

5253 Associations Law

Law No. 5253 on Associations

LAW ON ASSOCIATIONS

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PART ONE

Scope, Objectives and Definitions

Scopes and Objectives

Article 1- The objective of this Article is to regulate illegal and subject to permission acts, liabilities, auditing, punishments and other issues of the nonprofit organizations regarding opening a branch in Turkey apart from representations and branches of associations, federations, confederations, foreign associations whose headquarters are at abroad.

Definitions

Article 2- Enforcement of this law defines:

- a) Association: A nonprofit group which has legal entity formed by at least seven real or legal persons in order to fulfill a certain common goal which is not illegalized and enable constant exchange of knowledge and studies.
- b) Headquarter of the Association: A place where executive activities of the association are conducted.
- c) Center of the Association: A province or district where the association resides.
- d) Local Administrative Authority: Governor or district governor of the place where the headquarters of the association reside.
- e) Units for Associations: Provincial Directorates of Associations in provinces and chief offices of associations in districts.
- f) Platform: Temporary unions having no legal entity which is formed by associations with foundations, unions and similar NGOs to fulfill a common goal by adopting names such as initiative, movement etc.
- g) Supreme Institution: Federations having legal entity formed by associations and confederations formed by federations.

h) Branch: A subunit affiliated with an association for conducting activities of associations which has no legal entity and organs of its own.

PART TWO

General Provisions

Right to Found an Association

Article 3- Real and legal entities with capacity to act have the right to found an association without prior authorization. However there exist some limitations concerning members of armed forces, law enforcement officers and officials working in public institutions and organizations. Minors over 15 having the necessary sensibility may either found child associations or be a member in order to enhance their psychical, mental and moral capabilities, to preserve their rights of sport, education and training, social and cultural existence, structure of their families and their private lives with a written permission given by their legal representatives. Minors over 12 years old may become members of child associations however, they cannot be commissioned in executive and auditing boards.

Adults over 18 cannot become members of child associations.

Statutes of Associations

Article 4- Each association owns a statute. The following points shall be included in this statute:

1. Name and center of the association,
2. Objective of the association, their study subjects, methods for pursuing their activities and field of activity,
3. Ways and principles for membership and exclusion from association,
4. Meeting procedures and dates of the general assembly,
5. Duties and responsibilities of general board, ways and principles for voting and decision making,
6. Duties and responsibilities of executive and auditing boards, conditions for being elected, the number of original and substitute members,
7. In case an association has branches, the necessary details about how to open a branch and how it will be represented in board of associations with all its duties and authorities,
8. The ways of determining the amount of membership and annual fees.
9. Ways of barrowing,
10. Ways of internal auditing,
11. The conditions for changing the statute,
12. Dissolving of the association and liquidation ways of its properties.

International Activities

Article 5- Associations may involve in international activities and cooperate, may open associations or supreme committees at abroad or may join to the associations or institutions with foreign headquarters.

Foreign associations may pursue their activities; cooperate and open representations or branches, found associations or supreme committees or join existing associations or supreme committees in Turkey upon permission of Ministry of Interior and consult of Ministry of Foreign Affairs.

Voting of Legal Entities

Article 6- If a legal entity becomes member, the persons authorized by the legal entity or board chairman of the legal entity shall vote. When the duty term of this person as a chairman or representative is completed, another voter is substituted.

General Boards of Branches

Article 7- General Boards of Branches shall end their stated meetings at least two months before central general meeting.

Federations and Confederations

Article 8- When the member number of federations' drops below five and the member number of confederations drops below three and eventually this situation cannot be reverted, sunset provisions shall be immediately implemented automatically. Federations and confederations cannot found another organization no matter under which name they are opened other than representations.

Internal Auditing

Article 9- Internal auditing constitutes the basis for associations. General board, executive board and auditing board may conduct internal auditing or make the internal auditing an independent auditing institution. Even if general board, executive board or an independent auditing institution does not conduct auditing, the auditing board cannot be exempt from its obligation.

