

## SEED LAW OF THE REPUBLIC OF TURKEY

**Main Law No : 5553**

### **PART ONE Purpose, Scope, Definitions**

#### **Purpose**

**ARTICLE 1-** The purpose of this law hereby is to upgrade productivity and quality in plant production, to ensure quality assurance for seedlings, to make arrangements for the production and trade of seedlings, and to implement all necessary arrangements for restructuring and developing seed sector.

#### **Scope**

**ARTICLE 2-** This Law covers regulations concerning the registration of varieties and genetic resources belonging to field crops, vineyard and garden plants, forest plant species and propagation material of other plant species, the production of seedlings, certification, trade, market control, and institutional structures.

#### **Definitions**

**ARTICLE 3-** The terms contained in this Law hereby are as follows:

1- Sub-union: Shall mean according to activity areas, the professional institutions which have legal entity and public institution characteristic and were formed by plant breeders and seed producers and industrialists, sapling producers, seedling producers, seed producers, seed distributors, ornamental plant producers, and natural and legal persons dealing with issues concerning seed,

2- Research institute: shall mean public or private institutions which operate in the area of breeding, discovering, and developing plant varieties, their qualities and working procedures and principles are established by the Ministry.

3- Ministry: shall mean the Ministry of Agriculture and Rural Affairs.

4- Union: shall mean the Turkish Union of Seed Producers.

5- Variety: shall mean the genetic structure contained in the botanical taxonomic section, which is characterized by the manifestation of certain characteristics generated by one or more genotypes, and differs from the other genotypes within the same species by at least one typical characteristic, and is recognized as a unit in its suitability for reproduction without modification of its distinguishing characteristics.

6- Variety list: shall mean the list in which varieties registered and traded are published.

7- Stability: shall mean relevant varieties characteristics remaining same after repeated production or at the end of certain propagation periods without changing

8- Difference: shall mean a variety's having at least one difference from the varieties well-known by everybody at the date of application and the characteristics constituting basis for the registration,

9- Genetic resource: shall mean the potential population featuring genetic differences and distinct characteristics in botanical structures, wild species of plants that are naturally present in a country or a region, and transition forms thereof, local varieties, custom-bred varieties, and certain materials of breeding with important characteristics from which genes needed by plant breeders and scientists are provided.

10- Breeding: shall mean the activities carried out for the purpose of ensuring protection over and the continuity of present varieties, improving their features through studying them, and studies carried out for the purpose of obtaining a variety or varieties by making use of genetic resources and stocks.

11- Breeder: shall mean the natural and legal persons who have bred up or discovered and developed a variety.

12- Log: shall mean the registries in which the varieties registered under the provisions of this Law hereby, and the materials falling in with the genetic resources are recorded.

13- Special areas of production: shall mean the area the boundaries of which are established by the Ministry in order to allow for the production of seedlings.

14- Standard seedling: shall mean the seed and reproduction materials placed on the market only by laboratory controls belonging to the varieties registered and in plant species determined by the Ministry.

15- Recommendation list: shall mean the list in which regions are found suitable for the growing of the registered varieties under applicable legislation.

16- Registration: shall mean registering in a log that plant varieties bred up or discovered and developed domestically or abroad are distinct, uniform and stable, and/or registering biological and technological characteristics, resistance against diseases and pests, and agricultural values by detecting.

17- Seed sector: shall mean a composed structure formed by public or private Unions which breed up plant varieties, and produce, grow, process, sell, distribute, supply for sale or distribution, import or export seedlings, or involve in other activities related to seed and the unions and societies formed by these Unions.

18- Seedling: shall mean the generative and vegetative plant parts such as seed, knob, seedling, sapling, cutting used for the reproduction of plants.

19- Seedling controller: shall mean the public or private persons which carries out the controls regarding seedling certification, collects samples, issues documents for these issues by making market controls.

20- Seedling control: shall mean the controlling of conformity to standards of the seedlings, of which the physical and biological characteristics have been assessed.

21- Seedling certification: shall mean the procedure of detecting and documenting that genetic, physical, biological, and sanitary-related figures are compatible with standards at the outcome of field and laboratory controls.

22- Seedling class: shall mean offspring order and generation followed during the production of seedling.

23- Seedling standard: shall mean the quality criteria which define the physical and biological qualities of the seedling.

24- Production permit: shall mean the temporary license issued until the variety is registered by detecting biological and technological characteristics with disease and pest resistance, and agricultural characteristics of plant varieties bred up or discovered and developed domestically or abroad.

25- Uniformity: During propagation of variety, it's being uniform or sufficiently homogenous considering other features other than variation expected depending upon the reproduction method.

## **PART TWO**

### **Registration, Production, Certification, Trade and Market Inspection of Seedling**

#### **Registration**

**ARTICLE 4-** Registering plant varieties, production permit, and standard seedling variety registration, and also registration of the genetic resources into a log are conducted by the Ministry.

Bred up varieties are registered by specifying their differences, uniformity and stability and/or biological, technological features, their agricultural values, and genetic resources are registered by determining their morphological and/or molecular characters. It is not the case for ornamental plants and flower seeds.

Issues concerning the registration of varieties belonging to agricultural plant species, their staying in the log, renewal of registration, removal from the log, providing continuity, preparing a catalogue are specified with a regulation.

