



WINE



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I- LEGAL FRAMEWORK



No specific “wine legislation” in Turkey.

The wine market is regulated under;

- The Law numbered 4733 “Law on Establishment of Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority”.
- The Law numbered 4250 “Law on Alcohol and Alcoholic Beverages”.



- The secondary legislations derived from these laws;
- By-law on Trade (OG. 06.06.2003 No.25130)
- By-law on Production (OG. 26.09.2002 No.24888)
- By-law on Wholesale, Retail Sale and Selling Licenses (OG. 31.12.2002 No.24980)
- Wine Production and Market Supply Communique (OG. 23.10.2004 No.25622)
- The Law numbered 5179 “Law on the Production, Consumption and Inspection of Food”

The secondary legislations derived from this law;

- The Turkish Food Codex By-law and its related Communiques (**O.G.16.11.1997 No.23172**).
- The Regulation Indicating the Special Characteristics of the Foods and Items and Material Concerning Public Health”(Food Regulation) (O.G. 18.12.1952 No. dated 8236).



II.AUTHORIZED BODIES



1. Ministry of Agriculture and Rural Affairs (MARA)

MARA is authorized for;

-The viticulture within the scope of production of plant origin products.
(Decree Law No. 441)

-Wine within the scope of food safety
(Law No. 5179)

2. Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority (TAPDK)

TAPDK is authorized for ;

-Regulating the alcohol and alcoholic beverages market.
(Law No. 4733 & Law No.4250)



III-CURRENT SITUATION



1-Viticulture

The vineyards have not been registered yet.

The determination of areas of vineyards, vine and grape varieties and the classification and quantities of the vine-based products is not exactly available for the time being.

However, in the framework of EU – Turkey Pre-accession Financial Cooperation Programme; a project on Preparation for the Implementation of EU Common Agricultural Policy (TR 0402.08) has been prepared which covers identification of olive groves, vineyard and nuts areas.



Viticulture Technical Study

Objective:

- The registration of vineyards and vine-based products;
- Determination of types and quantities of vine-based products;
- Planning of viticulture; taking the necessary measurements towards producing and processing healthy and qualified products;
- Determination of areas suitable for viticulture;
- Forming a database through the registration of producers and processors

Table grapes and raisin are also in the scope of this Technical Study.



With the completion of this technical study, the legal framework concerning the harmonization of the Council Regulation 1493/99 and its implementing regulations will be assessed.

2-Oenological Practices and Treatments for Wine

No specific legislation concerning oenological practices in the form that is regulated by Council Regulation 1493/99.

Certain additives placed at the Annex 4 of the Council Regulation 1493/99, are contained in the “Turkish Food Codex - Communique on Food Additives Excluding Sweeteners and Colorants” (O.G. 22/12/2003 No.25324.)

This Communique is harmonized with the Commission Regulation 95/2/EC.



There are limits for SO₂ compatible with the limits regulated by Council Regulation 1493/99.

There are also limits for volatile acidity.

The issues concerning clarification are regulated with “Food Regulation”.

Under this Regulation, sweetening with sugar and other sweeteners is not permitted.

3-Official Analytical Methods for Wine

Standard No: 522 - Analysis Methods of Wines which was published by Turkish Standards Institute.

Nevertheless, the analytical methods compatible with the EU Regulation 1990/2676 have been applied by the recognised laboratory for the exports to the EU.



4-Recognised Laboratories

Tekirdağ Spirit Drinks Plant Laboratory is the recognised laboratory concerning the exports to the EU.

5-Classification of Wines

Under “Food Regulation” the wine categories are defined as below.

1. Table Wines
 - 1.1. White Wines (Sec,Semi-sweet)
 - 1.2. Red Wines (Sec,Semi-sweet)
 - 1.3. Rose Wines (Sec,Semi-sweet)
2. Wine of overripe grapes
3. Liqueur Wines
4. Sparkling Wines
 - 4.1. Natural Sparkling Wine
 - 4.2. Aerated Sparkling Wine
5. Mistelles
6. Vermouth



6- Labelling, Packaging and Presentation of Wines

There is no specific obligatory system for labelling, packaging and presentation of wines.

