

## **Turkish Ministry of Food, Agriculture and Livestock**

### **REGULATION AMENDING THE PLANT QUARANTINE REGULATION\***

#### **Article 1**

Article 2 of the Plant Quarantine Regulation, published on 3 December 2011 in issue No 28131 of the Official Gazette of the Republic of Turkey, is hereby amended as follows:

‘(1) This Regulation specifies pests hindering the import of, phytosanitary conditions applying to and official inspections required for plants, plant products and other substances of plant origin entering or leaving the customs area of Turkey.

(2) Products brought into a free zone from another country or sent from a free zone to another country shall be subject to the provisions of this Regulation.’

#### **Article 2**

Article 4(1)(e), (i), (k), (ü), (çç) and (dd) of the same Regulation are hereby amended and Article 4(1)(ff), (gg) and (ğğ) are hereby added as follows:

‘(e) “Exit” refers to the exit or export of plants, plant products or other substances of plant origin from the customs area of Turkey, including free zones.

(i) “Entry” refers to the entry or import of plants, plant products or other substances of plant origin into the customs area of Turkey, including free zones, or their transit through the customs area of Turkey.

(k) “Inspector” refers to an authorised inspection official trained by the Ministry to carry out any kind of official phytosanitary inspection on plants, plant products or other substances of plant origin entering, exiting or transiting the customs area of Turkey, including free zones.

(ü) “Transit” refers to the passage of plants, plant products or other substances of plant origin not in free circulation from one foreign country to another through the customs area of Turkey.

(çç) Interception:

(1) “Interception of pests” refers to identification of pests by means of visual inspection or testing on a shipment intended for entry.

(2) “Interception of a shipment” refers to rejection of a shipment intended for entry, due to non-compliance with plant health legislation, or authorisation for controlled entry of such a shipment.

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\* [Translator’s note: The original English translation of the Plant Quarantine Regulation provided was unclear; all corresponding parts of the text have therefore been translated again.]

(dd) “Point of entry” refers to the area where plants, plant products or other substances of plant origin are first brought into the customs area of Turkey, including free zones: for arrival by air, the airport; for arrival by sea, the sea port; and for arrival by land, the customs office responsible for the area of arrival.

(ff) “Debarked wood” refers to wood from which the bark has been removed (debarked wood need not be entirely free of bark).

(gg) “Bark-free wood” refers to wood from which all bark has been removed, except for bark spaces between annual growth rings and bark growing inwards around knots.

(ğğ) The “customs area of Turkey” refers to the territories of the Republic of Turkey, including its territorial waters, inland waters and airspace.’

### **Article 3**

Article 5(1), (2) and (3) of the same Regulation are hereby amended as follows:

‘(1) The entry, transit and exit of plants, plant products or other substances of plant origin into, through or from the customs area of Turkey, including free zones, shall be subject to official inspection.

(2) Plants, plant products or other substances of plant origin shall be officially inspected by an inspector; such inspections shall involve document, declaration and phytosanitary checks, including on-the-spot checks, laboratory sampling and testing or ordering tests for laboratory examination.

(3) Laboratory phytosanitary tests on plants, plant products or other substances of plant origin shall be carried out at the Directorates for Agricultural Quarantine, Plant Protection Research Institutes and Stations, Forestry Research Institutes and other research institutes and stations under and authorised by the Ministry.’

### **Article 4**

Article 7 of the same Regulation is hereby amended as follows:

‘(1) Upon the entry of plants, plant products and other substances of plant origin, the natural or legal persons responsible for the shipment or their legal representatives shall apply to the Directorate by submitting an entry application form, according to the template drawn up by the Directorate-General. The application shall be accompanied by an original phytosanitary certificate or phytosanitary re-export certificate drawn up by the official plant protection office of the exporting country, one of the international transport documents declared at customs and a photocopy of the invoice for the product. Importers and their legal representatives shall fulfil the following conditions before importing:

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

(b) Importers or their legal representatives shall notify relevant directorates in advance of any plants, plant products or other substances of plant origin to be imported in the near future. Such notification shall be made at least 24 hours before the arrival of a shipment by sea, at least 4 hours before the arrival of a shipment by air, and at least 12 hours before the arrival of a shipment overland. Such notification shall be made to the Directorate located at the entry point and shall include the registration number as given in the shipment notification form in Annex 10.

(2) An entry inspection shall involve three stages: a document check of the shipment or batch, a declaration check and a phytosanitary check.

