

REGULATION REGARDING OFFICIAL CONTROL OF FOOD AND FEED

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CHAPTER ONE

Purpose, Scope, Grounds and Definitions

Purpose

ARTICLE 1 – (1) The purpose of the Regulation hereby is to determine the procedures and merits to prevent, avoid or to decrease the risks against persons and animals which may arise directly or through environment, to reasonable levels, to protect consumer interests through labelling food and feed including other information forms to inform consumers and official controlling of food and feed.

Scope

ARTICLE 2 – (1) The Regulation hereby comprises procedures and merits regarding official controls, traceability, rapid warning system, emergency situations, cautionary measures, crisis management, informing public sense, official certification, annual and pre-natal national control plans, responsibilities and objections.

(2) The Regulation hereby does not comprise official controls implemented to certify the appropriateness of agricultural products to rules regarding common market regulations.

Grounds

ARTICLE 3 – (1) The Regulation hereby has been issued based on the Article 31 of 5996 No Code Regarding Veterinary Services, Vegetation Health, Food and Feed.

Definitions

ARTICLE 4 – (1) The definitions provided in the second paragraph of the Article hereby are valid in addition to definitions in the Article 3 of 5996 No Code.

(2) In this Regulation;

- a) “Ministry” shall mean the Ministry of Food, Agriculture and Stock Farming,
- b) “Document control” shall mean examination of documents required by the Code regarding transportation,
- c) “Equivalent” shall mean different systems or measures competent to meet same targets,
- ç) “Equivalency” shall mean the ability to meet same targets of different systems or measures,
- d) “Physical control” shall mean any other control which may contain collecting samples for transportation, packaging, labelling, temperature control, laboratory analysis and tests and required for the certification of the compliance of the same to the Code for food and feed,

e) “Code” shall mean 5996 No Code Regarding Veterinary Services, Vegetation Health, Food and Feed,

f) “Identity Control” shall mean visual control of certificates and other documents regarding transportation whether the same are coincided with the label and content of the product,

g) “Control plan” shall mean the plan which contains general information regarding the structure and arrangement of official controls issued by the Ministry,

ğ) “Inspection and analysis report” shall mean the report which has been issued as result of the laboratory analysis performed for the samples dispatched through official procedure and which present the assessment made in relation with the compliancy of the analysis results and the sample with the legislation

h) “Official certification” shall mean the procedure which is issued by the Ministry in relation with the compliancy and provides written, electronic or equivalent guarantee.

ı) “Incompliancy” shall mean the status of being non-compliant with the provisions of the Code,

i) “Institution to which delegation of authority or from which service procurement has been made” shall mean the independent institution / corporation to which the Ministry has delegated its certain control duties or from which service has been procured.

CHAPTER TWO

General Provisions Regarding Official Controls

ARTICLE 5 – (1) Official controls of food and feed businesses which are within the scope of the Regulation hereby are performed by the control official in compliance with the Annex – 2 numbered list provided in the annex of the Code. Technicians, engineers and assistant medical personnel who are trained in relevant professional fields may also be assigned to assist the controlling officer in official controls.

(2) The controlling officer;

a) performs official controls under the Code and makes his/her decisions in accordance with the control result as free from all effects and relation of interest and in a neutral, objective and independent manner,

b) is authorised to implement administrative sanctions under the powers granted by the Code,

c) may access to and obtain samples from any place which is within the scope of the Code for controlling purposes,

ç) may shoot pictures and/or videos during official controls in order to determine only the violation of legislation and submit the same to judicial authorities as evidence.

(3) Official controls are performed regularly, in accordance with the risks and with appropriate frequency by considering the matters below and under the purposes of the Regulation hereby.

a) The risks which may affect food and feed safety, animal health or animal welfare which may arise from

1) animals,

2) directly from the food or feed,

3) food or feed enterprise,

4) use of food or feed or any procedure, substance and material or activity or processing,

b) The past records of food or feed operators which present whether the same have implemented the rules stipulated with the Code and animal health and welfare rules,

c) The reliability of the controls performed by the food or feed operators,

ç) Any information which may present incompliance.

(4) Official controls are conducted without giving notice to the food or feed operator except preliminary notice is required for such as inspection. Official controls may also be conducted for a special purpose.

(5) Official controls are conducted at any phase and/or all phases of production, processing and distribution of food or feed, animals and animal products. Official controls include controls required in food and feed enterprises, use of food and feed, storage of food and feed, process to be implemented on the food and feed, substances, materials, transportation and all implementations including transportation or activities and livestock.

(6) Official controls are implemented at export, entry and domestic audits with same diligence.

(7) The regulations provided within the scope of the Regulation hereby in relation with the official control are also implemented for substances and materials which contact with food and workplaces which deal with such business.

(8) The Ministry;

a) ensures the efficiency and harmonisation of official controls conducted at livestock, food and feed, all phases of production, processing and distribution and use of feed. The Ministry also takes appropriate measures through findings obtained from internal inspections or from outsourced inspections when required in order to achieve the purpose of the Regulation hereby. Such inspections are conducted transparently and subject to independent inspection.

b) takes measures necessary to ensure that the personnel liable to conduct official controls not to be in any relation of interest.

c) provides or ensures access to qualified and experienced personnel at sufficient numbers and laboratories at sufficient capacity for inspection and analysis in order to conduct official controls in an efficient and productive manner.

ç) provides appropriate and sufficient equipment and devices which are regularly maintained and repaired in a manner to ensure efficient and productive official control by controlling personnel.

d) keeps emergency plans ready in order to implement in emergency situations.

e) ensures neutrality, quality and consistency at any phase of official controls. Each institution authorised for the conduct of the official controls should strictly observe the criteria determined in the paragraph hereby.

f) in case of more than one department are authorised to conduct official controls, ensures efficient and sufficient coordination and cooperation between different departments.

(9) The food and feed operators are audited under the Regulation hereby. The food and feed operator assists the controlling personnel during the execution of such duty.

(10) ensures efficient and sufficient coordination between all authorised institutions at local level including the field of environmental protection when appropriate if the Ministry delegates its power to conduct official control to different institutions or agencies.

