

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 4th MEETING OF THE WORKING GROUP ON VARIETAL
IDENTITY AND VARIETAL PURITY**

**held in Paris, France, International Energy Agency (IEA/AIE)
23 and 24 (a.m.) January 2008**

This document was prepared by the Co-ordinating Centre and the Secretariat, in consultation with the Chair of the Technical Working Group (TWG). It includes comments received from France, Netherlands, the Co-ordinating Centre, ISF and UPOV on the preliminary draft version sent to the TWG meeting participants on 8 February 2008.

The document is circulated to the TWG members and observers for ACTION where applicable, and to all Delegations and National Designated Authorities for INFORMATION and approval at the 5th TWG meeting to be held in Chicago, United States on 30 June 2008.

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**DRAFT SUMMARY RECORD OF THE 4th MEETING
OF THE TECHNICAL WORKING GROUP
ON VARIETAL IDENTITY AND VARIETAL PURITY**

*held in Paris, France, at the International Energy Agency (IEA/AIE)
23 and 24 (a.m.) January 2008*

1. Opening statement and confirmation of Chair

The Secretariat circulated on 14 January 2008 the revised draft Agenda to participants in the Technical Working Group (TWG), updating the original draft Agenda which was circulated on 16 November 2007.

Mrs Merete Buus, delegate from Denmark and Chair-elect of the Seed Schemes, was confirmed to chair the 4th TWG Meeting. The Chair welcomed the 13 experts and the 10 observers to the meeting.

2. Adoption of the Revised Draft Agenda

The Revised Draft Agenda was adopted without any changes.

3. Draft Summary Record of the 3rd Meeting of the TWG [TAD/CA/S/M(2007)4]

The Draft Summary Record, circulated by the Secretariat to TWG Members on 2 August 2007, included comments from Australia, New Zealand and ISF on the preliminary draft version. No further remarks being expressed, *the Draft Summary Record of the 3rd TWG Meeting was endorsed.*

4. Definitions of Varietal Identity and Varietal Purity [TAD/CA/S(2008)2]

As agreed at the 3rd TWG Meeting, the Secretariat circulated in November a proposal for including the definitions in the Rules of the Schemes. The Chair hoped that these provisions, which were the result of a lengthy discussion, could be approved.

France supported the proposal, but underlined the link that exists in Europe, at least, between definitions and the procedures for national listing of the variety. The testing for Distinctness, Uniformity and Stability (D.U.S.) established the morphological characteristics of the variety, which are then used for the official description of the variety, the description being one tool needed for field inspections during the seed certification process.

The Secretariat confirmed that a variety could not be registered in the OECD List unless it passed the D.U.S. tests in at least one participating country. Changes to the Rules of the Schemes and to the Foreword to the List of Varieties might have to be considered in the future for clarification, once the definitions had been approved.

France volunteered to prepare a paper on this item, for discussion at the next TWG meeting in June 2008.

The TWG agreed to recommend to the Extended Advisory Group Meeting and the 2008 Annual Meeting the adoption of the "Varietal Identity" and "Varietal Purity" definitions contained in TAD/CA/S(2008)2.

5. Inventory of Testing Methods used to validate Varietal Identity and Varietal Purity

[TAD/CA/S/RD(2007)6, TAD/CA/S/RD(2008)3]

No further comments were expressed by TWG members on the revised working paper “Inventory of Methods for Confirming Varietal Identity and Varietal Purity” examined in July 2007. A request was made for more details of maize isozyme testing methods used by France.

As suggested by the Chair during the 3rd TWG Meeting, the Co-ordinating Centre added a third part to the draft Revised Guidelines for Control Plots and Field Inspection of Seed Crops (First version), entitled “Additional Testing Methods for Varietal Identity and Varietal Purity”.

Regarding maize isozyme testing, ISF highlighted that the UPOV Test Guidelines included it. France reported 2 methods for maize varieties, a) the ISTA method for varietal purity and b) the isozyme method for varietal identity and purity of basic seed. However, the isozyme method is not part of the ISTA Rules, France was reluctant to include it in the OECD inventory. ISTA replied that no request to adopt this methodology was received in recent years, but if a proposal was sent by a member, the test would be considered for validation and adoption. ISF explained that the method could not be endorsed in the past by ISTA because of some non-technical considerations that the ISTA Varietal Purity Committee took into account.

