International Union for the Protection of New Varieties of Plants

Working Group on DUS Support

Fourth Meeting Geneva, September 5, 2023

UPOV/WG-DUS/4/3

Original: English Date: September 5, 2023

REPORT

Adopted by the Working Group on DUS Support

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OPENING OF THE MEETING

- The Working Group on DUS Support (WG-DUS) held its fourth meeting on September 5, 2023, as a virtual meeting. The meeting was chaired by Mr. Peter Button, Vice Secretary-General of UPOV. The Terms of Reference of the WG-DUS are presented in Annex I to this report.
- 2. The meeting was opened by the Chair, who welcomed the participants.
- 3. The list of participants is reproduced in Annex II to this report.

AGENDA

4. The WG-DUS adopted the draft agenda as proposed in document UPOV/WG-DUS/4/1.

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

- 5. The WG-DUS considered document UPOV/WG-DUS/4/2.
- The WG-DUS noted that comments to document WG-DUS/4/2 had been submitted to the Office of the 6. Union and were reported during the meeting.
- The WG-DUS noted that participation in Test Guidelines and TGP subgroups would be open to observer 7. organizations.
- The WG-DUS agreed to present the recommendations set out in Annex III to this document to the Technical Committee (TC), at its fifty-ninth session.

DATE OF THE NEXT MEETING

Subject to the agreement by the TC, at its fifty-ninth session, to be held on October 23 and 24, 2023, the WG-DUS agreed that it had concluded its work and did not need to convene a further meeting.

> The WG-DUS adopted this report at the close of its meeting on September 5, 2023.

> > [Annexes follow]

UPOV/WG-DUS/4/3

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, 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.

[Annex II follows]

UPOV/WG-DUS/4/3

ANNEX II

LIST OF PARTICIPANTS

I. MEMBERS

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IV. OFFICE OF UPOV

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Manabu SUZUKI (Mr.), Technical/Regional Officer (Asia)
Kees VAN ETTEKOVEN, (Mr.) Technical Expert
Romy OERTEL (Ms.), Secretary II

[Annex III follows]

UPOV/WG-DUS/4/3

ANNEX III

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

- 1. 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".
- 2. 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

- 3. 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, including use of Test Guidelines
- 4. The WG-DUS, at its third meeting², 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) 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.).
- 5. It is **recommended** not to proceed with <u>the proposal for</u> replacing Technical Working Party meetings by a single Annual Technical Conference.
- 6. 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
- 7. 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.

¹ "The TC, at its fifty-seventh session, agreed that the TWP sessions would be scheduled one year as a virtual meeting and the following year as a physical meeting (e.g. 2023: virtual; 2024: physical) (see document TC/57/25 "Report", paragraph 64 (c))

² Held as a hybrid meeting on March 20, 2023

(b) Discussions on DUS Procedures

- 8. 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.
- 9. 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.
- 10. 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
- 11. 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.
- 12. 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, to be made available on the UPOV website.
 - (c) Matters for information
- 13. It is **recommended** that matters for information be made available online on the UPOV website as documents or pre-recorded videos rather than being presented during the session.
 - (d) Presence of the Office of the Union
- 14. It is **recommended** that the presence of the Office of the Union is provided be physically present at hybrid 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
- 15. 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

16. 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.

17. It is **recommended** that exhibitions of research with poster sessions are organized be considered 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

18. 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

19. 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

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. 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 subgroup 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. 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

- 23. 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). <u>Participation by the Office of the Union would
 be agreed between the leading expert and the Office of the Union.</u>

Element 3: UPOV members test guidelines

- 24. It is **recommended** to consider expanding the web-based TG template or another UPOV tool to enable drafting of individual authorities' test guidelines.
- 25. 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).
- 26. 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.
- 27. It is **recommended** that the Office of the Union stop review the requesting of 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

- 28. 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.
- 29. 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 <u>and TWPs.</u>
- 30. 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.
- 31. 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

- 32. 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. It is **recommended** that the Office of the Union organize the training webinars in conjunction with the members providing information.
- 33. It is **recommended** to update the distance learning courses. Consideration could also be given to increasing access to awareness of distance learning courses for by plant breeders and PVP applicants.
- 34. 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).

- 35. 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.
- 36. <u>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.</u>
- 37. <u>It is recalled that the UPOV International Certificate on Plant Variety Protection³ will provide a basis to demonstrate the level of expertise on plant variety protection according to the UPOV principles.</u>

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

- 38. 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
- 39. 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.
- 40. It is **recommended** to propose not to pursue the development of a UPOV quality accreditation system at this time.

PERFORMANCE INDICATORS

- 41. 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 UPOV 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 <u>UPOV certification</u> the <u>UPOV International</u> <u>Certificate on Plant Variety Protection</u>
- 42. The development of further performance indicators could be considered along with the implementation of the recommendations in this document.
- 43. <u>It is **recommended**</u> that the work of the TWPs is periodically reviewed on the basis of the performance indicators above.
- 44. <u>It is **recommended** that UPOV members and observer organizations are regularly surveyed on their satisfaction with the support for DUS examination provided by UPOV through the TC and TWPs.</u>

[End of Annex III and of document]

The Consultative Committee, at its ninety-eighth session, approved the proposals for the development of an international program on plant variety protection with the aim to obtain an International Certificate on Plant Variety Protection recognized by UPOV (see document C/55/13 "Report by the president on the work of the ninety-eighth session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee", paragraph 26.