(a) A document check is a check to confirm that the required accompanying documents for an application for a shipment or batch are complete and in order; that no plants, plant products or growth media listed in Annex 3 as banned from entry are present; and that the specific requirements listed in Annex 4 are indicated in the phytosanitary certificate.

(b) A declaration check is a check to confirm that the documents accompanying an application match the product intended for entry.

(c) A phytosanitary check is an official check carried out after document and declaration checks are complete, to confirm that plants, plant products and other substances of plant origin intended for entry, their packing and any transport vehicles required are free from any pests listed in Annex 1 or Annex 2 as being subject to quarantine; that they meet the specific requirements listed in Annex 4; and that no plants, plant products or growth media listed in Annex 3 as banned from entry are present.

(3) Wooden packing materials used to transport goods other than plants or plant products covered by this Regulation shall be subject to reduced official checks at appropriate intervals, based on risk, in cooperation with Customs Directorates.

(4) Inspectors shall conduct laboratory tests to determine whether any pest they detect during an official check on plants, plant products or other substances of plant origin intended for entry is listed in Annex 1 or Annex 2 as being subject to quarantine.

(5) For undeclared shipments containing plants, plant products or other substances of plant origin or if there are reasonable grounds to suspect the presence of such material, official checks shall be carried out to ensure compliance with this Regulation.

(6) If a declaration and phytosanitary check on any of the plants, plant products or other substances of plant origin listed in Annex 5 cannot be made at the point of entry, they may be transferred to another authorised inspection point in the country after a document check at the point of entry. If this occurs:

(a) An original and a copy of a phytosanitary circulation document shall be completed and approved by inspectors at the first point of entry, according to the example in Annex 11, and the original document shall accompany the shipment. The document shall be completed in legible handwritten capital letters or electronically. The phytosanitary circulation document shall be requested by the relevant Directorate at the point of arrival.

(b) Official checks shall be carried out in customs areas, temporary storage areas under customs supervision and isolated depository areas.

(c) Part 4 of the phytosanitary circulation document, relating to transport, shall be completed and signed by the importer or its representative or by the carrier, under the supervision of the Directorate, to avoid the risk of infection or spread of pests during transport.

(ç) The Directorate responsible for inspection at the point of arrival shall ensure compliance with the minimum conditions set by the Ministry in its instructions for official checks, as well as the availability or acquisition of adequate facilities, tools and equipment.

(d) Vehicles used to transport products which could not be checked at the point of entry or packing on such shipments must be closed and sealed to ensure that products do not cause infestation or infection and that their contents remain unaltered during transport to proper inspection locations (warehouses, depository areas, etc.). In exceptional cases, the relevant Directorate may allow such products to be transported uncovered or unsealed, if they do not cause infestation or infection during transport to an approved inspection location.

(e) Temporary storage and depository areas referred to under (b) above shall be under the supervision of the Customs Directorate; they shall have no physical contact with their surroundings and shall be isolated from the environment; necessary measures shall be taken to prevent outside contamination from pests; and entry into and exit from such areas shall be controlled. If requested by a trader, the adequacy of temporary storage and depository areas shall be checked by the relevant Directorate. The Directorate shall notify the importer and the relevant Customs Directorate of any reasons for which a temporary storage or depository area is found to be inadequate and of any additional measures to be taken.

(f) The Directorate and the Customs Directorates shall ensure an efficient exchange of information on the packing and transport of plants, plant products or other substances of plant origin intended for import by using paper or electronic versions of the phytosanitary circulation document.

(g) The importer of a shipment shall notify the relevant Directorate at the point of arrival of the entry of such products in advance, as provided for in Article 7(1)(b).

The importer shall notify the relevant Directorate at the point of arrival of any change relating to such notification.

(ğ) Under the International Plant Protection Convention (IPPC), a risk analysis in conformity with international phytosanitary standards may be requested the first time that plants or plant products are to be imported from a given country or if phytosanitary conditions change.'

## **Article 5**

Article 8 of the same Regulation is hereby amended as follows:

'(1) The transport of plants, plant products or other substances of plant origin not in free circulation passing from one foreign country to another through the customs area of Turkey shall be subject to transit procedures.

(2) An application for any plants or plant products intended for transit inspection shall be made to the Directorate by submitting a transit form, a template for which has been drawn up by the Directorate-General.

(3) Plants, plant products or other substances of plant origin shall be authorised for transit in closed, sealed transport vehicles preventing the contamination and spread of pests on Turkish territory, subject to an official document check and, if necessary, declaration and phytosanitary checks, and provided they pose no phytosanitary risk.

