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# INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS Geneva

# **TECHNICAL COMMITTEE**

# Forty-Ninth Session Geneva, March 18 to 20, 2013

# TGP DOCUMENTS

Document prepared by the Office of the Union

1. The purpose of this document is: to report on developments concerning TGP documents, to provide background information to assist the Technical Committee (TC) in its consideration of individual TGP documents, and to present a tentative program for the development of TGP documents.

- 2. The following abbreviations are used in this document:
  - CAJ: Administrative and Legal Committee
  - TC: Technical Committee
  - TC-EDC: Enlarged Editorial Committee
  - TWA: Technical Working Party for Agricultural Crops
  - TWC: Technical Working Party on Automation and Computer Programs
  - TWF: Technical Working Party for Fruit Crops
  - TWO: Technical Working Party for Ornamental Plants and Forest Trees
  - TWV: Technical Working Party for Vegetables
  - TWPs: Technical Working Parties

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## I. BACKGROUND

4. The purpose of document TG/1/3 "General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants" (General Introduction), and the associated series of documents specifying Test Guidelines' Procedures (TGP documents), is to set out the principles which are used in the examination of DUS. The only binding obligations for members of the Union are those contained in the UPOV Convention itself. However, on the basis of practical experience, the General Introduction and the TGP documents seek to provide general guidance for the examination of all species in accordance with the UPOV Convention. In addition, UPOV has developed "Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability" (Test Guidelines), for many individual species or other variety groupings. The purpose of those Test Guidelines is to elaborate certain of the principles contained in the General Introduction and the associated TGP documents, into detailed practical guidance for the harmonized examination of DUS and, in particular, to identify appropriate characteristics for the examination of DUS and production of harmonized variety descriptions.

5. As noted by the Chair at the fifty-fourth session of the Administrative and Legal Committee (CAJ), held in Geneva on October 16 and 17, 2006, the development of TGP documents in relation to the DUS examination may be seen as another element in the preparation of information materials concerning the UPOV Convention<sup>1</sup> and, in addition to being published in their own right, the TGP documents can be used in support of various UPOV activities. In particular, the General Introduction and the TGP documents will form the basis of an advanced module on "Examination of Applications for Plant Breeders' Rights" for inclusion in the Distance Learning program, which the Consultative Committee has entrusted the Office of the Union to develop.

Document reference	Issue	Title	Issue date
TGP/0	/5	List of TGP Documents and Latest Issue Dates	November 1, 2012
TGP/1		General Introduction With Explanations	not yet issued
TGP/2	/1	List of Test Guidelines Adopted by UPOV	April 6, 2005
TGP/3		Varieties of Common Knowledge	not yet issued <sup>2</sup>
TGP/4	/1	Constitution and Maintenance of Variety Collections	April 11, 2008
TGP/5		Experience and Cooperation in DUS Testing	
Introduction		Introduction	October 30, 2008
Section 1	/2	Model Administrative Agreement for International Cooperation in the Testing of Varieties	October 30, 2008
Section 2	/3	UPOV Model Form for the Application for Plant Breeders' Rights	October 21, 2010
Section 3	/1	Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders' Rights	April 6, 2005
Section 4	/2	UPOV Model Form for the Designation of the Sample of the Variety	October 30, 2008
Section 5	/2	UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results	October 30, 2008

6. The situation with regard to the development of TGP documents can be summarized as follows:

<sup>&</sup>lt;sup>1</sup> The CAJ, at its fifty-second session, held in Geneva on October 24, 2005, agreed an approach for the preparation of information materials concerning the UPOV Convention, as explained in paragraphs 8 to 10 of document CAJ/52/4. It also agreed the establishment of an advisory group to the CAJ ("CAJ-AG") to assist in the preparation of documents concerning such materials, as proposed in paragraphs 11 to 14 of document CAJ/52/4 (see paragraph 67 of document CAJ/52/5, Report).

At its fifty-fifth session, held in Geneva on March 29, 2007, "[t]he CAJ endorsed the conclusion of the CAJ-AG that the General Introduction already provided guidance with respect to the term 'common knowledge' and that it would not be appropriate, for the time being, to pursue the development of document TGP/3 'Varieties of Common Knowledge'." (see document CAJ/55/7, paragraph 46).

Document reference	Issue	Title	Issue date
Section 6	/2	UPOV Report on Technical Examination and UPOV Variety Description	October 30, 2008
Section 7	/2	UPOV Interim Report on Technical Examination	October 30, 2008
Section 8	/1	Cooperation in Examination	April 6, 2005
Section 9	/1	List of Species in Which Practical Knowledge has Been Acquired or for Which National Test Guidelines Have Been Established	April 6, 2005
Section 10	/2	Notification of Additional Characteristics	October 20, 2011
Section 11	/1	Examples of Policies and Contracts for Material Submitted by the Breeder	October 30, 2008
TGP/6	/1	Arrangements for DUS Testing	
Section 1	/1	Introduction	April 6, 2005
Section 2	/1	Examples of Arrangements for DUS Testing	April 6, 2005
Section 3	/1	Declaration on the Conditions for the Examination of a Variety Based on Trials Carried Out by or on behalf of the Breeder	April 6, 2005
TGP/7	/3	Development of Test Guidelines	October 20, 2011
TGP/8	/1	Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability	October 21, 2010
TGP/9	/1	Examining Distinctness	April 11, 2008
TGP/10	/1	Examining Uniformity	October 30, 2008
TGP/11	/1	Examining Stability	October 20, 2011
TGP/12	/2	Guidance on Certain Physiological Characteristics	November 1, 2012
TGP/13	/1	Guidance for New Types and Species	October 22, 2009
TGP/14	/1	Glossary of Terms Used in UPOV Documents	October 21, 2010
TGP/15		[New Types of Characteristics] [Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)]	not yet issued

The General Introduction, approved TGP documents and adopted Test Guidelines are published on the UPOV website at <a href="http://www.upov.int/upov\_collection/en/">http://www.upov.int/upov\_collection/en/</a>

