

**REGULATION**

From The Ministry of Food, Agriculture and Livestock:

**REGULATION ON OFFICIAL CONTROL OF PLANT ORIGIN FOOD AND FEED IMPORT****CHAPTER ONE****Purpose, Scope, Basis and Definitions****Purpose**

**ARTICLE 1** – (1) The purpose of this Regulation is to set out the principles and procedures of the official controls to be conducted in relation to reliability of the plant origin food and feed that will be released for free circulation within the country after being imported.

**Scope**

**ARTICLE 2** – (1) This Regulation shall cover:

a) Official checks to be conducted with regard to reliability of the plant origin food and feed that will be released for free circulation within the country after being imported,

b) Substances and materials that touch the food and non-animal substances that will be used for food and feed purposes.

(2) This Regulation shall not cover:

a) The controls related to plant and animal health,

b) Transit pass checks,

c) Food and feed that will not be used for commercial purposes and the substances and materials that touch the food,

ç) Food and feed that do not bear a commercial quality and quantity and that is brought through mail or rapid mail or by the passenger him/herself and the substances and materials that touch the food,

d) Non-animal substances that will not be used for food and feed purposes.

**Basis**

**ARTICLE 3** – (1) This Regulation has been prepared based on the Law on Veterinary Services, Phytosanitary, Food and Feed numbered 5996, dated 11/6/2010.

**Definitions**

**ARTICLE 4** – (1) In enforcement of this Regulation, the below written terms shall have the following meanings:

a) Ministry: The Ministry of Food, Agriculture and Livestock,

b) Document check: check of documents and information declared in the preliminary notification on the product,

c) Component list: Declaration of product content such as raw materials, auxiliary products, preservatives used in production and preparation of the products within the scope of this Regulation,

ç) Plant origin product: Products of plant origin that are not processed or has been exposed to a simple process and that do not fall in the plant category,

d) Firm declaration: The declaration issued by the producer confirming that the product has been manufactured in a way that permits its contact with the food in cases where no certificate can be issued for the substances and the materials that touch the food to be imported,

e) Physical check: transport vehicle, label, package and temperature checks of the products within the scope of this Regulation, taking sample for analysis and all the other checks required to confirm their compliance to the food and feed legislation,

f) General directorate: The General Directorate for Food and Control,

g) Provincial directorate: The provincial directorate of food, agriculture and livestock authorized by the ministry to fulfil the control procedures at the import stage,

ğ) Importer: The real persons, legal persons or their representatives who want to import the products within the scope of this Regulation,

h) Law: Law on Veterinary Services, Phytosanitary, Food and Feed no 5996,

i) Identity check: Check of compliance of the certificates and other documents related to shipment to the label and content of the product,

ı) Authorized facility: The production facility authorized by the Ministry to make import from the exporting country to our country,

j) Preliminary notification: The notification of the products within the scope of this Regulation which contains the information on the product to be imported by the importer to the border control point or the provincial directorate prior to their official controls,

k) Official control: document, identity and physical check of control officials for the monitoring, surveillance, inspection, examination, quarantine, sampling, analysis and similar checks carried out within the framework of the authority granted,

l) Border control point: The place where the products within the scope of this regulation are checked upon their entry in the country in the places and sites subject to customs,

m) Certificate: The document proving reliability and compliance of the products within the scope of this Regulation to the food and feed legislation.

## **CHAPTER TWO**

### **Provisions on Preliminary Notification and Control**

#### **Preliminary notification and document check**

**ARTICLE 5** – (1) The Importer shall take user name and password information for entry in the electronic medium so as to fill in a preliminary notification form by applying to the provincial directorate or importer border control point.

(2) Prior to the import of the products within the scope of this Regulation, the importer shall make a preliminary notification to the border control point or provincial directorate by filling in the ANNEX-1 Preliminary Notification Form Regarding Plant origin Food, Feed and Substances and Materials Touching the Food in electronic medium. The preliminary notification annex shall include the list of certificates, labels and components of the product and electronic copies of private documents to be specified by the Ministry depending on the product features. There shall be no obligation to attach the electronic copy of the phytosanitary certificate for the products to be imported with the phytosanitary certificate and no need to attach the component list for the products consisting of a single component to the preliminary notification form.

(3) The preliminary notification and the documents annexed to it shall be examined by the border control point or the provincial directorate within two workdays. As a result of the examination;

a) The importer shall be informed about the non-compliance in case of non-compliance of the information and documents presented in the preliminary notification with the legislation.

b) In case of non-compliance of the information and documents submitted in the preliminary notification with the legislation, the border control point or the provincial directorate shall inform the importer of the date on which identity and physical checks of the products will be started. This date shall be no later than three workdays as of the arrival date of the product for the products subject to phytosanitary check and as of the date when the control is requested for the other products.

