions in 2023, considered document TWP/7/1 “Increasing participation in the work of the TC and restructuring the work of the TWPs” (see documents TWV/57/26 “Report”, paragraphs 5 to 9; TWA/52/11 “Report”, paragraphs 4 to 13; TWO/55/11 “Report”, paragraphs 4 to 8, and TWF/54/13 “Report”, paragraphs 6 to 11).

Technical Working Party for Vegetables

The TWV considered document TWP/7/1 and noted the proposed draft recommendations under development at the Working Group on DUS support.

The TWV welcomed the possibility to hold the meetings in hybrid format to take advantage of the presence of experts both on-site and remotely.

The TWV agreed with the recommendation that TGP subgroups could meet in conjunction with other UPOV meetings, such as when discussing topics of particular relevance for a TWP (e.g. disease resistance characteristics for vegetable crops).

The TWV noted the recommendation on administrative support to be provided by the Office of the Union for TGP subgroup meetings and agreed to propose that the involvement of the Office of the Union should be agreed with the leading expert, whenever required.

The TWV agreed to propose that the measures implemented to restructure the work of the TWPs should be evaluated in the future and adjusted as required.

Technical Working Party for Agricultural Crops

The TWA noted the clarifications sought from the Office of the Union and that some concerns were expressed by some members regarding the recommendations presented in document TWP/7/1. After considering those points the following approaches were agreed:

The TWA agreed to propose amending the recommendation in paragraph 32 to read that Technical Working Party meetings should be held on an annual basis as hybrid meetings. The TWA agreed to propose that online meetings should be organized whenever no member was available to organize a hybrid meeting.

The TWA considered the recommendations in paragraphs 33 and 34 and agreed to propose the inclusion of calibration exercises in the list of elements for discussion on DUS procedures, according to the crops and facilities in the member of the Union hosting the TWP.

The TWA agreed that hosts of TWP meetings should have flexibility to organize technical visits according to the local conditions and arrangements for DUS examination used.

The TWA noted the concerns expressed on the challenges to enable virtual participation at technical visits and agreed to propose exploring alternatives with TWP hosts, such as recording particular aspects of the visits or presentations about DUS procedures.

The TWA agreed that subgroup meetings held outside of TWP sessions, in addition to the sessions themselves, were useful to advance the drafting of Test Guidelines and increasing the participation of crop experts, including plant breeders.

The TWA agreed to propose that the web-based **TG template** be used for the drafting of members' national test guidelines and noted there were divergent views on whether these should be shared using the same TG template.

The TWA agreed that preparatory webinars were a useful tool for training on topics of particular relevance.

The TWA agreed that the mention to “UPOV certification” should be further clarified in the document.

Technical Working Party for Ornamental Plants and Forest Trees

The TWO considered document TWP/7/1 and noted the proposed draft recommendations under development at the Working Group on DUS support.

The TWO agreed that TWP meetings should allocate more time for discussing DUS procedures and training. The TWO agreed that Test Guidelines discussions was an important means of harmonizing DUS procedures, providing opportunities for interaction between experts and training. The TWO agreed that discussions on Test Guidelines should continue as a central element of TWP meetings, while meetings outside of the TWPs should be used to advance their preparation and to include other crop experts.

The TWO considered the recommendation for the presence of the Office of the Union at in-person meetings and agreed to support the presence of the Office of the Union at TWP meetings preferably on-site, where appropriate.

The TWO agreed with the recommendation to further investigate the development of training on drafting test guidelines. The TWO agreed that the introduction of a tutor or "buddy" system could support new leading experts of UPOV Test Guidelines and the drafting of national test guidelines.

The TWO considered the recommendation that a drafter was selected to lead discussions on particular matters that would require amending or developing guidance in TGP documents. The TWO agreed that the TWPs should be kept informed and have sufficient opportunities to participate in discussions on amending or developing guidance in TGP documents.

Technical Working Party for Fruit Crops

The TWF considered document TWP/7/1 and the proposed draft recommendations under development at the Working Group on DUS support.

The TWF agreed that Technical Working Party (TWP) meetings were important for the development of Test Guidelines and agreed that further emphasis should be provided in document TWP/7/1 on this aspect.

The TWF agreed with the recommendation in paragraph 30 to organize discussions on Test Guidelines as hybrid meetings during the TWP sessions and as separate online meetings to increase the involvement of crop experts and members. The TWF agreed that online meetings should be used to reduce the time required to complete the drafting of Test Guidelines.

The TWF agreed with recommendation in paragraph 35 that discussions on DUS procedures include a technical visit to demonstrate the model and arrangements for DUS examination used by the UPOV member hosting the TWP meeting, while not restricting the possibility for any member of the Union to host a TWP meeting. The TWF agreed that there should be sufficient flexibility for hosts to organize technical visits according to local conditions at each host.

The TWF agreed with the conclusion of the WG-DUS, at its second meeting, that technical visits and ring-tests provided a means of sharing experiences but, beyond these aspects, TWPs were not the best forum to provide training and that training initiatives by the Office of the Union and UPOV members should be developed outside the scope of TWP meetings.

The TWF noted the request for information about quality assurance of DUS tests identified by participants in the interviews and agreed with the recommendation in paragraph 60 that the DUS Report Exchange Platform enable UPOV members to make their documented DUS procedures and information on their quality systems available. The TWF noted that the recommendations in document TWP/7/1 did not propose the establishment of a UPOV quality accreditation system.

[End of Annex II and of document]