

TRADE AND AGRICULTURE DIRECTORATE
COMMITTEE FOR AGRICULTURE

**Annual Meeting of Representatives of the National Designated Authorities for the
Implementation of the OECD Schemes for the Varietal Certification of Seed Moving in
International Trade**

**DRAFT SUMMARY RECORD OF THE 6th MEETING OF THE TECHNICAL WORKING GROUP
ON VARIETAL IDENTITY AND VARIETAL PURITY**

**Held at the IEA, Paris, France
28 January 2009**

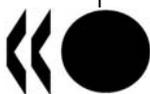
This document was prepared by the Co-ordinating Centre and the Secretariat, in consultation with the Bureau of the Schemes.

The document is circulated to the TWG members and observers for information and ACTION, where applicable, and to all Delegations and National Designated Authorities for INFORMATION and approval at the 7th TWG Meeting to be held in June 2009 in Paris.

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Executive Summary

The 6th Meeting of the OECD Technical Working Group took place on 28 January 2009 in Paris, France. The primary purpose was to consider matters relating to varietal identity and varietal purity in relation to the OECD Seed Schemes.

The experts agreed on the following:

- The characters to be used for assessing varietal identity and varietal purity for 54 species.

The experts made good progress on the text of Part I of the Guidelines (Control Plot Tests) and it was agreed that the Co-ordinating Centre would revise the text for a final time for discussion and approval at the next TWG meeting in June 2009.

The experts had a lively discussion on the Harmonisation of Post Control Procedures and Standards following the replies to the further set of questions included in the second questionnaire and noted that there is a lot of commonality in the approach by the TWG member countries. It was agreed that the final revision of Part I of the Guidelines (Control Plot Tests) would take into account these areas of commonality.

The experts also discussed the responses to the questionnaire on Eligibility of Varieties for OECD Listing. The experts noted that there were differences in the testing methodology used for registration especially with regard to Distinctness, Uniformity and Stability testing. It was agreed that the Co-ordinating Centre would prepare a new document that identifies areas for further clarification.

On the question of the Mandatory use of Reject numbers further actions are required before any recommendation can be made to the Annual Meeting. It was agreed that the expert from Canada would prepare a paper that will be incorporated into the proposal. The UK had tabled a paper on “Choosing a sampling scheme for cereal crop sampling” which also deals with the use of reject numbers. The meeting agreed that the UK and the expert from ISTA would prepare a paper for discussion by the ISTA Statistics Committee at its next meeting in April 2009.

The French paper amending the Rules for Acceptance of Varieties, which sought to provide a link between the definitions of varietal identity and varietal purity with the Listing of Varieties, was also discussed. It was agreed that the Co-ordinating Centre would look at methods for recognising an official description and revise the paper in time for discussion at the next meeting of the TWG.

The experts suggested that the following topics be discussed at their next meeting:

1. Reject Numbers for field inspection (revisiting Part II of the Guidelines).
2. The role of biochemical and molecular techniques in describing /identifying varieties.
3. The need for VCU in OECD Seed Schemes.
4. Review of the Vegetable Seed Scheme.

**DRAFT SUMMARY RECORD OF THE SIXTH MEETING OF THE TECHNICAL
WORKING GROUP ON VARIETAL IDENTITY AND VARIETAL PURITY**

*Held at the International Energy Agency (IEA/AIE), 9 rue de la Federation, 75015 Paris
28 January 2009*

1. Opening statement

The Chair (Mr Peter Johnston) welcomed the experts and observers to the meeting.

2. Adoption of the Revised Draft Agenda [TAD/CA/S/A(2009)2/REV1]

The Revised Draft Agenda was adopted without any additional items.

3. Draft Summary Record of the 5th TWG meeting [TAD/CA/S/M(2008)3/REV1]

The Secretariat confirmed that the Revised Draft Summary Record had been circulated, following comments received on the original draft; no further comments had been received.

The Revised Draft Summary Record was approved and will be presented to the 2009 Annual Meeting for approval.

4. TWG proposals approved at the 2008 Annual Meeting. Definitions of Varietal Identity and Varietal Purity [TAD/CA(2008)29] and Post-Control Rule Changes [TAD/CA(2008)30]

The Chair felt that the members of the TWG should congratulate themselves on getting the definitions of varietal identity and varietal purity into the Rules of the Schemes. The acceptance of post control varietal purity standards for hybrid varieties of *Zea mays* and *Sorghum* species would make the results of post control testing much more meaningful. The amendment to the Rules which removes the requirement that post-control tests must be carried out by the maintainer or his representative reflects the present situation in many participating countries, but does not preclude the carrying out of post-control tests by maintainers under the supervision of the Designated Authority.

