

28 –CONSUMER AND HEALTH PROTECTION

A – PROTECTION OF CONSUMERS

LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED (LAW)

I. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2007-2008 (01/10/2007 – 30/09/2008)

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28A.0708.1.01	Law on Amendment of Law No. 4077 on Protection of Consumers	<p>Since the enactment on 1995 of Law No. 4077 on Protection of Consumers and the relevant legislation, Law on protection of consumers has improved significantly in Turkey; the extensive amendment made in 2003 also provided an additional acceleration to the consumer movement. However, as a result of the efforts for harmonization with the EU legislation and the EU-Turkey Screening Meetings, there has appeared the need for a review and partly redrafting of our legislation in order to achieve full harmonization with the EU. Also, the fact that the EU consumer legislation has been amended frequently and that we have to incorporate these amendments to our national legislation increased such need. In this respect, Law on the Protection of Consumers should be amended in order to achieve full harmonization with the EU legislation on consumer protection and to take additional measures to protect consumers.</p> <p>Law on the Protection of Consumers is a framework law, and on the basis of the authority derived from such Law, there will be amendments in the relevant Regulations, which shall provide full harmonization with the EU legislation.</p>	Technical studies are in progress	Directives 85/357/EEC, 85/374/EEC, 93/13/EEC, 99/44/EC, 98/6/EC, 85/577/EEC, 97/7/EC, 87/102/EEC, 2002/65/EC, 84/450/EEC, 97/55/EC, 94/47/EC, 90/314/EEC, 98/27/EC, 2005/29/EC	Ministry of Industry and Trade

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Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28A.0708.1.02	<p>Product Safety Law</p> <p>(Also included in the chapter on Free Movement of Goods, with Reference No. 01.0708.1.03)</p>	<p>With the Law No. 4703, enforced in 2002, the obligation for all products placed on the market to comply with the relevant technical regulations and to be safe has gained its legal basis, the obligations of manufacturers, distributors and importers have been regulated accordingly, the main criteria with which conformity assessment bodies and notified bodies that perform test, inspection and certification activities shall comply have been specified and the competency, tasks and responsibilities of public authorities that carry out market surveillance activities have been defined.</p> <p>Including the New and Old approach legislation, most of the EU technical legislation which has already been put into force after its transposition in our country is based on Law No. 4703.</p> <p>However, the EU repealed the General Product Safety Directive No. 92/59/EC by Directive No. 2001/95/EC. The European Commission has also been preparing a horizontal legislation on the issues of new approach, notified bodies and market surveillance since 2004.</p> <p>Aims at complying with the developments in the EU legislation.</p>	Technical studies are in progress	<p>Directive 2001/95/EC</p> <p>Draft regulations and decisions envisaged to be enacted by the EU in the next term:</p> <ul style="list-style-type: none"> - Draft Regulation of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products. - Draft Regulation of the European Parliament and of the Council laying down the procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision 3052/95/EC - Draft Decision of the European Parliament and of the Council on a common framework for the marketing of products. 	Undersecretariat for Foreign Trade

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II. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2008-2009 (01/10/2008 – 30/09/2009)

NO LEGISLATIVE MEASURE HAS BEEN ENVISAGED.

III. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN YEARS 2009 (01/10/2009) – 2013

NO LEGISLATIVE MEASURE HAS BEEN ENVISAGED.

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SECONDARY LEGISLATION (REGULATIONS, IMPLEMENTING REGULATIONS, COMMUNIQUÉS, CIRCULARS, ETC) ENVISAGED TO BE ENACTED AND DOCUMENTS SUCH AS STRATEGIES, PLANS AND PROGRAMS ENVISAGED TO BE DRAFTED

I. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2007

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28A.2008.2.01	Implementing Regulation on Travel Agencies relating to Law No. 1618 amended by Law No. 5571 (Also included in the chapter on Free Movement of Capital, with Reference No. 04.2007.2.06.)	Aims at identification of the implementing principles in accordance with the amendment made to Law No. 1618 on Travel Agencies and the Union of Travel Agencies.	Technical studies are in progress	- Directive 90/314/EEC - Directive 84/450/EEC	Ministry of Culture and Tourism
28A.2008.2.02	Implementing Regulation on Sea Tourism relating to Law No. 2638 amended by Law No. 5571 (Also included in the chapter on Free Movement of Capital, with Reference No. 04.2007.2.06.)	Aims at identification of the implementing principles in accordance with the amendment made to Law No. 2634 on Promotion of Tourism.	Technical studies are in progress	- Directive 90/314/EEC - Directive 84/450/EEC	Ministry of Culture and Tourism

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II. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2008

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28A.2008.2.01	<p>Implementing Regulation Amending Implementing Regulation on the Implementing Procedures and Principles of Distant Marketing Contracts</p> <p>(Shall be enacted following the adoption of Law on the Amendment of Law No. 4077 on the Protection of Consumers, with Reference No. 28.0708.1.01)</p>	<p>Full harmonization will be achieved by transposition of the EU Directive 2002/65/EC concerning the Distance Marketing of Consumer Financial Services, which entered into force 23 August 2002 and has not been transposed to our legislation yet.</p>	<p>Technical studies are in progress</p>	<p>Directives 2002/65/EC and 97/7/EC</p>	<p>Ministry of Industry and Trade</p>
28A.2008.2.02	<p>Implementing Regulation on Unfair Business-to-Consumer Commercial Practices</p> <p>(Shall be enacted following the adoption of Law on the Amendment of Law No. 4077 on the Protection of Consumers, with Reference No. 28.0708.1.01)</p>	<p>Full harmonization will be achieved by transposition of the EU Directive 2005/29/EC concerning Unfair Business-to-Consumer Commercial Practices, which entered into force in 11 May 2005 and has not been transposed into our legislation yet.</p>	<p>Technical studies are in progress</p>	<p>Directive 2005/29/EC</p>	<p>Ministry of Industry and Trade</p>

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28A.2008.2.03	<p>Implementing Regulation Amending Implementing Regulation on the Principles and Implementing Principles of Commercial Advertisements and Promotions</p> <p>(Shall be enacted following the adoption of Law on the Amendment of Law No. 4077 on the Protection of Consumers, with Reference No. 28.0708.1.01)</p>	Aims at full harmonization with the relevant Directives of the EU and taking new measures protective of the consumers.	Technical studies are in progress	Directives 84/450/EEC and 97/55/EC	Ministry of Industry and Trade
28A.2008.2.04	<p>Implementing Regulation Amending Implementing Regulation on Board of Advertisement</p> <p>(Shall be enacted following the adoption of Law on the Amendment of Law No. 4077 on the Protection of Consumers, with Reference No. 28.0708.1.01)</p>	Aims at full harmonization with the relevant Directives of the EU and taking new measures protective of the consumers.	Technical studies are in progress	Directives 84/450/EEC and 97/55/EC	Ministry of Industry and Trade

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28A.2008.2.05	<p>Implementing Regulation Amending Implementing Regulation on the Implementing Procedures and Principles of Contracts relating to Package Tours</p> <p>(Shall be enacted following the adoption of Law on the Amendment of Law No. 4077 on the Protection of Consumers, with Reference No. 28.0708.1.01)</p>	Aims at full harmonization with the relevant Directives of the EU and taking new measures protective of the consumers.	Technical studies are in progress	Directive 90/314/EEC	Ministry of Industry and Trade
28A.2008.2.06	<p>Implementing Regulation on the Implementing Procedures and Principles of Contracts Relating to the Purchase of the Right to Use Immovable Properties on a Timeshare Basis</p> <p>(Shall be enacted following the adoption of Law on the Amendment of Law No. 4077 on the Protection of Consumers, with Reference No. 28.0708.1.01)</p>	Aims at full harmonization with the relevant Directives of the EU and taking new measures protective of the consumers.	Technical studies are in progress	Directive 94/47/EC	Ministry of Industry and Trade