The auditing board monitors whether an association acts towards realization of its objectives and study subjects; an association keeps books and records in pursuant to its statute and legislation or not at certain intervals without exceeding one year. Eventually they submit the results as a report to the executive board and to the general board during board meetings.

The request of auditing board members for entering extensions and establishments of associations, submitting any documents, information and records shall be met.

Support and Cooperation

Article 10- Associations may exchange financial support from employee and employer unions, political parties, professional organizations and associations with similar aims in order to realize their objectives. (1)(2).

Provided Provisions of Law No. 5072 on Public Institutions and Organizations of Associations and Foundations remain reserved, associations may implement joint projects about their duties with public institutions. Public institutions and organizations may provide aid in kind and monetary aid amounting to maximum 50% of projects costs. (Annex sentence:

18/2/2009- 5838/7) This percentage is not valid for projects concerning necessary support technologies for disabled people and former convicts to find job, to set up their own jobs, to get vocational education and rehabilitation within the frame of Article 30 of Labor Law No. 4857.

1. The part titled as "...and the aforementioned institutions shall be given monetary aid" in the decree of Constitutional Court No. E.:2004/107, K.:2007/44 dated 5/4/2007 was repealed because of political parties.
2. A stay of execution in this paragraph for the words "...aid from political parties..." was decided by the decree of Constitutional Court No. E.:2004/108, K.:2004/15 (stay of execution) dated 29/12/2004.

Procedures for Incomes and Expenses, Record Books of Associations

Article 11- The incomes of associations are collected by a certificate of receipt and expenses are made by vouchers. When the incomes of associations are collected by banks, bank receipts or account statements substitute the certificate of receipt. The preservation period for certificate of receipts and expense vouchers is limited to five years. The certificates of receipt that are to be used in collecting incomes for associations are printed by the board decree. The provisions regarding the certificate of authority that is to be used for collecting incomes for associations, for determining the shape, print outs, ratification and usage of certificate of receipts are arranged through Regulations.

The income collectors are determined by board decree and a certificate of authority is regulated in the name of collectors.

The methods and principles for the records and books kept by associations are arranged by Regulation. Those records and book shall be notarized or ratified by the Department of Associations.

Setting Up a Provident Fund

Article 12- Associations may set up provident funds in order to meet temporary demands of their members with emergency goods such as food and clothes by adding written notification in their statutes, by not divvying the profits up among members and not transferring income and interest to them under false names.

The principles for setting up a provident fund and its functions are arranged by regulations.

Association Incumbents and Their Fees

Article 13- (...) (1) the incumbents of associations are to be either volunteers or paid workers commissioned by board decree.

The chairmen and members of associations who are not commissioned under governmental institutions may be paid. The fees, travelling and any allowances are determined by general committee. The other members other than board and auditing members are not paid any fee or daily allowance. The amount of the fee and daily allowance to be given to the association incumbents are decided by general board members.

1. The paragraph in the decree of constitutional court No. E.:2004/107, K.:2007/44 and dated 5/4/2007 was repealed for its clause “the number of members shall not exceed 100...”.

Youth and Sports Clubs

Article 14- Upon request of associations, the ones aiming at pursuing sports activities are named as sports clubs and the ones aiming recreation are named as youth clubs and finally the ones aiming both are named as youth and sports clubs. Those clubs shall be registered by the General Directorate of Youth and Sports.

The organs of the clubs, their duties and responsibilities, their auditing by Directorate General of Youth and Sports and the ways and principles for providing aid, the ways and principles for founding a supreme unit, the necessary qualifications of the persons responsible for conducting activities of youth and sports, the procedures for discipline to be implemented and the procedures for registration and ratification are arranged by a Regulation that is to be put into effect by the Ministry with which the Directorate General of Youth and Sports is affiliated upon consultancy of Ministry of Interior.

Liquidation

Article 15- The properties, money and rights belonging to an association annulled upon decree of general board or to an association that annuls itself are liquidated according to the principles stated in its statute. If the way of annulment in the statute is left to the decision of general board and the general board doesn't take a decision or the general board doesn't meet or the association is annulled by court decision, all properties, money and rights of the association shall be handed on an association having the biggest number of members on its closure date.

