

From the Ministry of Food, Agriculture and Livestock:

REGULATION ON PLANT QUARANTINE

PART ONE

Objective, Scope, Legal Basis, Definitions and Abbreviations

Objective

ARTICLE 1- (1) The objective of this Regulation is to lay down the procedures and principles concerning the issues related with plants, plant products and other substances with respect to plant health in the entry into and exit from our Country.

Scope

ARTICLE 2 – (1) This Regulation includes the determination of harmful organisms hindering import and the issues that plants, plant products and other substances shall be subject to in terms of plant health in the entry and exit procedures into the customs area of Turkey and also the official controls.

(2) Products those are brought into free zones from abroad and also those dispatched to outside from free zones are subject to the provisions of this Regulation.

Legal Basis

ARTICLE 3- (1) This Regulation has been drawn up on the basis of the relevant articles of the Decree Having Force of Law on the Organization and Duties of the Ministry of Food, Agriculture and Livestock No. 639 and dated 3/6/2011 and “Law on Veterinary Services, Plant Health, Food and Feed” No. 5996 and dated 11/6/2010.

Definitions and Abbreviations

ARTICLE 4- (1) For the purposes of this Regulation;

- a) Wooden packaging material means wood and wood products except for paper products used to protect or carry a product including packaging support materials,
- b) Ministry denotes to the Ministry of Food, Agriculture and Livestock,
- c) Plant means living plants and their fruits and vegetables except for the frozen ones, tubers, corms, bulbs and rhizomes, cut flowers, branches with foliage, pruning residues which retain any foliage, leaves, plant tissue cultures, live pollens and certain live parts such as bud wood, cuttings and scions and seeds in the botanical sense,
- ç) Plant Health Certificate means a certificate demonstrating that plants, plant products and other substances are in compliance with the phytosanitary requirements set forth in this Regulation. A sample copy is drawn up in accordance with the form provided in Annex-7,
- d) Plant product means products of plant origin, unprocessed or having undergone simple process in so far as these are not defined as plants,
- e) Exit means the exit of plants, plant products and other substances from the Customs Area of Turkey including free zones and their exportation,
- f) Disinfection means the procedure involving the use of physical or chemical methods and substances for the purpose of eliminating or neutralizing harmful organisms,
- g) Other substances mean substances other than plants and plant products that may have a risk to carry harmful organisms in terms of plant health,
- ğ) Plants intended for planting means any plant which is already planted and shall remain planted or plants which will be later dislocated as well as plants which are not already planted, but shall be planted,

h) Fumigation means the release of a certain amount of fumigant that is effective in gaseous form in a closed environment which has a certain temperature and keeping it there for a certain period of time in order to eradicate harmful organisms,

1) General Directorate denotes to the General Directorate of Food and Control,

i) Entry means entry and import of plants, plant products and other substances into the Customs Area of Turkey including free zones and their subjection to transit regime,

j) ISPM stands for International Standards for Phytosanitary Measures.

k) Inspector denotes to the controller who has been trained by the Ministry in order to draw up the necessary documents by carrying out any kinds of official controls for plants, plant products and other substances in terms of plant health during the entry into and exit from the Customs Area of Turkey including free zones and transit pass in the Customs Area of Turkey and who has been authorized with official controls,

l) Import means the subjection of plants, plant products and other substances to the procedures of entry into free movement regime, customs warehouse regime, domestic processing regime, processing under customs control regime and temporary importation regime,

m) Quarantine means control of plants, plant products and other substances in order to prevent entry into or spread in the country of harmful organisms,

n) Harmful organisms that are subject to quarantine denotes to the harmful organisms identified in the Annex-1 and Annex-2 of this Regulation,

o) Lot/Batch denotes to a certain number of units of a homogenous single product in terms of composition and origin in a shipment,

ö) Country of origin denotes to the country for plants where the plants are grown; the country where plants are grown for the plant products to obtain plant products, the country where other substances are subject to contamination at first by the pests for these substances,

p) Directorate denotes to Agricultural Quarantine Directorate and Provincial or District Directorates of the Ministry in places where this Directorate does not exist,

r) Sample denotes to the example to be subjected to official control taken from plants, plant products and other substances at a size determined by the General Directorate,

s) Wood means all wood with or without bark including industrial, fibre, chip, wood for paper and fuel wood whether sawn or not,

