

## Technical Working Party on Testing Methods and Techniques

Second Session

Virtual meeting, April 8 to 11, 2024

TWP/8/1

Original: English

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## Technical Working Party for Vegetables

Fifty-Eighth Session

Virtual meeting, April 22 to 25, 2024

## Technical Working Party for Ornamental Plants and Forest Trees

Fifty-Sixth Session

Virtual meeting, April 29 to May 2, 2024

## Technical Working Party for Agricultural Crops

Fifty-Third Session

Virtual meeting, May 27 to 30, 2024

## Technical Working Party for Fruit Crops

Fifty-Fifth Session

Virtual meeting, June 3 to 6, 2024

## DEVELOPMENT OF GUIDANCE AND INFORMATION MATERIALS

*Document prepared by the Office of the Union*

*Disclaimer: this document does not represent UPOV policies or guidance*

## EXECUTIVE SUMMARY

1. The purpose of this document is to present proposals for consideration by the Technical Working Parties (TWPs) on revisions or development of new guidance.
2. The TWPs are invited to consider the following matters:

Explanatory Notes: Document UPOV/EXN/DEN “Explanatory Notes on Variety Denominations under the UPOV Convention” (Revision)

*New variety denomination classes for Prunus and situations when a denomination should be compared with other classes within a genus*

- (a) The TWPs are invited to consider situations when a denomination should be compared with denominations in other classes within a genus or the entire genus, as set out in paragraph 11 of this document.

### TGP Documents

*TGP/5: Section 6 “UPOV Report on Technical Examination and UPOV Variety Description” (Revision)*

Subsection “UPOV Variety Description”, item 16

- (b) The TWPs are invited to consider:
  - (i) the additional explanations proposed for inclusion under Item 16 “Similar varieties and differences from these varieties” in the “UPOV Variety Description”, as set out in paragraph 18 of this document; and
  - (ii) whether to provide further guidance on information about similar varieties considered in the examination.

Subsection “UPOV Variety Description”, item 17

- (c) The TWPs are invited to consider:
- (i) the additional explanations proposed for inclusion under item 17 “Additional Information” in the “UPOV Variety Description”, as set out in paragraph 21 of this document; and
  - (ii) whether to provide further guidance on additional information that could be provided with variety descriptions.

*TGP/7 “Development of Test Guidelines” (Revision)*

Additional Standard Wording (ASW) 3 “Explanation of the growing cycle”

- (d) The TWPs are invited to consider a proposal to amend the standard wording of growing cycle for “fruit species with clearly defined dormant period” in document TGP/7, ASW 3(a), as set out in paragraph 24 of this document.

Additional Standard Wording (ASW) 7(b) “Number of plants / parts of plants to be examined”

- (e) The TWPs are invited to consider the proposal to amend document TGP/7, ASW 7(b), on the number of parts to be examined from single plants, as set out in paragraph 28 of this document.

Guidance Note (GN) 28 “Example Varieties” – Example varieties for asterisked quantitative characteristics when illustrations are provided

- (f) The TWPs are invited to note that developments would be reported under a separate document concerning a proposal for the revision of document TGP/7 “Development of Test Guidelines”, GN28, on situations where illustrations could replace example varieties.

*TGP/12: Guidance on Certain Physiological Characteristics*

- (g) The TWPs are invited to consider:
- (i) a proposal to amend document TGP/12 “Guidance on Certain Physiological Characteristics” to include a table of equivalence of states of expression in Test Guidelines with terminology used in the vegetable seed sector, as set out in paragraph 34 of this document; and
  - (ii) whether to add an explanation that the table could be used in case of equivalence between the states of expression according to the method described in the explanation of the characteristic (Section 8.2 of the Test Guidelines).

Access to plant material for the purpose of management of variety collections and DUS examination

- (h) The TWPs are invited to consider:
- (i) the proposed elements for inclusion in requests for the submission of plant material of candidate varieties and varieties of common knowledge for DUS examination, as set out in paragraph 41 of this document;
  - (ii) further experiences and policies on requesting plant material from plant breeders; and
  - (iii) possible alternatives to make the information available.

3. The structure of this document is as follows:

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4. The following abbreviations are used in this document:

CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TWA:	Technical Working Party for Agricultural Crops
TWF:	Technical Working Party for Fruit Crops
TWM:	Technical Working Party on Testing Methods and Techniques
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWV:	Technical Working Party for Vegetables
TWPs:	Technical Working Parties

GUIDANCE AND INFORMATION MATERIALS

5. At their sessions in 2023, the TC<sup>1</sup>, CAJ<sup>2</sup> and Council<sup>3</sup> considered proposals for the development of guidance and information materials, as set out in document SESSIONS/2023/2<sup>4</sup>. Proposals adopted by the Council are reported in document TWP/8/2 “Report on developments in UPOV – Matters for information”.

