

LAW ON VETERINARY SERVICES, PLANT HEALTH, FOOD AND FEED

LAW NO: 5996

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CHAPTER ONE Objective, Scope and Definitions

Objective

ARTICLE 1 - (1) The objective of this Law is to protect and ensure food and feed safety, public health, plant and animal health, animal improvement and welfare and consumer interests taking into consideration environmental protection.

Scope

ARTICLE 2 - (1) This Law shall apply to all stages of production, processing and distribution of food, materials and articles intended to come into contact with foodstuffs and feed, controls of residues of plant protection products and veterinary medicinal products and other residues and contaminants, control of epidemic or contagious animal diseases and harmful organisms in plants and plant products, welfare of farm and experimental animals and pet animals, zootechnics, veterinary health and plant protection products, veterinary and plant health services, entry and exit procedures of live animals and products to country as well as related official controls and sanctions.

(2) Primary production for private domestic consumption and domestic preparation of food for private domestic consumption are not included within the scope of this Law.

Definitions

ARTICLE 3 - (1) For the purposes of this Law;

1) Wood packaging material: Wood or wood products, except for paper products, used in protecting or handling goods, including packing supporting materials,

2) Detention: Restriction or prohibition of movement and tampering of live animals and products, including the storage of the products by the operators and keeping of animals by the owners in accordance with instructions from the control officer, until a decision relevant to these animals and products is made,

3) Ministry: Denotes to the Ministry of Agriculture and Rural Affairs,

4) Fishery products: all edible kinds, parts and products of all sea and fresh water animals, whether in nature or in farms, except for live bivalve molluscs, live sea urchins, live tunicates and live sea gastropods as well as all sea mammals, reptiles and frogs,

5) Primary production: Production, rearing and growing of primary products, including harvesting, milking and breeding of animals including their farming prior to slaughter, as well as hunting, fishing and the harvesting of wild products,

6) Primary products: Products of primary production including products of the soil, of stock farming, of hunting and fishing;

7) Plant: Living plants and specified living parts of plants including, fruits and vegetables, in the botanical sense, other than those preserved by deep freezing, tubers, corms, bulbs, rhizomes, cut flowers, branches with foliage, pruning residues which retain any foliage, leaves, plant tissue cultures, live pollen, bud-wood, cuttings, scions, any other part of plants, seeds in the botanical sense other than those not intended for planting;

8) Plant protection product: The active substances and preparations containing one or more active substances, safeners and synergists in the form in which they are supplied to the user, intended to protect plants or plant products against harmful organisms or prevent the effect of such organisms; influence the life processes of plants other than purpose of plant

nutrition, preserving plant products and which are not subject to special provisions on preservatives, check or prevent undesired growth of plants or parts of plants, destroy undesired plants;

9) Plant Passports: marks, for specific types of product, agreed officially by the Ministry other than a label, or an official label which gives evidence that plant health standards and special requirements laid down in this Law and the other relevant legislation, related to plant health, are satisfied, and which is standardized for several plants and plant products, and which is prepared in accordance with procedure laid down by the Ministry, and which is issued by the Ministry or those authorized by the Ministry,

10) Plant health certificate: A certificate demonstrating that plant and plant products are in compliance with the plant health requirements laid down in this Law,

11) Plant product: Products of plant origin, unprocessed or having undergone simple preparation, in so far as these are not defined as plants,

12) Contaminant: Any substance, not intentionally added to food but which is present in such food as a result of the production, including the primary production stage of the food, manufacture, processing, preparation, treatment, packing, packaging, transport, or storage of such food, or as a result of environmental contamination, excluding extraneous material such as animal hair and insect fragments,

13) Exit: The exit of goods from the Customs Area of Turkey, as well as their exportation and temporary exportation,

14) Farm animal: Any animal bred and fed for the production of food including meat, milk, eggs; for their hides, fur, wool, feathers or other products; or for draught,

15) Animal for breeding: Qualified and certified animals demonstrating the characteristic features of their breed, type and yield,

16) Inspection: The examination of any aspect of feed, food, plant and animal health, and animal welfare and improvement in order to verify that such aspect is in compliance with the provisions of this Law,

17) Verification: Checking, by examination and consideration of the objective evidence, whether the specified requirements have been fulfilled

18) Coat: Dominant color of the body hairs or the common color of the majority of body hairs of horses and other mammals

19) Other Objects: Substances other than plants and plant products which carry the risk of hosting harmful organisms concerning plant health,

20) Planting: An operation of placing plants in an environment to ensure their subsequent growth, reproduction and propagation,

21) Plant intended for planting: Any plant which is already planted and shall remain planted or plants which will be later replanted as well as plants which are not already planted but shall be planted,

22) Pet animal: Invertebrates, amphibia, dogs, cats, ferrets, ornamental fish, reptiles, rodents, domestic rabbits and all birds, which are accompanying their owners or a natural person responsible for such animals on behalf of the owner during their movement and are not intended to be sold or transferred to another owner, excluding bees, crustaceans and poultry.

23) Beneficial organism: The parasitoids, parasites, predators, and pathogens which spend any period of its biological life cycle on a pest and are capable of limiting the population of such organism,

24) Food: Any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans, excluding feed, live animals that are not introduced for direct human consumption, pre-harvest plants, medicinal products used for treatment purposes, cosmetics, tobacco and tobacco products,

narcotic or psychotropic substances and including drinks, chewing gum and any other substance, including water, used in the production, preparation or treatment of food

25) Materials and articles intended to come into contact with foodstuffs: Any material and article that come into or produced with the intent to come into contact with foodstuffs,

26) Food business operator: Natural or legal persons responsible for ensuring compliance with the provisions of legislation of the activities under their control, whether for profit or not, carried out by public institutions and agencies and natural and legal persons at any stage of production, processing and distribution of food,

27) Food codex: Denotes the Turkish Food Codex,

28) Entry: Entry and import of goods into the Customs Area and free zones of Turkey, and their subjection to transit regime,

29) Surveillance: A careful observation of a food or feed establishment, food or feed business operator or their activities,

30) Surveillance zone: A zone, established around an infected zone including a protection zone, where necessary preliminary measures are taken to prevent the spread of the disease outside the protection zone, and where the health conditions of all susceptible species are monitored carefully,

31) Animal: Any vertebrate or invertebrate including aquatic animals, reptiles, and amphibian animals,

32) Animal owner: Any natural or legal person having the right of ownership of animals

33) Animal product: Any animal product including food of animal origin intended for human consumption, animal byproducts, and reproductive products,

34) Animal byproduct: Any animal product or carcass or part of a carcass and its wastes which are not intended for human consumption, including reproductive products which are not intended for breeding purposes,

35) Hygiene: Any measure and condition necessary to control hazards and, in consideration of the intended use of food and feed, to ensure their fitness for human and animal consumption,

36) Adverse effect: The harmful effects or unintended situations observed in animals, humans, plants or in the environment as a result of use of a veterinary health or plant protection product in line with its label and informative information

37) Import: The subjection of goods to the procedures of entry into free circulation regime, customs warehouse regime, inward processing regime, processing under customs control regime, temporary importation regime,

38) Monitoring: Conducting a planned sequence of observations and measurements with a view to obtaining an overview of the state of compliance of the activities conducted within the scope of this Law with the rules provided for by the Law,

39) Traceability: The ability to trace and follow a food, feed, food-producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of production, processing and distribution

40) Residue: One or more substances present in or on plants or products of plant origin, edible animal products or in the environment, resulting from the use of a plant protection product, including their metabolites and products resulting from their degradation or reaction; or substances, their metabolites and other substances with a pharmacological action, transmitted to animal products and likely to be harmful to human health,

41) Quarantine: Control of animals, animal products, plants and plant products and other substances and also substances and materials which may be subject to contamination in order to prevent the introduction to or spread in the country of diseases or harmful organism,

- 42) Controller: A person authorized by the Ministry to perform official controls,
- 43) Cordon: Surveillance and control of entries into and exits out of a zone where an animal disease is observed,
- 44) Protection zone: A zone established around an outbreak area where intensive measures, including, when required the restriction of the movement of humans in addition to the restriction of the movements of live animals, plants, animal and plant products, to prevent the spread of animal diseases and harmful organisms,
- 45) Protected Zones: Zones in which one or more harmful organisms, referred to in this Law, established in one and more parts, are not endemic to that zone, which are protected not to be established in that zone despite the fact that environmental conditions are favorable for its establishment or in which harmful organisms is under eradication though they are present in these zones, and which are recognized by being proven to fulfill these conditions based on the results of appropriate surveys in accordance with principles and procedures laid down by the Ministry, which have been monitored systematically and regularly, and in which notification of the harmful organisms are obligated to, in case harmful organisms in question are occurred and in which are taken special measures ,
- 46) Sampling: Taking feed or food or any other substance , those taken from the environment, relevant to the production, processing and distribution of feed or food or to the health of animals, in order to verify through analysis compliance with feed or food law or animal health rules,
- 47) Approval: Permit and authorization issued by the Ministry for products and activities determined under this Law as subject to approval.
- 48) Dietary foods for special medical purposes: Foodstuffs intended for particular nutritional uses, specially processed or formulated and intended for the dietary management of patients and to be used under medical supervision; or foodstuffs intended for the exclusive or partial feeding of patients with a limited, impaired or disturbed capacity to take, digest, absorb, metabolize or excrete ordinary foodstuffs or certain nutrients contained therein or metabolites thereof, or with other medically-determined nutrient requirements, whose dietary management cannot be achieved only by modification of the normal diet, by other foods for particular nutritional uses, or by a combination of the two,
- 49) Pedigree: Certificate indicating the identification number, name, origin, breed, coat, signalment, sex, date of birth, yield records, owner, parents and yields of breeder animals registered in the studbook and thoroughbred horses
- 50) Retail: Handling or processing of food and its storage at the point of sale or delivery to the final consumer, including distribution terminals, catering services, cafeteria of workplaces and institutions, restaurants and other places where similar food services are provided, shops, wholesale outlets, supermarket distribution points,
- 51) Placing on the market: Placing on the market, whether free of charge or not, of any product within the scope of this Law,
- 52) Official control: Any form of control including monitoring, surveillance, auditing, inspection, quarantine, sampling and analysis that controllers performs *intra vires* for the verification of compliance of the activities within the scope of this Law with the provisions of this Law,
- 53) Official veterinarian: The Ministry staff veterinarian who performs, in the name of the Ministry, the tasks assigned within the scope of this Law,
- 54) Risk: A function of the probability of an adverse health effect and the severity of that effect, consequential to a hazard,
- 55) Risk analysis: A process consisting of three interconnected components: risk assessment, risk management and risk communication,

56) Risk assessment: A four staged process consisting of hazard identification, hazard characterization, exposure assessment and risk characterization,

57) Risk communication: The interactive exchange of information and opinions throughout the risk analysis process as regards hazards and risks, risk-related factors and risk perceptions, among risk assessors, risk managers and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions,

58) Risk management: The process of assessment, selection and implementation of control options in consultation with interested parties, considering risk assessment and legitimate factors ,

59) Health mark: A mark demonstrating that official controls were performed on products for which a health mark is required,

60) Health protection band: A zone allocated or distance reserved for the purpose of preventing any negative effects to or from external environment,

61) Border inspection post: A place where live animals and animal products and plants and plant products in the customs zone in border custom gates are inspected during their entry into the country,

62) Studbook: Database where information used in the issuance of pedigrees is collected regularly

63) Adulteration: Any practice by which the basic characteristic elements or whole or part of the nutritional values of the products within the scope of this Law are omitted or their amounts are changed or a substance is replaced by another substance of a lower value as if it were of the same substance,

64) Imitation: Any practice by which the products within the scope of this Law are presented as if they had certain formal, compositional and qualitative characteristics which they originally do not have or as if they were the same as another product,

65) Food supplement: A foodstuff for the purpose of supplementing the normal diet and which is a concentrated source of vitamins or minerals or other substances with a nutritional or physiological effect, alone or in combination, placed on the market in dose form such as capsules, pastilles, tablets, pills and other similar forms, sachets of powder, ampoules of liquids, drop-dispensing bottles, and other similar forms of liquids and powders designed to be taken in measured small unit quantities

66) Compensation: Any amount payable for the destruction and disinfection of plants and animals for which there is an official resolution for compensation due to diseases and harmful organism included in the list of compensable diseases and harmful and of products and equipment for which there is a resolution for destruction due to harmful organism and diseases,

67) Hazard: A biological, chemical or physical agent in, food or feed with the potential to cause an adverse health effect, or the condition of the food or feed,

68) Audit: A systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve the objectives

69) Non-medicinal veterinary health products: Non-medication products that are rendered ready to use through all production stages for the purpose of either to be applied to animals or to be used for animals,

70) Transit: Shipment of live animals and their products which are not subject to free circulation, from a foreign country to another foreign country, from a foreign country to Turkey, from Turkey to a foreign country, from a domestic customs to another domestic customs, over Customs Area of Turkey,

71) Reproductive products: Sperm, ova, embryo and fertilized ova utilized in the reproduction of animals,

72) Stages of production, processing and distribution: Any stage, including import and primary production, of production, processing, storage, transport, sale or supply to the final consumer of the food,

73) Product: Plants, plant products, food, materials and substances which contact with foodstuffs, feed, animal products, veterinary health products, plant protection products and plant protection tools and machinery, and wood packaging materials,

74) Veterinary biological products: Products such as vaccines and serum, and diagnostic kits prepared to ensure active or passive immunity in animals, to measure the immunity level or to diagnose diseases,

75) Veterinary pharmaceutical warehouse: Pharmaceutical warehouses, where only veterinary health products are wholesaled, operating under the responsibility of a pharmacist or veterinary,

76) Veterinary health certificate: A certificate, issued by an official veterinary, demonstrating that animals and animal products are in compliance with the health requirements laid down in this Law,

77) Veterinary health products: Veterinary medicinal products and non-medicinal veterinary products,

78) Veterinary medicinal products: Veterinary biological products and products including active substances that are rendered ready to use through all production stages for the purpose of administration to or use in animals,

79) Feed: Any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for feeding animals orally,

80) Feed business operator: Natural or legal persons responsible for the compliance with the provisions of the legislation of activities under their control, whether for profit or not, carried out by public institutions and agencies and natural and legal persons at any stage of production, import, export, processing, storage, transport and marketing of feed, including preparation of feed for animals on his own holding,

81) Authorized veterinarian: Veterinarian, authorized by the Ministry to perform certain official tasks, except for those veterinarian surgeons employed in the Ministry,

82) Harmful Organism: Species, strains and biotypes of plant, animal or pathogenic agents that harm plants or plant products,

83) Plant protection tools and machinery: Any tool, instrument, machinery, equipment, including their accessories, parts and components, to be used in the application of plant protection products,

84) Zootechnics: Practices related to the husbandry, improvement, management and feeding, reproduction and certification of animals.