(11) The Ministry drafts, implements annual control plan and issues an annual report regarding controls at the end of each year.

(12) The Ministry is authorised to inspect works and transactions conducted under the Regulation hereby and to audit food and feed enterprises through General Directorate of Food and Control when required.

Delegation of certain duties regarding official controls

ARTICLE 6 – (1) The Ministry may delegate all or a part of its duties regarding official controls of food and feed excluding its fundamental and continuous duties required by public services under the Code, to public agencies and institutions, professional organisations with public institution status, real persons, legal persons, cooperatives, foundations and universities under the condition below or may conduct the same through service procurement. However, official controls for export and import and all legal sanctions are excluded.

a) The institution to which powers have been delegated or from which service has been procured should demonstrate,

1) that it holds expertise, equipment, devices and infrastructure required to conduct the duties delegated,

2) that it has appropriately qualified and experienced personnel at sufficient numbers to conduct the work,

3) that it is neutral and not in a conflict of interest in relation with the performance of powers delegated,

4) that it is being operated in compliance with the General Criteria Regarding the Operation of Institutions to which Power has been delegated and from which service has been procured TS EN ISO/IEC 17020 standard and/or a special standard and it is accredited accordingly,

5) that it is being operated in compliance with the provisions provided in the Regulation Regarding the Determination of Foundation, Duties and Responsibilities and Operation Procedures and Merits of Laboratories, Food Control Laboratories,

6) that it performs the duties delegated through professionals listed in the Annex – 2 of the Code.

b) The institution to which power has been delegated or from which service has been procured submits the results of the controls performed to the provincial / town directorate of the Ministry in a monthly manner. However, if the results of the controls present incompliance or possibility of incompliance then, the institution to which power has been delegated or from which service has been procured immediately informs the provincial / town directorate of the Ministry. The provincial / town directorate of the Ministry implements a transaction under the Code in conclusion of the assessment conducted.

c) The provincial / town directorate of the Ministry may separately audit the institution to which power has been delegated or from which service has been procured.

ç) The efficient and sufficient coordination between the institution to which power has been delegated or from which service has been procured and the Ministry which has delegated powers is provided by the Ministry.

(2) The Ministry audits or inspects the institution to which power has been delegated or from which service has been procured. If it is found out in conclusion of the audit or inspection performed that such institutions failed to perform the duties delegated as required then, the delegation of power of service procurement is cancelled by the Ministry or suspended until the deficiencies are remedied within the given period of time. Such period may not exceed six months. If the deficiencies may not be remedied at the end of the period granted by the Ministry then, the delegation of power or service procurement is cancelled. All costs arisen from the implementation of the paragraph hereby are covered by the institution to which power has been delegated or from which service has been procured.

Controlling Personnel

ARTICLE 7 – (1) The Ministry ensures all controlling personnel conducting official controls

a) to perform their duties within the scope of authorisation in a sufficient and efficient manner and to obtain training appropriate to conduct official controls properly. Such training comprises the matters appropriate which are provided in the Section A of Annex – 1. At the end of training, a controlling personnel identity card is issued for and the controlling personnel is assigned in accordance with the Annex – 2 of the Code.

b) to keep their duties related with their fields of power updated and to obtain additional training regularly when required.

Transparency and confidentiality

ARTICLE 8 – (1) The Ministry ensures activities related with the official controls to be conducted with top level transparency. The Ministry by considering the provisions provided in the clause six of the Article 31 of the Code

a) submits the information below by publishing the same at the official web site of the Ministry:

1) Approved and registered enterprises,

2) Enterprises suspended,

3) Enterprises cancelled,

4) Registered enterprises which their activities have been suspended by the Ministry,

5) Name, product name, trademark, party and/or serial number of the company which has produced / imported the food and feed which has been certified with the laboratory analysis that imitation or adulteration has been made,

6) Name, product name, trademark, party and/or serial number of the company which has produced and/or sold the food which has been corrupted or modified in a manner to expose human life or health to danger.

b) announces the information provided in the clause four of the Article 26 of the Code to public opinion as soon as possible.

(2) The Ministry may perform implementations which are incentive within the context of food reliability in favour of the workplaces which are determined that they are being operated in compliance with the legislation in conclusion of the official controls conducted and share such information with the public opinion. The procedures and merits regarding such implementations are determined by the Ministry under the Regulation hereby.

Control and certification procedures

ARTICLE 9 – (1) The Ministry conducts official controls in compliance with the written procedures. Such procedures contain information and instructions necessary for the controlling personnel including fields provided in the Section B of Annex – 1.

(2) The food and feed operator is liable to assist the controlling personnel and to ensure access to the enterprise and its records kept during the audit. The persons who fail to provide necessary convenience are determined with a minutes; the audit is repeated with the attendance of security forces when required and legal procedures are implemented against the relevant persons under the Code.

(3) The Ministry performs and implements studies necessary to ensure efficiency of official controls conducted, to be corrected when required and the procedures stated in the first paragraph to be updated in an appropriate manner.

Reports

ARTICLE 10 – (1) The Ministry issues a report regarding official controls conducted.

(2) The report includes the purpose of the official control, control methods implemented, conclusions of official control and actions to be taken regarding the matters which are within the field of responsibility of the operator.

(3) The Ministry submits a copy of the report to the operator.

Control activities, methods and techniques

ARTICLE 11 – (1) The duties regarding official controls are generally conducted by using appropriate control methods and techniques such as audit, supervision, inspection, monitoring, pursuing, certification, sample collecting and analysis.