6. The TWPs are invited to consider the following matters regarding guidance and information materials at their sessions in 2024.

<sup>1</sup> TC, fifty-ninth session, held in Geneva on October 23 and 24, 2023.

<sup>2</sup> CAJ, eightieth session, held in Geneva on October 25, 2023.

<sup>3</sup> Council, fifty-seventh ordinary session, held in Geneva on October 27, 2023.

<sup>4</sup> see documents TC/59/28 “Report”, paragraphs 18 to 42, CAJ/80/6 “Report”, paragraphs 8 to 27, and C/57/17 “Report”, paragraphs 15 to 38.

(a) Explanatory Notes

*UPOV/EXN/DEN “Explanatory Notes on Variety Denominations under the UPOV Convention” (Revision)*

New variety denomination classes for *Prunus* and situations when a denomination should be compared with other classes within a genus

7. The background to this matter is provided in Annex I to this document.

8. The “Explanatory Notes on Variety Denominations under the UPOV Convention” (document UPOV/EXN/DEN/3) states that:

“2.5.2 The variety denomination classes are as follows:

“(a) General Rule (one genus / one class): for genera and species not covered by the List of Classes in Annex I, a genus is considered to be a class;

“(b) Exceptions to the General Rule (list of classes):

“(i) classes within a genus: List of classes in Annex I: Part I;

“(ii) classes encompassing more than one genus: List of classes in Annex I: Part II.”

9. The TC<sup>1, 5</sup> considered the creation of new variety denomination classes within the genus *Prunus*, as follows (additions indicated with highlighting and underline):

*Classes within a genus*

Denominations for varieties identified at genus level only, where the variety belongs to one of the genera included in the following list of “Classes within a genus” must be different from denominations within that genus.

	Botanical names	UPOV codes
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[...]

Class 6: *Prunus*: Denominations of interspecific hybrids in Class 6 must be different from denominations in classes of all the parent species.

New Class 6.1	<u><i>Prunus avium</i> (L.) L.</u> <u><i>Prunus cerasus</i> L.</u>	PRUNU_AV PRUNU_CSS  <u>In the case of interspecific crosses, the classes of all parent species involved are applied.</u>
New Class 6.2	<u><i>Prunus domestica</i> L.</u> <u><i>Prunus salicina</i> Lindley</u> <u><i>Prunus armeniaca</i> L.</u> <u><i>Prunus mume</i> Siebold &amp; Zucc.</u>	PRUNU_DOM PRUNU_SAL PRUNU_ARM PRUNU_MUM  <u>In the case of interspecific crosses, the classes of all parent species involved are applied.</u>
New Class 6.3	<u><i>Prunus persica</i> (L.) Batsch.</u> <u><i>Prunus dulcis</i> (Mill.) D. A. Webb</u>	PRUNU_PER PRUNU_DUL  <u>In the case of interspecific crosses, the classes of all parent species involved are applied.</u>
New Class 6.4	<u><i>Prunus</i> other than classes 6.1, 6.2 and 6.3, including PRUNU in more than one class.</u>	<u>other than classes 6.1, 6.2 and 6.3, including PRUNU in more than one class.</u>

<sup>5</sup> see document TC/59/28 “Report”, paragraphs 23 to 25.

10. The TC considered the proposed explanation that “denominations of interspecific hybrids must be different from denominations in the denomination classes of all the parent species” and agreed that the situation was applicable to all the genera in the list of classes within a genus and not only to *Prunus* (see document TC/59/28 “Report”, paragraphs 23 to 25).

11. The TC agreed to invite the TWPs, at their sessions in 2024, to consider other situations when a denomination should be compared with denominations in other classes within a genus or the entire genus, such as:

- Denominations for varieties identified at genus level only, where the variety belongs to one of the genera included in the following list of “Classes within a genus” must be different from denominations within that genus.
- Denominations for varieties belonging to one of the “Classes within a genus” must be different from all denominations for varieties identified at genus level only.
- Denominations of interspecific hybrids must be different from denominations of varieties in classes of all the parent species.
- Denominations for varieties belonging to one of the “Classes within a genus” must be different from all denominations for varieties of interspecific hybrids with at least one parent species within that class.

12. Guidance on the situations when a denomination should be compared with denominations in other classes within a genus or the entire genus would be considered for inclusion in document UPOV/EXN/DEN “Explanatory Notes on Variety Denominations under the UPOV Convention” for all the genera in the list of classes within a genus.

*13. The TWPs are invited to consider situations when a denomination should be compared with denominations in other classes within a genus or the entire genus, as set out in paragraph 11 of this document.*

#### (b) TGP Documents

*TGP/5: Section 6 “UPOV Report on Technical Examination and UPOV Variety Description” (Revision)*

#### Background

14. To facilitate cooperation in DUS testing as considered appropriate by members of the Union, UPOV has developed document TGP/5 “Experience and Cooperation in DUS Testing”, which contains Section 6 “UPOV Report on Technical Examination and UPOV Variety Description”. Document TGP/5, Section 6, provides an information template for authorities to take into account the results of growing trials, or other tests, which have already been carried out by another member of the Union.

