

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 8TH TWG MEETING ON VARIETAL IDENTITY AND
VARIETAL PURITY**

**Held at the OECD Conference Centre, Paris, France
4-5 November 2009**

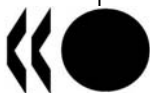
This document was prepared by the Secretariat and the Co-ordinating Centre, in consultation with the Bureau of the Schemes.

The document is circulated to all Delegations and National Designated Authorities for information and action where applicable, and for approval at the next Annual Meeting, to be held in March 2010 in New Zealand.

Contact: Katarina.Djermanovic@oecd.org

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Executive Summary

The 8th Meeting of the OECD Technical Working Group took place on Wednesday 4 and the morning of Thursday 5 November 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.

- **Guidelines for Control Plot Tests and Field Inspection** - The meeting agreed on the following matters which are now recommended for approval at the 2010 Annual Meeting:

- The revised texts of Parts I, II and III of the Guidelines for Control Plot Tests and Field Inspection.
- The characters to be used for assessing varietal identity and purity for a further five species.
- Rules for the acceptance of varieties on to the List of Varieties.

- **Official Responsibility for Registration, Description & Standard Samples**

Delegates had a lively discussion on this topic with regard to the eligibility of varieties for OECD listing. It was agreed that the delegates would discuss this topic further with their trade bodies, taking into account pages 6 & 7 of TAD/CA/S/RD(2009)6/REV1.

Action: Written comments are to be forwarded to the Secretariat and the Co-ordinating Centre by the end of January 2010. This will allow the prioritization of the topics to be discussed at the next TWG meeting in March 2010.

- **Reject Numbers**

Delegates agreed not to propose the introduction of a new rule 7.1.2 in all Schemes making the use of Reject numbers, at a risk probability of 95%, mandatory in post control plots. It was further agreed to set the paper aside for the time being.

There was a short discussion on “Choosing a Sampling Scheme for Cereal Crop Sampling”. Unfortunately the data on wheat was not available and the issue will be discussed again at the next meeting of the TWG when it is hoped to have the data available. However, information was provided and possible reasons for heterogeneity were discussed.

- **Seed Multiplication Abroad**

1. Guidelines: The delegates had a good discussion on the Guidelines for Multiplication Abroad and agreed to try them out in their respective local environments before progressing them further.

Action: Comments on the effectiveness of the guidelines are to be forwarded to the Secretariat and the Co-ordinating Centre by 31 January 2010, to enable further discussion at the next TWG meeting.

2. Grouping the Rules of the Schemes: The delegates also discussed a revised paper that sought to group together the Rules in the OECD Seed Schemes relating to Multiplication Abroad. Several changes to the text were agreed and the Co-ordinating centre will revise the paper for further discussion at the next TWG meeting.

- **Acceptable “Value for Cultivation & Use” (VCU)**

Following presentations from the Delegates from Denmark and Italy on how their respective countries carry out VCU testing, the meeting agreed to keep this topic “on the table for further discussion”. Kenya, USA, Canada and India have offered to make presentations on how they carry out VCU testing at the next meeting of the TWG. ISF and the European Commission also agreed to submit their suggestions on how best to progress the discussion on VCU to the Secretariat by 31 December 2009.

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

*Held at the OECD Conference Centre, 2 rue André-Pascal, 75016 Paris, France
4-5 November 2009*

1. Opening statement

The Chair, Mr. Peter Johnston, welcomed the delegates to the meeting. He reported that two papers [TAD/CA/S/RD(2009)7 and TAD/CA/S/RD(2009)8] had not been updated since the previous meeting and he proposed to spend most of the time looking at the revised text of the Guidelines for Control Plot Tests and Field Inspection of Seed Crops.

Mr. Ryan, Head of the Codes and Schemes, welcomed the delegates as well and noted that the TWG meeting will be held this time a day and a half.

2. Adoption of the Draft Agenda [TAD/CA/S/A(2009)5/REV1]

The Revised Draft Agenda was adopted without any additional items.

3. Draft Summary Record of the 7th Meeting of the Working Group [TAD/CA/S/M(2009)3]

The Chair asked the delegates for any comments on the Summary Record. The UK delegate said that the two references to the 'UK' in the first line of the second paragraph of Item 9, on Page 8, should be amended to read 'Scotland'. This was agreed and the amended Draft Summary Record will be presented to the Extended Advisory Group meeting for recommendation and then to the 2010 Annual Meeting for approval.

