

8 February 2007

Screening report

Turkey

Chapter 12 – Food safety, veterinary and phytosanitary policy

Date of screening meetings:

Explanatory meeting: 9-10 & 13-15 March 2006

Bilateral meeting: 24-28 April 2006

I. CHAPTER CONTENT

Country alignment and implementation capacity Chapter 12 – Food safety, veterinary and phytosanitary policy - reflects the EU's integrated approach to food safety aiming to assure a high level of food safety, animal health, animal welfare and plant health within the European Union through coherent farm-to-table measures and adequate monitoring, while ensuring the effective functioning of the internal market. The principal pre-requisites for a Candidate Country in this domain are the transposition of the EU legislation, and implementation by a properly structured and trained administration.

The *acquis* in this chapter consists of a very large number of Regulations, Directives and Decisions.

In previous accession negotiations, the requirements regarding food of non-animal origin were covered under Chapter 1 – Free movement of goods. Live animals, food of animal origin, feed and plant health issues were covered under chapter 7 – Agriculture. All food safety aspects, veterinary and phytosanitary issues are currently covered in one single negotiation chapter: Chapter 12.

For the implementation of food safety legislation, each Member State must have appropriate administrative structures to be able to carry out inspection and control of food products including an appropriate laboratory capacity. The basic rules are defined by the general food and feed law Regulation providing the general principles and requirements of food production, processing, packaging, labelling, marketing and distribution. In particular, it lays down definitions, principles and obligations covering all stages of food/feed production and distribution. Fulfilment of traceability requirements for all food and feed as well as related business operators are compulsory. Furthermore, this part covers packaging, labelling, marketing, additives, extraction solvents, flavouring, food contact materials, food supplements, contaminants, novel food, genetically modified foodstuffs, mineral waters and ionising radiations.

In the areas of veterinary and phytosanitary policy, EU legislation lays down rules for internal trade and introduction from third countries in the veterinary, plant health and animal nutrition sectors while safeguarding public health, plant and animal health and animal welfare. The EU regime is based on the implementation of the same rules by the authorities in the Member States. Veterinary and plant health checks at internal borders are abolished. A common regime of checks at the external borders is applied. A substantial part of Community *acquis* in this field covers hygiene aspects related to processing and placing on the market of food of animal origin, the control of animal diseases and the protection of plants.

II. COUNTRY ALIGNMENT AND IMPLEMENTATION CAPACITY

This part summarises the information provided by Turkey and the discussion at the screening meeting. Turkey indicates that it can accept the *acquis* regarding Food safety, veterinary and phytosanitary policy. Turkey indicates that it expects difficulties to implement the *acquis* in the fields of ***control measures for animal health*** and ***placing on the market of food and feed*** by accession.

II.a. General

The main legal acts governing the food safety, veterinary and phytosanitary sectors are amongst others the *Decree Law no. 441 on Organisation and Duties of MARA (O.G. 09.08.1991, no. 20955)*, *Food Law no. 5179 (O.G. 05.06.2004, no. 25483)*, *Animal Health*

Control Law no. 3285 (O.G. 16.05.1986, no. 19109), Animal Breeding Law no. 4631 (O.G. 10.03.2001, no. 24338), Feed Law no. 1734 (O.G. 07.07.1973, no. 14557), Fisheries Law no. 1380 (O.G. 04.04.1971, no. 13799), Law of 308 on Registration Control and Certification of Seeds¹ (O.G. 29.08.1963, no. 11493), Law on Protection of Breeder's Rights of New Plant Varieties no. 5042, (O.G. 15.01.2004, no. 25347) and Plant Protection and Quarantine Law no. 6968 (O.G. 24.05.1957, no. 9615). Turkey has currently no comprehensive food safety strategy.

The main objectives of the food safety policies are to ensure safe food supply, the protection of human health and consumers' concern in relation to food, the integration of food-related services within one competent authority, the effective and efficient implementation of food safety rules, and finally the adoption of the EU legislation.

The Ministry of Agriculture and Rural Affairs (MARA) is the main decision making body in Turkey with respect to food safety, veterinary and phytosanitary issues. The Ministry of Health is responsible for mineral waters and food for special medical purpose, whereas the Ministry of Environment and Forestry for the protection of animals, GMOs with respect to their impact on environment, and forestry propagating materials. The Ministry of Defence applies its own instructions based on the national food legislation, for the control of food products supplied for military purposes, inspections, primary examination and approval procedures of food products. The Ministry of Defence uses its own infrastructure, laboratories and personnel for these activities.

Turkish public laboratories are divided in 3 types, Veterinary Control and Research Institutes laboratories (VCRIL), Provincial Control Laboratories and Phytosanitary laboratories, all operated under the supervision of MARA. In addition certain private laboratories can operate with the authorization of MARA. There are 8 VCRILs active at regional level and one Foot and Mouth Disease Institute laboratory active at national level controlled by General Directorate of Protection and Control of MARA (GDPC), active at national level. The Animal Health Service Department of the GDPC is responsible for authorization and control of veterinary laboratories. The laboratories responsible for food and feed control are affiliated to MARA-GDPC. Public Health Service Department of GDPC is responsible for the Directorates of Provincial Control Laboratories and for authorisation and monitoring of private food control laboratories. There are 39 Provincial Control Laboratories and 1 Food Control and Central Research Institute in charge of food and feed control. Currently, 25 private food control laboratories are authorized by MARA.

There are two types of laboratories in the phytosanitary field. There are currently 4 Plant Protection Research Institutes laboratories (PPRIL) and 7² Plant Quarantine Laboratories (PQL). There are 5 Seed Certification Centres and Ankara Seed Registration and Certification Center laboratories work under control of GDPC for certification of seeds and other plant propagating materials.

Turkey has reference laboratories in the field of animal diseases, residue analyses, food analyses and phytosanitary. Reference laboratories for animal diseases and residue analyses cooperate with EU reference laboratories and participate in Ring Test Programmes. The Etlik Central Veterinary Control and Research Institute of MARA, the PCLs in İstanbul, İzmir, Ankara, Mersin and Samsun, and the Bursa Food Control and Central Research

¹ Although this law was in force at the time of screening, it was recently replaced by *Seed Law no. 5553 (O.G. 08.11.2006, no. 26340)*

² In addition to 4 Plant Quarantine Laboratories per se, laboratories of 3 Plant Protection Research Institutes also perform similar functions.

Institute laboratory of MARA are the only veterinary laboratories accredited according to EN ISO 17025.

The general *Food Law* 5179 regulates:

- Food safety requirements and protection of health,
- The Food Codex,
- Registration and approval of establishments,
- Food Business Responsibilities,
- Food Hygiene,
- Official Controls and Food Trade,
- Protection of consumers' interests,
- Reference Laboratories,
- Risk Analysis, Precautionary measures, Scientific Committees,
- Advertisement and Presentation,
- Principles of Transparency,
- Rapid Alert System, Traceability, Emergencies,
- Penalties, fines and objections.

The law is under revision and to be brought in line with the EU general Food Regulation (EC) 178/2002.

II.b. Veterinary policy

The central body of MARA consists of 5 Directorates-General as main service units. Among these service units, the Directorate-General of Protection and Control (GDPC) of MARA is the main service responsible for food safety, veterinary and phytosanitary policies and functions as the central competent authority.