#### Subsection “UPOV Variety Description”, item 16 “Similar varieties and differences from these varieties”

15. The “UPOV Variety Description” in document TGP/5, Section 6, invites the reporting authority to provide the following information under item 16:

[...]

#### “16. Similar Varieties and Differences from These Varieties

Denomination(s) of variety(ies) similar to the candidate variety	Characteristic(s) in which the candidate variety differs from the similar variety(ies) <sup>1)</sup>	State of expression of the characteristic(s) for the similar variety(ies) <sup>2)</sup>	State of expression of the characteristic(s) for the candidate variety <sup>2)</sup>
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“1) In the case of identical states of expression of both varieties, please indicate the size of the difference.

“2) The state of expression of the candidate variety and similar variety(ies) relate to the DUS examination conducted at the testing station, place and period of testing indicated in 11 and 12.”

16. The following explanation is provided on item 16:

“(d) Ad Number 16 (Annex: UPOV Variety Description)

“Only those characteristics that show sufficient differences to establish distinctness should be given. Information on differences between two varieties should always contain the states of expression with their notes for both varieties; if possible, in columns if more varieties are mentioned.”

17. Further background to this matter is provided in Annex II to this document.

Proposal:

18. The TC<sup>6</sup>, at its fifty-ninth session<sup>1</sup>, agreed to invite the TWPs, at their sessions in 2024, to consider the following proposal to include additional explanations under item 16 “Similar varieties and differences from these varieties” and whether to provide further guidance on information about similar varieties considered in the examination (additions indicated with highlighting and underline):

- All similar/closest/reference varieties as determined by the Examiner. If there is no such variety(s), a sentence such as “No similar/closest variety was identified in the growing trial” should be stated.
- Only varieties which have been tested under the same growing conditions as the candidate variety.
- Varieties that express the least number of characteristic differences from the candidate variety.
- All characteristics are treated equally, with all characteristics providing distinctness to be included for each similar variety.

19. *The TWPs are invited to consider:*

*(a) the additional explanations proposed for inclusion under Item 16 “Similar varieties and differences from these varieties” in the “UPOV Variety Description”, as set out in paragraph 18 of this document; and*

*(b) whether to provide further guidance on information about similar varieties considered in the examination.*

Subsection “UPOV Variety Description”, item 17 “Additional information”

20. The “UPOV Variety Description” in document TGP/5, Section 6, invites the reporting authority to provide the following information under item 17:

“17. Additional Information

- “(a) Additional Data
- “(b) Photograph (if appropriate)
- “(c) RHS Colour Chart version used (if appropriate)
- “(d) Remarks”

Proposal:

21. The TC<sup>1,6</sup> agreed to invite the TWPs, at their sessions in 2024, to consider the following revision to document TGP/5, Section 6, item 17, and whether to provide further guidance on additional information that could be provided with variety descriptions (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strike through~~):

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<sup>6</sup> see document TC/59/28 “Report”, paragraphs 33 and 34.

17. Additional Information

- (a) Additional Data (e.g. COYU or COYD results, measured data supporting certain characteristics, scales for measured characters for example varieties)
- (b) Photograph (if appropriate)
- (c) RHS Colour Chart version used (if appropriate)
- (d) Examples varieties used in testing
- (e) Remarks

22. *The TWPs are invited to consider:*

*(a) the additional explanations proposed for inclusion under item 17 “Additional Information” in the “UPOV Variety Description”, as set out in paragraph 21 of this document; and*

*(b) whether to provide further guidance on additional information that could be provided with variety descriptions.*

*TGP/7 “Development of Test Guidelines” (Revision)*

Additional Standard Wording (ASW) 3 “Explanation of the growing cycle”

23. Test Guidelines represent an agreed and harmonized approach for the examination of new varieties of particular species or other group(s) of varieties. Chapter 3.1 of the Test Guidelines refers to the number of growing cycles. In some cases, it may be necessary to clarify what is meant by a growing cycle. Additional standard wording has been developed for some situations, as provided in document TGP/7, Annex 2 “Additional Standard Wording” (ASW), ASW 3 “Explanation of the growing cycle”.

