



CONSTITUTION

Adopted at the Fourth International Seed Testing Congress in Cambridge, on July 10, 1924 and subsequently amended at Ordinary Meetings held in Washington D.C. 1950, Dublin 1953, Paris 1956, Lisbon 1962, Washington D.C. 1971 (Extra-Ordinary Meeting), Warsaw 1974, Brisbane 1986, Copenhagen 1995, Angers 2001, Budapest 2004, Bangkok 2005, Zurich 2006, Iguacu Falls 2007, Zurich 2009, Cologne 2010 and Zurich 2011rrfd

ARTICLE I

Name

The Association shall be known as The International Seed Testing Association, hereinafter referred to as 'the Association'.

ARTICLE II

Seat

The headquarters of the Association shall be at the office of the Secretary General. The change of the place of the seat of the headquarters must be approved by a majority vote of the Executive Committee.

ARTICLE III

Objects

(a) The primary purpose of the Association is to develop, adopt and publish standard procedures for sampling and testing seeds, and to promote uniform application of these procedures for evaluation of seeds moving in international trade.

(b) The secondary purposes of the Association are actively to promote research in all areas of seed science and technology, including sampling, testing, storing, processing, and distributing seeds, to encourage variety (cultivar) certification, to participate in conferences and training courses aimed at furthering these objectives, and to establish and maintain liaison with other organisations having common or related interests in seed.

ARTICLE IV

Government

(a) The word Government shall mean member of the United Nations or its specialised agencies or Distinct Economies as recognised by international fora.

Designated Authority

(b) A Designated Authority is an authority designated by a Government to act on its behalf in designating Designated Members and in liaison with the Association.

Designated Member

(c) A Designated Member is a Personal Member designated by their Designated Authority and, subject to the provisions of Article IX, entitled to vote in meetings of the Association.

Membership

(d) A Member Laboratory is a laboratory engaged in the testing of seed which supports the Association and its objectives and is admitted by the Association.

(e) A Personal Member is a person engaged in the science or practice of seed testing or in the technical control of such activities who supports the Association and its objectives and is admitted by the Association. A Personal Member may be nominated by a Member Laboratory to represent the Member Laboratory in the affairs of the Association.

(f) An Associate Member is a person who is not a Personal Member, but who supports the Association and its objectives, and is admitted by the Association.

(g) A Corporate Member is any organisation which supports the Association and its objectives, pays an appropriate annual fee to the Association, and is admitted by the Association.

(h) An Honorary Life Member is a person who in the opinion of the Association has made an outstanding contribution to the Association, and has been honoured by election to the status.

Accredited Laboratory

(i) An Accredited Laboratory is a member laboratory accredited by the Executive Committee according to the Accreditation Standards approved under Article VII(c)(15) of the Constitution.

ARTICLE V

Officers

(a) The Officers of the Association shall be:

President

Vice-President

(b) The tenure of office of the President and Vice-President shall be from the adjournment of the ordinary meeting at which they were appointed to the adjournment of the ordinary meeting held in the third year after the ordinary meeting at which they were appointed. If the ordinary meeting at which elections are held is not quorate the tenure of the existing Executive Committee will continue until a 'by correspondence' vote can be held to discharge the Executive Committee and to appoint a new Vice-President and new Executive Committee.

(c) On completion of the tenure of office the outgoing President shall not at any time in the future be eligible for reappointment as President or for appointment as Vice-President.

ARTICLE VI

Functions of Officers

(a) The President shall call and preside at meetings of the Association and of the Executive Committee. The President shall be an *ex-officio* member of all committees of the Association.

(b) The Vice-President shall assist the President and, in the event of the inability of the President to serve, shall carry out such duties as pertain to the office of the President. In the event that a President cannot continue in office for the remainder of his/her term, the Vice-President will be referred to as the President for the remaining period of that Presidency and will also serve for the expected period of his/her own Presidency.

ARTICLE VII

Executive Committee

(a) The Executive Committee shall consist of the President and Vice-President, together with nine members-at-large who shall be Designated Members.

(b) The tenure of office of the members-at-large shall be the same as that for Officers as provided in Article V (b).

(c) The functions of the Executive Committee shall be as follows:

(1) The Executive Committee shall manage and direct the affairs of the Association according to the provisions of this Constitution and to decisions arrived at by the Association at ordinary or extraordinary meetings.

(2) The Executive Committee shall appoint a Secretary General. The task of the Secretary General is to manage ISTA under the authority and the control of the Executive Committee. The relations between the Executive Committee and the Secretary General are laid down in the Management Regulations, established and approved by the Executive Committee.

(3) In the event of vacancies in the panel of Officers or members-at-large of the Executive Committee, the remaining members of the Committee are empowered to appoint substitutes to serve until the next ordinary meeting of the Association at which the election of officers and members-at-large will be held.

(4) The meetings of the Executive Committee shall be called in accordance with the provisions of Article VI or on the written request of six or more of its members.