Another 2 Directorates-General of MARA are also responsible for certain aspects of this Chapter. The Directorate-General of Agricultural Production and Development is involved in some issues falling under intra-community trade in live animals, semen, ova and embryos, import requirements for live animals and animal products, and zootechnics. The Directorate-General of Agricultural Research (GDAR) deals with research activities including genetically modified organisms (GMOs) and some of its laboratories take part in food, feed, animal diseases and phyto-sanitary controls.

At the central level units of GDPC are responsible for the preparation of legislation and the coordination of its implementation. At the local level responsibilities are shared between the provinces and municipalities. GDPC is represented in each of the 81 provinces. The local managers of MARA offices report to the provincial and district governors who eventually report to MARA central administration. Municipalities report to Ministry of Interior regarding their activities. MARA can delegate certain tasks to private veterinary practitioners, e.g. for the vaccination of pet, in the framework of mass vaccination programmes or in the identification and registration of bovines.

The EU rules as regards ***control systems in the internal market*** regulate intra-community trade; consequently they are of no relevance for Turkey. The current legal basis consists of the *Law No. 3285 on Animal Health Control* and a number of implementing regulations. A certificate of origin (CO) issued by the village headman is required for dispatches of bovine, ovine, caprine, porcine, equidae and poultry from villages within the same district. In case of dispatches between districts and provinces, a CO is issued by the municipalities.

Additionally a passport is required for dispatches of bovine animals, a passport/pedigree in case of racing or sporting horses, animal identification documents for other equidae, issued by the local offices of MARA. Before the dispatch, vaccination against foot and mouth disease for large and small ruminants, mallein test for glanders in horses are compulsory. In addition to these documents, for dispatch, a veterinary health report is issued after the official inspections and checks.

When it comes to the **control systems of imports**, Turkey does not apply EU conformed measures. Turkey applies a regime of individual licences. Generally the conditions for imports are fixed in the individual authorisation given for each consignment. The current legal basis consist of the *Law no. 3285 on Animal Health Control*, *Law no. 1380 on Fisheries*, *Law no.5179 on Adoption of Decree Law on the Production, Consumption and Inspection of Food*, *Implementing Regulation on Animal Health Control*, *Implementing Regulation on Fisheries and a number of Communiqués*. The countries from which imports are allowed are determined on the basis of the World Organisation on Animal Health (OIE) disease notifications and information provided by Turkish representations in third countries. Imports are only allowed at special "customs gates" designated by MARA, the Ministry of Finance and the Undersecretariat of Customs. Turkey counts 29 custom gates authorized for importing live animals and 58 custom gates for animal products. There are 40 customs gates authorised for importing processed foodstuffs of animal origin. Most of them are not located at borders. Turkey has only 1 EU comparable border inspections post (BIP) at the Sabiha Gokcen Airport in Istanbul, funded by the EU. Two seaports (Mersin and Alsancak-Izmir) and four land border posts with limited competencies (Hatay – Syria, Habur - Iraq, Gurbulak – Iran, Sarp – Georgia) will host EU funded BIPs by beginning of 2008. Veterinary import checks are covering documentary, identity and physical checks. These checks can take place at the point of entry and at the point of destination. Quarantine can be applied to live animals at entry points, holdings at destination or in specific quarantine centres. Turkey requires veterinary import licences for live animals and animal products. A new veterinary information system is current under preparation with EU funding. It will prepare Turkey for the voluntary application of the part of TRACES open to third countries.

Law no. 3285 on Animal Health Control and the *Implementing Regulation on the Identification Registration and Monitoring of Bovine Animals* form the legal basis for the **identification and registration of animals** and registration of their movements for bovines in Turkey. A national computerised database in line with EU requirements became recently operational for identification of bovines and registration of their movements. Identification is ensured by authorised veterinarians, official veterinarians and technicians from organisations of breeders. A system for identification and registration of sheep and goats is under consideration. As regards equidae, only pure breed horses are registered in a computerised database managed by MARA. Micro-chip application for pure breed horses is planned for horses born from 2006 onwards.

Control measures for animal diseases are governed by *Law no. 3285 on Animal Health Control*, the *Implementing Regulation on Animal Health Control* and a number of Communiqués. The objective of the *Law on Animal Health Control* is to prevent the transmission of diseases and to combat them. Technical studies for drafting secondary legislation (including contingency plans) for certain OIE List A diseases were carried with the support of an EU Twinning project. The Law on Animal Health Control describes the control measure, eradication and surveillance measures for 33 notifiable diseases. Control measures include vaccination, zoning, quarantine, control of animal movements, surveillance, testing, cleaning and disinfection as well as compensation and culling of animals. The following animal diseases are currently endemic in Turkey: Foot and Mouth Disease (FMD); Rabies, Bovine Tuberculosis; Bovine Brucellosis and Peste des Petits

Ruminants (PPR). Classical Swine Fever is currently not listed as notifiable disease. According to the Turkish authorities, no Bovine Spongiform Encephalopathy (BSE) case has so far been detected. The number of BSE test conducted in the recent years remains extremely low (ca. 300/year). Turkey participates on a voluntary base in the Animal Disease Notification System (ADNS).

The EU rules as regards ***intra-community trade for live animals, ova semen and embryos*** regulate intra-community trade; consequently they are currently without object for Turkey. Production and checks of semen, ova, embryo is subject to provisions of *Law no. 4631 on Improvement of Animal Breeds*. As a basic rule, in case of an occurrence of a compulsory notifiable disease, any movement of animals from and to the outbreak area is prohibited. Trade of bovine, ovine and caprine requires certificates of origin (CO), passport for bovine animals, vaccination certificate for FMD (maximum 6 months before dispatch), veterinary health report and disinfection certificate.

Pet animals should be registered according to *Law no. 5199 on Animal Protection*, which is however not fully enforced. Turkey has no specific passport for the ***non-commercial movements of pet animals*** as provided by the *acquis*. These animals however need to be accompanied by a veterinary health report in accordance to the *Law no 3285 on Animal Health Control*. International rules apply for the import into Turkey of pet animals.

As regards the ***prohibition of substances and residues control***, Turkey has EU approved National Residue Control Plans (NRCP) for honey, fish, poultry and milk since 2000. The NRCPs are based on Law no 3285 on Animal Health Control, Law no 5179 on Adoption of Decree Law on the Production, Consumption and Inspection of Food, Law no 1380 on Fisheries and Law no 1734 on Feed. Communiqué no 2003/18 and no 2003/21 prohibit the use of substances having a hormonal action for growth, including BST. Certain substance for therapeutic and zootechnical purposes are regulated, however their use is prohibited during fattening periods and end of reproductive life. The nitrofurans and nitroimidazoles analyses can currently not be carried out in Turkey. As of October 2006 testing of poultry for nitrofurans is carried out in United Kingdom. A residue laboratory network with 5 different national reference laboratories performs specific analyses

Import requirements for live animals and animal products are regulated by *Law no. 3285 on Animal Health Control*, *Law no. 1380 on Fisheries*, *Law no. 5179 on Adoption of Decree Law on the Production, Consumption and Inspection of Food*, *Implementing Regulation on Fisheries* and *Implementing Regulation on Animal Health Control*. The health and other technical requirements for import of live animals and animal products are defined by MARA, taking into account OIE rules and relevant EU legislation when establishing import requirements (health conditions and certificates) for live animals and animal products. Moreover, Turkey accepts EU-approved establishments in third countries for semen, embryo, ova, hatching eggs and breeder chicks. For bovine, ovine and caprine animals and meat, the imported country should be in GBR level I and II. Nevertheless Turkey applies currently an import-ban for live bovine, beef and derivate products.