24. The TC<sup>1, 7</sup> agreed to invite the TWPs to consider whether to amend the current standard wording of growing cycle for “fruit species with clearly defined dormant period”, to read as follows (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strikethrough~~):

“(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 the dormancy period, followed by bud burst (flowering and/or vegetative), flowering and fruit harvest and concluding when the following dormant period starts ~~ends with the swelling of new season buds.~~”

*25. The TWPs are invited to consider a proposal to amend the standard wording of growing cycle for “fruit species with clearly defined dormant period” in document TGP/7, ASW 3(a), as set out in paragraph 24 of this document.*

Additional Standard Wording (ASW) 7(b) “Number of plants / parts of plants to be examined”

26. Chapter 4 of the Test Guidelines refers to the assessment of distinctness. Section 4.1.4 provides information on the number of plants or parts of plants to be examined. The following standard wording is provided in all Test Guidelines, where “{ x }” is the number of plants or parts of plants to be observed:

“Unless otherwise indicated, for the purposes of distinctness, all observations on single plants should be made on { x } plants or parts taken from each of { x } plants and any other observations made on all plants in the test, disregarding any off-type plants.”

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<sup>7</sup> see document TC/59/28 “Report”, paragraph 39.

27. The following sentence may be added where appropriate (Additional Standard Wording (ASW) 7(b)):

“In the case of observations of parts taken from single plants, the number of parts to be taken from each of the plants should be { y }.”

28. At the request of the TWF, the TC<sup>8</sup>, at its fifty-ninth session<sup>1</sup>, agreed to invite the TWPs to consider a proposal to amend ASW 7(b) to clarify that the number provided was an indication of minimum quantity, to read as follows:

“In the case of observations of parts taken from single plants, the number of parts to be taken from each of the plants should be at least { y }.”

*29. The TWPs are invited to consider the proposal to amend document TGP/7, ASW 7(b), on the number of parts to be examined from single plants, as set out in paragraph 28 of this document.*

Guidance Note (GN) 28 “Example Varieties” – Example varieties for asterisked quantitative characteristics when illustrations are provided

30. The TC<sup>1</sup> noted discussions on possible amendments to document TGP/7, GN 28 “Example Varieties” reported in Annex III to this document. The TC noted that the TWA had invited the expert from Germany to draft a proposal to amend the guidance in document TGP/7, GN 28, concerning the situations where illustrations could replace example varieties and their complementary role to clarify the states of expression of a characteristic for consideration at the TWPs, at their sessions in 2024.

31. Further developments on this topic would be reported to the TWPs under a separate document.

*32. The TWPs are invited to note that developments would be reported under a separate document concerning a proposal for the revision of document TGP/7 “Development of Test Guidelines”, GN28, on situations where illustrations could replace example varieties.*

*TGP/12: Guidance on Certain Physiological Characteristics*

33. The TWV received a presentation on “Disease resistance characteristics” by an expert from Euroseeds, on behalf of CropLife International, Euroseeds and the International Seed Federation (ISF). A copy of the presentation is presented in document TWV/57/10 Add (see document TWV/57/26 “Report”, paragraphs 25 to 28).

34. The TWV<sup>Error! Bookmark not defined.</sup> noted that the terminology used in the condensed scale of notes (notes 1; 2; 3) for quantitative disease resistance characteristics in UPOV Test Guidelines differed from the terminology used in the vegetable seed sector. The TWV agreed that the following table provided the equivalence of states of expression in UPOV Test Guidelines with the terminology used in the vegetable seed sector<sup>9</sup>:

Equivalence of states of expression in UPOV Test Guidelines with the terminology used in the vegetable seed sector		
	State of expression in UPOV Test Guidelines	Terminology used in the vegetable seed sector <sup>10</sup>
UPOV notes	Resistance to (disease resistance name) is:	Reaction of a plant variety to a specific pest is:
1	absent or low	Susceptibility (S)
2	medium	Intermediate Resistance (IR)
3	high	High Resistance (HR)

<sup>8</sup> see document TC/59/28 “Report”, paragraph 40.

<sup>9</sup> see document TWV/57/26 “Report”, paragraphs 25 to 28.

<sup>10</sup> source: <https://worldseed.org/>



35. The TWV agreed to propose that the table of equivalence was added to document TGP/12 “Guidance on Certain Physiological Characteristics” as part of the explanations to the Standard Resistance Protocol in that document. The TWV agreed that the same table should be included in explanations for quantitative disease resistance characteristics when the condensed scale of notes was used.

36. The TC<sup>11, 12</sup> considered the proposal from the TWV. The TC agreed to invite the TWPs, at their sessions in 2024, to consider whether to amend document TGP/12 to include a table of equivalence of states of expression in Test Guidelines with terminology used in the vegetable seed sector.

37. The TC agreed to invite the TWPs to consider whether to add an explanation that the table could be used in case of equivalence between the states of expression according to the method described in the explanation of the characteristic (Section 8.2 of the Test Guidelines).

