

IV. NEW AND GLOBAL + OLD APPROACH PRODUCT LEGISLATION:**A. Standard questionnaire to be filled for each sector individually:**

Sector: Chemicals 1 / 2

1. Harmonisation of laws including technical regulations**1.1. Legal basis**

- **References (and copies) of the publication of acts and decrees transposing Directive(s) 99/45/EC and 76/769/EEC into the national legislation of your country:**

Regulation on Dangerous Chemicals, published in Turkish Official Gazette No. 21634, dated 11 July 1993.

- **Date of entry into application of the national measures transposing the Directive:**

Regulation on Dangerous Chemicals came into force on 11 July 1993. For the transposition of Directive 99/45/EC, Regulation was revised three times and “Communiqué on the procedure for the filling of the Safety Data Sheet” was published in the Official Gazette No. 24692, dated 11 March 2002.

And for the transposing Directive 76/769/EEC partially, Regulation was revised two times.

- **If not yet transposed, please indicate the state of play, expected timing, steps to be undertaken, difficulties encountered (if any):**

Regulation on Dangerous Chemicals (RDC), as amended, partially transposes some requirements of the Directives 67/548/EEC, 99/45/EC, and 76/769/EEC. RDC and Communiqué on the procedure for the filling of the Safety Data Sheet fully transpose Directive 91/155/EEC.

RDC transposes some requirements of Directive 99/45/EC. However some gaps remain particularly with regard to definitions, provisions on classification and on all Annexes. Some provisions of the RDC required revision (labelling, packing).

There is a strong connection between Directive 99/45/EC and general classification rules, determination of R phrase and S phrase, and Annex I of Directive 67/548/EEC. Therefore full transposition and implementation of this Directive is closely related with full transposition and implementation of Directive 67/548/EEC.

RDC will be revised by the Ministry of Environment and Forestry (MoEF) and some related legislation will be prepared by the MoEF and Ministry of Agriculture and Rural Affairs (MARA) for the full transposition of Directive 99/45/EC.

There is a technical assistance “Technical Assistance in the Field of Chemicals (TeACH - EUROPEAID/120220/D/SV/TR)” for Turkey to harmonize the 4 EU Chemicals Directives (67/548/EEC, 99/45/EC, 93/67/EEC, and 91/155/EEC).

Completion date of project is 2007. At the end of project, competent authorit(ies) will be designated, a new registration system, inventory system of chemicals and National Chemicals Monitoring Database will be established, Chemicals Sector Strategy will be prepared, administrative capacity will be increased, understanding of the implementation requirements spread over the chemicals sector and regional and local authorities in Turkey will be improved and legal framework for the transposition and implementation of the Chemicals Directives will be prepared.

RDC transposes some requirements of Directive 76/769/EEC. In this Regulation, limitation in marketing and usage of dangerous substances and preparations containing PCB, PCT and PBB, rules on labelling and packaging of asbestos and limitation in the usage of asbestos is in harmony with the Directive 76/7969/EEC. However some gaps remain, particularly other than asbestos, PCB’s and, labelling and packaging of asbestos.

There is a close connection between directive 76/769/EEC and the Annex I (dangerous substances list with their harmonised classification and labelling) of the Directive 67/548/EEC. Therefore, for the full transposition and implementation of Directive 76/769/EEC, firstly Directive 67/548/EEC needs to be transposed.

It is planned that general framework for the chemicals will be formed with the Technical Assistance Project (TeACH - EUROPEAID/120220/D/SV/TR). After the completion of this project, transposition of Directive 76/769/EEC will be considered. MoEF will prepare new legislation transposing this Directive with the collaboration of Ministry of Health (MoH) and MARA in the frame of their duties.

There is no full picture of chemicals present on the Turkish market and no systematic market control of the implementation of the regulations takes place. The registration system for import/export of chemicals is insufficient and the CAS/EINECS classification system is not in use. In addition, there is not a full inventory of chemicals present on the Turkish market.