SECTION TWO

Animal Health, Animal Welfare and Zootechnics

CHAPTER ONE

Control of Contagious Animal Diseases and Responsibilities, Compensation for Animal Diseases and Animal Byproducts not Intended for Human Consumption

Control of contagious animal diseases and responsibilities

ARTICLE 4 - (1) The following principles are applicable in the control of contagious animal diseases.

a) In the event of the existence or suspicion of a notifiable disease or a new epidemic, the Ministry is responsible for investigation, diagnosis, and taking necessary control and protection measures.

b) In the event of the existence or suspicion of a notifiable disease, the Ministry is authorized to take any measure to prevent the spread of the disease, including the establishment of protection and surveillance zones, investigation of the disease, the conduct of necessary controls, sampling, diagnosis and other investigations required to prevent the spread of the disease, vaccination, isolation or culling and destruction of animals, cordoning for the purpose of the restriction or prohibition of the movements of animals or humans, termination of artificial insemination and animal improvement activities, destruction of animal products, feed, tools, equipment and other contaminated material, which may cause the spread of the disease.

c) For the implementation of the measures described in subparagraph (b) of the first paragraph of this article, the Ministry ensures the preparation and implementation of all kinds of contingency plans.

ç) The list of notifiable diseases is made by Ministry , while the list of compensable animal diseases and compensation rates are made by the Council of Ministers upon the proposal of the Ministry.

d) In the event of the occurrence of a disease in a foreign country, depending on the type of the disease, the Ministry may impose full or partial restriction or prohibition on the entry into the country or transit of live animals and animal products from the whole or a specific part of that country. Depending on the course of the disease, the scope of the prohibition may be limited or extended.

(2) The Ministry conducts animal disease control and eradication programs at national and local levels.

(3) The Ministry establishes the animal disease notification system and ensures its operation.

(4) The Ministry may establish special isolated zones for certain animal species and in these isolated zones it may impose prohibitions or restrictions on the entry or breeding of certain animal species.

(5) In order to protect human and animal health, the Ministry cooperates with the Ministry of Health and other relevant institutions and establishments on the monitoring of certain zoonotic diseases and zoonotic agents and antimicrobial resistance, or on the execution of epidemiological research for the investigation of foodborne zoonotic diseases, and the preparation and implementation of monitoring plans.

(6) Those who are informed of a contagious animal disease or suspicious animal deaths in a given location are responsible for notifying to the Ministry.

(7) Owners, importers, transporters and salesmen of live animals and animal products are liable to keep the records requested by the Ministry, to provide any information and document when requested, and to provide any assistance during controls and inspections.

(8) Special provincial administrations and municipalities shall assist the Ministry in combat with animal diseases and controls to be performed.

(9) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

Compensation for animal diseases

ARTICLE 5 - (1) The costs of animals subject to compulsory slaughter or culling under the supervision of an official veterinarian due to the detection of any compensable disease in animals, as well as animals destructed due to compensable diseases detected in slaughterhouses shall be paid by the Ministry to the owners as compensation according to the rates made by the Council of Ministers; and the costs of animal products, feed, substances and materials destructed due to disease, as well as destruction, transportation, and disinfection expenses shall be paid by the Ministry to the owners as compensation. The Ministry establishes and announces annually for which compensable diseases compensation shall be paid, the sites of payment, and the periods of

practice, in accordance with budget resources, scientific data on diseases, as well as eradication and control programs.

(2) For animals which are reported by an official veterinarian to have died due to vaccine and serum administered to provide protection against a notifiable disease by the official veterinarian or the auxiliary health staff under his responsibility and authorized veterinarian, the Ministry compensates the animal owners by paying the cost of dead animals.

(3) No compensation shall be paid for animals whose disease is not notified duly by their owners or those which are found to be deliberately bought despite the known fact that they are ill, animals whose transportation is not accompanied by the certificates determined by the Ministry, animals whose prescribed tests, treatment, and vaccines are not performed, and animals owned by public institutions and organizations.

(4) The amounts of compensation shall be determined by the local value assessment commission in consideration of the local current price. The local value assessment commission shall comprise of three persons, including a representative of the Ministry, an expert to be appointed by the local administrative chief, and a representative to be chosen by the animal owner among representatives of relevant nongovernmental organizations.

(5) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry. The opinion of the Ministry of Finance shall be sought during the determination of the principles and procedures concerning compensation payments.

Animal by-products not intended for human consumption

ARTICLE 6 - (1) Measures relating to the prevention of threats to human and animal health and prevention of environmental damages during the stages of collection, transportation, storage, handling, processing, disposal, placing on the market, import and export, transit transportation and use of animal byproducts not intended for human consumption shall be taken by the Ministry and also the Ministry of Health, Ministry of Environment and Forestry and Ministry of Interior, which have authorities and responsibilities in these issues due to their legislations.

(2) The storage, handling, processing and disposal of animal byproducts not intended for human consumption shall be solely carried out in establishments approved by the Ministry.

(3) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

CHAPTER TWO

Identification and Registration of Animals, Health Requirements on Consignment of Live Animals and Animal Products, on Places of Sale of Animals and on Trade

Identification and registration of animals,

ARTICLE 7 - (1) Animal owners or, on behalf of the animal owner, animal keepers are responsible for having the animals required to be identified by the Ministry duly identified, having their animals and holdings registered, notifying the Ministry of animals entering and leaving their holdings, newborn animals, and animals dead or slaughtered, and they shall keep the records regarding these procedures.

(2) The costs of ear tags, microchips, and similar identifiers used in the identification of animals, and the administration fee determined by the Ministry shall be paid by animal owners or animal keepers to the administrators.

(3) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

Health requirements on consignment of live animals and animal products and on the places of sale of animals and on trade

ARTICLE 8 - (1) Provisions on the consignment, trade and transport of live animals and animal products and reproductive products shall be laid down by the Ministry. The requirements laid down by the Ministry on these issues should be abided by.

(2) Except for direct sales from animal holdings, the purchase and sale of animals shall be conducted in licensed animal markets and bourses and in animal fairs permitted by the Ministry, and the purchase and sale of pet animals shall be conducted in licensed sale places of pet animals.

(3) Health requirements on places of animal sale and the sale itself and principles and procedures of places of sale of sacrificial animals shall be laid down by the Ministry.

(4) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

CHAPTER THREE

Animal Welfare and Zootechnics

Animal welfare

ARTICLE 9 - (1) To ensure animal welfare, the owners or keepers of animals are responsible for satisfying the sheltering, care, feeding, health and other needs of animals, and taking necessary measures against possible adverse effects the animals under their responsibility may cause on human, animal and environmental health.

2) The slaughter and culling of animals for disease control purposes shall be performed without causing unnecessary fear, pain and distress and by using appropriate tools.

3) Animals shall not be euthanized. However:

a) in cases where animals have a painful and distressing or incurable disease,

b) for the purpose of the prevention or eradication of an acute contagious animal disease or in cases of threat to human health,

c) in cases where their behavior poses threat to the lives and health of humans and animals and where their negative behavior cannot be controlled

a veterinarian may decide to perform euthanasia. Euthanasia shall be performed by a veterinarian or under the supervision of a veterinarian.

(4) The rules for animal welfare during their sheltering, transport, pre-slaughter and slaughter are determined by the Ministry. Animals shall be slaughtered in slaughterhouses approved by the Ministry.

(5) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

Zootechnics

ARTICLE 10 - (1) The Ministry is authorized to regulate subjects relating to zootechnical issues such as animal improvement, protection and improvement of animal genetic resources, raising animals for breeding purposes and their registration, establishment and certification of pre-herdbooks and herdbooks, organizing animal races and accepting pari mutual betting from within and outside the country for animal races organized in the country and in other countries.

(2) Producers who raise animals for breeding should keep the records of their animals required by the Ministry and should inform the Ministry upon request.

(3) Those who produce, store and distribute reproductive products such as sperms, ova, embryos, hatching eggs, silkworm seed, larvae, and swarm used in the reproduction of animals shall have the approval of the Ministry. Rules related to the use of reproductive products shall be laid down by the Ministry.

(4) The Ministry shall determine the rules and methods for the assessment of the genetic characteristics of animals for breeding and their reproductive materials, monitoring of their performances and health conditions.

(5) The Ministry shall take measures to protect animal genetic resources, and implement these measures or ensure that they are implemented.

(6) For the purpose of the protection, improvement, development and propagation of animal genetic resources, natural or legal persons may establish organizations in the form of unions subject to the private law provisions. These organizations benefit any exemption from tax and fee provided for cooperatives established according to the Law on Cooperatives, no 1163 dated 24/4/1969. The Ministry may cooperate with these organizations in the protection, improvement, development, propagation and certification of animal genetic resources and shall control the activities of these organizations within the scope of this Law. These unions may organize under a central union and open branches in locations where required, employ technical and health staff in order to execute their fundamental tasks. When required, the Ministry may provide unions with contributions in kind and in cash related to technical services, health services and training, and may request to make use of the staff and facilities of the unions.

(7) The Ministry shall determine and execute the procedures and operations relating to the registration of animal breeds. The industrial property rights of registered animals shall be owned by the natural and legal persons that have these rights registered or by their legal representatives.

(8) Animals raised for breeding, race and show purposes should be certified. Rules, procedures and operations relating to certification and certificate models shall be determined by the Ministry. Animals without race and show certificates shall not participate in races and shall not be used in shows.

(9) Animals, having breeder certificate and registered in the herdbook, used for breeding, shall not be used for other purposes as long as they possess breeder characteristics. These animals are bought by the Ministry through a commission established when deemed necessary.

(10) For the register of foals born from thoroughbred mares imported during their pregnancy, an insemination certificate issued by the competent authority of the origin country, indicating that the pregnant mare was inseminated with a stallion of the same breed, is required. Horses that are not thoroughbred, foals born from thoroughbred Arabian and English dam and sire those not registered in the studbooks, underdeveloped foals understood not to show the normal development profile of their breed and foals that display significant deviation from the characteristics of thoroughbreds and foals that do not possess the characteristics laid down by the Ministry shall not be registered in the studbooks and shall not be issued a pedigree.

(11) Horses that are registered in a studbook and are issued a breeder certificate or pedigree, when required, are subject to blood group and/or DNA tests for dam-sire confirmation and morphological examination by expert missions to be appointed by the Ministry. According to examination results those that are determined not to be thoroughbred are deleted from the studbook, including their offspring, and their pedigrees are withdrawn. The decision related to such determinations is finalized by the approval of the Ministry. The offspring of these animals shall not be issued breeder certificates or pedigrees.

(12) Foals born in Turkey from thoroughbred Arabian or English horses registered in studbooks and with a pedigree, which possess the characteristics of their breed, must be registered in the studbook within three months from their date of birth, whilst imported thoroughbred Arabian and thoroughbred English horses must be registered in the studbook within two months from their date of entry into the country. It is compulsory that the Ministry is applied to for these animals, documents required by the Ministry are provided and the animals are examined.

(13) The change of the owner of horses registered in the studbook shall be notified to the competent authority within a month, whilst coat changes shall be notified within twelve months and such changes shall be recorded in the pedigree of the animals. The pedigree of dead horses shall be given back within two months.

(14) The animal owner shall give back the breeder certificate of a dead animal within two months from the date of death of the animal, whilst in the case of the sales of an animal to another person, this change shall be have recorded by the purchaser in the studbook and pedigree within a month from the date of sale.

(15) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

CHAPTER FOUR

Activity Approvals Relating to Veterinary Services

Activity approvals relating to veterinary services

ARTICLE 11 - (1) Veterinary offices, clinics, policlinics, animal hospitals, places of sale of pet animals, centers of animal training and shelters, animal care units providing hotel services, animal markets and bourses, poultry houses of breeder animals and hatcheries, laboratories for the diagnosis of animal diseases, analysis and production those who produce or use experimental animals, and supplier establishments operating within the framework of this Law should have Ministry approval for their activities and should keep the required records..

(2) Only veterinarians may establish doctor offices, clinics, and policlinics listed in subparagraph (1).

(3) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

SECTION THREE

Veterinary Health Products

CHAPTER ONE

Approval and production of veterinary health products and responsibilities of their owners, Wholesale and Retail Sale, Presentation and Application of veterinary medicinal products

Approval and production of veterinary health products and responsibilities of their owners

ARTICLE 12 - (1) Procedures relating to the production, import, export, application, packaging, labeling, presentation, transportation, storage, prescription or non-prescription sale, approval, control and supply of veterinary medicinal products shall be determined by the Ministry.

(2) Approval of the Ministry is obligatory for the production, import, export and placing on the market of veterinary medicinal products. Information concerning the approval is based on a confidential principle.

(3) Natural persons including chemists, chemical engineers, pharmacist, or veterinarians or legal persons that employ one of these may obtain approval of the veterinary health products. Veterinarians and legal persons employing veterinarians may obtain approval of the veterinary biological products.

(4) On grounds of their serious negative impacts on humans, animals and the environment, the Ministry may prohibit or restrict use of certain substances in the production of veterinary health products, their application to animals or may permit the use of these substances only under certain rules.

(5) As of the date of first approval of the original veterinary medicinal products until the end of the relevant deadline or unless the permission of the owner of the approval of the original veterinary medicinal product is taken, generic medicinal products shall not be placed on the market .

(6) In the event of the outbreak of a disease posing threat to animal health, and in case there is no approved veterinary medicinal product for the disease, the Ministry may at its own discretion permit the use of certain medical products under certain conditions on a provisional basis.

(7) Production of veterinary medicinal products shall be done according to the pharmaceutical forms and methods those provided for in the approval in approved production places. However, in points of production approved by the Ministry of Health, veterinary medicinal products other than veterinary biological products may be produced in accordance with the approval, provided that the Ministry is notified.