(4) The importer shall make an application by filling out a preliminary notification form prior to each of the official control.

(5) The importer shall be liable for accuracy of the declarations made in the preliminary notification and the documents they submit for official controls.

(6) The documents bearing an electronic signature shall be regarded as the original documents.

#### **Identity and Physical Check**

**ARTICLE 6** – (1) The importer shall apply to the provincial directorate or the border control point with the preliminary notification form and the originals of the documents annexed to it on the date set by the border control point or provincial directorate for the control. The preliminary notification shall be cancelled in the event that the importer does not make an application or does not bring the originals of the documents.

(2) In case of discrepancy between the documents presented electronically in the preliminary notification and the original documents, a letter of non-compliance shall be written to the relevant custom house. The importer shall be informed about the non-compliance.

(3) The import of products subject to phytosanitary check shall be permitted in the event that the outcomes of phytosanitary checks and food and feed reliability checks are compliant.

(4) Official controls shall be carried out in storehouses or in temporary storages prior to release for free circulation before the registration process of the customs declaration and after the custom liability ends. It is essential that these checks are completed in the shortest time possible in technical terms.

(5) The compliance of the product aimed to be imported to the legislation shall be determined through official check to be conducted.

(6) Analysis frequencies which will be applied in the products to be imported shall be determined by the Ministry on risk basis.

(7) In the analyses requested at the physical check stage, the elements that can pose a danger in terms of human and animal health, the elements essential for food and feed reliability shall be taken into account in the first place.

(8) Sample shall be taken in line with the legislation depending on the property of the products to be imported within the scope of this Regulation. Sampling record shall be filled out. The samples shall be sent to the laboratories designated by the Ministry.

(9) The Ministry may permit the products found to be non-compliant with the legislation as a result of the official checks to be subject to special process, to be used for a purpose other than its original purpose of use, to be sent back or be destroyed within the knowledge of their owners.

(10) The letters of compliance for the products found to be compliant as a result of the official checks conducted shall be notified to the importer, the letters of non-compliance for the products found to be non-compliant shall be notified to the customs administration and their condition shall be notified to the importer. This notification can be made electronically.

#### **Principles pertinent to Control**

**ARTICLE 7** – (1) The provisions of Turkish food legislation and feed legislation shall be applied in the official controls within the scope of this Regulation. In the event that no provision is available in the Turkish food and feed legislations with regard to the product to be imported, international legislations such as Kodeks Alimentarius and EU legislation shall apply. For the products for which no international legislation but only legislation of the producing country exists, the legislation of the producing country shall apply.

(2) In the event that the inward processing authorization certificate for the products intended to be imported within the scope of inward processing regime bears an expression that prohibits use of any equivalent goods, only identity check and document check of these products can be conducted. The inward processing authorization certificates which do not bear this expression shall not be taken into account in official controls.

(3) Food and feed reliability checks of the products which are stored temporarily but which will not be released for free circulation shall not be performed.

(4) The control processes at import stage shall be performed by the provincial directorates or at border control points. The border control points and the provincial directorates authorized in respect of product groups shall be designated by the Ministry and declared on the internet site of the General Directorate.

(5) The importer shall be responsible for setting the appropriate conditions for official control and sampling. The claims as to undue sampling shall be made at the sampling stage. The claims made as to undue sampling after it has been completed shall not be accepted.

(6) The products within the scope of this Regulation shall be controlled officially by the control official in line with list no ANNEX-2 of the Law. More than one control officials can be designated when required.

(7) All the expenses and transport related to official checks of the products within the scope of this Regulation shall be borne by the importer.

#### **Subjecting to Special Process**

**ARTICLE 8** – (1) In case of non-compliance of the product to be imported with the Turkish food and feed legislation, the product can be subjected to special process upon request of the importer. The products to be subjected to special process and the processes to be performed shall be determined by the Ministry. The special processes shall be applied in such a way that they will not have any direct or indirect negative impact on human, plant, animal health and environment.

(2) Sample shall be taken again from products subjected to special process; examination and analysis shall be made by taking into consideration the criteria that can pose a risk regardless of the first sample analysis results. Assessment shall be made in line with the analysis results.

### **CHAPTER THREE**

#### **Certificate, Other Documents and Labels**

##### **Certificates**

**ARTICLE 9** – (1) Certificate is requested for the products to be imported within the scope of the Regulation. It is obligatory that the certificates be approved by the authorities of the country of origin of the product or the authorities of the country where the product will be loaded.

(2) The certificate shall include the name, origin, producer or importer of the product and the name and signature of the person who has approved it.

(3) The certificates can be issued globally in such a way as to guarantee the producer and the product. Global certificates shall be accepted for the other preliminary notifications to be made during the validity period.

