

General Information:
Unofficial Translation

Law Number: 5977

Approval by the Grand National Assembly of Turkey: March 18, 2010

Translated by Yasemin Erkut for USDA Foreign Agricultural Service

LAW ON BIOSAFETY

SECTION ONE

Objective, Scope and Definitions

Objective and Scope

ARTICLE 1 – (1) The objective of the present Law is to establish and implement a biosafety system in order to prevent the potential risks of the genetically modified organisms and products thereof obtained through modern biotechnological means within the context of scientific and technological advancements; protect human, animal and plant health; safeguard and ensure the sustainable use of the environment and biological diversity and to determine the procedures and principles governing the control, regulation and monitoring of these activities.

(2) The present Law governs all activities including but not limited to the research, development, processing, placing on the market, monitoring, utilization, importation, exportation, transit, transportation, preservation, packaging, labeling and storage regarding the Genetically Modified Organisms and products thereof.

(3) Veterinary medical products and human medical products and cosmetics which acquired license or got approval from the Ministry of Health do not come under the scope of the present Law.

Definitions

ARTICLE 2 – (1) The definitions of the terms used in the present Law are as follows:

a) Unique identification: A numerical and alphanumeric encoding system allocating a code to each GMO which also includes the code of each transferred gene that it contains.

b) Minister: Minister of Agriculture and Rural Affairs.

c) Ministry: Ministry of Agriculture and Rural Affairs.

ç) Simplified procedure: Abridged decision making procedure based on the available information and previous risk assessment indicating that there is no risk that may arise from

a GMO or product thereof and that it does not harm human, animal and plant health, the environment and the biological diversity.

d) Biosafety: Safe conduct of activities regarding GMOs and products thereof in a manner to protect human, animal, plant health, the environment and biological diversity.

e) Biosafety information exchange mechanism: Information exchange system to be established to facilitate the exchange of scientific, technical and practical information and documents to inform public and participation to decision making process on GMOs and products thereof at national and international level.

f) Biosafety system: The whole of the administrative, legal and institutional structure ensuring biosafety and all activities carried out to this effect.

g) Biodiversity: Differences within and between species, including also ecosystems.

ğ) Contaminants: Materials, Those are not added deliberately to food and feed but present in the food due to the contamination including during primary stage of production, processing, preparations, treatments, wrapping, packaging, transportation, or storage or environmental contamination except foreign substance like animal feather or parts of bug.

h) Living organism: Biological entities including microorganisms, enzymes, sterile organisms, virus, virion and viroids of which genetic material can be reproduced or transferred.

ı) Experimental release into the environment: Execution of experimental activities on a GMO in a restricted area and under controlled conditions, in a manner to prevent its contact with the external environment.

i) Genetically Modified Organism (GMO): Any live being –except human beings– obtained through gene transfer by modern biotechnological methods.

j) Products obtained from GMOs: Products partly or completely obtained from GMOs which do not contain GMOs themselves or does not consist of GMOs.

k) GMO and products thereof: Products partly or completely obtained from GMOs which contain or consist of GMOs.

l) Interested party: Those who are engaged in activities including but not limited to the research, development, processing, placing on the market, monitoring, utilization, importation, exportation, transit, transportation, preservation, packaging, labeling and storage regarding the Genetically Modified Organisms.

m) Process: Any process that is done so that GMO and products thereof can be used as food, feed or other purposes and significantly changes the initial condition of the product. **n) Monitoring:** All sorts of observation, control, inspection and monitoring works carried out in all stages of processing and distribution chain of a GMO or product thereof placed on the market, after determining that it does not pose any risk and that it does not harm human, animal and plant health, the environment and the biological diversity.

o) Contained use: Any operation involving GMOs, undertaken within a controlled facility or laboratory having in place biological, chemical and physical measures that totally prevent their potential negative effects on human, animal and plant health, the environment and the biological diversity.