(8) Veterinary health products shall be produced under the responsibility of veterinaries, pharmacists, chemical engineers or chemists. Quality controls of these products shall be performed by the members of the abovementioned professions in laboratories approved by the Ministry. Production and quality controls, of veterinary biological products as well as efficiency and safety assessment studies of veterinary health products shall be performed by veterinarians.

(9) Health protection band is implemented in places of production of veterinary biological products.

(10) Veterinary medicinal products detected to be incompliant with the production procedures and product standards in the file which forms the basis of approval shall be deemed to be defective. Placing on the market and use of these defected or expired veterinary medicinal products are prohibited. Defective veterinary medicinal products placed on the market shall be withdrawn from the market by the approval holders. Veterinary medicinal products the defects of which cannot be eliminated shall be destructed immediately and the relevant costs shall be borne by the owner. Placing on the market of these veterinary medicinal products other than veterinary biological products may be permitted if such defects can be eliminated.

(11) In the event that the requirements of approval have changed, that the product does not have the expected effect or serious unintended effects are observed, or that incompliance with the formula and specifications which form the basis of the approval are identified, the approval of the veterinary medicinal products may be suspended or cancelled.

(12) The owner of approval of the veterinary medicinal product is responsible for all issues relating to the efficiency, safety, quality and distribution of his products in suitable conditions. In the event that unintended effects are observed in a veterinary medicinal product, the approval of the Ministry shall not eliminate the responsibility of the owner of the approval.

(13) The approval holder of a veterinary medicinal product should keep the records determined by the Ministry, notify any change, and provide the Ministry with required information and document in due time.

(14) Principles on veterinary medicinal products intended for import shall be laid down by the Ministry.

(15) Entry into the country of substances to be used in research, tests and approval processes and veterinary medicinal products to be granted from abroad shall be laid down by the Ministry. These substances cannot be subject to commercial activities by no means.

(16) Strains of veterinary biological products to be imported for application to animals in our country should be in compliance with the pathogenic antigenic strains in our country.

(17) Principles on the production, import, export, use, packaging, labeling, instruction data, presentation, storage, placing on the market, prescribed or non-prescribed sale and control of non-medicinal veterinary health products shall be laid down by the Ministry.

(18) Principles and procedures related with the implementation of this Article shall be laid down by the Ministry.

Wholesale, retail sale and presentation of veterinary medicinal products

ARTICLE 13 - (1) Wholesale of veterinary medicinal products other than veterinary biological products shall be made through pharmaceutical warehouses or veterinary pharmaceutical warehouses whereas their retail sale shall be made through pharmacies, veterinary offices, clinics, policlinics and animal hospitals. However, at the establishments selling ornamental birds, aquarium animals and exotic ornamental animals that have the permission of the Ministry may sell medicinal products, other than veterinary biological products, exclusively intended for these animals. Approval of the Ministry is obligatory for places of storage, wholesale and retail sale of veterinary medicinal products should have the approval of the Ministry. Principles on sale of veterinary biological products shall be laid down by the Ministry.

(2) Those who store, wholesale and retail veterinary medicinal products should keep the records on purchases and sales, to store them in appropriate conditions and to provide any assistance during the audits.

(3) Psychotropic and narcotic veterinary medicinal products are subject to special laws on drugs besides the provisions of this Law. Psychotropic and narcotic veterinary medicinal products may only be sold to clinician veterinarians and relevant units of veterinary faculties; these products may be administered only by veterinarians and they shall not be transferred and sold without the permission of the Ministry. Even reduced presentation samples shall not be prepared for such health products.

(4) Any regulation on presentation of veterinary medicinal products may be made by the Ministry. However, suggestive or informative presentation of veterinary medicinal products having psychotropic and narcotic effects shall not be made through means of mass communication.

(5) Sale prices of veterinary health products should appear on their packages. When required, the Ministry shall intervene in sale prices taking into consideration needs of the country, market conditions, public interest and needs of the service.

(6) Principles and procedures related with the implementation of this article shall be laid down by the Ministry.

Application of veterinary medicinal products

ARTICLE 14 - (1) Veterinarians are obliged to issue prescriptions for the prescribed veterinary medicinal products and combinations to be applied or advised, keep the relevant records and submit them to the Ministry when demanded.

(2) Veterinary medicinal products are applied in the introduced form and according to their label or instructive information. In case of noncompliance with the label or instructive information, the responsibility resides on the applier or the one who permits application.

(3) Veterinary biological products shall be applied by veterinarians or auxiliary health staff. An application fee which will be laid down by the Ministry shall be paid to applicator of these products the application of which is programmed and projected by the Ministry by the owner of the animals.

(4) Principles and procedures related with the implementation of this article shall be laid down by the Ministry.

SECTION FOUR Plant Health

CHAPTER ONE

Control of Harmful Organisms and Relevant Responsibilities, Compensation of Plant Diseases and Pests, Registration and Plant Passport

Control of Harmful Organisms and relevant responsibilities

ARTICLE 15 - (1) The following principles are applicable for the prevention of introduction into or spread in the country of organisms harmful to plants and plant products:

a) The Ministry is responsible for the investigation, diagnosis, and taking necessary control and protection measures relating to plants and plant products and other objects that may include harmful organisms.

b) In the event of any suspicion of harmful organisms or outbreaks of harmful organisms in a certain region, the Ministry is authorized to take and implement all kinds of measures or ensure that all kinds of measures are implemented with a view to preventing harmful organisms from spreading, which includes ban on or restriction of seeding or planting, prohibition on marketing and transport of plants, plant products and other objects, and their destruction.

c) The Ministry ensures that annual protection and control programs and emergency action plans at national and local levels are prepared and implemented against the harmful organisms. The list of harmful organisms subject to quarantine shall be determined by the Ministry.

ç) In the event of observation of any harmful organisms in a foreign country and posing a risk for our country, the Ministry, depending on the species of the harmful organisms, may partially or wholly impose restrictions or prohibition on introduction into the country or transit of plants and plant products that might cause contamination, from the whole or part of that country. The scope of the restrictions or prohibition may be narrowed or widened.

(2) Rules of harmful organisms control shall be laid down by the Ministry. Harmful organisms control shall be carried out according to the rules laid down by the Ministry.

(3) Services of harmful organisms control in public forests shall be carried out by the Ministry of Environment and Forestry, according to rules laid down by the Ministry. In the event that the harmful organisms control relates to both forests and agricultural areas, the control shall be performed in cooperation of the Ministry and the Ministry of Environment and Forestry within the framework of the provisions of this Law.

(4) The Ministry shall establish a notification system on harmful organisms and ensure the operation of the notification system.

(5) In the event of outbreak of harmful organisms in a certain region, those who are aware of the situation are responsible for notifying to the Ministry.

(6) The Ministry may establish special protection or quarantine zones for certain harmful organisms; in these zones, it may impose prohibition or restrictions on the entry and exit of plants and plant products contaminated by certain harmful organisms; and it may establish protected zones for areas free from harmful organisms, and it may monitor the protected zones.

(7) The Ministry is authorized to take and implement measures on plant health and get the measures implemented also for other objects other than plant and plant products, which, even if processed, have the risk of carrying harmful organisms, or for ensuring that these measures are implemented.

(8) Those who produce, import, supply to the market, and use beneficial organisms to be utilized in the control of harmful organisms are obliged to comply with the rules laid down by the Ministry.

(9) Among wood packaging materials to be used as packaging material, those which require approval shall be determined by the Ministry. Those who produce wood packing materials determined are obliged to obtain the approval of the Ministry.

(10) Those who are engaged in all kinds of plant cultivation such as seedlings, saplings, scions, seed, tubers, bulbs to be used in production for the commercial purposes are obliged to obtain the approval of the Ministry and are obliged to obey the rules laid down by the Ministry during the cultivation.

(11) The relevant persons are obliged to take necessary measures and conduct harmful organisms control activities demanded by the Ministry, in places where harmful organisms required to be controlled by the Ministry are detected.

(12) Natural and legal persons who wish to conduct harmful organism control activities for commercial purposes are obliged to obtain the approval of the Ministry.

(13) Municipalities and special provincial administrations are obliged to assist the Ministry in protection and control activities against harmful organisms.

(14) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry

Compensation for Plant Diseases and Pests

ARTICLE 16 - (1) Plant diseases and pests subject to compensation in plant and plant products and compensation rates shall be determined by the Council of Ministers at the request of the Ministry.

(2) No compensation is paid for the products of those who make production in areas where seeding and planting are restricted or prohibited by the Ministry, make production in violation of the rules laid down by the Ministry, make false declaration, and for the products of public institutions and establishments.

(3) The compensation values of the products destructed due to plant diseases and pests shall be determined by the local value assessment commission, by taking into consideration local current market value. Local value assessment commission is composed of three persons, including a representative of the Ministry, a member determined by the local authority, and a member chosen from representatives of the relevant non governmental organizations by product owner.

Registration and Plant passport

ARTICLE 17 - (1) Those who produce, import, store, and trade plants, plant products, and other objects which may be a host for harmful organisms and which are determined by the Ministry, are obliged to obey the rules for registration laid down by the Ministry, and are obliged to be registered.

(2) Plants, plant products, and other objects shall be accompanied by plant passport during the movement of them. The Ministry is authorized to make all kinds of legal arrangements on plant passport.

(3) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry

CHAPTER TWO

Approval and Production of Plant Protection Products and Plant Protection Tools and Machinery, Responsibilities of Their Owners, Their Wholesale and Retail Sale, Presentation and Application

Approval and production of plant protection products and plant protection tools and machinery

ARTICLE 18 - (1) Activities, approval and control of procedures related to the production, import, export, use, packaging, labeling, presentation, transportation, storage, prescription or non-prescription sale, and forms of supply of plant protection products and plant protection tools and machinery and other products used in the harmful organisms control shall be determined by the Ministry.

(2) Approval of the Ministry is necessary for the production, import, and supply to the market of plant protection products and plant protection tools and machinery. Rules concerning the approval of plant protection products are determined by the Ministry. Confidentiality of the information concerning the approval is essential.

(3) On grounds of their serious negative impacts on humans, animals, plants and the environment, the Ministry may prohibit or restrict the use of certain substances in the production of plant protection products, their application to all plants or a certain group of plants or may allow the use of these only under certain rules.

(4) Generic plant protection products can not be supplied to the market unless the validity period has not expired by the date of first authorization of the original plant protection products, or the permission of the approval holder of the generic plant protection product is taken.

(5) In the event of emergence of a harmful organism posing threat to plant production, if there is no approved plant protection product within the country for the given harmful organism or not to meet the requirements the Ministry may, at its own discretion grant provisional permission to the use of admissible plant protection products.

(6) Production of plant protection products in approved points of production to make production under conditions and compliance with the formulation type and methods other than those constituting the basis of the approval.

(7) Plant protection products shall be produced under the responsibility of agricultural engineers, chemical engineers or chemists. Quality controls of these products shall be performed by the profession members specified in this article in laboratories approved by the Ministry.

(8) Plant protection products in noncompliance with the production requirements determined by the Ministry and the product standards in the dossier which forms the basis of approval shall be deemed defective. Supply to the market and use of these defective or expired plant protection products are prohibited. Defective plant protection products supplied to the market shall be withdrawn from the market by approval holders. Plant protection products the defects of which cannot be eliminated shall be destructed immediately and the relevant costs shall be borne by the owner. Re-supply to the market of plant protection products may be permitted after such defects are eliminated.

(9) In the event that that the requirements of approval have changed, that the product does not have the expected effect or serious unintended effects are observed, or that noncompliance with the formula and specifications which form the basis of the approval are identified, the approval of the plant protection products may be suspended or cancelled.

(10) The approval holder of the plant protection product is responsible for all issues relating to the efficiency, safety, envisaged quality and distribution of his products in suitable conditions. In the event that unintended effects are observed in the use of approved plant protection product, the approval of the Ministry does not eliminate the responsibility of the owner of the authorization.

(11) The approval holder of a plant protection product shall keep the records determined by the Ministry, notify any change, and provide the Ministry with required information and documents in due time.

(12) Entry into the country of plant protection products, their raw materials and plant protection tools and machinery to be granted from abroad or to be used in research, tests and approval processes may be permitted under the conditions to be determined by the Ministry. These products not subject to any commercial activities.

(13) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry

Wholesale and retail sale and presentation of plant protection products

ARTICLE 19 - (1) Wholesale of plant protection products and the other products used in harmful organisms control shall be made through wholesale dealers whereas their retail sale shall be made through retail sale dealers. Principles on sale of plant protection tools and machinery shall be laid down by the Ministry.

(2) Those, who store plant protection products and make wholesale and retail sale of these products are obliged to keep the records on purchases and sales, keep them in appropriate conditions laid down by the Ministry, and provide any assistance during the audits.

(3) Presentation of approved plant protection products shall be determined by the Ministry.

(4) Sale prices of plant protection products shall be displayed on their packages. However, when necessary, the Ministry shall intervene the sales prices taking into consideration needs of the country, market conditions, public interest and needs of the service.

(5) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry

Application of plant protection products

ARTICLE 20 - (1) Those who are authorized by the Ministry to issue prescriptions for plant protection products, shall issue prescriptions for the prescribed plant protection products which will be applied or advised, keep the relevant records and submit them to the Ministry when demanded.

(2) Those, who use plant protection products shall keep the records demanded by the Ministry and submit them to the Ministry on demand.

(3) Plant protection products shall be applied in accordance within the form which are supplied for the user and the advice on their labels. In case of application incompliance with these conditions the responsibility resides on the applying person or the one who permits application.

(4) Discards and packages of plant protection products used shall be destructed appropriately by their users.

(5) In the event that, during the controls performed in areas subject to control of harmful organism, unadvised plant protection products' use and residues above the prescribed limits are detected in plants, the Ministry may delay the harvest of the products or have the products destructed. In the event of the implementation of this article, no compensation shall be paid to the producers.

(6) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry

SECTION FIVE Food and Feed

CHAPTER ONE Food and Feed Safety, Responsibilities, Food Codex, Labeling and Traceability, Presentation and Advertising, Protection of Consumer Rights

Food and feed safety requirements

ARTICLE 21 - (1) The food safety requirements are as follows:

a) Unsafe food and materials and articles contact with food shall not be placed on the market. Food shall be deemed to be unsafe if it is considered to be injurious to health and unfit for human consumption.

b) The safety of the food is determined in view of the stages of production, processing and distribution, label information and information to provide warnings on health issues, as well as normal conditions of use of the food by consumer.

c) In determining whether the food is injurious to health; not only to the probable, immediate, short-term or long-term effects of that food on the health of a person consuming it, but also on subsequent generations, to the probable cumulative toxic effects and to the particular health sensitivities of a specific category of consumers shall be considered.