(5) The Executive Committee is empowered to form committees to study and report on problems appertaining to the affairs of the Association, to establish and maintain liaison with such other organisations as may be concerned with the objects of the Association, and plan and approve conferences and training courses aimed at furthering the objectives of the Association.

(6) Responsibility for the finances of the Association is vested in the Executive Committee.

(7) The Executive Committee shall appoint an Editor to 'Seed Science and Technology'.

(8) The Executive Committee shall approve interpretations of the International Rules for Seed Testing, when need therefore arises, after having consulted with the technical committees concerned.

(9) The Executive Committee is empowered to appoint, at each ordinary meeting, an Auditor who shall not be an Officer or member-at-large of the Executive Committee and who need not be a Designated Member.

(10) The Executive Committee shall render to each ordinary meeting of the Association a full account of its proceedings and of the activities of the Association and shall present to said meeting an audited statement of accounts up to the end of the preceding calendar year.

(11) The Executive Committee is empowered to call and summon an International Seed Testing Congress in conjunction with an ordinary meeting of the Association. All such Congresses shall be devoted to the reading of scientific papers, discussions and demonstrations on seed investigations, and such related subjects as appertain to the objects of the Association.

(12) The Executive Committee is empowered to employ and pay for such clerical assistance as is deemed necessary.

(13) The Executive Committee is empowered to approve the admission of new Members of the Association.

(14) The Executive Committee is empowered to delegate the handling of special problems.

(15) The Executive Committee is empowered to approve and publish Accreditation Standards, to accredit member laboratories and to authorise such laboratories to issue International Seed Testing Association Certificates.

(16) The Executive Committee shall prior to an ordinary meeting decide the place of the next ordinary meeting of the Association.

(17) Six members of the Executive Committee shall constitute a quorum. Between meetings, business shall be transacted by correspondence in which at least 6 members must participate to effect a decision.

ARTICLE VIII

Nomination and Election

(a) At the ordinary meeting of the Association which completes the tenure of office of the President and Vice-President, the outgoing Vice-President, provided that person was duly elected to that office at the ordinary meeting three years previous, without further election shall be appointed President for the ensuing period. If at this ordinary meeting, for whatever reason, the outgoing Vice-President is not available for appointment as President, the office of the President shall be filled by election by the procedure prescribed for officers in paragraphs (b) and (c) of this Article.

(b) Subject to the provisions of paragraph (a) of this Article, the election of Officers and members-at-large of the Executive Committee shall be by ballot at an ordinary meeting of the Association.

(c) Subject to the provisions of paragraph (a) of this Article, nominations for the election of Officers and of members-at-large of the Executive Committee may be submitted only by Designated Members. Such nominations shall be in writing supported by a mover and a seconder (both being Designated Members) and must be received by the Secretary General at the latest on the day prior to the ordinary meeting at which the elections are to take place.

ARTICLE IX

Voting

(a) Irrespective of the number of Designated Members designated by a single Government, only one vote may be cast on behalf of that Government.

(b) The following categories of motions require for adoption a two-thirds majority of those voting: motions to alter this Constitution, motions to dissolve the Association, and motions arising during meetings and relating to temporary adjournment, closing of debate, or postponement of action. All other motions require a simple majority of those voting for adoption.

(c) On urgent matters as determined by the Executive Committee, and in which the Executive Committee is not authorised to act, voting members may be requested by the President to vote by correspondence during the period between ordinary meetings of the Association in accordance with paragraph (a) and (b) of this article.

ARTICLE X

Meetings of the Association

(a) An ordinary meeting of the Members of the Association shall normally be held every year, but extraordinary meetings may be held when considered necessary by the Executive Committee or when requested by two-thirds of the Designated Members.

(b) Matters in dispute at meetings of the Association shall be referred to a vote.

(c) In the event of a tie in a vote, the President, or in his/her absence the Vice-President, shall have a deciding vote at meetings of the Association and of the Executive Committee. In all other committees of the Association, in the event of a tie, the acting Chairman shall have a deciding vote.

(d) Designated Members designated by forty percent of the Designated Authorities shall constitute a quorum at meetings of the Association. In determining the percentage, fractions less than 0.50 shall be dropped and those 0.50 or greater shall be regarded as a whole number. If the ordinary meeting is not quorate a 'by correspondence' vote will be held to allow the adoption of ordinary meeting agenda items.

(e) The agenda for an ordinary meeting of the Association shall include:

- (1) Call to order.
- (2) President's address.
- (3) Roll call of Designated Members entitled to vote.
- (4) Comments about the minutes of the previous meeting.
- (5) Report of the Executive Committee.
- (6) Report of the Secretary General.
- (7) Fixation of annual subscriptions.
- (8) Consideration and adoption of reports.
- (9) Announcement of the place and date for the next ordinary meeting of the Association.
- (10) Any other business raised by a Member, of which notice in writing has been received by the Secretary General at least two months prior to the date of the meeting.
- (11) Any other business raised by consent of the Executive Committee.
- (12) President's closing address.
- (13) Adjournment.