ö) Decision: Decision adopted by the Biosafety Board regarding an application submitted for for a GMO or product thereof, following scientific risk assessments and socio-economic evaluations.

p) Committee: Committees formed by the Board to carry out the scientific assessments.

r) Board: The Biosafety Board

s) Modern biotechnology: The application of in vitro nucleic acid techniques enabling direct transfer of recombinant deoxyribonucleic acid (rDNA) and nucleic acid into cells or organelles, or fusion of cells between different species and classes outside the taxonomic family, that overcome natural physiological reproductive barriers beyond the techniques of conventional breeding and selection.

ş) Handling: Any activity related to GMOs including but not limited to packaging, labeling, transfer, transportation and storage taking into consideration the measures to be taken to ensure the protection of human, animal, plant health, environment and biological diversity.

t) Placing on the market: Placing on the market of all products coming under the present Law either for payment or free of charge.

u) Protocol: The Cartagena Biosafety Protocol to the UN Convention on Biological Diversity approved for ratification under the Law #4898 dated 17/06/2003 and ratified by the decision of the Council of Ministers #2003/ 5937 dated 17/07/2003.

ü) Risk assessment: The four stage process of identification, determinations of attributes, identification of risk elements, and evaluation through scientific methods such as tests, analyses and trials of risks and risk sources that GMOs and products thereof may pose to animal, human and plant health, biological diversity and environment.

v) Risk communication: The interactive exchange of information and opinions throughout the risk analysis process in regards to the hazards and risks, risk-related factors and risk perceptions among risk assessors, risk managers, and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions;

y) Risk management: The process of assessing, choosing and implementing suitable alternative prevention and control options in consultation with interested parties, considering risk assessment and other legal factors to ensure that the GMOs and products thereof are used and handled in accordance with the purposes and rules established on the basis of risk assessment results.

z) Socio economic evaluation: Evaluation and studies (evaluated before the decision made on the application) that are based on science to find out the effects and socio economic cost that are related to the environmental release of GMO and products thereof to biodiversity, to the user and to the farmer.

SECTION TWO

Fundamental Principles

Application, Evaluation & Decisions

ARTICLE 3 – (1) With a view to protecting human, animal and plant life and ensuring the protection and sustainable use of the environment and biological diversity; the importation, exportation, experimental release into the environment, placing on the market of GMOs and products thereof and contained use of genetically modified microorganisms are permitted in accordance with the results of scientific risk assessments. Decisions issued for applications determined as not posing risk are valid for ten years.

(2) For the first importation of each GMO or product thereof applications are submitted

to the Ministry by the importer or the proprietor of the gene, or in the case of locally developed GMOs by a private or corporate person. It is compulsory to indicate in the application the purpose of use of the GMO or product thereof and information about the content of application. Applications may be submitted for more than one purpose of use, in which case each purpose will be treated as a separate application.

(3) The outcome of a certain application does not set precedence for another one.

(4) Received applications are conveyed to the Board by the Ministry. The Board notifies the Ministry within ninety days whether the application is accepted or not, as well as its other observations. The Ministry informs the applicant to this effect within fifteen days. Time elapsed for the presentation of additional information and documentation does not count towards this period.

(5) Application for the approval of GMO and products thereof will be rejected under the following conditions:

- a) It threatens human, animal and plant health, the environment and biological diversity.
- b) It undermines the freedom of choice of the producers and consumers
- c) It disrupts the ecological equilibrium of the environment and of the ecosystem.
- ç) If there is a risk of GMO propagating itself or its characteristics in the environment.
- d) It endangers the sustainability of biological diversity
- e) If applicant does not have sufficient technical capacity to implement the measures to ensure biosafety.

(6) The decision time line starts upon the Ministry's notification to the applicant of the decision mentioned in the preceding Paragraph 4, and cannot exceed 270 days. Time elapsed for the presentation of additional information and documentation does not count towards this period.

(7) The applicant presents a letter of request stating those items of information to be kept confidential. Before deciding to fully or partially honor such request, the Ministry interactively exchange information and opinions with applicants on the demand of confidentiality request. Following this process Ministry takes the necessary measures and informs the applicant. Name and address of the applicant or importer, purpose of use of the GMO or product thereof, their characteristics, unique identification data, common and scientific names, donor organism of the transferred gene, country of origin of the receptor and donor organisms, general description of the transfer method, all emergency procedures and plans and summary of the risk assessment cannot be considered as confidential.