ş) Approved fumigation denotes to the fumigation process carried out in accordance with the method approved by the Ministry,

t) Blending means mixing of product samples chosen in accordance with random sampling at a certain ratio that will represent the entire product to be examined,

u) Official control means any form of control including monitoring, surveillance, inspection, examination, quarantine, sampling and similar procedures that inspectors perform *intra vires* for the verification of compliance of the activities within the scope of this Regulation with the provisions of this Regulation,

ü) Transit means transit of plants, plant products and other substances which are not subject to free movement, from a foreign country to another foreign country over the Customs Area of Turkey,

v) Re-Export denotes to the export regime performed for plants and plant products that enter into our Country and to be exported to another country from our Country,

y) Re-Export Phytosanitary Certificate denotes to the certificate drawn up for re-exported plants, plant products and other substances in accordance with the form of which a copy is enclosed in Annex-8,

z) Harmful organism means type, strain (race) or biotypes of plant, animal or pathogenic agents that are harmful to plants or plant products,

aa) Pest free area refers to an area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained,

bb) Pest free place of production refers to a place of production in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained for a defined period,

çç) Interception;

1) Harmful organisms: means determination of harmful organisms during the visual examination or test of a shipment whose entry is requested,

2) The shipment: means the rejection of a shipment, whose entry is requested, for non-compliance to plant health legislation or the provision of its entry in a controlled manner,

dd) Entry point: means the area where plants, plant products and other substances are brought into the customs area of Turkey including free zones for the first time; it means the location of airport on arrival by air, the location of sea port on arrival by sea and the location of customs office responsible for the related area where the land border is passed on arrival overland,

ee) Consignment refers to a quantity of plants, plant products or other articles being moved from one country to another and covered, when required, by a single phytosanitary certificate (a consignment may be composed of one or more commodities or lots),

ff) Debarked wood means the wood treated resulting in the removal of the bark (Debarked wood should not have to be the wood completely without bark),

gg) Wood without bark means the wood all its barks are removed except for bark cavities between the annual growth rings and the barks growing inwards around the knot,

ğğ) Customs Area of Turkey means territories of the Republic of Turkey covering territorial waters, inland waters and airspace of the Republic of Turkey,

PART TWO

Official Controls

Official Control

ARTICLE 5- (1) Entry into the Customs Area of Turkey including free zones and subjection to transit regime of plants, plant products and other substances and their exit from the Customs Area of Turkey including free zones are subject to official controls.

(2) Official Controls of plants, plant products and other substances by the inspector are carried out as being the document, declaration and phytosanitary control, by making in-situ examination, examination at the laboratory by taking samples or by making analysis or having analysis made for detailed examination at the laboratory by taking samples.

(3) Laboratory analyses on plant health of plants, plant products and other substances are made in the following institutions; Directorates of Agricultural Quarantine, Directorates of Plant Protection Research Institutes/Stations, Directorates of Forestry Research Institutes and other directorates of research institutes/stations under the Ministry that are authorized by the Ministry.

(4) Inspector shall enter any place, control transportation vehicles and take samples for the official control of plants, plant products and other substances within the scope of this Regulation. The inspector shall not make any payments for the samples. The relevant person with the product shall be obliged to provide any assistance during the course of the official controls and provide convenience and minimum control requirements as well as additional safety measures when necessary.

(5) Necessary protection measures shall be taken in cases when the existence or suspicion of harmful organisms subject to quarantine listed on Annex-1 and Annex-2 of this Regulation are determined in the course of official controls by the inspector. In such cases, the inspector is authorized to undertake necessary controls, sampling and other examinations in order to prevent the spread of harmful organisms subject to quarantine as well as the establishment of protection and surveillance areas; also to take any measures including the eradication of plants, plant products and other substances that may lead to the spread of harmful organisms subject to quarantine.

Entry and exit gates

ARTICLE 6- (1) Entry and exit gates of plants and plant products into the country, laid down in Annex-5, shall be determined with a Communiqué to be published by the Ministry of Customs and Trade upon the consent of the Ministry.

(2) Entry and exit of plants and plant products may be performed in all Customs Administration offices. However, the exit gates for some countries and products may be limited by the Directorate General in line with the plant health requirements of the recipient countries.

(3) The minimum conditions required for the phytosanitary border control points shall be determined with an instruction to be issued by the Ministry. The entry gates that are approved as the phytosanitary border control point shall be obliged to have the minimum conditions determined in these instructions for the official control of the plants, plant products and other substances."

