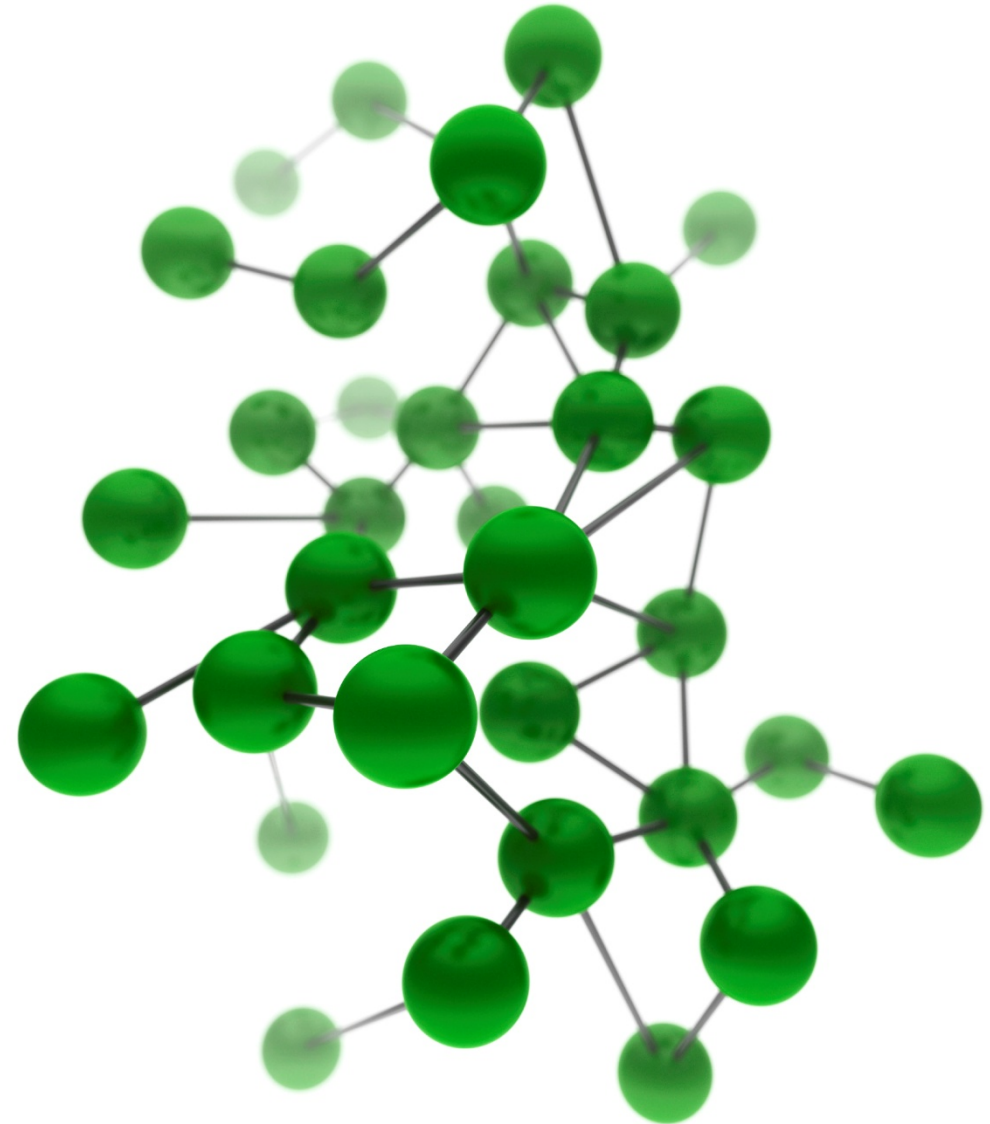


K&L Compliance Communications GmbH
Your Legal Monitoring Service Provider

Legal Monitoring Packaging in Turkey

Status 2009-07-01



Management Summary

Customer Setup in Country	<p><i>Specific Distribution Channel</i></p> <ul style="list-style-type: none"> • <i>Importer / Producer / Distant Seller</i> • <i>Local Subsidiary / Branch</i> • <i>Sales Activities</i> • <i>...</i>
Key Compliance Requirements / Legal Obligations	<p><i>Customer Obligations regarding...</i></p> <ul style="list-style-type: none"> • <i>Technical product requirements</i> • <i>Product take-back / Recycling</i> • <i>Hazardous substance restrictions</i> • <i>Environmental Fees and / or Taxes</i> • <i>...</i>
Implementation Timeline / Important Deadlines	<ul style="list-style-type: none"> • <i>Adoption / last update of legislation</i> • <i>Entry into force of legislation</i> • <i>Start dates of relevant obligations</i>
Significant Differences to corresponding EU-Legislation	<p><i>Compared to Directive 20XX/XX/EC, the respective legislation differs regarding...</i></p> <ul style="list-style-type: none"> • <i>...</i>
Outlook and Recommendations	<p><i>With regard to current debate / future developments, ...</i></p>