ç) In determining whether a food is fit for human consumption or not, the decision shall be taken considering any aspects of contamination including extraneous matter, or unacceptable to its intended use through putrefaction, deterioration or decay.

d) Where it is identified that a part of the food in a batch, lot or consignment of food of the same class or description is unsafe, it shall be presumed that all the food of the same class or description in that batch, lot or consignment is also unsafe, unless following a detailed assessment there is no evidence that the rest of the batch, lot or consignment is unsafe.

e) Even though the food is in conformity with the provisions specified by the Ministry, the Ministry may take appropriate measures in order to impose restrictions on it being placed on the market or to require its withdrawal from the market where there appears a suspect that the food is unsafe.

(2) The feed safety requirements are as follows:

a) Unsafe feed shall not be placed on the market or fed to animals.

b) Feed shall be deemed to be unsafe, when it has adverse effects on animal and human health or makes the food derived from food-producing animals unsafe for human consumption.

c) Deteriorated, and decayed feed is accepted as unfit for consumption.

ç) Where it is identified that a part of the feed in a batch, lot or consignment of feed of the same class or description is unsafe it shall be presumed that all the feed of the same class or description in that batch, lot or consignment is also unsafe, unless following a detailed assessment there is no evidence that the rest of the batch, lot or consignment is unsafe

d) Even though the feed is in conformity with the provisions specified by the Ministry, the Ministry may take appropriate measures in order to impose restrictions on it being placed on the market or to require its withdrawal from the market where there appears a suspect that the feed is unsafe.

(3) The provisions regarding feed additives, compound feeds, feed materials, undesirable substances in feeds, feedingstuffs intended for particular nutritional purposes, certain products such as bioproteins used in animal nutrition, medicated feeds, substances the use for feeding animals and adding to feed of which is prohibited and other issues concerning feeds shall be laid down by the Ministry.

(4) Principles and procedures regarding novel foods and feeds shall be identified by the Ministry.

(5) Foods and materials and articles contact with food which do not comply with the food codex shall not be produced, processed and placed on the market.

(6) By taking into consideration of human health, The Ministry may restrict, prohibit, or permit with certain conditions the use of certain substances and products as food or in food production.

(7) Food and feed comply with specific provisions governing food and feed safety of the food and feed legislation shall be deemed to be safe insofar as the aspects covered by the legislation are concerned.

Responsibilities

ARTICLE 22 – (1) Food and feed business operators and producers of materials and articles contact with foodstuffs within the businesses under their control shall ensure that foods or feeds satisfy the requirements of this law which are relevant to each step of their activities and shall verify that such requirements are met.

(2) If a food and feed business operator consider or has reason to believe that a product which it has imported, produced, processed, manufactured or distributed is not in compliance with the food and feed safety requirements, it shall immediately initiate procedures to withdraw the product from the market starting from the stage at which the product has left his control, and inform the Ministry thereof. Whenever it is necessary to withdraw the product from the market, food and feed business operator shall accurately and effectively inform the consumers or users on the reason of withdrawal, and if necessary recall the products from consumers or users when other measures are not sufficient to achieve a high level of health protection.

(3) Food and feed business operator is obliged to keep up-to-date records required and submit them to the Ministry of when demanded.

(4) The list of foods and feeds that are subject to approval is defined by The Ministry. The owner of the product shall submit the information and the documents required by the Ministry to the Ministry. Production, importation and placing on the market and use of such products without the approval of the Ministry are prohibited.

(5) The Ministry carries out official controls in order to supply the implementations of the provisions laid down with this law at all stages of production, processing and distribution, and shall keep records of food and feed establishments.

(6) The food and feed business operator is responsible for prevent, reduce or eliminate the risks associated with the product and shall collaborate with the Ministry. The operator shall not prevent the implementation of the measures taken by the Ministry in any way.

(7) Food and feed establishments listed in Annex 1 are obliged to employ at least one personnel who holds relevant undergraduate degree depending on the type and nature of the activity carried out. Amendment of Annex 1 shall be made according to scientific facts and current conditions by the Ministry.

(8) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

Food codex

ARTICLE 23 – (1) The Ministry shall draft and publish the food codex determining the necessary the minimum technical and hygiene criteria related with food and materials and articles contact with food, plant protection products and veterinary medicinal residues, additives, contaminants, principles for sampling, packaging, labeling, transport, storage, and methods of analysis. In drawing out the codex, the Ministry may cooperate with relevant agencies and institutions, and establish commissions for this purpose Ministry is the contact point of the Codex Alimentarius Commission and it executes the works related with the subject. The National Food Codex Commission is established to be assigned duty in preparation of the food codex. The procedures and principles related to the selection of the members, term of office, forming of sub-commissions and the operation of the National Food Codex Commission and the sub-commissions are specified by the Ministry. The secretariat services are carried out by the Ministry.

(2) The Ministry shall perform controls with respect to verification of compliance with the specifications of agricultural products and foodstuffs which are protected geographical indications and protected designations of origin or protected as traditional specialities guaranteed.

(3) The Ministry carries out all sorts of research, and projects on food safety or carried out by procurement of services.

(4) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

Labeling and traceability in food and feed, presentation and advertisement, protection of consumers' rights

ARTICLE 24 – (1) Food and feed business operators shall establish a system in order to ensure traceability of food, feed, food-producing animals and any substances to be incorporated into food, at all stages of production, processing and distribution and shall provide this information to the Ministry when requested.

(2) Food and feed to be placed on the market shall be labelled adequately or identified through relevant documentation or information required by the Ministry.

(3) Without prejudice to more specific provisions of food law, the labelling, advertising and presentation of food or feed, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, shall not mislead consumers.

(4) Food and feed shall not be adulterated and subjected to fraudulent practices.

(5) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

CHAPTER TWO

Rapid Alert System, Emergencies, Crisis Management, Risk Analysis, Informing the Public, Precautionary Measures

Rapid alert system, emergencies, crisis management

ARTICLE 25 – (1) In order to protect animal, plant and human health and supply food and feed safety, systems related to notification of direct or indirect risks are set up by

The Ministry. The Ministry is the contact point in this respect and cooperates with national and international institutions.

(2) The Ministry shall take the necessary measures or ensure the necessary measures to be taken when it receives a notification of direct or indirect risk relating to plant and animal health, and food and feed safety. The owner of animals or the keeper of animals on behalf of the owner, the owner of plants and plant products, the food and feed business operator shall comply with all sorts of measures taken by the Ministry.

(3) When a serious risk to human, animal and plant health and the environment appears and existing measures prove incapable in relation to produced, processed and distributed products and live animals, the Ministry is authorized to take and implement all kinds of administrative measures to restrict, prohibit and any other additional precautions regarding the placing on the market, use and entry into the country of these live animals or products. In the circumstances, the owner of animals or the keeper of animals on behalf of the owner, the owner of plants and plant products, the food and feed business operators, and relevant parties determined by the Ministry shall comply with all sorts of measures.

(4) Ministry shall draw up, in corporation with the related parties, a general plan which will be implemented in case of crisis where a direct or indirect risk to human, animal and plant health can not be to prevented, eliminated or reduced to an acceptable levels or adequately be managed solely by way of the application implementation of emergency measures, and shall establish a crisis unit. Relevant parties are obliged to comply with all sorts of measures taken by the Ministry in cases of crisis.

(5) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

Risk analysis, informing the public in the event of risk, precautionary measures

ARTICLE 26 - (1) Issues related to food feed and plant health shall be based on the principle of risk analysis, to ensure the high level protection of human health and life. This rule is not applicable to the cases where risk analysis is not appropriate or not applicable to the nature of the measure.

(2) A risk assessment commission with the members of research institutions, research institute, related faculties of universities and other experts when required, which is established on the basis of independence, objectivity and transparency, and which performs its endeavors on the basis of scientific evidences shall be formed in order to evaluate the risk. The risk assessment results of the commissions are advice regarded. The risk assessment unit is formed for the secretariat services by the Ministry. The risk assessment unit may cooperate with similar national and international agencies.

(3) Risk management and risk communication, shall be carried out by the Ministry in view of the results of risk assessment and scientific data and other factors related to the matter under question and the precautionary principle.

(4) Provided that there are valid grounds to suspect that a food or feed is posing risk to human and animal health, the Ministry shall lay down the taken or planned measures in order to prevent, reduce or eliminate the risk and the content of the possible risk based on the product itself and the type of the product, according to the content, severity and magnitude of risk, and ensure that the public is informed on the content of the risk and the measures are taken, without prejudice to the provisions in force considering access to documents.

(5) In case there the possibility that any food or feed has adverse effects on human and animal health arises as a result of the evaluation of current information, if there are scientific uncertainties about such effects, the Ministry may apply precautionary measures such as temporary suspension of production and placing on the market, prevention of consumption, recalls as a precaution until further scientific data are gathered that will enable

more comprehensive risk assessment. Those concerned should act in compliance with the precautionary measures established by the Ministry. With the implementation of these precautionary measures, The Ministry shall not be put under the responsibility and compensation shall not be requested with the implementation of the precautionary measures.

(6) In order to control undesirable substances such as pesticides, pharmacologically active substances, heavy metals, mycotoxins and microorganisms in plants, plant products, food, feed and live animals, the Ministry shall monitor these products by taking samples, making observations, carrying out measurements and assessments. The obtained data are used for risk assessment and risk communication.

(7) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

CHAPTER THREE

Provisions on Water, Food Supplements, Dietary Food for Special Medical Purposes

Provisions on water

ARTICLE 27 – (1) The Ministry shall lay down the principles of production, packaging, sale, import, and export of spring water, drinking water, natural mineral water and artificial soda in which any kind an additive or a flavouring substance that is not naturally present is incorporated. The Ministry of Health shall lay down the principles and procedures relating to the production, packaging, sale, import, and export of spring water, drinking water, natural mineral water and water for medical purposes and the principles and procedures relating to compliance with technical and hygienic rules, ensuring fulfillment of quality standards and monitoring and control of quality standards of potable and utility water.

Food supplements, dietary food for special medical purposes

ARTICLE 28 – (1) The principles and procedures relating to the production, import, export, and control of food supplements shall be laid down by the Ministry. Principles and procedures relating to the production, import, export, and control of dietary food for special medical purposes shall be laid down by the Ministry of Health.

SECTION SIX

Hygiene

CHAPTER ONE

Hygienic Rules, Guidelines for Good Practice, Registration and Approval of Establishments

Hygienic rules, guidelines for good practice

ARTICLE 29 - (1) In order to ensure highest level of protection of the consumers, the Ministry shall lay down general and specific hygiene rules concerning food and feed, and hygiene rules covering provisions based on the principles of hazard analysis and critical control points, health marks indicating the official controls, identification marks and special arrangements regarding traceability.

(2) Primary producers, retailers, and food and feed business operators should comply with the general and specific hygiene rules laid down by the Ministry regarding the fields of activity under their control.

(3) Food and feed business operators, except those engaged in primary production, are responsible of implementing and maintaining food and feed safety systems based on hazard analysis and critical control point principles. If any change in the product or at any

stage of the production, processing, and distribution of the product occurs, the food and feed business operator is obliged to review the implementation of the system based on hazard analysis and critical control point principles, carry out necessary changes and record these changes.

(4) The Ministry shall promote the preparation, dissemination and implementation of the guidelines to good practice.

(5) Principles and procedures related to the implementation of this Article shall be laid down in an implementing regulation to be promulgated by the Ministry.

The registration and approval of establishments

ARTICLE 30 - (1) The food and feed establishments that are subject to registration and approval procedures and the procedures regarding the registration and approval shall be identified by the Ministry. The food and feed establishment that are subject to approval are obliged to complete approval procedures with the Ministry, prior to commencing their activities. The establishments that are subjected to registration shall register to the Ministry records. (2) In case the Ministry determines that a business is not anymore compliant the requirements as specified by relevant legislation, it shall stop the non-compliant activity, and temporarily suspends the approval regarding these activities. The period of suspension continues until the establishment meets necessary requirements. Where the business fails to meet the requirements within one year, the Ministry shall withdraw the approval.

(3) In case the food and feed business operator ceases all or part of its activities, it is an obligation that the Ministry shall be notified within three months. In case it is identified that the Ministry has not been notified on the situation, the approval or registration concerning the activity shall be withdrawn by the Ministry.

(4) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

SECTION SEVEN

Official Controls

CHAPTER ONE

Official Controls, the Right of Objection, Official Certificates, Live Animals and Animal Products Identified as Inappropriate due to Official Controls and Laboratories

Official controls, the right of objection and official certificates

ARTICLE 31 - (1) Official controls shall be performed by the Ministry without prior notice, except for cases that require prior notification, and at appropriate frequency in an objective and transparent manner; in conformity with the principles of professional secrecy, on the basis of risk. The controls shall include practices such as monitoring, surveillance, verification, inspection, examination, sampling and analysis. The controls are conducted by the staff authorized by the Ministry to carry out the controls. The list of professions and their responsibilities at the stages of production, processing and distribution are given in the Annex 2.

(2) In official controls, technicians and auxiliary health staff trained on such professions can be employed in order to assist the personnel who are authorized to control.

(3) The control officer is authorized to carry out official controls on behalf of the Ministry according to the provisions of this Law, to take objective and independent decisions according to the results, free from any influence and any conflict of interest, and within the framework of the authorities granted to him or herself under this Law, to implement the administrative sanctions envisaged by the Law. The control officer may enter anywhere and

take samples for the purpose of control within scope of this Law. No fee is paid for the samples taken. The relevant people are obliged to provide all kind of help and convenience during the controls.

(4) Those concerned have the right to object to the Ministry concerning results of the official control and inspection within seven days of the notification date. However, no objection can be made to results of the analysis concerning the foods which have a remaining shelf life less than seven days, in case of microbiological analyses and in cases where the witness sample is inadequate for the analysis. The expenses due to objection are borne by those concerned.

(5) The arrangements regarding food control as laid down within the scope of this Law shall also be applied to materials and articles that come into contact with food and the establishments dealing with these.

