



SPIRIT DRINKS



CONTENT

I- LEGAL FRAMEWORK

II- AUTHORIZED BODIES

III- CURRENT SITUATION



I- LEGAL FRAMEWORK



The spirit drinks market is regulated under;

-The Law No: 4733 “Law on Establishment of Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority”.

-The Law No: 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)



-The Law No: 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.

-Communique on Spirit Drinks (OG.16.03.2005 No.25757).

-Communique on Labelling Procedures for Food Stuffs For General Labelling and Nutrition Facts (OG. 29.01.2004 No.25361).

-Communique on Writing -Alc% vol- on Alcoholic Beverages Label (OG. 26.02.2003 No.25032).



II. AUTHORIZED BODIES



1. Ministry of Agriculture and Rural Affairs (MARA)

Authorized for regulating the production, import, consumption and inspection of spirits drinks within the scope of assurance of food safety.

(Law No. 5179)

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

Authorized for the market regulations of ethyl alcohol and alcoholic beverages that had been regulated under the state monopoly from 1942 to 2001 (Law No. 4733 & Law No.4250).



III. CURRENT SITUATION



With the amendment of the “Alcohol and Alcoholic Beverages Law” No: 4250 in 2001, spirit drinks and ethyl alcohol were set outside of the state monopoly after 60 years.

1. Turkish Food Codex -Communique on Spirit Drinks (OG. 16.03.2005 No.25757)

This Communique complies with the 1576/89/EEC and 1014/1990/EEC.

The Communique covers;

- general rules on the definition, description and presentation of spirit drinks
- the production methods and preliminary definitions contained within the 1576/89/EEC.



The main categories of spirit drinks are included within the Communique on Spirit Drinks, in the same type as they are included within the 1576/89/EEC.

In addition to the categories included within the 1576/89/EEC, Communique on Spirit Drinks includes the categories;

- “raki”,
- “traditional fruit liqueur”
- “traditional rose liqueur”



2- Labelling, Packaging and Presentation Prescriptions for Spirit Drinks

- Specific provisions of Turkish Food Codex-Communique on Spirit Drinks (harmonized with the 1576/89/EEC)
- Turkish Food Codex -Communique on Labelling Procedures for Food Stuffs For General Labelling and Nutrition Facts (harmonized with the 2000/13/EC, 90/496/EC, 94/54/EC.)
- Turkish Food Codex-Communique on Writing -Alc% vol- on Alcoholic Beverages Label (harmonized with the 87/250/EEC.)
- Specific provisions of “Turkish Food Codex By-law”(such as contaminants).



3-Methods for the analysing of spirit drinks

International methods of analysis such as EU's AOAC, DAP 10 are applied.

4-Protection of Geographical Indication

Responsible authority: Turkish Patent Institute (TPI)

In Turkey, 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 spirits.

The designations listed Annex II of 1576 will not receive legal protection in Turkey until they have been officially registered as geographical designation by Turkish Patent Institute.



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

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

5-Market Mechanism and Administrative Arrangements:

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

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

And secondary legislations that are derived from these Laws.



Relying 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 spirit drinks to arrival to the consumer)

Relying on the Law No. 5179 and secondary legislation, production, importation, consumption and inspection of spirit drinks to ensure food safety are regulated by MARA.



Necessary certificates in order to produce spirit drinks;

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

Necessary certificates in order to import spirit drinks;

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



Necessary certificates in order to distribute spirit drinks at the market;