(4) Electronic certificates shall be accepted after the agreement or protocol to be signed with the importing countries.

(5) The certificate shall be required for products subject to phytosanitary; the letter of compliance issued as a result of the phytosanitary check shall be required. Phytosanitary certificate shall be accepted instead of certificate for plants and plant origin products which are not subject to phytosanitary check but for which no certificate is issued in the country of origin or country of loading. No lot number shall be required in products to be imported with a phytosanitary certificate.

(6) In the event that no certificate can be submitted for subjects and materials touching the food, the firm declaration confirming the convenience of the contact of the product with the food shall be accepted from the country of origin instead of certificate. The firm shall indicate the lot number and quantity of the product in its declaration.

(7) The validity period of the certificates is as written in the certificate. In the event that no validity period is indicated on the certificate, this period shall be twelve months as of the date of issue of the certificate provided that it does not exceed the expiry date of the product. The validity period of the certificate should not have exceeded in official controls on the date of document check.

#### **Other documents**

**ARTICLE 10** – (1) In the event that epidemics, dioxin, radiation or other risks break out in the country of origin and/or the country of departure, the additional documents and the supplementary documents to be requested depending on the product properties shall be determined by the Ministry and declared on the internet site of the General Directorate.

#### **Traceability**

**ARTICLE 11** – (1) The importer has to ensure traceability regarding the products they import, keep the information and documents pertinent to their sale and distribution within the country available and present it to the Ministry when requested.

#### **Risk analysis**

**ARTICLE 12** – (1) Pest risk analysis results shall be requested from the exporting country before import of the plants and plant origin products to be determined by the Ministry. The products for which pest risk analysis will be requested shall be published on the internet site of the General Directorate. No preliminary notification shall be made for the products for which no pest risk analysis is conducted.

(2) The Ministry can take increased or reduced measures in line with the international notifications, notifications received from other countries, inspection results of the previous year and consumer complaints and can set the analysis frequencies.

#### **Label**

**ARTICLE 13** – (1) No label shall be required for food and feed which are brought unpackaged as bulk and are not directly presented to the consumer.

(2) The food which will be imported to be supplied to the market and the subjects and materials touching the food shall be permitted to be imported provided that they are labelled in accordance with the Turkish Food Codex, and feed shall be permitted to be imported provided that they are labelled in accordance with the feed legislation.

(3) In the event that the importer declares that it will use the product it will import as raw material in their own production and not supply it to the market, these products shall not be required to bear a Turkish label.

(4) In the event that the product bears label information in different languages apart from Turkish, this information on the label shall not be required to include all the label information contained in Turkish food and feed legislation. However, information on the label such as picture, form and declaration cannot be in violation of the Turkish food and feed legislation.

(5) In the event that the label is not compliant with the legislation or the declaration in the preliminary notification as a result of the identity check, the importer shall be permitted to correct their labels in line with the declaration contained in the preliminary notification. Upon correction of the labels, application is made by sending a preliminary notification again.

#### **Products that belong to more than one companies**

**ARTICLE 14** – (1) The products which are in the same vehicles such as vessel, warehouse, tank, depot, container; which have the same certificate and origin and which come as bulk shall be regarded as a single lot even if they belong to more than one companies. Controls shall be conducted in a way as to represent the lot. In the event that the control result is compliant, this result shall be implemented in all the import applications for which preliminary notification is made for this product for forty five days. In the event that the control result is non-compliant, the provisions contained in paragraph nine of article 6 shall be applied for the whole lot.

### **CHAPTER FOUR**

#### **Miscellaneous and Final Provisions**

##### **Customs Entry points**

**ARTICLE 15** – (1) The customs entry points where the products which will be imported within the scope of this Regulation will be imported shall be determined and declared by the Ministry together with the Ministry of Customs and Trade.

##### **List of authorized facilities**

**ARTICLE 16** – (1) The Ministry can form a list of authorized facilities by carrying out examinations in the official inspection units, inspection systems, production areas and facilities of the exporting countries. Reduced analysis frequency shall be applied in the official controls to be conducted from authorized facilities.

##### **Organic products and products with genetically modified organisms**

**ARTICLE 17** – (1) Processes shall be executed within the framework of the legislation on organic products and products with genetically modified organisms besides the provisions of Turkish food and feed legislation in the official controls of the products within the scope of this Regulation.

**Approved control documents**

**PROVISIONAL ARTICLE 1** – (1) Approved control documents shall be attached to the preliminary notifications to be made for the products for which control document is received prior to publication of this Regulation.

**Entry into force**

**ARTICLE 18** – (1) This Regulation shall enter into force on 1/1/2012.

**Execution**

**ARTICLE 19** – (1) The provisions of this Regulation shall be executed by the Minister of Food, Agriculture and Livestock.

[Click for the Annex.](#)