38. *The TWPs are invited to consider:*

*(a) a proposal to amend document TGP/12 “Guidance on Certain Physiological Characteristics” to include a table of equivalence of states of expression in Test Guidelines with terminology used in the vegetable seed sector, as set out in paragraph 34 of this document; and*

*(b) whether to add an explanation that the table could be used in case of equivalence between the states of expression according to the method described in the explanation of the characteristic (Section 8.2 of the Test Guidelines).*

(c) Access to plant material for the purpose of management of variety collections and DUS examination

39. The TC<sup>11, 12</sup> considered the proposal from the TWF to develop guidance on elements for inclusion in requests for the submission of plant material of candidate varieties and varieties of common knowledge for DUS examination, as set out in Annex IV to this document.

40. The TC agreed that it would not be appropriate to include the proposed guidance in document TGP/5, Section 11 “Examples of policies and contracts for material submitted by the breeder”. The TC agreed that a suitable place to make this information available should be identified and not necessarily in a TGP document.

41. The TC agreed to invite the TWPs, at their sessions in 2024, to consider the elements proposed by the TWF and further experiences and policies on requesting plant material from breeders, as follows:

- Letter to be addressed to the PVP holder of the variety or their formal representative in the territory
- Technical details, especially quality, quantity, date and place of submission. In the fruit sector, material of the desired quality often may need to be organized more than one year in advance. The authority should accept some flexibility in its availability.
- Detailed explanation of the purpose
  - Variety collection
  - Side by side comparison with a potentially similar candidate variety
- What will and will not be done with the material during and after the trial, including DNA sampling and DNA profiles
  - Responsible body to enforce the policy is the PVP authority
  - Triggering purpose is the DUS test
  - Physical location of the material, possibility to have access for the owner, description of due care and cultivation circumstances
  - Ownership of the material
  - Clarification of possible other uses, e.g. other official purposes, which ones

<sup>11</sup> see document TC/59/28 “Report”, paragraphs 41 and 42.

<sup>12</sup> see document TC/59/28 “Report”, paragraphs 35 to 37.

- Under which circumstances the material may be made available to another party/authority
- Clarification of situations requiring or not the consent from the breeder
- Who has access to the material
- Which information will need to be made available to the public as a requirement (photographs, descriptions)

42. *The TWPs are invited to consider:*

*(a) the proposed elements for inclusion in requests for the submission of plant material of candidate varieties and varieties of common knowledge for DUS examination, as set out in paragraph 41 of this document;*

*(b) further experiences and policies on requesting plant material from plant breeders; and*

*(c) possible alternatives to make the information available.*

[Annex I follows]

DOCUMENT UPOV/EXN/DEN:  
EXPLANATORY NOTES ON VARIETY DENOMINATIONS UNDER THE UPOV CONVENTION (REVISION)

New variety denomination classes for *Prunus* and situations when a denomination should be compared with other classes within a genus

1. The background to this matter is provided in document TWP/7/4 “Denomination classes for *Alium*, *Brassica* and *Prunus*”.
2. The genus *Prunus* currently follows the General Rule (one genus / one class)<sup>1</sup>.
3. The TWO<sup>2</sup> considered the proposal for creating new variety denomination classes within the genus *Prunus*. The TWO noted the existence of ornamental varieties of *Prunus*, including interspecific hybrids, and agreed to propose that the TWF take this information into consideration when discussing the possible creation of new variety denomination classes (see documents TWO/55/11 “Report”, paragraph 28; and TWF/54/13 “Report”, paragraphs 29 to 31).
4. The TWF<sup>Error! Bookmark not defined.</sup> considered the comment from the TWO, at its fifty-fifth session, on the existence of ornamental varieties of plums produced from interspecific crossings and agreed that such cases could be treated according to the proposal to apply the denomination classes of all parents involved without causing confusion concerning the identity of the variety.
5. The TWF agreed that breeding of new *Prunus* varieties could lead to complex hybrids requiring the use of more than one denomination class and careful interpretation of the nomenclature.
6. The TWF agreed to propose creation of new exceptional variety denomination classes for *Prunus*, as follows (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strike through~~):

## LIST OF CLASSES

### Part I

#### *Classes within a genus*

Denominations for varieties identified at genus level only, where the variety belongs to one of the genera included in the following list of “Classes within a genus” must be different from denominations within that genus.

	<u>Botanical names</u>	<u>UPOV codes</u>
	[...]	

Class 6: *Prunus*: Denominations of interspecific hybrids in Class 6 must be different from denominations in classes of all the parent species.

<u>New Class 6.1</u>	<u><i>Prunus avium</i> (L.) L.</u> <u><i>Prunus cerasus</i> L.</u>	PRUNU AVI PRUNU CSS <u>In the case of interspecific crosses, the classes of all parent species involved are applied.</u>
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<sup>1</sup> “Explanatory Notes on Variety Denominations under the UPOV Convention” (document UPOV/EXN/DEN/1) states that “2.5.2 The variety denomination classes are as follows:

“(a) General Rule (one genus / one class): for genera and species not covered by the List of Classes in Annex I, a genus is considered to be a class;

“(b) Exceptions to the General Rule (list of classes):

“(i) classes within a genus: List of classes in Annex I: Part I;

“(ii) classes encompassing more than one genus: List of classes in Annex I: Part II.”

