



TGP/7.4 Draft 1

ORIGINAL: English

DATE: August 23, 2002

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

Associated Document
to the
General Introduction to the Examination
of Distinctness, Uniformity and Stability and the
Development of Harmonized Descriptions of New Varieties of Plants (document TG/1/3)

DOCUMENT TGP/7

“DEVELOPMENT OF TEST GUIDELINES”

**Section TGP/7.4: Procedures for the Introduction and
Revision of Test Guidelines**

Document prepared by the Office of the Union

to be considered by the

*Technical Working Party for Vegetables (TWV), at its thirty-sixth session to be held in
Tsukuba, Japan, from September 9 to 13, 2002*

*Technical Working Party for Agricultural Crops (TWA), at its thirty-first session to be held in
Rio de Janeiro, Brazil, from September 23 to 27, 2002*

*Technical Working Party for Ornamental Plants and Forest Trees (TWO), at its thirty-fifth
session to be held in Quito, from November 18 to 22, 2002*

*Technical Working Party for Fruit Crops (TWF), at its thirty-third session to be held in
San Carlos de Bariloche, Argentina, from November 25 to 29, 2002*

1.	INTRODUCTION.....	3
1.1	Purpose of Test Guidelines	3
1.2	General Procedure for the Introduction and Revision of Test Guidelines	3
1.3	Responsibility and Transparency	3
1.4	Drafting Experts.....	3
1.5	Interested Experts.....	4
1.6	Consultation.....	4
2.	PROCEDURE FOR THE INTRODUCTION AND REVISION OF TEST GUIDELINES	5
2.1	STEP 1 Proposals for the Commissioning of Work	5
2.2	STEP 2 Approval of the Proposals	5
2.3	STEP 3 Allocation of Drafting Work	6
2.4	STEP 4 Preparation of Draft Test Guidelines for the TWP	6
	2.4.1 <i>The Leading Expert</i>	6
	2.4.2 <i>The Subgroup of Interested Experts</i>	6
2.5	STEP 5 Consideration of the Draft Test Guidelines by the TWPs	6
	2.5.1 <i>Draft Test Guidelines developed by a Single TWP</i>	6
	2.5.2 <i>Draft Test Guidelines developed jointly by more than one TWP</i>	6
	2.5.3 <i>Consultation during other UPOV meetings</i>	7
2.6	STEP 6 Submission of Draft Test Guidelines by the TWP	7
2.7	STEP 7 Consideration of Draft Test Guidelines by the Enlarged Editorial Committee (EEC)	7
2.8	STEP 8 Adoption of Draft Test Guidelines by the Technical Committee	7
3.	PROCEDURE FOR THE PARTIAL REVISION OF TEST GUIDELINES	8
4.	PROCEDURE FOR THE CORRECTION OF TEST GUIDELINES.....	8
5.	DOCUMENT REFERENCES	9
5.1	The TG Reference	9
5.2	Revision of Test Guidelines	9
	5.2.1 <i>Replacement of Existing Test Guidelines</i>	9
	5.2.2 <i>Splitting of Existing Test Guidelines</i>	9
5.3	Introduction of New Test Guidelines.....	9
<u>Option 1</u>	<u>Allocation of TG Reference at the Point of Commission</u>	10
<u>Option 2</u>	<u>Current Approach</u>	10
<u>Option 3</u>	<u>Subject Reference</u>	10
5.4	Partial Revision of Test Guidelines.....	11
5.5	Corrections to Test Guidelines.....	11

SECTION TGP/7.4
PROCEDURES FOR THE INTRODUCTION AND REVISION
OF UPOV TEST GUIDELINES

1. INTRODUCTION

This document sets out the procedure for the introduction and revision of Test Guidelines.

1.1 Purpose of Test Guidelines

The General Introduction (Chapter 1, Section 1.3) states that “... UPOV has developed “Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability,” or “Test Guidelines”, for many individual species or other variety groupings. The purpose of these Test Guidelines is to elaborate certain of the principles contained in this document, and the associated TGP documents, into detailed practical guidance for the harmonized examination of DUS and, in particular, to identify appropriate characteristics for the examination of DUS and production of harmonized variety descriptions”.

1.2 General Procedure for the Introduction and Revision of Test Guidelines

1.2.1 The General Introduction (Chapter 1, Section 1.4) states that “The individual Test Guidelines are prepared by the appropriate Technical Working Party, which is composed of government-appointed experts from each member of the Union with invited experts from other interested States and observer organizations. The main international non-governmental organizations in the field of plant breeding and the seed and plant industries are given the opportunity to comment on the drafts of Test Guidelines before their adoption, thus ensuring that the knowledge and experience of breeders and the seed and plant industries is taken into account. Once developed, the Test Guidelines are submitted for approval by the Technical Committee”.

