

CHAPTER 28 CONSUMER AND HEALTH PROTECTION

Priority 28.1 Further aligning with the consumer acquis and ensuring adequate administrative structures and enforcement capacity

1 Schedule of legislative alignment

Table 28.1.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Directives No. 85/357/EEC, 85/374/EEC, 93/13/ AET, 1999/44/EC, 98/6/EC, 85/577/EEC, 97/7/EC, 87/102/ AET, 2002/65/EC, 84/450/EEC, 97/55/EC, 94/47/EC, 90/314/EEC, 98/27/EC and 2005/29/EC	Law Amending the Law No. 4077 on Protection of Consumers	Full harmonization with the EU acquis on the protection of consumers and taking additional measures to protect consumers.	Ministry of Industry and Trade	2009
2	Directive No. 2001/95/EC	Law on Product Safety	Alignment with developments in EU legislation on product safety	Undersecretariat for Foreign Trade	2009
3	Directive No. 2005/29/EC	Implementing Regulation on Unfair Business-to-Consumer Commercial Practices ¹	Full harmonization with the relevant EU legislation and taking new measures to protect consumers.	Ministry of Industry and Trade	2009
4	Directives No. 84/450/EEC and 97/55/EC	Implementing Regulation Amending the Implementing Regulation on Principles and Implementing Principles of Commercial Advertisements and Promotions ²	Full harmonization with the relevant EU legislation and taking new measures to protect consumers.	Ministry of Industry and Trade	2009

¹ It will be enacted after the adoption the Law Amending the Law no. 4077 on Consumer Protection.

² It will be enacted after the adoption the Law Amending the Law no. 4077 on Consumer Protection.

Table 28.1.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
5	Directives No. 84/450/EEC and 97/55/EC	Implementing Regulation Amending the Implementing Regulation on Board of Advertisement ³	Full harmonization with the relevant EU legislation and taking new measures to protect consumers.	Ministry of Industry and Trade	2009
6	Directive No. 90/314/EEC	Implementing Regulation Amending the Implementing Regulation on the Rules and Procedures on Package Tour Contracts ⁴	Full harmonization with the relevant EU legislation and taking new measures to protect consumers.	Ministry of Industry and Trade	2009
7	Directive No. 94/47/EC	Implementing Regulation on Application Principles and Methods of Contracts Relating to the Right to Use Immovable Properties on a Timeshare Basis ⁵	Full harmonization with the relevant EU legislation and taking new measures to protect consumers.	Ministry of Industry and Trade	2009
8	Directive No. 98/6/EC	Implementing Regulation Amending the Implementing Regulation on Labels, Tariffs and Price Lists ⁶	Full harmonization with the relevant EU legislation and taking new measures to protect consumers.	Ministry of Industry and Trade	2009
9	Directive No. 93/13/EEC	Implementing Regulation Amending the Implementing Regulation on Unfair Terms in Consumer Contracts ⁷	Full harmonization with the relevant EU legislation and taking new measures to protect consumers.	Ministry of Industry and Trade	2009
10	Directive No.87/102/EEC	Implementing Regulation on the Rules and Procedures for Consumer Credit ⁸	Full harmonization with the relevant EU legislation and taking new measures to protect consumers.	Ministry of Industry and Trade	2009

³ It will be enacted after the adoption the Law Amending the Law no. 4077 on Consumer Protection.

⁴ It will be enacted after the adoption the Law Amending the Law no. 4077 on Consumer Protection.

⁵ It will be enacted after the adoption the Law Amending the Law no. 4077 on Consumer Protection.

⁶ It will be enacted after the adoption the Law Amending the Law no. 4077 on Consumer Protection.

⁷ It will be enacted after the adoption the Law Amending the Law no. 4077 on Consumer Protection.

⁸ It will be enacted after the adoption the Law Amending the Law no. 4077 on Consumer Protection.

Table 28.1.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
11	Directives No. 2002/65/EC and 97/7/EC	Implementing Regulation Amending the Implementing Regulation on the Rules and Procedures for Distant Contracts ⁹	Full harmonization with the relevant EU legislation and taking new measures to protect consumers; enabling financial services via distant contracts.	Ministry of Industry and Trade	2009
12	Directive No.85/577/EC	Implementing Regulation Amending the Application Principles and Methods Regarding Doorstep - Sales ¹⁰	Full harmonization with the relevant EU legislation	Ministry of Industry and Trade	2009
13	Directives No. 90/314/EEC and 84/450/EEC	Implementing Regulation on Sea Tourism	Identification of the implementing principles in accordance with the amendment made to Law No. 2634 on Promotion of Tourism.	Ministry of Culture and Tourism	2009
14	Regulation No. 261/2004	Instruction on Rights of Passengers ¹¹	Transferring the existing practices to the legislation in order to redress the passenger grievances	Directorate General of Civil Aviation	2009
15	Directive No. 2001/95/EC	Secondary Legislation Regarding the Implementation of Product Safety Law ¹²		Undersecretariat for Foreign Trade	2009

⁹ It will be enacted after the adoption the Law Amending the Law no. 4077 on Consumer Protection.