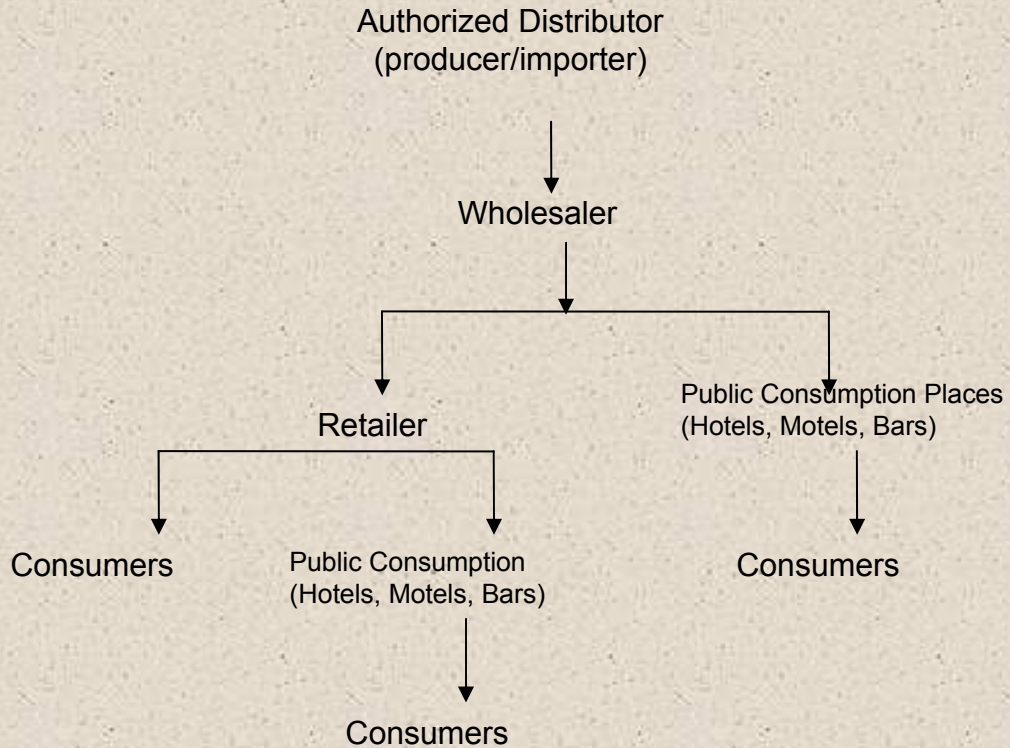
- "distribution competence certificate" for importers and producers (from TAPDK)
- "sales certificate" for wholesalers, retailers and public consumption places (from TAPDK)

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

Implementation of "Distribution Competence Certificate" by the TAPDK, coincides with the "authorized warehousekeeper" definition, contained in the 92/12/EEC



The distribution system can be schematized as below.





6-Fiscal Regime

Responsible authority : Ministry of Finance

- Like all alcoholic beverages, spirit drinks are subject to excise duty.
- Undenatured ethyl alcohol has not been included within the scope of excise duty.
- Lack of any special monitoring system concerning ethyl alcohol as the system in 92/12/EC.



7-Control Arrangements on Spirit Drinks 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, Control Certificate issued by MARA is obligatory; approval for placing at the market of spirit drinks 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.



8-Trade with Third Countries

Import/Export Arrangements

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

Import licenses are only required for the importation of these products under the tariff quotas resulting from bilateral agreements

Export Refunds

Spirit drinks are not included in the export subsidy commitment schedule of Turkey



Preferential Trade

•EU Countries

Spirits are included in Turkey-EU Customs Union.

•Candidate Countries

Turkey has unlimited duty exemption for spirits originating in Romania.

Under Turkey-Macedonia FTA, duties for spirits are exempt, on unlimited basis.

•Third Countries

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

Under Turkey-EFTA FTA, duties for spirits are reciprocally exempt.



Under FTA's with Israel, Tunisia and Morocco, Turkey has preferential import possibilities within tariff quotas with reduced duties. Israel has reduced Duties within tariff quotas for brandies and vodka.

Import Duties

CN Code	Product Description	MFN %	Bound Rate %
220820	Wine Spirits	Free	102
220830	Whiskey	Free	85
220840	Rhum	Free-0,6 Eur/%vol/hl+3.2 Eur/hl	102
220850	Gin	Free	85,102
220860	Vodka	Free	
220870	Liqueurs	Free	
220890	Other	Free-1 EUR/ %vol/hl+ 6.4 EUR/hl	102

*Import Regime 2006



THANK YOU FOR YOUR ATTENTION