

# ABS IN TURKEY

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## International rules

Turkey is party to the following international treaties:

- Convention on Biological Diversity (CBD) – ratified 1997.
- International Treaty for Plant Genetic Resources for Food and Agriculture – ratified 2006.
- International Union for the Protection of New Varieties of Plants Convention (UPOV) – acceded 2007.

Turkey has not signed the Nagoya Protocol on ABS.



## Overview

Turkey has a wealth of ecosystems, species and genetic diversity. In terms of genetic resources, Turkey is recognised as the centre of origin of major agricultural crops and other important species, such as medical plants. Several laws and policies are in place to study, conserve and capture the value of these genetic resources.

Access to genetic resources for research and development is regulated, though through no single legal instrument. Rather, requirements and procedures are established through various regulations, such as rules for foreign researchers and for the acquisition of samples in gene banks. Competent authorities thus vary, though most responsibilities and expertise - as well as the national focal point on access and benefit sharing (ABS) - are within the Ministry of Food, Agriculture and Livestock.

Fair and equitable sharing of benefits is not regulated as such. Nevertheless, permits and agreements required for *in situ* or *ex situ* access to genetic resources in Turkey do foresee benefit sharing, including through sharing information, collaborating in research and development and paying a percentage of sales.

## National focal point on ABS in Turkey

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## *What is required to access genetic resources in Turkey?*

Requirements depend on the way in which genetic resources are collected or acquired, the nature of these resources, and the entity involved in their gathering and utilisation.



**Wild plant collection:** Since 1992, there are rules governing the collection of plant or other samples for scientific or commercial research and development. In addition, rules for foreign research projects conducted in Turkey apply to wild plant collection. Foreign individuals or entities must secure an authorisation from the ministry with jurisdiction in the area where collection will take place. The application form requires specific information on the research project, including dates, location and material used. Collaboration with local scientific or research institutes is not mandated, but strongly encouraged.



**Ex-situ access to plants:** Rules on access to plant genetic material in collections in Turkey apply to both foreign and domestic entities. Access to samples of plant material from gene banks managed by the Ministry of Food, Agriculture and Livestock and the Ministry of Forestry and Water Affairs, including the national gene bank at the Aegean Agricultural Research Institute (AARI), requires signing material transfer agreements or similar protocols. These documents establish conditions on managing information and samples.



**Plant breeding:** Rules protecting new plant varieties restrict breeders' rights to allow research and development for experimental purposes and breeding of other varieties. No authorisation is required in Turkey for such activities, whether involving protected or unprotected plant varieties or foreign or Turkish entities, except in cases where the plant material is acquired from government-managed institutes and gene banks (see above). For production and trade of new botanical and seedling varieties, however, the 2006 Seed Law does require registration and certification.



## **ABS in national laws and regulations**

Turkey has no law or regulation on ABS. However, requirements on access to genetic resources and sharing of resulting benefits have been introduced on the basis of other legal instruments:

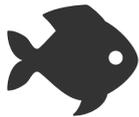
- Resolution of the Council of Ministers No. 8/12839 of 1988 (amended by Resolution No. 2003/6270 of 2003).
- Regulation on Collection, Conservation and Utilisation of Plant Genetic Resources (No. 21316, 1992).
- Regulation on the Collection, Production and Exportation of Natural Flower Bulbs (No. 22371, 1995).
- Law on Protection of Breeder's Rights of New Plant Varieties (Law No 5042, 2004).
- Seed Law (Law No. 5553, 2006).
- Law ratifying the International Treaty for Plant Genetic Resources for Food and Agriculture (Law No 5414, 2006).
- Regulation on Registration of Plant Varieties (2008).
- Regulation on Utilisation and Export of the Native Domestic Animal Genetic Resources (No. 28418, 2012)
- Regulation on use and export of fish genetic resources for research (No 29 381, 2015)



**Flower bulbs:** Strict and specific rules apply to the wild collection of seeds, bulbs or other parts of natural bulbous flowers in Turkey. Annual collection quotas are established by the government, which also allocates them among various companies.



**Animal genetic resources:** Under a 2012 regulation, all export of farm animal genetic resources must be authorised. Foreign entities must also secure permission for the utilisation of these genetic resources for research activities in Turkey. Access to farm animal genetic resources from gene banks by foreign or Turkish entities requires a material transfer agreement.



**Fish genetic resources:** Since June 2015, wild collection of fish genetic resources for research conducted in Turkey or abroad requires permission from the General Directorate of Agricultural Research at the Ministry of Food, Agriculture and Livestock. Similarly, access to fish genetic resources in gene banks in Turkey now requires a material transfer agreement.

### *What are the procedures and timelines for access?*



As a foreign individual or entity, permits for **wild plant collection** in Turkey may be requested directly from the relevant authority. For example, the Ministry of Transport, Maritime Affairs and Communication should be approached for samples taken from territorial waters and the General Directorate of Agricultural Research for samples taken from land not subject to another jurisdiction. The form for research authorisation may also be presented to the national focal point on ABS, who is charged with identifying and consulting with the relevant authority.

For **ex-situ access to plant genetic resources** in Turkey, requests may be sent directly to the research institute hosting the relevant gene bank or collection. Requests may also be made to the General Directorate of Agricultural Research at the Ministry for Food, Agriculture and Livestock, which manages these research institutes. The national focal point on ABS may also facilitate contacts with the relevant institutes.



The two-page application form is available from the relevant authorities upon request, also in English. Copies of the research project and other supporting documentation must be provided.

Templates for agreements are available from the relevant authority upon request, also in English. Additional information may be required to assess whether the applicant represents a *bona fide* research institution.



Requests for research seem to be addressed within two to three weeks. None, however, appear to have yet been considered 'access to genetic resources.' In such cases, the timeline for consultation and response may be several months.

The time required to secure a material transfer agreement is unclear, but seems to be fairly brief. For example, institutes offer plant varieties or lines for use in plant breeding and the tender and agreement take six months.



All export of **farm animal genetic resources** must be authorised by the General Directorate of Agricultural Research. Foreign entities must also secure its permission for research activities in Turkey. Access to farm animal genetic resources from gene banks by foreign or Turkish entities requires a material transfer agreement, which must be approved by the General Directorate of Agricultural Research.



The permit application is available, in English, as an Annex to the 2012 Regulation on Utilisation and Export of the Native Domestic Animal Genetic Resources.



According to the regulation, the General Directorate of Agricultural Research must respond to a duly completed application in 10 days.

### *What are the requirements for benefit sharing?*

Securing an authorisation for **wild plant collection** for research requires a commitment to share any reports prepared on the results of the research and a copy of any published work. Moreover, in assessing requests, Turkish authorities consider existing or proposed collaboration with local research institutes and other such benefits.

Material transfer agreements providing **ex-situ access** to Turkish genetic resources include provisions on payment of a percentage of sales of products incorporating the material received. For example, the template used by the national gene bank for plant genetic resources for food and agriculture is an adaptation of the standard material transfer agreement used by the Food and Agriculture Organisation (FAO). It requires payment of at least 1% of the sales of any plant genetic resource for food and agriculture that is commercialised and incorporates the material received. This benefit-sharing obligation is triggered even without restrictions to further research and development. Other institutes may foresee other percentages. For example, to access plant varieties or lines for further breeding, benefit sharing may involve paying 3% of sales of the new plant varieties resulting from the material received.



Prepared by:



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