(4) Plants, plant products or other substances of plant origin listed in Annex 3 as banned from entry shall transit in protected refrigerator or closed container transport vehicles with no change in customs status. They may not be subject to grounding, unloading or transfer procedures.

(5) No phytosanitary certificate or phytosanitary re-export certificate may be issued for non-imported plants or plant products transiting the customs area of Turkey without exposure to pest invasion or contamination. If non-imported plants or plant products under the transit regime are separated, combined with another shipment, loaded onto another vehicle or repacked, the phytosanitary certificate from the exporting country shall be requested and the necessary checks carried out; if appropriate, a phytosanitary re-export certificate shall then be issued and a certified copy of the phytosanitary certificate from the exporting country attached. If a shipment has been exposed to pest invasion or contamination, a phytosanitary certificate indicating the country of origin shall be issued, if the requirements of the importing country have been fulfilled, and the product shall continue to transit.'

## **Article 6**

Article 9 of the same Regulation is hereby amended as follows:

'(1) Official inspections of plants, plant products or other substances of plant origin entering a free zone from another country or leaving a free zone for another country shall be carried out as provided for in this Regulation.

(2) Plants, plant products or other substances of plant origin entering a free zone from another country shall be subject to entry inspection at their point of entry into the customs area of Turkey, including free zones.

(3) Plants, plant products or other substances of plant origin which have entered a free zone from another country after a phytosanitary check and which subsequently re-enter the customs area of Turkey shall not be subject to a new phytosanitary check.

(4) Plants, plant products or other substances of plant origin entering a free zone from the customs area of Turkey or entering one free zone from another shall not be subject to a phytosanitary check.

(5) Plants, plant products or other substances of plant origin which have entered a free zone from the customs area of Turkey or have entered one free zone from another without a phytosanitary check and which subsequently re-enter the customs area of Turkey shall not be subject to a phytosanitary check.

(6) If plants, plant products or other substances of plant origin have entered a free zone after a phytosanitary check and have subsequently been processed to become plants, plant products or other substances of plant origin corresponding to one of the Customs Tariff Statistics Positions listed in Annex 5, the resulting plants, plant products or other substances of plant origin shall not be subject to a phytosanitary check upon entering the customs area of Turkey or another free zone.'

## **Article 7**

Article 12 of the same Regulation is hereby amended as follows:

‘(1) The specific conditions applying to plants, plant products or other substances of plant origin intended for entry are laid down in Annex 4. Plants, plant products or other substances of plant origin not fulfilling those conditions shall not be authorised for entry into the customs area of Turkey, including free zones.’

## **Article 8**

Article 13 of the same Regulation is hereby amended as follows:

‘(1) Plants, plant products or other substances of plant origin intended for entry shall be barred from entry if they have been contaminated by any of the pests listed in Annex 1 or Annex 2 as being subject to quarantine, appear in Annex 3, do not fulfil the specific conditions laid down in Annex 4, or are not accompanied by complete and proper documentation, with any missing documentation or information duly provided. The owner of such products and the relevant Customs Directorate shall be notified in writing. The products shall be returned to the exporting country within ten days or shall be destroyed, as provided for in customs legislation. They shall be destroyed in the presence of the product owner or the owner’s representative, as well as an inspector and an official from the customs office, with the costs of destruction borne by the owner. Plants, plant products or other substances of plant origin intended for entry shall immediately be sent abroad by the liable party if found to be dangerous or harmful to plant health. Such products may not be destroyed in the customs area of Turkey, including free zones, and may not be left with customs authorities.

(2) If plants, plant products or other substances of plant origin intended for entry are contaminated by any of the pests listed in Annex 1 or Annex 2 as being subject to quarantine or by any other pest controlled in Turkey, the pest shall be intercepted. If such plants, plant products or other substances of plant origin can be cleaned by fumigation or disinfection, this shall be done, with the costs borne by the liable party. If they are then officially inspected and found to be free of pests, they shall be authorised for entry.

(3) For plants, plant products or other substances of plant origin not allowed to enter the country, the words “Banned from entry into Turkey” shall be entered in red ink in the front part of the phytosanitary certificate, and the certificate shall be cancelled and returned to the relevant person. For a phytosanitary certificate representing more than one lot of products, some of which are accepted and some of which are rejected, the original phytosanitary certificate shall be retained and a certified copy shall be given to the relevant person, with the words “Banned from entry into Turkey”.