5. REVISION OF POST-CONTROL AND FIELD INSPECTION GUIDELINES

5.1 Draft revised Guidelines, General Parts I, II, III [TAD/CA/S/RD(2008)3/REV2]
For discussion and recommendation

The Chair reminded the experts that at the last meeting it had not been possible to discuss paragraphs 53 -72 of Part I of the Guidelines and, in order to ensure that there would be time to discuss all the agenda items at this meeting, it had been agreed that experts and observers should send their written comments to the Co-ordinating Centre, on the text of paragraphs 53 – 72 inclusive (Pages 13 to 18 of the paper), by 15 October 2008.

The Co-ordinating Centre confirmed that it had received comments from Australia, Canada, France and the Netherlands and, where appropriate, these comments have been incorporated into the revised draft text.

The experts went through the text line by line and recommended changes to the layout of some paragraphs. It was agreed that the paragraph on hybrid varieties of maize should be expanded to include reference to all types of hybrids. The experts were now satisfied with the revised text.

Action: The Co-ordinating Centre agreed to revise the text of Part I to take into account the changes agreed, by the end of February 2009. The revised paper will be circulated to the members of the TWG for discussion and approval at the next meeting of the TWG.

5.2 Draft revised Guidelines, Part IV

5.2.1 Species description sheets

[TAD/CA/S/RD(2008)12/REV1]

For recommendation

The Co-ordinating Centre confirmed that, following the comments received, the revised varietal purity characters for the 36 species were included in the paper and these species were now considered ready for approval and publication.

The expert from UPOV confirmed that the UPOV Guidelines for Maize and Pea are being updated and a new Guideline for Buckwheat is being developed.

Action: The Co-ordinating Centre agreed to add a note to the descriptions for these species. It was agreed that it would be good to update the descriptions on an annual basis once they have been published.

5.2.2 Updating description sheets for other species, Plan for action [TAD/CA/S/RD(2008)13/REV1]

*For discussion
and recommendation*

The Co-ordinating Centre reported that it has received varietal purity characters for a further 18 species which were included in the paper. The expert from the Netherlands had described an extra 8 species. It was agreed that the characters for these 18 species are satisfactory for publication.

During January 2009 varietal purity characters had been received from Australia (6 species), United States (5 species) and New Zealand (3 species).

Action: The Co-ordinating Centre agreed to examine these additional species and circulate the varietal purity characters in a paper in time for discussion and approval at the next meeting of the TWG.

It was agreed that the Co-ordinating Centre, together with the Netherlands, would select a further batch of species for which varietal purity characters should be developed and those countries that

would be best able to describe the characters. The 8 species that had not been described in the current paper must also be included in the next batch.

6. Harmonisation of Post-Control Procedures and Standards [TAD/CA/S/RD(2008)9/REV2]
For discussion and recommendation

A second questionnaire on post control procedures and standards used domestically by Designated Authorities, based on questions submitted by Canada, was elaborated in 2008 and circulated to all TWG members for completion. The Co-ordinating Centre's discussion paper was based on the replies from 12 participating countries: Australia, Austria, Brazil, Canada, Denmark, France, Israel, the Netherlands, New Zealand, South Africa, United Kingdom and United States.

The Co-ordinating Centre gave a brief overview on the outcome of the questionnaire. It was concluded that there is a lot of commonality in the approach taken by the TWG member countries. All countries follow the Guidelines for Control Plot Testing, carry out 100% post control testing of OECD Pre-basic and Basic Seed Lots, require personnel carrying out post control tests to be suitably qualified, use either official or authorised samplers to sample seed lots, and report unsatisfactory seed lots to the seed production company.

Action: It was agreed that during the revision of the Guidelines for Control Plot Testing, the Co-ordinating Centre should pay particular attention to the areas of commonality revealed by the replies to the questionnaire and, where appropriate, incorporate them into the text.