PART THREE

Entry Control

Import Control

ARTICLE 7 – (1) Natural or legal persons or their legal representatives responsible for the shipment during the entry of plants, plant products and other substances into the country shall apply to the Directorate with the Entry Application Form of which a sample has been laid down by the General Directorate. Originals of Phytosanitary Certificate or Re-Export Phytosanitary Certificate drawn up by the official plant protection office of the exporting country, a copy of international transportation documents declared to the customs and a photocopy of the invoice of the product are enclosed to the Application Form. Importers and their legal representatives must fulfill the following conditions before the importation:

a) Importers or their legal representatives shall be recorded in the electronic information system and a registration number shall be given.

b) Importers or their legal representatives shall report to relevant directorates in advance the importation of plants, plant products and other substances to be carried out in the near future. This notification shall be made at least 24 hours before the arrival of the shipment in transport by sea; at least 4 hours before the arrival of the shipment in transport by air; and at least 12 hours before the arrival of the shipment in transport overland. This notification shall be made to the Directorate located at the entry point along with the registration number in accordance with the shipment notification form given in Annex-10.

(2) Entry control shall be carried out at three stages as the documentary check of the shipment or batch, identity check and plant health check:

a) Documentary check is a control whether the documents required to be enclosed to the application letter for the shipment or batch are drawn up in a complete and orderly manner and whether plants, plant products and growth mediums banned for entry into the country as indicated in Annex-3 exist and whether the specific requirements presented in Annex-4 are indicated in the Phytosanitary Certificate.

b) Declaration check is a control whether the documents submitted as annexes to the application letter are in conformity with the product intended to be introduced.

c) Plant health check is an official control made, following the completion of document and declaration controls, to determine whether plants, plant products and other substances intended to be introduced, their packages and transportation vehicles, when necessary, are free from harmful organisms subject to quarantine given in Annex-1 and Annex-2 of this Regulation and whether they possess the specific requirements presented in Annex-4 and whether plants, plant products and growth mediums banned for entry into the country as indicated in Annex-3 exist.

(3) Official controls of wooden packaging materials used for the transportation of goods other than plants and plant products within the scope of this Regulation shall be carried out in cooperation with Customs Directorates in accordance with controls reduced at proper frequencies based on risks.

(4) Inspector shall confirm whether the harmful organism detected during the course of official control of plants and plant products and other substances to be introduced is among the harmful organisms subject to quarantine in the lists given in Annex-1 and Annex-2 by a laboratory test.

(5) During shipments undeclared containing plants, plant products and other substances; in cases where there are reasonable grounds to suspect the presence of plants, plant products and other substances, official controls are carried out on these shipments to meet the requirements of this Regulation.

(6) In cases where declaration and plant health checks of plants, plant products and other substances listed in Annex-5 are not possible to make at the entry point, transfer of the products to another authorized control point in the country may be allowed by performing the documentary check at the entry point. In such cases;

a) "Phytosanitary Certificate of Circulation" is filled in and approved as an original and a copy by the Inspectors located at the first entry point in accordance with the example given in Annex-11 and the above mentioned transfer is accompanied by the original of the document. This document is filled in legibly in capital letters handwritten or electronically. Phytosanitary Certificate of Circulation is requested by the related Directorate at the destination point.

b) Official Controls are carried out in customs areas, in temporary storage areas under customs supervision and in depository areas as long as the isolation is provided.

c) The provision of the 4th article in the Phytosanitary Certificate of Circulation related to the transportation is filled in and signed by the importer / representative or carrier under the control of the Directorate in order to avoid the risk of infection and spread of harmful organisms during transportation.

ç) The Directorate responsible for the control at the destination point ensures the fulfillment of minimum conditions set by the Ministry in accordance with the instructions in order to carry out official controls and the availability and / or being kept of adequate facilities, tools and equipment.

d) Transportation vehicles used for the transfer of products whose control could not be made at the entry point or the packages of the shipment must be closed and sealed to ensure that the products will not cause infestation or infection and their content will remain unchanged during their transportation to proper examination locations (warehouses, depository areas and so on). Only in reasoned cases, related Directorate may allow the uncovered or unsealed shipments of the said products on condition that they do not cause infestation or infection during their transportation to approved locations for examination.

e) Temporary storage and depository areas indicated in item (b) should be under the supervision of the Customs Directorate, their physical connection with the environment should be cut and they should be isolated from the external environment, necessary measures should be taken to prevent the contamination of harmful organisms from outside and entry into and exit from these areas must be under control. Pursuant to the application petition given by the Company, the appropriateness of temporary storage and depository areas is controlled by the related Directorate. Reasons of inappropriateness of the temporary storage and depository areas found inappropriate and additional measures to be taken are notified to the importer and to the relevant Customs Directorate by the Directorate.

f) The information exchange between the Directorate and Customs Directorates at the entry point and arrival point concerning the packing and transportation of plants, plant products and other substances planned to be imported is ensured to be carried out effectively by using the Phytosanitary Certificate of Circulation in written or electronically.

g) The importer of the shipment should notify the relevant Directorate at the arrival point in advance of the entry of said products in accordance with the item (b) of the first paragraph of the 7th article.