1.2.2 The General Introduction further clarifies (Chapter 8, Section 8.2.1) that “The individual Test Guidelines are prepared or, where appropriate, revised according to the procedures set out in document TGP/7, “Development of Test Guidelines.” Once prepared by the appropriate Technical Working Party for the species concerned, a draft is sent for comments to the relevant international professional organizations and institutions working in the field of the species concerned. On the basis of the comments received, the draft Test Guidelines are finalized by the Technical Working Party concerned and presented to the UPOV Technical Committee for final adoption and publication.”

1.3 Responsibility and Transparency

This procedure has been developed in recognition of the need to ensure that the procedure for the introduction and revision is transparent and to clarify responsibility for each step in the procedure.

1.4 Drafting Experts

The procedure recognizes that the drafting of Test Guidelines is led by an expert (the “leading expert”) from within one of the UPOV Technical Working Parties (“the TWPs”).

1.5 Interested Experts

The leading expert drafts the Test Guidelines in close cooperation with all those members of the TWPs which have expressed an interest (the “interested experts”), to ensure that the full extent of knowledge and expertise is reflected in the draft.

1.6 Consultation

The drafts of Test Guidelines, prepared by the leading expert in conjunction with the interested experts, are the subject of consultation to ensure that authorities responsible for the examination of DUS and other parties involved in the description of plant varieties are consulted. Thus, the consultation includes:

- (a) members of and observers to the TWPs;
- (b) members of and observers to the Technical Committee (TC);
- (c) participants at other UPOV meetings;
- (d) other parties involved in producing descriptions of varieties of common knowledge.

2. PROCEDURE FOR THE INTRODUCTION AND REVISION OF TEST GUIDELINES

2.1 **STEP 1** Proposals for the Commissioning of Work

The Technical Committee is responsible for the commissioning of any work on the introduction or revision of Test Guidelines. Proposals for the commissioning of work by the Technical Committee can be made:

(a) by a UPOV body

i.e. the Council, the Consultative Committee, the Administrative and Legal Committee (hereinafter referred to as “the CAJ”), the Technical Committee itself or, in particular, a Technical Working Party

(b) directly to the Technical Committee by a member of the Union;

(c) directly to the Technical Committee by an observer State or organization to the Technical Committee.

2.2 **STEP 2** Approval of the Proposals

2.2.1 The main priority in providing Test Guidelines is to ensure internationally harmonized variety descriptions. In the case of species or crops which are only of interest at a national or local level and where international harmonization is not necessary, the development of Test Guidelines may not be necessary. For such situations, UPOV still provides effective guidance for developing a robust DUS examination by means of TGP/7.1 “Guidance for Drafters of Test Guidelines,” which is aimed at drafters of both (UPOV) Test Guidelines and national test guidelines and TGP/13 (Guidance for new types and species).

2.2.2 On the basis of prioritizing the development of Test Guidelines where the need for international harmonization is important, the Technical Committee will take into account the following factors when deciding whether to commission work on Test Guidelines:

(a) Total number of applications for plant breeders rights within the territories of the members of the Union.

The Technical Committee is unlikely to commission Test Guidelines where there are very few applications, unless certain other factors make this appropriate e.g. it is known that there is an intensive breeding effort in progress at the international level (see (e)).

(b) Number of States receiving applications for the varieties which would be covered by the Test Guidelines.

In general, Test Guidelines would not be commissioned where only one or two States are receiving applications.

(c) Number of foreign applications received by members of the Union.

A high level of foreign applications indicates that international harmonization is important.

- (d) Economic importance of the crop/species.
- (e) The level of breeding activity.

It may be important to know if the number of new varieties is likely to increase, or decrease significantly

- (f) Any other factors considered relevant by the Technical Committee.

2.2.3 The proposer should provide as much information as possible concerning these factors.

2.3 STEP 3 Allocation of Drafting Work

The Technical Committee will decide which Technical Working Party or Parties should be responsible for the drafting of the Test Guidelines in question. In general, where the proposal is made by a Technical Working Party, the Technical Committee will commission the work from that same Technical Working Party but it may decide to request the approval of another Technical Working Party before a draft is submitted for adoption.

2.4 STEP 4 Preparation of Draft Test Guidelines for the TWP

2.4.1 The Leading Expert

The TWP will agree the leading expert or, in some cases, joint leading experts who will be responsible for preparing all drafts of the Test Guidelines until it is agreed by the TWP.

