

13 September 2012

Decree-Law No: 497 on the Foundation of the Turkish Academy of Sciences

Date of the Decree-Law :	13/8/1993, No: 497
Date of the Enabling Statute :	24/6/1993, No: 3911
Date of Publication in the Official Gazette:	2/9/1993, No: 21686

Objective

Article 1- The Turkish Academy of Sciences (TUBA), a public legal personality bound up to **the Office of the Minister of Science, Industry and Technology** with scientific, administrative and financial autonomy, has been founded to promote scientific research in all fields of science, foster scholarly endeavour, to honour those who are striving in those fields; to encourage young people to participate in scientific research; and to protect and enhance the social status of scientists and researchers in Turkey¹.

(Second clause repealed: 3/6/2011-Decree-Law-635/article 33)

The Academy is bound under provisions of private law, according to conditions not specified in this Decree.

Mission

Article 2- The mission of the Turkish Academy of Sciences involves the following:

- a) To analyse scientific issues and provide guidance to identify scientific priorities,
- b) To encourage society to adopt a scientific approach and way of thinking,
- c) To propose amendments to government legislation with respect to the social status, living standards and incomes of Turkish scientists and researchers as well as the special facilities and priorities necessary for this,
- d) To promote public awareness and acceptance about the importance of science, and to confer awards to evoke enthusiasm for a carrier in science,
- e) To arrange relevant activities of all kinds to accomplish the above-mentioned objectives and to perform said duties.

Membership of the Academy

Article 3- There are three types of membership in the Academy: Principal member, Associate member and Honorary member. **(Amended sub-clause: 22/8/2011-Decree-Law- 651/article 31)** The total number of Principal and Associate members is three hundred, one hundred and fifty of each.

¹ In this clause, the expression “to the Office of the Prime Minister” was amended as “to the Office of the Minister of Science, Industry and Technology”, by the article 33 of the Decree-Law no.635 dated 3/6/2011.

The number of Honorary members is not subject to any limitation.

At the end of each year, Principal and Associate members shall submit details of the studies they have carried out in that year and those they plan to carry out in the following year to the Academy Council in the form of a report.

Conditions for Membership

Article 4- a) Principal members shall be selected from amongst the elite scientists of Turkish nationality who meet the following criteria:

To have received awards or medals from respected national or international institutions; to have discoveries, inventions, theories or models named after himself or herself; and/or to have been cited in textbooks or review articles and to have a high number of generally accepted cited references in international science citation indices.

b) Associate members shall be selected from amongst the young and talented scientists of Turkish nationality who are candidates for Principal membership.

c) Honorary members shall be selected from amongst the scientists of Turkish nationality who may not be Principal members due to the age limitation despite having the required qualifications, and from amongst foreign scientists who have the required qualifications for Principal membership and who have any connection or cooperation with Turkey.

Selection of Members¹

Article 5- (Amendment: 22/8/2011 – Decree-Law- 651/article 32)

One third of the Principal and Associate members are selected by the Science Board of TÜBİTAK, one third by the Board of Higher Education and one third by the Principal members.

For the Principal, Associate and Honorary members to be elected by the Principal members: The Principal member will submit in writing to the Academy Council for the nomination of the candidate, and the candidate must be supported in writing by two members of the General Assembly other than the nominating member. Following the approval of the Academy Council, the candidacy shall be submitted to the approval of the General Assembly.

Principal membership lasts until the age of sixty-seven. Members whose Principal membership expires due to the age limit automatically become Honorary members. Associate members are elected for three years. The term for Associate membership is a maximum of nine years.

¹ When the title of this article was “selection of membership”, the expression “Council of Ministers” in the first clause was amended as “**Science Board of TÜBİTAK** (The Scientific and Technological Research Council of Turkey)” by the article 94 of the Decree-Law no.662, dated 11/10/2011.

Academy Organs

Article 6- The Academy is composed of the following organs:

- a) General Assembly of the Academy
- b) Academy Council
- c) Academy President

General Assembly¹

Article 7- (Amended sentence: 22/8/2011 – Decree-Law-651/article 33) The Principal and Associate members and Honorary members constitute the General Assembly. The location and agenda of the meetings are determined and announced by the Academy Council. The quorum for the General Assembly is the absolute majority of the members.