Furthermore, principles and procedures concerning the registration, production permit and standard seedling variety registration are specified with a regulation according to the plant groups.

#### **Seedling production**

**ARTICLE 5-** The production of the seedlings belonging to only varieties registered shall be permitted by the Ministry determining their botanical and agricultural characteristics.

The characteristics of special production areas for growing seedlings, and the rules to be obeyed by the natural and legal persons who grow seedling and produce plant within the boundaries of their field shall be designated by the regulation.

Seedlings or crops not permitted by the Ministry can not be produced within the geographical boundaries of special seedling production areas.

Seedling sector is allowed to benefit from subsidies- and supports determined by the Ministry in order to improve the sector in compliance with European Union standards and international competition provided that sector makes investment in the country. Supporting principles and procedures are regulated through the communiqué issued by the Ministry.

#### **Seedling certification**

**ARTICLE 6-** The seedlings, which are obtained from varieties produced domestically, registered or received production permit according to ARTICLE 4, and which produced and grown according to the seedling classes, shall be subjected to certification.

The seedlings subjected to field and laboratory controls and certified in compliance with seedling standards shall be appropriately packed and labeled.

Seedling certification principles and the rules to be applied to packing and labeling shall be established with regulations according to plant groups.

#### **Seedling Trade**

**ARTICLE 7-** Domestically, the trade of seedlings belonging to only registered varieties shall be permitted.

These seedlings shall be supplied for trade in a manner that conforms to the qualities and standards established by the Ministry, certified or accepted to be registered in the log or standard seedling appropriately packed and labeled.

Importing and exporting seedlings shall be subject to the permission of the Ministry. The seedlings to be imported must conform to domestic standards. The procedures and principles relating to the importing and exporting of seedlings shall be established by the Ministry upon the opinions of relevant institutions and unions.

### **Market Inspection**

**ARTICLE 8-** The natural and legal persons which grow, process, supply for sell, distribute, and sell seedlings shall be authorized and inspected by the Ministry. The procedures and principles thereabout shall be established through regulations.

The conformity of the supplied seedlings to standards, and the correctness of the label and packing information shall be controlled by the Ministry.

## **PART THREE Fee, Announcement, Indemnity and Penal Provisions**

### **Fee**

**ARTICLE 9-** The following fees are collected for the services given and the documents approved or issued:

- a) fee for application examination,
- b) fee for registration,
- c) fee for production license,
- d) fee for registration of standard seedling,
- e) fee for registration of genetic resources,
- f) fee for certification service,
  - fee for field controls,
  - fee for laboratory controls,
  - fee for documentation,
  - fee for label,
- g) fee for publication
- h) other fees.

These fees are determined and announced by the Ministry in January every year. Principles and producers concerning the fees are established by the regulation.

### **Announcement**

**ARTICLE 10-** The varieties registered pursuant to the provisions of ARTICLE 4 hereof, and the varieties contained in the recommendation list shall be announced on the Bulletin to be published periodically by the Ministry.

Varieties removed from the log or recommendation list and information concerning regulations about seedling are published in the bulletin. Issues which will be on the Bulletin shall be designated by the Ministry.

### **Indemnity**

**ARTICLE 11-** The natural or legal persons who have produced, sold, distributed, imported or have in other way made available on the market the defective seedling which has caused the loss shall, reserving the criminal state of their conduct, be responsible for recompensing joint damages. They may take recourse against each other according to their share in the loss.

The law case may be filed within 6 months as of the date of documenting the losses of the party that has incurred the losses and in any case within two years after the occurrence of the loss.

### **Penalty Provisions**

**ARTICLE 12-** seedlings belonging to the varieties registered under ARTICLE 4 hereof;

a) without subjecting to certification process and obtaining the seedling analysis report after its compliance to standard seedling conditions is controlled,

b) as dropped below the minimum seedling standard established by the Ministry, or as derogated,

c) without packing or labeling in conformity with the regulation, or by using counterfeit packing or labels and faking names and brands, or by using remarks or signs, other than names and brands, that could be deceptive,

d) as fodder or food other than intended purposes, although it is prepared and processed in compliance with the regulation and applied insecticide,

e) through presenting as certified or controlled although it has not been subjected to certification or controlled,

f) through deceptive promotion or advertisement not pursuant to qualities in registering the variety,

Those who sell, prepare for sale and distribute or provided that trade activity exists, and that the amounts in question are not limited to one's own personal shall be sentenced to an administrative fine of ten thousands New Turkish Liras. In case of repetition of such crime, offenders shall also be banned from the trade of seedlings for a period of five year. Such seedlings shall be detained by the Ministry, and criminal court of peace shall resolve upon the confiscation of the seedlings. In case it is decided to remove the confiscated seedlings, all the costs belonging to offenders.

Persons and entities who grow, process, prepare for sale, distribute or sell seedlings without the permission of the Ministry shall be sentenced to an administrative fine of ten thousands New Turkish Liras. In case of repetition of such crime, fine shall be executed as two-fold. Such seedlings shall be detained by the Ministry, and criminal court of peace shall resolve upon the confiscation of the seedlings. In case it is decided to remove the confiscated seedlings, it shall be carried out by the Ministry all costs being borne by the offenders.