7. Eligibility of varieties for OECD Listing and Seed Certification
 [TAD/CA/S/RD(2008)10/REV2]

For discussion and recommendation

The Co-ordinating Centre reminded the meeting that Canada had presented a new discussion paper on variety eligibility that had been circulated to all members of the TWG. The Co-ordinating Centre's discussion paper was based on the replies received from 7 participating countries: Australia, Canada, Denmark, France, the Netherlands, United Kingdom and the United States.

The paper shows that all countries are getting satisfactory outcomes but the approach is often different. It was noted that the differences in testing methodology used for registration related mainly to Distinctness, Uniformity and Stability testing.

The experts felt that it is essential to have better clarification as to what is understood by "official". Several experts were of the opinion that an "official" sample should be available from the National Designated Authority, or under the supervision of the National Designated

Authority. That way the NDA wouldn't need to be a "middle man" in cases where it is easier to go straight to the breeder for the sample.

Other experts believed that the reference sample should be independent of the breeder/company. It is important to be correct: is the description official or is it provided by the breeder? This is mainly a question of the varietal identity, the Basic seed being compared to the standard (official) sample.

The Co-ordinating Centre pointed out that in the case of a variety registered in an EU country, the official definitive sample is the residue of the sample that had been used for carrying out the Distinctness, Uniformity and Stability tests. The amount of seed is small and it would be used primarily for Registration purposes.

The Guidelines for Control Plot Tests allowed for the use of a "standard sample" as the official standard in pre- and post- control plots against which all other samples of seed of the variety in seed certification are judged for trueness to variety. Where relatively large amounts of seed are required, it is permitted to use, as the standard sample, a sample taken from a Pre-basic seed lot which has been checked for uniformity and trueness to variety against the Definitive Sample.

Action: It was agreed that the Co-ordinating Centre would examine the paper and, after having received inputs from member countries, prepares a new document that identifies areas for further clarification.

8. Amendment of a provision of the post-control Rules

[TAD/CA/S(2008)21]

For discussion and recommendation

The Secretariat confirmed that it had prepared the proposal for a new Rule making the use of reject numbers mandatory as agreed at the 2008 Annual Meeting.

The Canadian expert noted that when the varietal purity standard is very high, e.g. for Basic seed, this is a good opportunity to use reject numbers, but when the varietal purity standard is very low, e.g. Certified seed of three- way cross hybrids of Maize (95%), the use of reject numbers would actually permit a varietal purity standard of only 91% to be considered to be satisfactory. He felt that the Schemes should be open and transparent and should declare what was being done.

As previously stated, Australia could not support the proposed mandatory use of reject numbers until the Guidelines are amended to make it absolutely clear what the minimum acceptable plot areas would be for Basic and Certified Seed of species in the Grasses and Legumes Scheme and until agreement is reached on varietal/species purity standards to be applied in control plots.

The experts pointed out that the minimum size of the control plots now agreed for grasses (5m²) would be acceptable to Australia.

It was further noted that the reject numbers are a good idea, but a caveat was probably needed to clarify their use. In order to get an agreement on reject numbers it would be necessary to revise the paper.

The Co-ordinating Centre felt that it would be necessary to include best practice from individual countries, i.e. Canada; take into account the degree of conformity indicated by the replies to the questionnaire and make sure that the post control varietal purity standards are appropriate.

The meeting was reminded that the Co-ordinating Centre is still looking at the statistical questions, posed by the use of Reject Numbers, in co-operation with ISTA.

Action: The experts concluded that it is too early to decide on the issue and agreed that the expert from Canada would prepare a paper that will be incorporated into the proposal.

The expert from the UK then tabled a paper on “Choosing a sampling scheme for cereal crop sampling”.

The paper, which had been commissioned by SASA, looks at sampling schemes for field inspection of cereal crops and the use of reject numbers in relation to field inspection of cereal crops. It suggested that the reject numbers currently being used by the Schemes for field inspection do not take into account the heterogeneity of the crop. It was confirmed that the SASA Statisticians had not yet looked at reject numbers in relation to control plots.

The expert from the Netherlands noted that the reject numbers used in control plots are the same as those used in the EU Comparative Trials. The question is: “Are the reject numbers that we are currently using for field inspection still appropriate or are changes necessary”? It was agreed that this question did not apply to grasses.

The Chair confirmed that it would be necessary to re-visit paragraphs 124 to 135 of Part II of the Guidelines on field inspection of seed crops.

Action: It was agreed that the UK expert and the expert from ISTA would work together and put a paper to the ISTA statistics committee for discussion at its next meeting in April 2009.