(8) Applications must include the requested document showing that the GMO or product thereof is approved in the country where it is developed or registered for release into the environment, placing on the market for consumption and that such approval is currently

valid, the production and consumption is continuing and it has been on the market for a certain length of time as indicated by the Ministry.

(9) Importation applications for the purpose of experimental release into the environment or placing on the market are submitted separately to the Ministry prior to importation or, if developed locally prior to placing on the market.

(10) It is compulsory to obtain a permit from the Ministry for each transit passage of GMOs and products thereof. Transit passages are performed in compliance with the conditions stated in the written permit of the Ministry and with the provisions of the Customs Law #4458 dated 27/10/1999.

(11) Permission is obtained from the Ministry for GMOs or products thereof to be imported for the purpose of scientific research by institutions authorized to carry out such research. Importation is performed in compliance with the conditions stated in the written permit. For the contained use for experimental purposes of GMOs and products thereof and genetically modified microorganisms, those who are carrying out these works must meet the contained use standards and conditions, and measures to be applied in case accidental release into the environment must be in place. It is obligatory to keep the Ministry informed of the experimental works and their results.

(12) Scientific risk assessment and socio-economic evaluation reports regarding applications for GMOs or products thereof are announced to the public by the Board through the biosafety information exchange mechanism for public consultation. The Board has to complete its final evaluation report, considering also the opinions presented during the public consultation, and must present its favorable decision to the Ministry within thirty days at the latest from the date of meeting, together with all signatures and motives of eventual contrary votes. Decisions of the Board enter into force after promulgation in the Official Gazette.

(13) In the event that the application is refused, the applicant is notified in writing by the Ministry. Should there be new information that may warrant a change of decision the applicant may request the Ministry to review the decision. In this case the Board reviews the decision considering the presented new information within 60 days and informs the Ministry of the result for conveyance to the applicant. The final decision is announced to the public.

(14) When board did not take committees decision into consideration, board should need to announce the justification.

(15) The decision includes the following points:

- a) Validity period.
- b) Importation formalities.
- c) Purpose of use.
- ç) Necessary data for risk management and market supervision
- d) Monitoring conditions.
- e) Documentation and labeling conditions.

- f) Packaging, haulage, storage and transportation rules.
- g) Processing and waste and residue treatment/disposal conditions.
- ğ) Safety measures and emergency procedures.
- h) Method of annual reporting.

(16) The applicant may apply to the Ministry at least one year before the expiration date for the extension of the validity period. This request is evaluated by the Board and its result is notified to the Ministry for conveyance to the applicant. If the result of application for extension can not be completed in a year then the validity of the past approval will automatically be extended until the new decision is announced.

(17) The procedures and principles regarding the implementation of the present Article are established by a regulation.

Risk Assessment, Socio-Economic Evaluation and Risk Management

ARTICLE 4 – (1) Each GMO or product thereof for which an application is submitted under the present Law, is separately subjected to a risk assessment and socio-economic evaluation based on scientific principles. In the event that the submitted information is not deemed sufficient, renewed experiments, tests, analyses and research works may be requested from the applicant. Expenses related to the risk assessment and socio-economic evaluations are covered by the applicant.

(2) Risk assessment is made separately for each application. In the course of the risk assessment field trials including laboratory, greenhouse and field tests; nutrient analyses, toxicity and allergy and other eventual tests that are deemed necessary must be submitted by the applicant.

(3) For consideration in the decision process, a socio-economic evaluation is carried out in order to ascertain the effects of the GMOs on the protection and sustainability of biological diversity and on consumers and users.

(4) Risk management principles are determined for the GMOs and products thereof for which an application is submitted, on the basis of the results of risk assessment and socio-economic evaluation. A detailed risk management plan is prepared. Preparation and implementation of this plan is the responsibility of the applicant.

(5) The procedures and principles regarding the implementation of the present Article are established by a regulation.