<sup>2</sup> TWO, fifty-fifth session, held via electronic means from June 12 to 16, 2023.

New Class 6.2	<u><i>Prunus domestica</i> L.</u> <u><i>Prunus salicina</i> Lindley</u> <u><i>Prunus armeniaca</i> L.</u> <u><i>Prunus mume</i> Siebold &amp; Zucc.</u>	PRUNU_DOM PRUNU_SAL PRUNU_ARM PRUNU_MUM <u>In the case of interspecific crosses, the classes of all parent species involved are applied.</u>
New Class 6.3	<u><i>Prunus persica</i> (L.) Batsch.</u> <u><i>Prunus dulcis</i> (Mill.) D. A. Webb</u>	PRUNU_PER PRUNU_DUL <u>In the case of interspecific crosses, the classes of all parent species involved are applied.</u>
New Class 6.4	<u><i>Prunus</i> other than classes 6.1, 6.2 and 6.3, including PRUNU in more than one class.</u>	<u>other than classes 6.1, 6.2 and 6.3, including PRUNU in more than one class.</u>

7. It should be noted that this approach would introduce a requirement for denominations of interspecific hybrids to be different from denominations in classes of all the parent species. A similar requirement already exists for varieties identified at genus level only where the variety belongs to one of the denomination classes included in document UPOV/EXN/DEN, List of Classes, Part I, "Classes within a genus".

[Annex II follows]

DOCUMENT TGP/5: SECTION 6  
UPOV REPORT ON TECHNICAL EXAMINATION AND UPOV VARIETY DESCRIPTION (REVISION)

New proposal to amend Section “UPOV Variety Description”, item 16 “Similar varieties and differences from these varieties”

1. The TWF<sup>1</sup> considered document TWF/54/7 “Cooperation in examination”, presented by an expert from New Zealand (see document TWF/54/13 “Report”, paragraphs 17 and 18).
2. The TWF agreed to propose amending document TGP/5, Section 6 “UPOV Report on Technical Examination and UPOV Variety Description” to provide further guidance on information about similar varieties considered in the examination.
3. The TWF agreed to propose including the following additional explanations under item 16 “Similar varieties and differences from these varieties” to clarify which varieties should be reported in the UPOV variety description (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strike through~~):

- All similar/closest/reference varieties as determined by the Examiner. If there is no such variety(s), a sentence such as “No similar/closest variety was identified in the growing trial” should be stated.
- Only varieties which have been tested under the same growing conditions as the candidate variety.
- Varieties that express the least number of characteristic differences from the candidate variety.
- All characteristics are treated equally, with all characteristics providing distinctness to be included for each similar variety.

New proposal to amend Section “UPOV Variety Description”, item 17 “Additional information”

4. The TWO<sup>2</sup> considered document TWO/55/6 presented by an expert from New Zealand (see document TWO/55/11 “Report”, paragraphs 21 to 25).
5. The TWO considered the proposal presented in document TWO/55/6 “Information required to enhance the use of existing DUS test reports” to amend document TGP/5, Section 6 “UPOV variety description”, item 17 “Additional information” to include examples of “(a) additional data” that could be provided with variety descriptions.
6. The TWO agreed to propose that the following non-exhaustive list of examples of additional data was considered for inclusion in document TGP/5, Section 6 (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strike through~~):

“(a) Additional Data (e.g. COYU or COYD results, measured data supporting certain characteristics, scales for measured characters for example varieties)”

7. The TWO agreed to propose including the following additional element in the list of “Additional Information” under Section 17 of document TGP/5, Section 6:

“(d) Example varieties used in testing in the growing trial”

<sup>1</sup> TWF, fifty-fourth session, held in Nîmes, France, from July 3 to 7, 2023.

<sup>2</sup> TWO, fifty-fifth session, held via electronic means from June 12 to 16, 2023.

8. The TWO considered document TGP/5, Section 6 “UPOV Report on Technical Examination and UPOV Variety Description” and agreed that missing information in Section 16 “*Similar varieties and differences from these varieties*” would reduce the usefulness of the DUS test reports for exchange.

9. The TWO agreed to recommend that authorities providing test reports supply information in Section 16 of the variety description, even to indicate that no similar variety had been identified. The TWO agreed that, in case there was a similar variety (or varieties) they should be mentioned in Section 16 of the test report.