4. REVISION OF POST-CONTROL AND FIELD INSPECTION GUIDELINES

4.1 Draft revised Guidelines, General Parts I, II, III [TAD/CA/S/RD(2008)3/REV4]

The Co-ordinating Centre introduced the revised paper which had taken into account the changes to the text recommended by the sub-group made up of experts from France, the Netherlands, UK, UPOV and the Co-ordinating Centre.

Part I - Control Plot Tests

There was a lengthy discussion on all Paragraphs of Part I of the Guidelines. The discussion on whether or not the Guidelines should make reference to the use of reject numbers in pre-control testing was particularly difficult and a small group made up of UK, Denmark, the Netherlands and the Co-ordinating Centre worked very hard, to come up with text changes which were acceptable to all the delegates.

Changes were agreed to the text of the following Paragraphs: 1; 2; 5; 6; 12; 41; 50; 51; 57; 58; 61; 62; 65; 66. It was also agreed to add a further paragraph at the beginning of the Introduction to read as follows:

“The procedures in the following document are guidelines which are advisory to National Designated Authorities (NDA). They are intended to address the methods used to determine varietal purity and identity but not to prescribe the standards and extent of tests or plots which remain the prerogative of the individual NDA.”

Part II - Field Inspection of Seed Crops

The sub-group had not recommended any changes to the text in Part II. However, it was noted that the Table numbers were incorrect, and should read 7, 8 and 9 respectively.

Part III - Additional Testing Methods for Varietal Identity and Varietal Purity

The UK again raised the question as to whether or not the use of the Phenol test for wheat should be included in paragraph 152.5. United States confirmed that it also uses the Phenol test and as it was an ISTA approved test it should be included in the text. The Netherlands, who had opposed its inclusion initially, has agreed and reference to the Phenol test has now been included in the text.

United States response to TAD/CA/S/RD(2008)3/REV4

The Co-ordinating Centre introduced the paper, written by Jim Rouse, a statistician from Iowa, which had recently been received from the United States.

The paper looked at the “role of control plots” and pointed out that when one made a comparison to a standard, a smaller sample size was appropriate.

The concept of binomial probability based reject numbers was good but the producer risk (α) needed to be appropriate. The power of a post control test is the ability to correctly reject a seed lot when it does not meet the standard. α and β (consumer risk) are inversely related and the use of $\alpha = 0.05$ may result in accepting a large number of seed lots that do not actually meet the standard.

When the true purity is near the standard, increasing the sample size increases costs, but does not increase the ability to correctly reject a seed lot when it does not meet the standard and results in very high β levels. If a seed lot has a true purity level of 98.9%, when the standard is 99.9%, a sample size of 100 gives only a 30% chance of properly rejecting a seed lot, however a sample size of 1300 gives a 100% chance of properly rejecting a seed lot.

The Co-ordinating Centre reminded the delegates that the Schemes aimed to deliver seed of sufficient quality for the end users needs and therefore the Schemes set varietal purity standards above that level to ensure that the final generation of Certified seed, when grown on, produced crops suitable for the end user.

The Co-ordinating Centre concluded that it would be necessary for the Schemes to decide on the level of check to be made on the standards and what level of discrimination should be used.

The Chair asked the Secretariat to circulate the paper to all National Designated Authorities for information and discussion. He noted that its discussion could lead to changes to the Rules of the Schemes, a quite separate issue from the Guidelines.

The Chair confirmed that he would be recommending the acceptance of the revised Guidelines for Control Plot Tests and Field Inspection, Parts I, II, and III to the Extended Advisory Group meeting.

Action: The Secretariat to circulate the paper from United States to all National Designated Authorities for information and further consideration.

4.2 Draft revised Guidelines, Part IV

4.2.1 Description sheets for additional species [TAD/CA/S/RD(2009)11]

The variety purity characters for the five species included in the paper were approved by the delegates and the Chair will recommend their publication on the OECD website to the Extended Advisory Group meeting.

5. Eligibility of varieties for OECD Listing and Seed Certification [TAD/CA/S/RD(2008)10/REV2] [TAD/CA/S/RD(2009)6/REV1]

The Co-ordinating Centre reminded the meeting that the draft paper on the replies to the questionnaire on the eligibility of varieties had been discussed extensively at the last TWG meeting and it had been agreed that the Co-ordinating Centre would revise the paper and summarise the issues raised.

The revised paper included on Pages 6 and 7 a list of topics under four main headings: 1. Official, 2. Officially Recognised Description, 3. Standard Sample, 4. Genetic Testing. These topics would require additional discussion and could not be discussed all at once.

The Chair asked whether the Secretariat could discuss the first topic “official” with its legal department.