The OECD TWG recommends ISTA to consider the inclusion of the maize isozyme test in its methodology, for possible addition to the ISTA International Rules for Seed Testing.

6. Harmonisation of OECD Post-Control Procedures and Standards

6.1 Proposal amending the post-control Rules [TAD/CA/S/RD(2008)2]

As agreed at the 3rd TWG Meeting, the Co-ordinating Centre and the Secretariat prepared a draft proposal containing three changes to the post-control provisions in the Rules of the Schemes. The document, circulated in November, was subject to in-depth discussions by the TWG participants:

- *The 1st proposed amendment to Rule 7.1.1 of each Scheme was agreed without any changes.*
- The 2nd proposed amendment was to add a new Rule 7.1.2 to each Scheme related to the mandatory use of reject numbers at a risk probability of 95% (Current points 7.1.2 and 7.1.3 would be renumbered 7.1.3 and 7.1.4 accordingly).

Canada feared that if the proposed risk probability was adopted, the use of reject numbers for a varietal purity standard of 95%, applied to Certified hybrid maize seed, would allow some poor-quality seed lots to be found “satisfactory” in post-controls.

France stated that the use of reject numbers was a mean to reduce the cost of assessment, and especially when the user risk (Beta risk) was not taken into account. For a varietal purity standard of 95%, at a risk probability of 95%, it was possible to examine 100 plants only by using a reject number of 8 off-type plants at maximum.

Delegates recognised that to solve the question of varietal purity standard for maize, post-control (third amendment) is crucial given the seed volume that is OECD-certified each year, its practical implementation being strongly linked to the decision regarding the second proposed amendment.

- The discussion then centred on the 3rd proposed amendment aimed at introducing a varietal purity standard for Certified seed lots of hybrid varieties of Maize and Sorghum in post-control plots, at a minimum level of 95%:

ISF indicated that its members suggested the standard should be set at 97% for single cross hybrids and at 95% for all other types of hybrid (double cross, three-way cross, top cross etc).

The delegate from Canada thought that the standards proposed are very low, the standard applied in his country was 99.5% and compliance was 99%.

The Secretariat pointed out that, according to the OECD annual results syntheses, post control on maize indicated a non-compliance for varietal purity of 0.3% in 2004 and 0.7% in 2005, but it was not known what standards had been applied by the countries concerned. Such statistics are therefore of little meaning but would gain value if the responses were harmonised by use of an agreed varietal purity standard for all OECD seed post-controlled by the participating countries.

ISF suggested starting with the proposed standards of 97% and 95%. The results could be compared after three years and the standards raised if necessary. After further discussion,

it was agreed to recommend to the Extended Advisory Group and to the 2008 Annual Meeting, in addition to the first proposed amendment :

-- *the addition of a new Rule 7.1.2 making the use of reject numbers mandatory, to read as follows:*

“7.1.2 Reject numbers, at a risk probability of 95%, **shall** be used to decide whether the varietal purity of a seed lot is within a given standard or not.”

-- *the introduction of post control varietal purity standards for Certified seed of hybrid varieties of Maize and Sorghum, with two different levels according to the type of hybrid. A new section would be added to Appendix 2, to read as follows:*

“13 Plots post-controlling seed lots of hybrid varieties

In post-control plots established for Certified seed lots of hybrid varieties of Zea mays and Sorghum species, the minimum varietal purity standard **shall** be 97 per cent for single cross hybrids and 95 per cent for other types of hybrid”.

6.2 Proposed revisions to the Guidelines for Control Plot Tests and Field Inspection of Seed Crops

[TAD/CA/S/RD(2008)3]

The room document, first draft version of revised Guidelines, was prepared by the Co-ordinating Centre with the assistance of the Netherlands and United Kingdom, as agreed at the 3rd TWG Meeting. It was examined in details by participants and a number of changes to the text were recommended for Parts I and II of the document.

