

**Decree n° 2010-1547 dated 21 June 2010, establishing a logo concerning the Tunisian products of biological agriculture and fixing the conditions of its grant and withdrawal.**

The President of the Republic,

On a proposal from the Minister of Agriculture, Water Resources and Fishing,

Having regard to article 35 of the constitution,

Having regard to law n° 92-117 dated 7 December 1992, relating to the consumer protection,

Having regard to law ° 99-30 dated 5 April 1999, relating to the biological agriculture,

Having regard to law n° 2009-38 dated 30 June 2009, relating to the national system of standardization,

Having regard to decree n° 89-832 dated 29 June 1989, fixing the administrative and financial organization and the operating methods of the regional commissariats for agricultural development, all amending and completing texts which the last decree n° 2007-688 dated 26 March 2007,

Having regard to decree n° 99-370 dated 15 February 1999, fixing the administrative and financial organization as well as the operating methods of the agency of the agricultural investments promotion,

Having regard to decree n° 99-1142 dated 24 May 1999, fixing the composition and the operating methods of the national commission of biological agriculture, as amended by decree n° 2001-2406 dated 8 October 2001,

Having regard to decree n° 2000-409 dated 14 February 2000, fixing the conditions of approval of the institutions of control and certification and the procedures of control and certification in the field of biological agriculture,

Having regard to decree n° 2001-419 dated 13 February 2001, fixing the attributions of the Ministry of Agriculture,

Having regard to decree n° 2001-420 dated 13 February 2001, organizing the Ministry of Agriculture, as amended and completed by decree n° 2010-625 dated 5 April 2010,

Having regard to decree n° 2010-72 dated 14 January 2010, appointing members of the Government,

Having regard to the opinion of the Minister of Environment and Sustainable Development,

Having regard to the opinion of the Minister of Industry and Technology,

Having regard to the opinion of the Minister of Trade and Handicrafts,

Having regard to the opinion of the Administrative Tribunal.

Decreases the following:

Article one - Shall be established a logo for the optional and free Tunisian products of biological agriculture which characteristics are set in accordance with model 1 annexed to the decree herein (\*).

The term “logo” used in the decree herein indicates “logo for Tunisian products of biological agriculture”.

Art. 2 - In order to benefit from the logo, the product shall be certified by an institution of control and certification in accordance with the regulations in force.

Art. 3 - The logo is granted after an application from the concerned interveners in accordance with model 2 annexed to the decree herein, and which may be withdrawn from the departments of the general directorate of biological agriculture at the Ministry of Agriculture, Water Resources and Fishing, from the regional commissariats for agricultural development and from the agency of agricultural investments promotion or its regional directorates (\*).

The application accompanied with the certificate of compliance delivered by the institution of control and certification proving that the product is obtained according to the rules of biological production, shall be lodged to the departments of the general directorate of biological agriculture at the Ministry of Agriculture, Water Resources and Fishing or to the concerned regional commissariats for agricultural development. The regional commissariats for agricultural development shall submit the abovementioned applications to the general directorate of biological agriculture which proceeds to their examination within no more than one month as of their lodging date.

The applicant shall submit to the general directorate of biological agriculture the used labels as well as any project of a modification to bring to the labeling and he shall also report every modification in the list of the concerned biological products.

Art.4 - The logo shall be granted by decision of the Minister of Agriculture, Water Resources and Fishing.

Shall be annexed to the decision, a document fixing the location of the logo, its size, colors, shape and all the rules which shall be respected when being used according to the supports used for this purpose.

(\*) The annexes are published only in Arabic and French.

In case of refusal, the interested person shall be informed through a registered letter enclosed with a covering letter within no more than one month as of the lodging date.

The interested person may oppose the decision of refusal within a deadline not exceeding one week as of being informed.

Art.5 - The infringements related to the use of the logo are noticed in accordance with the provisions of the abovementioned law n° 99-30 dated 5 April 1999.

Art. 6 - The infringement to the provisions of the decree herein involves the progressive enforcement of one of the following sanctions against the offender after the hearing:

1. Warning of the offender with calling him for compliance within one month maximum.

2. Temporary suspension of the logo use for no more than six months and in case of second offense, the period of suspension is doubled.

The sanctions are inflicted by decision of the Minister of Agriculture, Water Resources and Fishing after a noticing report drawn-up by the agents entitled to this purpose and who have to destroy the documents and labels containing the logos subject of infringements.

Art. 7 - The Minister of Environment and Sustainable Development, the Minister of Industry and Technology, the Minister of Agriculture, Water Resources and Fishing and the Minister of Trade and Handicrafts, each in his respective capacity, shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 21 June 2010.

**Zine El Abidine Ben Ali**