Turkey has signed 29 bilateral ***international veterinary agreements***³ and 4 Protocols⁴, with the objective to facilitate the movement of animals and animal products, to prevent the spread of animal diseases and to develop the cooperation in the veterinary field. All

³ Iraq, Libya, Syria, Egypt, Bulgaria, Poland, the Netherlands, Albania, Kazakhstan, Ukraine, Germany, Romania Israel, Mongolia, Tunisia, Algeria, the former Yugoslav Republic of Macedonia, Croatia, Russian Federation, Hungary, Czech Republic, Greece, Moldavia, Cuba, Belarus, Argentina, Morocco, Iran and Azerbaijan.

⁴ Kazakhstan, Greece, the Netherlands and Saudi Arabia.

agreements can be terminated with a notice of 2 to 6 months. Turkey is member of the following international organisations in the field of veterinary issues: Food and Agriculture Organisation (FAO), World Organisation on Animal Health (OIE), European Commission for the Control of Foot-and-Mouth (EUFGMD), Council of Europe.

Animal welfare is ruled by a basic *Law on Animal Protection* from 2004 which leaves the responsibility to the animal owners in ensuring animal's sheltering, ethologic requirements, caring for their health and taking measures necessary for the health of human beings. The Ministry of Environment and Forestry is the competent authority. Turkey has not yet regulated the animal welfare of farm animals, animal welfare at the time of slaughter and animals during transport according to EU rules. In Turkey slaughtering take place following the religious practice which consist of slaughtering the animals by bleeding without prior stunning. The implementation of animal welfare legislation on resting periods during transport will be specially challenging during the annual sacrifice feast when important movements of animals take place. Turkey has not yet undertaken a survey as regards the application of EU rules for laying hens. An EU funded project provided initial training and technical advice to MARA to start working on secondary legislation in the area of animal welfare. Turkey has ratified in 2006 the European Convention for the Protection of Animals during Transport.

The **zootechnical** legislation includes *Law no. 4631 on Improvement of Animal Breeds*, *Law no. 3285 on Animal Health Control*, *Law no. 6132 on Horseracing* and a number of implementing regulations. Turkey does not apply herd or stud books for non competing equidae, porcine, sheep and goats. Cattle are covered by a herd book since 2000 managed by the Central Cattle Breeder's Association of Turkey (CBAT), under supervision of MARA. The membership to CBAT is not compulsory. Equidae intended for competition are registered in international stud books. Turkey is member of World Arabian Horse Organization (WAHO), International Federation of Arabian Horse Races (IFAHR), International Federation of Horseracing Authorities (IFHA), International Stud-Book Committee (ISBC), and International Federation for Equestrian Sports (FEI). There is no stud-book of origin for equidae in Turkey.

Veterinary expenditures are covered by annually in state budget following the proposal of MARA. Pursuant to the *Law of Animal Health Control*, diseases for which compensation is paid in case of outbreaks include Rinderpest, African Horse Sickness, glanders, Bovine Brucellosis, Bovine Tuberculosis, and Foot and Mouth Disease (for FMD only in the Thrace Region). Despite not being included in the list of compensated diseases, compensation was paid for culled poultry in case of Avian Influenza (AI) outbreaks during 2005/2006. Compensation is not paid for animals belonging to public institutions (inc. municipalities) and privately owned animals whose diseases have not been notified, animals that have been bought knowing that they are diseased, animals that are transported without veterinary health reports, and animals that have not been administered vaccines or medicinal products despite notice. Compensations are subject to the availability of funds from the budget.

II.c. Placing on the market of food and feed

The registration and authorisation of food establishments (working license, food register number) are carried out either by GDPC at central level or at local level by municipalities and Provincial Administration. In addition, MARA issues Production License (pre-market authorisation) for products. The control is distributed between veterinarians and food inspectors. In addition municipalities are also involved in the food control system. As regards laboratories MARA laboratories and private food laboratories are involved. In addition the municipalities have the possibility to establish food laboratories. According to

MARA inventory for food industry in 2004 Turkey counted 25,425 registered food processing establishments.

The structure of the Turkish meat and animal product establishments is currently not clearly classifiable following EU standards. According to the national classification, Turkey counted in 2005 about 633 red meat establishments, 83 poultry establishments, 3 quail establishments, 550 meat products and minced meat establishments, 2160 milk establishments, 178 fishery establishments out of which 99 are EU approved including 2 freezer vessels, 2 egg processing establishments, 19 EU approved casing establishments and 44 animal by-product establishments (rendering). A big part of meat and milk establishments are small scale and scattered structure. There are 2 packaging vessels approved for exports to the EU and 4 nationally approved fishing vessels exporting fresh or chilled fishery products to non-EU markets

As regards the milk, a direct sale of small quantities of raw milk to the final consumer is common due to small scale and geographically dispersed milk farms. There is legislation covering these sales. EU milk quality levels are only reached by a limited number of large scale dairy farms. A Programme for improving the quality of raw milk started in 2005. The programme includes control of the total number of bacteria, number of somatic cells, freezing point and peroxidase. The results of the test are evaluated in accordance with the *Turkish Food Codex Communiqué no. 2000/6* on raw milk and heat treated milk in large milk establishments. With a view to improve the quality of raw milk in Thrace and Aegean Region, state aid is given to holdings having a Tuberculosis and Brucellosis free status. To ensure a better milk quality, subsidies are provided for investments in milking equipments and cooling tanks.

Turkey does not apply the new EU food and feed **hygiene rules** in food and feed processing establishments. Food process is governed by a primary legislation including *Food Law no. 5179*, *Law no. 3285 on Animal Health Control*, *Law no. 1734 on Feed* and the *Law no. 1380 on Fisheries*, largely based on outdated EU rules. A large set on implementing regulation define the responsibilities, registration procedures, inspections and marketing of food products. MARA has the responsibility for approving and registration of fishery production establishments, red meat and poultry meat processing establishments, slaughterhouses and cutting plants by issuing “Working Licences” and “Food Registration Numbers”, as well as “Production Licence” for foodstuffs, control and inspection of the minimum technical and hygienic requirements for food establishments, registration of retailers, wholesale markets and consumption places by controlling the minimum technical and hygienic requirements and finally carrying out risk based control of foodstuffs and food contact materials.

The *Implementing Regulation on the Market Surveillance, Control and Inspection* lays down general rules of hygiene for food business operators, the traceability of foodstuffs and the principles and procedures of official controls. It covers furthermore the food chain including primary production, the hygiene requirements for primary production and the primary producers' responsibilities. Food business operator is primarily responsible to supply food safety.