ISTA noted the exclusion of phenol tests from the new Part III of the Guidelines (Additional Testing Methods) and encouraged those countries which had experienced difficulties with the test to advise ISTA, for further consideration by the Committee concerned.

Mr White/Co-ordinating Centre agreed to revise Parts I, II and III of the paper taking into account the recommendations of experts. A revised document (independent from the Part IV) will be made available by 29 February 2008, for discussion at the next TWG meeting in June 2008.

The meeting then discussed the new Part IV of the Guidelines, updating the characters to be used for determining varietal identity and varietal purity.

This pilot work, reviewing some of the outdated descriptions shown in the Guidelines, has been shared by Mr. White, Mr. Soepboer and Mr. Hall on the following 10 species: red fescue, ryegrass, white clover, swede rape, oilseed rape, caraway, flax, oats, barley and wheat. The objective was a) to start building a future common template, and b) to estimate the resources that would be needed to complement the update: review the descriptions of the other 184 species currently eligible under the Schemes, plus the 40 vegetables species already described in the Guidelines.

Each description update having required approximately 1.5 hours for experts benefiting from a broad experience in the species concerned, a further 340 hours would therefore be necessary to produce a first full draft of Part IV with the same level of expertise. The exercise also highlighted that the species descriptions would be, in most cases, drastically changed when compared to the current Guidelines.

In the discussion involving Netherlands, Canada, the Chair and the Secretariat, the necessity of updating the OECD Guidelines was re-emphasized, including the species descriptions. The Guidelines were often requested by countries expressing interest in the Schemes, helping them to organise their domestic systems for control plots and field inspection, including the vegetable species (of first importance for many tropical countries). The Guidelines are generally considered a very valuable document, and all parts are important because they help the persons carrying out the procedures –both from public and private sectors- to understand the concepts. The UPOV Test Guidelines, which are subject to regular revisions, do not cover all OECD species and contain many characteristics, some of which may not be useful to field inspection of seed crops/plots, but the OECD experts concurred that these UPOV Test Guidelines remained the main source for elaborating shorter descriptions adapted to the context of seed certification.

It was acknowledged that the update of OECD species descriptions could be done step-by-step, concentrating firstly on the most important ones, identifying the best expertise for each species among participating countries, aiming to routinely add new species sheets to the future Guidelines once finalised and approved by all delegates.

It was agreed that a further 8 species descriptions would be reviewed for examination at the June meeting, choosing the most important species certified under the Schemes: Maize, Sunflower, Soya Bean, Durum wheat, Cotton, Beet, Rye and White mustard. The final drafts are expected to reach the OECD Secretariat and the Co-ordinating Centre by 15 May 2008, at the latest.

The leader certifying countries for these species were determined and a list of experts identified as first and second reviewers. A worksheet for pilot revision of characters was prepared by the Chair together with the timeframe. This worksheet was distributed to the experts at the Extended Advisory Group Meeting [24 (p.m.) and 25 January 2008] and has also been sent by email to all the members of the TWG.

It was felt that breeders should be consulted once the drafts have been finalised; ISF agreed to circulate them to the people concerned. The final drafts, together with the comments of the breeders, will be discussed at the next meeting of the TWG in Chicago.

There was a short discussion on the index of species (reproduced from the Guidelines 2001 issue), that will need to be updated in line with the current scientific names. It was noted that ISTA had updated its list of scientific names in 2007 and UPOV Codes for species had also been published in the GENIE database. The Secretariat, ISTA and UPOV all use the GRIN database as a point of reference.

In a separate working paper, the Secretariat will prepare an updated index, highlighting the gaps and additions (e.g. vegetable species) compared to the current list of OECD species. This paper should help the TWG to set priorities in future preparation of species descriptions.

