

## Technical Working Party for Vegetables

Fifty-Seventh Session

Antalya, Türkiye, May 1 to 5, 2023

TWP/7/1

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## Technical Working Party for Agricultural Crops

Fifty-Second Session

Virtual meeting, May 22 to 26, 2023

## Technical Working Party for Ornamental Plants and Forest Trees

Fifty-Fifth Session

Virtual meeting, June 12 to 16, 2023

## Technical Working Party for Fruit Crops

Fifty-Fourth Session

Nîmes, France, July 3 to 7, 2023

# INCREASING PARTICIPATION IN THE WORK OF THE TC AND RESTRUCTURING THE WORK OF THE 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 report the results of the interviews of members and observers on improving the technical support provided by UPOV for DUS examination. The document also presents the draft proposals under discussion at the Working Group on DUS Support (WG-DUS), which was established by the TC to address the issues raised.

2. The TWPs are invited to note the draft recommendations under development at the Working Group on DUS support, as set out in this document.

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
TWA:	Technical Working Party for Agricultural Crops
TWC:	Technical Working Party on Automation and Computer Programs
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

## BACKGROUND

5. The TC agreed to request the Office of the Union to conduct a survey on the needs of members and observers in relation to TWPs and report to the TC at its fifty-eighth session (see document TC/57/25 "Report", paragraph 66).

6. In order to ensure that the survey was successful in eliciting open and complete responses, the Office of the Union contracted Mr. Kees van Ettehoven, former Head of Variety Testing Department, Naktuinbouw and former Chairperson of the Technical Committee and the Technical Working Party for Vegetables to conduct individual interviews with members of the Union and observers and to produce a report of his findings. In discussion with Mr. van Ettehoven, it was agreed that the nature of the survey should cover all the ways in which UPOV could improve its support for members in the examination of DUS rather than referring exclusively to the work of the Technical Working Parties (TWPs).

7. A copy of the questions that were used as the basis of the individual interviews is provided in Annex I to this document.

8. The results of the survey raised questions about the organization and role of the TWPs. Therefore, the following section provides an overview of the original terms of reference of the TWPs and how the work of the TWPs has evolved.

## ROLE OF THE TECHNICAL WORKING PARTIES

9. The Council agreed in 1969 the structure and method of working of the Technical Working Parties (TWPs). The objective was to continue discussions to reach a common understanding of some of the technical problems that arise from the interpretation of the criteria of distinctness, stability and uniformity and their application to the different genera and species. This would provide the necessary basis for collaboration between members, in accordance with the objectives of the Convention (see document CPU Min. 2 "Report of the second meeting of the Council", Berne, February 11 to 12, 1969, page 14).

### TGP documents

10. Until the turn of the century, a lot of the TWPs work was discussing recurring issues that were not documented in UPOV beyond the "General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants". This led to the decision

to develop TGP documents to provide transparent guidance and avoid repetitive discussions. The development of TGP documents occupied a substantial part of the TWP agendas from 2000 to 2008 (see Figure 1), resulting in an extensive set of detailed TGP documents covering virtually all aspects of DUS examination. From that time, work continued on updating the TGP documents and developing further guidance with regard to certain specific aspects. No new TGP documents have been adopted since 2013. There are very few TGP documents where revisions are under development, other than in relation to matters covered by the TWM (Figure 1).

### Test Guidelines

11. Developing a set of harmonized Test Guidelines (TGs) for DUS examination was the other main function of the TWPs. UPOV Test Guidelines were first developed for the crops individually responding to the largest number of applications filed (e.g. Maize, Wheat, Rose, Lettuce and Apple).

12. UPOV has adopted more than 330 Test Guidelines but the recent focus has moved towards updating of existing Test Guidelines rather than developing new Test Guidelines. Since 2007 (48 new Test Guidelines), the number of new Test Guidelines decreased by 90% (5 new Test Guidelines in 2022) (see Figure 2). It is also noteworthy that this decline has not affected the number of PBR applications that are covered by UPOV Test Guidelines. In 2011, 90% of PBR applications in UPOV members were covered by UPOV Test Guidelines and this had increased to 94% by 2021, despite the decreasing number of new Test Guidelines

13. UPOV members receive applications for plant variety protection (PVP) for more than 4000 plant genera and species. The current 337 UPOV Test Guidelines cover around 94% of all PVP applications received in UPOV members but only around 10% of plant genera and species for which PVP has been sought.

Figure 1: Number of TGP documents discussed at TWPs

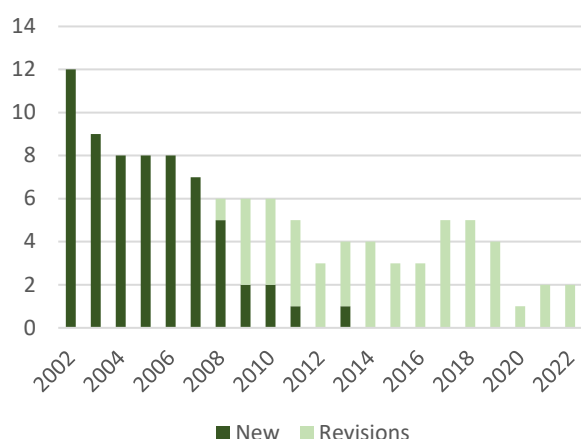
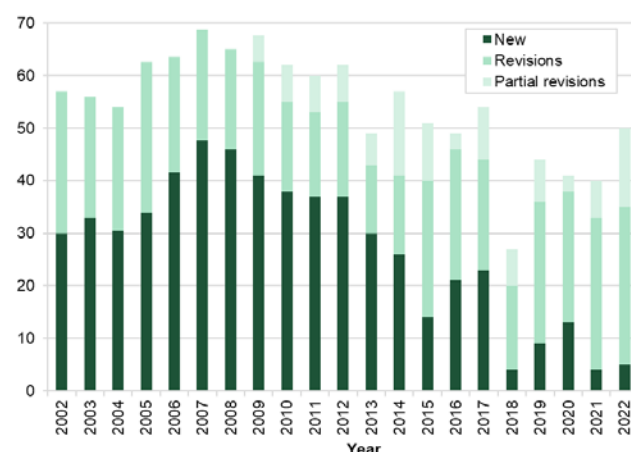


Figure 2: Number of Test Guidelines discussed at TWPs



### Testing Methods and Techniques

14. The Council<sup>1</sup> established the Technical Working Party on Testing Methods and Techniques (TWM) encompassing the work of the TWC and BMT, to take effect from 2022, as directed by the Technical Committee, to:

- (a) Consider methods relevant for the examination of DUS.
- (b) Review and provide guidance on software and equipment relevant for:
  - (i) DUS trial design and data analysis
  - (ii) Data recording and transfer
  - (iii) Image analysis
  - (iv) Biochemical and molecular data.
- (c) Consider matters relating to trial design and data analysis;
- (d) Consider the possible application of biochemical and molecular techniques in DUS testing;
- (e) Develop guidelines regarding the management and harmonization of databases;

<sup>1</sup> At its fifty-fourth session, held via electronic means on October 30, 2020

- (f) If appropriate, establish guidelines for biochemical and molecular methodologies and their harmonization;
- (g) Review general developments in biochemical and molecular techniques;
- (h) Maintain an awareness of relevant applications of biochemical and molecular techniques in plant breeding;
- (i) Provide a forum for discussion on the use of biochemical and molecular techniques in the consideration of essential derivation and variety identification.