Several implementing regulations concerning meat, meat products, fish and fishery products provide **specific rules for animal products** establishments which are not compliant with current EU rules. They specify the competent authority, approval procedures, technical and hygienic requirements of the installations, specific requirements for meat productions and hygiene requirements for personnel. Specific health marks are applied to "edible meat", "meat edible after processing" and "meat to be destroyed".

As regards **control rules**, inspection of food business establishments are carried out by “food inspectors” and “food inspector assistants” employed by MARA in 81 Provincial Directorates. Total number of staff involved in control and inspections is 4807. Fishery products processing establishments approved for exporting to EU are inspected on a monthly basis. 190 inspectors work for the inspection of the fishery establishments. The other fishery processing and evaluating establishments are inspected 2 times in a year.

“Working License” and “Food Register Number” for food business operators are issued by municipalities and Special Provincial Administrations. In addition, MARA issues “Production License” on product basis in compliance with Turkish food legislation. “Working License” for feed establishments is issued by MARA. They are inspected at least 2 times in a year without prior warning.

Sanctions are imposed in accordance with the *Law no. 5179* for the establishments, including those producing food contact materials, not complying with the national legislation. Sanctions imposed are fines, taking to the court in cases of threat to human health, cessation of the production and cancellation of the approval, withdrawal of the products from the market and destruction of the products.

Special control rules for animal products apply to Turkish animal product processing establishments. MARA issues an additional “Working License” for approval of poultry and red meat slaughterhouses, fishery products facilities and animal casing processing facilities after the technical and hygienic controls carried out by MARA. Slaughterhouses have to employ veterinarians according to the *Implementing Regulations on working and inspection procedures* and provisions on red meat, meat products, poultry meat and poultry meat products establishments. Official Veterinarians periodically inspect these establishments in accordance with legislation. Daily controls are performed by Official Veterinarians who are assigned by MARA at the facilities which have taken temporary approval code from MARA for export of poultry meat to EU. Farms are controlled by official Veterinarians of MARA Local units. Current insufficient staffing and financial resources do not permit an adequate control of the high number of establishments.

Microbiological criteria of foodstuffs are defined by the *Turkish Food Codex Communiqué 2001/19 on Microbiological Criteria*. Microbiological criteria for some special products such as bread, fermented milk, spices, fresh meat and meat products, raw milk and heat treated milk, as well as baby food is included in product-specific communiqués. The organoleptical, microbiological, chemical and toxicological criteria of live, fresh, fresh chilled, frozen and processed fishery products are defined in the *Implementing Regulation on Fisheries*. Compliance of food with the *Turkish Food Codex* is controlled in terms of microbiological criteria within the scope of annual control programmes. Penalties are applied in accordance with the *Law no. 5179* for the products not complying with the legislation.

The legal basis regulating **animal by-products** is very complex, comprising 6 Laws and 10 implementing regulations, however, there is no text specifically addressing by-products in accordance with Regulation (EC) No 1774/2002. As regards Category 1 materials, the legislation does not regulate specific risk materials (SRM). Category 2 material includes manure, digestive tracts content, animal material collected from waste water, animal products with high amount of drug residues, products not meeting the requirements for importation and culled animals. Category 3 material comprises animal by-products for the production of feedstuff, expired products of animal origin and raw milk originating from animals that do not show signs of any communicable disease, catering waste, fishes and other sea animals intended for fish meal production and broken eggs, hatchery by-products

from animals not having contagious diseases. Turkey has currently no special system for collection of cadavers. Local authorities are responsible for the burial of cadavers. Turkey does not apply the prohibition of the feeding to farmed animals of protein derived from mammals (feed ban).

As regards **funding of checks**, MARA charges no fees for the inspections of establishments or control of residue monitoring for live animals or animal products. The only fees required cover laboratory analysis for import and export controls, laboratory replicate analysis (except analysis of veterinary medicinal products, plant protection products and feed retailer), disinfection of the trucks carrying live animals and animal products and those at the custom borders, as well as the registration and approval of feed establishments. Municipalities charges fees to cover the costs of examinations and slaughtering of animals at their premises according to *Law no. 2464 on Municipalities Incomes* and for the registration and approval of food establishments and retailers.

II.d. Food safety rules

MARA is the main decision making body in Turkey with respect to food safety. The General Directorate of Protection and Control (GDPC) of MARA is the responsible unit for food safety policies. The responsibility for natural spring and mineral waters and foods for special medical purposes and approval, registration and control and laboratory services of these products are under the authority and the responsibility of the Ministry of Health.

Labelling of food products is covered by the Turkish Food Codex and the Communiqué on Rules for General Labelling and Nutritional Labelling of Foodstuffs (2002/58). It covers to a large extend the existing EU *acquis*.

Food additives and purity criteria are regulated by the *Turkish Food Codex - Communiqué on Food Additives other than colours and sweeteners (2003/44)*, largely based on the EU *acquis*. Sweeteners and food colours have specific Communiqués, the *Communiqué on Sweeteners used in Food stuff (2002/56)*⁵, allowing certain non-harmonised labelling statements, and the *Communiqué on Colours used in Foodstuffs (2002/55)*. Purity criteria are governed by a number of specific *Communiqués*, all based on EU *acquis*. **Extraction solvents** are covered by the *Turkish Food Codex - Communiqué on Extraction Solvents used in Production of Foodstuff and Food ingredients*, also based on the relevant EU *acquis*.

Flavourings are divided following the Implementation Regulation of the Turkish Food Codex into different categories, natural flavours, natural identical flavours, artificial flavours, flavours preparation, process flavours and smoke flavours. Labelling and properties of flavours are based on provisions of the EU *acquis*. The list of artificial flavours and natural identical flavours are based on Council of Europe and FEMA codes (Flavor and Extract Manufacturers' Association).

The *Turkish Food Codex - Communiqué on Materials and Articles that are in Contact with the Foodstuffs (2002/32)* and the Communiqué on the Definition of the Symbol to be Used in Materials and Articles that are in Contact with Foodstuffs (2002/8) form the general legal basis for **food contact material**. Separate Communiqués regulated specific materials such as plastic (including Vinyl Chloride Monomers), ceramic, cellulose films, N-nitrosamids and N-nitrosatable substances and epoxy derivates. Paper based packaging materials, metal

⁵ The new *Communiqué* replacing the current one entered into force on 21 September 2006 and based on EU rules.

based packaging materials and glass packaging materials are covered by national provisions established in the Implementing Regulation of the Turkish Food Codex.

Food supplements are listed in the Food Law. It covers vitamins, minerals, other substances such as amino acids, essential fatty acids, various plants and herbal extracts, whether single or in mixtures. The legal framework sets the specific labelling requirements and maximum daily intakes. **Food for particular nutritional uses** is regulated by the *Turkish Food Codex - Communiqué on Foodstuffs Intended for Particular Nutritional Uses*, which largely reflects the existing *acquis*.

Quick frozen foodstuffs is regulated by the *Turkish Food Codex - Communiqué on Quick Frozen Food stuffs (2004/46)*, *Communiqué on Monitoring of The Temperatures of Quick Frozen and Frozen Foodstuffs During Storage, Preservation and Transportation (2002/7)* and the *Communiqué on Sampling and Analysis Methods for Temperatures Control of Quick Frozen and Frozen Foods (2001/45)*. Hygiene aspects are covered by the *Communiqué on Microbiological Criteria (2001/19)*, *Communiqué on Fresh Meat, Prepared Meat and Prepared Meat Mixtures (2000/5)* and the *Implementing Regulation on Fisheries of 1995*. The legislation was build upon EU standards.