1.2. Responsible authority

- **Name and contact details of the competent authority (government, ministry, department, service) and person(s) in charge of transposing the Directive into national legislation**

Ministry of Environment and Forest
General Directorate for Environmental Management
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1.3. Notified bodies

- **Has your country the intention to notify conformity assessment bodies for the Directive? If so, could you already identify these bodies (name, and contact details) and indicate the conformity tasks (products and modules) that they will be entitled to perform**

N/A

2. Implementation

2.1. Participation in Standing Committee and Experts' Group

- **Name, function and contact details of the representatives (and their alternates, if any) of your country's governmental authorities designated or to be designated to represent your country in the meetings of the standing committee and experts' group established under the Directive:**

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2.2. Implementing structure

- ***Responsible authority central/local:***

Name and contact details of the competent authority (government ministry, department, service) and person(s) in charge of implementing the provisions of the Directive in the territory of your country:

The MoEF has the main responsibility for the harmonisation of the EU Legislation on Directives 99/45/EC and 76/769/EEC. However; MARA has the harmonisation responsibility on the pesticides related parts of the Directive 99/45/EEC; MoH and MARA have shared harmonisation responsibility in the frame of their duties on the Directive 76/769/EEC. Name and contact details of the competent authority (government ministry, department, service) and person(s) in charge of implementing the provisions of the Directive will be determined at the end of Technical Assistance Project.

- ***Implementation:***

- **Explain how implementation of the Directive in your country will be ensured (monitoring and control tools: market surveillance and others)**
- **Explain how market surveillance is carried out and on which basis**
- **Resources available: specify the number and qualification of personnel designated for market surveillance activities (divided in office staff/field personnel)**
- **Cost: What budget will be provided for market surveillance activities? How will this be financed?**

In general aspects, Institutions promulgating the legislation or transposing the Directive has the main responsibility for the implementation of it. At National Level, Institutions responsible for the preparation of strategies and plans have the responsibility for issuing permits, monitoring, inspection, enforcement and reporting of the Directives. At provincial level, Institutions' provincial directorates are responsible for inspection.

In the present situation; the registration system for import and export according to customs tariff position comprises only some group names of chemicals or some unique chemical names. Currently the CAS and EINECS classification system is not in use. Therefore no full knowledge exists in Turkey on the presence of chemicals on the Turkish market and no systematic market control of the implementation of the regulations takes place.

In the future, implementation of directives will be ensured through the designation of competent authorities, increasing the administrative capacity, the establishment of new

registration system, inventory system of chemicals, National Monitoring Data-base, preparation of Chemical Sector Strategy and improving the implementation requirements spread over the chemicals sector and regional and local authorities in Turkey and preparing the legal framework for the directives.

Market surveillance in this field is limited. For an effective implementation of the EU chemicals directives 99/45/EC and 76/769/EEC, the Ministry needs trained personnel, better institutional framework, and available resources to carry out the monitoring and controls, and a legal basis to fill the gap in the Turkish Legislation.

The market surveillance is carried out pursuant to the provisions of the “Law No. 4703 on Preparation and Implementation of Technical Legislation on Products” (hereinafter referred to as Law No. 4703), Law No. 2872 on Environment of 1983, RDC and Communiqué on Safety Data Sheet relating to only labelling, packaging and safety data sheets.

As far as the import of chemicals is concerned, some chemicals listed in 76/769/EEC are under control and some are prohibited with the “Communiqué on chemicals under control in terms of protection of environment”. According to this Communiqué on chemicals under control in terms of protection of the environment, market surveillance of imported chemicals is carried out in terms of import information (customs tariff position, name of chemical, name and address of producer firm and importer firm, entrance custom/custom’s declaration number and amount of chemicals imported), sale/using information (customs tariff position, name of chemical, customer’s name and address, aim of sale/using, amount of chemicals sold/used), labelling and Safety Data Sheet.

Within the framework of Technical Assistance Project, Chemical Sector Strategy will be prepared. In the strategy, the number and qualification of staff and budget will be designated for market surveillance activities.

- ***Methods of enforcement:***

- **What means/methods will be available in your country for enforcing compliance with the Directive(s)?**
- **Which are the reactive methods available?**
- ***Rights* of the authority: What are the powers of the authority?**
- **Penalties: which will be the penalties applicable to violation of the national implementing measures?**

The Environment Law No. 2872, revised RDC, Communiqué on safety data sheet and new legislation (for 76/769/EEC) will be available

Regulation on Dangerous Chemicals, Environment Law and Communiqué on Safety Data Sheet are available for enforcing compliance with the Directives.