

Organic Farming Law

Law No: 5262

Adoption Date: 1.12.2004

PART ONE

Objective, Scope and Definitions

Objective

ARTICLE 1. — The objective of the present law is to lay down principles and procedures for relevant measures to be taken in relation to the production of organic products and inputs so as to provide high quality and safe organic products to consumers.

Scope

ARTICLE 2. — The present law covers authorities, duties and responsibilities in relation to inspection and certification services in the field of organic farming activities as well as to the procedures and principles of Ministry inspection.

Definitions

ARTICLE 3. — In the text of the present law;

- a) “Ministry” denotes the Ministry of Agriculture and Rural Affairs,
 - b) “Organic farming activities” denotes the production or raising of organic products or inputs by using soil, water, plant, animal and natural resources; collection of products from natural areas and resources; and all other activities and processes taking place up to the point where products and inputs reach the consumer including harvesting, slaughtering, processing, sifting, packing, conserving, storing, labelling, transporting, marketing, importing and exporting.
 - c) “Inspection and Certification Body” denotes real or legal persons authorized by the Ministry to inspect and certify all stages of the process by which organic products or inputs reaches consumers.
 - d) “Inspection Body” denotes real or legal persons authorized by the Ministry to inspect all stages of the process by which organic products or inputs are transferred from producers to consumers.
 - e) “Certification body” denotes real or legal persons authorized by the Ministry to issue certificates for organic products or inputs basing upon earlier controls conducted by relevant bodies including information and documents relating to this control as well as any further analyses that may be deemed necessary.
 - f) “Authorized body” denotes real or legal persons authorized by the Ministry to act as inspection and certification, inspection or certification bodies.
 - g) “Control” denotes works to be conducted to check whether organic farming activities comply with the provisions of the present law, whether records are duly kept and reports are given and to launch laboratory analyses, if necessary, to confirm to the organic nature of products.
 - h) “Controller” denotes the real person authorized by the Ministry to supervise all stages of organic farming activities according to pertaining legislation on behalf of an inspection and certification or inspection body.
 - i) “Certifier” denotes the real person authorized by the Ministry to approve the organic nature of a product or input whose controls have been made, on behalf of an inspection and certification or certification body.
-

j) “Inspection” denotes all kinds of inspection work conducted by authorized bodies, enterprises and entrepreneurs, controllers and certifiers and the Ministry or other organs authorized by the Ministry to check whether organic farming activities are carried out in conformity with the provisions of the present law.

k) “Enterprise” denotes places where organic products are produced, processed, stored and marketed under the supervision of an authorized body and through concluding contracts with such bodies.

l) “Entrepreneur” denotes any real or legal person engaged in organic farming.

m) “Certification” denotes the certification of an enterprise, organic product and organic input in line with the legislation after all relevant inspections have been conducted.

n) “Certificate” denotes the document, which is issued to confirm that any enterprise, organic product or input complies with the legislation after all relevant inspections works have been carried out.

o) “License” denotes the official authorization issued by the Ministry for those who will perform inspection, control and certification works under the present law.

p) “Organic product” denotes certified raw, semi-processed or finished products produced in line with the principles of organic farming.

r) “Organic input” denotes materials used in organic production.

s) “Organic product label” denotes all kinds of written or printed information and material including specific words, details, trade mark, illustration, symbol, document, announcement, plate or tag which appear on the product or its package which introduces the product concerned and its composition.

t) “Organic product logo” denotes the printed sign whose features and use will be specified in the Regulations to be issued under the present law.

u) “Accreditation” denotes the assessment, confirmation of capacity and periodical supervision by authoritative bodies and agencies of inspection and certification bodies and laboratories in the light of nationally and internationally adopted technical criteria.

v) “Organic” denotes equivalent meanings of ecological and biological.