Limits of **contaminants** are fixed by the *Turkish Food Codex - Communiqué on Determining the Maximum Levels of Certain Contaminants in Foodstuffs (2002/63)* and *Ministerial Approval on Dioxin of 17 May 2005*. Certain contaminants such as aflatoxins, bacterial toxins, limits of metals/metalloids, foreign substances and compounds are not harmonised. Specific *Communiqués* deal with *sampling and analysis methods (2002/25)*, *ochratoxin A (2004/47)*, *lead, cadmium, mercury and 3-MCPD (2005/35)*. These are largely based on EU *acquis*.

The production and import of **genetically modified products** are currently not permitted/authorised in Turkey. There is no legislation on specific controls of products containing GMO and **novel food**. Turkey has no procedure and authorised institution for the assessment of GMO and novel food. However, laboratories have the technical capacity to undertake the required testing. A new law on biosafety has been drafted but misses final approval by the parliament. Turkey ratified the UN Cartagena Biosafety Protocol. **Ionising radiation** is regulated by the *Implementing Regulation on Food Irradiation*, based on the current EU *acquis*. Only one treatment facility received approval from MARA, which is also listed by the EU.

The General Directorate of Primary Health Care in the Ministry of Health (MoH) is the competent authority for **mineral waters**. Natural mineral water is defined by the *Implementing Regulation on Natural Mineral Waters (OG 01.12.2004, no. 25657)*, covering approval licensing, packaging, labelling and control of mineral water. This Regulation is based on EU Directives. The *Implementing Regulation on Water Intended for Human Consumption (OG 17.02.2005, no. 25730)* regulates drinking water, drinking-using water and spring water based on EU Directive 98/83/EC, covering monitoring of the quality of the water intended for human consumption, production, packaging, labelling, selling and inspection of spring water and drinking water in bottles. There are different requirements for these categories of waters in the Turkish legislation. Natural mineral waters are assessed and approved according to the geological, hydro-geological, physical, chemical, physio-chemical, microbiological, pharmacological and physiological characteristics by the Scientific Evaluation Commission under the initiative of the MoH. The minimum requirements for content of minerals for natural mineral water, spring water, and bottled drinking water are based on EU requirements. Turkey has currently issued licences for 30 companies for natural mineral water, 174 spring water sources and 30 bottled waters.

II.e. Specific rules for feed

The *Feed Law no. 1734* and its *Implementing Regulation on Feed* provides the legal framework for animal feed. The General Directorate of Protection and Control in the MARA is the competent authority. It approves feed additives and feed producing establishments. **Feed additives** are regulated by the *Communiqué no. 2002/66 on Production and Use of Feed Additives*, providing a positive list of authorised additives. Antibiotics are prohibited in animal feed since January 2006.

Compound feed are regulated by the *Feed Law no. 1734* and *Implementing Regulation on Feed*. According to the National Feed Legislation, only approved establishments with qualified personnel are allowed to produce and market compound feedingstuffs. Labelling rules are similar to EU Directive 79/373/EEC. Compound feedingstuffs should be placed on market in sealed packages or containers. They may be delivered in bulk or unsealed containers only in case of direct deliveries from producer to final user. Compound feed establishments are inspected by the competent authority twice a year according to the *Feed Law*. Feed materials are categorised by the *Feed Law* and *Implementing Regulation on Feed*. Feed materials have to be genuine, sound and in merchantable quality with the accompanying documents providing their names, quantity, name and address of seller or distributors.

The *Communiqué no. 2005/3* regulates **undesirable substances** according to Directive 2002/32/EC on Undesirable Substances. **Feedingstuffs intended for particular nutritional purposes** are regulated by *Communiqué no. 1997/12*. This Communiqué lays down the rules for specific nutritional needs of certain pets or livestock. A National Committee for feedingstuffs assesses the application dossier for feedingstuffs intended for particular nutritional purposes. There is no specific national legislation on **certain products used in animal nutrition (bioproteins)**. However, such products are evaluated as feed materials based on the *Implementing Regulation on Feed*. The *Communiqué no. 2005/12*, based on Council Directive 90/167/EEC on Medicated Feedingstuffs, lays down the conditions for the production, marketing and use of **medicated feedingstuffs**. Medicated feedingstuffs can only be produced in approved establishments with veterinary prescription.

II.f. Phytosanitary policy

Phytosanitary aspects are managed by the Agricultural Quarantine and Seed Service, the Plant Protection Service and the Pesticide and Equipment and Veterinary Service of the General Directorate of Protection and Control in MARA. In addition, 81 provincial plant protection units (PPU) ensure the inspection and registration activities. Yearly survey programmes determined by MARA provide for controlling the plant health situation of the country⁶.

Law no. 6968 Plant Protection and Plant Quarantine published in 1957 provides the legal basis for the **plant health (harmful organisms)**. It describes plant quarantine, movement of plant propagation materials, plant protection activities and measures to be taken. A number of regulations (plant quarantine), implementing regulations (plant quarantine, wood packaging material), communiqués (control measures for certain potato diseases) and

⁶ 2005: Mealybug (*Planococcus citri*); Citrus Tristeza; Crown Gall (*Agrobacterium vitis*, *A. tumefaciens*); Citrus whitefly; Potato Cyst Nematodes (*Globodera rostochiensis*, *Globodera pallida*); Potato Wart Disease (*Synchytrium endobioticum*); Rice White-tip Nematode (*Aphelenchoides besseyi*); San Jose Scale (*Quadraspidiotus perniciosus*); Stem and bulb eelworm (*Ditylenchus dipsaci*); Potato Root Knot Nematode (*Meloidogyne* spp.); Plum Pox; Fire Blight (*Erwinia amylovora*); Pink Bollworm (*Pectinophora gossypiella*); Potato Brown Rot Disease (*Ralstonia solanacearum*); Castanea Canker (*Cryphonectria parasitica*)

circulars refer to this law. The objectives are to prevent the introduction of harmful organisms to Turkey, to prevent the spread of harmful organisms in Turkey and to set the rules for plant protection activities. The list of harmful organisms has been reviewed with the support of an EU funded project with the aim to align with EU and EPPO lists. Import inspections comprise: document check; identity check; phytosanitary inspection (visual inspection and/or lab test). The movement of propagating material requires specific certificates. Turkey does apply protected zones.

Plant protection products are covered by the *Law no. 6968 on Plant Protection and Plant Quarantine*, regulating their authorisation and registration, placing on and withdrawal from the market, import-export, the use and control. These products and the relevant equipments are subject to permission, registration and inspection from the MARA. Subsequent implementing regulations determine the procedures and principles. Maximum residue levels (MRLs) are partially harmonized with the EU norms. Currently, there are 405 active substances of Plant Protection Products that have been authorized by MARA. 79 of these substances are also listed in Annex I of the EU Directive 91/414/EC. Remaining 326 active substances are either in use or are included in 1141 active substances under examination within the EU.