Those who import and export the seedlings for which the required permission has not been issued by the Ministry, and which have not been controlled and those who submit counterfeit documents and information or distorted the documents shall be sentenced to an administrative fine of twenty five thousands New Turkish Liras. In case of repetition of such crime, offenders shall also be banned from the trade of seedlings for a period of five year. Such seedlings shall be detained by the Ministry, and criminal court of peace shall resolve upon the confiscation of the seedlings. In case it is decided to remove the confiscated seedlings, it shall be carried out by the Ministry all costs being borne by the offenders.

Those who grow seedlings or plant products without adhering to rules within the boundaries of the special seedling production areas designated by the Ministry shall be sentenced to an administrative fine of three thousands New Turkish Liras. Such plantations shall be removed by the Ministry, all costs being borne by the producers, and shall, if necessary, be disposed.

The administrative fines mentioned in this ARTICLE shall be given by the highest civilian authority of that place. The decisions about the administrative fines shall be notified to whom it may concern in compliance with the provisions of Notification Law dated 11.2.1959 and numbered 7201. Any objection may be raised to the authorized administrative court at latest within seven days as of the date of notification. Objection does not interrupt the execution of the fine given by the administration. The decision upon the objection is certain. Objection shall be led to a conclusion at the earliest date by examining the documents in case the otherwise is not considered essential. The administrative fines given in accordance with this law shall be collected in compliance with the provisions of Law on Collection Procedures of Public Debts dated 21.7.1953 and numbered 6183.

### **Announcement of the Verdict**

**ARTICLE 13-** In case of presence of a justifiable reason or interest of the party awarded by the verdict at the end of the court concerning the confiscation of seedlings, the party shall be eligible to demand that the verdict, which has now become definite, be announced in full or in short on a daily newspaper or through similar means, all costs being borne by the opposing party. The way and content of the announcement and its price to be designated in line with the amount of fine or the indemnity shall be specified in the decision.

## **PART FOUR Exception and Assignment of Power**

### **Exception**

**ARTICLE 14-** Registration is not obliged for seedlings or plant products imported and produced for exportation purpose. Plant products trade under this ARTICLE shall be arranged in accordance with procedures and principles determined by the Ministry. Moreover, exchange of seedlings between farmers, provided that no trade activity exists, and that the amounts in question are limited to one's own personal use, and also the seedlings that are used for trial and inspection purposes and the amount of which is determined by the Ministry shall be exempted from the scope of the provisions this ARTICLE.

### **Assignment of Power**

**ARTICLE 15-** In cases it is deemed as necessary, the Ministry may assign, with defined conditions, its duties specified in ARTICLES 5, 6, 7, and 8, hereof in full or in part to the Union, public institutions and unions, **>M1** ----- **<** or universities for a defined or non-defined period.

In case assignee fails to adhere to the established conditions, assigned powers shall be renounced by the Ministry. In case it is established that assignee intentionally violates the rules during official controls, the certificates issued by those shall be invalidated except for the situations when the concerned seedling meet the defined standards.

The powers that have been assigned for a defined period of time may, upon the expiration of such period, be renounced by the Ministry or be re-assigned with defined conditions.

The conditions of power assignment, the principles and procedures concerning the technical and physical conditions of the Union, public institution and union, special law legal entities and universities, and the procedure to be applied at withdrawal of the power shall be determined with the regulation.

## **PART FIVE**

### **Sub-unions and Turkish Union of Seed Producers**

## **Establishment of the Sub-unions**

**ARTICLE 16-** Sub-unions are the professional associations, which have public institution quality and legal entity, are established according to their subjects by at least seven natural or legal persons who are plant breeders, seed industrialists and producers, seedling producers, sapling producers, seed breeders, seed distributors, ornamental plant producers or deals with other issues of seed, in order to facilitate professional activities, to provide the protection of the economic and social rights of those dealing with seed activities and to fulfill the duties determined with the legislation by improving the sector and providing the professional solidarity among real and legal persons operating in this sector.

Sub-unions shall apply to the Ministry with a statute specifying its establishment and working principles. If there is not any contradiction to the legislation and any deficit in the regulation and the legal situation of the founders, establishment of the sub-union shall be approved by the Ministry and sub-union shall be informed at latest within fifteen days. The regulation of the sub-union shall be published in a local newspaper within fifteen days pursuant to the written notification made to the sub-union. Sub-union has to gather its first general board and form its organs within three months after the publication of the regulation. The amendments on the statute are subjected to the establishment procedures.

In case a contradiction to legislation or deficit is found in the establishment declaration, union statute and legal situation of founders, temporary board of executives shall be demanded in written to overcome these problems. If these contradictions and deficits are not solved or overcome within thirty days as of the notification of the letter, public prosecutor apply to authorized court to annul the union upon the denunciation of the Ministry. Public prosecutor can demand to stop the activities of the union.

More than one sub-union operating in the same field cannot be established. Real or legal persons dealing with seedlings may affiliate more than one sub-union according to their subjects; however, they cannot take part in more than one board of executives. The working center concerning the activity fields of sub-unions shall be determined by the Ministry.

## **Membership**

**ARTICLE 17-** Natural or legal persons operating in the field of seedlings have to affiliate the sub-union related with their activity fields. Principles and procedures concerning the membership shall be defined in the regulation of the sub-union.