#### Other topics

15. In addition to the topics presented in the previous paragraphs, the following topics are currently discussed at TWP meetings:

- Cooperation in DUS examination
- Reports from members and observers
- Variety denomination classes (the composition of).

#### Other forms of technical support provided by UPOV

16. UPOV provides additional technical support to members through the following:

- Preparatory workshops (including webinars)
- Distance learning courses (DL courses)
- Bilateral and multilateral technical assistance (e.g. workshops and symposia)

### RESULTS OF THE SURVEY

17. On December 2, 2021, the Office of the Union issued Circular E-21/235 inviting members and observers to express their wish to contribute views and ideas on ways in which UPOV could improve its support for members in the examination of Distinctness, Uniformity and Stability (DUS). The following members of the Union and observers were interviewed.

Members:	Members:	Observers
Argentina	Jordan	CIOPORA
Australia	Mexico	Crop Life International
Austria	Netherlands	International Seed Federation
Brazil	New Zealand	
Canada	Poland	Other:
Chile	South Africa	TC and TWP chairs
China	Spain	UPOV staff
Colombia	Switzerland	
Croatia	Trinidad and Tobago	
European Union	Turkey	
France	United Kingdom	
Germany	United Republic of Tanzania	
Israel	United States of America	
Italy		

18. The report of the interviews is provided as Annex II to this document.

#### Issues raised during interviews

19. The following issues were identified by participants in the interviews, as presented in the report provided in Annex III to this document:

1. The maintenance and creation of Test Guidelines
  - 1.1 To involve all interested experts in Test Guidelines discussions using virtual meetings.
  - 1.2 Need to provide a tool for drafting national test guidelines to be made available through UPOV.
  - 1.3 Need to enhance the explanation part provided in UPOV Test Guidelines.

- 1.4 Procedure for creation and revision of Test Guidelines in a more virtual meeting structure in crop subgroups.
2. Problems with collections of varieties
  - 2.1 Difficulties to access material of varieties of common knowledge and alternatives to be developed.
3. The organization of technical meetings
  - 3.1 Focusing TWPs on exchange of knowledge and training, including country presentations, sessions in the field to demonstrate and discuss the practical implementation of DUS principles, results of ring tests and opportunities to meet bilaterally to discuss items of mutual interest and cooperation.
  - 3.2 Increase involvement of members in technical tasks.
  - 3.3 Tracing back the history of changes in TGs and TGP documents
4. The introduction of an information part for members and by members on the UPOV website
  - 4.1 Enhance possibilities to learn from each other. This could include training, exchange of staff, asking advice and training videos on actual DUS examination, identifying foreign experts that can advise and answer questions, a repository for national test guidelines and manuals.
5. Training in UPOV
  - 5.1 Training on the practical implementation of Test Guidelines and TGP documents.
  - 5.2 To open possibilities for trainees from other authorities to work in DUS trials.
  - 5.3 To make distance learning (DL) courses more interactive and less “a paper course put online”.
6. Technical Guidance Documents
  - 6.1 Current language is complex to read and should be simplified or summaries provided
  - 6.2 Enable horizontally search all TGP documents for a certain subject.
7. Cooperation
  - 7.1 Need for further awareness raising on the principles of cooperation wherever and whenever possible.
  - 7.2 Need to facilitate the online exchange and transfer of reports as soon as the formalities are fulfilled.
  - 7.3 Need for information about quality of DUS tests in other members.
8. Information in GENIE
  - 8.1 Data in GENIE is only up to date about taxa for which the authorities have practical experience in DUS examination.
9. The introduction of a UPOV Quality System
  - 9.1 Need to facilitate information about how a UPOV member relates to a set of fixed parameters.
  - 9.2 Need to facilitate discussions on cooperation between authorities.
10. Preparatory meetings
  - 10.1 Need for further opportunities for capacity building and interaction among participants prior to meetings.

## CONSIDERATION BY THE TECHNICAL COMMITTEE

20. The TC, at its fifty-eight session<sup>2</sup>, considered document TC/58/18 (see document TC /58/31 “Report”, paragraphs 60 to 64).

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<sup>2</sup> Held in Geneva, on October 24 and 25, 2023

*Results of the survey*

21. The TC noted the report of the interviews of UPOV members and observers on ways in which UPOV could improve its support for DUS examination, as presented in document TC/58/18 [reproduced as Annex II to this document].

22. The TC noted the summary of issues identified by participants in the interviews, as set out in document TC/58/18, paragraph 19 [reproduced in paragraph 19 of this document].

*Options to address issues raised*

23. The TC noted the initiatives proposed to address the issues raised and needs identified by participants in the interviews.

24. The TC noted there were concerns raised by members in relation to the proposals that would require further discussion and clarification.

25. The TC agreed to establish a Working Group with the following terms of reference:

“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, Czech Republic, European Union, France, Germany, Ghana, Hungary, Japan, Kenya, Morocco, Netherlands, New Zealand; Republic of Korea; Romania, Slovakia, South Africa, Spain, United Kingdom, United Republic of Tanzania, 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.”

## CONSIDERATION BY THE WORKING GROUP ON DUS SUPPORT (WG-DUS)

26. The Working Group on DUS Support (WG-DUS) held meetings on November 15, 2022 (WG-DUS/1), February 8 (WG-DUS/2) and March 20, 2023 (WG-DUS/3), to develop recommendations to the Technical Committee on the proposals presented in document TC/58/18 “Survey on the needs of members and observers in relation to TWPs”. The fourth meeting of the WG-DUS is scheduled to be held on September 5, 2023.

27. The reports of the three WG-DUS meetings are available at: [https://www.upov.int/meetings/en/topic.jsp?group\\_id=361](https://www.upov.int/meetings/en/topic.jsp?group_id=361)

## OPTIONS TO ADDRESS ISSUES RAISED

28. The following sections of this document present draft recommendations in relation to the proposals in document TC/58/18 “Survey on the needs of members and observers in relation to TWPs”. These draft recommendations are based on the conclusions by the WG-DUS up to its third meeting (WG-DUS/3) and will be considered further at its fourth meeting (WG-DUS/4).