In the event of any change related to the notification, the importer should notify the relevant Directorate at the arrival point.

ğ) Harmful risk analysis in conformity with international phytosanitary standards may be requested from the countries where plants and plant products will be imported to our country within the scope of International Plant Protection Convention (IPPC) during the first importation or in the case of the change of phytosanitary conditions.

Transit control

ARTICLE 8 – (1) Transition of plants, plant products and other substances from a foreign country to a foreign country over Customs Territory of Turkey is subject to the transit procedure. However, the plants, plant products and other substances brought into the harbor reach in closed containers by sea and again exported by sea without unpacking in the same harbor reach, and the plants, plant products and other substances brought into the harbor reach in closed containers by air and again exported or imported by air without unpacking in the same harbor reach are not subject to the transit procedure.

(2) Applications shall be made to the Directorate for plants and plant products whose transit control is requested by the transit form of which a sample is specified by the General Directorate.

(3) Plants, plant products and other substances are permitted to transit pass in closed and sealed transportation vehicles preventing the contamination and spread of harmful organisms in our territories by subjecting to documentary check and, when necessary, declaration and plant health checks by the inspector when they do not pose a risk in terms of plant health.

(4) Plants, plant products and other substances which are banned to be introduced into the country listed in Annex-3 shall be transiting by protected refrigerated vehicles and closed container transportation vehicles without changing their customs status. These shall not be subject to grounding, unloading and transfer procedures under no circumstances.

(5) Phytosanitary Certificates or Re-Export Phytosanitary Certificates shall not be drawn up for plants and plant products that are transiting from the Customs Area of Turkey that are not imported and are not subject to pest invasion or contamination. Partition, combining with another shipment and when there is a change in the transportation vehicle or packaging of plants and plant products within the scope of transit regime that are not imported yet, the Phytosanitary Certificate of the exporting country shall be taken and the necessary controls are carried out; if it is found suitable Re-export Phytosanitary Certificate shall be drawn up and a certified copy of the Phytosanitary Certificate of the exporting country shall be enclosed. If the shipment has been subject to pest invasion or contamination, Phytosanitary Certificate shall be drawn up by indicating the origin country upon the condition that the requirements of the importing country are fulfilled and the transit pass of the product shall be provided.

Free Zone

ARTICLE 9 – (1) Official controls of plants, plant products and other substances which are brought to free zones from abroad and sent abroad from the free zones shall be made in accordance with the provisions of this Regulation.

(2) The entry control of plants, plant products and other substances which are brought to free zones from abroad is carried out at the entry point of the Customs Area of Turkey including free zones.

(3) During the entry of plants, plant products and other substances, brought from abroad and introduced to the free zone by making the phytosanitary control, into the Customs Area of Turkey once again, phytosanitary control is not carried out.

(4) During the entry from the Customs Area of Turkey into free zones or from a free zone to another free zone, phytosanitary control is not carried out.

(5) During the entry of plants, plant products and other substances, introduced into a free zone from the Customs Area of Turkey or from another free zone without making the phytosanitary control, into the Customs Area of Turkey once again, phytosanitary control is not carried out.

(6) If plants, plant products and other substances, introduced into a free zone by making the phytosanitary control, become plants, plant products and other substances listed in the Annex-5 of Customs Tariff Statistics Position (CTSP) after being processed, during the entry of new plants, plant products and other substances into the Customs Area of Turkey or to another free zone, phytosanitary control is not carried out.

Plants, plant products and other substances banned for entry

ARTICLE 10- (1) Plants, plant products and other substances listed in Annex-3 of this Regulation are banned to enter into the country.

(2) The first paragraph of this article shall not be valid for plants, plant products and other substances that are coming from a foreign country and transit pass to a foreign country through the Turkish customs area without prejudice to the provisions of the 8th article of this Regulation.

