



AGENDA ITEM V: TOBACCO

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LEGAL BASIS

- **Law No: 4733 concerning Establishment of Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority (OG No: 24635, 9 January 2002)**

ADVERTISING AND SPONSORSHIP

- **Law No: 4207 on The Prevention of Harmful Effects of the Tobacco Products (OG No: 22829, 26 November 1996)**
- **Communiqué on Principles and Procedures concerning the Sale Places and the Exhibition of Tobacco Products on Final Sale Points (OG No: 25579, 10 September 2004)**
- **Board Decision on Prohibition of Price Announcements of Tobacco Products to be Published in the Press (OG No: 25698, 12 January 2005)**



LEGAL BASIS

MANUFACTURE, PRESENTATION AND SALE

- **By-law on Principles and Procedures concerning Production Type, Labelling and Controlling of Tobacco Products to Protect Against Their Harmful Effects (OG No: 25692, 6 January 2005)**
- **By-law on Principles and Procedures concerning Establishment of Factories related with Tobacco Products, and Manufacturing of These Products, Domestic and Foreign Trade of These Products and Control (OG No: 25075, 10 April 2003)**
- **By-law on Principles and Procedures concerning Manufacturing, Packaging and Market Supply of Roll-Your-Own Shredded Tobacco Products (OG No: 25964, 12 October 2005)**



LEGAL BASIS

- **By-law on Wholesale and Retail Sale of Tobacco Products, Alcohol and Alcoholic Beverages and Sales Certificates (OG No: 24890, 31 December 2002)**
- **Communiqué concerning Rules on Labelling of Tobacco Products for Waterpipe and Management of the Places of Consumption (OG No: 25579, 10 September 2004)**

TOBACCO CONTROL

- **Law No: 5261 on Approval of the Framework Convention on Tobacco Control (OG No: 25656, 30 November 2004)**



COMPETENT AUTHORITY

Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority

- Public legal entity having administrative and financial autonomy
- The Authority is the responsible institution for the tobacco products sector
- The Authority, Ministry of Health, Ministry of Industry and Trade and other relevant ministries cooperate in the preparation of legislation in tobacco sector.



Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority

Responsibilities:

- **preparing regulations to prevent all social or medical detrimental effects derived from tobacco and alcohol consumption,**
- **taking decisions about relevant sectors,**
- **making regulations relating the implementations of market surveillance and monitoring system in the related sectors.**



ADVERTISING AND SPONSORSHIP

Law concerning the Prevention of Harmful Effects of the Tobacco Products

Law No: 5326 on Misdemeanours (OG No: 25772 bis., 31 March 2005)

Consumption of tobacco and tobacco products is prohibited:

- in healthcare, education and culture centers,
 - in the indoor sport places,
 - in every kind of public transportation vehicles and their waiting halls,
 - in indoor workplaces of the public institutions
 - in indoor areas of natural person owned buildings where everybody can enter, provided that there is a warning
- Moreover, it is required to allocate separate places within these areas for consumption of tobacco and tobacco products.



ADVERTISING AND SPONSORSHIP

(Article 3)

It is prohibited;

- To advertise and promote tobacco and tobacco products by using name, brand, or symbol,
- To launch campaigns to encourage and stimulate smoking,
- To sell tobacco products to the persons below 18 years of age.

(Article 4)

It is obligatory;

- To place warning signs concerning consumption of tobacco and tobacco products as well as the sentences of breaches to this prohibition,
- To write the expression “Legal warning: Hazardous to health” on the tobacco products’ packages,
- To broadcast warning and educational programmes concerning the harms of tobacco and tobacco products addiction at least 90 minutes monthly on the TV channels.



ADVERTISING AND SPONSORSHIP

**Law No:4077 on Consumer Protection (OG No: 22221, 8 March 1995)
(Article 16)**

GENERAL PRINCIPLE

- The commercial advertisements and notices must be fair and correct.
- They have to comply with the laws and principles determined by the Advertisement Board.
- They must comply with public morality, public order, individual rights.



ADVERTISING AND SPONSORSHIP

Communiqué on Principles and Procedures concerning the Sale Places and the Exhibition of Tobacco Products on Final Sale Points (OG No: 25579, 10 September 2004)

- It is prohibited to advertise or promote a tobacco product by making use of name, brand or symbols; to use words, pictures, figures, colours, letters, etc. which can be reminiscent of a brand.
- It is required that the products should be exhibited fairly (vertically) in the shelves at the sales points.
- The retail prices of the tobacco products should be exhibited on an appropriate place within the sales points in a readable form.



ADVERTISING AND SPONSORSHIP

Board Decision on Prohibition of Price Announcements of Tobacco Products to be Published in the Press

The announcements which are published under the name of price announcement by the way of visual media and e-media are prohibited, as they are being evaluated as tobacco product advertisement or promotion by using name, brand or symbols.