# II. DOCUMENTS TO BE CONSIDERED BY THE TECHNICAL COMMITTEE

# (a) <u>TGP documents for adoption in 2013</u>

- (i) New TGP Document
  - TGP/15:[New Types of Characteristics][Guidance on the Use of Biochemical and Molecular<br/>Markers in the Examination of Distinctness, Uniformity and Stability (DUS)]
    - see document TGP/15/1 Draft 4 : "[New Types of Characteristics] [Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)]"

7. The TC, at its forty-seventh session held in Geneva from April 4 to 6, 2011, and the CAJ, at its sixty-third session held in Geneva on April 7, 2011, agreed that document TGP/15 should be developed separately, but in parallel, to document BMT/DUS on the basis that document BMT/DUS<sup>3</sup> would provide a report on the development and consideration of all models within UPOV and that document TGP/15 would provide guidance for the use of those models that had received a positive assessment and for which accepted examples could be provided, i.e. Models "Characteristic-specific molecular markers" (Section 3.1.1) and "Combining phenotypic [characteristics] and molecular distances in the management of variety collections" (Section 3.1.2) for the time being. It agreed that the purpose of both documents should be clarified within the documents and noted that both documents would need to be adopted by the Council. The TC and CAJ also agreed that consideration should be given to how to maintain both documents in an efficient way (see document TC/47/26 "Report on the Conclusions", paragraph 16).

8. The TC, at its forty-eighth session held in Geneva from March 26 to 28, 2012, considered document TGP/15/1 Draft 2 "Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)", in conjunction with document TC/48/5 "TGP Documents" (see document TC/48/22 "Report on the Conclusions", paragraphs 31 and 32).

9. The TC, at its forty-eighth session, agreed with the recommendation of the TC-EDC, as set out in paragraphs 7 to 9 of document TC/48/5, that document TGP/15/1 Draft 1 should be redrafted (restructured) to provide the following:

- firstly, to present the principles, including the assumptions which provided the basis for the positive assessment of the examples in the approved models; and
- secondly, to provide practical experience in the form of examples in the implementation of the principles.

(see document TC/48/22 "Report on the Conclusions", paragraph 33).

10. With regard to TGP/15/1 Draft 2, Annex I, paragraph 3(a), the representative of the International Seed Federation (ISF) questioned whether it was necessary for markers to be examined more than once on the same sample. He also suggested that paragraph 3(b) be amended to clarify that, if there was a difference between the information provided in the Technical Questionnaire and the result of the bioassay, the result of the bioassay would prevail (see document TC/48/22 "Report on the Conclusions", paragraph 34).

11. The TC, at its forty-eighth session, agreed that, on the basis of the comments above, a new draft should be prepared by the Office of the Union in conjunction with the Chairman of the TC and the Chairman of the BMT, which would be presented to the Enlarged Editorial Committee (TC-EDC) at its meeting in January 2013 and a further draft presented to the TC at its forty-ninth session. The TC noted that the timetable for the development of document TGP/15 would be reported to the TWPs at their sessions in 2012 (see document TC/48/22 "Report on the Conclusions", paragraph 35).

<sup>3</sup> 

Adopted as document UPOV/INF/18/1 "Possible use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)."

12. The CAJ, at its sixty-fifth session held in Geneva, on March 29, 2012, agreed with the conclusion of the TC that document TGP/15/1 Draft 1 be redrafted (restructured) as follows, as set out in paragraph 8 of this document:

- firstly, to present the principles, including the assumptions which provided the basis for the positive assessment of the examples in the approved models; and
- secondly, to provide practical experience in the form of examples in the implementation of the principles.

(see document CAJ/65/12 "Report on the Conclusions", paragraph 26).

13. The TC-EDC, at its meeting held in Geneva on January 9 and 10, 2013, considered documents TC-EDC/Jan13/2 "TGP Documents" and TGP/15/1 Draft 3. The TC-EDC agreed that document TGP/15/1 Draft 4, to be considered by the Technical Committee at its forty-ninth session, would be an appropriate basis for the adoption of document TGP/15 by the Council in 2013. The TC-EDC also noted that the document could be revised in the future, for instance to incorporate additional examples for the models.

14. The proposed program for the development of TGP documents set out in the Annex to this document anticipates the adoption of document TGP/15/1 by the Council at its forty-seventh ordinary session, to be held in Geneva on October 24, 2013. The French, German and Spanish translations of the original English text will be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/15/1 to the Council. The comments of the TC, at its forty-ninth session, concerning document TGP/15/1 Draft 4, will be reported to the CAJ at its sixty-seventh session.

15. The TC is invited to:

(a) consider document TGP/15/1 Draft 4 as the basis for the adoption of document TGP/15/1 by the Council, as set out in paragraph 14; and

(b) note that document TGP/15/1 could be revised in the future, for instance to incorporate additional examples for the models.

(ii) Revision of TGP Documents

TGP/14: Glossary of Terms Used in UPOV Documents

- *Revision of existing sections of document TGP/14:* Section 2: Botanical Terms, Subsection 2: Shapes and Structures (document TC/49/35)
- *Revision of document TGP/14:* Section 2: Botanical Terms, Subsection 3: Color (document TC/49/36)

16. The following paragraphs present background information concerning the proposed revision of document TGP/14/1. The proposed text for the revision of document TGP/14/1 Section 2: "Botanical Terms, Subsection 2: Shapes and Structures" and Section 2: "Botanical Terms, Subsection 3: Color" (new), on the basis of the comments of the TWPs and of the TC-EDC, is presented in documents TC/49/35 and TC/49/36, respectively.

17. The TC approved the program for the development of TGP documents, as set out in Annex II to document TC/48/5, subject to deletion of "(Color Subsection & revisions)" from TWPs in 2013 and addition to CAJ/67 in 2013 (see document TC/48/22 "Report on the Conclusions", paragraph 78). On that basis, the proposed program for the development of TGP documents set out in the Annex to this document anticipates the adoption of document TGP/14/2 by the Council at its forty-seventh ordinary session, to be held in Geneva on October 24, 2013. The updating of definitions of terms and indices, and the checking of the French, German and Spanish translations of the original English text by the relevant members of the Editorial Committee, will be done prior to submission of the draft of document TGP/14/2 to the Council. The comments of the TC, at its forty-ninth session, concerning document TGP/14/2 Draft 4, will be reported to the CAJ at its sixty-seventh session.