6.3 Results of the Questionnaire on Post Control Procedures [Room doc. No 1]

At the 3rd TWG meeting, Denmark had proposed to find out how post-control tests were carried out for the 10 most important species certified under the Schemes. The aim was to determine whether it was relevant for the Schemes to prescribe post-control variety purity standards for non-hybrid varieties based on the crop standards. The TWG members had agreed to send the Co-ordinating Centre a list of questions for inclusion in the questionnaire by 30 September 2007. Having received no inputs, the questionnaire was compiled on the basis of the discussions held at the 3rd TWG meeting and circulated to the TWG country experts with deadline for completion of 31st December 2007. Responses to the questionnaire have been received from Denmark, France, Hungary, the Netherlands, South Africa and United Kingdom.

The Co-ordinating Centre gave a brief report on the six responses received and underlined that replies from more countries would help to give a more complete picture of the procedures being used.

Canada, the United States and New Zealand agreed to submit their completed questionnaires by 29 February 2008. Other country members of the TWG that have not sent their replies are also invited to do so within the deadline. On receiving the additional inputs, the Co-ordinating Centre will prepare a complemented paper for discussion at the next TWG meeting.

7. Eligibility of Varieties for OECD listing and seed certification [Room doc. No. 2]

At the 3rd WG Meeting, Canada agreed to prepare, with the assistance of the United Kingdom and ISF, a revised paper on the matter [description, Value for Cultivation and Use (VCU), etc.] by 30 November 2007.

Canada briefly presented the room document and reminded the meeting that in the previous paper TAD/CA/S(2007)11, it had been suggested that acceptable value in at least one participating country should not be a prerequisite for the certification of seed of a variety. Canada was currently going through extensive consultations to amend its seed regulations which currently have a 'merit' (VCU) requirement that a new variety must be equal to, or better than, standard reference varieties. Lower yielding varieties had to have for instance better disease resistance if they were to be registered by the Committee. Producers believed that the system protected them from purchasing inferior varieties. However VCU was not a requirement for identifying a variety. Removing the VCU requirement for varieties eligible for the OECD Seed Schemes did not stop any country from having this requirement for its own National Listing.

ISF commented that the paper was very interesting and raised a number of questions which are linked to the strategic review. Plant Breeder's Rights (PBR) and National Listing are entirely different, the latter only has a requirement for a variety to have a value (VCU). The seed industry is in favour of deleting VCU as a pre-requisite for OECD Listing, but this is not linked to the need for VCU at national level on which ISF members have conflicting views.

New Zealand concurred with the Canadian statement. The NZL government is in favour of deleting the VCU requirement and the inspection body has to follow government policy.

The UK had a requirement for all varieties of agricultural species to have VCU, but if determined anywhere else in the world it is of no interest in the country; therefore the VCU requirement could be dropped from the OECD Rules. Agronomic information is not required in a variety description.

The European Commission stated that different climates would have an effect on the agronomic value of a variety. A farmer within a country wanted to have sufficient assurances of satisfactory performance of a variety if he imported seed of it from another country.

The Netherlands remarked that VCU was not a requirement for the assessment of varietal identity and varietal purity and, in that sense, could be dropped as a requirement. However, this ought to be discussed as part of the Strategic Plan.

France asked what characters are relevant for DUS and the variety description. He felt that disease resistance could be an element of the description but the Authorities do not accept it.

UPOV reported that the latest draft of document TGP/10 “Examining Uniformity” explained that *“Relevant characteristics of a variety [for uniformity] include at least all characteristics used for the examination of DUS or included in the variety description established at the date of grant of protection of that variety. Therefore, any obvious characteristic may be considered relevant, irrespective of whether it appears in the Test Guidelines or not. Hence, it is a matter for the authority to decide, in addition to those characteristics included in the UPOV Test Guidelines or national guidelines, which other characteristics it may include in its consideration of distinctness, which must also be considered for uniformity and stability”*. The UPOV delegate pointed out that herbicide tolerance and disease resistance might be valid characteristics, provided they fulfilled the requirements for a DUS characteristic, as set out in the General Introduction (see Chapter 4.2 of document TG//1/3 “General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants”, the General Introduction).