Prohibitions

ARTICLE 5 – (1) Following acts regarding GMOs and products thereof are prohibited:

- a. Putting GMO and products thereof to the market without approval
- b. Using or letting others use the GMOs and products thereof in breach of Board decisions.
- c. Producing genetically modified plants and animals.
- ç. Using GMOs and products thereof beyond the purpose and area indicated by the Board

in the placing on the market decision.

d. Using GMOs and products thereof in baby food and baby formula, follow-on food and follow-on formula, baby and young children nutritional supplement.

Simplified Procedure

ARTICLE 6 – (1) Applications based on the available information and previous risk assessment indicating that there is no risk that may arise from a GMO or product thereof and that it does not harm human, animal and plant health, the environment and the biological diversity can be subjected to a simplified procedure, considering also the results of the socio-economic evaluation.

(2) In order to apply under the simplified procedure, besides the rules to be set forth by the Ministry the following conditions should be met:

- a) Taxonomy and biology of the gene source and the receptor live organism should be known.
- b) Sufficient information should be available regarding the possible effects on the human, animal and environmental health and biological diversity.
- c) Previous risk assessments that can be used regarding the relations of the GMO with other live organisms should not have indicated any negative effects.
- ç) Detailed methods and data should be available to enable the definition of the transferred genetic material and its identification within the live organism where it is transferred.

(3) The procedures and principles regarding the implementation of the present Article are established by a regulation.

Procedures following the decision

ARTICLE 7 – (1) Following the placing on the market of the GMOs and products thereof, the Ministry controls and supervises whether the conditions stated in the decision are observed or not, and if there are any unexpected effects on human, animal, plant health, the environment and biological diversity. The analyses to be carried out for this purpose are performed by the laboratories designated by the Ministry. The importer is obliged to fulfill the requests related to the control and supervision procedures.

(2) Decisions may be revoked by the Board, in the event of a breach of the conditions stated therein or emergence of new scientific information about any risks related to the GMO or product thereof. Upon revocation of the decision the GMO or product thereof in question is recalled from the market. Those which are found to have negative effects on human, animal, plant health, environmental or biological diversity are destroyed at once, whilst the property of those which are not found to have negative effects are transferred to the public. The expenses pertaining to the measures to be taken by the Ministry pursuant to the present Paragraph and other expenditures are collected from the interested parties, taking into consideration the tort and responsibility.

(3) In order to ensure traceability, it is compulsory to submit declarations to the Ministry, keep the necessary records, make available a copy of the decision and to comply

with the labeling rules during the entry into and circulation within the country of GMOs and products thereof. Each GMO and product thereof is assigned a unique identifier and registered. Documents related to registered GMO and products thereof should be kept for 20 years.

(4) Any product containing a higher level of GMOs or products thereof than the thresholds established by the Ministry must be clearly labeled as containing GMO.

(5) The interested parties are obliged to notify the Ministry at once and take the necessary measures should a new risk or risk suspicion regarding the GMOs or products thereof come to their knowledge.

(6) When placing a GMO or product thereof on the market, the interested parties are obliged to inform the clients of the safety rules and measures indicated in the decision regarding the handling, processing, storage, transportation and other operations.

(7) The procedures and principles regarding the implementation of the present Article are established by a regulation.

SECTION THREE

Duties & Authorities of the Ministry; Board & Committees

Duties & Authorities of the Ministry

ARTICLE 8- (1) Duties and authorities vested with the Ministry are as follows:

- a) To provide convenient working conditions to the Board and to perform the secretarial functions of the Board.
- b) To obtain the information and documents and to perform or get performed and report the results of the research, trial, control and inspections requested by the Board.
- c) To ensure the implementation, prevention of unintended GMO contamination, monitoring, control and inspection of the procedures and formalities set forth in the present Law.
- ç) If so deemed necessary, to empower real or corporate persons to carry out works on GMOs and products thereof, to supervise such empowered persons and to establish the relevant procedures.
- d) To develop, implement or have implemented strategies for protecting and exploiting national biodiversity and genetic resources.
- e) To take the necessary measures to ensure the information and participation in the decision process of the general public, through the biosafety information exchange mechanism.
- f) To establish the procedures and principles pertaining to the activities of the Board and scientific committees.
- g) To cooperate with relevant institutions regarding border checks to prevent the movement and use of GMOs and products thereof other than those governed by the present

Law.