29. The following draft recommendations are provided on the basis of the current arrangements for TWPs (one year of hybrid meeting alternating with another year fully virtual, as decided by the TC in 2022). The draft recommendations are based on the current tasks of the Office of the Union supporting the organization of TWP meetings and discussion on Test Guidelines (TGs).

### Technical Working Parties

30. It is **recommended** that the UPOV Technical Working Parties should aim to deliver the following (see document WG-DUS/1/1 “Report”, paragraph 6):

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

31. The WG-DUS, at its third meeting<sup>3</sup>, 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.).

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<sup>3</sup> Held as a hybrid meeting on March 20, 2023

32. It is **recommended** to retain the Technical Working Party meetings on an annual basis and to take the following measures to address the issues raised in document TC/58/18 and the current arrangement of technical work supporting DUS examination in UPOV:

*(a) Discussions on DUS Procedures*

33. It is **recommended** that more time during TWP meetings should be dedicated to discussions on DUS procedures, including technical visits, ring-tests and related discussions (see document WG-DUS/2/3 "Report", paragraph 10). In particular, it is **recommended** that the guidance provided to hosts should be for at least one full day of technical visits.

34. It is **recommended** that the following elements be considered for inclusion in discussions on DUS procedures, according to the facilities and procedures in the member of the Union hosting the TWP:

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

35. It is **recommended** 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. The WG-DUS agreed that this recommendation should not restrict the possibility for any member of the Union to host a TWP meeting (see document WG-DUS/2/3 "Report", paragraph 12).

36. It is **recommended** that the host enable virtual participants to join technical visits to whenever possible.

*(b) Matters for information*

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

(c) Periodicity and duration of TWP meetings

38. It is **recommended** that the duration of the TWP meetings should be four days.

*(d) Presence of the Office of the Union*

39. It is **recommended** that the presence of the Office of the Union is provided at TWP meetings preferably on-site, where appropriate. 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*

40. 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) Increasing awareness of developments*

41. 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.



42. 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.

#### UPOV Test Guidelines

##### *Commissioning the drafting and revision of Test Guidelines*

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

##### *Procedure for the development of Test Guidelines*

#### Web-based TG Template

44. 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

45. 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. [...]”

46. While TG Subgroup meetings can continue to be arranged during TWP meetings, it is **recommended** that leading experts are encouraged to enhance exchange among crop experts, including by meetings outside of TWP sessions. It is **recommended** that leading experts should have flexibility to agree the frequency and duration of TG subgroup meetings, while reporting discussions back at the respective TWP prior to submission of draft TGs for approval.

##### *Role of the Office of the Union*

47. 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).
- For meetings arranged outside TWP meetings, administrative support would not be provided (leading experts to facilitate discussions and reporting).

#### UPOV members test guidelines

48. It is **recommended** that options for enabling UPOV members to make their national test guidelines available to other UPOV members be investigated, including through the web-based TG Template or other options.

49. It is **recommended** that the Office of the Union explore alternatives to provide information on the crops which members have practical experience in DUS examination.

### TGP documents

50. 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, including the possibility to meet in conjunction with other UPOV meetings and would report to the TC any proposals.

51. 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.

52. It is **recommended** that the Office of the Union provide 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 experts would facilitate the meetings and record any decisions.

### Training

53. It is **recommended** to conduct training webinars to address topics of particular relevance, as defined by the TC, using a similar structure as the preparatory webinars held prior to TWP meetings.

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

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

### DUS report exchange platform (UPOV e-PVP)

#### *Background*

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

57. The package of compatible IT tools includes a platform for exchanging DUS reports and documenting DUS procedures ("DUS Report Exchange Platform"). The DUS Report Exchange Platform is currently being developed in conjunction with the e-PVP Asia Pilot Project and will be made available as part of the UPOV e-PVP initiative.

58. Further information on the e-PVP Asia Pilot Project is available in document TC/58/8 "Cooperation in Examination", available at:

[https://www.upov.int/meetings/en/doc\\_details.jsp?meeting\\_id=67786&doc\\_id=587592](https://www.upov.int/meetings/en/doc_details.jsp?meeting_id=67786&doc_id=587592)

#### *Recommendations*

59. 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.

60. 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.

61. Further information on the DUS Report Exchange Platform is available on the following documents of the First Meeting on Electronic Applications (EAM/1), available at:

[https://www.upov.int/meetings/en/doc\\_details.jsp?meeting\\_id=74809&doc\\_id=602391](https://www.upov.int/meetings/en/doc_details.jsp?meeting_id=74809&doc_id=602391)

[https://www.upov.int/meetings/en/doc\\_details.jsp?meeting\\_id=74809&doc\\_id=602393](https://www.upov.int/meetings/en/doc_details.jsp?meeting_id=74809&doc_id=602393)

## PERFORMANCE INDICATORS

62. 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.

### (b) Training

- Number of DUS examiners and administrators that have UPOV certification.

63. Further performance indicators could be developed and considered at fourth meeting of the WG-DUS.

*64. The TWPs are invited to note the draft recommendations under development at the Working Group on DUS support, as set out in this document.*

[Annexes follow]



## QUESTIONS USED AS BASIS OF THE INDIVIDUAL INTERVIEWS

### Introduction: Explaining the interviews

- The objective is understanding the needs, gathering information and proposals for UPOV to support the technical work of members.
- The interviews will be recorded for internal purposes only; (all responses will be “anonymized”)

### **General questions**

1. How do you organize DUS testing in your country?
2. What are the main challenges for performing DUS examinations in your country?
3. How does UPOV help in your DUS examination work? Please give concrete examples that are measurable
4. What more could UPOV do to help in your DUS examination work?

### **General questions about the TWPs**

1. Do you attend TWP meetings? Why / why not?
2. How do virtual meetings influence your participation
3. In what way does attending TWP meetings help in your DUS examination work? Please give concrete examples that are measurable
4. What could be done to make the TWP meetings more helpful in your DUS examination work?
5. Apart from TWP meetings, are there other ways in which UPOV could be helpful in your DUS examination work?
6. What would you miss most if UPOV did not have TWP meetings and what would be the consequences on your DUS examination work? Please give concrete examples that are measurable.
7. What could UPOV do to increase your participation in the TWP's

### **Preparatory Meetings**

1. Do you participate in Preparatory meetings?
2. How can Preparatory meetings help you in your DUS examination work

### **Test Guidelines**

1. Do you use UPOV Test Guidelines? How (exactly) as published by UPOV; with some modifications...?
2. How could UPOV Test Guidelines be more helpful for you?
3. What impact would it have if UPOV did not produce and revise Test Guidelines?
4. In your opinion is it important to discuss TGs at TWPs or could there be another mechanism to develop and maintain TGs? Why and how?