Harmful organisms that are banned to enter into Turkey

ARTICLE 11- (1) Harmful organisms that are subject to quarantine that are listed in Annex-1 and Annex-2 of this Regulation and harmful organisms that are assessed to pose a risk for our Country following the risk analysis for pests that are not present in the said lists and plants, plant products and other substances contaminated by these organisms are banned to enter into Turkey.

Special conditions that plants, plant products and other substances are subjected

ARTICLE 12 – (1) Special conditions that plants, plant products and other substances are to be subjected that are intended to be introduced into the country are set forth in Annex-4 of this Regulation. Plants, plant products and other substances that do not carry these conditions are not permitted for entry into the Customs Area of Turkey including free zones.

Interception of and the notification on the plants, plant products and other substances as a result of the official controls

ARTICLE 13 – (1) Plants and plant products and other substances that are intended to be introduced into the country shall not be permitted to enter into the country in the following cases; contaminated by harmful organisms that are subject to quarantine listed in Annex-1 and Annex-2, listed in Annex-3, they do not carry the special conditions set forth in Annex-4 or the documents are missing or improper and the missing document is not provided or the missing part in the document is not filled in. The owner of the product and the relevant Customs Directorate is informed by a letter. These products shall be returned to the exporting country within 10 (ten) days or destroyed as per the customs legislation. Destruction procedure shall be carried out in front of the product owner or his/her representative together with an inspector and an official from the customs office on the condition that the destruction costs are borne by the product owner. However, plants and plant products and other substances that are intended to be introduced into the country shall be sent abroad immediately by the liable person, if it is determined that these products are dangerous and harmful in terms of

phytosanitary. Products of this nature can not be destroyed in the Customs Area of Turkey including free zones and also can not be left to the customs authorities.

(2) When plants and plant products and other substances that are intended to be introduced into the country, except for the harmful organisms subject to quarantine present in Annex-1 and Annex-2 of this Regulation, are contaminated by any harmful organism subject to control and known in our Country, the harmful organism is intercepted. If it is possible to clean these plants, plant products and other substances through the processes of fumigation or disinfection, these processes are carried out on the condition that the costs of these processes are borne by the relevant person; when these are found to be free from harmful organisms following the processes in the official controls their introduction into the Country is permitted.

(3) The front part of the Phytosanitary Certificate is marked with an expression of “Entry into Turkey is forbidden” in red ink for the plants, plant products and other substances for which entrance into the country is not permitted and the certificate is cancelled and returned to the relevant person. However, when a part of the products are to be accepted and the other part is to be rejected for the Phytosanitary Certificates representing more than one lot of products, the original of the Phytosanitary Certificate is retained and a certified copy of the certificate is given to the relevant person bearing the expression of “Entry into Turkey is forbidden”.

(4) The Notification Form given in Annex-9 shall be drawn up and sealed for plants, plant products and other substances that are not permitted for entry into the country for the reasons specified below by the inspector within 2 (two) working days in English and these forms shall be sent to the General Directorate electronically and by post. General Directorate notifies the relevant country of the interception process and information is given to entrance gates. Reference number is generated in the Notification Form in the form of “TR Provincial Traffic Code-year-Notification Sequence Number”:

- a) When they are contaminated by any harmful organisms,
- b) When they are contaminated by harmful organisms subject to quarantine that are on the lists in Annex-1 and Annex-2 of this Regulation
- c) Missing parts and inconsistencies in the documents of the product. These are as follows:
 - 1) Absence of Phytosanitary Certificate,
 - 2) Uncertified alterations and deleted parts on Phytosanitary Certificate,
 - 3) Counterfeit Phytosanitary Certificates,
 - 4) Missing information on Phytosanitary Certificate.
- ç) Products banned for entrance,
- d) The existence of plants, plant products and other substances partly banned in the shipment,
- e) When fumigation and disinfection processes are determined to be carried out in an improper manner.

(5) When plants, plant products and other substances that are intended to be introduced into the country are contaminated by any harmful organisms that are not present in the lists in Annex-1 and Annex-2 and also by those that are not known to be present in our country, those products are not permitted to be entered and harmful risk analysis is carried out. Quarantine measures shall be taken until the harmful risk analysis is concluded and if they are found to be posing a risk they are not permitted to be introduced into the country.

(6) In case of detection of propagating materials accompanied by the passenger without notification at border crossings, the products are confiscated and necessary quarantine measures apply regardless of the amount of products.

Product entry by post or cargo

ARTICLE 14- (1) Plants and plant products received by post or cargo shall be permitted to be introduced into the country by controlling them as per the provisions of this Regulation without prejudice to the provisions of Article 10 of this Regulation.