ğ) To prepare and implement emergency action plans and determine methods against unforeseeable circumstances related to the protection and sustainability of human, animal plant health, the environment and biological diversity.

h) To establish threshold values for GMOs and products thereof in accordance with their characteristics by taking Board's decision into consideration.

ı) To establish the procedures and principles pertaining to the labeling of products coming under the present Law and products obtained from GMOs.

(2) Under necessary conditions the Ministry shall cooperate with related stakeholders, institutions and Ministries on the implementation of this law.

(3) Ministry is responsible to prepare and implement emergency action plan in order to prevent possible damage to environment, biological diversity, agricultural production, human health related to GMO and products thereof in case of an accident that may occur during the processes of those products.

(4) With a view to protecting human, animal plant health, the environment and biological diversity the Ministry is authorized adopt precautionary measures and all sorts of dispositions regarding the products coming under the present Law such as total or partial recall, expropriation, returning the product to its origin, temporary suspension of the activities, disposal of the product, prohibition of supply to the market, trade and processing.

Biosafety Board

ARTICLE 9- (1) Biosafety Board is formed to evaluate the applications regarding GMOs and products thereof, and to carry out the other duties indicated in the present Article.

(2) The Board consists of a total of nine members: four designated by the Ministry of Agriculture and Rural Affairs, two by the Ministry of Environment and Forestry, one from the Ministry of Health, one from the Ministry of Industry and Trade, and one from the Undersecretariat of Foreign Trade. At least one of the two members, who are selected by the Ministry, should be selected from among the representatives of universities and one should be selected from among the professional organizations. The President of the Board is designated by the Minister. The President of the Board designates a member to deputize him in his absence.

(3) President and members of the Board cannot be appointed for more than two terms.

(4) Appointments to the vacated membership positions, including the presidency, are made within one month at the latest by the respective ministers.

(5) Members of the Board must have at least a graduate degree and the qualifications stated in the Civil Servants Law #657 dated 14/07/1965, Art. 48, Paragraph A, Sub-Paragraphs 1, 4, 5, 6 and 7. The members of the Board must have a minimum of five years

experience in areas that come under the present Law.

(6) President and the members of the Board may not be discharged before the end of their term in office. However, the terms of office of the President and the members of the board are terminated by Minister should it become evident that they cannot perform their duties due to severe illness or disablement, loss of the necessary conditions of eligibility or in the event that they act in contravention to the present Law.

(7) The President and members of the Board, their spouses as well as consanguineous and affinal relatives up to and including second degree cannot engage in any commercial activity or own capital market instruments related to activities or sectors on which the Board may issue decisions. The offices of those who contravene the dispositions of the present Sub-Paragraph are terminated at once by the Minister.

(8) The President and members of the Board cannot take up employment in the private establishments engaged in activities or acting in the sectors regulated under the present Law, for three years following termination of their offices.

(9) The members of the Board are entitled to a daily attendance fee for each meeting they attend, for a maximum of twelve meeting days per year, in an amount to be calculated by multiplying 5000 by civil servant wage coefficient. In cases where the payment of a *per diem* is due, the highest Civil Servant *per diem* is paid pursuant to Per Diem Law #6245 dated 10/02/1954.

Working Principles of the Biosafety Board

ARTICLE 10- (1) The Board is independent in the performance of its duties. No organ, office, body or person can issue orders or instructions to the Board.

(2) The Board convenes upon the invitation of the President with a determined agenda. The agenda of each meeting is prepared and notified to the members at least one week prior to the meeting by the President of the Board. The meetings are not considered adjourned until all items of the agenda are deliberated upon.

(3) The quorum for a valid meeting is seven members and the decisions are adopted by at least a majority vote of five. The decisions are committed to the minutes of the meeting and signed.