After the liquidation of associations whose self-annulment or annulment upon decision is confirmed and whose transfer transactions are completed, their registrations in the log of associations shall be deleted.

If an association which is officially investigated or sued for annulment takes a decision concerning the transfer of association properties, it cannot conduct transfer transactions until the investigation and case are concluded.

After the liquidation transactions are completed the ways and period for keeping books and the necessary documents for liquidation are arranged by regulation.

Responsibility of Printing Houses

Article 16- After the certificates of receipt to be used for collecting the incomes of associations are printed by printing houses, they shall acknowledge the local administrative authority about the serial and order numbers of these documents in fifteen days.

Compensating Errors and Mistakes

Article 17-

For the transactions and activities of associations it is obligatory that the errors and mistakes whose content does not constitute crime shall be compensated upon written will of the local administrative authority when contradictions to the provisions of enacted regulations and to the Civil Law No. 4721 are confirmed.

Proceeding

Article 18- For the proceedings to be handled in pursuant to this law, basic trial process shall be implemented.

(Repealed paragraph two: 23/1/2008- Article No. 5728/578)

PART THREE

Auditing and Notifications

Duty to submit declaration and auditing

Article 19- Associations are responsible for submitting a declaration regulating the income-expense outputs and their activities to the local administrative authority by the end of April every year. The basis and procedures on regulation of declaration are arranged by regulation.

If appropriate, the Interior Minister or local administrative authority may audit whether the associations conduct their activities in parallel with the objectives stated in their statutes and whether records and books of associations are kept in pursuant of the legislation. Law enforcement officers cannot be commissioned for this auditing.

The auditing conducted by Ministry of Interior and local administrative authority shall be done during office hours. The associations shall be notified the auditing before at least twenty four hours. Any information, document or record required by commissioned officers shall be shown and their request of entering the extensions and enterprises shall be met by the association officials during auditing. When any act constituting crime is established during auditing, the local administrative authority shall notify the public prosecution office immediately.

The Authority of Law Enforcements Officers

Article 20- The law enforcement officers cannot enter into the extensions and enterprises of associations, cannot carry out search and seize property unless a decision is taken pursuant to one of the reasons preventing committing crime or protecting public order and local administrative authority gives written permission for the same reasons.

The decision of local administrative authority shall be submitted to the approval of authorized judge in twenty four hours. The judge declares his/her decision in the next forty four hours after seizure. Otherwise, the seizure shall annul itself. The decision of the judge is notified in written to the directors of association.

Receiving Aid from Abroad

Article 21- Associations may receive aid from persons, institutions and organizations at abroad provided that they declare this to the local administrative authority beforehand.

The way and content of declaration is arranged by regulation. It is obligatory to receive monetary fund by means of banks.

Acquiring Real Properties

Article 22- Associations may buy or sell real properties upon board decision with the authority given by general committees of associations.

Associations are obliged to declare the real properties they acquired to the local administrative authority within the following month after land registration.

General board meeting and notifying the elected persons to the authority

Article 23- Associations are obliged to declare the elected original and substitute members for the executive board, association committee, and association organs to the local administrative authority within the following thirty days after general board meeting. The same is valid for the changes made in association organs and residential areas. The form and content of general committee final declaration and the necessary documents are arranged by regulation.

Representation

Article 24- Associations may open representation in order to carry out their activities when necessary. Representations cannot be represented in branches and general association boards. Branches cannot open representations. The representatives authorized upon board decision shall give written notice of the representation address to the local administrative authority.

Establishing a Platform

Article 25- Associations may establish platforms concerning fields relevant to their own objectives and are not prohibited by law with each other or foundations, unions and similar civil society organizations in order to fulfill a common goal upon a decree taken by their authorized bodies.

Platforms shall not be established and shall not come into effect in line with its objectives and activities prohibited by law. Those who act against this prohibition are subject to the relevant penal provisions.