• Section 2: "Botanical Terms, Subsection 2: Shapes and Structures" (see document TC/49/35)

## SECTION 2: BOTANICAL TERMS: SUBSECTION 2: SHAPES AND STRUCTURES: I. SHAPE

## 1. <u>Components of Shape: states of expression for ratios</u>

### Conclusions of the Technical Committee in 2012

18. With regard to the use of characteristics for ratios, the TC, at its forty-eighth session, agreed that it should be possible to use states such as "high" or "low", provided that explanations and illustrations were provided to avoid any risk of confusion. It also agreed that it should be possible to use states such as "elongated" and "compressed" for characteristics that were worded as shapes, rather than ratios (see document TC/48/22 "Report on the Conclusions", paragraph 74).

### Comments of the Technical Working Parties in 2012

19. At their sessions in 2012, the Technical Working Parties considered a draft for a proposed text for revision of TGP/14 – "Section 2: Botanical Terms: Subsection 2: Shapes and Structures: I. SHAPE: Section 1", prepared by experts from Denmark, Germany and the United Kingdom, as presented in documents TWO/45/27, TWA/41/27, TWC/30/27, TWF/43/27 and TWV/46/27.

20. The Technical Working Parties in 2012, made the following comments:

	With regard to revision of "components of shape: states of expression for ratios" the TWA recommended that it would be more appropriate to use the states small to large in place of low to high when considering ratio: length/width. If the characteristic ratio: length/ width was presented as shape, then the states would be compressed to elongated (see document TWA/41/34 "Report", paragraph 56).	TWA
	The TWV highlighted that the use of length, width and ratio could be useful in certain cases, if appropriate (see document TWV/46/41 "Report", paragraph 48).	TWV
	With regard to revision of "components of shape: states of expression for ratios", the TWV recommended that it would be more appropriate to use the states "very low to very high" in place of "very high to very low" when considering ratio: length/width. If the characteristic ratio: length/width was presented as shape, then the states would be "very compressed to very elongated" in place of "very elongated to very compressed" (see document TWV/46/41 "Report", paragraph 49).	TWV
	<ul> <li>With regard to revision of "<u>components of shape: states of expression for ratios</u>", the TWF:</li> <li>appreciated that their earlier proposal to have all states from "compressed to elongated" had been agreed upon by other TWPs;</li> <li>requested that the changes proposed be consistently updated throughout document TGP/14;</li> <li>proposed that the ratio diameter/height be changed to ratio length/width to be consistent throughout document TGP/14.</li> <li>(see document TWF/43/38 "Report", paragraph 42).</li> </ul>	TWF
	With regard to revision of "Components of shape: states of expression for ratios", the TWO agreed with the recommendations of the TWF and TWV that it would be more appropriate to use the states "very low to very high" in place of "very high to very low" when considering ratio: length/width. If the characteristic ratio: length/width was presented as shape, then the states would be "very compressed to very elongated" in place of "very elongated to very compressed, with the appropriate explanation (see document TWO/45/37 "Report", paragraph 42).	TWO
1.3	With regard to Section 2: paragraph 1.3, the TWF requested further elaboration on the definition for "base", providing an example, indicating the precise orientation of base (see document TWF/43/38 "Report", paragraph 43).	TWF

1.5 With regard to revision of "Components of shape: states of expression for TV ratios", the TWO proposed to amend the spelling of the word "length" in paragraph 1.5 in Annex III to document TWO/45/27 (see document TWO/45/37 "Report", paragraph 43).	NO
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21. The TC-EDC, at its meeting on January 9 and 10, 2013, made the following proposals:

1.2 (a)	to retain the wording "(or ratio width/length)" in the first mention of TC-EDC	
	ratio length/width. In subsequent instances, the reference to	
	"ratio width/length" to be deleted.	

# 2. <u>Developing Shape-Related Characteristics: avoidance of duplication of characteristics</u>

# Conclusions of the Technical Committee in 2012

22. The TC at its forty eighth session held in Geneva from March 26 to 28, 2012, welcomed the study concerning "Examination of the use component and composite characters for determining distinctness", prepared by experts from Denmark, Germany and the United Kingdom, as presented in Annex I to document TC/48/20. The TC agreed that guidance, based on that study, should be prepared for the TWPs sessions in 2012, by the experts from Germany, Denmark and the United Kingdom (see document TC/48/22 "Report on the Conclusions", paragraph 75).

# Comments of the Technical Working Parties in 2012

23. At their sessions in 2012, the Technical Working Parties considered a draft for a proposed text prepared by experts from Denmark, Germany and the United Kingdom to be included in TGP/14: Section 2: Botanical Terms: Subsection 2: Shapes and Structures: I. Shape: Section 2 new paragraph 2.9 – "Use of composite characteristics for determining distinctness and uniformity", as presented in documents TWO/45/27, TWA/41/27, TWC/30/27, TWF/43/27 and TWV/46/27.

24. The Technical Working Parties in 2012, made the following comments:

The TWA considered the guidance on use of composite characteristics for determining distinctness and uniformity contained in Annex V to document TWA/41/27. The TWA agreed that the presented method was useful and recommended its inclusion in document TGP/14 (see document TWA/41/34 "Report", paragraph 57).	TWA
The TWV agreed with the proposal of the TWA that the guidance on use of composite characteristics for determining distinctness and uniformity contained in Annex V to document TWA/41/27 was useful and recommended its inclusion in document TGP/14 (see document TWV/46/41 "Report", paragraph 50).	TWV
With regard to the guidance on use of composite characteristics for determining distinctness and uniformity contained in the Annex V to document TWC/30/27, the TWC suggested that the heading of the second bullet point should read "provide additional information over that of its components" (see document TWC/30/41 "Report", paragraph 60).	TWC
The TWO agreed on the usefulness of the guidance on use of composite characteristics for determining distinctness and uniformity contained in the Annex V to document TWO/43/27 and noted that length/width and ratios were frequently used in the field of ornamentals and fruit trees (see document TWO/45/37 "Report", paragraph 44).	TWO

# 3. <u>Developing Shape-Related Characteristics: perspective from which to observe plant shapes</u>

### Conclusions of the Technical Committee in 2012

25. The TC at its forty eighth session held in Geneva from March 26 to 28, 2012, recalled that it had agreed to recommend that, where appropriate, an explanation for shape characteristics should provide guidance on the perspective from which to observe the shape (see document TC/48/22 "Report on the Conclusions", paragraph 71).

