

TURKISH SPS MEASURES APPLIED TO IMPORTATION OF BANANAS

Questions from Ecuador

The Permanent Mission of Ecuador has requested that the following questions regarding Turkey's measures on imports of bananas be circulated in advance of the 10-11 July 2001 meeting of the Committee.

1. Is Turkey's "Kontrol Belgesi" system an SPS mechanism? Is it an import-monitoring instrument? Or is it a specific trait of a *de facto* import licensing system?
2. Please cite and provide copies of the exact laws, regulations and/or administrative orders under which the "Kontrol Belgesi" system is maintained.
3. Do the laws establishing the "Kontrol Belgesi" system provide for quantity limitations? If so, on what legal basis? If there is no legal basis, please describe the practice and the responsible authorities.
4. We understand that, until November 1999, "Kontrol Belgesi" for the importation of bananas were not subject to quantity limitations and were in practice issued for up to 1,000,000 boxes. During the November 1999/December 2000 period, the issuance of each "Kontrol Belgesi" was limited by MARA to the quantity of 10,000 boxes or 200 tonnes of bananas. This limit has now risen to 52,000 boxes per "Kontrol Belgesi" in December 2000. Is this information correct?
5. Has the requirement for these quantity limitations been published? If so, where? If not, in what way has it been brought to the attention of the importers?
6. Have the various changes in the administration of the "Kontrol Belgesi" system been notified to the WTO? If so, when and under what notification procedure? If not, why?
7. How is the size of the quantity limitation determined? How many control laboratories are involved in the inspection of bananas imports? Is it all 15 existing control laboratories or only selected ones? Please provide the exact number and location.
8. What are the rules on the sampling procedures applied by the Turkish laboratories and customs authorities? Have they been published? Are they in line with the internationally recognized standards? Please provide reference to the international standards applied, if any.
9. What percentage of a bananas' consignment of 52,000 boxes is actually inspected and controlled in the laboratories for SPS certification? Has this percentage coefficient remained

the same during the three periods (i.e. pre-November 1999, November 1999/December 2000, post-December 2000) marked by different quantity limitations?

10. What are the minimum and maximum lengths of time for processing applications for "Kontrol Belgesi" and for carrying out the inspections? How much time remains, at a minimum, between the issuance of a "Kontrol Belgesi" and the actual date of opening of the period of importation and customs clearance? Please provide available administrative records.
11. Are there any limitations as to the period of the year during which application for "Kontrol Belgesi" can be made? If so, please cite and provide a copy of the regulations establishing the restrictions.
12. What is the period of validity of a "Kontrol Belgesi"? Currently it appears that its duration is limited to 1 October 2001? On what basis is that so? Can its validity be extended? If yes, how?
13. Under what circumstances may an application for a "Kontrol Belgesi" be refused? What are the ordinary criteria for refusal? Is the quantity limitation one of them? Are the reasons for any refusal given to the applicant?
14. Is a right of appeal accorded to the applicants in the event of refusal to issue a "Kontrol Belgesi"? If so, what bodies are competent to decide the appeal and what are the procedures? Please provide a copy of the relevant regulations, if any.
15. What information is required in a proper application for a "Kontrol Belgesi"? Please submit a sample form.
16. What documents is an importer required to supply with the application? What documents are required upon actual importation?
17. Do the same rules and procedures for SPS certification apply to domestically produced bananas? Is there an identical obligation on domestic producers to obtain a "Kontrol Belgesi" and to undergo SPS control and certification ahead of placing the bananas on the market? If so, what is the legal basis?
18. Are there quantity limitations on the issuance of "Kontrol Belgesi" for domestically produced bananas? If so, is it the same that for imported bananas? If not, what is it and why is it different? Please cite and provide copies of the relevant regulations.

The Government of Ecuador would greatly appreciate it if each question could be given a specific answer and if the information could be provided within the shortest of delays (in line with the spirit of the SPS Agreement as refereed by the WTO Secretariat in its November 2000 handbook on "How to Apply the Transparency Provisions of the SPS Agreement").
