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China Updates Plant Variety Testing Procedures

2007

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Report Highlights: China's Ministry of Agriculture (MOA) recently published the "Administrative Measures on Testing Guidelines for New Plant Varieties." These procedural guidelines revise the measures that govern the testing required for new plant variety registration applications in China. This report contains an UNOFFICIAL translation of this MOA measure.

Includes PSD Changes: No
Includes Trade Matrix: No
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Executive Summary: In August 2007, China's Ministry of Agriculture (MOA) published "Administrative Measures on Testing Guidelines for New Plant Varieties." This administrative measure revises the guidelines that govern the testing required for new plant variety registration applications in China. This statute provides guidance to entities that are applying for registration of a new plant variety and to the Ministry of Agriculture units that carry out registration functions.

Please see GAIN Report CH7030, Protecting Plant Varieties in China: Alternatives, for more information on plant variety protections.

BEGIN TRANSLATION

Administrative Measures on Testing Guidelines for New Plant Varieties

Date: August 23, 2007

Promulgated by: the General Office of the
Ministry of Agriculture

DAO [2007] No.38

Relevant units:

To promote the development and protection of new plant varieties, standardize research, modify testing guidelines, and improve the research level and quality of testing guidelines, the Ministry of Agriculture (MOA) has formulated *Administrative Measures on Testing Guidelines for New Plant Varieties*, which has been printed and issued to your units for implementation.

August 13, 2007

Administration Measures on Testing Guidelines for New Plant Varieties

Chapter 1. General Rules

Article 1. To promote the development of new plant varieties, standardize research, and modify testing guidelines for new plant varieties (hereinafter referred to "testing guidelines"), this statute is formulated.

Article 2. The testing for a new plant variety is to test distinctness, uniformity and stability ("DUS" in short).

Article 3. The statute stipulates the declaration, research, approval, issuance, revision, and supplementary requirements for testing guidelines.

Chapter 2. Project Declaration for Testing Guidelines

Article 4. The Protection Office of New Plant Varieties under the Ministry of Agriculture (hereinafter referred to as "Variety Protection Office") should publicly issue a *Declaration Guide to Research Projects of Testing Guidelines on a New Plant Variety* in conformity with the research outlines of testing guidelines.

Article 5. The domestic scientific research, teaching, publicizing, enterprise units, and relevant trade association should submit an application for project listing in conformity with *Declaration Guide to Research Project of Testing Guidelines on New Plant Variety* to Variety Protection Office.

Article 6. Research on testing guidelines by different entities in the society is advocated. The unit or individual that is willing to raise funds for the research of testing guidelines on his own can submit an application to the Variety Protection Office at any time.

Article 7. The application unit or individual should have the following qualifications:

- (I) Competitive edge in the scientific research field of the plant.
- (II) The capability of collecting variety resources of the particular plant variety.

(III) Necessary manpower and material resources for relevant tests.

Priority will be given to the unit or individual that has DUS testing experience for the plant and is capable of using relevant foreign testing guidelines for reference.

Article 8. The Variety Protection Office will organize experts to review the project application for testing guidelines, issue research tasks, and assign a task proposal for the project.

Chapter 3. Research on Testing Guidelines

Article 9. Research of testing guidelines should abide by the national criterion, *General Rules on Testing Guidelines of New Plant Variety*, and the testing guidelines document (TGP) of the International Union For The Protection Of New Varieties Of Plants (UPOV).

Article 10. Research procedures of testing guidelines usually include:

(I) Collection of the variety and relevant literature.

(II) List of properties and design of field experiment.

(III) Field experiment on the first period of growth.

(IV) Drafting the testing guidelines.

(V) Collecting relevant experts' opinions and design modifications to the field experiment on the second period of growth in conformity with their opinions.

(VI) Field experiment on the second period of growth and revision of the draft of testing guidelines.

(VII) Compilation of a draft version for collecting expert opinion on testing, breeding, planting, and plant classification fields (no less than 10 experts).

(VIII) Revise of the guidelines version for approval, per the expert's opinions.

Article 11. With the authorization of Variety Protection Office, the New Plant Variety Testing Division (thereafter referred to "Variety Testing Division") of the Ministry of Agriculture Technology Development Center (the Ministry of Agriculture New Plant Variety Testing center) should draft a research outline for testing guidelines and *Declaration Guide to Research Project of Testing Guidelines on New Plant Variety* and organize, guide and supervise the research and revision of the testing guidelines. The Variety Testing Division should submit an annual report on the progress of the research on testing guidelines to the Variety Protection Office before the end of December each year.

Article 12. The unit or individual undertaking the research on testing guidelines should submit a report on the progress of the research on testing guidelines to Variety Testing Division semi-annually.

Chapter 4. Approval and Promulgation of Testing Guidelines

Article 13. The unit or individual undertaking the research on testing guidelines should submit an inspection application to the Variety Protection Office after the guidelines approval is finished. The literature for inspection application should include the testing guidelines for approval, list of the experts' opinions, and the notes to the compilation of testing guidelines.

Article 14. The notes to the compilation of testing guidelines usually include:

(I) An overview of the task: the reference to domestic and foreign testing guidelines, task outlines, and units and personnel participating in the research.

(II) Confirmation criteria for compilation principles and main contents of the testing guidelines (such as specification of properties and criteria of classification).

(III) Comparison with domestic and foreign testing guidelines.

(IV) References.

Article 15. With the authorization of the Variety Protection Office, the Variety Testing Division should organize the experts (7-13 persons) in relevant fields for reviewing and approving the testing guidelines with their opinions included.

Article 16. In case of approved testing guidelines, the unit or individual undertaking the research should complete the revision within one month; and in case of rejection, the

unit or individual should modify and improve it according to the experts' opinion and then submit a new inspection application to the Variety Protection Office for approval according to the procedures listed above.

Article 17. The Variety Testing Division should be liable for the text modification and editing of the approved testing guidelines to work out a final approval version and submit this to the Variety Protection Office.

Article 18. The final approved version of the testing guidelines should be publicly issued after review and approval by the Variety Protection Office and will be compiled and published regularly.

Chapter 5. Revision of Testing Guidelines

Article 19. According to the application results of testing guidelines, the Variety Testing Division should submit a revision plan of testing guidelines to the Variety Protection Office before the end of June each year and organize and designate the revision unit for testing guidelines or set up a revision task group for the testing guidelines.

Article 20. The testing guidelines revision unit should sign a task proposal for the revision and be subject to the research, approval, and issuing procedures of the testing guidelines.

Chapter 6. Supplementary Articles

Article 21. The research project of testing guidelines applied for through other channels should be subject to relevant project management procedures in addition to the research, approval and issuing procedures of the testing guidelines in this statute.

Article 22. The statute shall be subject to the interpretation of the Variety Protection Office.

Article 23. The statute shall be effective upon promulgation.