(2) The words of “BİTKİ-PLANT” are written in bold capital letters in Turkish and English on packages involving plants and plant products.

Entry into and/or circulation within the country of the scientific substances and harmful organisms

ARTICLE 15 - (1) Introduction and circulation of plants, plant products and other substances in the country for the purposes of scientific researches, tests and variety improvement shall be carried out in accordance with the Communiqué to be set forth by the Ministry.

**PART FOUR
Exportation**

Exportation inspections

ARTICLE 17- (1) Natural or legal persons or their legal representatives thereof who want to export plants, plant products or other substances shall apply to the Directorate with the Export Application Form, a sample of which is specified by the Directorate and request the official inspection of the plants and plant products to be exported.

(2) The official inspections are conducted taking into account factors such as the harmful organism that the product may carry and the locality of the product, except for the plants, plant products and other substances the exportation of which have been banned.

(3) The plants, plant products and other substances that are desired to be exported and the packagings thereof are subjected to official inspection with respect to phytosanitary requirements of the receiving state. If necessary, further laboratory analyses are made or have such made.

(4) The analyses are made in the laboratories specified in paragraph three of article 5 of this Regulation, in accordance with their nature.

(5) For plants, plant products or other substances that satisfy the phytosanitary requirements of the receiving state, a Phytosanitary Certificate is drawn up as one original and two copies, in accordance with the sample given in Annex-7 and as per ISPM–12 rules. The original and one copy is given to the exporter. One copy is kept in the Directorate. The number of approved copies as requested by the exporter is given to the exporter.

(6) Following the issue of the Phytosanitary Certificate and the Re-Export Phytosanitary Certificate the plants, plant products and other substances must exit within 14 (fourteen) days. The plants, plant products and other substances, the exit procedures have not been carried out are inspected again.

(7) For products that are desired to be exported, but that do not satisfy the phytosanitary requirements of the receiving state in the official inspections made, the owner of the product or his representative is informed.

(8) In case the required particulars do not fit into the relevant section of the Phytosanitary Certificate during issuing the Phytosanitary Certificate, such particulars are attached to the Phytosanitary Certificate as a list. Such lists must bear the same number, date, signature and stamp as the Phytosanitary Certificate. In the relevant section of the Phytosanitary Certificate it is stated that the required particulars in that section are attached.

(9) If the plant and plant product to be exported have not been produced in Turkey and if they are plant and plant products for which information concerning the area of production or the stages of

growing are required, a Re-Export Phytosanitary Certificate is drawn up and an approved copy of the Phytosanitary Certificate of the country of origin is attached thereto. For plant and plant products for which information concerning the area of production or the stages of growing are not required, in case the importer country does not require a Re-Export Phytosanitary Certificate, a Phytosanitary Certificate is drawn up, stating the country of origin.

(10) A Phytosanitary Certificate and a Re-Export Phytosanitary Certificate are drawn up, in the spaces that are left empty are filled out with the expression “None / Yok” in order to prevent subsequent additions or such a section is blocked and closed.

(11) The plants, plant products or other substances for which an official inspection has been conducted and a Phytosanitary Certificate has been issued may if deemed necessary be subjected again to an official inspection until their exit. In case non-compliance with respect to the first inspection is determined for the products that are re-inspected, the existing Phytosanitary Certificate is cancelled. If the customs procedures for the product have been started, the Customs Directorate is informed in order to prevent the exit of the product.

Plants, plant products and other substances that are returned

ARTICLE 18- (1) For plants, plant products and other substances that have been exported but returned for various reasons, an application must be made to the Directorate with an Entry Application Form, a sample of which has been specified by the General Directorate. The original of the Turkish Phytosanitary Certificate of the product or the certified copy of it provided by the Directorate which prepared the Phytosanitary Certificate, the customs clearance statement and a photocopy of the invoice of the product shall be attached to the Entry Application Form.

(2) Taking into account the reasons of returning the product, after it is determined whether the returned plants, plant products and other substances are the same as the exported plants, and plant products, it is determined whether they are free from the harmful organisms that are subject to quarantine that are given in Annex-1 and Annex-2 of the present Regulation.

(3) The plants, plant products and other substances that are determined to be in compliance with the provisions of this Regulation are allowed to enter into Turkey. The plants, plant products and other substances that are deemed unsuitable to enter into Turkey as the result of official inspection are exported to a third country if they satisfy phytosanitary requirements or are destroyed.