(2) Official controls regarding food and feed include the activities below besides matters stated in the first paragraph:

a) Inspection of an internal control system which is conducted by food and feed operator and results of the same,

b) Performing audit regarding matters stated below,

1) Facilities of primary producers, food and feed enterprise and surroundings, facilities, administrative and social buildings, equipment, devices and machinery of the same besides food and feed, transportation of food and feed,

2) Raw materials, components, processing aids and other substances used in the preparation and production of food and feed,

3) Semi-products,

4) Substances and materials which contact with the food,

5) Cleaning and care products and practices and pest control products,

6) Labelling, presentation and publicity.

c) Controlling hygiene conditions at food and feed enterprises,

ç) Assessing good production practices, good hygiene practices, good agriculture practices and procedures regarding hazard analysis and critical control points by considering guides prepared in compliance with the relevant legislation,

d) Inspecting documents and other records required for assessing the compliancy with the Code,

e) Interviews made with the food and feed operator and its employees,

f) Inspecting records of measuring devices at food and feed enterprises,

g) Controls conducted by the Ministry in order to verify the measuring made by the food and feed operator,

ğ) Other activities required to ensure the matters stated in the purposes of the Regulation hereby.

CHAPTER THREE

Sample Collection, Analysis Methods, Objection and Laboratories

Sample collection, analysis methods and objection

ARTICLE 12 – (1) Sample collection procedure which is conducted under official controls is conducted in accordance with the Turkish Food Codex Regulation for food and substances and materials which contact with food; Regulation Regarding Sample Collection and Analysis Methods for Official Control of Feed; the analysis methods are determined in accordance with the Regulation Regarding the Determination of Foundation, Duties, Power and Responsibilities and Working Procedures and Merits of Food Control Laboratories. However, if there is no provision regarding the aforementioned matters in such Regulations then, the standards accepted by Turkish Standards Institute or European Standardisation Committee are considered respectively or sample collection procedure is conducted with the sample collection procedure drafted by the Ministry in compliance with the aimed target. No fee is paid for the samples to be collected for analysis.

(2) Sample collection and objection are conducted under the merits determined below in official controls excluding products and practices which have special legislation:

a) One set of sample is collected for foods which have shelf life less than seven days, microbiological analysis, when product amount is insufficient to perform witness sample analysis. Inspection and analysis are conducted at a laboratory determined by the Ministry. In such circumstances, the analysis result may not be objected.

b) Two sets of sample are collected by the controlling personnel except for the circumstances listed in the sub-clause (b) of the clause hereby. The inspection and analysis of first set is performed at a laboratory determined by the Ministry, Witness sample which is the second set is preserved at the provincial / town directorate of the Ministry. However, if the operator so requests then, the third set sample is left for the food operator. The food operator may object to the inspection and analysis report result pertaining to the first set sample to the provincial / town directorate of the Ministry within seven days from the date of service. The inspection and analysis of witness sample is conducted at a laboratory determined by the Ministry.

c) Except for the circumstances listed in sub-clauses (a) and (b) of the clause hereby, if it is assessed that it would not be possible to analyse the witness sample by the controlling personnel depending on the expiration of food on the date of notification then, the procedure below is implemented:

1) Two sets of sample are taken by the controlling personnel. If the operator requests then, the third set of sample is left to the food operator. The samples collected are sent to the laboratory determined by the Ministry. One set of sample is analysed, the other set of sample is preserved at the laboratory where the analysis has been conducted under appropriate conditions as witness sample. If the analysis result is negative then, the analysis result is notified by the laboratory to the food operator. The result of the analysis is also notified to the provincial / town directorate of the Ministry. The food operator notifies in writing to the laboratory which conducted the analysis and provincial directorate simultaneously whether the food operator shall use its right of objection before the expiration date. In case of objection, the analysis of the witness sample is conducted at the laboratory where the first analysis has been made or at another laboratory deemed appropriate by the Ministry.

ç) Three sets of sample collected for microbiological analysis in official controls conducted at feed enterprises when the amount of product is insufficient to perform the analysis of witness sample. The inspection and analysis of first sample are conducted at the laboratory determined by the Ministry. The second set of sample which is the witness sample is preserved at the provincial / town directorate of the Ministry. The third set of sample is left to the operator. The relevant persons may object to the inspection and analysis report result before the provincial / town directorate of the Ministry within seven days from the date of service. The inspection and analysis of the witness sample are conducted at the laboratory determined by the Ministry.

(3) In cases when the witness sample should be separated from aggregate sample under the relevant legislation, the analysis and preservation of analysis and witness samples are conducted at the same laboratory.

(4) The inspection and analysis report result pertaining to the witness sample is final and the basis of the decision to be given.

(5) The samples collected during official controls are transported and labelled in a manner to guarantee legal and analytic validity.

(6) If it is determined during official control that the food and feed were not appropriate for consumption or that the same have lost their nature as food and feed after physical inspection then, this is determined with a minutes; no sample is collected from such products for inspection and analysis and they are not analysed; legal sanction is directly implemented.

(7) The assessment of the inspection and analysis result is conducted by the laboratory which conducted the analysis by considering measuring uncertainty, tolerance values for the feed and measuring uncertainty if there is no tolerance value for the feed. The analysis result and the assessment made are stated in the inspection and analysis report and submitted by the laboratory to provincial / town directorates without delay. If there is suspicion regarding a risk which threatens health then, the samples are essentially analysed and the results are notified as soon as possible to provincial / town directorates.

(8) The controlling personnel assesses the inspection and analysis report along with the report issued at the end of auditing under the current legislation as final in a manner to include imitation, adulteration and unsanitary matters and establishes a procedure. In case of incompliance, legal procedure required is imposed on the operator or legal representative under the Code. The controlling personnel inform the operator regarding the result of the auditing.

(9) If the inspection and analysis results pertaining to the sample are positive then, the sample may be taken back by the workplace owner or officer within seven days at most from the date of notification of result report provided that it shall be limited with the expiration date depending on the method of sample preparation. The workplace may not claim anything in relation with the sample which has not been taken back within the given period of time.

Laboratories

ARTICLE 13 – (1) The Ministry determines the laboratories which may conduct the analysis of samples collected during official controls. The Ministry may procure service from domestic or

international laboratories accredited in their fields for analysis deemed necessary by sending samples.

(2) The Ministry may grant priority for sample dispatch regarding official controls to accredited laboratories which are evaluated and certified as qualified in accordance with the internationally recognised EN ISO/IEC 17025 or supportive sub-references and technical criteria by an authorised domestic institution as preferable in accordance with the TS EN ISO/IEC 17011 standard or if its scope is insufficient then, an institution authorised internationally and the sample dispatch plan is prepared accordingly. The Ministry plans the sample dispatch again if the accreditation conditions for laboratories determined fail to be maintained.