### **TGP documents**

1. Do you use TGP documents? How?
2. How could TGP documents be more useful for you?
3. What impact would it have if UPOV did not produce and revise TGP documents?
4. In your opinion is it important to discuss TGPs at TWPs or could there be another mechanism to develop and maintain TGPs? Why and how?

### **Cooperation in DUS examination**

1. What is your policy on cooperating with other UPOV members and has this policy changed in recent years?
2. Do you have bilateral cooperation agreements with other UPOV members?
3. Does the information in GENIE reflect the cooperation – and if not, why not?
4. Who decides your policy on cooperating with other UPOV members?
5. How does UPOV facilitate cooperation with other UPOV members? Please give concrete examples that are measurable.
6. What more could UPOV do to facilitate cooperation with other UPOV members?
7. Would an electronic platform for requesting and providing DUS test reports be helpful? How?

### **Role of TWPs in encouraging cooperation**

1. In what way does attending TWP meetings help to encourage cooperation? Please give concrete examples that are measurable.
2. Do you consider that TWP meetings are important to help to encourage cooperation? How? Please give concrete examples that are measurable
3. What could be done to make the TWP meetings more useful to encourage cooperation?
4. Are there other ways in which UPOV could be helpful in encouraging cooperation?

**- Anything else that you would like to mention?**

[Annex II follows]

REPORT ON INTERVIEWS OF MEMBERS AND OBSERVERS ON IMPROVING TECHNICAL SUPPORT  
PROVIDED BY UPOV FOR DUS EXAMINATION

Prepared by Mr. Kees van Ettehoven

## **UPOV's Technical support to the members**

### **1.1. Introduction**

In the various technical UPOV meetings such as the Technical Working Parties (TWP's) and the Technical Committee (TC), the question how UPOV can provide support for the technical work (the test on Distinctness, Uniformity and Stability (DUS) to the members is discussed. This discussion intensified because of the Covid pandemic, when the usual meeting process with annual physical meetings for each TWP in one of the member states was replaced by virtual meetings.

The TC decided to organize a survey among the membership to see what the needs are and what ideas might emerge to improve the support that UPOV is giving until today. In the framework of this survey online interviews were organized where Mr. Kees van Ettehoven, retired head of the Dutch Variety Testing System at Naktuinbouw and former chair of the UPOV TC interviewed those members and observers that volunteered to participate.

### **1.2 Methodology**

A list of items to discuss was sent to all participants before the interview (see annex 1). The questions were drafted on the basis of the following general issues:

- How to serve a growing membership
- The work in the TWP's is changing from mostly creation of new Test Guidelines (TG's) and Technical Guidance Papers (TPG documents) into more maintenance of existing documents.
- We notice a change of generations where those experts who were present when most of the basic documents were discussed and drafted, have retired or will retire shortly and a new generation of experts is coming.
- The experience gained when UPOV was forced to organize the technical meetings in a virtual form.
- As there is a slowly increasing interest to take over DUS reports from other members, the question arises if the existing infrastructure and UPOV support is adequate.

Based on the answers to the questions a report will be made for discussion in the UPOV Technical Committee. The report first gives a summary of the answers, providing some quotes where appropriate and in some cases a short analysis. The Report ends with a number of options that aim to possibly remedy the issues raised by the members.

### **1.3 Participation**

The interviews were conducted with 30 participating members, 3 observer organizations and UPOV Staff, 61 Persons in total. Members from all continents, from founding members to members that just joined UPOV. Large and small numbers of applications, central testing, breeders testing and combinations thereof.

In general a good panel of opinions. As may be expected depending on the national situation a great variety of answers and suggestions was provided that sometimes were contrary to each other.

Therefore choices will have to be made knowing it will be impossible to make everybody equally happy.

## **2.1 General; main challenges for the members**

Main challenges besides global issues as climate problems are reference collections and staff (quantitatively and qualitatively). These issues are mentioned by the vast majority of participants.

Other, less frequent challenges that were mentioned are: Managing a large number of applications, need for molecular methods, need for disease tests, how to save labor/cost, insufficient collaboration, difficulties to obtain variety descriptions, how to educate the breeders that perform the breeders tests, financial issues, internal quality control, UPOV produces too much paper, Tracking the status of pending applications is difficult, UPOV website (GENIE) is not updated frequently enough, there are not enough UPOV TG's, Biosecurity.

**Analysis;** There is a clear difference between experienced and new members in their challenges. It is good to see that also members whose voices are seldom heard as they do not/ cannot participate to meetings, now give their opinion. On the subjects reference collection, capacity building and the availability of TG's options are given for discussion.

In the list of challenges, the majority of participants mentions problems with the reference collection. It is difficult to obtain material as authorities and breeders are not always prepared to send material, phytosanitary or other National legislation prevents the import of material etc. etc.

As UPOV community, we must ask ourselves if it is realistic to assume that all UPOV members should have access to material of all varieties of common knowledge. Knowing this is not realistic, we still maintain the presence of a complete reference collection as key to the DUS system.

A non-exhaustive list of alternative ways to ensure that a candidate variety is not sufficiently distinct from one or more varieties of common knowledge could be the use of molecular information of existing varieties, the availability of high quality varietal descriptions, good quality Photo's but also other ways e.g. by more centralized testing, more cooperation in the selection of similar varieties, a system of peer review by publishing the description of a candidate variety with photo and allow third parties a period for comments before the right is finally granted etc. etc.

**Quotes:**

- There is no UPOV Test Guideline for Cashew.
- The preparation time for meetings is too short
- There is an influx of new members with no previous experience in DUS

**2.2.1 General; How does UPOV help now and how can this be improved**

The participants realize that UPOV is a very small organization. There is general satisfaction what UPOV is doing on administrative, legal and theoretical technical assistance. As examples many mention the existing system of TG's, TGP's the website Tools (GENIE, PLUTE, PRISMA) but also very often the organization of meetings is mentioned so the members can network, exchange information and receive training. New members often mention the help in getting the system going (legally, administratively) is mentioned. Other elements that were mentioned: Statistical advice, explanatory notes, providing contact data of other members.