The UK delegate queried the use of the term “officially recognised description”. The varietal purity characters in Part IV of the Guidelines for Control Plots and Field Inspection were part of the official description of the variety and the TWG should not develop a different set of characters for the Rules.

The Chair replied that the varietal purity characters were advisory characters and that it would be up to the TWG to decide what action should be taken.

The delegate from UPOV pointed out that the UPOV Guidelines were not mandatory, although the asterisk characters should be used when making the variety description.

The Chair asked that delegates discuss the topics in the paper with their trade bodies and send their comments to the Secretariat and the Co-ordinating Centre by 31 January 2010. This would allow the Secretariat/Co-ordinating to prioritize the topics to be discussed by taking into account the received comments.

Action: Delegates to discuss the topics in the paper with their trade bodies and send their written comments to the Secretariat and the Co-ordinating Centre by 31 January 2010.

6. Amendment of a provision of the post-control Rules [TAD/CA/S(2008)21] [TAD/CA/S/RD(2009)10]

The Chair noted that it was too early to propose the introduction of a new rule 7.1.2 in all Schemes making the use of Reject Numbers, at a risk probability of 95%, mandatory in post control plots. Thus the decision made at the previous TWG meeting is maintained and the paper will be set aside for the time being.

7. Draft Amendment to the Rules for Acceptance of Varieties [TAD/CA/S/RD(2008)14/REV2]

The Co-ordinating Centre introduced the paper which had been revised in order to bring clarification to Rules 2.3 and 2.4, and in particular on how the description was recognised, who should hold it and how and where it should be copied.

Rule 2.2 had been agreed at the previous meeting of the TWG and was unchanged. However, the delegate from Denmark proposed deletion of the words, “control the” and “post” from the last sentence of Rule 2.2 and this was agreed by delegates.

There was a lively discussion on the new wording of Rules 2.3 and 2.4. The use of fax and email to transmit descriptions was questioned by some delegates. The Co-ordinating Centre explained that the description was identified by where it had come from and for example, if the email address was that of the NDA, then it was considered as adequate.

The Chair suggested making the second sentence of Rule 2.4 an explanatory footnote. This was accepted and the delegates agreed to recommend to the Extended Advisory Group the submission of the proposal for approval at the Annual Meeting.

8. Choosing a sampling Scheme for Cereal Crop Sampling [TAD/CA/S/RD(2009)7]

The UK delegate confirmed that the study of the wheat data had not yet been completed because the statistician had put his efforts into examining the causes of heterogeneity, and had reported that if plants were examined in the field, rather than ears, the level of heterogeneity dropped by approximately 75%. Therefore heterogeneity is not perceived to be such a problem in the field inspection if you inspect the crop by examining plants. It might still be necessary to change the Guidelines to take account of this fact. The study, already completed on barley, showed that it was possible to reduce sampling size in the field with no loss of accuracy, and examining plants rather than ears reduced the level of heterogeneity to almost negligible levels. He hoped that the data on wheat would be examined by next March in time for discussion at the next TWG meeting.

The Chair reminded the delegates of the paper from the United States on the alpha and beta risks, which might change the views of delegates on this topic.

9. The Role of Biochemical and Molecular Techniques in Describing/Identifying Varieties [TAD/CA/S/RD(2009)8]

The Chair confirmed that the paper had not been revised and, due to circumstances, there were no delegates present from Canada and France to promote the discussion.

Delegates from UPOV, CPVO and ISTA offered to help with the revision of the paper.

The Chair asked that all comments be submitted to the Secretariat and the Co-ordinating Centre.

Action: Delegates to submit their comments on the revision of the paper to the Secretariat and the Co-ordinating Centre by 31 January 2010.

10. Multiplication Abroad

10.1 Guidelines for Multiplication Abroad [TAD/CA/S/RD(2009)13]

The Chair reported that the work done by the Ad Hoc Working Group on Multiplication Abroad had now been inherited by the TWG. He confirmed that the AD Hoc WG had recognised the need for a Guideline from both the perspective of the NDAs and also from the seed trade side. Problems arose during multiplication because the trade was not informed of the processes involved.

The Co-ordinating Centre introduced the paper which defines the responsibilities of the Designated Authorities in both the country of registration of the variety and the country of multiplication and the company sending seed for multiplication and the company conducting the multiplication.

It was noted that Chile had problems carrying out multiplications especially on hybrid varieties because one parental line might be registered in country A, the other parental line might be registered in country B, the seed to be multiplied may have been produced in country C and will be further multiplied in Country D. In these cases, a separate authorisation would be required for the country providing the parental line.

There was a lengthy discussion on the responsibilities of the Designated Authority of the country of registration of the variety.