9. Draft Amendment to the Rules for Acceptance of Varieties [TAD/CA/S/RD(2008)14]
For discussion and recommendation

The French expert introduced the paper which sought to give more coherence between the Rules and the Guidelines for Control Plots and Field Inspection regarding the registration of varieties; the proposal included changes to Rule 2.2.

The Co-ordinating Centre reminded the meeting of the different approaches used to establish the variety description, as indicated in the replies to the questionnaire, and suggested that it might be more appropriate to refer to “an officially recognised” description of the variety.

The delegates agreed that the term “officially recognised” could be more widely used. The Canadian expert said that although the breeder developed the description in Canada, it is used by the Government of Canada and, therefore, it is official.

The experts further noted that in paragraph 2.2 the emphasis is on the DUS of a variety, while in other member countries, outside the EU, the UPOV DUS testing guidelines are not followed and the VCU (Value for Cultivation and Use) of a variety is considered to be more important.

Action: The Co-ordinating Centre agreed to look at methods for recognising an official description and revise the paper, by 30 April 2009, for discussion at the next meeting of the TWG.

10. Topics for future discussion

The experts suggested the following topics for future discussion:

1. The need for VCU in OECD Seed Schemes

Canada suggested this topic and said that although VCU could be important for national governments it is not important for the OECD Seed Schemes.

It was pointed out that the current mandate for the TWG is to work on topics related to Varietal Identity and Varietal Purity and a new mandate might be needed to discuss VCU.

The expert for the European Commission said that the last meeting of the Extended Advisory Group, held in January 2008, had decided against discussing the topic of VCU. This was queried by the United States expert and the Secretariat agreed to check the Draft Summary Record for that meeting.

Action: Secretariat to check the Draft Summary Record of the Extended Advisory Group held in January 2008 and to join together the papers on VCU, by 15 April 2009, for discussion at the next TWG and/or Annual Meeting.

2. Review of the Vegetable Scheme

France suggested this topic because it didn't feel that the current rules of the Scheme helped the certification/verification of vegetable seed and its movement to other countries.

The delegates agreed that there is a need for the Rules and Standards prescribed in the Vegetable Seed Scheme to be reviewed to facilitate a more satisfactory system for the certification/verification of vegetable seed.

Action: France to prepare a paper on a review of the Vegetable Seed Scheme and submit it to the Secretariat by 15 April 2009, for discussion at the next Annual Meeting.

3. The Role of Biochemical and Molecular Techniques in Describing/Identifying Varieties.

The French expert had initially suggested the topic “Role of genetic testing in describing a variety” because it was becoming impossible to find any morphological Distinctness between the components of modified varieties according to the UPOV protocol. The wording given above was suggested because molecular markers are also being used by breeders and these techniques are being used to identify varieties.

UPOV is trying to deal with some of the issues but, to date, in order to claim that a variety is distinct, physiological differences are still required.

The French expert drew attention to the situation in the EU where hybrids have been introduced with the same parents, but with resistance to disease and this gives rise to problems with varietal identity. The Designated Authorities are not responsible for checking the presence of the specific resistance characteristic in a variety.

It was noted that UPOV had considered various options for the utilization of biochemical and molecular techniques in relation to the examination of DUS. Some of these options had been found to be acceptable in principle, although they are based on certain assumptions being met and further work is required to examine if these assumptions are satisfied before employing these options in relation to DUS testing. In addition, it was noted that UPOV is developing a document “Guidelines for DNA-profiling: molecular marker selection and database construction” (the BMT Guidelines). The purpose of this document (BMT Guidelines) is to provide guidance for developing harmonized methodologies with the aim of generating high quality molecular data for a range of applications. The BMT Guidelines are also intended to address the construction of databases containing molecular profiles of plant varieties, possibly produced in different laboratories using different technologies.

Action: It was agreed that France, ISF and UPOV would prepare a paper on The Role of Biochemical and Molecular Techniques in Describing/Identifying Varieties and submit it to the Secretariat, by 15 April 2009, for discussion at the next meeting of the TWG.

11. Next meeting of the TWG

The Chair confirmed that the 7th Meeting of the TWG will take place on 10 June 2009 at the OECD in Paris, back-to-back with the next Annual Meeting.

The Chair thanked all the experts and the observers for their active participation and closed the meeting.

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