The legal framework for the **quality of seeds and propagating material** comprises the *Law no. 308 on Registration, control and seed certification*⁷, the *Law no. 6968 on Plant protection and plant quarantine* and the *Law no. 5042 on Protection of Breeder's Rights for New Plant Varieties*. Although it is based on the EU rules, Turkey has not opted for a vertical coverage but rather horizontal, fixing rules by type of plants⁸. It applies the OECD seed certification system since 1968 for sugar beet, oil and fibre plants, cereals, oil seeds, fodder crops, maize and sorghum. Seed of certain species (currently beet, fodder plants, cereals, oil and fibre plants) and certain categories produced in Turkey are considered equivalent to seed complying with the relevant EU legislation. Turkey applies the rules of the International Seed Testing Association (ISTA) for sampling and laboratory analysis. All aspects related to forestry seeds are covered by the Ministry of Environment and Forestry.

The Law No. 5042 on The Protection of Breeder's Rights on New Plant Varieties, based on EU Directives 2100/94/EC, 1768/95/EC and the UPOV Convention of 1991, and the Implementing Regulations on Protection of New Plant Variety Rights, Farmers Privilege and Rights of Breeders Working in Public Institutions forms the legal framework for the are of **plant variety rights** in Turkey. The competent authority is the Directorate-General of Protection and Control in the MARA. Turkish citizens or natural and legal persons residing or established in Turkey as well as UPOV Contracting Party' nationals, natural persons residing in, and legal entities having their registered offices within its territory can apply for the registration of plant varieties. The registration is protected for 25 years (30 years for trees, vine and potatoes). Protection can only be granted in accordance with the UPOV Convention, namely if the variety is "new", "distinct", "uniform" and "stable". Breeder's rights as regards production, reproduction, placing on the market, export –import and storage can be restricted for non commercial or experimental purposes, as well as for small farmers growing maximum 92 tonnes of wheat equivalent of crops (except for hybrid and synthetic varieties) for non trade purposes. In 2006, Turkey had 31 protected varieties registered (12 wheat, 7 barley, 6 vegetables, 2 triticale and 1 each for sunflower, potato, maize and oats).

⁷ Although this law was in force at the time of the screening, it was recently replaced by *Seed Law no. 5553*.

⁸ Agricultural seeds, vegetable seeds, propagating materials of vegetable, fruit including strawberry and vine, forestry, ornamental plants and genetically modified plants.

As regards **international phytosanitary agreements**, Turkey is member of the following international organisations: Food and Agriculture Organisation of the United Nations (FAO), European and Mediterranean Plant Protection Organisation (EPPO), International Organisation for Biological Control (IOBC), International Seed Testing Association (ISTA), applies as a member of the Organisation for Economic Co-operation and Development the OECD Certification system and signed the International Plant Protection Convention (IPPC). Turkey also applied for membership of the Near East Plant Protection Organisation (NEPPO). The Turkish seed industry is member of the International Seed Federation (ISF). Turkey is member of the International Union for Protection of New Plant Varieties, however the signature of the UPOV Convention is not yet ratified by the Parliament.

Turkey signed bilateral plant health agreements with 17 countries⁹ with the objective of preventing the introduction and spread of quarantine pests of plants and to improve the control of these harmful organisms. A plant research agreement was signed with Cuba to promote the technical cooperation on plant health. A Material Transfer Agreement with Bulgaria defines the conditions for the exchange of plant genetic material. In addition, Turkey signed Technical, Scientific and Economic Cooperation Agreements with 46 countries facilitating the exchange of information and genetic or biological material from plants. All agreements can be terminated with a notice of 3 to 6 months.

III. ASSESSMENT OF THE DEGREE OF ALIGNMENT AND IMPLEMENTING CAPACITY

Overall, Turkey has reached a low level of alignment in the preparation for accession.

Turkey was unable to provide during the screening meetings any commitment or indication as regards its timetable for harmonisation of its legislation with the *acquis*, least of all its implementation. This makes it difficult to properly assess the level of preparedness and commitment for the transposition of the *acquis*. The lack of mid to long-term strategies for the improvement of the food safety, veterinary and phytosanitary situation hinders the identification of priorities and subsequently the allocation of appropriate financial and human resources to tackle the problems Turkey is currently facing. Furthermore, Turkey was not in the position to provide during the screening a detailed gap analysis. It would help the authorities in better evaluating the complexity of legislative and administrative adaptations an accession to the EU requires.

It is of particular importance that the new legislative framework for food, feed veterinary is adopted in a way that ensures a high level of compliance with the EU *acquis* and allows the transposition of secondary legislation. In addition it is crucial that this new legislative framework clarifies competencies of the control bodies in a coherent way which complies with the EU integrated approach.

The necessary institutions for implementing and enforcing the *acquis* for food safety and veterinary and phytosanitary legislation need to be strengthened. The *acquis* and its implementation in the field of food safety, veterinary and phytosanitary legislation require substantial administrative capacity. Administrative, inspection and control bodies will need to be upgraded as regards procedures, technical equipment and facilities as well as staff training and staff numbers. This is in particular the case for the various supervisory and inspection bodies foreseen by the *acquis* as well as laboratories and border inspection posts.

⁹ Argentina, Belarus, Bulgaria, Algeria, Czech republic, Morocco, Croatia, Iran, Israel, Cuba, the former Yugoslav Republic of Macedonia, Moldova, Poland, Romania, Syria, Tunisia, Greece.

The European Union is providing significant financial and technical assistance to Turkey in order to review and modernise the legal framework and upgrade administrative structures. Once Turkey will have adequate administrative structures in place to manage IPARD funds (ref. Negotiation Chapter 11 – Agriculture and rural development), farms and food business operators will benefit from EU funds to modernise their establishments and farms. Priority in the use of IPARD funds for the upgrading of farms and agri-foods establishments needs to be further examined and assessed.

The size of the country, the dominance of small holdings and small scale food processing establishments in remote areas, the animal health situation of Turkey and certain cultural and religious traditions pose key challenges to the enlargement process in the area of food safety, veterinary and phytosanitary policy.

III.a. General

Substantial efforts are needed in order to ensure an acceptable level of compliance. Due to the complexity of the food safety field, it is of particular importance that the preparation of the pending framework legislation and more specific legislative provisions takes place in a thorough and well planned in the coming years. It is a pre-requisite for the adoption of compliant secondary legislation. The elaboration of a comprehensive strategy covering all aspects related to food safety should be strongly encouraged as one of the priorities at the present stage. Such a strategy, with a clear timetable which underlines priorities, should emphasise the thorough preparation of a comprehensive transposition of all parts of the *acquis* in this chapter.

The current legal framework already takes into account certain aspects of the *acquis* and will need to be amended in a number of fields, in particular as regards the precise competencies of various authorities, the responsibilities of operators, basic functions such as risk assessment and risk management, as well as the definition of various terminology applied by Community food safety legislation. Certain elements of the EU *acquis* (participation to the European Food Safety Authority, RASFF and the crisis management system) require a high level of convergence before envisaging any pre-accession solution.