Table of Contents

1. Legal Basis

Overview of National Legislation

2. Jurisdiction and Enforcement

Offenses, Penalties and Fines

3. Scope of the Legislation

- a) Material Scope
- b) Personal Scope

4. Specific Industry Obligations

Registration Procedure
Labeling Requirements
Reporting Requirements
Collection and Treatment
Financing

5. Main Differences to EU Legislation

6. Contact Information and Useful Links

- a) Government Agencies
- b) Industry Associations / Lobbying
- c) NGOs / Local Experts


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3. Scope of the Legislation

a) Material Scope

Question	Relevant Information		Comments and Attachments
Categories established by Turkish legislation	Category name	Defined as / comprises	<p>While following these definitions, the Packaging Regulation does not differentiate between B2C and B2B products.</p> <p>Moreover, the Packaging Regulation only refers to different packaging materials, and not to different types of end-users.</p> <p>According to the packaging association CEVKO (see section 4 and</p>
	Packaging	<p>Definition of "Packaging" (Art. 4-(1) a of Packaging Regulation):</p> <ul style="list-style-type: none"> • all materials from raw material to processed material • to be used for the delivery of a product to a user or a consumer, • for the transportation, protection, conservation and sale of all products • made of any material, the non-recyclables included, and • defined in the "Explanatory Examples for the Definition of Packaging" in Annex 1 of this Regulation. 	
	Annex 1 of the Packaging	A product is considered packaging	

Question	Relevant Information		Comments and Attachments
	<p>Regulation</p>	<ul style="list-style-type: none"> • if it fulfils the definition of packaging laid down in article 4 of this Regulation and • is neither an irremovable part of the product • nor needed to contain, support, protect the product over the product's life-cycle, • nor used, consumed, disposed of with the all parts of the product. 	<p>section 6 for further detail), the only list of packaging materials is an attachment to the Packaging Regulation. If a material is not on the list, the marketer should contact the Ministry of Environment and Forestry for further information.</p> <p>ÇEVKO does not publish lists of packaging materials.</p> <div style="text-align: center;">  <p>Packaging Material Examples (reg. list)</p> </div>
	<p>Primary Packaging ("sales packaging")</p>	<p>The package which is</p> <ul style="list-style-type: none"> • presented at the sales point so as to offer any product to the end user and • defined as a sales unit and • purchased together with the product. 	
	<p>Secondary Packaging ("outer packaging")</p>	<p>Packages which</p> <ul style="list-style-type: none"> • are designed to hold more than one sales package together and • do not cause any change in any characteristic of the product when removed. 	
	<p>Tertiary Packaging ("transportation packaging")</p>	<p>Packages which are used</p> <ul style="list-style-type: none"> • with the aim of preventing damage of the sales or outer package during transport and storage processes • to facilitate handling during the transport of the product from the producer to the seller 	

Question	Relevant Information		Comments and Attachments								
	<p>and</p> <ul style="list-style-type: none"> to carry out storage <p>Transport Packages do not include containers used in land, railway, marine and airway transportation.</p>										
Brief comparison with EU legislation	<table border="1"> <thead> <tr> <th data-bbox="481 523 1037 592">EU Directive</th> <th data-bbox="1043 523 1778 592">Turkish Regulation</th> </tr> </thead> <tbody> <tr> <td data-bbox="481 596 1037 791"> <p>Sales packaging or primary packaging, i. e. packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase.</p> </td> <td data-bbox="1043 596 1778 791"> <p>Sales Packaging: The package which is presented at the sales point in order to offer any sales unit to the end user or consumer. Sales packaging is primary packaging.</p> </td> </tr> <tr> <td data-bbox="481 796 1037 1182"> <p>Grouped packaging or secondary packaging, i. e. packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units whether the latter is sold as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale; it can be removed from the product without affecting its characteristics.</p> </td> <td data-bbox="1043 796 1778 1182"> <p>Outer Packaging: The packaging designed to hold together more than one sales package; removing outer packaging does not cause the product to undergo any changes. Outer packaging is secondary packaging.</p> </td> </tr> <tr> <td data-bbox="481 1187 1037 1359"> <p>Transport packaging or tertiary packaging, i. e. packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packages in order to prevent</p> </td> <td data-bbox="1043 1187 1778 1359"> <p>Transportation Packaging: Packaging other than containers used for road, railroad, sea and air transportation which are used to prevent sales or outer packaging from getting harmed during transportation or storage, and to facilitate the</p> </td> </tr> </tbody> </table>		EU Directive	Turkish Regulation	<p>Sales packaging or primary packaging, i. e. packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase.</p>	<p>Sales Packaging: The package which is presented at the sales point in order to offer any sales unit to the end user or consumer. Sales packaging is primary packaging.</p>	<p>Grouped packaging or secondary packaging, i. e. packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units whether the latter is sold as such to the final user or consumer or whether it serves only as a means to replenish the shelves at the point of sale; it can be removed from the product without affecting its characteristics.</p>	<p>Outer Packaging: The packaging designed to hold together more than one sales package; removing outer packaging does not cause the product to undergo any changes. Outer packaging is secondary packaging.</p>	<p>Transport packaging or tertiary packaging, i. e. packaging conceived so as to facilitate handling and transport of a number of sales units or grouped packages in order to prevent</p>	<p>Transportation Packaging: Packaging other than containers used for road, railroad, sea and air transportation which are used to prevent sales or outer packaging from getting harmed during transportation or storage, and to facilitate the</p>	
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Question	Relevant Information		Comments and Attachments
	physical handling and transport damage. Transport packaging does not include road, rail, ship and air containers.	transportation of the product from the producer to the seller. Transportation packaging is tertiary packaging.	