**Quotes:**

- Technical guidance, PLUTO, GENIE, network, relation building through TWPs

2.2.2 For a large minority the present UPOV assistance is sufficient, but others mentioned a number of possible improvements: Organize multi country projects on DNA and Disease resistance, harmonize Molecular techniques, promote **expert exchange between members**, help to raise awareness, organize **practical training**, speed up procedures, explain UPOV principles to **breeders**, adopt criteria for quality checks, better use of virtual means, speed up the maintenance of TG's, more information for breeders who do the breeders' trials, provide TG's and TGP documents in more languages, more attention to databases, speed up the process to accept molecular techniques, train breeders who do trials, introduce a tutor/buddy system, improve test manuals, organize ring tests

Analysis: satisfaction with what is being done to support the members, but UPOV should do more for practical technical capacity building. For the participants it is clear that the UPOV office does not have the possibilities to do that themselves but they see a coordinating role for actions by the members themselves. A number of suggestions have been given and shall be dealt with in one of the options. Worth mentioning is the apparent lack of attention for the breeders who play a role in breeders' testing systems and the concern on the speed of the development of modern testing tools (Molecular tests were mentioned)



**Quotes:**

- Young generation asks for other (faster, shorter, more online) communication
- For the acceptance of molecular techniques we see a Catch 22: UPOV only accepts a technique when it is actually used in a member where a method can only be used in most members if UPOV has accepted it

### **3 General questions about the TWP's**

#### **3.1 Attending**

Most participants attend to one , more or most TWP's. Those who do not would like to but financial, administrative or language problems prevent them to do so.

#### **3.2 Effect of virtual meetings**

There were many positive comments on the fact that the UPOV Office continued the meeting structure during the pandemic using virtual means. Participants that were already used to participate all joined the virtual meetings, but also a large number of participants joined that normally did not attend. These were both experts that had financial or organizational problems to travel to meetings abroad but also a large number of experts from offices where normally one or two experts joined, could now additionally join at least part of the meeting. Experts who normally joined the physical meetings also made a number of comments on the effect of virtual meetings.

The following remarks were made by a number of participants: no technical visit to trial field were possible, no informal opportunities to meet other experts, little interaction, now it is possible to participate in only one part of the meeting, for a good discussion you need to see plants, as it is important to participate as training now we can,

Also the following individual remarks were made: good to be able to participate, but there is a language problem, regional webinars could solve the time difference problems, it worked well as we know each other but how about new people, virtual meetings are much harder for chairs as you do not see the participants and their body language, the absolute agenda due to the virtual nature is bad for the discussion.

**Analysis:** Experts who attend do so mainly to meet and discuss with colleagues from other countries (networking). By definition the nearest DUS expert in 'your' crop is an expert in another country.

One of the main conclusions from the interviews is that TWPs play an important role in Capacity Building and Cooperation.

Also the training aspect of attending ta TWP is highly valued. International cooperation is often based on the trust built during UPOV TWP meetings.

Most people who do not participate would like to, but financial, administrative or language problems prevent them to do so.

Virtual meetings should be replaced by physical meetings as soon as possible for the group that used to participate, where for the other group the virtual meeting offers the possibility to finally join. Both groups appreciate the position of each other. It is recognized that virtual attendance offers possibilities e.g. for crop experts in one specific crop to participate in the meeting which would not be possible if the meeting was physical in another country.

The fact that UPOV changed to virtual during the Covid pandemic was highly appreciated, but so far there is much to be improved in the way the meeting is organized. In general, the direction is physical with possibility for online attendance.

Physical meetings shall always have a hybrid character so experts who cannot participate in person at least can participate online. In such hybrid meetings, the physical part will have the lead so if a discussion takes more time than anticipated in the original agenda, the agenda shall be amended. An up to date (amended)

agenda shall be kept available for all participants so that virtual participants can know when certain issues will be discussed.

The organization of virtual meetings will be re-organized. E.g., it could be better to have a meeting of three days spread over a period of three weeks. For those in conflicting time zones this at least mean less consecutive broken nights in one week. Also in these virtual meetings, bilateral side meetings should be possible. Also in virtual meetings, an up to date (amended) agenda shall be kept available for all participants so the participants can know when certain issues will be discussed. As soon as technically possible online simultaneous translation of the meeting shall be provided.

**Quotes:**

- - Two sides; things kept moving in Corona, cost savings, more participants. Downside informal side of meetings are lost. Meeting as a whole more formal (due to time differences). It helps that we could work with existing relationships. More intimidating.
- - In person meetings stay important for 'side meetings' during coffee.
- - In virtual meetings the real crop experts participate. This is much better for the discussion.
- - Inconvenient due to timing. Not enough taking into account the time differences. Not enough time during virtual meetings, more participants, less input
- - As also nationally we use virtual means, it works well for us to discuss online. Physical meetings lead to accumulation of knowledge by a very small group of people
- - 1-2 times more participants, lower level of engagement, less papers to discuss, 50% less meeting time. Coffee breaks are missed.

### **3.3 How does attending help in the technical work**

There is a broad consensus that attending in TWP's is very good for networking, get to know other experts, get explanation on principles and guidelines and learn from others on how to do the practical work.

The following additional remarks were made:

The discussions give context to the different points of view, good to have breeders' participation, good to harmonize the technical work

Analysis; the importance of meeting each other cannot be underestimated. Especially the technical side of the UPOV work asks for practical training and discussion with other experts.

**Quotes:**

- - Major period in the year when experts meet experts
- - In my country, there are not many training courses or places to discuss topics, such as the characteristics that characterize a species, notes, classification (quantitative-qualitative-pseudo-qualitative), interaction with the environment, the convenience of use and the complication it may bring, etc. UPOV and the meetings cover all that and much more, so I personally find them vital.

### **3.4 How to improve the existing TWP meeting structure**

The participants gave a variety of suggestions to improve the work.

The following suggestions were made by a number of participants: To provide an **updated actual agenda** so online participants can follow possible prolonged discussions, **the history of the discussion should be documented in order to be able to retrace argumentation, organize country presentations** to learn from each other, **organize and visit ring tests, leave more to members, introduce a vice chair, instead of comments by mail to organize virtual crop meetings, always organize at least in hybrid form.**

Also the following individual remarks were made: investigate the possibilities for virtual trial visits, try to couple experience experts with new experts to transfer knowledge, reduce length of the meeting to 2-3 days, less TG's per meeting, in virtual meetings after 2 hours the attention is gone, the central role of the small office makes everything slow and inefficient,, regional meetings would solve the time difference problems, translation in virtual meetings would be very helpful, a database with existing National Guidelines would be very helpful,

there is training needed for leading experts and experts, more emphasis on the role of breeders in the breeders test system.

**Analysis:** it seems clear that the focus of the TWP's is on training and introducing experts into the system. Therefore it could be considered to focus more on knowledge sharing and less on the production of documents as such. Physical meetings with field trials are preferred, but for those who do not have the possibility to travel it should be possible to follow the meetings online.

