

## New Regulation on Registration of Plant Varieties Enters into Force

*26 Sep 2024*

The Regulation on Registration of Plant Varieties ("**Regulation**"), published in the Official Gazette No. 32665, took effect on September 17, 2024, repealing the previous regulation ("**Previous Regulation**").

One of the most fundamental amendments is to allow the application processes to be carried out electronically, thus taking the 2021 changes in this regard one step ahead. The amendments are in line with the developments in the sector on a national and international level and address the needs arising from the latest practices. In particular, the details of the applications have been regulated and many situations have been clarified:

- It has been explicitly stated that if the registration committee decides the deficiencies in an application can be removed later, the applicant can re-apply after completing the required documents. However, the re-application right will not be available to the applicant if the committee decides otherwise.
- Contrary to the previous regulation, the new regulation stipulates that in applications for free varieties, an authorization certificate shall be requested from the breeder of the variety. In case of unavailability of such a certificate, the application shall be made with a supply certificate obtained from the breeder of the variety or the representative who oversees the continuity of the variety.
- In case free varieties do not have a Variety Characteristic Certificate issued by an official institution, a technical questionnaire shall be filled out by the breeder or the representative responsible for the continuity of the variety during the application.
- The period given by the Seed Registration and Certification Center ("**TTSM**") Directorate for submitting anything missing or removing any deficiency in the registration application file has been changed to ten working days from the date of receiving the file. For fruit and grapevine varieties, the missing documents and deficiencies must be dealt with within ten working days after the end of the application period.
- Varieties of species registered in Türkiye through DUS ("**Diversity, Uniformity, Stability**") tests will be required to undergo DUS tests in Türkiye for verification purposes if they are registered in a UPOV ("**International Union for the Protection of New Varieties of Plants**") member country where DUS tests are carried out abroad in accordance with UPOV rules. The duration of DUS tests is one vegetation period for field and vegetable species. As for fruit and grapevine species, the test will last until the observations are completed. In case of unfavorable environmental or climatic conditions, the trials will be extended one more vegetation period.
- Applications for maize and sunflower parental lines registered in a UPOV member country, for which DUS tests have been conducted in accordance with UPOV rules, will be evaluated and registered by the Field Crops Registration Committee without requiring DUS tests.
- Similarly, in case of registration applications for varieties registered only through DUS tests within the scope of international bilateral agreements, varieties whose DUS tests are conducted abroad in accordance with UPOV rules and registered in a UPOV member country will be evaluated and registered by the relevant registration committee upon application to TTSM by obtaining a variety

characteristic certificate from the authorized institution of the country of registration. The original of the variety characteristic certificate can be obtained by the applicant, or the copy sent to the official e-mail address of the relevant unit of the Ministry of Agriculture and Forestry ("**Ministry**") will be accepted as the original. It is also possible to request documents from equivalent authorities abroad through the relevant units of the Ministry, provided that the relevant conditions are fulfilled by the applicant.

- The new regulation also explicitly states that the applicant is responsible for the accuracy of the information and documents in the application file.
- The applicant shall also provide the seed materials and, where necessary, locations needed during the registration trials. Additional conditions required for various species are regulated, too.
- Applicants are required to undertake that the standard sample is identical to the registered sample.
- The applicant is also responsible for informing whether the seed material poses a risk to the environment or human and animal health. When the applicant applies for registration, they undertake that the seed material is not a genetically modified organism and that they have not performed any practices that may affect the characteristics of the variety. The applicant is obliged to accept and acknowledge at the application stage that she will assume full responsibility if the variety candidate is determined to be a genetically modified organism during or after registration.

The names of the variety lists have also been changed in the Regulation. The National Variety List has been amended to the Field Crops Variety List and the Standard Seed Variety List is now called Vegetable Variety List. In addition, the structure, meeting and decision quorums and dates of the committees for the registration of varieties have been amended. According to the new regulation, persons who have a commercial relationship and/or consultancy with any private company operating in the field of seed production cannot be a member of the Field Crops Registration Committee and Vegetable Registration Committee. Similarly, persons who have a commercial relationship and/or consultancy with any private company operating in the field of fruit and grapevine species cannot be a member of the Fruit and Grapevine Registration Committee.

An important addition to the regulation addresses a situation where a variety registration or production permit has been rejected by the committee due to deficiencies. If the owner of the variety objects to the rejection decision in the same session, the objection will be taken into consideration.

The new regulation also includes several amendments regarding Private Sector Agricultural Research Organizations. A list of insured services or an insured employment declaration regarding the SSI (Social Security Institution) records of agricultural engineers employed with an employment contract of at least one year with at least one of the breeding personnel has been added. The structure of the Private Sector Agricultural Research Organizations Review Commission has also been redefined.

Regulations have also been introduced regarding the transfer of variety registration. Breeders may transfer the varieties they have registered to another person or organization with a new authorization certificate after the expiry of the authorization period. Alternatively, they may terminate the previous authorization certificate and register the varieties in their own name. However, it is also clearly stated that persons or organizations abroad cannot register varieties on their own behalf. For free varieties, it is stated that the variety transfer process will be carried out by the applicant.

The temporary articles of the Regulation regulate the transition period as follows:

- Applications made before September 17, 2024, will be processed according to the Previous Regulation.

- The permission period of the varieties for which production permits were authorized before the publication date of the Regulation will continue until the registration trials are completed.
- Private Sector Agricultural Research Organizations registered before the publication date of the Regulation must meet the new requirements by September 17, 2025. Audit rules will be applied for organizations that do not meet these requirements within one year.

The full text of the Regulation in Turkish is available [here](#).

---

## Related Attorneys

- [EZGİ BAKLACI GÜLKOKAR, LL.M.](#)
- [YONCA ÇELEBİ](#)