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b) Personal Scope

Question	Relevant Information		Comments and Attachments
<p>Definitions within Turkish legislation: Art. 4-(1) of the Regulation on Packaging</p>	<p>Term</p>	<p>Definition</p>	
	<p>Producer</p>	<p>"The ones producing packaging material or the packaging itself and the suppliers of packaging to marketers using the packaging to directly put the products on the market used to market the product or the importers of those products."</p>	
	<p>Marketers</p>	<p>"Real or legal entities that pack the product in the packages within, if not marketed directly by the producers, real or legal entities that give their names, trademarks to the product, or the representative and/or importer authorized by the producer, in case that the producer is out of Turkey."</p>	
	<p>"Placing on the market"</p>	<p>The Regulation contains a definition for "Offering to the Market" in Art. 4-(1) ü) but with the same meaning as "put on the market": "Activity carried out to put the packaged product on the market with or without charge with the aim of procurement or use."</p>	
<p>Which entities may be held responsible?</p>	<p>Any entity of a company that puts packaging on the market must register as "marketer" with the Ministry of Environment and Forestry (see section 4, "reporting" for more information).</p> <p>Any entity acting as a "marketer" (as defined above) may be held responsible for packaging waste collection and reporting.</p>		

Question	Relevant Information		Comments and Attachments
Which responsibilities arise for what kind of entity?	Entity	Potential responsibility	
	Head branch / local branch / subsidiary ...	Registration as marketer of packaging is necessary.	
	Marketer	<ul style="list-style-type: none"> • Collection and recycling of both outer packaging and transport packaging sold, to meet the targets set in Article 18 of the Packaging Regulation. • Reporting the volume of packaging waste collected and recycled by the end of February of each year, as required by Article 23 of the Packaging Regulation. • Bearing the costs of collection and recycling • Carrying out trainings for informative activities for consumers and municipalities on separate collection at source, recovery and recycling of packaging waste • Building a non-profit legal entity which can fulfil the obligations listed above. The transfer of responsibilities to this entity is only allowed upon authorization by the Ministry of Environment and Forestry. Authorized institutions and marketers that are members of these institutions are jointly responsible for the fulfillment of responsibilities. Administrative, technical, legal and financial requirements of this transfer are defined by the agreements that they make among themselves. <p>For the fulfilment of the recycling targets, the authorized institutions and any marketers that are not members of such</p>	

Question	Relevant Information		Comments and Attachments
		<p>authorized institutions are obliged</p> <ul style="list-style-type: none"> to work with the municipalities and to work with and make use of the collection facilities which have been granted licenses for the collection of packaging waste at source and to give the collected wastes to the licensed recycling facilities. 	<p>Selling points are not allowed to sell products from marketers without a code number.</p>
	<p>Sales Points (i.e. sales units)</p>	<ul style="list-style-type: none"> Establishment of packaging waste collection points to ensure the separate collection of packaging wastes <p>Wholesalers and retailers selling packaged goods, and with an store area larger than 200 m², are responsible for the separate collection of this packaging waste from the final consumer. They must provide collection points so that used packaging can be collected according to material type, and must work together under contract with the relevant municipalities, licensed recovery facilities and/or institutions.</p> <ul style="list-style-type: none"> Free transfer of collected packaging waste to the licensed treatment and recycling facility of the responsible municipality. Identification of marketers that have not received a code number from the Ministry of Environment and Forestry. Report to the Provincial Directorate of the Ministry of Environment and Forestry about the fulfillment of obligations every year until the end of February. 	
<p>May responsibilities be delegated / taken over</p>	<p>The responsibility to register as “marketer”, and all the ensuing obligations, may be taken over by any entity / company level that puts packaging waste on the market. As outlined above, a</p>		<p>We advise a membership at the</p>

Question	Relevant Information	Comments and Attachments
by subsidiaries / national partners / related entities?	<p>non-profit legal entity may be created to fulfill the obligations listed above, upon approval of the entity by the government.</p> <p>However, these obligations may simply be delegated to the ÇEVKO packaging association if the company becomes a member of it.</p>	<p>ÇEVKO association, an accredited compliance scheme. See section 4 and section 6 for further detail.</p>

4. Specific Industry Obligations

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