Several delegates felt that in paragraph 6, in relation to grass species, both the number of generations and the number of harvest years should be mentioned. ISF pointed out that some grasses provided two harvests per year, so for 2 harvest years there could be 4 harvests.

The Co-ordinating Centre suggested a revised form of words in paragraph 6: “Decide the maximum number of seed harvest years permissible from the sown crop.”

There was a concern about paragraph 9 which required the country of registration to carry out post control testing. If the country of registration was Italy and the country of origin of the seed France, how could then Italy carry out the post control?

The Co-ordinating Centre pointed out that multiplication might be happening simultaneously in more than one country and the country of registration could act as a collecting point for the information.

The Italian delegate noted that France would have to send him a sub-sample of the seed that was to be multiplied in order for him to do the post control.

ISF supported the view of the Italian delegate; there was also a need for the standard sample because the NDA have never seen the material for post control testing.

The Chair, speaking as the NDA for New Zealand, agreed that the standard sample was often requested because they were not familiar with the variety. New Zealand grows pre-control plots of the seed to be multiplied alongside a plot of the standard sample as a training ground for their crop inspectors, and the plots are recorded and the findings sent to the inspectors. The Ad Hoc WG had spent several years on the matter of who carried out the post control testing; it is preferable to put more responsibility on the trade for carrying out the work.

It was suggested that a template for the communication of the arrangements would be useful. The United States delegate reminded the meeting that such templates were included in the paper [AGR/CA/S(2005)8] and that he uses them all the time. The Chair pointed out that the electronic template used by France was very good and very concise.

Delegates agreed to introduce a new paragraph to the responsibilities of the DA of the country of registration as follows: “For crops where more than one seed harvest is possible from one sowing, define the number of harvests that are permissible.”

Action: The Chair asked that the Guidelines be tested by the NDAs in their local environments and to send comments on their effectiveness to the Secretariat and the Co-ordinating centre by 31 January 2010.

10.2 Draft revised proposal for grouping the Schemes' rules on multiplication abroad
[TAD/CA/S/RD(2008)1/REV4]

The Co-ordinating Centre gave a brief presentation of the paper which had not been discussed at the Annual Meeting due to a lack of time.

The delegates generally welcomed the proposal to group together the rules for multiplication abroad. Several changes were agreed to the text as follows:

Rule 3.5.3 Point 4): "... If a written agreement is requested it must, provide details of the identity of the seed to be multiplied, include the **type of hybrid** in the case of a hybrid variety and its denomination, confirm the category of the seed to be harvested and confirm the current status of the variety in relation to National Listing. ..."

Rule 3.5.3 Point 6): Establishing **the** official description of the variety and of the parental components in the case of a hybrid variety.

Rule 5.1.1 "On request, Pre-basic Seed may be officially controlled and **labelled**. ..."

It was also suggested that the text of Point 8) of Rule 3.5.3 be expanded to include reference to the number of harvest years permitted.

The Chair pointed out that the Rules should be restructured and asked the Co-ordinating Centre to make the necessary amendments to the Rules and revise the paper for approval at the next TWG meeting in March 2010.

Action: Co-ordinating Centre to revise the paper to include the changes agreed, for discussion and approval at the next TWG Meeting in March 2010.

11. VCU in OECD Seed Schemes [TAD/CA/S/RD(2009)4]

The Chair reported that at the 2009 Annual Meeting the delegates had reopened the discussion on the role of VCU in the OECD Seed Schemes. It has been agreed that the issue would be further discussed at the TWG meeting and that it would be useful to have presentations from different parts of the world. Both Italy and Denmark have agreed to make presentations on how they are handling VCU.

VCU presentation by Mr. Bianchi from Italy

Mr. Bianchi's overview of VCU was based on 4 key questions: What is VCU; Why VCU is assessed; Who assesses VCU; and How to assess VCU.

What is VCU? It was pointed out that the OECD Seed Schemes, the EU Directives and Italy's National Rules all required a variety to have satisfactory Value for Cultivation and Use. VCU determined the suitability for specific destination of the produce.

Why is VCU assessed? VCU is assessed to determine the cultivation and utilisation characteristics of the variety as the combination for a successful variety.

Who assesses VCU? VCU is assessed by Official Bodies or by Bodies under official supervision or by third parties.

How to assess VCU? A network of trials is used to test for yield, resistance to pests and diseases and quality characteristics over two independent cycles. Performance is measured (yield and quality) by comparison with reference varieties.