PART FOUR

Activities subjected to permission

Facilities which associations may establish by receiving permission

Article 26- Associations shall receive permission from the local administrative authority in order to open dormitories for pursuing education and training activities besides opening pensions and clubs for their members in line with the objectives stated in their statutes and to

sell alcoholic beverages in those facilities. The basis and procedures for opening, operating and closing those facilities are arranged by regulation.

Public Benefit Associations

Article 27- Public benefit associations are identified with the Cabinet Decree upon the proposal of the Ministry of Interior in consultation with relevant ministries and the Ministry of Finance. Public benefit status is granted to associations pursuing activities, which yield socially beneficial outcomes, to reach their aims at least for one year.

The necessary documents, procedures and principles related to acquisition and loss of public benefit status are arranged by regulation.

Public benefit associations shall be audited at least once in two years.

Upon submission of the report prepared at the end of these inspections, if the members and personnel assigned in the organs of the associations serving for public benefit are determined to have committed offenses which require imposition of imprisonment(1), these persons may be dismissed from office by the Ministry of Interior as an interim measure. (Abolished last sentence: 8/6/2006-5519/1 article)

(Additional paragraph 8/6/2006-5519/1)

Governor of the province in which headquarters of association is located, demands appointment of a trustee instead of organs removed from duty from courts of peace where the head of association located synchronously with notification of the association concerning the decision of removal according to Turkish Civil Code. The Court decides appointment of trustees by the number of removed ones from the office primarily among the members of the association within a week. The court indicates duties and powers of trustee and the salary will be given to the trustee by the association in this decision. The duty of the trustee continues until the verdict becomes final at the end of the case. New trustees appointed by the same procedure instead of trustees who leave office due to a variety of reasons.

(1)The phrase of “heavy imprisonment” or “heavy fine” in this subsection amended “imprisonment” with the article 557 of the law numbered 5728 and dated 23/1/ 2008.

If an association in the status of public benefit is determined to have lost its qualifications at the end of the inspections, the decision entitling them to operate in this field is abrogated by adopting the procedures stipulated in the first subsection.

The Council of Ministers is authorized to approve the statues of the Turkish Red Crescent Society and Turkish Aeronautical Association.

Those who commit offenses in a way to give damage to the properties of the associations are punished likewise they are committed offenses against the State properties.

Article 27/A- (Additional Article: 15/1/2009 - 5832/1)

According to the nature and condition with international agreements; Turkish Red Crescent Association is organized and directed as prescribed by statute with the condition of

establishing general assembly, boards of directors and boards of audits in its center, general assembly, boards of directors in its branches

Works and transactions of Turkish Red Crescent is conducted according to regulations issued by the board of directors.

Names of the associations

ARTICLE 28-The names such as Türk (Turkish), Türkiye (Turkey), Milli (National), Cumhuriyet (Republic), Atatürk, Mustafa Kemal, and other phrases originated by adding abbreviations at the beginning or at the end of these words may only be used upon receiving permission from the Ministry of Interior.

PART FIVE

Prohibitions

Prohibition to use certain names and signs

Article 29- Use of names, logos, symbols, rosette and similar other signs of a political party, union or supreme organization, association or supreme organization of an association which is active or subject to liquidation or dissolution under the court decision, or use of a flag, logo and pennant of another country or previously founded Turkish states is prohibited by the Law.

Associations whose establishment and activities are prohibited

Article 30- The associations;

1. May not carry out activities other than those indicated in the Statute as the objective of the association.
2. May not be founded to serve a purpose expressly prohibited by the Constitution or the laws, or to execute acts which may constitute an offense according to the laws.
3. May not engage in preparatory educational or training activities for the military service, national defense and security services, and may not open camps or training centers for this purpose. Besides, the associations may not use special cloths or uniforms for their members.

Language of registration and correspondences

Article 31- The associations shall use Turkish language in their books and records and correspondences with the official authorities of the Turkish Republic.