(3) The evaluation of the accreditation of the laboratories may be for a single or group of analysis.

(4) National Food Reference Laboratory Directorate has been assigned by the Ministry as national reference laboratory for the matters included in the Regulation hereby.

CHAPTER FOUR

Crisis Management and Cautionary Measures

Emergency plans and cautionary measures for food and feed

ARTICLE 14 – (1) Emergency plans for practice which determines measures which should be implemented without delay if it is found out that the food and feed constitutes a serious risk for persons and animals directly or environmentally are planned by the Ministry in order to implement the crisis management plan.

(2) The matters below are included in emergency plans:

a) Relevant parties and powers and liabilities of such parties,

b) Communication channels and procedures which shall provide urgent information sharing between relevant parties.

(3) The Ministry reviews emergency plans when required by considering changes in its organisation and experiences obtained from practice.

(4) Measures regarding the implementation of emergency plans are established when required. Such measures should be harmonious with the crisis management plan. Also, the duties and liabilities of relevant parties regarding the establishment and operation of emergency plans are determined with such measures.

(5) In conclusion of the evaluation of the information obtained, if scientific uncertainties continue despite the occurrence of the possibility that any food or feed could be dangerous to human and animal health then, the Ministry may take cautionary measures such as temporary suspension of production, prevention of marketing and consumption, collecting products from the market and similar cautionary measures until more scientific data which shall allow a comprehensive risk assessment is collected. The relevant parties are obliged to observe the measures determined by the Ministry. No liability may be assumed on and no damages may be claimed from the Ministry due to

implementation of such cautionary measures. The procedures and merits related with cautionary measures are determined by the Ministry.

CHAPTER FIVE

General Provisions Regarding Official Controls at the Entry of Food and Feed to the Country

Official controls of animal food and feed

ARTICLE 15 – (1) The Ministry conducts official controls in order to certify the compliancy to the provisions of the Code when required in addition to the provisions of the Regulation Regarding the Organisation of Veterinary Controls of Products at the Entry to the Country including the ones stated in the Section Eight.

(2) The positive result obtained in products which are subject to transit from customs procedures regime, customs warehouse regime, domestic processing regime, processing under customs control regime, temporary import regime or products to be treated at free zones or customs warehouses do not remove the liability of the food and feed operator to ensure that the food and feed should be in compliance with the Code from the date when the food and feed has been left for free circulation and performance of official controls on relevant food and feed afterwards.

Official controls of non-animal food and feed

ARTICLE 16 – (1) The Ministry regularly conducts official controls in respect of non-animal food and feed at the entry to the country which are not within the scope of Regulation Regarding the Organisation of Veterinary Controls of Products at the Entry to the Country. The official controls are conducted by the Ministry based on perennial control plans planned in compliance with the Article 32 and 33 and risk basis for the purpose of auditing compliancy with the provisions of the Code.

(2) The official controls are conducted at the entry point of the products to the country, point, warehouse from which the same shall be left for free circulation, facilities of food or feed operator which imports products or at other phases of food and feed chain.

(3) Official controls may also be implemented on the products declared below:

a) products which are subject to transit from customs procedures regime, customs warehouse regime, domestic processing regime, processing under customs control regime, temporary import regime,

b) products which shall enter free zones or customs warehouses.

(4) The positive result obtained from official controls stated in the third paragraph does not remove the liability of the food and feed operator to ensure compliancy of food and feed from the moment of free circulation with the Code and prevent official controls to be performed on relevant food and feed.

(5) The non-animal food and feed list which shall be subject to official control at the entry point to the country, the frequency and content of official controls to be performed are determined and updated by the Ministry by considering known or possible risks.

Types of control conducted on non-animal food and feed

ARTICLE 17 – (1) The official controls stated in the Article 16 includes systematic certificate control, random identity control and physical control when deemed appropriate.

(2) The frequency of physical control is determined depending on the matters set out below:

- a) Risks carried by different type food and feed,
- b) The past of exporter country, origin enterprise and food and feed operator exporting and importing the product regarding the compliancy with the conditions related with the product,
- c) Controls conducted by the food and feed operator importing the product,
- ç) Guarantee granted by the competent authority of country of origin.

(3) The Ministry and relevant institutions and agencies ensure physical controls to be conducted under appropriate conditions, provides an environment which shall allow appropriate conduct of inspections, sample collection at the number determined in accordance with the risk management principle and preservation of food and feed hygienically. The Ministry ensures samples to protect samples to preserve their legal and analytic validity, the equipment and method used to be appropriate to measure limit values determined with the relevant legislation.

Entry points and preliminary notification

ARTICLE 18 – (1) In order to conduct official controls on food and feed included in the list set out in the clause five of the Article 16, the Ministry

- a) determines entry points which have appropriate control equipment for food and feed at different types,
- b) asks the food and feed operator responsible from dispatches to give a preliminary notice at least three business days before in relation with the arrival and structure of dispatches.

Measures to be taken in case of suspicions

ARTICLE 19 – (1) In case of a suspicion regarding incompliance or a hesitation regarding the match of identity or main destination or documents which guarantee documents, the Ministry conducts official controls to remedy the suspicion or hesitation. The Ministry retains relevant dispatch until the results of official controls are taken.

Measures to be taken after official controls of food and feed

ARTICLE 20 – (1) The Ministry retains food and feed which are not in compliance with the provisions of the Code, informs the food and feed operator responsible from dispatch and takes the measures below for such food and feed:

- a) The Ministry may decide to destroy food and feed, to keep the food and feed under special processing in compliance with the Article 21, to dispatch the food and feed back in compliance with the Article 22 or other appropriate measure such as use of food and feed for other purposes other than intended use of the food and feed.

b) If such food and feed is marketed then, the Ministry pursues the food and feed before implementing the measures mentioned in the clause (a) of the paragraph hereby and decides the food and feed to be collected from the market including calling consumers or users to return the products.

c) The Ministry certifies that the food and feed does not have any negative effect on human or animal health directly or through environment during the implementation of one of the measures mentioned in the clauses (a) and (b) or within the period of time until implementation.