(6) The Ministry may inform the public about the results when it deems appropriate. However, the information gathered at the confidential investigation, stage or the information on the legal actions undertaken, personal information, trade secrets, confidential information on negotiations, and the information protected by legislation on international relations and national defense are confidential.

(7) Rules, formalities and procedures, and models relating to veterinary and plant health certificates as well as other certificates shall be laid down by the Ministry.

(8) The Ministry appoints official veterinarians or authorized veterinarians in the slaughterhouses and cutting plants in order to carry out ante-mortem and post-mortem examinations as well as other official controls.

(9) The Ministry shall prepare an annual and a multi-annual national control plan, and monitoring plan for detection of additives, residues, contaminants and undesirable substances in live animals and products and draw out an annual report on controls at the end of each year.

(10) Except the fundamental and permanent functions required by the public services within the scope of this Law, the Ministry may cooperate with public agencies and organizations, professional organizations which have the status of public institutions, legal personalities of private law, producers' associations, cooperatives, foundations and universities for duties related to controls and control services it deems appropriate. It may delegate such duties partially or entirely to those public agencies and organizations which comply with the requirements laid down by the Ministry, or the Ministry can have these duties being done by purchasing services. The Ministry shall inspect the organizations that it assigned some of its duties. In case of detecting any inadequacy or deficiency in running the duties that has been assigned, the Ministry shall cancel the authorization or request to correct the deficiencies in a short span of time. All expenses raised upon the application of this Article shall be undertaken by the liable persons.

(11) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

Live Animals and products identified as non-compliant as a result of official controls

ARTICLE 32 – (1) The Ministry shall implement one or more of the following measures regarding live animals and products, which are found not to meet the requirements of the legislation, and to pose threat to human, animal, or plant health:

a) The Ministry shall restrict or prohibit the live animal and product to be supplied to the market, transported, entry to the country and exit from the country.

b) If the live animal and product in question has already been placed on the market, its sale shall be stopped by the Ministry and it shall be withdrawn from the market by its owner or business operator.

c) The utilization of live animals and products that can be used for purposes other than the original purpose for its supply to the market shall be allowed under the control of the Ministry and other relevant institutions.

ç) Live animals and products that cannot be utilized for purposes other than the original purpose for its supply to the market shall be subjected to culling and destruction by their owners or operators under the supervision of the Ministry.

(2) Products, which do not pose any threat to food and feed safety and human, animal and plant health, but are determined to have a defect that can be corrected in accordance with the legislation after controls, may be allowed to be placed on the market after their compliance to the legislation is ensured.

(3) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

Laboratories

ARTICLE 33 – (1) Laboratories which will operate to carry out controls or diagnose diseases and harmful organisms within scope of this Law are obliged to obtain approval from the Ministry. Addition to that, it is mandatory for the laboratories to obtain approval for the analysis, which will be performed. In order to receive approval, the laboratories shall meet the following minimum requirements:

a) The laboratory should be located at a place and in buildings compliant with legislation on public works and not reserved for residential purposes. However, the requirement of place and buildings not reserved for residential purposes shall not be sought for laboratories which operate on an issue that does not constitute a hazard for humans.

b) Laboratory buildings shall comprise of two sections, the administrative section, and the service section. In the service section, there should be spaces for sample reception, weighing, suitable storages for chemical substances and samples as well as physical, chemical, and microbiological analysis divisions in accordance with the field of activity.

c) Laboratories should have the relevant tools, equipment, technical infrastructure, and suitable staff concerning the analyses and diagnoses for which authorization shall be obtained. The Ministry shall demand additional training concerning the staff to be employed in the laboratory.

ç) Laboratories are obliged to employ an administrative staff in charge who has received at least undergraduate degree related with the subject, and who shall be responsible for the activities of the laboratory.

(2) Laboratories shall be inspected by the Ministry concerning their fields of activities.

(3) The analysis of the samples related to official controls are performed in Ministerial Laboratories or in other laboratories approved by the Ministry. Ministry is authorized for having the analysis performed in domestic or foreign laboratories for the analysis which cannot be performed in these laboratories or for the purpose of confirmation.

4) Laboratories shall not issue any analysis report for the analysis in which they are not approved and analysis that are not performed.

5) Laboratories shall inform the Ministry on the changes in personnel, introduction of the new divisions or cease of its activities, specified under the (c) and (ç) clauses of paragraph 1 of this article.

(6) The Ministry establishes or assigns national reference laboratories so as to carry out activities such as specifying the methods for analysis, assuring methodological uniformity among laboratories, and making diagnoses and analyses related to disputes.

(7) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

CHAPTER TWO

Official Controls in Exports and Imports, Customs and Border Inspection Posts

Official controls in exports and imports, customs and border inspection posts

ARTICLE 34 – (1) The Ministry shall determine control rules and conditions of importation and entry of live animals into the country. Live animals and products which will enter into the country shall be in compliance with the provisions of this Law. The Ministry shall conduct official controls in order to identify whether live animals and products which will enter into country are in compliance with provisions of this Law. Live animals and products, which are not in compliance with provisions of this Law, are not allowed to enter into country.

(2) The importer or the authorized representatives in charge of the consignment are obliged to give prior notice to the Ministry about live animals and products that are going to enter into the country. The Ministry may also impose obligation of giving prior notice on products other than the live animals and products in question, on the basis of risk.

(3) Customs and Free Zone Directorates shall not allow the entry of live animals and animal products, as well as plants and plant products into the country or free zones, or the processing of such products by any means at these places without the authorization of the Ministry. As regards the entry, exit, and storage of live animals and products to customs warehouses and free zones, the Ministry may introduce additional measures for the protection of human, plant and animal health. As regards recognized or emerging risky situations concerning quarantine measures related with non-animal products, in case of Ministry's notification, relevant customs and Free Zone Directorates shall not allow the entry of such products into the country or free zones. The Ministry is authorized to take necessary safety measures such as quarantine or blocking entry or supply to the market, and implement sanctions in case it recognizes any risk to human, plant and animal health when certain live animals and products enter the country.

(4) Within the scope of this Law, the Ministry shall prepare information regarding the entry of live animals and products into the country which are going to be subjected to control, and notifies the Undersecretariat of Customs. The Undersecretariat of Customs, in turn, notifies the Ministry on the information concerning products that arrived to the Customs Area of Turkey; and both institutions, in coordination and cooperation for issues under their jurisdictions, ensure the performing of entry and exit proceedings of live animals and products covered within this Law.

(5) Following the official controls, the Ministry detains live animals, products, and other substances which are found non-compliant to enter the country. The Ministry shall assure one or more of the measures to be taken within the knowledge of its owner, which covers quarantine, rejection, being subject to special procedures, giving a permission to be utilized for a purpose other than main purpose of use, culling and destruction. These measures shall be implemented in a way so as not to jeopardize human, plant and animal health, as well as the environment directly or indirectly. All expenses due to these tasks and procedures shall be borne by the owner. The Ministry shall not pay compensation to the owners in the event of culling and destruction.

(6) During official controls on the exports of live animals and products, the provisions of this Law shall apply in case receiving country does not have any other demands. Apart from those that threaten health, products which are not in compliance with the provisions of this Law can be exported on the condition that necessary explanations are made to the country of destination and after the assent of that country. The exporter is obliged to comply with all measures to be taken by the Ministry.

(7) If there is a bilateral or a multilateral agreement in which our country is a contracting party, the provisions of concerning agreement shall apply to imports and exports.

(8) Taking into account the return reason, exported live animals and products returned for various reasons are submitted to official control after it is verified by the Ministry that the returned live animal and product is the same with the exported live animal and product. Live animals and products, whose conformity with the legislation is verified after controls, are allowed to enter the country. One of the following measures shall be taken for non-compliant live animals and products:

- a) They shall be re-exported,
- b) They shall be placed under quarantine,
- c) They shall be subjected to special treatment,
- ç) They shall be allowed to be utilized for a purpose other than the intended purpose of use,
- d) They shall be subjected to culling and destruction.

(9) The Ministry shall establish Border Inspection Posts for live animals, animal products, plants, plant products and wood packaging materials where these enter the country. The Ministry shall establish and operate an information system for tracing. Concerning the entry of other products into the country, the Ministry shall identify the customs gates concerning in cooperation with the Undersecretariat of Customs.

(10) The Ministry shall identify the customs exit gates of the live stock and products in cooperation with the Undersecretariat of Customs.

(11) Issues on the non commercial movements of the pet animals and products accompanying passengers shall be determined by the Ministry.

(12) Principles and procedures related to the implementation of this article shall be laid down in an implementing regulation to be promulgated by the Ministry.

CHAPTER THREE

The Financing of Official Controls, Veterinary and Plant Health Services and Expenses

The financing of official controls, veterinary and plant health services and expenses

ARTICLE 35 - (1) The Ministry may charge a fee for the activities and the official controls carried out pursuant to this Law. In December of each year the Ministry determines on which activities and official controls, and at what amount a fee will be charged.

(2) Among the revenues to be earned within the scope of this Law, operation revenues subject to the Law No. 969 of 21.12.1967 on The Allocation of Revolving Funds to Central and Local Agencies by the Ministry of Agriculture and Rural Affairs shall be recorded as revenue to revolving fund budgets, and these revenues shall be used primarily for the implementation of the activities within the scope of this Law. Other revenues shall be recorded as revenue to the general budget.

(3) The Minister of Agriculture and Rural Affairs shall be authorized to have control projects drawn out and implemented at national or regional levels in order to control or eradicate epidemics, contagious diseases and harmful organisms; to make the necessary expenditures from revolving fund budgets or allocate funds among premises, either as credit

or gratis for purchases of tools, materials, vaccines, medications etc. that will be used for purposes of control, protection and inspection, as well as for meeting the requirements under states of emergency.

(4) Necessary funds other than revolving fund activities shall be made available for the Ministry's budget to finance the duties addressed within the scope of this Law.

(5) The Ministry shall pay the personnel conducting the official controls on live animals and products that are subjected to compulsory controls at the borders and the domestic movements of animals, out of the working hours or on the official holidays, at an amount of not more than the indicator figure of 6000 per month, which is calculated for each day by multiplying the indicator figure of 400 with the coefficient applied to civil servant salaries and this amount shall be paid from revolving fund budget as an allowance.

(6) Principles and procedures related with the implementation of this article shall be laid down in an implementing regulation to be promulgated, by taking the opinion of the Ministry of Finance.

SECTION EIGHT

Penal Provisions

CHAPTER ONE

Penal Provisions, the Implementation of Fines, Collection of Fines, Objections

Penal provisions, the implementation of fines, collection of fines and objections

ARTICLE 36 – (1) The fines relating to animal health, animal welfare and zootechnics are as follows:

a) In accordance with article 4, paragraph one, subparagraph (b) of this Law, those who do not comply with the measures taken for the prevention of spread of diseases shall be charged an administrative fine of five thousand Turkish Liras.

b) Those who do not comply with the prohibitions or restrictions mentioned in the article 4, paragraph four of this Law, shall be charged administrative fine of five thousand Turkish Liras.

c) Animal owners and keepers as well as private veterinaries who are referred to in article 4, paragraph six of this Law, and who do not notify the Ministry on contagious animal diseases or animal deaths due to unknown reasons shall be charged an administrative fine of five hundred Turkish Liras.

ç) The persons and agencies referred in paragraph seven, article 4 of this Law, those who do not keep the records required by the Ministry shall be charged an administrative fine of five hundred Turkish Liras, those who do not provide the necessary convenience during controls shall be charged an administrative fine of five thousand Turkish Liras.

d) Establishments who do not comply with measures taken referred in Article 6 of this law shall be charged an administrative fine of thousand Turkish Liras, and others shall be charged an administrative fine of five thousand Turkish Liras.

e) In accordance with article 7 of this Law, animal owners who do not have their animals identified, their establishments and animals registered, give necessary notifications and keep records shall be charged an administrative fine of five hundred Turkish Liras. Those who falsify the materials used for the identification of animals or records shall be charged an administrative fine of five thousand Turkish Liras unless the act does not constitute a crime. Establishments which slaughter unidentified and undocumented animals shall be charged an administrative fine of ten thousand Turkish Liras.

f) Live animal and animal product owners who do not keep the documents specified by the Ministry during the transport of live animals and animal products in accordance with article 8

of this Law shall be charged an administrative fine of three hundred Turkish Liras per each bovine animal, fifty Turkish Liras per each ovine and caprine animal, one thousand Turkish Liras per vehicle for other animal species and animal products; whereas the owner of the transport vehicle shall be charged one thousand Turkish Liras, and those who sell animals at places other than those authorized by the Ministry shall be charged one thousand Turkish Liras. In the event of catching unidentified bovine animals or ovine or caprine animals during transportation, such shall be slaughtered at the closest slaughterhouse at the expense of the owner, and shall be turned over to the owner.

g) Those who act in noncompliance with the provisions referred in paragraph one, article 9 of this Law shall be charged an administrative fine of one hundred Turkish Liras per animal; those who act in noncompliance with the rules regarding shelters specified by the Ministry according to paragraph four, article 9 shall be charged one hundred Turkish Liras per animal; those who violate the rules regarding transportation shall be charged an administrative fine of one thousand Turkish Liras; those who do not comply with the rules before and during the slaughter shall be charged an administrative fine of two thousand Turkish Liras; those who slaughter animals at places other than those specified by the Ministry for slaughtering shall be charged an administrative fine of five thousand Turkish Liras;

ğ) In accordance with article 10 paragraph three, of this Law, those who operate their establishments without the approval of the Ministry shall be charged an administrative fine of ten thousand Turkish Liras, their activities are suspended and the use of their products for reproductive purposes is not allowed.

h) In accordance with article 10, paragraph eight of this Law, those who mislead relevant parties by forging, presenting or falsifying a document in opposition to the rules specified by the Ministry shall be charged an administrative fine of five thousand Turkish Liras per bovine animal, one hundred thousand Turkish Liras per horse, five hundred Turkish Liras per ovine, caprine and other animals; and an allegation shall be handed over the Public Prosecutor's Office against these persons. Their documents shall be annulled.

ı) The animal owners who do not comply with article 10, paragraph twelve, thirteen and fourteen of this Law, and those who do not give back the pedigree of the thoroughbred Arabian or English horses registered in the studbook within determined time period in case of death of the animal or do not notify the change of the owner of horses registered in the studbook and do not make necessary changes in the pedigree of the animals whilst coat changes shall be charged an administrative fine of five thousand Turkish Liras and their registry from studbook shall be deleted, their pedigree shall be cancelled and taken back.