The division of responsibilities between the different services within MARA remains an issue of discordance. Disputes between veterinary and food inspectors are affecting the work of transposition and the quality of controls. Furthermore, the involvement of local authorities at different levels in the food control systems adds to the fights of competences between inspection services. The pending revision of the legislative framework should clarify the competences in the food chain and permit a long overdue restructuring of MARA in the food safety and veterinary sector.

III.b. Veterinary policy

Turkey has prepared comprehensive amendments of the primary laws in the veterinary sector, which will serve as the basis for bringing a substantial amount of pending secondary legislation closer to EU rules. It is essential that a comprehensive strategy is elaborated in order to serve as a basis for a comprehensive effort of transposition and implementation. This should include the creation of adequate administrative capacities to permit a control of animal disease outbreaks and working on an efficient eradication programmes.

Turkey will apply the ***control system in the internal market*** only upon accession. However it needs to prepare well in advance in building necessary capacities to implement the comprehensive rules governing the internal market. The basic challenge for any candidate

country is to move from a national control system to a system without controls at the internal EU borders but with the emphasis on controls at the place of origin and non-discriminatory controls during transport and at the place of destination. Turkey will be faced with the task of maintaining the efficiency of the national control system until the day of accession and at the same time preparing well in advance for the entry into force of the internal market control system. The transition from a control system protecting the own territory to the internal market control system requires in particular: abolishing controls at the internal EU borders, abolishing import licenses, strengthening the controls at the place of origin, strengthening the controls at the external EU borders, preserving the safety of other member states by all necessary means including competency to block specific regions of Turkey.

The **control system of imports** needs to be reviewed in Turkey. Inspection services will need to be upgraded in terms of infrastructure, equipment and staff resources. Whereas the controls at the future internal EU borders will be abolished, controls at the future external EU borders must be developed to take into account all EU requirements. This will among other things require upgrading of the physical infrastructures at the border inspection posts. In order to ensure the most efficient use of investments Turkey will need to fully clarify its plans for the location of the posts that will remain after accession. The currently applied import licensing system needs to be abolished since it is not compatible with the *acquis*.

In the framework of the completion of the Internal Market, the EU strategy as regards external controls was to select and upgrade specific posts of entry which were properly built equipped and staffed. The introduction of consignments of live animals and animal products from third countries is only allowed through these selected border inspection posts. Consequently any other point of entry is prohibited. In view to ensure a proper functioning of those border inspection posts it is necessary that the volume of trade is sufficient to justify the presence of permanent and well trained staff and investments in adequate infrastructure and equipment. This strategy is fully valid in Turkey as regards seaports and airports. For the future terrestrial border the basis of this strategy is not present. For live animals and animal products it is foreseen to have a very limited trade with certain neighbouring countries –Syria, Iraq, Iran- or a non-significant volume of trade with other neighbouring countries –Azerbaijan, Armenia, Georgia-. In addition the length of the border and non fully controlled local trade have to be taken into consideration. This issue needs to be further examined and assessed.

A system as regards **identification and registration of animals** and registration of their movements for bovines is in place. The system needs some improvement related to the registration of holdings, recording of animals and their movements and its continuity needs to be guaranteed. The system should also be extended to other species. It is vital for Turkey to have a fully operational identification and registration system both for bovines and for ovine and caprine animals in order to control animal disease. The system will also ensure the traceability of animal and their products required by the *acquis*. Even though the number of pigs is very limited, the Commission recommends Turkey to introduce an identification and registration system for porcine animals.

The current animal health situation in Turkey is very critical and risks remaining for a long period. A number of diseases listed by OIE are endemic. Adequate administrative capacities to handle **control measures for animal diseases** are limited. The effort of preparation of secondary legislation and adoption of contingency plans is hampered by the non-adoption of the Veterinary Law. A particular problem causes Foot and Mouth Disease (FMD), which has recently also been discovered in the Trace region, so far considered as free. Recent vaccination campaigns were put at risk due to missing financial and human resources.

Despite the national efforts of Turkey and the technical and financial assistance provided by international organisations, the attempts made in the past to control FMD in Turkey met only limited success due to the restricted coverage. A new FMD strategy was prepared and will be supported with EU funds. Turkey will certainly not be in position to apply a non-vaccination policy on its whole territory for numerous years. The current level of BSE surveillance is not adequate to guarantee a reliable disease status, despite Turkey's claim being free of BSE. Testing capacities for BSE need to be reinforced. Turkey's large borders create a major supplementary risk in the animal health area which needs to be tackled in close cooperation with neighbouring countries and international organisations.

No indication have been provided to which extend Turkey could recognise EU certificates for the ***intra-community trade for live animals, semen, ova and embryos***. The current legislation has not been harmonised. Provisions as regards ***non-commercial movements of pet animals*** are not harmonised with EU rules. Turkey does not apply animal passports for pet animals. Some progress can be noted in the area of ***prohibition of substances and residues control*** with the implementation of a residue monitoring plan approved by the EU for certain commodities. However, Turkey should finalise its comprehensive national strategy for laboratories and provide funding for required technical upgrading. Existing strategies initiated by MARA are not complementary enough.

As regards ***import requirements for live animals and animal products***, Turkey has not aligned its legislation. The “*de facto*” prohibition of imports from the EU of bovines and bovine products is in contradiction with international rules. This matter would need to be addressed during negotiation. Turkey sees furthermore problems to adapt before accession any EU rules on imports fearing trade disturbances with its key partners, notably USA. Turkey will have to bring its ***international veterinary agreements*** in line with EU requirement by accession.

The application of EU rules for ***animal welfare*** cause a serious problem for Turkey's accession. A proper legal framework covering farm animals is missing and needs to be adopted as a matter of priority. Turkey has also to undertake a comprehensive analysis of its current egg production capacities and check the laying hen cages conformity with EU standards. Large investments are also required to modernise the transport facilities of animals.

The ***Zootechnical*** legislation needs to be further developed. Herdbooks are currently only kept for bovines and should also be introduced for other species. Turkey needs to increase provisions in its national budget to cover ***veterinary expenditures*** during large outbreaks of animal diseases. The current funds are not sufficient to provide sufficient compensations. Farmers should be reassured of adequate budgetary provision serving as incentives to report on-time the outbreak of disease.

Particular issues

The slaughtering of animals takes place in Turkey taking into consideration the conditions required by religious rules. The consequences of this fact for the implementation of the EU *acquis* will need to be analysed in detail during the negotiations. The relevant areas of this chapter that will need particular attention are:

- Identification and registration of animals and registration of their movements,
- Welfare of animals as regards new EU rules for transport, markets and assembly centres,
- Welfare of animals at the time of slaughter,
- Safe disposal of waste.

The “*kurban bayramineed*” (sacrificial feast) involve a considerable movement of animals during a limited period of time. The slaughter or sacrifice should take place in very short time which brings special problem for the disposal of waste. The organisation of this event is a source of difficulties in certain Member States. However the scale of this event is considerably higher in Turkey.

In Turkey animals are slaughtered in accordance to “*halal*” methods. These methods have been codified in different codices, one of which is applicable in Turkey. For the time being Turkey applies no halal certification, however it is not excluded that Turkish consumers will have such request in the future. In the Member States bilateral agreements exist as regards the methods and the relevant certification for export of “*halal*” meat to Muslim countries. Private arrangements exist for the current EU market. In the future context of the internal market with Turkey this issue needs to be tackled with prudence. .