Mr. Bianchi concluded his presentation by giving details of the numbers of varieties in trials in Italy each year and the locations of the trial sites for the main agricultural species. Maize is the leading species with some 500 varieties tested each year for their VCU at 12 different sites.

VCU presentation by Mrs. Buus from Denmark

Mrs. Buus reminded the delegates that the principle tools of the seed sector were DUS, VCU and Seed Certification which in combination created high quality seed.

VCU is a screening process and 50-70% of the varieties applied for in Denmark are never listed because they are not good enough. The EU Directive requires that before a variety can be Nationally Listed it must show a clear improvement, either for cultivation or as regards the uses which can be made of the crops or the products derived there from. The Directive states that varieties must be assessed for yield, resistance to harmful organisms, behaviour with respect to factors in the physical environment and quality characteristics. The EU Directive is quite loose regarding how the tests are to be carried out, leaving room for National Designated Authorities to ensure national aspects.

The VCU testing system in Denmark is split into three different combinations.

1. A-testing – Varieties applied for inclusion in the Danish Variety List are tested in this group. The normal testing period is two years. The testing takes place on locations at the Plant directorate, at the Agricultural Advisory Centre (trial hosts) and at breeders. The testing is 100% self-financed by fees.

2. A-plus-testing - Varieties applied for A-testing can be included in the A-plus-testing. The testing is a supplement to the statutory VCU testing and has the purpose to provide an extended basis for recommendations to the farmers on choosing varieties. The testing (for which varieties have to be applied) is voluntary and does not form part of the statutory testing. The testing period is one or two years depending on the time of application. Thus a variety having been in A-testing one year can be included in the A-plus-testing the second year.

3. B testing – Varieties can be included in the B-testing if they have entered the Danish National List, the EU Common Catalogue or if they are of particular interest in Denmark. The testing is carried out each year and the varieties must be applied for each year to participate. The testing is an offer and does not form part of the statutory VCU testing. The responsibility for the testing is placed with the Agricultural Advisory centre.

All results from the A testing, A-plus testing and B testing can be used by both parties. That means that the decision taken on whether a new variety has sufficient value for cultivation and use is based on comparison with all relevant varieties for growing in Denmark, and not only a limited number of reference varieties.

The Chair pointed out that the presentations were the result of a difference of opinion at the last Annual Meeting on whether it was necessary to have VCU mandatory for the OECD Seed Schemes. He suggested further presentations to be made by Kenya, USA, Canada and India at the next TWG meeting in March 2010.

ISF noted that for breeders VCU was extremely important. VCU testing is carried out at the National level, and if the variety shows satisfactory VCU it is put on the OECD List of Varieties. If a variety is not accepted on the National List in the country of origin, there is no possibility to have it registered on the OECD List. However, it might be proved that this variety is very useful in another part of the world.

The European Commission pointed out that a breeder could have VCU tests carried out in several countries if he wished.

The Chair asked that ISF and the EC submit their suggestions to the Secretariat on how best to progress the discussion on VCU. The suggestions would then be included in a paper for discussion at the next TWG meeting in March 2010.

Action: ISF and EC to submit their suggestions on the VCU issue to the Secretariat by 31 December 2009.

12. Topics for future discussion

The Chair stated that the following topics were still under discussion:

- Further consideration of the Rules for multiplication abroad
- Further updating of the Guidelines on multiplication abroad
- Choosing a Sampling Scheme for Cereal Crop Sampling
- The Role of Biochemical and Molecular Techniques in Describing/Identifying Varieties
- The USA paper on statistics (alpha and beta risks) relative to the use of reject numbers
- VCU

13. Next meeting of the TWG

The Secretariat confirmed that the 9th Meeting of the TWG will take place on 23 March 2010 in Christchurch New Zealand, back to back with the Annual Meeting.

The Chair thanked the delegates for their active participation and closed the meeting.

The European Commission congratulated Mr. Johnston for the very productive Chairing of the TWG over the last two years.

8th Technical Working Group Meeting on Varietal Identity and Varietal Purity

held at the OECD Conference Centre, 2 rue André-Pascal, 75016 Paris, France

4-5 November 2009

List of Participants

National Designated Authorities

Allemagne/Germany

Mr. Hermann FREUDENSTEIN
Head of Section International Variety and Seed Affairs
Federal Office of Plant Varieties
Bundessortenamt
Osterfelddamm 80
Postfach 610440
30627 Hannover
Germany

Tel: +49 511 95665 645
Fax: +49 511 95669 600
Email: hermann.freudenstein@bundessortenamt.de

Australie/Australia

Mr. Nathan POTTER
Adviser (Agriculture)
Permanent Delegation of Australia to the OECD
4 rue Jean-Rey
75015 Paris