2.4.2 The Subgroup of Interested Experts

2.4.2.1 The TWP will establish a subgroup consisting of the leading expert and the other interested experts wishing to participate in the drafting of the Test Guidelines in question. Where a TWP has proposed to the TC that it commission work on Test Guidelines, it may establish this subgroup pending the commissioning of the work by the Technical Committee.

2.4.1.2 The leading expert should, after consulting the members of the subgroup, establish a first draft for consideration at the TWP meeting.

2.5 STEP 5 Consideration of the Draft Test Guidelines by the TWPs

2.5.1 Draft Test Guidelines developed by a single TWP

The TWP decides if the draft is ready for presentation to the TC (step 6) for adoption, or whether it should be revised and re-presented at a subsequent session of the TWP (step 4).

2.5.2 Draft Test Guidelines developed jointly by more than one TWP

Where more than one TWP is involved in drafting particular Test Guidelines, the leading TWP is the one from which the leading expert derives. The leading TWP will decide at what stage to send it to the other interested TWPs for comment. The comments from the other TWPs will be reported to the leading expert. The leading expert, in consultation with the other interested experts will then develop a revised draft for submission to all interested TWPs. Only when all interested TWPs have agreed will the draft be submitted to the TC.

2.5.3 Consultation during other UPOV meetings

Where appropriate, the TWP may decide to take into account comments received from participants at other UPOV meetings, e.g. UPOV Regional Technical Meetings. In such a case, the comments from such meetings would be reported to the leading expert. The leading expert, in consultation with the other interested experts, would then develop a revised draft for submission to the TWP. The TWP will decide if the draft is ready to be submitted to the TC or whether it should be considered further at such other meetings and/or at the TWP.

2.6 **STEP 6** Submission of Draft Test Guidelines by the TWP

When agreed by the TWP(s) concerned, the leading expert sends the draft Test Guidelines to the Office of the Union for translation into all UPOV languages. At this stage, the Office will assign the Test Guidelines a TG reference number (see Section 5.1). After translation into all the UPOV languages, the Test Guidelines are submitted to all members of, and observers to, the TC.

2.7 **STEP 7** Consideration of Draft Test Guidelines by the Enlarged Editorial Committee (EEC)

2.7.1 The EEC reviews the draft Test Guidelines and makes a recommendation on whether the Test Guidelines are suitable for adoption (step 8).

2.7.2 It may make a proposal to the TC for adoption subject to amendments of an editorial nature, which it specifies.

2.7.3 If it considers that there are technical issues to be resolved, it may recommend that the TC:

(a) adopt the Test Guidelines subject to further information being provided by the leading expert

(b) refer the Test Guidelines back to the TWP (step 4).

2.8 **STEP 8** Adoption of Draft Test Guidelines by the Technical Committee

The TC will consider whether to adopt the Test Guidelines on the basis of the recommendations of the EEC.

3. PROCEDURE FOR THE PARTIAL REVISION OF TEST GUIDELINES

3.1 In certain circumstances it may be appropriate to update only a specific part of the Test Guidelines without undertaking a review of the entire Test Guidelines, which would, for example, require an update of the Table of Characteristics.

3.2 This situation might apply, but is not restricted to, the following circumstances:

- (a) a need to update the example varieties in the Table of Characteristics;
- (b) a need to update disease resistance characteristics.

3.3 In such circumstances, the procedure is the same as that set out in Section 2, except that the considerations will be restricted to the elements of the Test Guidelines being revised. In particular, the other factors included as (f) in Section 2.2.2 would include that the work involved in this kind of revision would be considerably less than a full revision. The TC will decide on the specific aspects of the Test Guidelines which are to be revised when it commissions the work (step 2).

4. PROCEDURE FOR THE CORRECTION OF TEST GUIDELINES

Where appropriate, the Technical Committee may approve factual corrections to adopted Test Guidelines. These corrected Test Guidelines will be shown with “Corr.” after the TG reference.