[Annex III follows]

DOCUMENT TGP/7  
DEVELOPMENT OF TEST GUIDELINES (REVISION)GN 28 “Example Varieties” – Example varieties for asterisked quantitative characteristics when illustrations are provided

1. The TC<sup>1</sup> agreed to invite the TWPs, at their sessions in 2023, to consider the situations described by the TWO as the basis to develop guidance on possible exceptions to the requirement to provide example varieties for asterisked quantitative characteristics when illustrations were provided. The TC agreed to invite the TWPs to specify situations where such approach would be applicable (see document TC/58/31 “Report”, paragraphs 23 and 24).

*Situations where illustrations could replace example varieties for asterisked quantitative characteristics*

2. The TWV, TWA, TWO and TWF, at their sessions in 2023<sup>2</sup>, considered the situations described by the TWO as the basis to develop guidance on possible exceptions to the requirement to provide example varieties for asterisked quantitative characteristics when illustrations were provided.

3. The TWV recalled that it had agreed at its fifty-sixth session<sup>3</sup> as follows (see document TWV/56/22 “Report”, paragraph 9):

“The TWV agreed that example varieties should continue to be provided for asterisked quantitative characteristics for vegetable crops. The TWV agreed that example varieties could be easily provided for vegetable crops and were useful for harmonizing DUS examination and producing variety descriptions. The TWV recalled that guidance in document TGP/7 required example varieties for three or two states of expression, according to the scale of notes used.”

4. The TWV agreed that example varieties were important for training for DUS experts and plant breeders using Test Guidelines. The TWV agreed that illustrations should be used to complement example varieties in explanations and whenever plant material of a particular variety was not available.

5. The TWA agreed that Test Guidelines should provide as much information as possible to clarify the states of expression of a characteristic, such as using illustrations to complement the use of example varieties.

6. The TWA agreed to invite the experts from Germany in collaboration with Canada, Netherlands and United Kingdom to draft a proposal to amend the guidance in document TGP/7, GN 28 “Example Varieties”, concerning the situations where illustrations could replace example varieties and their complementary role to clarify the states of expression of a characteristic.

7. The TWO recalled that information on the situations where the approach would be applicable had been provided in document TWP/7/2 “Development of guidance and information materials”, paragraphs 16 and 17 (see document TWO/54/6 “Report”, paragraph 24) as reproduced below:

“16. The TWO, at its fifty-fourth session, noted that Test Guidelines for ornamental plants included many quantitative and pseudo-qualitative floral characteristics, which were not measured and only visually observed (VG). The TWO agreed that the use of illustrations would be suitable to replace example varieties for such characteristics and further facilitate international harmonization. The TWO agreed that the following characteristics could be used as examples of the approach to replace example varieties when illustrations were provided (see document TWO/54/6 ‘Report’, paragraph 24):

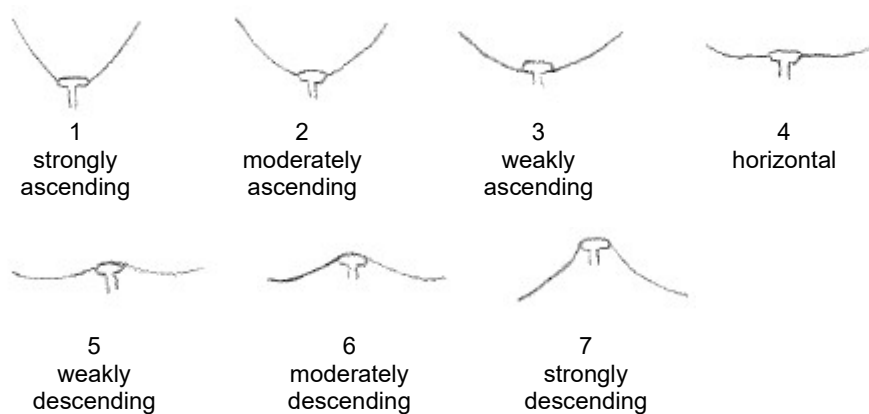
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<sup>1</sup> TC, fifty-eighth session, held on October 24 and 25, 2022.

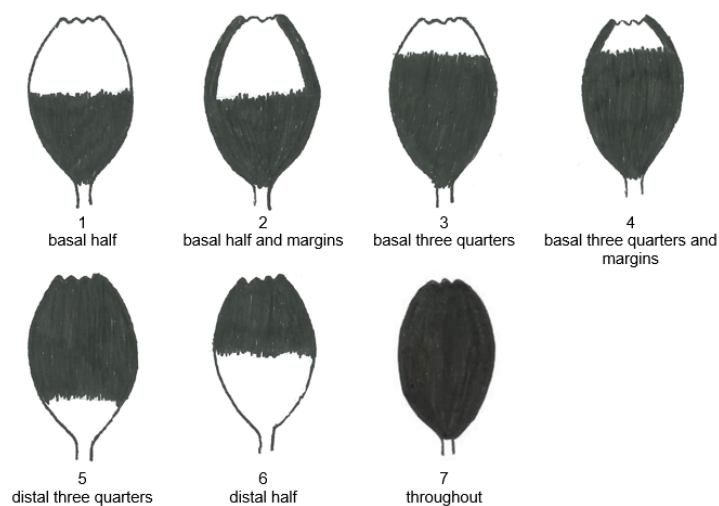
<sup>2</sup> see documents TWV/57/26 “Report”, paragraphs 11 to 13; TWA/52/11 “Report”, paragraphs 15 to 17, TWO/55/11 “Report”, paragraphs 10 to 13 and TWF/54/13 “Report”, paragraph 13.