#### **Quotes**

- - Who participates; examiners or management?
- - There is too much paper, Preparatory webinars help a lot. Brief recorded presentations as introduction to the issues would help. Same documents in all TWPs is too much. Maybe one meeting with all.
- - Leave more to chairs and vice chairs
- - Active participation is a matter of courage and seniority (age)
- - There is a need to modernize the UPOV texts
- - More country presentations on how the DUS test is actually done
- - Project to use UPOV TG Template for National guidelines is very helpful. More info on Breeder test systems. Quality system would be positive development.
- - Role of TWP is training. People want to meet, to be trained, to discuss and visit fields
- - As all species are discussed, it would be good to start with a general presentation about the species before the discussion
- - Also UPOV should consider its traveling footprint.

### **3.5 What if there would no longer be TWP's**

Here is unanimity on the fact that these meetings are the corner stone of the UPOV system. The meeting of experts to discuss the practical implementation of the UPOV principles is the cement that keeps everything together.

### **3.6 How can participation be promoted**

As the reasons for not participating have been discussed earlier in UPOV and can largely be solved by organizing at least hybrid form of meetings, here the questions were more aimed at the active participation in the meetings themselves.

The majority of the [participants see a more important role for the chair of the meeting to draw everybody in the discussion. Therefore, the role of the chair should be enlarged. This could be done by introducing also for the TWPs the system of vice-chair, as we know it in other UPOV bodies. This gives the opportunity to prepare for the job for three years and in the meantime play a role during the (subgroup) discussions. As the role of the UPOV office is now very (some say too) important, a larger role for the chair and vice chair could be envisaged. To safeguard that the UPOV principles are followed, training of the chairs and vice chair could be an option.

#### **Quotes:**

- - Now no real discussion also due to the written procedures. These have negative impact on the discussion, make everything slow, and produces lots of paper and mails. It is difficult to follow and to concentrate on important things. Language in TWP now only English, translation should be considered.

### **4.1 Preparatory Meetings**

Two aspects of the preparatory meetings were mentioned by almost all participants; it is a good refresher course on the major DUS principles and it is an excellent opportunity to meet the other experts that will participate in the TWP in a pressure less atmosphere. As far as the refresher course aspect is concerned, many times the interactive (Q&A) part was mentioned as very useful and this is missed in the latest online format. A further wish is to learn from each other. The recent examples of the prep meeting are more in line with this opinion. Maybe the name should be reconsidered as now many think that if you participated once, there is no need to participate again.

**Analysis:**

The original set up of the preparatory meeting that was organized a day before a TWP has already been abandoned and is replaced with a virtual meeting.

From the survey it is clear that the members appreciate such meetings as a short refresher course where the interactive Q&A session was valued most and as a good occasion to get to know one's fellow experts from other members.

It could be considered to change the Preparatory meetings in an online interactive refresher course.

At the begin of the TWP session much attention should be given to the social aspect. E.g. to provide for space for the participants to introduce themselves with short presentations on their national system.

**Quotes:**

- - Preparatory meetings are very helpful as a refresher session for basic DUS examination principles, as well as to meet other examiners from different countries. There are many technical words and acronyms in UPOV documents, especially on the use of test guidelines during data collection. For example, the abbreviations "VG, MG, MS". These abbreviations appear in all test guidelines and one needs to understand the full meaning thereof. During Preparatory meetings, these can be discussed. Discussions on different methods of acquiring data are also very helpful. Preparatory meetings also help new attendees, as an introduction of actual TWP meetings.

**5.1 Capacity Building/Training/DL Courses**

The existing Distance Learning Courses are widely appreciated and in many cases are part of the National curriculum of DUS crop experts. Some would like a more modern set-up (more interactivity)

The following additional comments were received:

There should be more examples, the course is very dry, could be made more challenging, from my country individual breeders have problems to transfer money to UPOV, it would be good to have a more detailed additional course on TGP documents, Molecular techniques and Statistics

**Analysis:**

What is missed is a practical technical training; how is a DUS test carried out, how is theory put into practice. It is generally accepted that this will be difficult online. Learning by doing and ring tests are suggested. There is acceptance that this will be difficult for the UPOV Office to organize. However, UPOV could coordinate this for the Members to organize this. Another suggestion is to use the UPOV website more for member information; online technical presentations, offers for training etc.

There is a great hunger for knowledge on practical matters; how do my colleagues do it. Besides the TWPs there are no real sources to get such knowledge. It could be considered to start an online newsletter, for Members, by Members. Here DUS Crop experts and others can contribute for the benefit of other DUS crop experts and others.

More attention to capacity building during the TWP meetings.

**Quotes:**

- - Very useful, entry point to the system.
- - Is OK to understand the system. However, it is a paper course made online. Needs modernization
- - Is highly appreciated but a little old fashioned; need updating, more dynamic. More practical exercises and languages

**6.1 Test Guidelines**

From the answers it is clear that the TG's are widely used and in general applied as they are with minor changes, e.g. due to local climatic conditions. It is also clear that it would be catastrophic if there would not be UPOV TG's as than individual countries, and groups of countries would have to make such descriptors themselves resulting in differences that would make the exchange of results and reports very difficult.

## 6.2 How can the TGs be more helpful

Two elements are mentioned by the majority of participants: we need more and better explanations/photo's/illustrations and there are problems with the example varieties.

Other comments given: manuals would be very useful, explanatory videos on how the test is carried out would help, they are still produced as papers, should be better searchable, hand held ready, the possible use of molecular techniques for the management of reference collections is not mentioned in the TG's, should be better accessible for breeders and their representatives, more visual examples, TG Template is good, we hope it will soon be available for National drafters, more local example varieties needed, process is too slow.

## 6.3 Can TGs be discussed outside the TWPs

The present system to deal with creation or revision of TG's is not without problems.

The following remarks were made by a considerable number of participants: Some TGs could be better discussed in a virtual meeting outside the TWP. In the life meeting the problems and cases that are more general could be discussed, better organize break out rooms, virtual sub meetings can also deal with time zone problems,

An important minority is of the opinion that things should stay as they are.

Individual remarks: it should be considered to discuss TGs of some of the more important crops in larger meetings involving crop specialists, molecular specialists and statisticians, Sub-meetings mean more meeting time, virtual crop meetings also allow external expert to participate

**Analysis:** The way the TGs are discussed in the TWP's is slowly evolving. Originally, all discussions took place in the physical meeting. To tackle the growing number and harmonize terminology in TGs, the TG template was developed and part of the work was placed outside the TWP where the so-called leading expert and a number of interested experts could comment before the physical meeting and the Template allowed comments to be made. The final discussion takes place in the TWP meeting itself.

Discussion of TGs in the TWP's as it is done now has disadvantages; the composition of the TWP is not always best suited for detailed discussions on crop level. If in a TWP meeting five crops are discussed for some members this would mean they have to send five experts to the meeting. For crop experts sometimes it is a waste of time to sit in a meeting for a week while one's own crop is dealt with in a few hours. The process to comment using the TG template is not judged very positive. Lack of time and lack of interaction makes a meaningful discussion during the TWP difficult.