(4) In case the returned plants, plant products and other substances are contaminated with any organism that is known to exist in Turkey and that is subject to control other than the harmful organisms that are subject to quarantine and that are given in Annex-1 and Annex-2 of this Regulation, fumigation or disinfection is carried out if it is possible to decontaminate such harmful organisms by fumigation or disinfection, the expenses to be borne by the owner; if after such treatment they are found to be free from the harmful organisms in the official inspections, they are allowed to enter Turkey.

(5) In case the exported product is returned by the importer country, the Directorate that performs the procedures on the returned plants, plant products and other substances shall inform the General Directorate within 2 (two) days.

PART FIVE

Phytosanitary Certificates

The Phytosanitary Certificate and the Re-Export Phytosanitary Certificate

ARTICLE 19- (1) In entry of the plants, plant products and other substances into Turkey, the Phytosanitary Certificate or the Re-Export Phytosanitary Certificate in English or in Turkish issued by the official plant protection service of the country of origin or the exporter country in compliance with the forms given in Annex-7 or Annex-8 or in another format that cover these particulars in accordance with the ISPM-12 rules must accompany the plants, plant products or other substances. A Turkish translation approved by a sworn translator is attached to the Certificates in other languages.

(2) The Phytosanitary Certificate or the Re-Export Phytosanitary Certificate must be addressed to Turkey and must bear the stamp, date and name, surname and signature of the competent authority of the concerned service of the exporter country.

(3) The special requirements that are given in Annex-4 and that have to be specified on the Phytosanitary Certificate or the Re-Export Phytosanitary Certificate in importation of plants, plant products and other substances must explicitly written as an additional statement or the related articles and paragraphs must be referred to. Additional statements covering information concerning the area of production cannot be written on the Re-Export Phytosanitary Certificate.

(4) There may be no deletions nor erasure on the Phytosanitary Certificate and the Re-Export Phytosanitary Certificate, all corrections and changes must be approved by the related official plant protection service.

(5) The Phytosanitary Certificate and the Re-Export Phytosanitary Certificate must be issued at most 14 (fourteen) days prior to the shipment date. However, for Certificates on which the inspection date and the date of issue are separately stated, the period between the inspection date of the product and the shipment date of the product must be at most 14 (fourteen) days. Inspection date of the product must be stated on the Phytosanitary Certificates issued after the shipment date.

(6) The entry of plant and plant products that are brought without the original of the Phytosanitary Certificate or the Re-Export Phytosanitary Certificate is not allowed. The Phytosanitary Certificates and the Re-Export Phytosanitary Certificates issued in accordance with the ISPM-12 and the electronic Phytosanitary Certificates and the Re-Export Phytosanitary Certificates of the countries as deemed suitable by the Ministry are accepted as valid.

(7) If the plants and plant products to be introduced were not produced in the exporting country and if they are plants and plant products for which information concerning their production areas and their growing cycles is required, the product should be accompanied by the original of the Re-Export Phytosanitary Certificate and the original or an endorsed copy of the Phytosanitary Certificate issued by the country of origin. For plants and plant products for which information concerning their production areas and their growing cycles is not required, a phytosanitary certificate may be issued by the exporting country, stating the country of origin.

(8) For plants and plant products which have been produced in an EU Member State and which have been exported from another EU Member State and for which information concerning their production areas and their growing cycles is required, the exporter EU Member State may issue a Phytosanitary Certificate, stating the country of origin and the area of production information.

(9) The list of plants and plant products that must be accompanied by a Phytosanitary Certificate is given in ANNEX-5.

(10) Phytosanitary Certificate to be issued for plants and plant products to be exported shall be issued in line with the provisions of Article 17.

Situations where a Phytosanitary Certificate is not necessary

ARTICLE 20- (1) In the following cases a Phytosanitary Certificate is not necessary and a phytosanitary inspection is made at the port of entry, allowing the entry of those that are clean:

- a) For fresh and dried fruits and vegetables brought by the passenger for consumption and the amount not exceeding three kilograms,
- b) For flower bouquets coming for non-commercial purposes, not exceeding one and for wreaths,
- c) The plants and plant products which are approved by the Ministry to be sent as a donation to official departments or bodies or to charity institutions by natural and legal persons in foreign countries for consumption purposes,

(2) The General Directorate may establish restrictions for plants, plant products and other substances accompanying a passenger in order to prevent contamination and spread of harmful organisms.