Tel: +33 0(1) 40 59 33 70
Email: Nathan.Potter@dfat.gov.au

Autriche/Austria

Ms. Charlotte LEONHARDT
Head of the Institute for Seed
Institute for Seed
AGES - Austrian Agency for Health and Food Safety
Institute of Seed
Spargelfeldstrasse 191
1220 Vienna
Austria

Tel: +43 (0) 50 555 34800
Fax: +43 (0) 50 555 34808
Email: charlotte.leonhardt@ages.at

Brésil/Brazil

Ms. Virginia ARANTES FERREIRA CARPI
Federal Agricultural Inspector
Coordination of Seeds and Seedlings(CSM)
Ministry of Agriculture, Livestock and Food Supply - MAPA
Esplanada dos Ministérios,
Bloco D, Anexo A, 3º Andar, Sala 338
CEP: 70043-900 Brasilia - DF
Brazil

Tel: +55 (61) 3218 2634
Fax: +55 (61) 3224 5647
Email: virginia.carpi@agricultura.gov.br

Ms. Izabela MENDES CARVALHO
Federal Agricultural Inspector
Coordination of Seeds and Seedlings(CSM)
Ministry of Agriculture, Livestock and Food Supply - MAPA
Esplanada dos Ministérios,
Bloco D, Anexo A, 3º Andar, Sala 338
CEP: 70043-900 Brasilia - DF
Brazil

Tel: +55 (61) 3218 2634
Fax: +55 (61) 3224 5647
Email: izabela.carvalho@agricultura.gov.br

Danemark/Denmark

Ms. Merete BUUS
Head of Division on Seed Certification
Danish Plant Directorate
Danish Ministry of Food, Agriculture and Fisheries
Skovbrynet 20
2800 Kongens Lyngby
Denmark

Tel: +45 45 26 37 20
Fax: +45 45 26 36 10
Email: meb@pdir.dk

Espagne/Spain

Mr. Juan José PEINADO
Chef de Service
Bureau Espagnol des Variétés Végétales
Ministerio de Medio Ambiente y Medio Rural y Marino
C/ Alfonso XII, 62
28014 Madrid
Spain

Tel: 00 34 91 347 67 34
Fax: 00 34 91 347 67 03
Email: jpeinado@mapya.es

États-Unis/United States

Mr. Perry BOHN
OECD Seed Schemes Program Manager
USDA/AMS
801 Summit Crossing Place
Suite C
Gastonia, North Carolina 28054
United States

Tel: +1-704-810-7262
Fax: +1-704-865-1973
Email: perry.bohn@ams.usda.gov

Mr. Dennis LUNDEEN
Manager and Certification Specialist
Oregon Seed Certification Service / Oregon State University
31 Crop Science Building
97331-3003 Corvallis

Tel: +1.541.737.4513
Fax: +1.541.737.2624
Email: dennis.lundeen@oregonstate.edu

Mr. Larry TEUBER
Executive Director
California Crop Improvement Association
One Shields Ave
University of California
CA 95616 Davis
United States

Tel: +530.752.2461
Fax: +530.754.7283
Email: lrteuber@ucdavis.edu

Ms. Betsy PETERSON
Director, Technical Services
California Seed Association
American Seed Trade Association
1521 I Street
Sacramento CA 95814
United States

Tel: +1 916-441-2251
Fax: +1 916-446-1063
Email: bpeterson@cgfa.org

Finlande/Finland

Mrs. Ritva VALLIVAARA-PASTO
Senior officer
Seed Certification
Finnish Food Safety Authority Evira
Tampereentie 51
32200 LOIMAA
Finland

Tel: +358 20 7725 320
Fax: +358 20 7725 317
Email: ritva.vallivaara-pasto@evira.fi

Hongrie/Hungary

Mr. Gabor POLGAR
Deputy Director
Central Agricultural Office
Keleti K 24
1024 Budapest
Hungary

Tel: +36.1336.94.60
Email: polgarg@ommi.hu

Inde/India

Dr. Muthusamy BHASKARAN
Director
National Seed Research and Training Centre
Govt. of India, Ministry of Agriculture
Department of Agriculture & Cooperation
G.T. Road, Collectry Farm
P.O. Industrial Estate - 221 106
Varanasi, U.P.
India

Tel: +91.542.23.70.222
Fax: +91.542.2370298
Email: dir-nsrc-up@nic.in

Italie/Italy

Mr. Pier Giacomo BIANCHI
Head of General Affairs
General Affairs
Ente Nazionale Sementi Elette (ENSE)
Via Ugo Bassi, 8
20159 Milan I
Italy