# Comments of the Technical Working Parties in 2012

26. At their sessions in 2012, the Technical Working Parties considered a draft for a proposed text prepared by experts from Denmark, Germany and the United Kingdom, for revision of TGP/14: "Section 2: Botanical Terms: Subsection 2: Shapes and Structures: I Shape: 2. Developing Shape –Related Characteristics, New Section", as presented in documents TWO/45/27, TWA/41/27, TWC/30/27, TWF/43/27 and TWV/46/27.

27. The Technical Working Parties in 2012, made the following comments:

The TWA agreed with the proposed text in Annex I to document TWA/41/27 concerning the perspective from which to observe plant shapes (see document TWA/41/34 "Report", paragraph 54).	TWA
With regard to Section 2: paragraph 2.8 <u>perspective from which to observe plant shap</u> es, the TWF agreed with the text in Annex I and proposed to add examples and explanations in TGP/14. Experts from Mexico and New Zealand would provide information. (see document TWF/43/38 "Report", paragraph 39).	TWF
With regard to Section 2: paragraph 2.8 "Perspective from which to observe plant shapes", the TWO agreed with the text as set out in Annex I of document TWO/45/27, paragraph 2.8, as follows: "Where appropriate, an explanation of the perspective from which to observe the shape should be included in the Test Guidelines." (See document TWO/45/37 "Report" paragraph 40).	TWO

SECTION 2: BOTANICAL TERMS: SUBSECTION 2: SHAPES AND STRUCTURES: III. DEFINITIONS FOR SHAPES AND STRUCTURE TERMS

1. Definition for Botanical Terms

# Conclusions of the Technical Committee in 2012

28. With regard to a future revision of TGP/14 "Glossary of Terms Used in UPOV Documents", Section 2: Botanical Terms: Subsection 2: Shapes and Structures: I. Shape: II. Structure: Section 2.4, the TC, at its forty eighth session held in Geneva from March 26 to 28, 2012, agreed that additional definitions for botanical terms, such as for peduncle and petiole, should be added to document TGP/14 where the provision of such definitions would help to avoid confusion. However, it confirmed that this should not result in a change to the explanation in document TGP/14/1 that "In general, the meaning of botanical terms which are used in the Test Guidelines to indicate the relevant part of the plant to be examined, but which are not themselves used as states of expression (e.g. bract, petal, berry, etc.), do not require a UPOV specific definition and are not included in this document" (see document TC/48/22 "Report on the Conclusions", paragraph 72).

29. The TC, at it session in 2012, agreed the following definition of "spike" for inclusion in a future revision of document TGP/14/1: Section 2: Botanical Terms: Subsection 2: Shapes and Structures: III. Definitions for Shape and Structure Terms (see document TC/47/26 "Report on the Conclusions", paragraphs 81 to 83):

	Spike	an indeterminate inflorescence with sessile flowers on an unbranched axis.
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# Comments of the Technical Working Parties in 2012

30. At their sessions in 2012, the Technical Working Parties considered a draft for a proposed text prepared by experts from Denmark, Germany and the United Kingdom to be included in Tgp/14: Section 2: Botanical Terms: Subsection 2: Shapes and Structures: III. Definitions for shape and structure terms", as presented in documents TWO/45/27, TWA/41/27, TWC/30/27, TWF/43/27 and TWV/46/27.

31. The Technical Working Parties in 2012, made the following comments:

The TWA agreed with the proposed definitions for peduncle, pedicel, petiole and T	WA
petiolule and recommended to check translation of these terms (see document	
TWA/41/34 "Report", paragraph 55).	

	The TWV proposed to amend the definitions of peduncle, pedicel, main stem, as set out in Annex II to document TWV/46/27, as follows (see document TWV/46/41 "Report", paragraph 46):	TWV
Terms		
Peduncle	A stem supporting a solitary flower or fruit, or an inflorescence, or supporting an infructescence after fecundation.	TWV
	The TWF proposed to read "Pedúnculo" in the Spanish translation for "Peduncle". (see document TWF/43/38 "Report", paragraph 40).	TWF
	With regard to Section 2: "Definition for Botanical Terms", the TWO proposed to maintain the original definition for "Peduncle" as set out in Annex II of document TWO/45/27 with the following amendment: "A stem supporting an inflorescence or supporting an infructescence after fecundation." (See document TWO/45/37 "Report", paragraph 41).	TWO
Pedicel	A stem which attaches single flowers or fruits to the main stem peduncle of the inflorescence or infructescence.	TWV
	The TWF requested clarification on the term "single flowers". (see document TWF/43/38 "Report", paragraph 41).	TWF
Petiole	A stalk attaching the leaf blade to the stem.	TWV
Petiolule	A stalk of any of the leaflets making up a compound leaf.	TWV
	The TWF proposed to read "Peciolulo" in the Spanish translation and "Blattfiederstiel" in the German translation for "Petiolule". (see document TWF/43/38 "Report", paragraph 40).	TWF

• Section 2: "Botanical Terms, Subsection 3: Color" (see document TC/49/36)

32. The TC at its forty-eighth meeting, held in Geneva, from March 26 to 28, 2012, considered a draft of Section 2: Botanical Terms, Subsection 3: Color, as set out in the Annex to document TC/48/21. The TC agreed that a new draft, based on the document TC/48/21 and the comments of the TWPs at their sessions in 2011 should be prepared by the experts from Germany and the Netherlands, for consideration by the TWPs at their sessions in 2012 (see document TC/48/22 "Report on the Conclusions", paragraphs 76 and 77).