Canada urged caution in linking the Schemes to the Intellectual Property Protection (UPOV) Scheme. A variety might be fit for purpose but could be ineligible under a PBR Scheme. If a variety is distinct in all characters, but also had 5% non-herbicide tolerant plants within the variety that made it unacceptable for protection under UPOV.

UPOV replied that the situation could not be generalised. If that character had been used for Distinctness, then the testers would also have to look at Uniformity. If the character was not used for Distinctness then it might not be an issue for Uniformity. Segregation of characteristics within certain types of variety (e.g. multiple cross hybrids) could be acceptable if it was compatible with the method of propagation of the variety and behaved in the predicted manner. The breeder has to breed varieties which meet the Uniformity requirements, which are not exactly the same as seed certification requirements.

ISF said that uniformity is not important for seed certification, but identification and stability are important. If a variety is described as having a 5% variation in a character and that is stable in the character it is not an issue. Perhaps it is time to consider these new concepts.

Italy disagreed stating that uniformity is part of the certification scheme. Uniformity does not necessarily mean that all plants are the same, segregation is allowed. It is necessary to check that the variety conforms to the description.

The UK stated that the role of the certification staff is to make sure that the seed and plants meet the given description and identify the “off-types”. They are not interested in the initial DUS. Characters for National Listing are used in certification.

UPOV said that the description of the variety would describe the segregation within the variety, if that was appropriate. Uniformity was strongly linked to Stability.

New Zealand and United States agreed; VCU is not needed when describing a variety and New Zealand formally proposed that a recommendation be put to the Extended Advisory Group Meeting to delete the requirement from the OECD Rules for variety eligibility. The Chair asked whether it was the correct time to proceed with the proposal, and this was confirmed by the experts who concurred that from a technical point of view, VCU was not needed for varietal certification.

Canada agreed to draft a new paper on variety eligibility by the end of March 2008 in consultation with ISF and the UK. UPOV also agreed to assist if needed for aspects linked to UPOV.

The Secretariat and the Co-ordinating Centre will prepare a draft proposal amending the Rules of the Schemes by 30 April 2008, removing the requirement for a variety to have Value in at least one country before it is eligible for certification, for discussion at the 2008 Annual Meeting.

8. Review of the Terms of Reference for the Technical Working Group [TAD/CA/S/RD(2008)5]

The Secretariat updated the Terms of Reference for the TWG, as suggested by New Zealand at the 3rd WG meeting, to extend its mandate in the light of elements agreed at previous TWG meetings (composition, chair, observers etc.) and the need to take on work from other Ad hoc Working Groups. A new paragraph 5 has been added referring to this additional work and paragraph 8 has been extended to enable specific expertise to be invited to participate in the TWG, as necessary.

There was a lengthy discussion on the document, and the following changes to the text were suggested:

1. The title of the TWG should be amended to read (cover page, Title and paragraph 1 on page 3):
Technical Working Group *of the OECD Seed Schemes*
2. The Scope of the TWG, currently paragraph 11, is moved to become paragraph 4 after the section on background. The paragraphs 4 to 10 are renumbered 5 to 11 accordingly.
3. Paragraph 12 (items for future discussion) is deleted. The remaining paragraphs 13 to 16 are renumbered 12 to 15 accordingly.
4. Old paragraph 5 (now 6), the first line is revised by adding the word “*Technical*” in front of “Working Group” and removing the word “all”.
5. Old paragraph 6 (now 7), the first line is revised by adding the letter “s” to the word “consist”.
6. Old paragraph 7 (now 8), replace the word “representatives” with the word “experts” in the first four bullet points.

The United States proposed that when a particular expert could not attend a TWG meeting, a replacement could be nominated from that group. The European Commission expressed concern about such an approach. After further discussion, it was agreed that when a particular expert was unable to attend the meeting, the Secretariat would ask the country/organisation concerned if it wished to nominate a replacement expert.

The TWG agreed to recommend to the Extended Advisory Group Meeting and the 2008 Annual Meeting the formal adoption of the revised Terms of Reference for the TWG.