(3) A Phytosanitary Certificate is not necessary for wood packaging materials accompanying commodities intended for entry into Turkey and marked according to ISPM-15.

(4) A Phytosanitary Certificate is not necessary for wood packaging materials coming to free zones and/or accumulating in free zones accompanied by commodities intended for entry into the Customs Area of Turkey and marked according to ISPM-15.

(5) A Phytosanitary Certificate is not necessary for plants, plant products and other substances to be introduced into the country that have been left to the customs and passed into public ownership.

PART SIX Sampling and Analysis

Sampling and sending for analysis

ARTICLE 21- (1) In official inspections, the inspector conducts general macroscopic controls of plants, plant products and other substances.

(2) In official inspections, the inspector takes samples of the plants, plant products and other substances when necessary.

(3) The sample is taken so that it represents the lot and plant group and is taken separately for each lot and each plant group, and if necessary, for each variety.

(4) The sample is taken from in a sufficient amount from the harmful organisms, from parts of plants and plant products contaminated with the harmful organisms, from parts of plants and plant products that are likely contaminated with the harmful organisms or if the product has a homogenous distribution, from the blend prepared according to the random sampling method, recording the sampling in a Sampling Minutes, a sample of which is specified by the General Directorate.

(5) The owner of the plants, plant products and other substances or the person responsible from them has to give the inspector the sample in a sufficient amount. No charges are paid for the samples taken.

(6) The samples taken in accordance with the principles of the present Regulation are packaged, sealed, labeled and sent to the laboratory for analysis in the fastest way possible.

(7) The procedures and principles of sampling are specified by the Instructions of the General Directorate.

Objection and assessment of the objection

ARTICLE 22- (1) The owner of the plants and plant products or his representative may object to the results of analysis of the samples taken in accordance with the principles of the present Regulation, applying to the Directorate that has taken the samples in writing within 7 (seven) days following notification of the results to him. If the analysis was not made by the Directorate to which

the objection application was given, the Directorate that has taken the sample informs the Directorate that has conducted the analysis of the objection.

(2) The Directorate that has conducted the analysis establishes a commission to assess the objection. This Commission consists of three experts on the analysis conducted, working in the Plant Protection Central Research Institute, Research Station Directorates and the Quarantine Directorates that have a laboratory. The expert who has conducted analysis objected may not be a member of this commission.

(3) The Commission takes all information, documents, preparations and photos from the expert who had performed the analysis to examine them. The Commission, when it deems as necessary, may refer to the knowledge of the inspector who had taken the sample.

(4) The Commission examines the methods and the results of the analysis. If as a result of the examination no errors or defects are determined in the analysis process, the result is decisive and cannot be objected to.

(5) If as a result of the examination of the Commission errors or defects are determined in the analysis process, the analysis is repeated by the experts of the Commission in a laboratory specified by the Commission on the existing samples, if they exist, or if they do not exist, on samples newly taken. The result of the repeated analysis is decisive and cannot be objected to.

(6) Charges such as the fee for the analysis, the daily allowance, accommodation and traveling expenses of the commission members concerning the analysis are paid by the person who had made the objection.

PART SEVEN

Miscellaneous and Final Provisions

Administrative sanctions

ARTICLE 23 – (1) The provisions of article 38 of the “Law on Veterinary Services, Plant Health, Food and Feed” No. 5996 shall be applied against those who violate the provisions of the present Regulation.

Repealed legislations

ARTICLE 24 – (1) Regulation on Agricultural Quarantine, published in the Official Gazette dated 10/2/2009 and No. 27137 is repealed.

(2) Regulation on Agricultural Quarantine Sampling and Analysis, published in the Official Gazette dated 14/10/2004 and No. 25613 is repealed.

TEMPORARY ARTICLE 1 – (1) The Regulation on Agricultural Quarantine and its Annexes that are repealed by this Regulation shall remain in force for the Phytosanitary Certificate and Re-export Phytosanitary Certificate issued before 15/03/2012.

Provision relating to EXPO 2016 Antalya Fair

PROVISIONAL ARTICLE 2 – (1) Palm species listed in the Annex-3 of this Regulation to be brought to EXPO 2016 Antalya Fair by the participating countries for exposition may be allowed to enter the country providing that the palm species are found clean after six-month follow-up in temporary storage and depository areas with official control purposes.

Enforcement

ARTICLE 25- (1) This Regulation enters into force on the date of 15/03/2012

Execution

ARTICLE 26 – (1) The provisions of this Regulation are executed by the Minister of Food, Agriculture and Livestock.