ıı) In accordance with article 11 of this Law, those who operate their establishments without the approval of the Ministry shall be charged an administrative fine of five thousand Turkish Liras and their activities shall be prohibited. Those who do not keep the required records shall be charged an administrative fine of one thousand Turkish Liras.

Sanctions Relating to Veterinary Health Products

ARTICLE 37- (1) The fines relating the veterinary products are as follows:

a) Natural and legal persons who produce veterinary medicinal products in unapproved places shall be charged an administrative fine of thirty thousand Turkish Liras, and their activities shall be prohibited. The products shall be withdrawn from the market with expenses borne on the responsible person, and their ownership shall be transferred to the public in order to be destroyed.

b) Those who produce or import veterinary medicinal products without approval shall be charged an administrative fine of thirty thousand Turkish Liras; those who sell or keep such shall be charged an administrative fine of twenty thousand Turkish Liras. An allegation shall be handed over the Public Prosecutor's Office against those who are found to

smuggle veterinary medicinal products into the country, for proceedings in accordance with the Law no 5607 dated 21.03.2007 on the Control of Smuggling. The products shall be withdrawn from the market with expenses borne on the responsible person, and their ownership shall be transferred to the public in order to be destroyed. In the event that unapproved veterinary medicinal products are produced in approved business holdings, the approval of the place of production shall also be suspended for a year. In case the produced product is a veterinary biological product, the approval of the site of production shall be cancelled.

c) Those who apply veterinary medicinal products that include substances, the use of which over food-producing animals is banned or there are warnings for not using them on such animals, shall be charged an administrative fine of five thousand Turkish Lira. Ownership of prohibited substances and the products achieved from the animals on which these substances are used shall be transferred to the public.

ç) Those who apply veterinary biological products which have been restricted for certain species, ages, animals, regions, or users in violation of these restrictions shall be charged with an administrative fine of two hundred Turkish Liras for each bovine animal, for each equidae one thousand Turkish Liras, for each ovine or caprine animal fifty Turkish Liras, for each poultry five Turkish Liras, for each cat or dog one hundred Turkish Liras, and for other animal species five thousand Turkish Liras per establishment.

d) If, as a result of the analyses, the veterinary health products approved by the Ministry are found incongruent with the formula or specification in the file that forms the basis of approval, an administrative fine of twenty thousand Turkish Liras shall be charged. The relevant batches of defective products shall be withdrawn from the market by the person who has received the approval and their ownership shall be transferred to the public in order to be destroyed. If the product is not withdrawn from the market, an additional administrative fine of five thousand Turkish Liras shall be charged to the owner of the product.

e) Those who supply a counterfeit product to the market by imitating one of the approved veterinary health products shall be sentenced to imprisonment between one and three years and charged with a judicial fine of one thousand days. Approvals of sites which produce counterfeit veterinary health products at Ministry approved production sites shall be suspended for a year, and the approval of the production site shall be cancelled in case the products produced are counterfeit veterinary biological products.

f) In accordance with article 12, paragraph seventeen of this Law, those who violate the arrangements laid down by the Ministry shall be charged with an administrative fine of five thousand Turkish Liras. The products found lacking permission shall be withdrawn from the market with expenses borne on the responsible person, and their ownership shall be transferred to the public in order to be destroyed.

g) Owners of places which sell veterinary medicinal products, and which are not among the places permitted in article 13 of this Law shall be charged an administrative fine of ten thousand Turkish Liras. The products shall be seized and their ownership shall be transferred to the public.

ğ) Those that violate the provisions regarding the psychotropic and narcotic veterinary medicinal products referred in article 13, paragraph three of this Law shall be charged an administrative fine of five thousand Turkish Liras.

h) Those that violate the provisions referred in article 13, paragraph four of this Law shall be charged with an administrative fine of ten thousand Turkish Liras. In case the act is performed through commercial advertisement and announcement, the penal provisions of the Article 16 of the Law No. 4077 dated 23.02.1995 on the Protection of Consumers shall be applied.

1) If it is detected that places of sale that are approved to sell veterinary medicinal products do not comply with the file that forms the basis of its approval and the relevant legislation, the owners and the persons in charge of the establishment shall be warned, if there are no risks regarding product safety, and time is given to correct the inconveniences. If there are risks involved or the issues on which a warning is given are not corrected, the approval of the point of sale shall be suspended for a period of one month to one year.

i) Those who do not keep the records required by the Ministry and do not comply with the rules of wholesale and retail sale shall be charged an administrative fine of twenty thousand Turkish Liras if approval holders, production establishments and wholesale warehouses are concerned, five thousand Turkish Liras if retailers are concerned.

j) Persons who keep or sell unpacked, defective or expired veterinary health products at places referred in article 13 of this Law shall be charged an administrative fine of one thousand Turkish Liras.

Sanctions relating to Plant Health

Article 38- (1)The fines relating to plant health are as follows:

a) Those who do not comply with the measures taken by the Ministry in order to prevent the spread of harmful organisms, as referred in article 15, paragraph one, subparagraph (b) of this Law, shall be charged an administrative fine of three thousand Turkish Liras.

b) Those who do not control harmful organisms pointed out in article 15, paragraph two of this Law according to the rules laid down by the Ministry shall be charged an administrative fine of three thousand Turkish Liras.

c) Those who do not notify harmful organism outbreak required to be notified in article 15, paragraph five of this Law shall be charged an administrative fine of one thousand Turkish Liras.

ç) Those who do not comply with the prohibitions, restrictions and the rules considering protected zones indicated by the Ministry as specified by article 15, paragraph six of this Law shall be charged an administrative fine of five thousand Turkish Liras.

d) Those who produce, import, and placed on the market beneficial organisms, which have been mentioned in article 15, paragraph eight of this Law, and which shall be utilized in the control of harmful organisms shall be charged an administrative fine of five thousand Turkish Liras; those who use such organisms shall be charged an administrative fine of one thousand Turkish Liras

e) The activities of those who produce wood packaging material specified by the Ministry as referred in article 15, paragraph nine of this Law without approval shall be stopped and they shall be charged an administrative fine of twenty thousand Turkish Liras. Those who produce such material in noncompliance with the rules specified by the Ministry, even though they have an approval, shall be charged an administrative fine of ten thousand Turkish Liras for the first time and twenty thousand Turkish Liras if the same violation is repeated within a year, and approved premises which have violated the approval conditions for wood packaging material shall be given a respite; production shall be suspended for this period, and the approval shall be annulled if problems are not corrected at the end of the period.

f) The activities of those that carry out their production with the production material referred in article 15, paragraph ten of this Law without having those materials approved shall be stopped, they shall be charged an administrative fine of twenty thousand Turkish Liras, the product shall be seized and its property shall be transferred to the public. Those who have an approval, but act in noncompliance with the rules specified by the Ministry shall be charged with an administrative fine of ten thousand Turkish Liras.

g) As regards those who do not carry out harmful organism control activities required by the Ministry at places referred in article 15, paragraph eleven of this Law, shall be charged an administrative fine of one thousand Turkish Liras; the Ministry executes necessary activities on behalf of those that did not perform this task or has it done. One month period is given to the responsible to pay the twice of the expenses of harmful organism control. ğ) Those who execute their operations without having approval from the Ministry in violation of article 15, paragraph twelve of this Law shall be charged an administrative fine of five thousand Turkish Liras. Those who violate the rules specified by the Ministry, despite having been approved shall be charged an administrative fine of two thousand Turkish Liras.

h) Those who have not get registered in accordance with article 17, paragraph one of this Law shall be charged an administrative fine of three thousand Turkish Liras. Those who violate rules laid down by the Ministry, despite having been registered, shall be charged an administrative fine of two thousand Turkish Liras. In case it is determined that the registration requirements laid down by the Ministry are not fulfilled anymore, the registration shall be cancelled.

ı) Those who dispatch plants and plant products and other objects without plant passport identified by the Ministry as referred in article 17, paragraph two of this Law, shall be charged an administrative fine of two thousand Turkish Liras. Those who do not comply with the rules regarding the plant passport shall be charged with an administrative fine of three thousand Turkish Liras.

Sanctions Relating to Plant Protection Products

ARTICLE 39- (1) Sanctions relating to Plant Protection Products are as follows:

a) Natural and legal persons who produce plant protection products at unauthorized sites shall be charged an administrative fine of thirty thousand Turkish Liras while natural and legal persons who produce plant protection tools and machinery shall be charged an administrative fine of five thousand Turkish Liras, and their activities shall be prohibited. The products shall be withdrawn from the market with expenses borne on those responsible and their property shall be transferred to the public for destruction.

b) Those who produce or import plant protection products without obtaining authorization concerning plant protection products shall be charged with an administrative fine of thirty thousand Turkish Liras; those who sell or hold such products without authorization shall be charged with an administrative fine of twenty thousand Turkish Liras; those who produce plant protection tools and equipment without such authorization shall be charged an administrative fine of five thousand Turkish Liras; those who sell or hold such products without authorization shall be charged with an administrative fine of three thousand Turkish Liras. An allegation shall be handed over the Public Prosecutor's Office against those who are found to smuggle plant protection products or plant protection tools and equipment into the country for proceedings in accordance with the provisions of the Law No: 5607 on Fight against Smuggling. The products shall be withdrawn from the market with expenses borne on the responsible person, and their ownership shall be transferred to the public for destruction. In case unauthorized plant protection products or plant protection tools and equipment are produced in authorized business holdings, the authorization of the place of production shall also be suspended for a year.

c) Those who apply plant protection products the use of which on plants and plant products to be placed on the market is banned or including substances that there are warnings for not using them on such products, shall be charged a judicial fine of four hundred days; if the implementer is a person who provides plant protection services with an approval, the penalty shall be doubled. The products shall be seized for destruction.

ç) If, as a result of the analyses, the plant protection products authorized by the Ministry are found incongruent with the formula or specification in the dossier that forms the basis of authorization, an administrative fine of twenty thousand Turkish Liras for plant protection products shall be charged. If, as a result of the tests and trials, the plant protection tools and machinery authorized by the Ministry are found incongruent with specification in the dossier that forms the basis of authorization, an administrative fine of two thousand Turkish Liras shall be charged. The relevant batches of defective products shall be withdrawn from the market by the person who has received the authorization and their property shall be transferred to the public in order to be destroyed. If the product is not withdrawn from the market, an additional administrative fine of five thousand Turkish Liras shall be charged to the owner of the product.

d) Those who supply - a counterfeit product by imitating - one of the authorization plant protection products or plant protection tools and machinery to the market shall be sentenced to imprisonment between one and three years and charged with a judicial fine of one thousand days.

e) Those who violate the principles of approval, production, import, labeling, placing on the market, use and control of products other than plant protection products as well as tools and machinery to be used for harmful organism control shall be charged an administrative fine of five thousand Turkish Liras.

f) The owners of the establishments which sell plant protection products in places other than those places mentioned in article 19, paragraph one of this Law shall be charged with an administrative fine of ten thousand Turkish Liras. The products shall be seized and their ownership shall be transferred to the public.

g) Those who do not keep the records required by the Ministry regarding plant protection products and do not comply with the rules of wholesale and retail sale shall be charged an administrative fine of twenty thousand Turkish Liras if authorization holders, production sites and wholesale warehouses are concerned, and five thousand Turkish Liras if retailers are concerned.

ğ) Those who violate the provisions referred in article 19, paragraph three of this Law shall be charged an administrative fine of ten thousand Turkish Liras. In case the act is performed through commercial advertisement and announcement, the penal provisions of Article 16 of the Law No. 4077 on the Protection of Consumers, shall be applied.

h) In case it is detected that the places of sale which are authorized to sell plant protection products do not comply with the dossier that forms the basis of its authorization and the relevant legislation, the owners and the persons in charge of the establishment shall be warned, if there are no risks regarding product safety, and granted a respite to correct such issues. If there are risks involved or the issues on which a warning is given are not corrected, the authorization of the point of sale shall be suspended for a period of one month to one year.

ı) Those who purchase and apply plant protection products that are required to be sold on prescription by the Ministry without prescription shall be charged an administrative fine of one thousand Turkish Liras, those who sell these products without prescription and who do not keep the records required by the Ministry shall be charged five thousand Turkish Liras.

i) Those who write plant protection products that are banned from use on prescription shall be charged an administrative fine of one thousand Turkish Liras.

j) Those who do not use plant protection products according to the information on the label shall be charged an administrative fine of one thousand Turkish Liras.

k) Those who do not destroy the wastes and packaging of plant protection products according to the rules laid down by the Ministry shall be charged an administrative fine of one thousand Turkish Liras.

ARTICLE 40- (1) The sanctions relating to food and feed are as follows:

a) Food and which are unfit for human consumption shall be withdrawn from the market where the costs borne by the responsible person, and their ownership shall be transferred to the public. An allegation for those who produce or place on the market such product shall be handed over the Public Prosecutor's Office within the scope of crimes against public health.

b) Feeds which constitute a hazard for animal health, and which are unfit for consumption shall be withdrawn from the market where the costs borne by the responsible person, and their ownership shall be transferred to the public. Those who produce or place on the market such products shall be charged with an administrative fine of five thousand Turkish Liras.

c) Those who violate the rules laid down by the Ministry in accordance with paragraph three of article 21 of this Law, shall be charged an administrative fine of five thousand Turkish Liras. Products shall be seized and their property shall be transferred to the public.

ç) Those who violate the arrangements laid down by the Ministry in accordance with paragraph four of article 21 of this Law shall be charged an administrative fine of five thousand Turkish Liras. Products shall be withdrawn from the market with expenses borne by the responsible person and their property shall be transferred to the public.

d) Those who violate the paragraph five of Article 21 of this Law shall be charged an administrative fine of ten thousand Turkish Liras. If products pose risks to human health they are withdrawn from the market with expenses borne by the responsible person, and their property shall be transferred to the public. If violation is only related to labelling requirements, an administrative fine of five thousand Turkish Liras shall be charged.

e) In accordance with paragraph six of article 21 of this Law, , those who violate restrictions and prohibitions laid down by the Ministry shall be charged an administrative fine of ten thousand Turkish Liras.

f) Those who violate paragraph two of article 22 of this Law, shall be charged an administrative fine of five thousand Turkish Liras.

g) Those who do not keep the mandatory records and submit the mandatory information to the Ministry in accordance with paragraph three of article 22 of this Law, shall be charged an administrative fine of five thousand Turkish Liras.