PART TWO

Committees, Authorized Bodies and the Entrepreneur

Formation, authority, duties and responsibilities of committees

ARTICLE 4. — The “Organic Farming Committee” set up within the Ministry is in charge of following the implementation of the present law including studies for the further development of organic farming and supervision of coordination and assessment works within the ministry as well as the activities of authorized bodies, enterprises, entrepreneurs, inspectors and certifiers.

The “Organic Farming National Steering Committee” is in charge of developing strategies for the trade and promotion of organic farming, relevant researches in this field and of extending coordination and monitoring services together with organizations and agencies outside the Ministry. This committee is composed of at least 10 members representing relevant governmental organizations and agencies, professional chambers, civil society organizations, universities and the private sector.

Sufficient number of sub-committees may be set up to work under the committees mentioned above.

The formation and working mechanisms of the Organic Farming Committee and the National Steering Committee will be laid down by Regulations to be issued by the Ministry.

Authorized bodies

Article 5. — In the implementation of the present law, all kinds of inspection and certification works relating to organic farming activities are performed either by the Ministry or bodies authorized by the Ministry. Authorized bodies must have sufficient number of experienced personnel and necessary infrastructure.

Products not certified by inspection and certification or certification bodies cannot be marketed as “organic” products or inputs. The inspection and certification or certification bodies cannot issue organic product or input certificates to products and inputs that are not organic.

Authorized bodies, controllers and certifiers have to work with their licenses issued by the Ministry. Upon the expiry of such license, authorized bodies can no longer perform without being given renewal or time extension by the Ministry.

Licenses issued by the Ministry cannot be transferred to third parties.

The inspection and certification body is composed of two units as inspection and certification. Those assigned duties in any of these units cannot undertake duties in the other.

Authorized bodies are obliged to report to the Ministry in intervals to be specified in the relevant Regulations and present any information or document to the Ministry upon request.

The Regulations to be issued by the Ministry will arrange for such issues as working licenses of authorized bodies, inspectors and certifiers, duration of licenses, renewal and time extension, cancellation of licenses, duties and authorities conferred, inspection and certification mechanisms and recruitment and assignment of inspectors and certifiers.

The Entrepreneur

ARTICLE 6. — Entrepreneurs are obliged to work under the supervision of a body authorized by the Ministry and forbidden to act contrary to the provisions of the Regulations to be issued by the Ministry.

Entrepreneurs are obliged to allow Ministerial authorities or members of bodies authorized by the Ministry enter their enterprises and show them accounting and other documents upon request. Authorized bodies, on the other hand, cannot transfer information and documents reached this way to third parties except for the Ministry.

PART THREE

Governing Principles

Organic farming activities

ARTICLE 7. — Principles and procedures relating to organic farming activities shall be laid down in Regulations to be issued by the Ministry.

Principles and procedures relating to the collection of products in areas considered as forested shall be laid down in Regulations to be issued by the Ministry who shall also solicit the opinion of the Ministry of Environment and Forestry.

In cases where final products obtained from organic products whose raw materials are of agricultural character are manufactured and industrial goods, principles and procedures

relating to the production and marketing of such goods shall be laid down by the ministry concerned after soliciting the affirmative opinion of the Ministry.

The sale and marketing of organic products are not subject to the provisions of the Law Decree No. 552, dated 24.06.1995 on Fresh Fruit and Vegetable Trade and Wholesale Marketing of Fresh Fruits and Vegetables.

Advertising and promotion of organic products and inputs

ARTICLE 8. — Labels and logos designed for organic products and inputs can be used only for such products and inputs. These labels and logos as well as advertising and promotion of products cannot have any statement, illustration or figure that may mislead consumers or create false impressions as to the composition, content, quality, origin, effects and production techniques.

The Higher Board of the Turkish Radio and Television Corporation shall take necessary measures and initiatives to ensure that national, regional and local radio and TV stations broadcasting in the territory of the Republic of Turkey give space to educative programs about organic farming for at least 30 minutes a month.

Export of organic products and inputs

ARTICLE 9. — Organic products or inputs without export certificate cannot be exported as organic products or inputs.

