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| International Union for the Protection of New Varieties of Plants |  |

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| **Working Group on Essentially Derived Varieties (WG-EDV)**  **Fourth Meeting**  **Geneva, October 19, 2021** | **UPOV/WG-EDV/4/3**  **Original:** English  **Date:** December 25, 2021 |

report

adopted by the Working Group on Essentially Derived Varieties

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# Opening of the MEETING

The Working Group on Essentially Derived Varieties (WG-EDV) held its fourth meeting via electronic means on October 19, 2021, chaired by Mr. Peter Button, Vice Secretary-General of UPOV.

The meeting was opened by the Chair, who welcomed the participants.

The list of participants is reproduced in the Annex to this report.

# Adoption of the agenda

The WG-EDV adopted the draft agenda as proposed in document UPOV/WG-EDV/4/1, after the deletion of the reference to “Document UPOV/WG-EDV/4/3” under item 4.

# Draft text for the revision of the Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention

The WG-EDV considered documents UPOV/WG-EDV/4/2 and UPOV/EXN/EDV/3 Draft 2.

The WG-EDV noted that the Office of the Union had requested comments to be provided in advance of the meeting by October 1, 2021, on document UPOV/EXN/EDV/3 Draft 2 “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention”.

The WG-EDV noted that comments from Morocco and joint comments from the International Seed Federation (ISF), International Community of Breeders of Asexually Reproduced Horticultural Plants (CIOPORA), CropLife International, Euroseeds, Asia and Pacific Seed Association (APSA), African Seed Trade Association (AFSTA) and Seed Association of the Americas (SAA) had been received prior to the meeting and had been published on the WG-EDV/4 webpage (see <https://www.upov.int/edocs/mdocs/upov/en/wg_edv_4/wg_edv_4_comments_3.pdf>). To facilitate discussions, a version of document UPOV/EXN/EDV/3 Draft 2, which presented the comments received prior to the fourth meeting, was considered by the WG‑EDV (document UPOV/EXN/EDV/3 Draft 2 – with comments prior to WG-EDV/4).

The WG-EDV agreed the following changes to the text of document UPOV/EXN/EDV/3 Draft 2 “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision)”:

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| Document UPOV/EXN/EDV/3 Draft 2 | Changes agreed by the WG-EDV at its fourth meeting |
| Paragraph 7 | “An essential characteristic is a characteristic that results from the expression of ~~one or more genes or other heritable determinants~~ the genotype and includes, but is not limited to, morphological, physiological, agronomic, industrial (e.g. oil characteristics) and/or biochemical characteristics.” |
| Paragraph 8 | “An ‘essential characteristic’ is a characteristic that is ~~essential~~ fundamental for the variety as a whole. It should contribute to the principal features, performance or value for use of the variety and be relevant for one the following: the producer, seller, supplier, buyer, recipient, user of the propagating material and/or of the harvested material and/or of the directly obtained products and/or the value chain.” |
| Paragraph 11 | “~~A predominantly~~ An essentially derived variety typically retains the expression of essential characteristics of the variety from which it is derived, except for those differences resulting from act(s) of derivation, which may also include differences in essential characteristics.” |
| Figures 2, 3, 4, 5, box 3: | “- predominantly derived from A ‘or B’” |
| Figures 2, 3, 4, 5, box 6: | “- predominantly derived from A ‘or Z-1’” |

# Recommendation

The WG-EDV recommended that the CAJ, at its seventy-eighth session to be held on October 27, 2021, consider document UPOV/EXN/EDV/3 Draft 2 “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision)”, in conjunction with the changes agreed by the WG‑EDV, as presented in paragraph 8 (above) and the following comments:

1. the WG-EDV noted the comments made by the Delegation of Spain in relation to document UPOV/EXN/EDV/3 Draft 2 and agreed it would be important for members of the WG‑EDV to take the opportunity to discuss those comments with the Delegation of Spain prior to the CAJ; and
2. the representative of the Association for Plant Breeding for the Benefit of Society (APBREBES) did not agree with the text of Section II and the inclusion of Section III in document UPOV/EXN/EDV/3 Draft 2, as explained in the comments of APBREBES, in document UPOV/WG-EDV/4/2, Annex, Appendix IV (see at <https://www.upov.int/edocs/mdocs/upov/en/wg_edv_4/upov_wg_edv_4_2.pdf>).

# Date and program of the fifth meeting, if applicable

Subject to the agreement by the CAJ, at its seventy-eighth session to be held on October 27, 2021, the WG-EDV agreed that it had concluded its work and did not need to convene a further meeting.

*This report was adopted by correspondence.*

[Annex follows]

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS / LISTA DE PARTICIPANTES

(dans l’ordre alphabétique des noms français des membres /  
in the alphabetical order of the French names of the members /  
por orden alfabético de los nombres en francés de los miembros)

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