¹⁰ It will be enacted after the adoption the Law Amending the Law no. 4077 on Consumer Protection.

¹¹ It is also mentioned under "Priority 14.3 In the field of aviation, working towards a technical solution to ensure the necessary communication in order to guarantee the appropriate level of air safety in the South Eastern Mediterranean region. Engagement in a process towards the recognition of "Community designation" and providing a clear strategy for the progressive alignment to the acquis on the Single European Sky. Alignment with, and implement, the relevant provisions and specificities of the European Civil Aviation Conference's policy statement in the field of civil aviation security"

¹² It will be enacted after the adoption of Product Safety Law.

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

Table 28.1.2

No	Requirements	Year
(Ministry of Industry and Trade)		
1	Establishing Unfair Commercial Practices Board after the adoption of Law Amending the Law no. 4077 on Consumer Protection	2009
2	Recruiting 17 new assistant experts	2009
3	Training of arbitration committees	2009

3 Financial requirements and resources

Table 28.1.3

(Euro)

Requirements (Ministry of Industry and Trade)	Year	National Budget	EU sources	Other	Total
I- Investment					
II- Legislative approximation and implementation					
- Personnel					
Recruiting 17 new assistant experts	2009	200,000			200,000
- Training					
Providing training to arbitration committees	2009	135,000			135,000
Training of personnel	2009	10,000			10,000
- Consultancy					
- Translation					
- Other					
Establishment of 43 new Arbitration Committees ¹³	2009	105,000			105,000
Establishment of the Unfair Commercial Practices Board	2009	25,000			25,000
Establishment of the Specialised Commissions for monitoring advertisements and unfair commercial practices	2009	300,000			300,000
Total		775,000			775,000

¹³ Due to the establishment of 43 new districts, new arbitration committees will be formed.

Priority 28.2 Further align with the health acquis and ensuring adequate administrative structures and enforcement capacity

1 Schedule of legislative alignment

Table 28.2.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Commission Decision No. 2003/641/EC	Implementing Regulation Amending the Regulation on Principles and Procedures concerning Production Type, Labelling and Controlling of Tobacco Products for Protection Against Their Harmful Effects	Protecting individuals from the detrimental health, social, environmental and economic damages and lethal results of tobacco and tobacco products; preventing the use of these products by children and the young.	Ministry of Health Tobacco, Tobacco Products and Alcoholic Beverages Market Regulation Authority	2009
2	Directive No. 2003/33/EC	Implementing Regulation Amending the Regulation on the Wholesale and Retail Sale of Tobacco Products, Alcohol and Alcoholic Beverages and Sales Certificates	Making necessary arrangements and taking necessary measures to protect individuals from all sorts of advertisement and promotion campaigns encouraging consumption of tobacco and tobacco products.	Ministry of Health Tobacco, Tobacco Products and Alcoholic Beverages Market Regulation Authority	2009

Table 28.2.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
3	Directives No. 2004/23/EC, 2006/17/EC and 2006/86/EC	Law on the Organ, Tissue, and Cell Transplantation Services	Regulating 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.	Ministry of Health	2009-2010
4	Directives No. 2004/23/EC, 2006/17/EC and 2006/86/EC	Implementing Regulation on Tissue and Cell	Setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells and traceability requirements, notification of serious adverse reactions and events and coding of human tissues and cells.	Ministry of Health	2010
5	Commission Decisions No. 2007/875/EC, 2008/351/EC and 2008/426/EC	Amendment to Implementing Regulation on Principles for Surveillance and Control of Communicable Diseases	Alignment of the implementing regulation published on 30 May 2007 with the relevant directives of the EU issued after that date. The list of Obligatory Notifiable Communicable Diseases and the other relevant articles of the implementing regulation shall be amended as required by the recent decisions of the EU (2007/875/EC, 2008/351/EC, 2008/426/EC) ¹⁴	Ministry of Health	2009
6	Council Recommendation No. 1999/519/EC	Implementing Regulation on Effects of Electromagnetic Fields on Public Health	Identification of tasks and duties of relevant administration and institutions in order to protect public health against electromagnetic fields, to study their effects on health and to enlighten public on the issue.	Ministry of Health	2009

¹⁴ As a complementary issue for the mentioned implementing regulation, “Implementing Regulation on Working Principles of Microbiology Laboratories for Standard Diagnosis” and “Implementing Regulation on Working Principles of Public Health Laboratories” will be published in 2009. Moreover, “Strategic Plan for Communicable Diseases (2008-2013)” in which the administrative arrangements and measures are programmed will be published in 2009.