(2) If it is determined in conclusion of the official controls conducted in accordance with the Articles 15 and 16 that the food and feed is hazardous or unreliable for human or animal health then, the Ministry retains such dispatch until the same are destroyed or appropriate measures to protect human or animal health are taken.

(3) If the non-animal food and feed which their control frequencies are determined in compliance with the clause five of the Article 16 are not declared for official control or the actions are not taken in compliance with the special conditions set out in the Article 18 then, the Ministry decides such food and feed to be collected, retained and destroyed afterwards without delays or dispatched back in compliance with the Article 22.

(4) The Ministry notifies the decision regarding that the permission has not been granted for the food and feed to enter to the customs authority along with the information regarding the destination of dispatch.

(5) The food and feed operator responsible from dispatch of its legal representative is entitled to object to the decision regarding measures taken regarding the dispatch after official controls. The Ministry

a) considers the nature of incompliance and past records of the food and feed operator regarding the incompliance while giving decision of measure. The decision regarding the measure taken is notified to the relevant operator in writing along with the grounds.

b) submits information regarding the right to object to such decision and procedures and time limits to be implemented to relevant operator.

Special processing

ARTICLE 21 – (1) Special processing includes the matters below:

a) processing except dilution and including decontamination if appropriate to make the food and feed in compliance with the Code and conditions of the country where the food and feed shall be returned provided that special provisions in relevant legislation are kept reserved,

b) processing with other methods appropriate other than animal or human consumption.

(2) The Ministry ensures special processing to be performed at the enterprise to be conducted under its control and in compliance with the relevant legislation.

Returning dispatches

ARTICLE 22 – (1) The Ministry may permit dispatches to be returned only if the conditions below are met:

a) if an agreement is reached with the food or feed operator responsible from dispatch regarding destination,

b) if the food or feed operator has primarily informed the competent authorities of country of origin or of destination country if different regarding reasons and conditions which prevent such food or feed to be submitted to market,

c) if the destination country is different from country of origin and the competent authority of destination country has notified to the Ministry that it was ready to accept the dispatch,

(2) If it is failed to make a legal attempt since official control results do not establish a burden for returning procedure then, returning of dispatch is made within sixty days after the date of determination of destination. If the dispatch is failed after the expiration of sixty days then, the product is destroyed unless the delay is justified with an appropriate reason.

(3) The Ministry retains dispatches until the dispatches are returned or the justification of rejection is approved.

(4) The Ministry notifies the decision of returning or rejection of dispatches to customs authority and to relevant departments of the Ministry in compliance with the Article 25 of the Code.

Expenses

ARTICLE 23 – (1) The expenses arisen from the implementation of activities mentioned in the Article 19, 20, 21 and 22 are covered by the food or feed operator responsible from dispatch or its legal representative.

(2) All expenses pertaining to samples collected at the entry to the country and export are covered by the person responsible from dispatch or import or its legal representatives.

Approval of controls before export conducted by the exporting country

ARTICLE 24 – (1) The Ministry may approve the sufficiency of controls before export conducted by the exporting country for the products to be exported. Such approval may be implemented for the food or feed which obtained its origin from exporting country and granted for one or more products.

(2) The frequency of import controls performed for the food and feed after the approval may be decreased. Nevertheless, the Ministry conducts official controls for the food and feed imported in compliance with the approval set forth in the first paragraph in order to determine that controls before export are efficient.

(3) The approval may only be granted if the conditions below are met:

a) if the inspection conducted by the Ministry presents that the imported food or feed meets the conditions in the Code or least equivalent conditions,

b) if it is assessed that the controls conducted by the exporting country before the export are efficient and sufficient enough to replace or decrease certificate, identity and physical controls determined by the Code.

(4) In the approval granted in accordance with the first paragraph, the competent authority responsible from the performance of controls before export and the institution to which power has been delegated if power has been delegated in relation with certain duties, are stated. Such delegation of power may only be approved if the criteria stated in the Article 6 or equivalent conditions are met.

(5) The competent authority or controlling institution of the exporting country stated in the approval is responsible from communications with the Ministry.

(6) The competent authority or controlling institution of the exporting country ensures official certification of each dispatch. In the approval stated in the first paragraph a sample model is determined in relation with such certificates.

(7) If any incompliance is determined in conclusion of official controls conducted in import in accordance with the second paragraph then, this is notified to the food or feed operator, the number of dispatch controlled is increased and if required samples at appropriate numbers are kept under appropriate storing conditions in order to allow proper and analytic inspection of the situation.

(8) If the information given in certificates granted by the competent authority or controlling institution of the exporting country and dispatches are not met in significant number of dispatches then, the controls with decreased frequency stated in the second paragraph are not conducted.

Customs Services

ARTICLE 25 – (1) The Ministry and customs authorities cooperate for the execution of official controls stated in this chapter.

(2) The entry of animal food and feed and food and feed stated in the fifth paragraph of Article 16 or processing at free zones or customs warehouses are not permitted by customs authorities or free zone directorates when related without the approval of the Ministry.

(3) If sample is collected then, the Ministry notifies customs authorities and relevant operators and also notifies whether products shall be left free before analysis results of samples arrive provided that the traceability of dispatch is ensured. If the same is left free for circulation then, the Ministry and customs authorities cooperate in compliance with the conditions set forth in the relevant legislation.

Implementation measures

ARTICLE 26 – (1) The Ministry determines procedures and merits regarding matters below in official controls to be conducted at the entry of food and feed to the country:

a) food and feed which are subject to transit from customs procedures regime, customs warehouse regime, domestic processing regime, processing under customs control regime, temporary import regime which are stored at free zones or customs warehouses,

- b) food supplied for passengers and crew transported internationally,
- c) food and feed arriving via mail under customs legislation,
- ç) feed to be consumed by pets or horses and food carried by the passengers and crew during international travel,
- d) criteria to ensure the consistency of decisions taken by the Ministry under the Article 20,
- e) documents which should accompany dispatches when sample is collected.