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28A.2008.2.07	<p>Implementing Regulation Amending Implementing Regulation on Lists of Labels, Tariffs and Prices</p> <p>(Shall be enacted following the adoption of Law on the Amendment of Law No. 4077 on the Protection of Consumers, with Reference No. 28.0708.1.01)</p>	Aims at full harmonization with the relevant Directives of the EU and taking new measures protective of the consumers.	Technical studies are in progress	Directive 98/6/EC	Ministry of Industry and Trade
28A.2008.2.08	<p>Implementing Regulation Amending Implementing Regulation on Unfair Terms in Consumer Contracts</p> <p>(Shall be enacted following the adoption of Law on the Amendment of Law No. 4077 on the Protection of Consumers, with Reference No. 28.0708.1.01)</p>	Aims at full harmonization with the relevant Directives of the EU and taking new measures protective of the consumers.	Technical studies are in progress	Directive 93/13/EEC	Ministry of Industry and Trade

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28A.2008.2.09	<p>Implementing Regulation on the Implementing Procedures and Principles on Consumer Credit</p> <p>(Shall be enacted following the adoption of Law on the Amendment of Law No. 4077 on the Protection of Consumers, with Reference No. 28.0708.1.01)</p>	Aims at full harmonization with the relevant Directives of the EU and taking new measures protective of the consumers.	Technical studies are in progress	Directive 87/102/EEC	Ministry of Industry and Trade
28A.2008.2.10	<p>Instruction on Rights of Passengers</p> <p>Also included in the chapter on Transportation Policy, with Reference No. 14.2008.2.02.</p>	Aims at full harmonization with the relevant Directives of the EU and taking new measures protective of the consumers.	Technical studies are in progress	Regulation 261/2004	Directorate General of Civil Aviation

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III. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2009

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28A.2009.2.01	<p>Secondary legislation regarding the implementation of the Product Safety Law</p> <p>(Shall be enacted following the adoption of the Product Safety Law, with Reference Number 28A 0708 1.02)</p> <p>Also included in the chapter on Free Movement of Goods, with Reference No. 01.2009.2.02.</p>	Aims at elaboration of system requirements by secondary legislation		Directive 2001/95/EC	Undersecretariat for Foreign Trade

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28A.2009.2.02	<p>Communiqué on Amendment to the Communiqué with Serial No: V, No. 46 on Principles concerning Intermediation Activities and Intermediary Agencies</p> <p>(Shall be enacted following the adoption of Law on the Amendment of Law No. 4077 on the Protection of Consumers, with Reference No. 28.0708.1.01)</p> <p>(Also included in the chapters on Free Movement of Capital with Reference No. 04.2009.2.06 and Financial Services, with Reference No. 09.2009.2.07)</p>	<p>Regulations on distance marketing of financial instruments are not directly under the responsibility of the Capital Markets Board, and the Ministry of Industry and Trade continues its efforts for regulation within the framework of harmonization with the EU regulations. Following the completion of the Regulation on Amendment to the Regulation on the Implementing Procedures and Principles on Distance Marketing Contracts, there will be amendments if deemed necessary.</p>		Directive 2002/65/EC	Capital Markets Board

IV. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEARS 2010 – 2013

NO LEGISLATIVE MEASURE HAS BEEN ENVISAGED.

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B – PROTECTION OF HEALTH

LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED (LAW)

I. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2007-2008 (01/10/2007 – 30/09/2008)

NO LEGISLATIVE MEASURE HAS BEEN ENVISAGED.

II. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2008-2009 (01/10/2008 – 30/09/2009)

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28B.0809.1.01	Law on Establishment of the Turkish National Cancer Institute	Establishment of a “National Cancer Institute” with legal personality and a semi-autonomous administrative and financial structure, which will develop, lead and maintain a “National Cancer Control Program” in coordination with its all components, support research on cancer in Turkey, ensure that education on cancer control is given in modern standards, try to establish the cancer diagnosis and treatment standards all over the country, publicize modern methods of treatment, monitor the side effects of cancer treatment, continuously analyze the rates of increase in cancer cases in certain regions and identify the measures to be taken when necessary, prepare and introduce action plans, make collaboration on this issue with other institutions of the State, coordinate the public or private institutions in our country which deliver services on cancer, ensure accession to any up-to-date information on cancer, collect data on cancer, maintain continuous communication with internationally recognized scientific institutions, allocate necessary human resources in the academic system in accordance with the needs	Technical studies are in progress within the institution, and opinions of other relevant institutions and agencies are also being sought.	Considered with a view to the strengthening of our institutional capacity for improvement of health with a holistic understanding of the EU legislation and other basic documents (Health Strategy, etc.) under the topic of Public Health.	Ministry of Health