Natural or legal sub-union members are responsible to pay entry contribution at the entrance to the sub-union and annual contribution each year. Entry contribution and annual contribution can not be less than 10% or more than four-fold of gross total of monthly minimum wage paid to those older than sixteen years old. Annual contribution is not paid at the year when entry contribution is paid. When contributions are not paid on time, they shall be collected by sub-unions with legal interests.

## **Duties of the Sub-union**

**ARTICLE 18-** the duties of the sub-union are as follows:

- a) To provide communication and solidarity among the members,
- b) To organize conference, panels, course, seminar and similar training programs in order to improve the professional knowledge and experience of its members and other people operating in seed sector, to prepare and get prepared books and periodicals,
- c) To make investment, to undertake researches and studies or to get undertaken and to prepare reports concerning the issues to further improve the sub sector of seedling they operate in,
- d) To prepare proposals and report in order to facilitate the decisions to be taken about seed sector and to submit them to the Union,

- e) To contribute the improvement of domestic seed production by getting into a union,
- f) To fulfill the duties to be assigned by the legislation.

### **Organs of the Sub-union**

**ARTICLE 19** - The organs of the sub-union are general board, board of executives, board of inspection and board of discipline.

### **General Board of the Sub-union**

**ARTICLE 20.** - General board of the sub-union is composed of the members of the sub-union. The board gathers upon the executive board's call, at least once within a year, with the absolute majority of the total number of the members. It is called to extraordinary meeting on the decision of the executive board or inspection board or on the written demand of one fifth of the members of the General board. In case of an insufficient majority at the first gathering, majority is not a must in the second one. Yet, the number of the members attending the 2nd gathering is to be above the double of the total number of the original members of the executive, inspection boards and discipline board. In case of an insufficient majority at this gathering, the sub-union is annulled. At the assemblies, decisions are taken with the absolute majority of the attendants.

Sub-unions elected ten associate and ten alternate representatives, who will attend the gatherings of the Union's General board, for a period of two years. The procedures and principles concerning the General board is being called to gathering and the designation of the representatives of the Union's General board are determined in the regulations of the sub-union.

Duties and authorities General board of the sub-union are as follows:

- a) To select the organs of the sub-union
- b) To decide on the terms of membership, resignation and removal from membership
- c) To determine the admission fee and yearly dues
- d) To determine the main principles for development of seed related with their professions
- e) To discuss the reports of the executive and inspection boards and to decide whether to pass them or not.
- f) To discuss and approve the budget formulated by the executive board
- g) To determine the general principles as to the studies and management of the sub-union
- h) To vest the executive board with the authority to purchase, sell and mortgage movable and immovable possession and to establish real right on these possessions on behalf of the sub-union
- i) To elect representatives for the union's General board and Arbitrator Board
- j) To vest the executive board with the authority to establish laboratories, business, education centre and to provide these with necessary equipment and to meet other needs of them
- k) To submit to the Union one of the copies of the reports of the decisions taken at General board gatherings.
- l) To discuss the current affairs of seed sector.

### **Executive Board of the Sub-union**

**ARTICLE 21.** Executive board of the sub-union is composed of at least five associate and five alternate members, elected among the members of General board for a period of two years. Among themselves, the associate members of the board, at their first gathering, with secret ballot, elect a chairman, a vice-chairman and an accountant who will carry out the tasks the executive board determines. A secretary-general, who will implement both the tasks given by the executive board and the transactions of the sub-union, is appointed. The qualities and duties of the secretary-general are determined in the regulations of the sub-union.

The chairman of the executive board; presides the executive board and represents the sub-union. He is accountable for the financial affairs of the sub-union and related registering with the accountant member and also liable for other registers and correspondences with the secretary-general. In the absence of the chairman, the vice-chairman represents him. Those who have had the post of chairmanship for two terms consecutively cannot assume the same post without the passage of two terms.

The executive board gathers upon the call of the chairman, at least once a month, with absolute majority. Decisions are taken with the absolute majority of the participants; in case of a draw, the determinant is the vote of the chairman.

The procedures and principles as to the executive board gatherings are determined with the regulations of the sub-union.

Duties and authorities of the executive board are as follows:

- a) To formulate the agenda of the General board and to call the board to gathering.
- b) To formulate the term's balance sheet, activity report and the approximate budget of the sub-union and submit these to the General board.
- c) To implement the decisions of the General board.
- d) To establish communication and solidarity among members.
- e) To arrange conferences, seminars, courses, symposiums, etc. for the members and those active in the sector of raising seeds so that their vocational knowledge and good manners will go up.
- f) To conduct the required studies to develop the sector of raising seeds, to conduct and make others conduct research about the sector.
- g) To want the discipline board to carry out the procedures for the members, in case of the existence of actions requiring disciplinary punishment or posing an offense.
- h) To purchase, sell and mortgage movable and immovable possession and to establish real right on these possessions on behalf of the sub-union.
- i) To implement other tasks given by the General board.

### **Inspection Board of the Sub-union**

**ARTICLE 22-** The inspection board is composed of three associate and three alternate members elected among the sub-union members for a period of two years. The board gathers at least two times within a year and at their first gathering, the members elect a chairman among themselves with secret ballot.