Exceptional practices

ARTICLE 27 – (1) The Ministry may implement exceptional practices in respect of the food and feed at the entry to the country which shall not be used for commercial purposes provided that the quarantine provisions regarding animal and vegetation health shall be kept reserved,

- a) which have been brought by foreign presidents and his/her entourage to use or consume during the period of time of their visit,
- b) which pertain to diplomatic or consular representation office,
- c) which have been brought for scientific purposes, exhibitions, sportive and cultural activities,
- ç) which have been sent as donation under extraordinary situations,
- d) which have arrived as sample,

CHAPTER SIX

Official Certification, Food and Feed Returned After Export

Registration / Approval of Food and Feed Enterprises Via Rapid Warning System

Official Certification

ARTICLE 28 – (1) Conditions regarding official certification of food and feed and other conditions regarding official certification may be unified under a single model certificate if appropriate.

(2) When official certification is required, the certificate should pertain to the dispatch and the information on the certificate should be complete and accurate.

Food and Feed Returned After Export

ARTICLE 29 – (1) Provided that the provisions of the Regulation Regarding the Organisation of Veterinary Controls of Products at the Entry to the Country shall be kept reserved, the food and feed exported but returned due to several reasons are kept subject to official control by the Ministry after it is determined that the food and feed exported is the same with the returned food and feed by considering the reason of return. The food and feed which are determined that they are in compliance with the relevant legislation are permitted for entry. One of the measures below are implemented for the incompliant food and feed:

a) The products which are incompliant with the Code except the ones which cause danger may be exported again if the same are in compliance with the legislation of purchasing country or explanations regarding the product are made to the purchasing country and the purchasing country accepts the same. The exporter is liable to observe any measures to be taken by the Ministry.

b) Special processing may be implemented in compliance with the Article 21.

c) If the product meets the conditions stated in its relevant legislation then, the entry of such product for a purpose other than initial purpose of use of the product may be permitted by considering the feature and purpose of use of the product. In this case, the entry of the food as food and feed as feed for purposes of use is not permitted.

ç) The products which may not be evaluated as set forth in the clauses (a), (b) and (c) of the paragraph hereby are destroyed by the operator under the supervision of the Ministry.

Rapid Warning System

ARTICLE 30 – (1) A rapid warning system regarding notification of a direct or indirect risk is established by the Ministry in order to preserve animal and vegetation health and to ensure food and feed reliability.

(2) When the Ministry received a notification that there is a direct or indirect risk regarding animal and vegetation health and the food and feed, the Ministry takes measures necessary or ensures the same. The food and feed operator is obliged to implement the measures taken and decisions given by the Ministry.

(3) If a serious risk for human, animal and vegetation life and the environment in relation with the products produced, processed, imported or exported, sold or distributed arises and existing measures are insufficient then, the Ministry is entitled to take and impose any administrative measures limiting and restricting the marketing, use and entry of such product. The food and feed operator is liable to observe such administrative measures.

(4) The national contact point of rapid warning system is General Directorate of Food and Control and provincial contact point is provincial directorate. The notifications arriving are examined by national contact point and transmitted to relevant provincial contact point via information flow system. The provincial contact point notifies the procedures imposed regarding notifications arrived to national contact point under the procedure determined by the Ministry.

(5) The procedures regarding the operation of rapid warning system, national contact point and provincial contact points, information flow system and implementation of measures taken are determined by the Ministry.

Registration and approval of food and feed enterprises

ARTICLE 31 – (1) The Ministry conducts official controls ,

a) at the location after application for approval by the food and feed operator,

b) after registration and approval procedure of food and feed enterprises,

CHAPTER SEVEN

Control Plans and Annual Report

Perennial national control plans

ARTICLE 32 – (1) The Ministry drafts a perennial control plan in order to ensure verification that the food and feed operator meets conditions set forth in the Code at all phases of production, processing and distribution and monitoring the same, efficient execution of animal health and animal welfare rules and the Code and regularly updates the plans under the light of developments.

Principles regarding the draft of perennial national control plans

ARTICLE 33 – (1) The perennial national control plan particularly includes the general information below in relation with the organisation and structure of food and feed, animal health and animal welfare control systems:

- a) The strategic aims of the plan, determination of preferential controls and allocation of resources to achieve such aims,
- b) Classification of risk in relevant activities,
- c) The duties and available resources of the central and rural organisation of the Ministry,
- ç) General management and organisation of official controls at national and local level including official controls conducted at enterprises,
- d) Control systems implemented on different sectors and coordination between different departments responsible from official controls in such sectors,
- e) Delegation of duty to controlling institutions if established,
- f) Methods to ensure compliancy of clause eight of Article 5 to implementation criteria,
- g) Training of controlling personnel conducting official controls set forth in the Article 7,
- ğ) Control and verification procedures set forth in the Article 9 and 10 and written procedures regarding reports,
- h) Organisation and implementation of emergency plans in cases of emergency diseases arisen from animal or food, food and feed contamination cases and other human health risks,
- ı) Organisation of cooperation and mutual cooperation.

(2) Perennial national control plans may be updated during implementation by considering the matters below:

- a) New legislation,
- b) New diseases or other health risks arisen,
- c) Significant changes in the structure, administration or operation of the Ministry,

- ç) Results of official controls,
- d) Results of controls conducted by European Union in our country,
- e) Scientific findings,
- f) Results of inspections conducted by another country.

Annual report

ARTICLE 34 – (1) The Ministry drafts a report which contains the information below one year after the commencement of implementation of perennial national control plans and in each year following the same:

- a) the amendment made in perennial national control plans under the matters set forth in the second paragraph of Article 33,
- b) Results of controls and inspections conducted under perennial national control plans pertaining to previous year,
- c) Incompliance cases determined and their numbers,
- ç) Activities performed including legal sanctions and results in order to ensure efficient implementation of perennial national control plans.

(2) The Ministry drafts and publishes previous year's report within first six months of the following year.

