

**REGULATION**

From the Ministry of Food, Agriculture and Livestock:

**ISSUE OF HEALTH CERTIFICATE FOR FOOD OF PLANT ORIGIN  
AND FEED EXPORT AND IMPLEMENTING REGULATION FOR  
PRODUCTS THAT RETURN FROM EXPORT****SECTION ONE**

Objective, Scope, Legal Basis and Definitions

**Objective**

**ARTICLE 1-(1)** The objective of this Regulation is to prepare and approve health certificate towards safety of food and feed in export and exit stages of feed and feed products of plant origin, food of plant origin and food contact materials and determine the methods and basis to be followed and applied in the entrance of products that return from export into domestic market.

**ARTICLE 2-(1)** This Regulation comprises the issue and approval of health certificate towards safety of food and feed in export and exit stages of feed and feed products of plant origin, food of plant origin and food contact materials, and the methods and basis to be followed and applied in the entrance of products that return from export into domestic market.

(2) The provisions of this Regulation is applied in the export and exit of herbal and feed products, with food of plant origin and food contact materials, whose certification format and content are determined by publishing special legislation according to the requests of the receiving country on the condition that provisions found in its special legislation are kept confidential.

**Legal Basis**

**ARTICLE 3-(1)** This Regulation is prepared on the basis of the Statutory Decree Concerning the Organization and Duties of the Ministry of Food, Agriculture and Livestock dated 3/6/2011 and No. 639 and Articles 31, 32 and 34 articles of the Law on Veterinary Services, Plant Health, Food and Feed dated 11/06/2010 and No. 5996.

**Definitions**

**ARTICLE 4-(1)** For the purposes of this Regulation, the following definitions shall apply:

- a) Sapling for analysis: Taking of sample from the product in order to control its compliance with the criteria of the receiving country (if any) or Turkish food or feed legislation.
- b) Ministry: The Ministry of Food, Agriculture and Livestock,
- c) Attestation: Health Certificate Exporter Attestation found in the Annex-1 which is prepared by the Producer/Exporter or its representative and in product and/or products, together with the information and requests of the company.
- ç) Attached List: The document found in the Annex-2 which is prepared by the Producer/Exporter or its representative and which contains product and export information.
- d) General Directorate: General Directorate of Food and Control of the Ministry.
- e) FSIS: Food Safety Information System,

**Açıklama [F1]:** Kanun metni olduğundan ve bire bir tercümesi gerektiğinden, tarih formatını değiştiremiyoruz.

f) Provincial/District Directorate: Authorized Provincial/District Directorate of food, agriculture and livestock,

g) Law: Law No. 5996 on Veterinary Services, Plant Health, Food and Feed,

h) Inspection and analysis report: The report that is issued as a result of the analysis of the samples that have been sent via official procedure by the laboratory and which shows the results of the analysis,

i) Official control: Monitoring, supervision, audit, inspection, quarantine, sampling, analysis and similar controls of officials in order for the justification of the compliance of activities falling under the scope of the Law with the provisions of the Law,

i) Certificate: Health Certificate found in the Annex-3 that is prepared for food safety,

k) Non-compliance: Non-compliance of the product which is intended for exportation and/or which has returned from export, with the food or feed legislation of Turkey and/or of the receiving country,

l) Product: Food of plant origin and food contact materials, together with feed and feed products of plant origin.

## SECTION TWO

### General Provisions and Application for export

**ARTICLE 5-(1)** General provisions that need to be complied with in terms of control procedure and certification during the export stage of food of plant origin and food contact materials, with feed and feed products of plant origin, are as follows:

a) Excluding the companies operating in free zones, the company manufacturing the products that are intended to be exported is obliged to possess a document or certificate of approval by law,

b) In export, requests of the receiving country shall be primarily taken into consideration. In case it is declared by the producing/exporting company or its representative that the materials to be exported do not comply with the Turkish food or feed legislation and the subject products will be accepted by the receiving country, products, except those that pose danger for health, may be exported.

c) A sample shall be taken by the relevant Provincial/District Directorate for the identification of the product compliance with the criteria of the receiving country and exportation shall be performed according to the result of the analysis.

ç) In the event that the receiving country is declared to have no request by the producer/exporter or its representative, a certificate may be prepared without product sampling, with the exception of the cases which are thought to pose danger in terms of human, animal and plant health, as well as suspicious cases.