PART SIX

Penal Provisions

Article 32- (Amended Article: 23/1/2008 - 5728/558)

Those acting contrary to this Law are subject to the following penalties:

1. An administrative fine, at the amount of five hundred Turkish lira, is imposed to those who establish associations although not entitled to do so; those who become a member of an association although his/her membership in associations is prohibited by the laws; the executives of the association who purposely admit persons to membership although his/her membership is prohibited by the laws or neglect to write off registration of such persons, or others who lost the credentials of a member.
1. The executives of the association, who are not hold the meetings of the general assembly on time, hold the meetings of the general assembly contrary to the laws and the Statute, or convene the meetings at a place other than the head office or any other place not indicated in the Statute shall be punished with an administrative fine of five hundred Turkish lira. Besides, the court may adjudicate cancellation of the general assembly meetings which are held contrary to the laws and the Statute.
2. An administrative fine corresponding to twenty five percent of the amount transferred from abroad is imposed to the executives of the association if the foreign fund in the form of aid is not received through the intermediary of the banks.
3. Executives of the association who do not keep the statutory books or records of the association or use uncertified statutory books shall be punished by a fine of three months to one year in prison or a judicial money fine. Executives of the association and persons who are responsible for keeping the books shall be imposed an administrative fine of five hundred Turkish liras in case of not keeping these statutory books or records of the association properly. Persons who fundraise without authorization document and executives of the association who admit the person(s) to fundraise without authorization document shall be imposed to an administrative fine of one thousand Turkish liras.
4. Unless the offenses do require heavier punishment, imprisonment from six months to two years or a punitive fine is imposed to the persons who involve in mischief during the elections and voting, counting and breakdown of votes in the general assemblies and other organs of the association; who falsify, destroy or hide the books or records.
5. A crime of misappropriation in Turkish Penal Code is imposed to the chairman and members of the board of directors, or auditors and other personnel of the association who use or produce or pledge or sell, conceal, destroy, deny, falsify or modify a cash or a paper, bill or other properties with monetary value for their own benefit or for the benefit of others. Also during the proceedings, the court may decide the temporary remove the defenses task which they take in association.

g) An administrative fine, at the amount of one thousand Turkish lira, is imposed to those who open or operate representations or branches of foreign associations and nonprofit organizations which the head office is domiciled in abroad in Turkey without the permission of the concerned authorities; those who establish cooperation with these associations or admit members to these associations. And the representations and branches which are opened illegally are closed.

h) An administrative fine, at the amount of five hundred Turkish lira, is imposed to the executives of the printing office who fail to fulfill the obligations stipulated in article 16.

1) An administrative fine, at the amount of one hundred Turkish lira, is imposed to those who do not meet the obligations set out in article 17.

j) A punitive fine at the amount of at not less than 100 day is imposed to those who intentionally submit wrong information in the statement mentioned in article 19.

k) An imprisonment fine up to three months or a punitive fine is imposed to those who do not meet the obligation in subsection three of article 9 and article 19 and the persons who doesn't apply to get the document,(indicating that the records and documents obligated to keep become unreadable or lost provided to take necessary car,) from authorized court located in the place of centre of association within 15 days from the date of realization of this situation or present this document during the audit shall be punished with imprisonment up to three months or punitive fine. In case of contradictions to obligations in article 21 the same punishment shall be applied.

l) An administrative fine, at the amount of five hundred Turkish lira, is imposed to the executives of the association and representatives stipulated in article 24 who fail to fulfill the obligations stipulated in articles 22, 23 and 24 and to submit a statement as per article 19 of this Law.

m) An administrative fine, at the amount of five hundred Turkish lira is imposed to the executives of the association who open the facilities mentioned in article 26 without permission, and the facilities which opened illegally are may closed with decision of the competent authority.

n) Unless the offenses do require heavier punishment, a punitive fine at the amount of not less than 100 day, is imposed to the executives of the associations who use the names in article 28 without permission and act contrary to the prohibitions stated in article 29, in spite of the warnings made in writing, and also decision is taken for the dissolution of the association.

o) A punitive fine, at the amount of not less than 50 day is imposed to the executives of the association who act contrary to the restrictions stipulated in paragraph (a) of article 30. Unless the offenses do require a heavier punishment, imprisonment from one year to three year is imposed for the executives of the association who execute acts contrary to paragraph (c) of the same article, and decision is taken for the shut-down of the facility.

p) Unless the offenses do require a heavier punishment, imprisonment from one year to three years and a punitive fine at the amount of not less than 50 day is imposed to the executive of associations who act contrary to paragraph (b) of article 30, and establish associations prohibited in the same paragraph, and also decision is taken for the dissolution of the association.

r) An administrative fine, at the amount of one thousand Turkish liras is imposed to those who do not meet the obligations stipulated in article 31.