Duties of the General Assembly

Article 8- The duties of the General Assembly are the following:

- a) To negotiate and approve the annual report, balance sheet and budget proposal in addition to the main documents concerning science policies to be adopted by the Academy Council,
- b) **(Amendment: 22/8/2011 – Decree-Law – 651/ article 34)** To decide on the memberships proposed by the principal members,
- c) To elect on a majority basis new members in place of Academy Council members whose terms have ended,
- d) **(Amendment: 22/8/2011 – Decree-Law – 651/ article 34)** To decide on the proposals of the Academy Council on the establishment or abolition of institutes in the field of basic sciences.
- e) **(Amendment: 22/8/2011 – Decree-Law – 651/ article 34)** To determine the candidates proposed for the TÜBİTAK Science Board.

Academy Council

Article 9- (Amendment: 22/8/2011 – Decree-Law – 651/ article 35)

The Academy Council is composed of the President of the Academy and ten Principal members elected for three years. Reserve members shall be elected in the same number and by the same procedure as for the Principal members. Members whose membership term has expired may be re-elected for at most one more term. In the event of a Council membership vacancy, reserve members shall be invited to complete the remaining term.

The duties of the Academy Council

Article 10- The duties of the Academy Council are as follows:

- a) To arrange and conduct the activities of the Academy,
- b) **(Repealed: 22/8/2011 – Decree-Law – 651/ article 36)**
- c) To establish commissions within or outside the Academy for various consultancy and study issues,
- d) To draw up a budget proposal.

¹ In the first clause of this article, the expression “members” was amended as “members and Honorary members” by the article 94 of the Decree-Law no.662, dated 11/10/2011.

- e) **(Added: 22/8/2011 – Decree-Law – 651/ article 36)** To propose the establishment of institutes in the field of basic sciences, or to suggest their removal.
- f) **(Added: 22/8/2011 – Decree-Law – 651/ article 36)** To decide to support financially the institutions to be established.

Academy President

Article 11- (First sentence amended: 11/10/2011 – Decree-Law – 662/article 94)

The Academy President is appointed for three years by the Prime Minister, from amongst three Principal members designated as candidates by the General Assembly of the Academy. **(Two sentences added: 11/10/2011 – Decree-Law – 662/article 94)** In case of the vacancy of Academy Presidency for any reason, candidates are determined by the General Assembly within 30 days. If the General Assembly cannot convene or if suitable and sufficient number of members cannot be elected within this period of time, the Prime Minister makes an appointment on his/her own accord (sua ponte) from amongst the Principal members. **(Amended sentence: 22/8/2011 – Decree-Law – 651/article 37)** The same person cannot be assigned to the office of the Presidency for more than two terms. The President is responsible for the functioning of the Academy in line with the objectives. The President is the mandator of payments by the Academy.

Awards

Article 12- To promote scientific research and create public awareness of the significance of science, awards shall be bestowed by the Academy to scientists who have made remarkable achievements worldwide through their research.

The size and allocation principles of the award shall be determined by the Academy Council.

Research Support¹

Article 13- Financial assistance shall be provided to the members of the Academy at an amount up to three times the gross annual salary of civil servants at the highest degree in accordance with the State Civil Servants Law, in order to support their national and international research and development activities. The application procedure and principles of the support programme shall be stipulated in the regulations.

Financial Provisions

Article 14- All expenses pertaining to the Academy's services shall be met by the relevant fund included in the budget of the Office of the Minister of Science, Industry and Technology (to transfer to the special fund to be opened within the budget of The Scientific and Technological Research Council of Turkey) at the beginning of the fiscal year.²

The budget proposal shall be drawn up by the Academy Council and submitted to the

¹ The expression “equal to the gross annual salary” in the first clause of this article, has been amended as “up to three times the gross annual salary” by the article 47 of the Law no.5917 dated 25/6/2009, to come into force starting from 1/1/2010.