In virtual meetings, also the number of interested experts has increased. This, in combination with the criticism on the present procedure with the TG Template where it appears difficult to keep the deadlines and in practice the final discussion only relates to the remarks made in the procedures before the meeting, gives reason to consider an alternative approach where crops could be discussed in a virtual crop meeting outside the physical TWP meeting. Most of the items can be solved in such meetings where the 'real crop experts' can participate. Remaining issues that are more general can be discussed in the physical (hybrid) TWP meeting.

### Quotes:

- - There is no TG for Cocoa
- - We modify TG into national guidelines. There is no change about the asterisk characteristics for harmonizing. We may add some new characteristics to distinguish the varieties. We may replace some example varieties due to lack of some example varieties in UPOV TG.
- - More visual examples required. TGs might make sense for offices with many applications but are hard to use for others with less applications.
- - Would be good to know the actual drafter of a TG. Now difficult to find former leading experts
- - Separate technical crop discussions would give more time for explanation and training in TWP
- - Make it easier to follow the discussion by providing the history (e.g. using Track Changes)

## 7.1 TGP documents

Practically all participants use the TGP documents at least for consultation and in internal capacity building. In some cases, TGP principles are embedded in local procedures. Unanimously they would be missed if they were not there.

On the usefulness and the best place to discuss them the following remarks were made by a large number of participants: Discussion in TWP's only if relevant for that TWP, new experts need support to go through them, Discussion could be done in a horizontal meeting with more/all TWP's, it would be good if the TGP documents were searchable as a whole, in the TWP there is not always enough expertise to discuss some TGP documents, make them more modern, more easy to read.

Also, the following more individual remarks were made: the language should be less legal, less bureaucratic, the organization of separate TGP meetings run the risk of low attendance, we should remember that the UPOV system is a legal system and there is little legal knowledge in TWP's, practical videos for explanation would help, now too abstract,

**Analysis:** In general, welcomed as a sound basis for the system. Not frequently used in everyday work. TGP documents work best for those who were involved in the creation of the document. For new arrivals, it is difficult to digest the vast amount of text. While the individual documents are searchable, it is for many difficult to find in which document to search. An overall search would be helpful.

### Quotes:

- - TGP docs are very good for those who were there in the creation process but very difficult to read and understand for newcomers
- - The examiner should also take part in the general TGP discussions
- - There should be more on molecular techniques. Now catch 22; a method can only be endorsed if it is used, and a method can only be used when it is endorsed.
- - Yes TGP documents should be discussed in TWP's despite the lack of interest by many; it raises awareness
- - TGP documents seem complex. Need simplification. Should be horizontally searchable. In addition, the search on the content of the UPOV website could be improved
- - Is now too much paper. Needs updating. Make them searchable. Provide meaningful summaries
- - TWP needs to be informed but not necessary to have all discussions in all TWP's

## 8.1 Cooperation in DUS examination

With only a few exceptions, all participants see the advantage of cooperation. In rare cases, national legislation prevents cooperation. The existing model agreement for international cooperation is as such little used. Mostly it is consulted as reference when agreeing to cooperate with another member. The information in GENIE is not kept up to date very well. Actually, the only element from the information on GENIE that is actively used by almost all is the List of taxa where the authority has practical experience. And even this list is not really reflecting the actual situation as the term experience is not further defined. It has to be feared that the members will not very actively provide information if they see no use for that.

**Analysis:** In a harmonized system such as the UPOV system it should be easy to use each other's result to grant Plant Variety Rights in one's own territory. In practice, this is not the case. Earlier attempts to understand the impediments for a healthy stream of takeovers did not lead to a clear conclusion. There is a mix of political, practical and financial reasons that prevent some Members to take over reports from each other.

From the survey, it is clear that only the chapter in GENIE on "Taxa for which the Authority has practical DUS experience" is used by members to see which other authority has practical experience in the DUS test of certain species. The other chapters are not really used.

Unfortunately, it became clear that the information in these chapters is not complete and up to date.

Data that are not automatically generated often are a problem to collect. If also the supplying party does not use the information, it will be difficult to regularly get updates.

**Quotes:**

- It would be appreciated if UPOV can ask members to share experiences on agreements pertaining to undertaking of DUS examination by another country, particularly on provision and maintenance of propagating material supplied by the breeder for DUS examination, phytosanitary matters, compliance to Nagoya protocol requirements, etc. Some members do not respond to requests for exchange of DUS results or seem to be reluctant to provide DUS results to a specific country. UPOV may assist by providing a mechanism or a platform where such challenges may be brought to UPOV's attention and hopefully be resolved.
- - Agreement docs are rarely used. Only for reference. UPOV helps most by organizing TWPs so we can meet and discuss
- - UPOV must keep on promoting take over principles

## **8.2 The introduction of an online UPOV take-over tool**

The suggestion that UPOV could create an electronic platform where the transactions to take over DUS reports can be handled was welcomed by almost all participants. Such a tool would save time and take care of all formal details.

**Quotes:**

- - Yes, such a platform would be very welcome; please organize it so that if something changes on the platform a message is send. People will not go to a site to look for some changes.
- - Would simplify the now manual process, will save time and solves legitimacy problems

## **8.3 The role of the TWP's in the cooperation process**

Apart from administrative and financial matters, the basis for a decision to take over a report from another authority is trust in the DUS system of that authority. From the answers, it is clear that even if the final decision to agree on a takeover or the invitation to another authority to test on behalf of a requesting authority is taken by higher authorities, it is always the technical experts that have to sign-off on the trust in the DUS system of the providing authority. Where the UPOV system is based on technical guidance and members have freedom to choose within this guidance, differences between authorities are no exception. The only way to make a judgement to see if the DUS test that is the basis for the report is at least equivalent to one's own criteria is by discussing between experts. From the answers, it is clear that discussions take place in the TWP meetings during breaks, lunches and dinners. In this respect, the TWPs play a vital role in the cooperation process.

## **Quality systems**

In a number of cases, it was suggested that UPOV should organize a quality accreditation system based on the quality of the DUS work. The ISTA system is mentioned as example.

**Analysis:** In a harmonized system, the applicants should have the possibility to rely on the results of a DUS test result regardless in which member the test was carried out. As the UPOV system does not give binding rules but guidance there are different system in different members (e.g. central official testing vs tests at the breeders' premises). At the moment, it is not possible to show if these differences also lead to different decisions.

