

Agriculture

The agricultural sector faces many challenges, including continually evolving regulations, complicated supply and distribution chains, unclear rules for genetic modification and emerging technologies, as well as fierce commercial competition and turbulent global commodity markets. Agricultural businesses must also navigate highly technical health and safety, environmental and natural resources compliance requirements on a day-to-day basis. These regulatory regimes often have overlapping scopes or contradictory provisions, while simultaneously carrying heavy penalties for non-compliance.

Moroğlu Arseven supports a wide range of clients to plan, finance, insure and operate agricultural businesses, as well as protect existing resources or assets. The firm supports a full spectrum of companies and individuals in this context. These include domestic and multinational agribusiness conglomerates, along with seed, crop, fertiliser, processing, machinery, storage, transit and livestock nutrition companies, along with family farms, industry groups, financial investors and soft commodity traders.

The firm has significant experience assisting clients with the unique issues which arise within the agricultural sector. For instance, regulatory compliance for genetically modified crops, crop drift liability, water use, drainage and runoff rights, industrial accidents, food labelling, contamination and recalls, agricultural asset-backed securities, cross-border agricultural commodity trading, as well as insurance disputes. We assist clients through all aspects of customs and border biosecurity processes.

The firm also advises on a full range of real estate matters in the agricultural context, including zoning issues, boundary disputes, conservation and environmental rules, as well as buying, selling and developing farmland, facilities and equipment.

Moroğlu Arseven regularly advises on processes and requirements for Turkey's Ministry of Agriculture and Forestry, the General Directorate of Agricultural Enterprises, as well as the Agriculture and Rural Development Support Institution. We strategically support and represent clients during all aspects of their interactions with these respective governmental bodies and agencies, assisting clients to obtain a wide range of routine and exceptional approvals, exemptions or licenses. Our support includes dealing with day-to-day regulatory relations, as well as high-stakes regulatory investigations or enforcement proceedings.

The firm's dispute resolution team provides full-scope and integrated support to agricultural clients, meaning conflict specialists are involved from the early stages of emerging issues. We support clients with all aspects and perspectives on disputes, along with regulatory investigations. Support includes representing clients in a full spectrum of forums and related processes, including civil and administrative litigation, arbitration and alternative dispute resolution methods, strategic negotiation and settlement processes, as well as injunctions and enforcement actions. For instance, representing clients involved in disputes about boundary lines, crop drift, productivity and water use.

Moroğlu Arseven's strong intellectual property team helps agriculture clients to proactively protect their intellectual property in Turkey. The firm supports with a full range of issues, including litigation, enforcement, counselling, prosecution and transactions. Intellectual property advice is tightly integrated with other practice areas, assisting clients to establish, protect and commercialise their intellectual property assets from the earliest possible stage. For instance, advising on registering and commercialising seed or plant varieties, as well as dealing with geographical indicators, or counterfeiting of seeds, fertilizers and soils.

Moroğlu Arseven assists agricultural clients with all types of major corporate transactions, including mergers, acquisitions, joint ventures, strategic partnerships, spin-offs, divestitures and group restructures. The firm has significant expertise assisting during complex, inter-jurisdictional transactions, where strategic guidance is required to deal with the legal, commercial and operational factors simultaneously. These projects often involve high values, or complicated leveraging and equity structures. We work closely with companies, shareholders, investors and financiers on both buy and sell-side, assisting through all stages of these projects. Moroğlu Arseven places a strong focus on ensuring we consider each client's business objectives and the dynamics of the agricultural industry, then reflect these factors into the transaction's structure, risk allocation, or asset transfers.

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