Products or inputs exported, but then returned by their vendors are considered as returned to their origin. Should such return takes place, products or inputs concerned shall be exempt from regular import controls and documents and allowed to the country under the relevant legislation as subject only to property accounting by customs administrations.

Import of organic products and inputs

ARTICLE 10. — Organic products or inputs without export certificate cannot be imported as organic products or inputs.

Should inspections and controls prove that any imported products and inputs are not organic, such products and inputs cannot be allowed in, distributed or sold as organic products or inputs. Such products or inputs are either returned to their sender or, if complying with the national legislation, are allowed for use within the country as non-organic products or inputs.

Supervision

ARTICLE 11. — In the execution of this law, the Ministry is authorized to conduct all supervisory work on certified bodies, enterprises, entrepreneurs, inspectors and certifiers.

The Ministry can, if necessary, delegate this authority fully or partly to accredited governmental organizations and agencies, legal persons from the private sector or universities.

The principles and procedures relating to the duties, authority and training of personnel in charge of inspection services shall be laid down by Regulations to be issued by the Ministry.

PART FOUR

Penal Clauses, Collection of Fines and Objections

Penal Clauses

ARTICLE 12. — The following penalties are applicable to those breaching the provisions of this law:

a) An administrative fine of 10 billion TL is applied to those breaching the second paragraph of Article 5.

b) An administrative fine of 50 billion TL is applied to those breaching the third paragraph of Article 5. In case such a breach is repeated, authorization and licenses shall be cancelled. Persons or firms penalized as such are denied the right to conduct similar activities under the present law even under different names and titles.

c) An administrative fine of 15 billion TL is applied to those breaching the fourth paragraph of Article 5. In case violation is repeated, administrative fine is doubled and working license is withdrawn.

d) An administrative fine of 20 billion TL is applied to those breaching the fifth paragraph of Article 5. Licenses are cancelled if the same breach is repeated.

e) An administrative fine of 15 billion TL is applied to those breaching the sixth paragraph of Article 5. In case violation is repeated, administrative fine is doubled and working license is withdrawn.

f) An administrative fine of 20 billion TL is applied to those breaching the seventh paragraph of Article 5.

g) An administrative fine of 10 billion TL is applied to those breaching the first paragraph of Article 6.

h) An administrative fine of 20 billion TL is applied to those breaching the second paragraph of Article 6.

i) An administrative fine of 15 billion TL is applied to those breaching Article 8. If diversion derives from information on the label, the product concerned is kept until such information is corrected and the fine mentioned above is applied while the product is removed from markets. The cost of this removal is born by the entrepreneur concerned.

j) An administrative fine of 30 billion TL is applied to those breaching the first paragraph of Article 9 and Article 10.

k) An administrative fine of 10 billion TL is applied to those who block any control and inspection provided for by the present law.

Collection of Fines and Objections

ARTICLE 13. —The Ministry or the highest central government authority in a given locality is authorized to apply administrative fines specified in the present law. The persons or firms concerned are notified about administrative fines according to the provisions of the Notification Law no. 7201 dated 11.02.1959. Upon the receipt of notification, objection may be raised before the authorized administrative court within 7 days. This objection, however, does not halt the execution of the fine. Any ruling after objection is decisive. Unless deeper investigation is deemed necessary, objections are decided on shortest possible time by going over relevant documents. Administrative fines applied under the present law are collected according to the provisions of the Law No. 6183 dated 21.07.1953 on Procedures Relating to the Collection of Public Receivables and collected fines are transferred to the Treasury.

PART FIVE

Provisional and Final Provisions

PROVISIONAL ARTICLE 1. — Regulations pertaining to the execution of the present law shall be prepared and issued by the within six months following the taking effect of this law. Until the issuance of the Regulations, those provisions of already existing Regulations which do not run counter to the present law shall be applicable. **Taking Effect**

ARTICLE 14. — The present law takes effect upon its publication.

Execution

ARTICLE 15. — The provisions of the present law are executed by the Council of Ministers.

2/12/2004