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Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28B.0809.1.02	Law on the Organ, Tissue, and Cell Transplantation Services	The objective of this law is to regulate the procedures and principles of supply, donation, procurement, testing, processing, preservation, storage, transportation, distribution, implantation, and transplantation of organs, tissues, cells, stem cells and cell components for treatment, diagnostic or scientific purposes, and of other procedures relating to these activities. The provisions of this law shall not apply to autologous grafts, hair implantation and transplantation, and transfusion of blood and blood components.	Technical studies are in progress within the institution	Directives 2004/23/EC, 2006/17/EC, 2006/86/EC	Ministry of Health
28B.0809.1.03	Law on the Establishment of the National Public Health Agency	Establishment of an institution, equivalent to other modern similar international institutions, which will provide independent reference services in order to define factors of diseases and to protect public health, reduce and prevent risks of disease, to improve health and the quality of life	Submitted for review within the institution. Shall be sent to the Ministry and other Ministries for review	Considered with a view to strengthen of our institutional capacity for improvement of health and prevention of health risks with a holistic understanding of the EU legislation and other basic documents (Health strategy, the requirements of the International Health Regulation, which will enter into force in June 2007, the mission undertaken as a member of the International Association of Public Health Institutes (IANPHI), etc.) and to conduct effective studies on pandemia.	Ministry of Health

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Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28B.0809.1.04	Law on Amendment to Law on the Prevention of Harms of Tobacco Products	Making necessary arrangements to protect individuals from the destructive effects and lethal results of tobacco and tobacco products on health, society, environment, and economy; to take measures in order to prevent the use of these products by children and the young; to make necessary regulations and take measures to protect from all sorts of advertisement, promotion and stimulation campaigns that encourage consumption; and to ensure that everybody can breath clean air.	At the GNAT	Commission Decision No. 2003/641/EC of 5 September 2003 on the use of color photographs or other illustrations as health warnings on tobacco packages Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products	Ministry of Health Tobacco, Tobacco Products and Alcoholic Beverages Market Regulation Authority

III. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN YEARS 2009 (01/10/2009) – 2013

NO LEGISLATIVE MEASURE HAS BEEN ENVISAGED.

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SECONDARY LEGISLATION (BYLAWS, REGULATIONS, COMMUNIQUÉS, CIRCULARS, ETC) ENVISAGED TO BE ENACTED AND DOCUMENTS SUCH AS STRATEGIES, PLANS AND PROGRAMS ENVISAGED TO BE DRAFTED

I. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2007

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28B.2007.2.01	Communiqué on National Screening Programs of Cervix Cancer in Women	Publication of scientific standards to comply with in the early diagnosis and screening process of cervix cancer	Technical studies are in progress within the institution, and opinions of other relevant institutions and agencies are also being sought.	Council Recommendation 2003/878/EC	Ministry of Health
28B.2007.2.02	Communiqué on National Screening Programs of Colorectal Cancers in Women	Publication of scientific standards to comply with in the early diagnosis and screening process of colorectal cancers	Technical studies are in progress within the institution, and opinions of other relevant institutions and agencies are also being sought.	Council Recommendation 2003/878/EC	Ministry of Health
28B.2007.2.03	Implementing Regulation on Principles of Surveillance and Control of Communicable Diseases	Drafted in order to set up a list of notifiable diseases to prevent and control communicable diseases; to make case definitions, to intervene in epidemic cases, to establish surveillance and control mechanisms, networks, a notice and notification system, and an early warning and response system.	A draft has been prepared, submitted to the relevant units within the Ministry and institutions outside the Ministry for review. Studies are in progress to finalize the draft.	Directives 2119/98/EC, 2002/253/EC, 2003/534/EC, 2000/57/EC, 2003/542/EC, 2000/96/EC	Ministry of Health