General provisions for the labelling, packaging and presentation of foods are applied to wines.

The legislations including these provisions are;

- “Turkish Food Codex By-Law”.
- “ Turkish Food Codex-“Communique on Labelling Procedures for Food Stuffs For General Labelling and Nutrition Facts”
- “Turkish Food Codex-Communique on Writing -Alc% vol- on Alcoholic Beverages Label”



7-Protection of Geographical Indications

Responsible authority: Turkish Patent Institute (TPI)

Geographical indications (GIs) are protected under the Decree Law No. 555, which entered into force in 1995.

Protection under the Decree Law is based on registration, and it covers all goods in addition to alcoholic beverages.

It provides the same level of protection for all types of goods having a geographical indication.

Provisions of TRIPS Article 23 are taken as general requirements for protection.



8-Trade with Third Countries:

-Import/ export arrangements

Under the current Import/Export Regimes, no import/export licences are required.

However, import licenses are required for the importation of these products under the tariff quotas resulting from bilateral agreements.

There is no aid for exports of wine.



-Export Refunds

Wine is not included in the export subsidy commitment schedule of Turkey.

-Preferential Trade

EU Countries

Turkey has preferential import possibility for wine with 50 % preferential rate on unlimited basis.

Turkey has ad valorem duty exemption for exports of wine.

Candidate Countries

Under FTAs with Romania, Croatia, and Bulgaria, wine is subject to import concessions within tariff quotas with reduced duties.

Under Turkey-Macedonia FTA Turkey has unlimited preferential import possibility with 50 % MFN reduction for wines.



Third Countries

Under Turkey- Bosnia and Herzegovina FTA, wine is reciprocally subject to a concession of 0% duty on unlimited basis.

Under FTA between Turkey and EFTA, Turkey has preferential import possibility for wine with 50 % preferential rate on unlimited basis.

Under FTAs with Israel, Tunisia and Morocco, Turkey has preferential import possibilities within tariff quotas with reduced duties.

Import Duties

CN Code	Product Description	MFN %	Bound Rate %
2204 10-29	Wine	70	102
2204 30		21.3	21.3

*Import Regime 2006



9-Domestic Support

There are no subsidies offered to wine producers or indirect subsidies such as guaranteed minimum price levels or partly or wholly publicly financed mechanisms to support prices in place.

10-Market Mechanism and Administrative Arrangements:

The production, importation, market supply and controls of wine have been regulated under;

- the Law No.4250
- the Law No. 4733
- the Law No.5179

And secondary legislations derived from these Laws.



Based on the Law No.4250, No. 4733 and the secondary legislation, the market regulations are regulated by the TAPDK.
(the process from the production and importation of wine to the arrival to the consumer)

Based on the Law No. 5179 and the secondary legislation, the production, import, consumption and investigation of wine within the scope of assurance of food safety are regulated by MARA.

Necessary certificates in order to produce wine;

- working certificate (from municipalities)
- facility establishing certificate (from TAPDK)
- production certificate (from MARA & TAPDK)



Necessary certificates in order to import wine;

- "certificate of compliance for import" (from TAPDK)
- "control certificate" (from MARA)