ğ) Those who violate paragraph four of article 22 of this Law, shall be charged an administrative fine of ten thousand Turkish Liras. The products shall be seized and their property shall be transferred to the public.

h) In accordance with paragraph six of article 22 of this Law, , those who do not cooperate shall be charged an administrative fine of three thousand Turkish Liras, whereas those who prevent the implementation of the measures taken by the Ministry shall be charged an administrative fine of five thousand Turkish Liras.

ı) Those who do not employ the staff referred to paragraph eight of article 22 of this Law, shall be charged an administrative fine of three thousand Turkish Liras.

i) Those who do not provide the information requested by the Ministry in accordance with paragraph one of article 24 of this Law, shall be charged an administrative fine of two thousand Turkish Liras.

j) Those who violate paragraph two of article 24 of this Law, shall be charged an administrative fine of two thousand Turkish Liras. In case the act is repeated more than once in a given year, the administrative fine shall be applied as ten thousand Turkish Liras. Marketing of such products shall not be allowed unless the information on the label is in compliance with the legislation.

k) The places of production and retailers which violate paragraph three of article 24 of this Law, shall be charged an administrative fine of ten thousand and one thousand Turkish Liras respectively. When the act is performed through commercial advertisement and announcement or labeling, the penal provisions of the Law No. 4077 on the Protection of Consumers, shall be applied. If the information declared on the label and the contents and analytical values do not coincide, an administrative fine of five thousand Turkish Liras shall be charged.

l) Those who commit imitation and adulteration in violation of paragraph four of article 24 of this Law, shall be charged an administrative fine of ten thousand Turkish Liras; the imitated and adulterated products shall be seized and their property shall be transferred to the public.

m) Those who do not comply with the measures taken by the Ministry based on the rapid alert system notification received in accordance with paragraph two of article 25 of this Law, shall be charged an administrative fine of five thousand Turkish Liras. If products that have been subject to rapid alert, or products derived thereof pose risk for plant, animal and human health, the product shall be seized and their property shall be transferred to the public. If such products have already been placed on the market, they shall be withdrawn from the market by their owners. The owner who does not withdraw the products from market shall be charged an administrative fine of five thousand Turkish Liras.

n) Those who do not comply with the measures implemented by the Ministry in cases of emergency and within the scope of crisis management as referred in paragraphs three and four of article 25 of this Law, shall be charged an administrative fine of five thousand Turkish Liras.

o) Those who do not comply with the precautionary measures defined by the Ministry in accordance with paragraph five of article 26 of this Law, shall be charged an administrative fine of five thousand Turkish Liras.

ö) Establishments violating the provisions laid down in paragraph 1 of article 27 of this Law, shall be charged an administrative fine of ten thousand Turkish Liras, and the operation of these establishments shall be ceased until they comply with the required conditions by the Ministry and the Ministry of Health.

p) Establishments which violate the provisions related to the products referred in paragraph 1 of article 28 of this Law, shall be charged an administrative fine of ten thousand Turkish Liras, and the products shall be seized and their property shall be transferred to the public.

Sanctions relating to hygiene and official controls

ARTICLE 41- (1) The sanctions relating to hygiene and official controls are as follows:

a) Establishments engaged in primary production which violate hygiene rules defined by the Ministry in accordance with paragraph two of article 29 of this Law, shall be charged an administrative fine of one thousand Turkish Liras, retailers shall be charged an administrative fine of two thousand Turkish Liras, other establishments be charged an administrative fine of five thousand Turkish Liras; and food and feed business operators violating the rules specified in paragraph three of the same article be charged an administrative fine of two thousand Turkish Liras.

b) Establishments which subject to approval in accordance with paragraph 1 of article 30 of this Law, , among those that operating without approval shall be charged an administrative fine of ten thousand Turkish Liras, warehouses and retailers shall be charged an administrative fine of five thousand Turkish Liras. The activities of such establishments

shall be ceased, their products shall be seized and the property of these products shall be transferred to the public.

c) Production establishments which do not get registration in accordance with paragraph 1 of article 30 of this Law, shall be charged an administrative fine of two thousand Turkish Liras, retailer establishments shall be charged an administrative fine of one thousand Turkish Liras.

ç) Those who do not provide convenience during the controls in violation of paragraph ten of article 31 of this Law, shall be charged an administrative fine of five thousand Turkish Liras unless the act does not constitute a crime.

d) In case products, which are found, by official controls, to be decomposed, putrefied, the package of which have been damaged at a level impairing the product or out of expire date are present in the market, placed for sale or consumption, the owners of establishments shall be charged an administrative fine of one thousand Turkish Liras. The products shall be seized and their property shall be transferred to the public.

e) In case it is found in official controls that the whole or a part of the establishment poses threat to human health and food safety, animal health and feed safety, and this requires emergency measures to be taken, the production activity shall be ceased entirely or the activities of the section that pose threat shall be ceased. Production establishments shall be charged an administrative fine of five thousand Turkish Liras, retailer shall be charged an administrative fine of one thousand Turkish Liras. The establishments shall not be allowed to operate until they remedy the deficiencies. The other cases which do not pose a threat to human health and food safety, animal health and feed safety or require emergency measures to be taken, the establishment shall be given a period not more than 6 months to correct the inconveniences. If the inconveniences are not corrected within the specified period, entire production or the activities of the section where the inconvenience persists shall be ceased, and an administrative fine of five thousand Turkish Liras shall be charged on production establishments, an administrative fine of one thousand Turkish Liras shall be charged on retailers in such cases.

f) In cases where agencies and organizations put in charge in accordance with paragraph eleven of article 31 of this Law, are incapable of performing the task delegated to them or are engaged in misconduct, delegation shall be withdrawn.

g) Laboratories operating without the approval of the Ministry in line with Article 33 of this Law shall be cease and desist and their owners shall be charged an administrative fine of fifteen thousand Turkish Liras. Owners of the laboratories, who issue analyses report without performing analysis, shall be charged an administrative fine of ten thousand Turkish Liras. In case of repetition of the violation within one year, the fine shall be doubled.

ğ) Those who do not keep the records required by the Ministry or do not submit them within the specified period as laid down in paragraph five of article 33 of this Law, shall be charged an administrative fine of five thousand Turkish Liras

h) When the official controls indicate that the laboratories which is granted approval for establishment and their activity from the Ministry are not in compliance with the legislation, they shall be granted 3 month period to correct these inconveniencies. If the inconveniences are not corrected within the specified period, an administrative fine of five thousand Turkish Liras shall be charged and the laboratory shall be banned from the activity concerned until the inconvenience is corrected.

ı) An allegation shall be handed over the Public Prosecutor's Office against the owners of smuggled live animals and products in violation of the rules laid down by the Ministry relating to provisions concerning imports in article 34 of this Law for proceedings in accordance with the Law no 5607 on the Fight Against Smuggling. Live animals and products shall be seized and their ownership shall be transferred to the public. Bovine as well as ovine

and caprine animals found to be smuggled into the country shall be slaughtered in the closest slaughterhouse, and their ownership shall be transferred to the public. If smuggled live animals and products have been placed on the market, they shall be withdrawn from the market by the owner. If they are not withdrawn, their owners shall be charged an administrative fine of five thousand Turkish Liras as a penalty for not withdrawing.

i) Those who place the products that their entrance are allowed within the scope of derogations referred in paragraphs five and six of article 44 of this Law, , on the market for commercial purposes shall be charged an administrative fine of five thousand Turkish Liras, and the products shall be withdrawn from the market, seized and their property shall be transferred to the public.

The Implementation, Collection and Objections to the fines

ARTICLE 42-(1) The procedures of those who are found to deceive the Ministry by forging or counterfeiting official documents required by the Ministry shall be ceased, and allegation about them shall be handed over the Prosecutor's office.

(2) Provincial Agricultural Director of the Ministry is authorized to apply administrative sanctions laid down in this law. Provincial Agricultural Director of the Ministry can delegate this authorization to the District Agricultural Director of the Ministry in writing. However, the control officer is also authorized to apply administrative sanctions other than the administrative fines during official controls and when a hazard occurs on human health, food and feed safety, plant and animal health and urgent measures need to be taken. Administrative fines imposed shall be payable within thirty days.

(3) Activities of culling and stamping out shall be carried out under the supervision of the Ministry with all expenses borne by the owner. In case the animals are caught without an owner, the expenses shall be paid from the budget of the Ministry.

(4) In case live animals and products required to be withdrawn from the market by the owners are not withdrawn as such, they shall be withdrawn by the Ministry, and the owner or the person in charge of such animals and products shall be required to pay twofold of the expenses within one month.

(5) The amount not paid within the period given shall be prosecuted and collected according to the Procedural law on Collection of Public Claims No. 6183.

SECTION NINE

Miscellaneous Provisions

CHAPTER ONE

Commissions and Cooperation with Relevant Institutions, Exceptional Practices and Competences

Commissions and cooperation with relevant institutions

ARTICLE 43 – (1) The Ministry may establish commissions, and committees regarding matters under the scope of this Law

(2) The Ministry cooperates with the relevant institution and establishments and other Ministries regarding implementation of this Law.

(3) The Ministry of Interior shall assist the Ministry in its combat/control against animal diseases, plant diseases and pests, and the Ministry of Environment and Forestry shall provide assistance in the struggle against wild animals damaging cultivated areas as well as issues relating to wild life during the struggle against animal diseases.

(4) Rules and procedures related to the implementation of this article shall be laid down in an implementing regulation to be adopted by the Ministry

Exceptional practices

ARTICLE 44 – (1) The Ministry may adopt exceptional practices regarding the presentation, by producer or hunter, of primary products, poultry slaughtered at farms, the fresh meat of lagomorphs, game and the game meat directly to the final consumer or to local retailers supplying these directly to the final consumer at small amounts specified by the Ministry.

(2) The Ministry, taking into account the hygiene conditions, may permit the use of traditional methods in the production, processing or distribution of food, and may adopt exceptional practices as a solution to the problems of food business operators that work at regions with geographical restrictions.

(3) The Ministry may introduce exceptional practices on the design and equipment of the construction in relation to premises.

(4) The Ministry can introduce exceptional practices for slaughters and slaughterhouses for sacrificial animals and personal needs in villages.

(5) Without prejudice to the quarantine provisions regarding animal and plant health, the Ministry may introduce exceptional practices relating to the entry of live animals and products not intended for commercial use to the country.

(6) Without prejudice to the quarantine provisions, the Ministry may introduce exceptional practices regarding the entry of harmful organisms, beneficial organisms, plants, plant products and plant protection products for scientific and experimental purposes to the country.

(7) Rules and procedures related to the implementation of this article shall be laid down in an implementing regulation to be adopted by the Ministry

Competences

Article 45– (1) The Ministry is authorized to carry out activities, to conduct official controls, to assign duties and responsibilities to relevant parties, to ensure coordination on issues covered in this Law.

(2) The Ministry is authorized for the issues covered in this Law which require international contacts and cooperation.

(3) Within the premises of the Turkish Army, relevant units of the Turkish Army, in cooperation with the Ministry, shall carry out inspection and control activities related to veterinary services and food

CHAPTER TWO

Amended, Repealed and Inapplicable Provisions

Amended provisions

ARTICLE 46- (1) In the Law No. 5602 dated 14/3/2007 on regulation of Collection of Taxes, Funds and Shares from the Earnings of Games of Chance ;

a) the term “net earnings” referred to in paragraph 1(e), Article 3, has been replaced by the term “excluding net earnings obtained and revenues earned from the horse breeding activities”

b) the term “earnings obtained” referred to in paragraph 1, Article 5 has been replaced by the term “excluding the earnings obtained and revenues earned from the horse breeding activities”, the sentence “Expenses regarding horse breeding activities shall not be included in the investment and operating costs” has been inserted to the end of the paragraph , and following paragraph shall be inserted as an additional paragraph to the end of the same Article:

“(5) Revenues earned from horse breeding activities shall be determined by the Ministry and Ministry of Agriculture and Rural Affairs collectively.”

c) Following new provisional article has been inserted to come after Provisional Article 4.

“PROVISIONAL ARTICLE 5 – (1) From relevant institutions and organisations, in accordance with the Law No. 6132 , the following shall be applied for those parties, from institutions and agencies, running lotteries in line with the Law No . 6132, with the real debts written in their books and documents as of 31/3/2007: In case where by applying the rate specified in Article 5 to the sum of quarterly earnings of a calendar year and other revenues obtained under a name whatsoever indicates an increase, in the public share of the total revenues where revenues obtained in the same period of the preceding calendar year, the ceiling for investment and operating expenditures defined in Article 5 shall be calculated by summing the amount calculated by applying the rate specified in Article 5 to the sum of quarterly earnings of the preceding calendar year and other revenues obtained under a name whatsoever in the preceding year plus 29% of the increased amount. In cases where the investment and operating expenses are less than the amount calculated, as defined above, payments related to the real debts presented in institutions’ and agencies’ books and documents as of 31/3/2007 may be appropriated to the calculated public share until it reaches the ceiling calculated according to this Article. The amount of appropriations shall not exceed the total debts on the date mentioned.

(2) In the Law No. 6132 on Horseracing dated 10/07/1953;

a) The term “Regulation” referred to in paragraph 2 of Article 5 shall be replaced by “implementing regulation” and the following sentence has been inserted to the end of paragraph 1 of the same article:

“The land allocated to the Ministry of Agriculture and Rural Affairs may be used, free of charge, by institutions, agencies or legal persons which are delegated the competence to organize horse races.

b) Article 8 has been amended as follows:

“ARTICLE 8- In accordance with this Law and international racing rules and in view of the country’s needs and the requirements of the particular work, Implementing Regulations to be issued by the Ministry of Agriculture and Rural Affairs shall lay down the principles of procedures related to the rules, organization, implementation and inspection of races; the regulation and management of race sites; technical, administrative, financial and disciplinary issues related to prizes or revenues of pari-mutuals; the establishment, tasks and authorities of the Council of High Commissioners; the monthly net settlements, at a maximum four-fold of the minimum gross wage set for employees above the age 16, and the daily allowances to be paid from race revenues to personnel subject to State Personnel Law No. 657 and the Statutory Decree No. 399 and to other personnel; the establishment of Jockey Accident and Provident Funds, persons that may register to these funds; deductions to be made from the provident fund at a maximum 10% of the horse riding fee; the determination of the other revenues of the funds, the expenditure of the revenues and the loan of the revenues to the relevant institutions and organizations authorized in Article 5 or the transfer of the revenues to an account as stipulated in additional article 1; in which cases and by which authorities disciplinary penalties may be imposed; methods of supervision and inspection of races and those to be used by authorized associations, municipalities and special provincial administrations, and procedures related to doping controls.”

c) The provisional article below has been inserted, such that it follows provisional article 2:

“PROVISIONAL ARTICLE 3 – The Implementing Regulations stipulated in Article 8 shall enter into force within one year as from the publication date of this article, at the latest. Until these Implementing Regulations enter into force, the provisions of Regulations, enforced based on this Law, which do not contradict with Article 8 shall be continued to be implemented.”