(4) Members who fail to attend a total of three meetings in the course of one calendar year without a valid excuse are considered as resigned from membership and this circumstance is annotated through a decision of the Board. Those members who fail to sign the Board decisions in due time although they were present in the meeting and did not cast a vote of objection, or those who fail submit in writing the grounds of their vote of objection are warned in writing. In the event that this circumstance is repeated thrice in one calendar year, the member is considered as resigned. Such circumstances must be annotated and decided upon in the third meeting that the member failed to attend, and notified to the Ministry.

(5) The members of the Board cannot participate in debates and cast votes in issues related to their spouses, adopted children as well as consanguineous and affinal relatives up to and including second degree.

Duties and authorities of the Biosafety Board

ARTICLE 11 – (1) Duties and authorities of the Board are as follows:

- a) Forming the list of specialists.
- b) Forming the scientific committees whose members are selected from the list of specialists
- c) Selecting the members of the scientific committees from the list of specialists for each application.
- ç) Forming the Board decisions by taking into consideration of risk assessment and socio-economic evaluation reports.
- d) Taking into consideration the monitoring reports, submitting decisions to the Ministry regarding sanctions such as partial or complete revocation of the decision, prohibition and recall.
- e) Forming the ethics committee

Formation, Duties & Authorities of the Scientific Committees

ARTICLE 12 – (1) For each application the Board constitutes a risk assessment committee, a socio-economic evaluation committee and if need be, other scientific committees. These committees consist of eleven members.

(2) The list of specialists is compiled from among members of universities or the Scientific & Technological Research Council of Turkey as well as those who are working in areas deemed necessary by the Board.

(3) Duties and authorities of the committees are as follows:

- a) To determine the scientific sufficiency of the information provided for risk assessment regarding the applications filed under the present Law.
- b) To determine the required tests, experiments, trials, analyses and other actions and to request additional information if need be.
- c) To prepare risk assessment and socio-economic evaluation reports.
- ç) To form a scientific opinion, evaluating all sorts of new data and information that emerge or is obtained after the decisions are taken.
- d) To make scientific assessments, to inform the Board and to prepare reports.

(4) Scientific evaluation reports prepared by the committees are considered as restricted documents and cannot be presented to any real or corporate person, institution or establishment apart from the Board. Except for unlawful acts, committee members cannot be held responsible for the scientific evaluation reports that they prepare.

(5) The committees are independent in the performance of their duties. No organ, office, body or person can issue orders or instructions to the committees.

(6) The members of the committees are entitled to a daily attendance fee for each meeting they attend, for a maximum of twelve meeting days per year, in an amount to be calculated by multiplying 5000 by civil servant wage coefficient for those who are not holding a public office and 3000 for those who are simultaneously holding a public office. In cases where the payment of a *per diem* is due, the highest Civil Servant *per diem* is paid pursuant to Per Diem Law #6245.

(7) Members who fail without a valid excuse, to attend two meetings on the same application despite invitation, are considered resigned and replaced by a new member appointed by the Board.

Obligation

ARTICLE 13 – (1) The personnel of the Ministry and the members of the Board and committees cannot divulge the confidential information, documents and trade secrets that they obtain in the course of their duties to anyone but the offices entitled to this effect by the law, and they cannot use them for their own benefit or for that of third parties.

SECTION FOUR

Civil Responsibility, Administrative Sanctions & Penal Clauses

Basic Principles of Responsibility

ARTICLE 14 – (1) Those who perform activities related to GMOs or products thereof are responsible of the damages on the protection and sustainability of human, animal, plant health, the environment and biological diversity even if they have duly obtained permits under the present Law. This responsibility is also valid even if no damage results from a GMO or product thereof, understood to be not complying with the conditions stated in the application and in the decision.

(2) Those who exercise activities of contained use, placing on the market for food, feed, processing or consumption purposes, importation and transit passage of GMOs and products thereof without obtaining a permit and those who release into the environment and produce GMOs are responsible of all sorts of damages resulting from said activities.

(3) In order to attribute an inflicted damage to GMOs, the damage must originate from the new characteristics of the organisms, their reproduction or modification or the transfer of the organism's modified material to other organisms. In the determination of responsibility arising from the damage, if the damage in question is originating from the genetic modification in agricultural, forestry, food and feed products is taken into consideration.