33. The TWPs considered the new draft of Section 2: Botanical Terms, Subsection 3: Color, as set out in documents TWA/41/25, TWV/46/25, TWC/30/25, TWF/43/25 and TWO/45/25, prepared by the experts from Germany and the Netherlands and made the following comments:

General	The TWC considered document TWC/30/25 and suggested that the respective RHS colour be included in each of the photographs that were introduced in the document (see document TWC/30/41 "Report", paragraph 62).	TWC
	The TWO considered document TWO/45/25 and noted modifications made in the new draft on the basis of the comments by the TWPs in 2011 and made further comments as follows (see document TWO/45/37 "Report", paragraph 45):	TWO
Part I: Introduction	to redraft the last paragraph as follows: "For describing colors of plants in test guidelines, it is <u>generally</u> the <u>usual</u> practice to <u>look at one or more</u> <del>observe two</del> of the three elements <u>of color</u> , <u>separately or in combination</u> . <del>COLOR and INTENSITY. SATURATION is</del> effectively incorporated into the observation of COLOR."	TWO

Part II: Color, 2.1 "Terms used for color"	The TWF considered document TWF/43/25. With regard to paragraph 2.1, the TWF agreed that the example for "intensity of color" in the table should be reviewed and reference to "orange" be deleted.	TWF
	Intensity: light yellow, medium yellow, dark yellow, <del>light orange, medium orange</del> (see document TWF/43/38 "Report", paragraph 46)	
2.1	to delete "light orange" and "medium orange" from states of intensity because this lead to confusion between hue and intensity and agreed to move the arrow down in the illustration.	TWO
2.2.3	to read: "Depending on the organ described, the intensity can be presented either <u>in relation to a single color or in combination with different colors</u> <del>alone</del> <del>(example) or in combination with the color</del> (example 2)."	TWO
2.3.1	As explained in the introduction, color is complex and can be defined in terms of 3 main elements: hue, saturation and intensity. To read: For describing colors of plants in Test Guidelines, it is generally the practice to look at one or more of the three elements of color, separately or in <u>combination</u> . Therefore, any characteristic which combines more than one of those elements is likely to constitute a pseudo-qualitative characteristic. However, li In those cases in which only the intensity of a color varies, the type of expression would be quantitative. In those cases where there is a low precision and there is a clear discontinuity between the colors (e.g. white and red), the type of expression would be qualitative.	TWO
2.3.1 (a)	to delete current example and to provide another example of a truly QL characteristic	TWO
2.3.1 (c)(iii)	to read: "Color range"	TWO
PART III	to update TG references and Worked Examples according to latest versions	TWO
3.1	to read: "The main color is the color with the largest surface area. In cases where the areas of the main and secondary color <u>are too similar</u> to reliably decide which color has the largest area are approximately the same, [the darkest color] / [the color[location]] is considered to be the main color."	TWO
3.5.1	to read: "Variegation: Well defined areas of different colors or intensities, with less or no chlorophyll, especially as very light green, yellow or white longitudinal stripes or irregular shaped areas or marginal zone combined with a green color on leaves. <u>Variegation consists of color, color distribution and pattern.</u> <u>Depending on the species concerned, it may not be necessary for all components to be described</u> ." and to add examples for variegation from 4.2.1.8	TWO
Part IV, 4.1 Schematic overview	to delete the variegation images	TWO
4.2.1.8	to delete	TWO

34. The TC-EDC, at its meeting on January 9 and 10, 2013, made the following proposals:

3.3 (b)	to delete "PQ"	
Example		

35. The TC is invited to consider documents TC/49/35 and TC/49/36 as the basis for the adoption of document TGP/14/2 by the Council, as set out in paragraph 17.

# TGP/0: List of TGP Documents and Latest Issue Dates

36. The TC is invited to note that the program for the development of TGP documents set out in the Annex to this document anticipates the adoption of TGP/0/6 by the Council at its forty-seventh ordinary session to be held in Geneva on October 24, 2013, in order to reflect the adoption of documents TGP/15/1 and TGP/14/2.

37. The TC is invited to note that the Council will be invited to adopt document TGP/0/6, in order to reflect the adoption of documents TGP/15/1 and TGP/14/2.

# (b) <u>TGP documents under development</u>

Revision of TGP Documents

TGP/7: Development of Test Guidelines

Revisions on which the Technical Committee has Previously Reached a Conclusion

 "Summary of revisions agreed for document TGP/7 Development of Test Guidelines" (see document TC/49/16)

Revisions to be considered by the Technical Committee

- "Guidance on Number of Plants to be Examined (for Distinctness)" (see document TC/49/17)
- "Guidance for Method of Observation" (see document TC/49/18)
- "Example Varieties" (see document TC/49/19)
- "Providing Photographs with the Technical Questionnaire" (see document TC/49/20)
- TGP/8: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability
  - Part I: DUS Trial Design and Data Analysis, New Section 2: "Data to be recorded" (see document TC/49/21)
  - Part I: DUS Trial and Design and Data Analysis, New Section: "Minimizing the Variation due to Different Observers" (see document TC/49/22)
  - Part I: DUS Trial Design and Data Analysis, New Section: "Reduction of Size of Trials" (see document TC/49/23)
  - Part II: Techniques Used in DUS Examination, Section 3: "The Combined-Over-Years Criteria for Distinctness (COYD)" (see document TC/49/24)
  - Part II: Techniques Used in DUS Examination, Section 3, Subsection 3.6: "Adapting COYD to special circumstances" (see document TC/49/25)
  - Part II: Techniques Used in DUS Examination, Section 4: "2x1% Method-Minimum Number of Degrees of Freedom for the 2x1% Method" (see document TC/49/26)
  - Part II: Techniques Used in DUS Examination, New Section 10: "Minimum Number of Comparable Varieties for the Relative Variance Method" (see document TC/49/27)