Tel: +39 2 69 01 20 26
Fax: +39 269 01 20 49
Email: pg.bianchi@ense.it

Kenya

Mr. Chagemu John KEDERA
Managing Director
Kenya Plant Health Inspectorate Service (KEPHIS)
P.O. Box 49592
Ooloolua Ridge, Karen
00100 GPO Nairobi
Kenya

Tel: +254 20 353 61 71
Fax: +254 20 353 61 75
Email: director@kephis.org

**Nouvelle-Zélande/
New Zealand**

Mr. Peter JOHNSTON
Senior Adviser, Plant Exports
Ministry of Agriculture & Forestry
25 "The Terrace"
P.O. Box 2526 Wellington 6011
New Zealand

Tel: +64.4.894.0519
Fax: +64.4.894.0733
Email: peter.johnston@maf.govt.nz

Mr. Selwyn H. MANNING
Chairman
New Zealand Seed Quality Management Authority
C/- Barenbrug Southern Limited
2547 Old West Coast Road - RD1
7671 Christchurch
New Zealand

Tel: 00.64.3.318.85.14
Fax: 00.64.3.318.85.49
Email: shm@bsl.co.nz

Pays-Bas/Netherlands

Mr. Max SOEPBOER
Senior Specialist Seed Policy
N A K
Randweg 14
8300 BC Emmeloord
Netherlands

Tel: +31.527.635.400
Fax: +31.527.635.411
Email: msoepboer@nak.nl

Pologne/Poland

Mrs. Jolanta WYSZATKIEWICZ
OECD Seed Scheme Main Specialist
Department of Plant Breeding and Plant Protection
Ministry of Agriculture and Rural Development
ul. Wspolna 30
00-930 Warsaw
Poland

Tel: +48.22.623.27.75
Fax: +48.22.623.26.39
Email: jolanta.wyszatkiewicz@minrol.gov.pl

**République Slovaque/
Slovak Republic**

Mr. Peter DRINKA
Responsible for the OECD Seed Schemes
Dept. for Seeds and Planting Material
The Central Controlling and Testing Institute in Agriculture
Matúškova 21
83316 Bratislava
Slovak Republic

Tel: +421 2 598 80 317
Fax: +421 2 598 80 256
Email: drinka@uksup.sk

**République Tchèque/
Czech Republic**

Mr. Daniel JURECKA
Director of Plant Production Section
Central Institute for Supervising and Testing in Agriculture
Hroznova 2
656 06 Brno
Czech Republic

Tel: +00.420.543.548.210
Fax: +00.420.543.212.440
Email: daniel.jurecka@ukzuz.cz

Ms. Monika RUBESOVA
Head of Foreign Affairs Department
Seeds and Planting Materials Division
Central Institute for Supervising and Testing in Agriculture
Za Opravnou 4
150 06 Praha 5 - Motol
Czech Republic

Tel: + 420 257 294 299
Fax: + 420 257 211 748
Email: monika.rubesova@ukzuz.cz

**Royaume-Uni/
United Kingdom**

Mr. Gerry HALL
Head of Cereal Certification for Scotland
Science and Advice for Scottish Agriculture
Roddinglaw Road
Edinburgh EH12 9FJ, Scotland
United Kingdom

Tel: 0044.(0).131.244.8856
Fax: 0044.(0).131.244.8966
Email: gerry.hall@sasa.gsi.gov.uk

Suède/Sweden

Ms. Eva DAHLBERG
Senior Administrative Officer
Swedish Board of Agriculture
55182 Jönköping
Sweden

Tel: +46.36.155.176
Fax: +46.36.71.05.17
Email: eva.dahlberg@jordbruksverket.se

Ms. Carina KNORPP
Senior Advisor
Ministry of Agriculture
Fredsgatan 8
S-103 33 Stockholm
Sweden

Tel: +46.8.405.15.17
Fax: +46.8.20.64.96
Email: Carina.Knorpp@agriculture.ministry.se

Suisse/Switzerland

M. Blaise SANGLARD
Conseiller
Délégation Permanente
28, rue de Martignac
75007 Paris
France

Tel: +33 1 49 55 74 54
Fax: +33 1 45 51 01 49
Email: blaise.sanglard@eda.admin.ch

CE/EC

Mr. Rüdiger ALTPETER
Principal Administrator
Directorate General for Agriculture & Rural Development
Organisation: European Commission
130 rue de la Loi
B-1049 Bruxelles
Belgium