The gathering procedures and principles of the supervisory board is determined with sub-union regulation.

Duties of the inspection board are as follows:

- a) To scrutinize all the accounts and transactions of the sub-union.
- b) Is to submit the deficiencies (he) observed in the audits and transactions to the General board at the latest 15 days.
- c) Is to submit result of inspections, two-year period, as a report to the General board.
- d) Is to convoke a meeting general assembly when required.

### **Discipline Board of the Sub-union**

**ARTICLE 23-** Discipline Board is composed of three associate and three alternate members elected among sub union members for two-year period by the General board. Discipline Board gathers by Executive Board call. At their first meeting the members of discipline board elect a chairman and also a reporter among themselves with secret ballot.

The gathering procedures and principles of the supervisory board is determined with sub-union regulation

Duties of the discipline board are as follows;

- a) To implement and to give penalties by investigating upon the decision of opening an investigation of executive board.
- b) To make other duties given by executive board.

### **Sub-union Incomes and Expenses**

**ARTICLE 24-** Incomes of sub unions are as follows:

- a) Entrance contribution and annual contribution.
- b) Commission fee to be cut from members in the rate of **>M2 one <** per thousand from sells of goods and services and production dealing with seeds.
- c) Investment, membership and plant incomes and incomes of laboratory and so on.
- d) Fair, organization, advertisement, promotion and publication incomes.
- e) Right of name, logo, label of seedling, contracting prices, arbitration, advisory service, mediation, training and meeting incomes.
- f) Incomes gained from movable and immovable good.
- g) Permission, license of authority and certification fees regarding as transactions vested in sub union.
- h) Other incomes regarding as activity subject.

Expenses of sub union are of those related with the assigned duties on the scope of this law and the activities oriented to the fulfillment of the duties being assigned on the frame of the union aims.

### **Abolition**

**ARTICLE 25-** General board of the sub union might take a decision of abolition with two-third majority of the all members possess to join to the General board. In the case of not being able to ensure the majority in the initial meeting; in the second meeting, the meeting might be hold with the participated members on the condition of not being accounted for less than two times of the numbers of administration, inspection and discipline assembly members. In this case two-third

majority of those joined to the meeting make decision of abolition. Methods and principles related to the abolition are determined with regulations of the sub Union.

#### **Turkish Union of Seed Producers.**

**ARTICLE 26-** Turkish Union of Seed Producer; professional upper institution established by sub unions, have legal entity, so as to secure cooperation and solidarity among the sub union, so as to develop seed sector, so as to secure professional solidarity among those display activity in the sector and make duties given by legislation. After establishing, sub unions must to affiliate with Union.

#### **Duties of the Union**

**ARTICLE 27-** Union make duties determined as following so as to develop seed sector of the country:

- a) Developing seed sector and proposing for the ministry in order to help forming policies of seed sector
- b) Forming a system to provide quality requirement of seedling which is traded in Turkey
- c) Giving opinion related with arrangements which was prepared about seedling
- d) Providing cooperation and coordination between it's members and public sector and other Professional establishments
- e) Mediating about conflicts between it's members, upon demands of the parties
- f) Providing technical cooperation with national and international professional unions and being member to these unions where it is required
- g) Providing to be formed technical staff by ensuring scholarship, donation and support to researchers and breeders at seedling sector
- h) Determining the professional ethic rules to be abided by union members and people operated in seed sector
- i) Issuing contracts of seed propagating and monitoring the implementing of contracts
- j) Investing seed sector, purchasing, selling and mortgaging to movable and immovable, taking out a loan, and providing public social assistance towards establishing aims
- k) Performing other operations and to be given by the Ministry, in accordance with the Law
- l) Performing other operations and process to be given under the legislation

#### **Organs of the union**

**ARTICLE 28-** The organs of the union consists of General board, executive board, inspection board, board of discipline and board of arbitrators.

#### **General board of the Union and its Duties**

**ARTICLE 29.-** The General board of the Union is composed of representatives elected among own members of the sub-unions for two year period. In case of representatives be taken out or go out from General board, or their resignation, or their death, alternate representatives attend to the General board instead of them. Expenses about attending to the General board are met by the sub union which they represent.

General board gathers not less than once a year upon the call for the executive board. General board is called for meeting upon executive board or audit board decision or 1/5 th of general board members' demand in written. If the required majority is not obtained in first meeting, majority is not wanted in second meeting. But the number of representatives attending to second meeting can not be less than twice as many as total amount of original members of management, audit and discipline board. General board gathers onto absolute majority of total number of the representatives and take decisions onto absolute majority.

Calling for meeting of the general board and procedures and rules related to the meeting are set by Union regulation.

Duty and authorities of the General board are as follows;

a) To make cooperation between sub-unions and to take decisions and required measures for the development of the sub-unions.

b) To determine the main principles for developing sub-unions.

c) To select the organs of union.

d) To determine the main principles related to working and managing of the union.

e) To approve and negotiate the budget which was prepared by Executive Board.

f) To negotiate the reports of the Executive Board and Audit Board to decide that it will be admitted or not.

g) To admit general arrangements prepared by sub-unions.

h) To set commissions if necessary.

i) To vest the executive board with the authority to purchase, sell and mortgage movable and immovable possession and to establish real right on these possessions on behalf of the sub-union

j) To vest the executive board with the authority to establish laboratories, business, education centre and to provide these with necessary equipment and to meet other needs of them

k) To discuss the current affairs of seed sector.

l) To determine the contribution share which will be appropriated from the incomes of the sub-union for the union.

m) To fulfill the duties to be assigned by the legislation.