MANUFACTURE, PRESENTATION AND SALE

By-law on Principles and Procedures concerning Production Type, Labelling and Controlling of Tobacco Products to Protect Against Their Harmful Effects

- The maximum yield values of the cigarettes are stated as 12 mg tar, 1 mg nicotine, 10 mg carbon monoxide as of 1 January, 2007.
- The measurements of yield values shall be conducted and tested in accordance with the ISO standards.
- The measurements shall be conducted or approved by the conformity assessment organisation determined by the Authority.

MANUFACTURE, PRESENTATION AND SALE

- Other tests may be required to assess the impacts of inputs of tobacco products on health and their addictive characteristics.
- Outcomes shall be announced to public by taking into account commercial secrets.
- Health warnings and labelling information:
 - The values of tar, nicotine and carbon monoxide yields of the cigarettes shall be printed on the lateral side of the cigarette packet covering at least 10% of the surface.
 - General warnings such as;
 - “Smoking kills/Smoking can kill”
 - “Smoking seriously harms you and others around you”shall be printed on the unit packet’s wide external surface covering at least 30% of the surface.



MANUFACTURE, PRESENTATION AND SALE

- 14 additional health warnings included in the European Union Directive no. 2001/37/EC shall be used as the additional warnings,
- These warnings shall be printed on the other wide external surface of the packet covering at least 40% of the surface.
- General and additional warnings shall be used alternately, and the alternation order and time shall be notified by the firms to the Authority and approved.
- The general and additional warnings mentioned above shall be located on all unit packets of tobacco products except from oral use tobacco and smoke-free tobacco products,
- The warning that “This tobacco product may harm your health and is addictive.” shall be written on the unit packets of the oral use tobacco and smoke-free tobacco products.



MANUFACTURE, PRESENTATION AND SALE

- The warnings shall be framed with a black frame (minimum 3 mm, maximum 4mm thick),
- The frame shall not be included in the warning area,
- The warnings shall be written on each unit packets of retail sale,
- The writing formats of the warning texts is also explained.
- A batch number or similar marking stating the production place and time shall be pointed on the unit packet of the tobacco product in order to define and monitor the tobacco.

MANUFACTURE, PRESENTATION AND SALE

- Other product information:

The manufacturers of the tobacco product shall submit the list presenting all the inputs they use and their amounts in terms of brand and type, and their contents annually to the Authority. Moreover:

- addictive characteristics of these inputs,
- their toxicological impacts,

shall be informed to the Authority.

- The list shall be written according to the descending weights of the inputs.
- The information concerning the contents shall be announced to the public, considering the commercial secret by the Authority.



MANUFACTURE, PRESENTATION AND SALE

- The restrictions on The Definitions of the Tobacco Products:
 - Any text, name, trade mark, figurative, or other symbols which may imply that a tobacco product is less harmful than the others shall not be used on the unit packets of the tobacco products.
 - A one year transition period until 1 January, 2007 is granted to the manufacturers for the products that were manufactured before 1 January, 2006.
- Existence of health warnings and information concerning cigarette yields in English on the unit packets of the tobacco products sold in the Duty-Free Shops is also ensured.



MANUFACTURE, PRESENTATION AND SALE

By-law on Principles and Procedures concerning Establishment of Factories related with Tobacco Products, and Manufacturing of These Products, Domestic and Foreign Trade of These Products and Control

- The aim is to reduce harmful effects of tobacco products and consumption .
- Establishment of factory and production are subject to permission of the Authority.
- With a view to preventing illegal trade, persons charged of smuggling cannot be founder or shareholder of the factory.



MANUFACTURE, PRESENTATION AND SALE

- By introducing sale permission based on trade mark system, licensed production is taken under control.
- Tobacco products are controlled before they are placed in the market by measuring their tar, nicotine and carbon monoxide yields.
- Moreover, the unit packets and outside packaging placed in the market are subjected to a preliminary analysis in terms of health warnings and other information, so the packets and outside packaging without health warnings are not permitted to be placed in the market.
- The transfer, change of establishment place and project amendments are subject to a permission.
- The records concerning tobacco and tobacco products are monitored by the Authority.



MANUFACTURE, PRESENTATION AND SALE

By-law on Principles and Procedures concerning Manufacturing, Packaging and Market Supply of Roll-Your-Own Shredded Tobacco Products

- The cigarette papers and the papers used in the macarons shall conform with standards
- The filters used in the macarons shall not be manufactured from a material other than cellulose acetate (tow)
- Ink conforming with the food legislation shall be used
- Sweeteners as glucose syrup, invert sugar, etc. and natural and synthetic fruit essences and aromatic additives shall not be added into the roll-your-own fine-cut tobacco
- By ensuring the presentation of the roll-your-own fine-cut tobacco product with the cigarette paper or macaron, prevention of uncontrolled production and consumption of fine-cut tobacco is targeted.