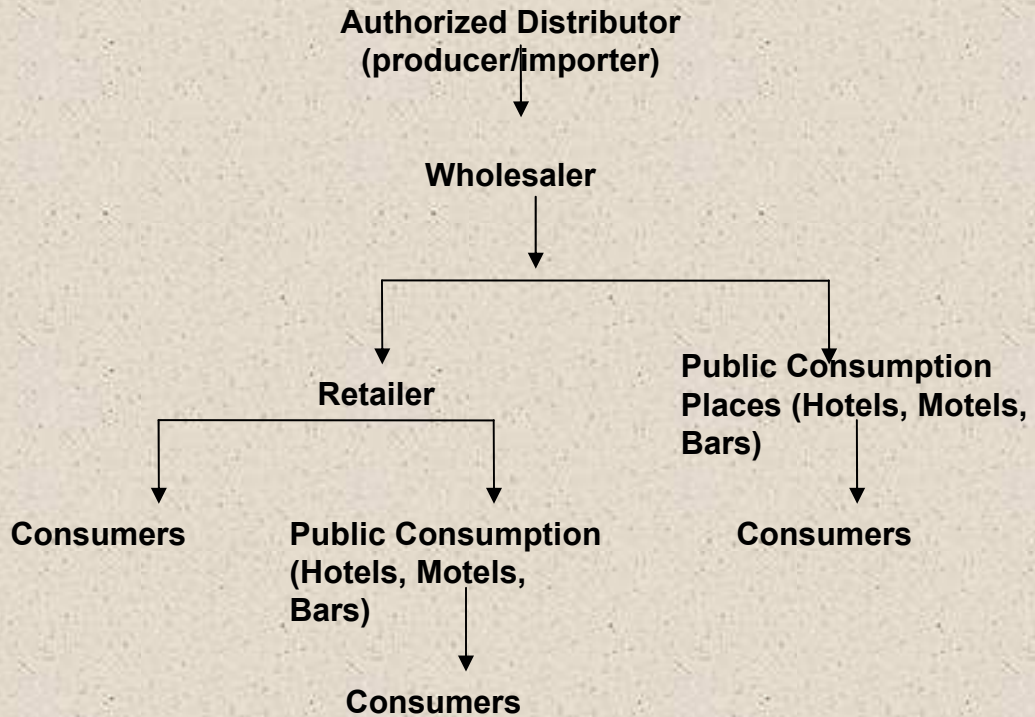
Necessary certificates in order to distribute wine at the market;

- "distribution competence certificate" for importers and producers (from TAPDK)
- "sales certificate" for wholesalers, retailers and public consumption places (from TAPDK)

The aim of all the above mentioned certificates issued by TAPDK is to register the producer, importer and the products supplied to the market.



The distribution system can be schematized as below.





11-Declarations

The wine producers are obliged to notify the grape varieties and quantities processed into wine and also the quantity of the wine produced to TAPDK.

The producers and importers are obliged to notify the quantity of the products that they place at the market monthly, and their stock data in 3 months intervals to the TAPDK.

The database that is formed with this data collected from the firms is provided for the concerned public authorities

12-Fiscal Regime

Responsible authority : Ministry of Finance

Like all alcoholic beverages, wine is subject to excise duty.



13-Control Arrangements on Wine Sector

Pursuant to the Law No. 5179, market surveillance and inspection of the products are carried out within the scope of food safety by MARA;

- regularly and proportionate with the risk that the products carry at the working place of food product producers, wholesalers, retailers and public consumption places.

-At the importation stage, approval for placing at the market of wine is given only if the result of the risk based analysis concerning food safety confirms with the legislation.



Pursuant to the Laws No. 4733, 4250 and the secondary legislations, controls are carried out within the scope of market regulation by the TAPDK;

- Controls on the activities of the producers, importers, wholesalers, retail sellers that exist within the market
- on-site investigation in cases of complaint and suspect
- on-site controls made systematically
- cross-check of the data from the TAPDK database with the Undersecretariat for Customs and Ministry of Finance data
- duty of official expert witness has been carried out concerning the products that are sent by the police force and legal authorities, with the suspect of being smuggled, counterfeit and un-authorized.



IV-CONCLUSION



The current situation of the wine market in Turkey is not compatible with the system regulated by the Council Regulation 1493/99 and its implementing regulations.

However, some of the current implementations in Turkey, after certain improvements, can be considered as the infrastructure of the system envisaged to be established in order to adapt the Wine CMO.

Nevertheless, the issue of completing the establishment of the required administrative and legal infrastructure completely, in order to harmonize the Wine CMO will be taken up in the accession process.



THANK YOU FOR YOUR ATTENTION