CHAPTER EIGHT

Import Conditions and Equivalency

Controls to be conducted in exporting countries

ARTICLE 35 – (1) The Ministry may conduct official controls in exporting countries in order to verify the exporting country's legislation and system is in compliance or equivalent at least with the Code based on the information set forth in the first paragraph of the Article 36. Such official controls should be related with the matters below:

- a) Exporting country legislation,
- b) Organisation, power and independency of competent authorities of exporting countries, their auditing and powers of execution of legislation in force in an efficient manner,
- c) Training of personnel assigned for the conduct of official controls,
- ç) Resources open for the use of competent authorities including opportunities of diagnosis,
- d) Written control procedures based on priorities and existence and operation of control systems,
- e) Status regarding animal health, zoonosis and vegetation health, procedures regarding notification to relevant international institutions in animal and vegetation epidemics when applicable,

f) The scope and operation of official controls conducted in the import of animals, plants and their products,

g) The guarantee to be granted by the exporting country regarding compliancy or equivalency with the Code.

(2) The Ministry may claim the information set forth in the first paragraph of the Article 36 and written records regarding auditing results when required from the exporting country in order to accelerate the controls and the efficiency of controls in the exporting country.

(3) The frequency of Ministerial controls in the exporting country are determined based on the matters below:

a) Risk assessment of products exported to our country,

b) Code rules,

c) The volume and structure of import made from the exporting country,

ç) The results of controls conducted by the Ministry before in the exporting country,

d) The results of import controls and other controls conducted by the Ministry,

e) Information obtained from European Food Safety Agency or similar institutions,

f) Information obtained from internationally recognised institutions such as World Health Organisation, Codex Alimentarius Commission and World Organisation For Animal Health and other resources,

g) Findings regarding the disease arisen and other situations which may cause health risks by livestock, plants or food or feed imported from the exporting country,

ğ) Searching emergency situations in the exporting country or need to act against such emergency situations.

(4) If a serious risk related with human or animal health is determined during the control in the exporting country then, the Ministry takes emergency measures necessary in compliance with the Article 25 of 5996 No Code without any delays.

(5) The Ministry reports findings regarding control conducted and includes recommendations in the report when required and ensures reports to be open for public.

General import conditions

ARTICLE 36 – (1) The Ministry claims accurate and updated information from countries wishing to make export to our country regarding the matters below in relation with the general organisation and administration of health control systems:

a) Legislation regarding any health or vegetation health recognised or proposed in their countries,

b) Any control and auditing systems being conducted in their countries, production and quarantine implementations, pesticide tolerances and food and feed supplementary substances and relevant approval procedures,

c) Risk assessment procedures, elements considered in the preservation of health and vegetation health,

ç) If necessary, studies conducted in relation with pursue of recommendations given in conclusion of controls performed in the exporting country by the Ministry.

(2) The product features and conditions in the exporting country are considered while the information set forth in the first paragraph are stated. Such information comprises information regarding the products wished to be exported to our country at least.

(3) The information set forth in the first and second clauses may also contain the matters below:

a) Results of national controls performed for the product being intended to be exported,

b) Significant changes made in the structure and operation of relevant control systems for the purpose of meeting requirements or recommendations of our country in particular.

(4) If the exporting country fails to provide the information set forth above or the information are not sufficient then, special import conditions may be determined as separate for each situation and temporary after consultation with the relevant country.

Special import conditions

ARTICLE 37 – (1) The conditions and detailed procedures regarding the products to be imported is drafted by the Ministry if deemed necessary, if not provided in the Regulation Determining Special Rules Regarding Official Controls of Animal Food and other relevant legislation.

(2) The conditions and merits in the first paragraph contain the matters below:

a) Forming list of countries to which products may be imported,

b) Forming model certificates which shall accompany dispatches,

c) Special import conditions to be drafted depending on the type of the product or animal and possible risks related with the same.

(3) The countries from which products may be imported are include in the list set forth in the clause (a) of second paragraph only if the competent authorities of the same grant guarantees related with the compliancy or equivalency to the Code and animal health rules.

(4) The matters below are considered while lists are being prepared or updated:

a) Legislation of exporting country regarding relevant sector,

b) Structure and organisation of exporting country, control services, powers granted and guarantees which may be provided in relation with the implementation of relevant legislation,

c) Existence of sufficient official controls,

ç) The regularity and velocity of information provided by the exporting country in case of dangers in livestock, food and feed,

d) The guarantees granted to the Ministry in relation with the matters below by the exporting country:

1) The compliancy or equivalency of the conditions imposed on enterprises which may import food or feed with the Code at least,

2) The list prepared and updated in relation with the appropriate enterprises,

3) Notification of list of enterprises and updated version of the same without delays,

4) Regular and efficient control of enterprises by competent authorities of exporting country,

5) The information provided by relevant exporting country and the results of controls performed in the exporting country by the Ministry are considered when necessary while special import conditions are accepted set forth in the clause (c) of second paragraph. Special import conditions are formed for a single product or a group of products. Such conditions may be imposed for a single exporting country, regions of exporting country or exporting country group.

Equivalency

ARTICLE 38 – (1) After equivalency implementation or performance of sufficient inspection, a decision regarding recognition that the measures imposed in exporting countries or exporting country regions provide equivalent guarantees with the implementations in our country if neutral evidence is provided by the exporting country.

(2) The decision mentioned in the first paragraph also determines the conditions stipulating import to be made from such exporting country or exporting country region. Such conditions contain the matters below:

a) The structure and content of certificates which should accompany the products,

b) Special conditions to be imposed in import,

c) Rules regarding drafting and updating list of regions or enterprises allowed for import when required.

(3) The decision set forth in the first paragraph is abrogated without delay if any of the conditions regarding the recognition of equivalency formed while taking such decision is not met.

CHAPTER NINE

Traceability and Liabilities

Traceability

ARTICLE 39 – (1) In order to ensure food and feed operator traceability, it is obliged

a) to establish a system to pursue the food or feed, any substance to be added to food or feed and the animal from which the food is obtained at all phases of production, processing and distribution and to submit such information to the Ministry when required,

b) To preserve any document which ensure traceability for three months after the expiration of shelf life of the product in order to ensure traceability in food and feed to be marketed,

c) To label the product with a mark or number and other information which provide the identification of the party in order to ensure traceability in food and feed to be marketed provided that the same shall be in compliance with the food and feed legislation,

ç) To review the traceability system at least once a year and to check whether the system works in a healthy manner and to record the same.