Turkey could not provide during the screening meeting an assessment of the impact these practices might have on the application of the EU *acquis* in this chapter. In view of the predictable sensitivities of these issues, the situation needs to be analysed in detail and with caution during the negotiations.

III.c. Placing on the market of food and feed

Turkish legislation in this field is still based on the outdated EU *acquis*. It still applies the vertical approach. The legal framework should be adapted and reflect the reform of the EU hygiene rules. Turkey has to review its current policy of double licensing and drop the obligation of pre-market approval.

Turkish legislation with regard to **hygiene rules** and **specific rules for animal products** needs substantial amendments to achieve compliance, in particular as regards the field of implementation, the obligations of entities in food business, classification of establishments, data exchange on the food chain and a number of sector-specific requirements. Turkey needs to classify the establishments according to the degree of compliance with EU standards set by the EU food and feed hygiene package from 2004. Certain establishments have been approved for exports to the EU. However, a substantial proportion of the establishments, in majority small scale establishments in remote areas, have not at the moment met EU requirements. Turkey will have to draw up a plan for the modernisation of agri-food establishments in the course of the negotiations. IPARD funding will be available for Turkey. The scope, priorities and extent of the plan remain to be fixed. With regard to the direct sales from farms, and in particular cheese products, Turkey should improve the registration of the producers and to make efforts to improve the hygiene conditions in this respect. The traditional production, processing and distribution of in particular fresh cheese is important for many small farms and Turkey should be encouraged to take measures to support the continuation of these activities on the basis of the requirements set by the *acquis*.

The official administrative bodies and inspectorates will need to be upgraded to ensure a correct application of EU **control rules** but it is essential that also the operators in the food-chain inform themselves and are informed by the competent authorities about *acquis* requirements and make the necessary preparations to be in compliance by the day of accession. Particular attention must be given to the obligation to apply the Hazard Analysis Critical Control Point (HACCP) principles in all establishments. Efforts must also be made to develop the inspection system and, in particular, to ensure that the inspectors have a thorough knowledge about the relevant EU requirements related to **specific control rules for animal products**. Turkey will have to elaborate programmes with the objective of improving the quality of raw milk, focusing on both, the conditions in the farms and the collection

system. The system of payment for milk deliveries that gives an incentive to improve milk quality can be an important instrument in this respect.

Turkey has to further align with the *acquis* for **animal by-products**. Fearing the economic challenges of its livestock and meat industry, Turkey is reluctant to limit at this stage the feed to species determined by the EU. Turkey has furthermore to transpose the provision of the Transmissible Spongiform Encephalopathy (TSE) Regulation (EC) No 999/2001 and increase significantly the number TSE tests. Legal provisions for the correct classification of animal by-products in accordance with the provisions of the animal by-product Regulation (EC) No 1774/2002 are missing. A nation wide system of collection and adequate treatment capacities of animal by-products, including the proper handling of Specific Risk Material, should be prepared during the pre-accession phase. Given the size of Turkey, this will require significant investments. Close monitored is required to ensure full practical implementation of EU rules.

The Turkish rules for **funding of checks** differ to a large degree from the *acquis*. Turkey is advised to review its current policy and to calculate their needs based on the minimum fees set by the EU. Further efforts must be made to ensure gradual implementation of these fees.

III.d. Food safety rules

The food safety sector is more advanced in the harmonisation exercise than other aspects covered by this chapter. Turkey has during 2001 and 2002 intensively worked on reforming the legal framework for food productions. It based its legislation largely on the existing *acquis*. The food business operators are increasingly targeting European and international markets and are pushing for a modern legal framework.

In the area of **labelling**, Turkey needs to harmonise its legislation for health claims and the labelling of foodstuffs containing quinine and caffeine. The mentioning of the country of origin as compulsory information of food label is not EU compliant. The Turkish provisions for **food additives** are largely harmonised with the *acquis*. Certain elements related to sweeteners and purity criteria need further attention. **Extraction solvents** are harmonised with the *acquis*. Food **flavourings** are harmonised with the *acquis*. Turkey has to update the transposition of the **food contact material** *acquis* to take into account the recent changes introduced by Directives 2005/79/EC, 2005/31/EC, 2004/14/EC and Regulation (EC) 2005/1895.

The area of **food supplements** is partially harmonised, Turkey needs to define a positive list of supplements. Legislation for **food for particular nutritional uses** is also largely based on the *acquis*. A number of Communiqué are still drafts, but reflect the provisions of the EU legislation. Certain elements of the rules governing **quick-frozen foodstuffs** need to reflect the new Regulation (EC) 2005/37 on monitoring of temperatures in the means of transport, warehousing and storage. As regards **contaminants**, Turkey has to complete the harmonisation by reviewing the limits of aflatoxin for processed hazelnuts, groundnut and dried fruits, bacterial toxins in related foodstuffs, limits of metals / metalloids, and limits of foreign substances and compounds.

Legislative alignment in the areas of **novel food and GMOs** has not started. Turkey needs to review its policy of total ban of and start working on basic legal provisions related to traceability, thresholds, labelling and testing. Turkey is largely compliant with the EU rules on **ionising radiation** and **mineral waters**.

III.e. Specific rules for feed

Transposition is well advanced in the area of animal feed. The legal framework regulating animal feed is partially harmonised with the EU *acquis*. Requirements for **compound feed, feed materials, undesirable substances, feedingstuffs intended for particular nutritional purposes** and **medicated feedingstuffs** are in compliance with the EU provisions. However, the list of **feed additives** still contains a number of substances not allowed in the EU. There is specific legislation for **certain products used in animal nutrition (bioproteins)**.

III.f. Phytosanitary policy

The adoption of new primary legislation for the phytosanitary sector composed of a Law on Plant Health and Agriculture Quarantine and a Law on seeds is still pending and hampers more developments in this sector. Despite this fact, Turkey has partially transposed the *acquis* in the area of **plant health**.

Turkey will need to adopt the EU list of **harmful organism** adapted to the future status of the enlarged territory of the EU. The yearly official survey programme will have to include potato ring rot disease. The pending Law on Plant Health and Agriculture Quarantine should provide the means for introducing plant passports, definitions, registration procedures and plant quarantine provisions that are currently not in line with EU rules. The system of import permits needs to be abolished. Turkey needs to consider possible requests and implication to have parts of the Turkish territory recognised as protected zones.

As regards **plant protection products**, Turkey needs to bring in line the provisions for the placing on the market with EU Directive 91/414/EEC and review the listing of plant protection products not allowed in the EU. Turkey applies partly EU maximum residue levels (MRL); in this field Turkey needs to fully transpose and implement the EU legislation upon accession.

As regards **quality of seeds and propagating material**, MARA needs to review its control system and seek better coordination with the Ministry of Environment and Forestry when it comes to forestry propagating material. The pending primary legislation will provide the basis for changing from the horizontal to the Community vertical approach in seeds. Although Turkey already applies **plant variety rights** set by the UPOV Convention, it has not yet ratified it. Turkey will have to bring its **international phytosanitary agreements** in line with EU requirement by accession.