<sup>3</sup> TWV, fifty-sixth session, held via electronic means from April 18 to 22, 2022.

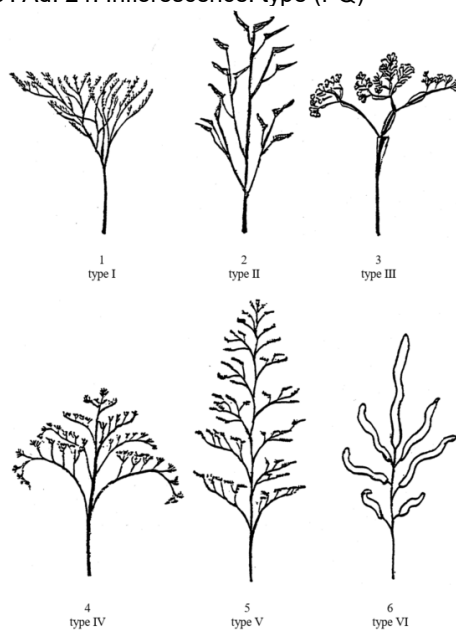
- Document TG/336/1 'Coreopsis':  
Ad. 24: Ray floret: attitude of basal part (QN)



- Document TG/336/1 "Coreopsis":  
"Ad. 29: Ray floret: distribution of main color (PQ)



- Document TG/168/3 'Statice': Ad. 24: Inflorescence: type (PQ)





8. The TWO agreed that such an approach would also be applicable for species with few example varieties and where there was difficulty obtaining plant material of such varieties.
9. The TWO noted that the TWA, at its fifty-second session, had agreed to invite the experts from Germany in collaboration with Canada, Netherlands and United Kingdom to draft a proposal to amend document TGP/7, GN 28 "Example Varieties", concerning situations where illustrations could replace example varieties and their complementary role to clarify the states of expression of a characteristic.
10. The TWO agreed to invite the experts from Canada, European Union, France and the United Kingdom to join the TWA experts to draft a proposal to amend document TGP/7, GN 28.
11. The TWF agreed that Test Guidelines should provide example varieties and illustrations as far as possible. The TWF noted that there could be difficulty obtaining plant material of certain example varieties not widely available or no longer in cultivation. The TWF noted the expressions of interest of the experts from Australia and Hungary to join the experts from the TWA and TWO drafting a proposal to amend document TGP/7, GN 28 (see document TWF/54/13 "Report", paragraph 14).

[Annex IV follows]

## ACCESS TO PLANT MATERIAL FOR THE PURPOSE OF MANAGEMENT OF VARIETY COLLECTIONS AND DUS EXAMINATION

1. The TWF, at its fifty-fourth session<sup>1</sup>, considered document TWF/54/7 “Cooperation in Examination”, presented by an expert from the European Union (see document TWF/54/13 “Report”, paragraphs 19 and 20).

2. The TWF agreed to propose amending document TGP/5, Section 11 “Examples of policies and contracts for material submitted by the breeder” to include the following list of elements to be considered for inclusion in requests for the submission of plant material of candidate varieties and varieties of common knowledge for DUS examination (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strike through~~):

- Letter to be addressed to the PVP holder of the variety or their formal representative in the territory
- Technical details, especially quality, quantity, date and place of submission. In the fruit sector, material of the desired quality often may need to be organized more than one year in advance. The authority should accept some flexibility in its availability.
- Detailed explanation of the purpose
  - Variety collection
  - Side by side comparison with a potentially similar candidate variety
- What will and will not be done with the material during and after the trial, including DNA sampling and DNA profiles
  - Responsible body to enforce the policy is the PVP authority
  - Triggering purpose is the DUS test
  - Physical location of the material, possibility to have access for the owner, description of due care and cultivation circumstances
  - Ownership of the material
  - Clarification of possible other uses, e.g. other official purposes, which ones
  - Under which circumstances the material may be made available to another party/authority
  - Clarification of situations requiring or not the consent from the breeder
  - Who has access to the material
  - Which information will need to be made available to the public as a requirement (photographs, descriptions)

[End of Annex IV and of document]

<sup>1</sup> TWF, fifty-fourth session, held in Nîmes, France, from July 3 to 7, 2023.