

IV. NEW AND GLOBAL + OLD APPROACH PRODUCT LEGISLATION:**A. Standard questionnaire to be filled for each sector individually:****Sector:** Fertiliser**1. Harmonisation of laws including technical regulations****1.1. Legal basis****References (and copies) of the publication of acts and decrees transposing Directive(s) into the national legislation of your country:**

The EU Fertilisers Directives were transposed by the Ministry of Agriculture and Rural Affairs (MARA).

There are two transposing Regulations came into force on 27 October 2002 and repealed the corresponding mandatory national standards.

The Regulation on Chemical Fertilisers Used in Agriculture transposed the following Directives,

- 76/116/EC on primary fertilisers,
- 80/876/EC on ammonium nitrate fertilisers of high nitrogen content,
- 88/183/EC on 76/116/EC amendment on fluid fertilisers,
- 89/284/EC on 76/116/EC amendment on Ca, Mg, Na and S content of fertilisers, and
- 89/530/EC on 76/116/EC amendment on trace elements in fertilisers, and

was published in the Official Gazette dated 27 March 2002.

This Regulation was amended on 7 November 2002 in accordance with the 98/003/EC and 96/028/EC (76/116/EC amendments).

On the other hand, the Regulation on Chemical Fertiliser Inspection transposed the following Directives,

- 77/535/EC on sampling and analysis methods,
- 79/138/EC 77/535/EC amendment,
- 87/566/EC amendment,
- 87/094/EC on characteristics of ammonium nitrate fertilisers of high nitrogen content, their limitations, and their resistance to detonation, and

was published in the Official Gazette dated 25 April 2002.

This Regulation was amended on 26 October 2002 according to 89/519/EC on analysis methods of secondary elements, and 98/1/EC on analysis methods of microelements.

After the publication of the Regulation 2003/2003/EC, the Regulation on Chemical Fertilisers Used in Agriculture was amended on 18 March 2004 and put into force on 15 April 2004.

Date of entry into application of the national measures transposing the Directive:

See above.

If not yet transposed, please indicate the state of play, expected timing, steps to be undertaken, difficulties encountered (if any):

N/A

1.2. Responsible authority**Name and contact details of the competent authority (government, ministry, department, service) and person(s) in charge of transposing the Directive into national legislation**

Ministry of Agriculture and Rural Affairs (MARA)
Directorate General for Agricultural Production and Development
General Manager: Dr. Hüseyin VELİOĞLU

Plant Feeding Agricultural Mechanisation and Energy Department.
Head Division : Melih EREN
melih_eren@hotmail.com
Tel: + 90 312 286 75 78

Plant Feeding Service
Eng: Yasar ORHAN
yorhan@tarim.gov.tr
Tel: + 90 312 286 74 96

1.3. Notified bodies**Has your country the intention to notify conformity assessment bodies for the Directive? If so, could you already identify these bodies (name, and contact details) and indicate the conformity tasks (products and modules) that they will be entitled to perform**

In accordance with Articles 15 and 16 of Chemical Fertiliser Inspection Regulation, the reference and analysis laboratories which will be used during market inspections of fertilisers with “EC FERTILISER” indication should have sufficient equipment and personnel for implementing analysis methods referred to in the Annexes of the Regulation.

The names of these laboratories are published in the Official Gazette at the beginning of each year. The laboratories were communicated to the European Commission in August 2005.

2. Implementation

2.1. Participation in Standing Committee and Experts' Group

Name, function and contact details of the representatives (and their alternates, if any) of your country's governmental authorities designated or to be designated to represent your country in the meetings of the standing committee and experts' group established under the Directive:

Participation in the related committees or experts' group established under the Directive is desired. In fact, the European Commission has accepted Turkey's participation in "Committees for the adaptation to technical progress of Directives on the removal of the technical barriers to trade in the sector of fertilisers" as an observer. Yet, so far no invitation has been received.

2.2. Implementing structure

Responsible authority central/local:

Name and contact details of the competent authority (government ministry, department, service) and person(s) in charge of implementing the provisions of the Directive in the territory of your country:

Ministry of Agriculture and Rural Affairs
General Directorate of Agricultural Production and Development.
General Manager: Dr. Hüseyin VELİOĞLU

Plant Feeding Agricultural Mechanisation and Energy Department.
Head Division : Melih EREN
melih_eren@hotmail.com
Tel: + 90 312 286 75 78

Plant Feeding Service
Eng: Yasar ORHAN
yorhan@tarim.gov.tr
Tel: + 90 312 286 74 96

Implementation:

- **Explain how implementation of the Directive in your country will be ensured (monitoring and control tools: market surveillance and others**
- **Explain how market surveillance is carried out and on which basis**
- **Resources available: specify the number and qualification of personnel designated for market surveillance activities (divided in office staff/field personnel)**
- **Cost: What budget will be provided for market surveillance activities? How will this be financed?**

The inspections are carried out as the inspection of production and market places, where complaints are also taken into account for performing the market surveillance.

The market surveillance for chemical fertilisers is based on Regulations on inspection and the Circulars according to these Regulations.

250 chemical fertiliser inspectors, who work in 81 Provincial Directorates of MARA, are trained about chemical fertiliser inspections to carry out market surveillance.

It will be financed as a sub-component of the “Plant Production and Development Project” that has a annual share from the budget, and planned to be financed by this way furthermore.

Methods of enforcement:

- **What means/methods will be available in your country for enforcing compliance with the Directive(s)?**
- **Which are the reactive methods available?**
- **Rights of the authority: What are the powers of the authority?**
- **Penalties: which will be the penalties applicable to violation of the national implementing measures?**

The “Law No. 4703 on the Preparation and Implementation of Technical Legislation on Products”; Regulations based on the Law No. 4703; the “Chemical Fertiliser Inspection Regulations” and Circulars based on these Regulations, are the legal basis for implementation in this area.

In 2004, throughout the country, 5,439 premises were visited in the scope of production, purchase, storage conditions and product labelling control. During these visits, 1,041 samples were taken and 127 of them were found non-compliant. As a result, 741 tonnes of chemical fertilisers were withdrawn from the market.

In the year of 2005, 4,039 premises were visited and 634 samples were taken out of which 51 was found non-compliant. As a result, 389 tonnes of chemical fertilisers were withdrawn from the market.

3. Calibration, metrology, standards, testing, certification, conformity assessment, accreditation and market surveillance

Please provide information on the relevant regimes for the products in this sector:

- **short description and**
- **further evolution.**

To increase the fertiliser consumption and the production of Turkey relatively environment-friendly applications are to be notified which protects human and environment health.

Furthermore, approved laboratories used in the market surveillance activities are encouraged for accreditation.