(4) Those who cause or aggravate damages due to handling the GMO's placed on the market for any purpose whatsoever in a manner contrary to the conditions of the decision or otherwise, and those who commercially produce, process, distribute or market the same are severally responsible of these damages.

(5) Those who place on the market, commercially process, distribute or market the GMOs and products thereof are obliged to inform one another about the possible damages and responsibility arising there from.

(6) Those who handle GMOs are obliged to cover the expenses of the measures required to be taken according to the results of the risk assessment in order to prevent or alleviate any eventual damage to the environment. Those who are responsible of damages are also obliged to cover the expenses of restoring the damaged or destroyed elements of the environment to their original forms or replacing them with identical elements of the same value.

(7) The right to claim compensation for the damages inflicted by GMOs and GMO products continues for two years after the suffering party realizes the emergence of the damage and the identity of the responsible; and in any case for twenty years after the occurrence of the event that caused the damage.

(8) The aforementioned responsibility dispositions do not apply in case it is determined that the damage is caused by natural disasters such as flood, hail, landslide, earthquake or gross negligence of those who suffered the damage or of third parties.

Administrative sanctions and penalties

ARTICLE 15 – (1) Those who import, produce and release genetically modified plants or animals into the environment, contrary to the rule of this law are punished with prison terms of five to twelve years and with judicial fines up to 10,000 days.

(2) Those who import or process the GMOs or GMOs and products thereof under the provisions of this law, use, put on to the market, sell, and hand over for the purposes in areas other than the ones indicated on the import permit or buy for trading purposes, accept, transport or hold by knowing this attributes of products are punished with prison terms of four to nine years and with judicial fines of up to 7000 days.

(3) Those who import or process the products obtained from GMOs under the provisions of this law, use, put on to the market, sell, and hand over for the purposes in areas other than the ones indicated on the import permit or buy for trading purposes, accept, transport or hold by knowing this attributes of products are punished with prison terms of three to seven years and with judicial fines of up to 5000 days.

(4) Those who get permission under the rule of this law by submitting false information in the applications are punished with prison terms of one to three years provided that there is no other crime committed which requires more penalty. Obtaining a decision on the basis of false information for importation, processing, usage, putting to the market, sales, hand over, accepting, transporting or holding of GMO, GMO and products thereof and products obtained from GMOs under this unlawfully obtained decision is punished in accordance with the above mentioned penalties.

(5) In the event that the acts defined in the present Article are committed within the activities of a corporate body and benefit of corporate body, the corporate body in question is sanctioned with an administrative fine of 100,000 to 200,000 Turkish Liras according to the severity of the act. Besides security sanctions that are specific to the corporate body should also be taken.

(6) Applicants who fail to fulfill their obligations under Article 7 of the present Law are sanctioned with an administrative fine of 10,000 Turkish Liras to 30,000 Turkish Liras for each failure provided that their actions are not subject of any other abuse.

(7) Those who exercise contained use of GMOs and products thereof contrary to the rule of this law are sanctioned with an administrative fine of 10,000 Turkish Liras provided that their actions are not subject to any other abuse.

(8) Those who contravene the dispositions of Sub-Paragraph (8) of Article 9 are punished pursuant to Article 4 of the Law on Working Restrictions of Former Public Office Holders #2531 dated 02/10/1981.

(9) Court is responsible to determine the administrative sanctions under sub-paragraph 5 and public prosecutor is responsible to determine the administrative sanctions under sub- paragraphs 6 and 7 of the present Law. Administrative fine charged according to the Law is paid within one month after its notification.

SECTION FIVE

Regulations & Final Dispositions

Regulations

ARTICLE 16 - (1) The regulations related to the implementation of this Law shall be published by the Ministry within three months at the latest from the date of the publication of the Law.

Effectiveness

ARTICLE 17 - (1) The present law enters into vigor six months after the date of its publication.

Execution

ARTICLE 18 - (1) The provisions of the present law are executed by the Council of Ministers.