- Part II: Techniques used in DUS Examination, New Section 11: "Examining DUS in Bulk Samples" (see document TC/49/28)
- Part II: Techniques Used in DUS Examination, New Section: "Data Processing for the Assessment of Distinctness and for Producing Variety Descriptions" (see document TC/49/29)
- Part II: Techniques Used in DUS Examination, New Section: "Guidance of Data Analysis for Blind Randomized Trials" (see document TC/49/30)
- Part II: Techniques Used in DUS Examination, New Section: "Guidance for Development of Variety Descriptions" (see document TC/49/31)
- Part II: Techniques Used in DUS Examination, New Section: "Statistical Methods for Visually Observed Characteristics" (see document TC/49/32)
- Part II: Techniques used in DUS Examination, New Section: "Examining characteristics using image analysis" (see document TC/49/33)
- Part II: Techniques used in DUS Examination, New Section after Section COYU "Statistical Methods for Very Small Sample Sizes" (see document TC/49/34)

# (c) <u>New Proposals for Future Revision of TGP Documents</u>

# TGP/7: Development of Test Guidelines

# Duration of test

38. The TWF, at its forty-third session, agreed that information should be provided on the term "growing cycle", in the form of a Guidance Note (GN) or Additional Standard Wording (ASW). The TWF considered that the wording below is contradictory and clarification on the exact meaning should be sought.

- Chapter 3.1: "The minimum duration of test should normally be two independent growing cyles."
- Chapter 4.1.2: "The differences observed between varieties may be so clear that more than one growing cycle is not necessary."

(see document TWF/43/38 "Report", paragraph 91)

39. The TC is invited to consider whether to provide clarification in a future revision of document TGP/7 with regard to the minimum duration of the test in Chapter 3.1 and the number of growing cycles required for distinctness in Chapter 4.1.2, of the Test Guidelines.

### Growing cycle

40. At the forty-fifth session of the TWO, the expert from the European Union raised the issue of the apparent contradiction in the use of the term "growing cycles", noting that in the case of Eucalyptus, it was difficult to identify a "growing cycle". He suggested that this should be reflected in document TGP/7 in the form of a Guidance Note (GN) or Additional Standard Wording (ASW) (see document TWO/45/37 "Report", paragraph 94).

41. The TC-EDC, at its meeting on January 9 and 10, 2013, noted that document TGP/7/3, Annex 2: "ASW 3 (TG Template: Chapter 3.1.2) – Explanation of the growing cycle" provided the following explanations of growing cycle:

- *"(a) Fruit species with clearly defined dormant period*
- "3.1.2 The growing cycle is considered to be the duration of a single growing season, beginning with bud burst (flowering and/or vegetative), flowering and fruit harvest and concluding when the following dormant period ends with the swelling of new season buds."

- "(b) Fruit species with no clearly defined dormant period
- "3.1.2 The growing cycle is considered to be the period ranging from the beginning of active vegetative growth or flowering, continuing through active vegetative growth or flowering and fruit development and concluding with the harvesting of fruit."

The TC-EDC noted that the explanation in ASW 3(b) would be relevant for Eucalyptus.

42. The TC is invited to consider whether to provide further guidance on the term "growing cycle" in a future revision of document TGP/7.

#### Source of Propagating Material

43. The TWF, at its forty-third session, requested further information on how the method of vegetative propagation (e.g. *in vitro*, hardwood or softwood cuttings) and the origin of the propagating material, taken from within the plant, might affect future plant development and characteristic expression and how this should be provided for in Test Guidelines (see document TWF/43/38 "Report", paragraph 92).

44. The TWF, at its forty-third session, agreed that the European Union would prepare a document for discussion at the TWF session in 2013 (see document TWF/43/38 "Report", paragraph 93).

45. At the forty-fifth session of the TWO, the expert from the European Union noted that further information should be provided on how the method of vegetative propagation (e.g. *in vitro*, hardwood or softwood cuttings) and the origin of the propagating material, taken from within the plant, might affect future plant development and characteristic expression and how this should be provided for in Test Guidelines (see document TWO/45/37 "Report", paragraph 94).

46. The TWO, at its forty-fifth session, noted that the European Union would prepare a document for discussion, at the TWO session in 2013 (see document TWO/45/37 "Report", paragraph 96).

47. The TC is invited to note that information will be presented to the TWF and TWO at their sessions in 2013, on the influence of method of vegetative propagation and origin of propagating material, taken from within the plant, on future plant development and characteristic expression and how this might be addressed in Test Guidelines.

### Number of plants required for description

48. The TWO at its forty-fifth session in Jeju, Republic of Korea, requested that clarification on the number of plants required for description be considered for possible inclusion in the future revision of TGP/7 (see document TWO/45/37 "Report", paragraph 97).

49. The TC-EDC, at its meeting held in Geneva on January 9 and 10, 2013, noted that the Test Guidelines state that "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."

50. The TC is invited to consider whether to provide further guidance on the number of plants required for description in a future revision of document TGP/7.

#### Growth stages

51. The TC-EDC, at its meeting on January 9 and 10, 2013, noted that document TGP/7/3, Annex 2: ASW 12.1 (TG Template: Chapter 8) – "Explanations covering several characteristics": and GN 9 TG Template : Chapter 3.3) – "Growth stage key" provided the following explanations:

"8.1 Explanations covering several characteristics

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

(a)

(b) etc."

"GN 9 (TG Template: Chapter 3.3) – Growth stage key

"In cases where it is appropriate to provide a growth stage key for the observation of characteristics, the following is a useful guide:

"Growth stages of mono-and dicotyledonous plants - BBCH Monograph" (Federal Biological Research Centre for Agriculture and Forestry)"

The TC-EDC recommended that consideration be given, in a future revision of document TGP/7, to clarification of whether growth stage keys should be included in Chapter 8.1 of the Test Guidelines, or in a separate chapter at the end of Chapter 8.

52. The TC is invited to consider whether to provide clarification in a future revision of document TGP/7 with regard to the inclusion of growth stage keys in Chapter 8 of the Test Guidelines.