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28B.2007.2.04	Implementing Regulation on Blood and Blood Products	Identification of the procedures and principles in relation to the opening, activities, inspection and the staff qualifications of the agencies conducting activities concerning collection, testing, processing, storage, distribution, importation and follow-up of transfusion of blood and blood components.	Technical studies are in progress within the institution	Directives 2002/98/EC, 2004/33/EC, 2005/61/EC, 2005/62/EC	Ministry of Health

II. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2008

NO LEGISLATIVE MEASURE HAS BEEN ENVISAGED.

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III. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2009

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28B.2009.2.01	Implementing Regulation on the Operational Principles of the Microbiological Diagnosis Laboratories	The operational procedures and principles of the microbiological diagnostic laboratories will be regulated in order for strengthening of epidemiological surveillance and control system of communicable diseases.	Studies are being planned.	Legislation to be enacted under the Strengthening of Epidemiological Surveillance and Control System of Communicable Diseases in Turkey Project-I, supported by the EU Financial Cooperation Program 2004.	Ministry of Health
28B.2009.1.02	Implementing Regulation on the Principles of Establishment and Operation of Public Health Laboratories	The operational procedures and principles of the microbiological diagnostic laboratories will be regulated in order for strengthening of epidemiological surveillance and control system of communicable diseases.	A draft is being prepared within the institution	Legislation to be enacted under the Strengthening of Epidemiological Surveillance and Control System of Communicable Diseases in Turkey Project-I, supported by the EU Financial Cooperation Program 2004.	Ministry of Health
28B.2009.2.03	Implementing Regulation on Tissue Banks (Shall be enacted following the adoption of Law on the Organ, Tissue, and Cell Transplantation Services, with Reference No. 28B.0809.1.02)			Directives 2004/23/EC, 2006/17/EC, 2006/86/EC	Ministry of Health

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28B.2009.2.04	Adoption of Implementing Regulations relating to Law on the Establishment of the National Public Health Agency (Shall be enacted following the adoption of Law on the Establishment of the National Public Health Agency)				Ministry of Health
28B.2009.2.05	Drafting of an implementing regulation on the effects of the electromagnetic areas on public health		Studies are being planned.	Directive 519/99/EC	Ministry of Health
28B.2009.2.06	Drafting of an implementing regulation on the effects of use of tobacco and alcohol on public health		Studies are being planned.		Ministry of Health
28B.2009.2.07	Implementing Regulation on Amendment to the Regulation on the Procedures and Principles of the Way of Production, Labeling and Inspection of Tobacco Products to Ensure Protection from their Harms	Making necessary arrangements to protect individuals from the destructive effects and lethal results of tobacco and tobacco products on health, society, environment, and economy; to take measures in order to prevent the use of these products by children and the young; to make necessary regulations and take measures to protect from all sorts of advertisement, promotion and stimulation campaigns that encourage consumption; and to ensure that everybody can breath clean air.	Regulation will be amended if Law No. 4207 is amended.	Commission Decision No. 2003/641/EC	Tobacco, Tobacco Products and Alcoholic Beverages Market Regulation Authority

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
28B.2009.2.08	Implementing Regulation on Amendment to the Regulation on the Wholesale and Retail Sale and Sale Certificates of Tobacco Products, Alcohol and Alcoholic Beverages	Making necessary arrangements and taking necessary measures to protect individuals from all sorts of advertisement, promotion and stimulation campaigns that encourage consumption of tobacco and tobacco products	Regulation will be amended if Law No. 4207 is amended.	Directive 2003/33/EC	Tobacco, Tobacco Products and Alcoholic Beverages Market Regulation Authority

IV. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEARS 2010 – 2013

NO LEGISLATIVE MEASURE HAS BEEN ENVISAGED.