Enforcement of the penalties

Article 33- The penalties declared in this Law is applicable also for the children associations, in case of recurrence of the illegal act despite the warnings.

The phrase "executives of the association", used in article 32 of this Law, means the chairman of the board of directors.

(Amended third subsection: 23/1/2008 – Article 5728/559) Local administrative authority is authorized to decide the administrative sanctions written in this Law.

(Abolished fourth subsection: 23/01/2008-5728/578 article)

(Abolished fifth subsection: 23/01/2008-5728/578 article)

PART SEVEN

Other Provisions

Attributions to the Laws for Associations

Article 34- The attributions made to the other laws, Law For Societies (Nr.3512), Law For Associations (Nr.1630 and Nr.2908) and their annexes or certain clauses, and to others amending these laws, are regarded as made to this Law and article(s) of this Law containing provisions on the same subject. Where there is no provision in this Law on the subject, the attribution is regarded as made to the relevant provisions of the Turkish Civil Code Nr.4721.

Provisions of the Law applicable to professional institutions and chambers

Article 35- Including the penalty clauses, articles 19, 20, 23, 26, 29, 30 and 31 of this Law are applicable also for the professional institutions in the statue of public entity, labor and employer's unions and their supreme organizations, provided that the special laws do not contain provision covering the subjects dealt in the mentioned articles.

Applicable provisions

Article 36- Including the penalty clauses, the provisions of this Law are applicable for the foreign associations and the branches and representations of the non-profit institutions, excluding the associations and foundations of which the head office is domiciled abroad. Where there is no provision in this Law on this subject, the relevant provisions of the Turkish Civil Code are applied.

Regulation

Article 37-The regulations of which the adaptation is deemed necessary in the relevant articles of this Law are prepared by the Ministry of Interior, and those related with the associations operating under the title of club is prepared by the General Directorate of Youth and Sports, and are published in the Official Gazette within six months. The provisions of the prevailing regulations, which are not contrary to this Law, are continued to be applied until the publication and enforcement of the new regulations.

Amended and repealed provisions

ARTICLE 38-

1. (It is related with the Turkish Civil Code numbered 4721, dated 22.11.2001 and is amended as follows and the following paragraphs are inserted in the same clause.)

1. The terms "domicile, founders" in the second subsection of article 58 of the Law Nr. 4721; "Unless otherwise is stated in the by-laws" in the second subsection of clause 64; "...is announced in a local newspaper and at the same time, notified to the members in writing.. " in the first subsection of clause 77; "where it is deemed fruitful to establish cooperation in international arena on mutual basis" in clause 92; and "provided that it is realized on mutual basis" in clause 93 are deleted from the text.
2. Clause 61 and third subsection of Clause 79 of the Law Nr. 4721 is repealed.

1. (It is related with the Law Numbered 3152 and dated 14.2.1985, Organization and Functions of the Ministry of Interior is amended as follows and the following paragraphs are inserted in the same clause.)

1. (It is related with the Decree Law Numbered 227 and dated 08.6.1984, Organization and Functions of the General Directorate of Foundations is amended as follows and the following paragraphs are inserted in the same clause.)

F-G) (It is related with the Law Numbered 2860 and dated 23.6.1983 Fund raising is amended as follows and the following paragraphs are inserted in the same clause)

H) The Associations Law No. 2908 dated 6.10.1983 is repealed.

Effectiveness

ARTICLE 39- This Law shall be put into force on the date of its publication.

Enforcement

ARTICLE 40- This Law is enforced by the Council of Ministers