#### TGP/9: Examining Distinctness

53. The TC-EDC, at its meeting held in Geneva on January 9 and 10, 2013, noted that the guidance provided in document TC/49/17 "Revision of Document TGP/7: Guidance on Number of Plants to be Examined (for Distinctness), Annex II, would be included in document TGP/7 "Development of Test Guidelines". In that regard, it noted that document TGP/7 was aimed at drafters of UPOV Test Guidelines and individual authorities' test guidelines and might not be read by all users of Test Guidelines. On the basis that the guidance document TC/49/17, Annex II, was of relevance for any person concerned by the examination of distinctness, it was suggested that such guidance might be included in a future revision of document TGP/9 "Examining Distinctness".

54. The TC is invited to consider whether to provide further guidance on the number of plants to be examined for distinctness in a future revision of document TGP/9, on the basis of the guidance provided in document TC/49/17, Annex II.

# TGP/14: Glossary of Terms Used in UPOV Documents

55. The TC-EDC, at its meeting held in Geneva on January 9 and 10, 2013, proposed that consideration be given to the inclusion of a definition for "dot" in a future revision of document TGP/14 Section 2: "Botanical Terms, Subsection 3: Color".

56. The TC-EDC, at its meeting held in Geneva on January 9 and 10, 2013, proposed to provide guidance in a future revision of document TGP/14 Section 2: "Botanical Terms, Subsection 3: Color", with regard to the risks in providing illustrations of color in Test Guidelines.

57. The TC is invited to consider:

(a) whether to provide a definition for "dot" in a future revision of document TGP/14 Section 2: "Botanical Terms, Subsection 3: Color"; and

(b) whether to provide guidance in a future revision of document TGP/14 Section 2: "Botanical Terms, Subsection 3: Color" with regard to the risks in providing illustrations of color in Test Guidelines.

# III. PROGRAM FOR THE DEVELOPMENT OF TGP DOCUMENTS

58. The Annex to this document proposes the program for the development of TGP documents on the basis of the program agreed by the TC, as its forty-eighth session, and the CAJ, at its sixty-fifth session (see document TC/48/22 "Report on the Conclusions", paragraph 78, and document CAJ/65/13 "Report on the Conclusions", paragraph 33, respectively), in conjunction with the comments of the TWPs, at their sessions in 2012, and of the TC-EDC at its meeting on January 9 and 10, 2013.

59. The TC is invited to consider the program for the development of TGP documents, as set out in the Annex to this document.

[Annex follows]

### TC/49/5 ANNEX PROGRAM FOR TGP DOCUMENTS

					2012				2013							2014						
Ref.	Title of document	Current approved* documents	TC- EDC	TC/48	CAJ/65	TWPs	CAJ/66	C/46	TC- EDC	TC/49	CAJ/67	TWPs	CAJ/68	C/47	TC- EDC	TC/50	CAJ/69	TWPs	CAJ/70	C/48		
TGP/0	List of TGP Documents and Latest Issue Dates	TGP/0/5 ADOPTED						TGP/0/5 Draft 1 Adopt						TGP/0/6 Draft 1 Adopt						TGP/0/7 Draft 1 Adopt		
TGP/1	General Introduction with Explanations	-																				
TGP/2	List of Test Guidelines Adopted by UPOV	TGP/2/1 ADOPTED																				
TGP/3	Varieties of Common Knowledge	C(Extr.)/19/2 Rev.	$\ge$	$\ge$	$\ge$	$\ge$	$\ge$	$\geq$	$\ge$	$\ge$	$\ge$	$\ge$	$\ge$	$\geq$	$\ge$	$\ge$	$\ge$	$\ge$	$\geq$	$\succ$		
TGP/4	Constitution and Maintenance of Variety Collections	TGP/4/1 ADOPTED																				
TGP/5	Experience and Cooperation in DUS Testing	ADOPTED																				
TGP/6	Arrangements for DUS Testing	TGP/6/1 ADOPTED																				
TGP/7	Development of Test Guidelines	TGP/7/3 ADOPTED	see Appendix I								see Ap	opendix I			see Appendix I							
TGP/8	Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability	TGP/8/1 ADOPTED	see Appendix II								see Ap	pendix II			see Appendix II							
TGP/9	Examining Distinctness	TGP/9/1 ADOPTED																				
TGP/10	Examining Uniformity	TGP/10/1 ADOPTED																				
TGP/11	Examining Stability	TGP/11/2 ADOPTED																				
TGP/12	Guidance on Certain Physiological Characteristics	TGP/12/2 ADOPTED	TGP/12/2 Draft 1	TGP/12/2 Draft 2	TGP/12/2 Draft 2			TGP/12/2 Draft 3 / Adopt														
TGP/13	Guidance for New Types and Species	TGP/13/1 ADOPTED																				
TGP/14	Glossary of Terms Used in UPOV Documents	TGP/14/1 ADOPTED	(Color Subsection & revisions)	(Color Subsection & revisions)		(Color Subsection & revisions)			(Color Subsection & revisions)	(Color Subsection & revisions)	(Color Subsection & revisions)			TGP/14/2 Adopt								
TGP/15	Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)		TGP/15/1 Draft 1	TGP/15/1 Draft 2	TGP/15/1 Draft 2				TGP/15/1 Draft 3	TGP/15/1 Draft 4	TGP/15/1 Draft 4			TGP/15/1Draft 5 Adopt								

[Appendices follow]