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

Table 28.2.2

No	Requirements	Year
(Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority)		
1	Recruitment of experts	2008-2009
2	Education, translation and consultancy services	2009
3	Establishing an institutional database system	2008-2009
(Ministry of Health)		
4	Establishing Regional Blood Centres in accordance with new law on blood and blood products and restructuring of current blood centres in accordance with the regulation	2008-2009
5	Preparing a software for data transfer between central authority and blood banking and transfusion service units	2009
6	Preparing guidelines for blood banking and transfusion services	2009
7	Establishing of national hemotopathic stem cell coordination centre, voluntary donor centres, establishing of national sample collection centre, establishing of national tissue information bank, establishing of national cord blood collection centre, establishing of cord blood banks, opening new bone marrow transplantation centres, establishing of national patient information bank and waiting list, establishing social service and national patient consultation units for patients in bone marrow transplantation centres, increasing the number of regional tissue typing laboratories, etc.	2009-2013
8	Restructuring of “Refik Saydam Hygiene Centre” as “National Institute of Public Health” in order to meet today’s requirements and in accordance with national and international needs.	2008-2009
9	Establishment of “National Cancer Institute” with a view to fighting against cancer more efficiently in Turkey, in parallel with the EU practices.	2009
10	Setting up an “Early Warning and Response System” with reorganization of relevant departments within “Refik Saydam Hygiene Centre ” and “Directorate General for Basic Health Services” for a rapid exchange of information between the parties in case of a possible threat concerning communicable diseases	2009-2013

3 Financial requirements and resources

Table 28.2.3.1

(Euro)

Requirements (Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority)	Year	National Budget	EU sources	Other	Total
I- Investment					
II- Legislative approximation and implementation					
- Personnel					
Recruitment of experts for improving administrative capacity	2008-2009	500,000			500,000
- Training					
Two-year masters degree programme and one-year internship in abroad for experts and assistant experts	2009	500,000			500,000
- Consultancy					
Consultancy service procurement for monitoring and inspection of tobacco products market and legislative alignment.	2008-2009	20,000	20,000		40,000
- Translation					
Translation of legislation	2008-2009	30,000			30,000
- Other					
Setting up an institutional database	2008-2009	200,000	100,000		300,000
Total		1,250,000	120,000		1,370,000

Table 28.2.3.2

(Euro)

Requirements (Ministry of Health (Blood and Blood Components)) ¹⁵	Year	National Budget	EU sources	Other	Total
I- Investment	2009-2011	197,500	592,500		790,000
II- Legislative approximation and implementation					
- Personnel					
- Training	2010-2011	98,100	882,900		981,000
- Consultancy	2010-2011	62,400	561,600		624,000
- Translation	2010-2011	14,400	129,600		144,000
- Other	2010-2011	20,000	180,000		200,000
Travel	2010-2011	24,300	218,700		243,000
Equipment	2010-2011	7,500	67,500		75,000
Local offices	2010-2011	16,000	144,000		160,000
Total		483,400	2,733,600		3,217,000

¹⁵ To be financed by the project titled "Strengthening the blood supply system in Turkey - TR 08.02.15" under Pre-Accession Financial Assistance 2008 Programme.

Table 28.2.3.3

(Euro)

Requirements (Ministry of Health (Tissue and Cell))	Year	National Budget	EU sources	Other	Total
I- Investment	2009-2013	2,500,000	7,500,000		10,000,000
II- Legislative approximation and implementation					
- Personnel	2009-2013	1,250,000			1,250,000
- Training	2009-2013	500,000	1,500,000		2,000,000
- Consultancy	2009-2013	500,000	1,500,000		2,000,000
- Translation	2009-2013	50,000	150,000		200,000
- Other	2009-2013	200,000	4,350,000		4,550,000
Total		8,750,000	11,250,000		20,000,000

Table 28.2.3.4

(Euro)

Requirements (Ministry of Health (National Public Health Institution))	Year	National Budget	EU sources	Other	Total
I- Investment	2010-2013	160,000,000	5,000,000	1,500,000	166.500.000¹⁶
II- Legislative approximation and implementation					
- Personnel	2009-2013	4,000,000			4,000,000
- Training					
Professional and quality oriented training of personnel, study visits, workshops...etc	2009-2013	300,000	1,200,000	1,000,000	2,500,000
- Consultancy	2009-2013	60,000	700,000	240,000	1,000,000
- Translation	2009-2013			60,000	60,000
- Other	2009-2013	120,000	320,000	160,000	600,000
Total		164,480,000	7,220,000	2,960,000	174,660,000

¹⁶ The figure indicates the required amount for the construction of a new building. However the source of financing is not clear yet. If public-private partnership method is used for the construction of the building, then such an amount from the national budget will not be required.