5. DOCUMENT REFERENCES

5.1 The TG Reference

All adopted Test Guidelines and draft Test Guidelines submitted for adoption (step 6) receive a reference constructed as follows:

TG/ [sequential number allocated to the TG - fixed] / [version number – updated with each revision]

e.g. TG/100/6

5.2 Revision of Test Guidelines

Where existing Test Guidelines are to be revised, different circumstances can arise. For example, the revised Test Guidelines may be a straightforward replacement of the existing Test Guidelines or the original Test Guidelines may need to be split into two or more Test Guidelines. The document references for these two particular situations are explained below using the following starting point:

Coverage of Test Guidelines:	<i>Alpha L.</i>
Test Guidelines Reference:	TG/500/1
Technical Working Party:	TWX

5.2.1 Replacement of Existing Test Guidelines

In a case where TG/500/1 is being updated without any change to the subject of the Test Guidelines, the document references would be, for example, as follows:

Draft to TWX (2005):	TG/500/2 proj.1
Draft to TWX (2006):	TG/500/2 proj.2
Draft to Asian Regional Technical Meeting (2006):	TG/500/2 proj.3
Draft to TWX (2007):	TG/500/2 proj.4
Draft to TC (2008):	TG/500/2 proj.5
Final adopted document:	TG/500/2

5.2.2 Splitting of Existing Test Guidelines

In a case where the existing Test Guidelines are to be split – for example, into *Alpha major* and *Alpha minor* - the TC will decide on which type retains the TG/500 reference. If *Alpha major* retains the reference TG/500, it will be handled in exactly the same way as in 5.2.1, i.e. it will become TG/500/2. *Alpha minor* will be handled as a new Test Guidelines according to 5.3 and will become TG/xxx/1.

5.3 Introduction of New Test Guidelines

This section presents various options for providing a document reference and some of their advantages and disadvantages. The options are presented on the basis of the following starting point:

Coverage of Test Guidelines:	<i>Delta L.</i> (Common name: Greenplant)
Technical Working Party:	TWZ

Option 1: Allocation of TG Reference at the Point of Commission

If all potential new Test Guidelines were allocated the next free TG reference (e.g. TG/600, TG/601, ...) at the time when the TC commissioned their drafting, it would be possible to handle these in the same way as for a replacement TG in Section 5.2.1. The first draft would be TG/600/1 proj.1 and the adopted version would be TG/600/1. However, this is not a practical approach because experience has demonstrated that some planned Test Guidelines have, for legitimate reasons, never been completed. This means that there would be TG references for which no Test Guidelines existed.

Option 2: Current Approach

The current method of providing document references for draft Test Guidelines is to use a TWP reference during the development in the TWP and only at the stage of adoption to provide a TG reference, thus:

Draft to TWZ (2005):	TWZ/50/9
Draft to TWZ (2006):	TWZ/51/7
Draft to Asian Regional Technical Meeting (2006):	no ref
Draft to TWZ (2007):	TWZ/52/4
Draft to TC (2008):	TG/600/1(proj.)
Final adopted document:	TG/600/1

The problems with this approach are that there is no easy way to follow the document progression from the references and there is no easy way of creating a reference for documents distributed to other TWPs or other UPOV meetings, such as Regional Technical Meetings.

Option 3: Subject Reference

In this proposal, the draft Test Guidelines would be given a reference at the point of commissioning, but this would not be the sequential TG reference that they would receive at the end. It would be a simple short reference based on the Latin or common name, whichever was considered most appropriate. It would be used only as a code and would only be based on the Latin or common name as a means of aiding recognition.

e.g.

Draft to TWZ (2005):	Delta (proj.1)
Draft to TWZ (2006):	Delta (proj.2)
Draft to Asian Regional Technical Meeting (2006):	Delta (proj.3)
Draft to TWZ (2007):	Delta (proj.4)
Draft to TC (2008):	TG/600/1(proj.)
Final adopted document:	TG/600/1

This approach has the advantage that the progress of the document can be easily followed and versions can be produced for other TWPs and UPOV meetings. Furthermore, unlike Option 1, if the Test Guidelines are not put forward for adoption, the sequence of TG references is not affected.

5.4 Partial Revision of Test Guidelines

In the case of a Test Guidelines being only partly revised this would be indicated by the addition of Rev.

e.g.

Draft to TWX (2005):	TG/500/2 Rev. proj.1
Draft to TWX (2006):	TG/500/2 Rev. proj.2
Draft to Asian Regional Technical Meeting (2006):	TG/500/2 Rev. proj.3
Draft to TWX (2007):	TG/500/2 Rev. proj.4
Draft to TC (2008):	TG/500/2 Rev. proj.5
Final revised document:	TG/500/2 Rev.

5.5 Corrections to Test Guidelines

In the case of a correction to the Test Guidelines, this would be indicated by the addition of Corr., Corr. 2, etc.

e.g. Starting version	TG/500/2
Corrected version	TG/500/2 Corr.

Procedure for Introduction and Revision of Test Guidelines