(4) If plants, plant products or other substances of plant origin are barred from entry for any of the reasons listed below, a notification form according to the template in Annex 9 shall be issued in English and stamped by an inspector within two working days and sent to the General Directorate by e-mail and by post. The Directorate-General shall notify the country in question and the points of entry of the interception. A reference number (format: TR Provincial Traffic Code – Year – Notification No) shall be entered in the notification form in the event of:

- (a) contamination by any pest;
  - (b) contamination by one of the pests listed in Annex 1 or Annex 2 as being subject to quarantine;
  - (c) incomplete or inconsistent product documentation, such as:
    - 1. lack of phytosanitary certificate;
    - 2. unauthorised alterations or deletions on a phytosanitary certificate;
    - 3. a false phytosanitary certificate; or
    - 4. incomplete information on a phytosanitary certificate;
  - (ç) products banned from entry;
  - (d) partially banned plants, plant products or other substances of plant origin in a shipment; or
  - (e) improper fumigation or disinfection.
- (5) If plants, plant products or other substances of plant origin intended for entry have been contaminated by any pest not listed in Annex 1 or Annex 2 and not known to be present in Turkey, they shall be barred from entry and subject to a risk analysis. Quarantine measures shall be taken until the risk analysis is concluded; products found to pose a risk shall be barred from entry.
- (6) Any unnotified propagation material found on a passenger at a border crossing shall be confiscated and quarantined, regardless of the amount.'

#### **Article 9**

The heading of Article 14 of the same Regulation is hereby amended as follows:

'Product entry by post or cargo'

#### **Article 10**

Article 18(1) of the same Regulation is hereby amended as follows:

'(1) For plants, plant products or other substances of plant origin which have been exported but which return for any reason, an application must be made to the Directorate by submitting an entry application form, a template for which has been drawn up by the Directorate-General. The application shall be accompanied by the original Turkish phytosanitary certificate for the product or a certified copy provided by the Directorate which issued the phytosanitary certificate, as well as the customs clearance statement and a photocopy of the invoice of the product.'

## **Article 11**

Article 19(5), (6) and (7) of the same Regulation are hereby amended as follows:

‘(5) A phytosanitary certificate or phytosanitary re-export certificate shall be issued at most 14 days before the shipment date. For certificates on which the inspection date and the date of issue are separately stated, the period between the product inspection date and the shipment date shall be at most 14 days. A phytosanitary certificate issued after the shipment date shall state the product inspection date.

(6) Only plants or plant products accompanied an original phytosanitary certificate or phytosanitary re-export certificate may be authorised for entry. phytosanitary certificates and phytosanitary re-export certificates issued in accordance with ISPM-12, as well as electronic phytosanitary certificates and phytosanitary re-export certificates from countries approved by the Ministry, shall be accepted as valid.

(7) If plants or plant products intended for entry were not produced in the exporting country and if information on their production areas and growth cycles is required, they shall be accompanied by an original phytosanitary re-export certificate and an original or an endorsed copy of a phytosanitary certificate issued by the country of origin. For plants or plant products for which information on production areas and growth cycles is not required, a phytosanitary certificate may be issued by the exporting country, stating the country of origin.’

## **Article 12**

The following paragraphs are hereby added to Article 20 of the same Regulation:

‘(4) A phytosanitary certificate shall not be required for the entry of wood packing materials arriving or accumulating in a free zone, accompanied by goods and marked as provided for in ISPM-15.

(5) A phytosanitary certificate shall not be required for the entry of plants, plant products or other substances of plant origin which have been left at customs and have become public property.’

## **Article 13**

Annexes 1, 2, 4, 5, 10 and 11 to the same Regulation are hereby amended as in the Annexes below.

## **Article 14**

The following Provisional Article 2 is hereby added to the Article of the same Regulation headed Temporary Provision:

‘(1) Palm species listed in Annex 3 as intended for presentation by countries participating in the EXPO 2016 Antalya Fair may be authorised for entry, if they are found to be clean after six months of monitoring in a temporary storage or depository area for official control.’



### **Article 15**

(a) With the exception of Article 40 of Annex 4 as amended by Article 12, the articles of this Regulation, as well as Annex 5, shall enter into force on 1/1/2016.

(b) The other provisions of this Regulation shall enter into force three months after its publication.

### **Article 16**

This Regulation shall be enforced by the Minister of Food, Agriculture and Livestock.