### **Application for export**

**ARTICLE 6-(1)** Export processes shall start with the registry of information belonging to the exporting company and products to be exported to the FSIS by the producer/exporter or its representative.

(2) Application concerning export processes, the registry of which is made to FSIS, shall be made by the producer/exporter or its representative to the relevant Provincial/District Directorate, from which a certificate will be requested, with the following documents, in 7 days starting from the registry date at the latest:

a) Attestation found in the Annex-1,

b) Attached List found in the Annex-2,

c) Certification of import compliance which is prepared during actual import in the event that the imported product is intended to be exported without making any change on it and customs attestation related to the import.

(3) Documents belonging to the application for export and FSIS record shall be examined by the relevant Provincial/District Directorate and processes shall be followed in accordance with the (c) and (ç) clauses of Article 5

### SECTION THREE

Sampling, Assessment of Analysis Result and Certification

#### **Sampling and assessment of analysis result**

**ARTICLE 7-**(1) Provisions of the relevant legislation shall apply to sampling and the right to objection.

(2) In the event that the analysis result is not in compliance with the criteria of the receiving country and/or Turkish food or feed legislation, products shall be taken to sequester. In case the products which are taken to sequester are to be exported in their shelf-life, to a third country which is compatible with the criteria that were identified as a result of the analysis, the sequester shall be removed following the examination of customs attestation regarding export and invoice information and export of the product shall be allowed. In addition:

a) By taking the initial analysis result of the product, a change in packaging or its treatment in a special process may be allowed on the condition that it is exported to countries which have complying acceptance criteria for the detected values.

b) Products may be transferred to the other exporting company and export of these products shall be allowed on the condition that in the case that the criteria of the receiving country are not met, compliance is ensured with the criteria of another country, to which the same products will be sent by another company.

(3) Laboratory analysis and shipment fees shall be covered by the producer/exporter.

#### **Issue and Approval of Health Certificate**

**ARTICLE 8-** (1) In the event that more than one product produced by the same producer are intended to be exported by the same company, the Attached List shall be completed by the company. The Attached List may be composed of more than one page on the condition that it stays in the same format on the basis of actual requirements. The reference number and date given by the relevant Provincial/District Directorate shall be entered into the related parts of the Certificate and Attached List. The Attached List shall be approved with the seal of the relevant Provincial/District Directorate by stamping 'Controlled'.

(2) In the event that the products which are intended to be exported, are produced by more than one producer, or produced by the same company in different cities or in the same cities at different addresses, a separate Certificate shall be prepared for products to be exported.

(3) The Health Certificate found in the Annex-3 shall be prepared in two copies.

(4) The validity period of the Certificate is four months. For products with a shelf life less than four months, the validity date shall be limited to the shelf life of the product.

(5) In the event that the company makes a request for additional information to the statements that are found in the Attached List of the receiving country, information may be added to the Attached List on the condition that it is not against the provisions of the relevant legislation.

(6) The certificate shall be prepared in Turkish/English. In the event that the receiving country or exporter requests that the Certificate be prepared in another language, a notarized sworn translation of the current Certificate shall be ensured by the producing/exporting company or its representative.

(7) In case it is so requested by the receiving country, original or approved copy of the inspection and analysis report prepared by the laboratory may be added to the Certificate.

(8) In case the Certificate is lost, the invalidity of the Certificate shall be declared by the submission of a lost notice to a national newspaper. Following that, an application shall be made to the relevant

Provincial/District Directorate by adding the newspaper notice to a letter of application. The Certificate shall be re-issued by the relevant Provincial/District Directorate by basing on the information in the aforesaid certificate.

(9) In the event that the Certificate is so damaged that it may not be read, an application shall be made to the relevant Provincial/District Directorate by adding the original of the damaged document to a letter of application. The Certificate shall be re-issued on the basis of the information in the aforesaid certificate. Copies of the previously issued Certificate shall be declared null and void and stored in Provincial/District Directorate.