9. Review of documents prepared by the Ad hoc Working Groups

9.1 *Multiplication abroad* [TAD/CA/S/RD(2008)1]

New Zealand, Co-Chair of the Ad hoc WG, reported on the WG meeting held on 22nd January. The meeting had been useful and a written report was already available. The draft proposal for grouping the rules for multiplication abroad in the Schemes, prepared by the Co-ordinating Centre and the Secretariat, was examined and partly amended (to be finalised). There had been a major change in the direction of the work and this requires a further WG meeting next June. The major change in thinking is that provided the seed to be multiplied carries an OECD label, there is no need for a written agreement between the concerned NDAs for its multiplication abroad.

The Secretariat reported that comments on the paper had also been received from Chile and Greece. The Chair asked that the report of the WG meeting be circulated to the members of the TWG.

9.2 *Use of synonyms in varietal denominations* [TAD/CA/S/RD(2008)6]

As agreed at the 2007 Annual Meeting, Italy suggested to Chile (leader of the ad hoc Working Group) some amendments to the paper revised by the ad hoc Working Group on 10 July 2007 and examined by all delegates. The ad hoc WG was unable to finalise a revised proposal due to problems of communications, the Secretariat prepared document TAD/CA/S/RD(2008)6. Italy provided new comments on 17 January 2008 (prepared in consultation with some other delegates) which were circulated to TWG members. The key element in the new proposal is “one variety-one denomination”. The TWG acknowledged the fact that the amended proposal is probably closer to its agreement.

9.3 *Revised isolation distances for hybrid cotton* [TAD/CA/S/RD(2008)7]

Mr Le Buanec (ISF), Chair of the Ad hoc WG, confirmed that agreement had not yet been reached by the WG on isolation distances. Most of the study results related to *Gossypium hirsutum* because it represented 90% of cotton globally grown. The information concurred to indicate that an isolation distance of 20 metres would seem to be sufficient for this species. The draft proposal contained a first attempt to suggest different isolation distances in various cases of seed crops of *Gossypium hirsutum*, *G. barbadense* and hybrids obtained with/without CMS system. Greece and Israel had recently sent to the OECD Secretariat new comments on the paper.

Mr Le Buanec hoped that it would be possible to organise a meeting of the AD hoc WG in Europe on the occasion of a next EC Standing Committee Meeting on Seeds to be held in Brussels in February or April 2008 [*Note: after consultation during the EAG Meeting on the following days, it appeared that such a meeting would not be convenient for many members and the suggestion was discarded*]. The Secretariat underlined the importance of getting written comments and inputs from all countries interested in cotton seed certification and in particular non-European countries, including South Africa and Israel, their participation to such interim meeting being difficult due to distance.

10. Topics for future discussion

The following items were agreed:

- Revise paper - parts I, II and III of the Guidelines for Control Plots and Field Inspection
- Next batch of species for review and updating of morphological characters (Guidelines, part IV)
- Eligibility of varieties, new paper from Canada (apart from VCU)
- Multiplication abroad
- Variety synonyms
- Isolation distances for cotton
- Synthesis of the results of the questionnaires on post control procedures
- Detection and measurements of non-visual traits

The Secretariat, supported by New Zealand, suggested adding the topic “Harmonising the terminology regarding samples”. The Co-ordinating Centre agreed to deal with it together with the revision of the Guidelines for Control Plots and Field Inspection, having also a look at the Rules.

11. Next Meeting of the Technical Working Group

The fifth meeting of the TWG will take place on 30 June 2008 in Chicago (one-day meeting). Mr. Johnston (New Zealand) being nominated to become the new Chair-elect of the Schemes and Mrs Buus due to chair the Annual Meeting on 1-2 July 2008, it was suggested that Mr. Johnston would be proposed to chair the next TWG meeting. This was agreed.

12. Other Business

There was no other business. On behalf of all the participants, the expert from New Zealand thanked Mrs Buus for her chairing of the first four TWG meetings since July 2006.

The Chair closed the meeting.

**4th MEETING OF THE TECHNICAL WORKING GROUP
ON VARIETAL IDENTITY AND VARIETAL PURITY**

23 (full day)-24 January (a.m) 2008 at IEA, Paris

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