(3) Subparagraph (7) of the first paragraph of Article 27 of the Law No. 6343 dated 9/3/1954 on the Execution of the Veterinary Profession, the Establishment and Tasks of the Turkish Veterinary Medical Association and Veterinary Chambers has been as follows:

“7. Provided that they attend the Grand Assembly, and accepting the president of veterinary chambers as at-large delegates, to elect among the members of relevant chambers, (4) delegates from those with a member number up to (150), (5) delegates from those with a member number between (151-300), (6) delegates from those with a member number between (301-600), (8) delegates from those with a member number between (601-1000) and an additional (1) delegate for each (500) members for those with a member number above (1000), and to elect the same numbers of substitutes.”

Provisions that have been repealed

ARTICLE 47-(1) The Law No. 5179 of 27/5/2004 on the Enactment of the Amended Decree Having the Force of Law on the Production, Consumption and Inspection of Food has been repealed.

(2) The words “the Law No. 5179 of 27/5/2004 on the Enactment of the Amended Decree Having the Force of Law on the Production, Consumption and Inspection of Food” are deleted from *Article 84 of Municipalities Law No. 5393* and *Article 70 of Special Provincial Administrations Law No.5302*

(3) Law No. 3285 of 8/5/1986 on Animal Health and Control has been repealed.

(4) Law No. 6968 of 15/5/1957 on Plant Protection and Agricultural Quarantine has been repealed.

(5) Feed Law No. 1734 of 29/5/1973 has been repealed.

(6) Animal Breeding Law No. 4631 of 28.2.2001 has been repealed.

(7) Last paragraph of Article 23 and last paragraph of subparagraph (h) of article 36, of Law No. 1380 of 22/3/1971 on Fishery Products have been repealed.

(8) Additional Article 2 and 3 of Law No. 1262 of 14/5/1928 on Pharmaceuticals and Medical Preparations have been repealed.

(9) Article 23 of the Law No. 5199 of 24/6/2004 on the Protection of Animals has been repealed.

(10) Second paragraph of Article 11 of Law no. 6343 of 09/03/1954 on the Performance of the Veterinary Medical Profession, The Establishment Style of Turkish Veterinary Surgeons Union and Chambers, and the Duties they shall Perform have been repealed.

Provisions and References Which Shall Not Apply

ARTICLE 48 – (1) In the event of inconsistency of the Special Provincial Administrations Law No.5302 of 22/2/2005 and Metropolitan Municipalities Law No. 5216 of 10/7/2004 and the Municipality Law No. 5393 of 3/7/2001 with the provisions of the mentioned Law, the provisions of this Law shall apply.(2) Permits defined in Sub-paragraph (c), (d), (j) and (t) of paragraph 7, Article 7 of Municipalities Law No. 5216 of 10/7/2004; sub-paragraph (c) and (l) of paragraph 1, and paragraph 2 of Article 15 of Municipality Law No. 5393 of 3/7/2005 and sub-paragraph (a) and (g) of paragraph 1, Article 7 of the Special Provincial Administrations Law No.5302 of 22/2/2005 shall not cover the technical and

hygienic conditions of establishments on food and food contact materials and articles, and issues related to food safety and quality.

(3) References to this law and the laws which are repealed shall be considered as to be made to the relevant provisions of this Law .

Provisions that are provisional

PROVISIONAL ARTICLE 1 – (1) Implementing Regulations foreseen in this Law, and rules and procedures regarding implementation of this Law will enter into force within eighteen months after its date of publication. Until the rules and procedures and implementing regulations regarding implementation of this Law enters into force, the provisions of the implementing regulations and legislation adopted on the basis of repealed Law No. 5179 on the Enactment of the Amended Decree with the Force of Law on the Production, Consumption and Inspection of Food, Feed Law No. 1734, Animal Health and Control Law No. 3285, Animal Breeding Law No. 4631 and Law No. 6968 on Plant Protection and Agricultural Quarantine that are not contrary to the provisions of this Law shall be continued to be implemented.

(2) Premises and establishments currently in operation shall accommodate to new obligations brought by this Law within the specified time determined in relevant implementing regulations.

(3) In case appropriate positions are not available for the staff in the category of health services and auxillary health services as well as technical services required to fulfill the duties laid down in this Law, the Council of Ministers shall be authorized, for one year commencing from the entry into force of this Law, to adopt amendments in such positions, without prejudice to the positions available and without prejudice to the last paragraph of Article 9 of Decree Law No. 190 on General Staffing and Relevant Procedure.

(4)Horses owner of which has not applied, within the period defined, for entry of that horse into studbook, before entry into force of this Law, may only be registered into the studbook by taking into account the necessary documentation identified by the Ministry, provided that such application is lodged within 6 months of entry into force of this Law, dam-sire is verified with a DNA test, an expert mission appointed by the Ministry conducts morphological examination in cases deemed necessary and an administrative fine of 5000 Turkish Lira for each horse is paid.

Enforcement

ARTICLE 49- (1) This Law shall enter into force in line with the schedule given below:

a) First paragraph of Article 46 which will be valid from 1 April 2010 shall enter into force on the date of its publication

b) First paragraph of Article 31, Article 33, second and third paragraphs of Article 46 and fourth paragraph of provisional article no.1 shall enter into force on the date of publication

c) Other articles shall enter into force 6 months after its publication

Execution

ARTICLE 50 – (1) The Council of Ministers executes the provisions of this Law.

FOOD AND FEED ESTABLISHMENTS THAT ARE OBLIGED TO EMPLOY STAFF IN ACCORDANCE WITH THE TYPE OF PRODUCTION, AND THE PROFESSIONS THAT CAN WORK AT SUCH ESTABLISHMENTS

A. Food Establishments

Establishments	Professions
Establishments producing alcoholic beverages	Food engineer, Agricultural engineer (food department), Chemical engineer, Chemist
Establishments producing non-alcoholic beverages (Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Food engineer, Agricultural engineer (food and milk departments), Chemical engineer, Chemist
Establishments producing spices, dried fruits and nuts, chips, and snacks (Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Food engineer, Agricultural engineer, Chemical engineer, Chemist
Establishments producing honey, pollen, royal jelly, honey comb (Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Food engineer, Veterinarian, Agricultural engineer (food and zootechnics)
Establishments producing bread and bakery products (Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Food engineer, Agricultural engineer, Chemical engineer, Chemist
Establishments producing meat and meat products (except butcheries)	Veterinarian, Food engineer, Agricultural engineer (food department)
Establishments producing functional food	Food engineer, Agricultural engineer (food and milk department), Chemical engineer, Chemist, Veterinarian
Establishments producing plant extracts and aromatic oils intended for food	Food engineer, Agricultural engineer, Chemical engineer, Chemist
Establishments carrying out food irradiation	Food engineer, Agricultural engineer (food department), Chemical engineer, Chemist, Veterinarian, Fisheries engineer
Establishments producing materials and articles that come into contact with food (Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Food engineer, Agricultural engineer (food department), Chemical engineer, Chemist

Establishments producing catering food, a-la-carte meals, and appetizers	Food engineer, Agricultural engineer (food and milk departments), Chemical engineer, Chemist, Dietician, Graduates of nutrition department of home economy college, Veterinarian
Industrial slaughterhouses, slaughterhouses, cutting plants and intestine processing establishments	Veterinarian
Establishments producing margarine, vegetable oils, and olive oil (Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Food engineer, Agricultural engineer (food department), Chemical engineer, Chemist
Establishments producing yeast, fermented, or brined products (Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Food engineer, Agricultural engineer, Biologist, Chemical Engineer, Chemists
Establishments processing fruits and vegetables (Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Food engineer, Agricultural engineer, Chemical Engineer, Chemists
Establishments producing food for special dietary purposes	Food engineer, Agricultural engineer (food and milk departments), Chemical engineer, Chemist
Establishments producing black tea, herbal and fruit teas (Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Food engineer, Agricultural engineer, Chemical engineer, Chemist
Establishments processing fishery products, fish markets and places of fish wholesale trade	Fisheries engineer, Fisheries and fishing technology engineer, Food engineer, Agricultural engineer (food and fishery products), Veterinarian
Establishments processing milk and dairy products (establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Veterinarian, Food engineer, Agricultural engineer (food and milk departments)
Establishments producing sugar and confectionary products (Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Food engineer, Agricultural engineer (food and milk departments), Chemical engineer, Chemist
Establishments producing food supplements	Food engineer, Agricultural engineer (food department), Chemical engineer, Chemist
Establishments producing food with powder mixture	Food engineer, Agricultural

(Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	engineer (food and milk departments), Chemical engineer, Chemist
Establishments producing flour, semolina, cracked wheat, rice, pasta, and biscuits (Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Food engineer, Agricultural engineer, Chemical engineer, Chemist
Establishments processing, storing, or packing eggs (Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff)	Food engineer, Agricultural engineer, Veterinarian, Chemist, Chemical engineer
Food Establishments with an engine power exceeding 30 HP, or employing more than a total of 10 staff, other than the lines of establishments mentioned above	In accordance with the kind of work, Food engineer, Veterinarian, Fisheries engineer, Agricultural engineer, Chemist, Chemical engineer

B. Feed Establishments

Establishments producing certain products used to feed animals, such as bioproteins	Agricultural engineer (zootechnics department), Veterinarian, Chemist, Chemical engineer, biologist
Establishments producing pet food using animal by-products	Veterinarian, Agricultural engineer (zootechnics department)
Facilities processing animal by-product	Veterinarian
Establishments which produce mixed feed, and which are subject to approval	Agricultural engineer (Zootechnics), Veterinarian, Fisheries engineer, Fisheries and fishing technology engineer (at establishments producing fish feed)
Establishments producing feed additives and premixes	Agricultural engineer (zootechnics department), Veterinarian, Chemist, Chemical engineer

PROFESSIONS, THAT RESPONSIBLE FROM THE OFFICAL CONTROLS ON STAGES OF PRODUCTION, PROCESSING AND DISTRIBUTION

A. PRIMARY PRODUCTION	Animal production		Veterinarian, Agricultural engineer (zootechnician), Fishery engineer, Fisheries and fishing technology engineer,
	Plant and Plant production		Agricultural engineer
B. PRODUCTION AND PROCESSING	Food and Feed of Animal origin	Slaughterhouse, industrial slaughterhouse and cutting plants	Veterinarian
		Establishments processing meat and meat products	Veterinarian, food engineer, agricultural engineer (food department)
		Establishments processing fishery products	Veterinarian, Fishery engineer, Fishery and fishing technology engineer, food engineer, agricultural engineer (food department and Fishery department)
		Establishments processing milk and dairy products	Veterinarian, food engineer, agricultural engineer (food department and dairy technology department)
		Establishments processing, storing and packaging eggs	Veterinarian, food engineer, agricultural engineer (food department)
		Establishments producing honey, pollen, royal jelly, honey comb	Veterinarian, Food Engineer, Agricultural Engineer (Food Department)
		Establishments	Veterinarian

		processing animal by-products	
		Establishments producing pet food using animal by-products	Veterinarian
	Feed establishments		Agricultural Engineer , Veterinarian, Fishery Engineer (at establishments producing fish feed)
	Food of non-animal origin		Food Engineer, Agricultural Engineer,
	Food including compounds of non-animal origin and animal origin		Veterinarian, Food Engineer, Agricultural Engineer
	Establishments producing materials and articles that come into contact with food		Food Engineer, Agricultural Engineer (Food Department), Chemical Engineer, Chemist
	Establishments producing Veterinary health products	Veterinary biological products	Veterinarian
		Veterinary health products other than Veterinary biological products	Veterinarian, Chemist, Chemical Engineer, Pharmacist
	Establishments producing Plant Protection Products		Agricultural Engineer, Chemist, Chemical Engineer
C. DISTRIBUTION	Establishments of Retail sale	Meat storage and distribution	Veterinarian
		Plant and Plant products	Agricultural Engineer
		Food of animal origin	Veterinarian, Food Engineer, Agricultural Engineer
		Food of non-animal origin	Agricultural Engineer, Food Engineer,
		Food including compounds of non-animal origin and animal origin	Veterinarian, Food Engineer, Agricultural Engineer
		Materials and articles that come into contact with food	Food Engineer, Agricultural Engineer (Food Department), Chemical Engineer,

			Chemist
	Establishments marketing veterinary health products	Veterinary biological products	Veterinarian
		Other veterinary health products	Veterinarian, Chemist, Chemical Engineer, Pharmacist
	Establishments marketing plant protection products		Agricultural Engineer, Chemist, Chemical Engineer
	Feeds		Agricultural Engineer, Veterinarian
Ç. IMPORT	Plant and plant products, and other objects		Agricultural Engineer
	Forestry plant and plant products and wood packaging material		Agricultural Engineer, Forestry Engineer, Forestry Industry Engineer
	Live animals and animal products		Veterinarian
	Products of non-animal origin		Agricultural Engineer, Food Engineer
	Food including compounds of non-animal origin and animal origin		Veterinarian, Food Engineer, Agricultural Engineer
	Materials and articles that come into contact with food		Food Engineer, Agricultural Engineer (Food Department), Chemical Engineer, Chemist
	Feeds		Agricultural Engineer, Veterinarian
	Veterinary health products	a) Veterinary biological products	Veterinarian
		b) Other veterinary health products	Veterinarian, Chemist, Chemical Engineer, Pharmacist
	Plant protection products		Agricultural Engineer, Chemist, Chemical Engineer