And additionally at the ordinary meeting held in the third year after the ordinary meeting at which officers and members-at-large of the Executive Committee were appointed:

- (14) Discharge of the Executive Committee
- (15) Election of Officers and members-at-large of the Executive Committee.
- (16) Installation of new Officers.

(f) The Executive Committee approved minutes of the ordinary meeting will be published on the ISTA website within two months of the ordinary meeting. If there are no comments requiring amendment to the minutes within the subsequent two month period, the minutes will be considered approved. If there are comments and the comments are accepted by the Executive Committee, then the minutes including the comments will be considered approved and published on the ISTA website.

Any comments about the minutes of the previous meeting will be considered at the next ordinary meeting under agenda Article X (e) 4.

ARTICLE XI

Finances

(a) Payment of monies belonging to the Association may be made only in connection with matters directly related to the objects of the Association as provided for in this Constitution.

(b) The income of the Association shall be derived from annual membership subscriptions, and from payments and donations received from persons, organisations, or governments for specified or general purposes.

(c) The financial year of the Association shall be from January 1st to December 31st, and subscriptions for each financial year shall be payable on January 1st of that year.

(d) The amount of the annual subscription for Members and the additional fee for Accredited Laboratories shall be determined annually at an ordinary meeting of the Association, due consideration being given to statements submitted in accordance with Article VII(c)(9) and paragraph (g) of this Article. Notification of proposals to change the rate of annual subscriptions shall be sent to the Designated Authorities and Members of the Association at least two months prior to an Ordinary Meeting.

(e) (1) The representation by any Designated Member, the subscription of or for whom/which is still in arrears by the end of the current financial year, shall lapse, provided that due notice of arrears in subscription has been given by the Secretary General.

(2) The membership of any Member, the subscription of or for whom/which is still in arrears by the end of the current financial year, shall lapse, provided that due notice of arrears in subscription has been given by the Secretary General.

(f) Accounts of all monies received and expended by the Association shall be kept by the Secretary General.

(g) A statement showing the financial position of the Association, examined and certified by the Auditor, shall be circulated annually to the Members of the Association and published in the 'Activity Report of the ISTA Committees'.

ARTICLE XII

Amendments

The provisions of this Constitution may be amended as follows:

(a) Any proposal to alter the provisions of this Constitution must be received in writing by the Secretary General at least three months prior to the date of the meeting of the Association at which it is to be considered.

(b) The Secretary General shall communicate any such proposal to each Member of the Association at least two months prior to the date of such meeting of the Association and shall maintain records showing evidence of such communications.

(c) Amendments of this Constitution shall come into force only if they receive the support of at least two-thirds of the Designated Members voting at a meeting of the Association, provided a quorum is present.

ARTICLE XIII

Interpretation

In any case where the interpretation of this Constitution is in doubt, the English text thereof shall govern.

ARTICLE XIV

Dissolution of the Association

Dissolution of the Association can take place when a meeting called for this purpose shall have voted therefore by a two-thirds majority of the Designated Members voting, provided a quorum is present. The funds remaining after dissolution of the Association shall be given to (an) institution(s) granted exemption from taxes with the same or similar objects. Remaining funds cannot be allocated to the Membership.

ARTICLE XV

Withdrawal

(a) Any Government may withdraw its Designated Members from the Association by giving notice of withdrawal at any time. Such notice shall be communicated to the Secretary General who shall inform all Members thereof.

(b) If a Government states, in its notice, that its withdrawal is because it cannot comply with an amendment adopted under Article XII, such withdrawal shall be effective on the date of the entry into force of such amendment, provided the Secretary General has received the notice not more than 30 days after the entry into force of the amendment. Withdrawal under any other circumstances shall become effective at the end of the calendar year in which the notice for that purpose is given.

(c) The financial obligation to the Association of a Government which has given notice of withdrawal shall include the entire calendar year in which the notice is given, except that, if the withdrawal is effective on the date of the entry into force of an amendment as provided above, the Government shall have no further liability for subscription after that date.

(d) Any Member may withdraw their Membership from the Association by giving notice of withdrawal at any time. Such notice shall be communicated to the Secretary General who shall inform all Members thereof.

(e) If a Member states, in their notice, that the withdrawal is because they cannot comply with an amendment adopted under Article XII, such withdrawal shall be effective on the date of the entry into force of such amendment, provided the Secretary General has received the notice not more than 30 days after the entry into force of the amendment. Withdrawal under any other circumstances shall become effective at the end of the calendar year in which the notice for that purpose is given.

(f) The financial obligation to the Association of a Member for which notice of withdrawal has been given shall include the entire calendar year in which the notice is given, except that, if the withdrawal is effective on the date of the entry into force of an amendment as provided above, the Member shall have no further liability for subscription after that date.