#### SECTION FOUR

##### Products that Return From Export

###### **Products that return from**

**ARTICLE 9-(1)** In the event that exported products return for a variety of reasons, the following shall be requested:

- a) Letter of compliance written by the concerning customs Directorate to Provincial Directorate,
- b) Customs attestation regarding export,
- c) Certificate or certificates taken from our Ministry, if any,
- ç) Sale invoice belonging to the product,
- d) Import compliance letter written to the customs, in the event that an imported product has returned after its exportation,

(2) Following the completion of documents, the product which returns from export shall be identified whether it is the same product that was exported by taking the returning reason of the product into consideration and after that, it shall be made subject to official control. Samples shall be taken from the product in suspicious cases or in cases which are thought to pose danger for human, animal and plant health.

(3) As a result of the official control, products which are in compliance with the Turkish food or feed legislation shall be allowed to enter the country to be put on the market. In the event that only a non-compliance arising from label information is detected, the Label Undertaking in the Annex- 4 shall be taken and products shall be allowed to enter the country. These products may be put on the market after their label information is rendered compliant with the Turkish food or feed legislation.

(4) The Company shall be informed of products which are detected to be non-compliant with the Turkish food or feed legislation as a result of official controls. One or several of the measures below shall be applied upon the written request of the company:

a) Products that are non-compliant with the provisions of the law may be exported again on the condition that they comply with the legislation of the receiving country or explanations about the product are given to the receiving country and the receiving country accepts it except for the products that pose danger to health.

b) If the product which returned from export is to be made subject to a special process, its entry to the country may be allowed. The product which is allowed to enter the country may be processed or be made subject to a special process once, including decontamination, excluding dilution, if found compliant, in order for it to be rendered in conformity with the Turkish food or feed legislation or the conditions of the country, to which it will be transported. The Ministry ensures that the operation for treatment via a special process which is performed in the management that belongs to the producing/exporting company or another company meeting the physical, minimum technical and hygienic conditions is made under its control and in compliance with the relevant national rules. After the procedure and process are completed, compliance of the products with the Turkish food or feed legislation shall be checked. Compliant products shall be allowed to be put on the market. Non-compliant products shall not be allowed to be put on the market within the scope of their first-use purpose.

c) In the conditions which are stated in the concerning legislation, the product may be allowed to enter the country by taking product feature and purpose of use into consideration with the aim of using the product for a purpose other than its first-use. In this case, the exported food shall not be allowed to enter the country again with the purpose of use as food; if it is feed, it shall not be allowed again with the purpose of use as feed or the feed with the purpose of use of food.

ç) Products which are impossible to be assessed according to subparagraphs (a), (b) and (c) of this Article shall be destroyed by the business operator under the supervision of the Ministry.

## SECTION FIVE

### Miscellaneous and Final Provisions

#### **Other provisions**

**ARTICLE 10** – (1) If the expiry date of a product has been designated at an earlier date than that dictated by its shelf life on the basis of a request to that effect of the receiving country or if the expiry date of the product has not been specified, this situation shall be declared by the producing/exporting company or its representative to Provincial/District Directorates at the exportation stage. If the product returns from exportation, the expiry date of the product shall be duly determined on the basis of the aforementioned declaration of the relevant exporting/producing company or its representative.

(2) The Ministry shall designate the entry-exit customs gates for exported products and products which return from exportation jointly with the Ministry of Customs and Trade.

(3) A Certificate shall be issued for products submitted abroad for scientific studies and/or as analysis samples on the basis of the declaration of the exporting company on the condition that it is clearly stated in the Attached List that such products may not be offered for human consumption. There is no requirement for the inclusion of information pertaining to registration and approval in the Attestation and Certificate. Products falling under this scope may not exceed 25 kg or 25 lt.

(4) A single Certificate shall be issued for foodstuffs produced by more than one producing companies which persons and groups representing our country abroad in sports and other activities bring with them for personal consumption.

(5) A single Certificate shall be issued for products not exceeding 500 kg or 500 lt, produced by more than one producing companies, intended to be transported abroad to be exhibited/displayed as a representative of our country in events organized abroad such as shows or fairs.

#### **Reserved rights**

**PROVISIONAL ARTICLE 1**-(1) Rights of business operators which possess business license and food registry, are reserved until their registration and approval processes are completed within the official period that is entitled to them by the Law.

#### **Enforcement**

**ARTICLE 11**-(1) This Regulation enters into force on 13/12/2011.

#### **Execution**

**ARTICLE 12**-(1) The provisions of this Regulation shall be executed by the Minister of Food, Agriculture and Livestock.

#### **Click for Annexes.**