² The expression “ the Office of the Prime Minister” in this article was amended as “the Office of the Minister of Science, Industry and Technology” by the article 33 of the Decree-Law no.635 dated 3/6/2011.

Office of the Minister of Science, Industry and Technology by the beginning of July.¹

In the incurring of expenses, the standards and procedures stipulated for the Scientific and Technological Research Council of Turkey by Law no.278 shall be adopted. Income from Academy activities and donations are recorded as revenue to the special funds in the budget of the Academy for use in providing services.²

The accounts of the Academy are audited according to the same standards and procedures as the Scientific and Technological Research Council of Turkey.

Secretarial service for the Academy is provided by the Scientific and Technological Research Council of Turkey.

Temporary Employment

Article 15- The Turkish Academy of Sciences is entitled to employ native or foreign researchers and advisors on a temporary basis with no obligation to provide permanent employment.

Contracted researchers and advisors may be selected from the universities, public departments or departments with supplementary budgets, private administrations, municipalities and institutions bound under Decree no: 233. All rights concerning their principal duties including indemnities shall be reserved. Their working conditions and payments in accordance with their contract shall be determined by the Council.

Regulations

Article 16- The conditions on the application of the Decree-Law herein shall be stipulated in the regulations.

Interim Article 1- For the first General Assembly of the Academy; 10 Principal members who meet the criteria specified in the Article 4 (a), shall be appointed for the first time by the Prime Minister upon the proposal of the Scientific and Technological Research Council of Turkey. The number of members shall be increased to 20 with the Principal members appointed by the Prime Minister electing ten new members as per the conditions stipulated in the Decree-Law hereby and thus the General Assembly shall convene. Subsequently, the Academy Council shall convene in accordance with Article 9. The General Assembly shall elect the President pursuant to Article 11.

Interim Article 2- In the second year, following the first assembly of the Academy Council, five members to be replaced shall be identified by drawing lots (this method is only used in the second year). Those suitable to fill the vacancies shall be elected by the General Assembly.

¹ The expression “ the Office of the Prime Minister” in this article was amended as “the Office of the Minister of Science, Industry and Technology” by the article 33 of the Decree-Law no.635 dated 3/6/2011.

² See the related provisions of the Law no. 5018 dated 10/12/2003 for the implementation of this and the preceding clause.

Interim Article 3 – (Added: 22/8/2011 – Decree-Law – 651/article 38)

The term of office of the incumbent President and the incumbent principal and reserve members of the Academy Council at the date of entry into force of this Decree-Law, are terminated:

a) on the date of entry into force of this Decree-Law, if their term of office, as of the date they are selected, exceeds three years,

b) on the date their three-year term ends, if their term of office has not exceeded three years as of the date they are selected. The President and the members of the Academy Council continue their duties in office until the new President and the new Academy Council members will be appointed.

Interim Article 4 – (Added: 22/8/2011 – Decree-Law – 651/article 38)

Until the number of Principal members to be elected by Principal members is reduced to that stipulated in the first clause of article 3, there shall be no elections for Principal membership in this quota.

Interim Article 5 – (Added: 11/10/2011 – Decree-Law – 662/article 94)

In case of vacancy after the date 1/1/2012, the Science Council of TUBITAK will select new members in the quota of Principal and Associate memberships determined by the Council of Ministers.

The term of office of the Academy President appointed before 1/1/2012 continues until the end of the term of appointment.

Article 17- This Decree-Law shall come into force on the date of publication.

Article 18- The provisions of the Decree-Law shall be executed by the Council of Ministers.

List showing dates of entry into force of addenda and amendments in the Decree-Law no. 497 Amending Law/Decree-Law No.	Amended articles of the Decree-Law No:497	Dates of entry into force
5917	13	1/1/2010
Decree-Law/635	1, 14	On the date the members of the first Council of Ministers, established after the parliamentary elections of 12/6/2011, were appointed.
Decree-Law /651	3, 5, 7, 8, 9, 10, 11, Interim article 3 and 4	27/8/2011

Decree-Law /662	7, Interim article 5	2/11/2011
	5, 11	1/1/2012