Table 28.2.3.5

(Euro)

Requirements (Ministry of Health (National Cancer Institute))	Year	National Budget	EU sources	Other	Total
I- Investment					
Building- Equipment	2009-2013	765,579.55	1,531,159.09		2,296,738.64
II- Legislative approximation and implementation					
- Personnel					
Personnel of the Institute	2009-2013	1,020,772.73			1,020,772.73
- Training					
Training of the Institute personnel	2009-2013	153,115.91	153,115.91		306,231.82
- Consultancy					
Consultancy service procurement for legislative alignment	2009-2013	25,519.32	10,207.73		35,727.05
- Translation					
Translation of legislation	2009-2013	51,038.64			51,038.64
- Other					
Establishment of institutional database	2009-2013	102,077.28	51,038.64		153,115.92
Total		2,118,103.43	1,745,521.37		3,863,624.80

Table 28.2.3.6

(Euro)

Requirements (Ministry of Health (Communicable Diseases))	Year	National Budget	EU sources	Other	Total
I- Investment	2008-2009	1,485,775	4,457,325		5,943,100¹⁷
II- Legislative approximation and implementation					
- Personnel					
- Training	2008-2009		600,000		600,000¹⁸
	2009-2012	128,000	1,152,000		1,280,000¹⁹
- Consultancy	2008-2009		450,000		450,000²⁰
	2009-2012	278,200	2,503,800		2,782,000²¹
- Translation					
- Other					
Documentation, publication, stationery	2009-2012	43,800	394,200		438,000²²
Total		1,935,775	9,557,325		11,493,100

¹⁷ Financed by the project titled "Strengthening of the Epidemiological Surveillance and Control of Communicable Diseases System (ESCCDS) in Turkey (TA)-2 - TR 05.03.13" under Pre-Accession Financial Assistance 2005 Programme.

¹⁸ Financed by the project titled "Strengthening of the Epidemiological Surveillance and Control of Communicable Diseases System (ESCCDS) in Turkey (TA)-2 - TR 05.03.13" under Pre-Accession Financial Assistance 2005 Programme.

¹⁹ To be financed by the project titled "Surveillance and Control of Communicable Diseases - TR 08.02.16" under Pre-Accession Financial Assistance 2008 Programme.

²⁰ Financed by the project titled "Strengthening of the Epidemiological Surveillance and Control of Communicable Diseases System (ESCCDS) in Turkey (TA)-2 - TR 05.03.13" under Pre-Accession Financial Assistance 2005 Programme.

²¹ To be financed by the project titled "Surveillance and Control of Communicable Diseases - TR 08.02.16" under Pre-Accession Financial Assistance 2008 Programme.

²² To be financed by the project titled "Surveillance and Control of Communicable Diseases - TR 08.02.16" under Pre-Accession Financial Assistance 2008 Programme.

Priority 28.3 Strengthening the courts' capacity, including through training, to ensure consistency in interpretation of consumer legislation, ensuring a high level of protection through the effective enforcement of consumer protection rules and involvement of relevant consumer organisations

1 Schedule of legislative alignment

No legislative alignment is envisaged under this priority at this stage.

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

Table 28.3.2

No	Requirements	Year
(Ministry of Industry and Trade)		
1	Establishment of a 'Consumer Portal' in which consumer courts, arbitration committees and consumer organisations will be included	2009
2	Training for the members of arbitration committees	2009

3 Financial requirements and resources

Table 28.3.3

(Euro)

Requirements (Ministry of Industry and Trade)	Year	National Budget	EU sources	Other	Total
I- Investment					
Establishment of Consumer Portal	2009	297,000			297,000
II- Legislative approximation and implementation					
- Personnel					
- Training					
Training of arbitration committee members	2009	35,000			35,000
- Consultancy					
- Translation					
- Other					
Total		332,000			332,000

Priority 28.4 In the area of mental health, developing community-based services as an alternative to institutionalisation, and ensuring allocation of sufficient financial resources for mental health care

1 Schedule of legislative alignment

No legislative alignment is envisaged under this priority at this stage.

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

Table 28.4.2

No	Requirements	Year
(Ministry of Health)		
1	Developing community-based mental health services as an alternative to institutionalisation	2010-2011
2	Issuing “Mental Health Action Plan” in parallel with Mental Health Policy Paper 2006	2009

3 Financial requirements and resources

Table 28.4.3

(Euro)

Requirements (Ministry of Health)	Year	National Budget	EU sources	Other	Total
I- Investment	2010-2011	250,000	750,000		1,000,000
II- Legislative approximation and implementation					
- Personnel	2010-2011	1,200,000			1,200,000
- Training					
- Consultancy					
- Translation					
- Other					
Commission meetings, preparing printed materials	2009	8,000	72,000		80,000
Total		1,458,000	822,000		2,280,000