Tel: +32 2 295 33 98
Fax: + 32 2 2969636
Email: ruediger.altpeter@ec.europa.eu

Dr. Päivi MANNERKORPI
Head of Sector
Unit for Biotechnology and Plant Health
European Commission
Directorate-General for Health & Consumers
Rue Belliard 232, 03/05
B-1040 Brussels
Belgium

Tel: +32 2 299 37 24
Fax: +32 2 296 9399
Email: paivi.mannerkorpi@ec.europa.eu

Mr. Walter DE BACKER
Principal Administrator
Directorate-General for Health and Consumers
European Commission
Unit E1 - Biotechnology and Plant Health
Office B232-3/16
1049 Bruxelles
Belgium

Tel: +32.2.295.04.73
Fax: +32.2.295.60.43
Email: walter.de-backer@ec.europa.eu

European Union

Mr. Carlos GODINHO
Vice-President CPVO
Community Plant Variety Office (CPVO)
European Union
3 Boulevard Maréchal Foch
B.P. 10121
49101 Angers cedex 02
France

Tel: + 33.2.41.25.64.13
Fax: + 33.2.41.25.64.10
Email: godinho@cpvo.europa.eu

International Organisations & Observers

- European Seed Association (ESA)** Mr. Bert SCHOLTE
 Technical Director
 European Seed Association (ESA)
 Rue du Luxembourg 23
 1000 Brussels
 Belgium
- Tel: +32-2-7432860
 Fax: +32-2-7432861
 Email: bertscholte@euroseeds.org
- International Seed Federation (ISF)** Mr. Piero SISMONDO
 Director Seed Technology and Trade
 International Seed Federation (ISF)
 Chemin du Reposoir 7
 CH-1260 Nyon
 Switzerland
- Tel: +41 22 365 44 20
 Fax: +41-22 365 44 21
 Email: p.sismondo@worldseed.org
- Mrs. Jennifer T. RASHET
 Seed Regulatory Affairs Lead
 Monsanto Company
 International Seed Federation (ISF)
 800 N Lindbergh Blvd
 Mail Zone E2SA
 St Louis
- Tel: 1.314.694.41.07
 Fax: 1.314.694.84.14
 Email: jennifer.t.rashet@monsanto.com
- International Seed Testing Association (ISTA)** Dr. Michael MUSCHICK
 ISTA Secretary-General
 International Seed Testing Association (ISTA)
 Zürichstrasse 50
 P.O. Box 308
 8303 Bassersdorf
 Switzerland
- Tel: 00.41.44.838.60.00
 Fax: 00.41.44.838.60.01
 Email: ista.office@ista.ch

**UPOV - International Union
for the Protection of New
Varieties of Plants**

Mr. Raimundo LAVIGNOLLE
Senior Counsellor
UPOV - International Union for the Protection of New Varieties of Plants
34, chemin des Colombettes
1211 Geneva 20
Switzerland

Tel: +41.22.338.95.65
Fax: +41.22.733.03.36
Email: raimondo.lavignolle@upov.int

OECD Secretariat

Mr. Michael RYAN
Head of Unit
TAD/COD
OECD
Marshall Building 5061
2 rue André-Pascal
75016 Paris
France

Tel: +(33-1) 45 24 85 58
Fax: +33 1 44 30 61 17
Email: michael.ryan@oecd.org

Miss Katarina DJERMANOVIC
Consultant
TAD/COD
OECD
Marshall Building 5063
2 rue André-Pascal
75016 Paris
France

Tel: +(33-1) 45 24 18 78
Email: katarina.djermanovic@oecd.org

OECD

(suite / continued)

Mr. Simon GREGG
Assistant
TAD/COD
OECD
Marshall Building 5069
2 rue André-Pascal
75016 Paris
France

Tel: +(33-1) 45 24 80 40
Email: simon.gregg@oecd.org

Miss Lindsey HOLIDAY
Trainee
TAD/COD
OECD
Marshall Building 5069
2 rue André-Pascal
75016 Paris
France

Tel: +(33-1) 45 24 81 70
Email: lindsey.holiday@oecd.org

OECD Co-ordinating Centre

Mr. Stephen FLACK
Senior Technical Officer
NIAB - OECD Co-ordinating Centre
Huntingdon Road
Cambridge CB3 0LE
United Kingdom

Tel: 00.44.1223.3422.38
Fax: 00.44.1223.277.707
Email: stephen.flack@niab.com

Mr. David WHITE
Seeds Consultant
NIAB - OECD Co-ordinating Centre
Huntingdon Road
CB3 0LE Cambridge
United Kingdom

Tel: +44 (0) 1353 740 672
Email: david.white777@btinternet.com