**Quotes:**

- - Personal connections are extremely important for cooperation
- - Better organize TWP meetings with break out facilities. Agenda is now too busy.
- - Quality system would help to have a view on the reports provided. Now only the applicant checks the report that is taken over
- - The construction a global Characteristics Description Database for varieties of common knowledge would be good to help to make a judgement on the quality of a report

## **9.1 Miscellaneous**

As last question of the interview, the participants were asked other suggestions to improve the UPOV support. The following was suggested:

- In favor of hybrid meetings for listening and learning,
- Improve the virtual meeting e.g. with a rolling agenda,
- The reports of the meetings are too minimal to follow the discussion that took place.
- Suggestion to make more detailed (internal) versions with track changes etc.
- TWP's are too rigid. Agenda established one year ahead; must become more flexible. Should be possibility to add subjects before the meeting.
- UPOV Staff in the driver seat; should be more Member State input.
- Virtual means also more flexibility.
- Work documents difficult to read, even with exec summary.
- UPOV should set up voluntary Quality Audit system.
- A web training on the interaction between the UPOV committees.
- Uptake of new techniques is too slow;
- Should be more proactive
- UPOV should provide clear criteria for DUS (+training)
- More room for members without UPOV staff.
- Platform with training videos would be good.
- Introduction of virtual coaches. (Also through the platform)
- UPOV is too slow to adopt new developments.
- There is a need to modernize.
- Good to introduce a UPOV quality assurance system on voluntary basis with different levels,
- The introduction of ring tests
- Need for practical training
- Example varieties are very interesting point and help very much to establish a unified way to observe characteristics.
- More in country training by other members.
- Development of more TG's e.g. For Cashew.
- Online technical assistance 24/7 on UPOV site.
- Finances are problem for young UPOV countries. Financing needed to exchange staff to other countries.
- UPOV should be more facilitator; Inform, Explain and offer links to worthwhile other sources.
- 24/7 online help,
- Info on who is who in UPOV.
- Support for breeder testing also for researchers and institutes.
- More guidance on PBR for small breeders.
- Stream of documents in four languages should be decreased e.g. by making them available on a platform.
- UPOV tools now presented (also in training) as goals. Should be more seen as means. E.g. How to test a denomination, how to find a member with experience in certain crop, is there a guideline on species A etc
- System of quality assurance could help to better appreciate breeders run testing.
- Quantity of documents is overwhelming; should be well documented (on UPOV site?)
- Quality assurance would be a good thing. UPOV should set the rules. Independent body should check.
- Better distinction between take over and test on behalf.
- More clarity on the responsibilities for maintenance in case of take-overs and tests on behalf.
- UPOV must continue with virtual meetings; at least in hybrid form.
- How to know that regional or local example varieties in national test guidelines are proper for the harmonization of descriptions of the authorized varieties? Request UPOV office to help us to settle it (Validation of regional and national example varieties)
- Quality Assurance not really needed.
- Consider sub sessions with the same language groups.
- Would be good to have the statistical document online as a tool to find the maximum acceptable number of off-types.
- Member platform with species presentations is a good idea
- It would be good to develop a Quality System.
- Practice shows that having a quality manual is already good for transparency and training. Members Platform with Videos good idea.



- The definition of a partial revision is not clear enough.
- Buddy system.
- Photos in PLUTO
- For a very small organization, UPOV is already helping its members a lot.
- In the UPOV website, it would be good to line up experts that can be consulted.
- Ring test could improve the system
- The creation of quality manuals would be very good. Audits also for breeders test systems.
- Development of 'Calibration Books'

## **10 Key issues:**

Based upon the information and suggestions received from the participants the following issues should be addressed:

### **10.1 The maintenance and creation of Test Guidelines**

- 10.1.1 to involve all interested experts into Test Guidelines discussion using virtual meetings.
- 10.1.2 Providing a tool for drafting national test guidelines to be made available through UPOV.
- 10.1.3 Enhancing the explanation part provided in UPOV Test Guidelines
- 10.1.4 Procedure for creation and revision of Test Guidelines in a more virtual meeting structure in crop subgroups.

### **10.2 Problems with reference collections**

- 10.2.1 Difficulties to access material of varieties of common knowledge and alternatives to be developed.

### **10.3 The organization of technical meetings**

- 10.3.1 focusing TWPs on exchange of knowledge and training, including country presentations, sessions in the field to demonstrate and discuss about the practical implementation of the DUS principles, results of ring tests and opportunities to meet bilaterally to discuss items of mutual interest and cooperation.
- 10.3.2 Increase involvement of members in technical tasks.
- 10.3.3 Tracing back the history of changes in TGs and TGP documents

### **10.4 The introduction of an information part for members by members on the UPOV website**

- 10.4.1 Enhance possibilities to learn from each other. This could include training, exchange of staff, asking advice and training videos on actual DUS examination, identifying foreign experts that can advise and answer questions can be created, a repository for national test guidelines and manuals).

### **10.5 Training in UPOV**

- 10.5.1 training on the practical implementation of the TGs and TGP documents.
- 10.5.2 to open possibilities for trainees from other authorities to work in the DUS trails.
- 10.5.3 to make DL courses made more interactive and less "a paper course put online".

### **10.6 Technical Guidance Documents**

- 10.6.1 Current language is complex to read and should be simplified or summaries provided
- 10.6.2. Enable horizontally search all TGP documents for a certain subject.

### **10.7 Cooperation**

- 10.7.1 Need for further awareness raising on the principles of cooperation wherever and whenever possible.
- 10.7.2 Need to facilitate the online exchange and transfer of reports as soon as the formalities are fulfilled, and
- 10.7.3 Need for information about quality of the DUS test in other Members.

### **10.8 Information in GENIE**

- 10.8.1 Data in GENIE is only up to date about Taxa for which the Authority has practical DUS experience.

### **10.9 The introduction of a UPOV Quality System?**

- 10.9.1 Need to facilitate information about how a UPOV member relates to a set of fixed parameters.
- 10.9.2 Need to facilitate discussions on cooperation between authorities.

### **10.10 Preparatory meetings**

10.10.1 Need for further opportunities for capacity building and interaction among participants prior to meetings.

### **11. Conclusion**

With these 10 areas and 21 issues a good number of elements from the survey will be addressed. I trust the remaining remarks will not be lost and the UPV Office, the Chairs (and vice chairs) of the meetings, but also the members will take them at heart.

During the survey it was clear that we are at a moment that UPOV is changing. Not only colleagues retire, but most noteworthy is the change in the background of our new members. Where the discussions until now were often dominated by representatives from countries that already had experience in a National system before they joined UPOV, today's new members as a rule have no National experience and have to introduce a national system based on UPOV guidance. This gives both the UPOV office and the existing member the responsibility to transfer their knowledge also to these new members.

I would like to thank all colleagues who were involved in this survey and who gave their honest opinion that will allow the UPOV Community to have a good discussion on our joint future.

Kees van Ettehoven

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