### **Executive Board of the Union and its Duties**

**ARTICLE 30.-** Executive Board of Union is composed of for a two year period and selected for at least one representative from every sub-union and consisted of five associate and five alternate members. Among themselves, the associate members of the board, at their first gathering, with secret ballot, elect a chairman, a vice-chairman and an accountant who will carry out the tasks the executive board determines. Executive Board chairman is the chairman of the union at the same time. A secretary-general, who will implement both the tasks given by the executive board and the transactions of the union, is appointed. The qualities and duties of the secretary-general are determined in the regulations of the union.

The chairman of the executive board; presides the executive board and represents the union. He is accountable for the financial affairs of the sub-union and related registering with the accountant member and also liable for other registers and correspondences with the secretary-general. In the

absence of the chairman, the vice-chairman represents him. Those who have had the post of chairmanship for two terms consecutively cannot assume the same post without the passage of two terms.

The executive board gathers upon the call of the chairman, at least once a month, with absolute majority. Decisions are taken with the absolute majority of the participants; in case of a draw, the determinant is the vote of the chairman.

The procedures and principles as to the executive board gatherings are determined with the regulations of the union.

Duties and authorities of the Executive Board are as follows;

- a) To formulate the agenda of the General board and to call the board to gathering.
- b) To formulate the term's balance sheet, activity report and the approximate budget of the union and submit these to the General board.
- c) To implement the decisions of the General board.
- d) To establish communication and solidarity among sub-unions.
- e) To arrange conferences, seminars, courses, symposiums, etc. for the members and those active in the sector of raising seeds so that their vocational knowledge and good manners will go up.
- f) To conduct the required studies to develop the sector of raising seeds, to conduct and make others conduct research about the sector.
- g) To want the discipline board to carry out the procedures for the members, in case of the existence of actions requiring disciplinary punishment or posing an offense.
- h) To purchase, sell and mortgage movable and immovable possession and to establish real right on these possessions on behalf of the union.
- i) To implement other tasks given by the General board.

### **Inspection Board of the Union and its Duties**

**ARTICLE 31.-** The inspection board of the Union is composed of two associate and two alternate members elected among the representatives and one associate and one alternate member determined by Ministry for a period of two years. The board gathers at least two times within a year and at their first gathering, the members elect a chairman among themselves with secret ballot.

The gathering procedures and principles of the supervisory board is determined with union regulation.

Duties of the inspection board are as follows:

- a) To scrutinize all the accounts and transactions of the union.
- b) Is to submit the deficiencies (he) observed in the audits and transactions to the General board at the latest 15 days.
- c) Is to submit result of inspections, two-year period, as a report to the General board.
- d) Is to convoke a meeting general assembly when required.

### **Discipline Board of the Union and its duties**

**ARTICLE 32-** Discipline Board of the Union is composed of three associate and three alternate members elected among representatives for two-year period by the General board. Discipline Board gathers by Executive Board call. At their first meeting the members of discipline board elect a chairman and also a reporter among themselves with secret ballot.

The gathering procedures and principles of the supervisory board is determined with union regulation

Duties of the discipline board are as follows;

- a) To implement and to give penalties by investigating upon the decision of opening an investigation of executive board.
- b) To make other duties given by executive board.

### **Arbitrators Board of the Union and its Duties**

**ARTICLE 33-** Arbitrators Board of the Union is composed of at least two representatives who have expertise related issues elected among sub-unions members for two-year period. Also alternate representatives are elected as many as the number of associate representatives. In case of representatives be taken out or go out from unions, or their resignation, or their death, alternate representatives attend to Board of Arbitrators instead of them. Representatives selected as associate members, can not serve in the organs of the Union and sub-union.

Duties of the Board of Arbitrators are as follows:

- a) To resolve the conflicts to evolve between Unions and sub-unions, sub-unions and their members and third parties using the ways of conciliation, mediation and arbitration.
- b) To conduct the duties of the Union in the framework about international responsibilities of conciliation, mediation and arbitration.
- c) To submit the working reports to the General board

### **Incomes and expenses of the Union**

**ARTICLE 34-** Incomes of the Union are as follows:

- a) Entry contribution and annual contribution and contribution rates that sub-unions allocate each year from their gross-incomes at least in the ratio of 10 % determined by General Board in the scope of limits in ARTICLE 17.
- b) Investment, membership and plant incomes and incomes of laboratory and so on.
- c) Fair, organization, advertisement, promotion and publication incomes.
- d) Right of name, logo, label of seedling, contracting prices, arbitration, advisory service, mediation, training and meeting incomes.
- e) Incomes gained from movable and immovable good.
- f) Permission, license of authority and certification fees regarding as transactions vested in sub union.
- g) Other incomes regarding as activity subject.