#### TC/49/5 APPENDIX I PROGRAM FOR REVISION OF DOCUMENT TGP/7

			2012					20	13		2014							
Title of document	TWA/41	TWV/46	TWC/30	TWF/43	TWO/45	TC- EDC	TC/49	CAJ/67	TWPs	CAJ/68	C/47	TC- EDC	TC/50	CAJ/69	TWPs	CAJ/70	C/48	
TGP/7: DEVELOPMENT OF TEST GUIDELINES																		
Revisions of TGP/7 on which the TC has previously reached a conclusion		TWV/46/11	TWC/30/11	TWF/43/11	TWO/45/11	TC-EDC/ Jan/13/3	TC/49/16							x			TGP/7/4 Adopt	
Revision of TGP/7: Guidance on number of plants to be examined (for distinctness) (Drafter expert from Germany)		TWV/46/12	TWC/30/12	TWF/43/12	TWO/45/12	TC-EDC/ Jan/13/4	TC/49/17							x			TGP/7/4 Adopt	
Revision of TGP/7: Guidance for method of observation (Drafter: Office of the Union)		TWV/46/13	TWC/30/13	TWF/43/13	TWO/45/13	TC-EDC/ Jan/13/5	TC/49/18							x			TGP/7/4 Adopt	
Revision of document TGP/7: Example varieties (Drafter: expert from France)	TWA/41/14 TWA/41/14 ADD.			TWF/43/14 TWF/43/14 ADD.		TC-EDC/ Jan/13/6	TC/49/19		x			x	x	х			TGP/7/4 Adopt	
Revision of document TGP/7: Providing photographs with the technical questionnaire (Drafter: expert from the European Union)	TWA/41/15	TWV/46/15	TWC/30/15	TWF/43/15	TWO/45/15	TC-EDC/ Jan/13/7	TC/49/20		x			x	x	x			TGP/7/4 Adopt	
New Proposals									x			x	x		x			

[Appendix II follows]

#### TC/49/5 APPENDIX II PROGRAM FOR REVISION OF DOCUMENT TGP/8

			2012					20	13			2014							
Title of document	TWA/41	TWV/46	TWC/30	TWF/43	TWO/45	TC- EDC	TC/49	CAJ/67	TWPs	CAJ/68	C/47	TC- EDC	TC/50	CAJ/69	TWPs	CAJ/70	C/48		
TGP/8 PART I: DUS TRIAL DESIGN AND DATA ANALYSIS																			
New Section 2 - Data to be recorded (Drafter: Mr. Uwe Meyer (Germany))	TWA/41/16	TWV/46/16	TWC/30/16	TWF/43/16	TWO/45/16	TC-EDC/ Jan/13/8	TC/49/21							x			TGP/8/2 Adopt		
New Section 3 - Minimizing the variation due to different observers (Drafter: Mr. Gerie van der Heijden (Netherlands))	TWA/41/24	TWV/46/24	TWC/30/24	TWF/43/24	TWO/45/24	TC-EDC/ Jan/13/9	TC/49/22		x			x	x	x			TGP/8/2 Adopt		
New Section - Reduction of size of the Trials (Drafter: Mrs. Sally Watson (United Kingdom))	TWA/41/21 Corr.	TWV/46/21	TWC/30/21	TWF/43/21	TWO/45/21	TC-EDC/ Jan/13/10	TC/49/23							x			TGP/8/2 Adopt		
TGP/8 PART II: TECHNIQUES USED IN DUS EXAMINATION																			
Section 3 - The Combined-Over-Years Criteria for Distinctness (COYD) (Drafter: Mrs. Sally Watson (United Kingdom))	TWA/41/23	TWV/46/23	TWC/30/23	TWF/43/23	TWO/45/23	TC-EDC/ Jan/13/11	TC/49/24							x			TGP/8/2 Adopt		
Section 3, Subsection 3.6 - Adapting COYD to special circumstances (Drafter: Adrian Roberts (United Kingdom))	TWA/41/20	TWV/46/20	TWC/30/20	TWF/43/20	TWO/45/20	TC-EDC/ Jan/13/12	TC/49/25							x			TGP/8/2 Adopt		
Section 4 – 2x1 % Method - Minimum number of degrees of freedom for the 2x1% Method (Drafter: Mrs. Sally Watson (United Kingdom))	TWA/41/22	TWV/46/22	TWC/30/22	TWF/43/22	TWO/45/22	TC-EDC/ Jan/13/13	TC/49/26							x			TGP/8/2 Adopt		
Section 10 – Minimum number of comparable varieties for the Relative Variance Method (Drafter: Nik Hulse (Australia))	TWA/41/26	TWV/46/26	TWC/30/26	TWF/43/26	TWO/45/26	TC-EDC/ Jan/13/14 Rev.	TC/49/27		x			x	x	x			TGP/8/2 Adopt		
New Section 11 - Examining DUS in bulk samples (Drafter: Mr. Kristian Kristensen (Denmark))*	TWA/41/28	TWV/46/28	TWC/30/28	TWF/43/28	TWO/45/28	TC-EDC/ Jan/13/15 Rev.	TC/49/28		x			x	x		x				
New Section - Examining characteristics using Image Analysis (Drafter: The Netherlands, European Union)			TWC/30/39			TC-EDC/ Jan/13/26	TC/49/33		x			x	x		x				
New Section 13 – Data processing for the assessment of distinctness and for producing variety descriptions (Drafter: Office of the Union)	TWA/41/30	TWV/46/30	TWC/30/30	TWF/43/30	TWO/45/30	TC-EDC/ Jan/13/16	TC/49/29		x			x	x		x				
New Section - Guidance of data analysis for blind randomized trials (Drafter: France)	TWA/41/17	TWV/46/17	TWC/30/17	TWF/43/17	TWO/45/17	TC-EDC/ Jan/13/17	TC/49/30		x			x	x	x			TGP/8/2 Adopt		
New Section - Statistical methods for visually observed characteristics (Drafter: Denmark, France and the United Kingdom)	TWA/41/29	TWV/46/29	TWC/30/29	TWF/43/29	TWO/45/29	TC-EDC/ Jan/13/19	TC/49/32		TWC										
New Section - Guidance for the development of variety descriptions ** (Drafter: the Netherlands)	TWA/41/18	TWV/46/18	TWC/30/18	TWF/43/18	TWO/45/18	TC-EDC/ Jan/13/18	TC/49/31												
New Section - Statistical Methods for Very Small Sample Sizes *** (Drafter: the Netherlands)						TC-EDC/ Jan/13/27	TC/49/34												

\*to be discussed at TWPs in 2013, if data on Bulk samples are provided

\*\* to be combine with New Section 13-Data processing for the assessment of distinctness and for producing variety description

\*\*\* no document was discussed at the TWPs in 2012 because data on very small sample size were not provided