Liabilities

ARTICLE 40 – (1) The operator which is active in relation with the food and substance and material and feed which contact with food is liable to provide the conditions determined in the Code at each phase of the field of activity.

(2) The food and feed operator is obliged to start immediately the procedures necessary for collecting a product which has been produced, processed, imported, sold or distributed and to inform relevant provincial / town directorate of the Ministry starting from the phase when the product is out of its control if the food and feed operator evaluates that the same are not in compliance with the conditions of food and feed reliability. When the product is required to be collected, the food and feed operator is obliged to inform the consumer or user accurately and efficiently when the product is required to be collected and to call consumer or user to return the product when necessary if the measures to protect human and animal health are insufficient.

(3) The food and feed operator is obliged to keep the records required below in relation with its activity updated and to submit the same when required to the Ministry.

a) Documents regarding enterprise approval or registration,

b) The procedures implemented regarding food and feed reliability systems based on danger analysis and critical control points principles and current records of the same,

c) Device calibration records,

ç) Device measuring records,

d) Records regarding purchase and sales in a manner to include a mark or number and other information which ensure identification of the party,

e) Traceability records in food and feed,

f) Fight against pests and rodent records,

g) Analysis records regarding raw materials, supplementary substances used in the production, interval product and/or final product,

ğ) Records regarding that obligatory personnel who obtained college training related with the matter depending of the type of work.

(4) The food and feed operator is liable from the prevention, minimisation or removal of risk regarding the product and cooperates with the Ministry while taking such measures. The relevant persons may not prevent the implementation of the measures taken by the Ministry.

(5) The food and feed operator is obliged to use products of the enterprises registered or approved by the Ministry and the approved products if the product is subject to approval at production, preparation and sales.

(6) The public – private institutions and agencies and workplaces which present to mass consumption by producing at the location are liable to keep a sample collected from each type of dish produced for seventy two hours under appropriate conditions.

CHAPTER TEN

Financing Official Controls

Financing Official Controls

ARTICLE 41 – (1) All expenses including any inspection and analysis charges pertaining to samples collected from food and substances and materials which may cause food poisoning and which are in contact with the food in food poisoning cases and in case of food poisoning suspicion are paid by real or legal persons liable from relevant activity.

(2) If the determination of incompliance requires official controls which exceed normal control activities of the Ministry then, the expenses arisen from additional controls are paid by the owner of products or real or legal persons which hold the products while additional controls are conducted. Normal control activities are regular control activities deemed necessary under the Code including the ones determined with the perennial national control plan of the Ministry. The activities which exceed normal control activities are studies which are required for the determination of the scope of the problem or that the corrective activities have been conducted; for that purpose, they contain other controls including sample collection and analysis which is required to be conducted in order to determine or demonstrate compliance.

(3) In case of objection, all expenses including the analysis of witness sample are covered by real or legal persons.

(4) The amount of charge to be collected from the activities of official controls is determined in accordance with the Regulation of Practice Regarding Agriculture and Rural Affairs Trading Capital published in 28.12.2006 dated and 26390 numbered Official Gazette.

CHAPTER ELEVEN

Miscellaneous and Final Provisions

Regulations Abrogated

ARTICLE 42 – (1) The Regulation Regarding Production, Consumption and Auditing of Food published in 9.6.1998 dated and 23367 numbered Official Gazette and Regulation Regarding Auditing and Control of Food Safety and Quality published in 26.9.2008 dated and 27009 numbered Official Gazette have been abrogated.

Transition Provisions

PROVISIONAL ARTICLE 1 – (1) The personnel working in official controls of food, substances and materials and feed which contact with the food continue to perform their official control duties as set forth in the Annex – 2 of 5996 No Law in accordance with the 27.5.2004 dated and 5179 numbered Law Regarding The Acceptance of Amended Decree Regarding Production, Consumption and Auditing of Food and 29.5.1973 dated and 1734 numbered Feed Law.

Validity

ARTICLE 43 – (1) The Regulation hereby comes into force on the date of publishing.

Execution

ARTICLE 44 – (1) The Minister of Food, Agriculture and Stock Farming executes the provisions of the Regulation hereby.

ANNEX – 1

A) TRAINING SUBJECTS FOR CONTROLLING PERSONNEL

- 1- Legislation
- 2- Various control techniques such as auditing, sample collection and inspection,
- 3- Control procedures,
- 4- Possible risks in respect of human health, when deemed necessary animal and vegetation health at different phases of production, processing and distribution,
- 5- Assessment of violation of the Code,
- 6- Dangers in animal feed and food production,
- 7- Assessment of the implementation of procedures regarding danger analysis and critical control points,
- 8- Management systems such as quality assurance programs implemented by food and feed operators and assessment of the same in respect of compliancy with the Code,
- 9- Official certification systems,
- 10- Regulations regarding crisis management for emergency situations,
- 11- Assessment of official control results and legal sanctions to be imposed,
- 12- Inspection of other records which may contain written, recorded material and financial and commercial matters including qualification test, accreditation and risk assessment documents which may be relevant for the assessment of compliancy with the Code,
- 13- Other fields including animal health and animal welfare deemed necessary to ensure official controls to be performed in compliance with the Regulation hereby.

B) SCOPE OF CONTROL PROCEDURES

- 1- The organisation chart of the Ministry and relation with central organisation and relevant institutions including the ones to which power has been delegated,
- 2- The relation with the Ministry and institutions to which power has been delegated in relation with the official controls,
- 3- Targets intended to be achieved,
- 4- Duties, liabilities and services of the personnel,

- 5- Control methods and techniques, sample collection procedures, interpretation of results and following decisions,
- 6- Monitoring and supervision programs,
- 7- Activities following official controls,
- 8- Cooperation with other units and departments which have responsibilities regarding the matter,
- 9- Sample collection methods, analysis methods and verification of the compliancy of determination tests,
- 10- Other activities or information which may be necessary for efficient performance of official controls,
- 11- Controlling personnel training