According to the provision of sub-paragraph (a); Contribution rate which is at least 10% and determined by General board of the Union is paid by sub-union to one of the banks determined by Executive Board on behalf of the Union. Contribution rates are calculated according to the gross incomes of the previous year and paid in four equal installments in the months of March, June, September and December of the following year. When contributions are not paid on time, they shall be collected by sub-unions with legal interests.

Expenses of the Union are of those related with the assigned duties on the scope of this law and the activities oriented to the fulfillment of the duties being assigned on the frame of the union aims

### **Qualifications of Sub-union and Union organs for joining to elections**

**ARTICLE 35-** In accordance with the Law provisions natural persons registered to sub-union and Union, whose older than eighteen years old, and representatives of legal persons authorized by the officially registered who are entitled to representing and obligatory processes, can vote in the elections of union and sub-union.

Provisions the below is shall be stipulated to be chosen the organs of Sub-union and Union:

- a) To be a Turkish citizen
- b) To be registered to the Union at least for two years
- c) To be above the age of twenty five at the time of election
- d) Not to be in bankruptcy or to gain ascendance again after being in bankruptcy
- e) Not to be sentenced to imprisonment for more than two years or with infamous punishment except the crimes committed by imprudence or even if be postponed or forgiven not to be received a sentence by reason of the crimes embezzlement, defalcation, bribery, robbery, swindling, fakery, abuse of trust, subornation of perjury, illegal trafficking, swindled bankruptcy, malfeasance, rigging a competitive bidding process, money laundering, betraying the secrets of government, terror, participation in tax fraud,
- f) Not to be completely forbidden of carrying out trade and art works,
- g) To be a tax payer of income tax or Union tax on account of commercial, agricultural, and industrial income,
- h) To be literate,

In accordance with the Law, native and foreign legal person of representatives of the real person having above properties, who are entitled to representing and obligatory processes, can be elected for union and sub-union. Duties within union and sub-union of the real person who is incompetence in being elected will be finalized. Other subjects with respect to properties of participating in the elections of bodies shall be determined in union regulation.

To be able to use for rights of members of the union and the sub-union, legal person is stipulated to be entitle to represent owner, partner, executive board, general director, a superior of manager at the level of corporate executive company and, have mentioned properties at least six month before election

In the case of annulment of member of legal person, both his/her membership and his/her duty within union and sub-union he/she has been elected will be finalized.

### **Principles of election for union and sub-union organs**

**ARTICLE 36-** According to principle of secret and open vote classification, elections for union and sub-union bodies which are laid down in the framework of the Law are performed as laid down paragraphs below:

It is consigned lists determined members or representatives to be participated in election in two copies to judge president of district election commission in concerned place at least fifteen days before General board meetings. Moreover, agenda, place, day and time of meetings, and in the event of not majority, subjects with regard to second meeting to be held are determined. By also taking into consideration subjects present on agenda, dates of the meeting must be arranged in the manner of providing to be finalized discussions until a Saturday evening and to be made elections from 9:00 to 17.00 on Sunday which is the following day. Judge responsible for places, where more than one province election commission is, is appointed by province election commission.

Judge shall approve of list determined members or representatives to be participated in election and other subjects laid down above, in the event of deficiencies, after having deficiencies completed, by having, when necessary, relevant entries and documents brought and by inspecting concerned entries and documents. During period of three days, it is declared, by hanging the approved list and other subjects regarding meeting on the declaration place of union and sub-union with related to assigned district election commission. Provided that it is objected within declaration period, protests for list are investigated by the judge and made an absolute decision in two days at most. It is consigned definite lists determined in this way and other subjects regarding meeting to relevant union or sub-union.

Of the public officials and members not candidate, the judge shall appoint, which consists of one president and two members. In the same way, the judge also determines three alternate members. In the case of absence of the president of a ballot box commission for election, the oldest member presides to commission. A ballot box commission for election is responsible for conducting and administration of elections in accordance with principles envisaged in the Law, and classification of votes. Also, her duties constantly last until election and classification procedures finishes.

Within union and sub-union that their members are more than 400 people, one ballot box is present for each 400 people. Also, it is constituted a separate commission for each ballot box. It isn't taken into account for ballot box, at most surplus one hundred members. Equipments and means to be used for elections shall be supplied by province General board and places in which ballot box will be situated shall be determined by the judge.

Every single person who has a right to attend to the meeting that will held in the elections at General board, can be or nominate a candidate with a signed document. Lists of the candidates for the elections will consign to the judge to seal after preparing enough copies of alphabetical surname lists that arranged as single list of all candidates for all bodies or as separate lists of candidates for every single body, by the presidency of the General board. No sign or title can be placed near to names. Any members can't vote, in the case of not having a name in the list to attend for General board. The votes can be used after proving the identity with the ID's which are given by the sub union, union or Official Unions and after signing the name list, in an enveloped that sealed by election board. At voting, candidate name will be marked as many as true number of the organ members with the stamp of the county election board. Other written papers or the official ballots when they marked more than the true number of the body members and the ballots which are in non-sealed envelopes will be invalid.

At the time of vote counting, candidates poll the most votes are elected as associated member and rest of the candidates are placed as alternate members according to highest vote principle. In the case of equality of votes, lots will be drawn. At the end of election period, the results are recorded and signed by voting station board chief and members. On condition that, a copy result records will be hanged at the election place, temporary results will be announced. Used votes and other official documents and a copy of result records, are consign to county election board to keep them for 3 months time.