MANUFACTURE, PRESENTATION AND SALE

By-law on Wholesale and Retail Sale of Tobacco Products, Alcohol and Alcoholic Beverages and Sales Certificates

- The wholesale and retail sale of the tobacco products are subject to the sale certificates granted by the Authority.
- The sale certificates shall not be granted to the ones below 18 years of age and to the convicts of smuggling and counterfeiting of tobacco products.
- Words, figures, pictures, colours, letters, and any kind of symbols which may imply the trademarks of the tobacco products shall not be displayed on the external surface, interior and windows of the sale points.
- Selling of any kind of tobacco products via internet, television, fax and telephone from the workplaces or a virtual workplace are prohibited.



MANUFACTURE, PRESENTATION AND SALE

Communiqué concerning Rules on Labelling of Tobacco Products for Waterpipe and Management of the Places of Consumption

- The tobacco products for waterpipe shall be kept in cool places without damp and shall not be preserved in a cover except from its own package
- The warning that “Waterpipe does not eliminate the hazardous effects of the tobacco smoking to health” shall be put on the Waterpipe device with 20 point font type
- The tobacco products for waterpipe shall be consumed in the waterpipes which contain only water inside
- The water in the waterpipe and the equipment touching the mouth of the person shall be changed after every use



CONTROL AND SANCTIONS

Sanctions concerning the implementation of the Law No: 4207 on the Prevention of Harmful Effects of the Tobacco Products and Law No: 5326 on Misdemeanours

- Fines applied in case of:
 - not hanging warning sign,
 - not warning,
 - continuing smoking against warning,
 - conducting tobacco advertising, promotion and encouragement campaigns,
 - not writing “Legal warning: Hazardous to health” expression

CONTROL AND SANCTIONS

Sanctions concerning the advertisement prohibitions in the Law No. 4077 on Protection of the Consumer

- According to the Law No. 4077, commercial advertisement and notices must be fair and correct and must comply with laws, principles adopted by the Board of Advertisement, public morality, public order and individual rights.
- Therefore, these general principles are also applied in case of existence of tobacco products advertisement.
- In this regard below listed sanctions are applied:
 - Suspension,
 - Correction,
 - Fines



CONTROL AND SANCTIONS

Sanctions lay down in the Law No: 4733 concerning Establishment of Tobacco, Tobacco Products and Alcoholic Beverages Market Regulatory Authority

- **producing and selling without permission**
 - Penalty of imprisonment for 1-3 years and fines applied to the ones establishing a factory or facility to manufacture the tobacco products, or the ones producing and marketing these products in their workplaces or residences, without permission



CONTROL AND SANCTIONS

By-law on Wholesale and Retail Sale of Tobacco Products, Alcohol and Alcoholic Beverages and Sales Certificates

- **Measures concerning the ones who do not comply with the wholesale and retail sale rules**
 - Warning
 - Temporary cancellation of sales permission
 - Cancellation of permission
 - Fines

CONTROL AND SANCTIONS

- Market surveillance of tobacco products is made within the scope of Law No.4703 of 11 January 2002 on the Preparation and Implementation of the Technical Legislation on Products (OG No: 24459, 11.07. 2001)
- If a tobacco product is found unsafe after the market surveillance, the Authority shall take the measures below:
 - The temporary suspension of the product supply to the market
 - The prohibition of the product supply to the market, withdrawal the product from the market, removal
 - Fines



Framework Convention on Tobacco Control

- **Law No: 5261 on Approval of the Framework Convention on Tobacco Control (OG No: 25656, 30 November 2004)**
- **Decree of Council of Ministers No:2004/8235 , 25 December 2004**
- **Turkey has become a party to this Convention.**



CURRENT ACTIVITIES ON TOBACCO CONTROL (MoH)

- Organizing TV and radio programs and seminars
- Conducting public education activities via posters, brochures and leaflets
- Training of health professionals
- Protecting second hand smokers
- Establishing quitting centers and supporting the potential quitters
- Cooperating with international organizations
- Global Youth Tobacco Survey (GYTS)
- Quit and Win Campaigns



WHAT IS NEXT?

National Tobacco Control Program

- A working group including NGO's, universities and other relevant institutions prepared "National Tobacco Control Program" in order to control the smoking epidemic.
- The aim of the Program is to increase the rate of non-smokers over 15 years of age to 80% until the year of 2010, and to attain 100% for population under 15 years of age in Turkey.
- It is expected that this programme will start within 2006.

WHAT IS NEXT?

Draft Law on Amending the Law No. 4207 Concerning the Prevention of Harmful Effects of the Tobacco Products is on the agenda of National Grand Assembly.

This Draft Law includes new provisions such as;

- **Prohibited areas of consumption of tobacco and tobacco products are extended,**
- **It is prohibited to sell tobacco and tobacco products through vending machines,**
- **Appearance of smoking in audio-visual media is prohibited,**
- **Sanctions are revised based on proportionality.**



THANK YOU FOR YOUR ATTENTION