All operations made during the elections and as from 2 days arranging of the records, possible objections will be examined at the same day and adjudicated without doubt. As soon as end of the objection period and adjudication of objections, Judge will announce the definite results in

accordance with rules as above and consign to sub union or union. If Judge will adjudicate for cancellation of the elections, because of unlawfulness which affect the results or any illegal application, the date of the Sunday when the elections will renew, is going to consign to the regarding sub union or union in a period between at least one month and maximum of two months time. At the appointment date, just the elections will take place and election process will execute according to this ARTICLE as the provisions of the law.

Responsible judge and voting station board chief and members will be charged from the budget of sub-associations, association within the provisions of Act number 298 (26.04.2004) "Act Regarding to Elector Rolls and Basic Provisions for Elections". Commit a crime against voting station board chief and members during elections, will be admitted and punished as the crime had been committed against State.

### **Criminal Prosecution**

**ARTICLE 37.** – Punishment , regarding to the government officials, is given to the staff and to the members of the organs exterminated or changed the papers, account books, reports, proceedings, balance sheets and commit an offense against to union's and sub-union's documents means as money, promissory note and other goods.

### **Exemption**

**ARTICLE 38** – Unions and sub-unions can benefit from all the fee and tax exemptions given to the cooperatives which are established, according to Cooperatives Laws with the date of 24.4.1969 and the number of 1163.

### **Inspection**

**ARTICLE 39.** – Ministry has a right to supervise and inspect the organs of unions and sub-unions related to financial and administrative subjects.

Ministry or public prosecutor wants to give an end to the sub-unions and unions responsible organs that are being active in other things (not in their purposes) and to choose the new ones. By request of Ministry or attorney general, civil court makes an decision by judging and trial results at the latest in 3 months.

But, if there is a situation of being late in preventing the offense, national security, public order; sub-union and unions activities are being prohibited by governor. Decision of prohibition is being presented to the judge's approval within 24 hours. Judge, explains the decision unless decision automatically abrogates.

## **PART SIX**

### **Various Decrees**

#### **Decrees Related To Forest Plant Species**

**ARTICLE 40.** – In the framework of this law provisions registration of genetic source, production of seeds, certification, trade ,market inspection and related procedures belonging to forest plant species may assign, its duties specified in the framework of the protocol Ministry of Environment and Forest.

**ARTICLE 41.** –The Law with the number of 308 and the date of 21.8.1963 which is related to Registration, Control and Certification of Seeds has been repealed.

With the other legislation, attributions done to the 308 numbered law are deeming to this Law.

**TEMPORARY CLAUSE 1.** – Varieties, which are registered, given production permission and taken to the commercial vegetable registration list, related to legislation provisions concerned with 308 numbered law before the date of coming in to force of this Law, are counted as registered.

Institutions registered as private agricultural research institute, related to legislation provisions concerned with 308 numbered law before the date of coming in to force of this Law, their authorities in the field of research and breeding are continued.

Provisions, of ARTICLE 5 first paragraph and of seventh ARTICLE first paragraph, do not apply for 5 years as of the date of the coming in force of this Law, to the plant species that have varieties registered and not officially registered, also for the seed varieties that the Ministry see as necessary.

Regulations about the application of this Law, are prepared and brought in to force by Ministry within 1 year from coming in force of Law. Regulations based on the 308 numbered Law which are not against to this Law, will be in force until coming in to force of the regulation.

**TEMPORARY CLAUSE 2.** – In accordance with this law natural or legal persons that do not have any handicap to be elected , to be constitute a sub union, get an establishing certificate by applying to Ministry within one year from the date of the coming in force of law. Within one month from the application date founder members elect the temporary administrative board (with 5 members) from the centers that Ministry determined. In applications the Ministry gives the associations and profession institutions, which are active in the date of coming in force of this law the priority.

Temporary administrative board which is determined by Ministry, within one month after the date of being elected , finishes the registrations of members and makes the elections of the organs by calling to gather the General board according to 20 th ARTICLE. 35 th ARTICLE paragraph two (b) do not apply in the first elections. Sub-unions in the scope of this article gains judicial entities by informing the results of elections to the Ministry.

After minimum three sub-unions gaining judicial act Ministry, summons the representatives of general board to a meeting in Ankara to elect the union organs. Union gains the judicial entity after the election of organs.

The sub-unions, which are related to this article , can make the works and connections to establish sub-unions till gaining a judicial entity.

**TEMPORARY CLAUSE 3.** – Public servant and contracting staff of public institution producing seedlings belonging to registered varieties, in the scope of 233 numbered decree Law can be paid an incentive premium of which annual amount is valid for workers above sixteen years old provided that it is not more than three fold of one month gross minimum amount. This payment is made as long as the institution continue the seedling production and it will not subject to any deduction except for stamp tax. Paying period of incentive premium and procedures and rules are determined by Supreme Planning Council taking into account of staff title, duty place, obtained seedling sale proceeds.

## **Enforcement**

**ARTICLE 42.** – This law comes in to force at the publication date.

## **Judicial Organ**

**ARTICLE 43.** – These law provisions are enforced by the Board of Ministers.